

**CAUSES OF JUVENILE DELINQUENCY AND THE LEGAL EFFECTS  
THEREOF:  
A CASE STUDY OF NAGURU REMAND HOME?**

**BY**

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### DECLARATION

I declare that this thesis is the work of Nduggwa ivan alone, except where due acknowledgement is made in the text. It does include materials for which any other university degree or diploma has been awarded

Signature.....

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### APPROVAL BY SUPERVISOR

“I certify that I have supervised and read this study and that in my opinion, it conforms to acceptable standards of scholarly presentation and is fully adequate in scope and quality as a dissertation in partial fulfillment for the award of degree of Bachelor of law of Kampala international university “,

**NAME OF SUPERVISOR: MADAM ANNET ARYANYINJUKA WINFRED**

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Date.....23/7/2015

## DEDICATION

I dedicate this book to my parents Mr Serunjogi Godfrey, Miss Nakaggwa Rose, my brothers and sisters.

## ACKNOWLEDGEMENT

I express my sincere gratitude to my supervisor Madam Annet Aryanyinjuka Winfred for her untiring effort and guidance without which this work would never have been produced. I am also thankful to the almighty God who gave me life and wisdom to reach this far.

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## **ABSTRACT**

This research is based on Juvenile Delinquency and an analysis of the law on juvenile criminals in Naguru Remand Home. The research establishes the causes of juvenile delinquency along with its legal effects, the programmes or activities at the remand home, the challenges faced in rehabilitating juvenile delinquents and in addition to how the problems can be addressed.

This is because juvenile delinquency poses a unique threat and responsibility to society to address and prevent before it can cause devastating consequences. The process of going through the formal criminal justice system can also be deeply disturbing for children so, every effort should be made to keep young people out of this system by making use of alternatives wherever possible. Once a young person has been branded a criminal by going through formal justice process, they are more likely to remain criminals.

## CHAPTER ONE

### 1.0 GENERAL INTRODUCTION OF THE STUDY

The juvenile justice system is supposed to be the defacto substance abuse treatment provider for young people in trouble with the law.

A delinquency act is a violation of a law that could be a crime if committed by an adult. A delinquent child is one who has committed a delinquent act and is in need of treatment and rehabilitation or supervision by the court. As per Osborne concise dictionary

A child is any person below the age of 18 years.<sup>1</sup> A child can be criminally responsible for any criminal act that he or she commits and criminal responsibility accrues to a child as per the above *section is 12 years* and above and such a child is a juvenile offender<sup>2</sup>

Children are becoming more and more involved in delinquent acts and there are a number of reasons as to why this is happening. These problems have pushed many children and adolescents to commit delinquent acts. These offences include; aggravated sodomy, rape and aggravated molestation, voluntary manslaughter, murder, shoplifting, assaults and others.

The international convention on children's rights, the children's Act and other related legislations prohibit the treatment of juvenile offenders like adult criminals and for this matter , where detention is necessary or treatment, supervision of court or rehabilitation is called for , such juvenile are sent to correctional institutions. In Uganda the most common is Naguru Remand Home.

Naguru Remand Home is situated off jinja road between Lugogo and Naguru East of Nakawa on the outskirts of Kampala. It was established during the colonial era when Uganda was a British protectorate. Laws and regulations were implemented by the British government with

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<sup>1</sup>According to Article 257 of the 1995 constitution of Uganda and section 2 of the children Act Cap 59

<sup>2</sup> as provided by section 88 of the children's Act Cap 59

the aim of housing the families of prisoners who were detained in Luzira maximum prison. The maximum number was 45 families with about a total of 110 people<sup>3</sup>.

With the increasing number of juvenile delinquents around Kampala and other areas, changes were inevitable. This led to the act of parliament relating to children's welfare and protection enacted in 1954<sup>4</sup> and with the principle of not mixing juvenile suspects or offenders with adult offenders the home was turned into a remand home for juvenile offenders.

From 1970s and early 1980s Uganda faced many problems which affected child care and protection. Families experienced wars and civil strife, economic strains, natural disasters, disease epidemics like Aids which led to family breakdowns, overwhelming extended family system and weak social fabric of the society. These pressures have increased the number of children in different circumstances such as orphans, street children, physically abused, child labours to mention but a few.

Children in difficult circumstances are those whose basic needs are not met by the traditional social services, family, community, main stream programmes and the government, such children attracted the attentions of local international organisations including individuals to respond to the situation in various forms which prompted the establishment of a number of institutional child care homes and family based international members to promote the wellbeing of those disadvantaged children. Among some of the children care homes include, Naguru remand home, Kampiringisa rehabilitation center, Gulu remand home and fort-portal female remand home. Naguru home established by the act of parliament under the youth and children affairs department, It was purposely established to cater for 45 disadvantaged children that is 30 boys and 15 girls by the government of Uganda<sup>5</sup>.

The terminology "*Home*" is supposed to portray a place where these juveniles will get a help to make them responsible citizens who respect and uphold the law of the land.

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<sup>3</sup> As per the journals about the history of Naguru remand home

<sup>4</sup> The children statue of 1954

<sup>5</sup> As per a report by African prison project

The question I explored here is “whether this remand home is giving a necessary help needed to rehabilitate and counsel these juveniles”. This is because the remand home faces a number of problems ranging from lack of resources, understaffing to overcrowding, lack of staff allowances, poor structures, weak and old perimeter fencing and failure of law enforcing bodies to pick up the juvenile offenders from prisons to deliver them to the remand home.

## **1.1 BACKGROUND TO THE STUDY**

Juvenile delinquency is as old as history of man and according to the Holy Bible<sup>6</sup>, delinquency began with sons of Adam when Cain attacked and killed his brother- Abel, from which God cursed Cain for such delinquent act. Since then, delinquency continued to multiply throughout the world. In the ancient times, delinquency was rampant among families of the soldiers and the Viking because the two groups could spend most of their time in camps, wars and on government duties compared to the time spent with their children as well as their families.

In the middle ages, delinquency increased among middle class families who could spend most of their time at work and this escalated with the industrial revolution in 18th century that started in Great Britain by 1770s. With the growth of industries throughout Europe, European governments got concerned about the growth of delinquency and this led the legal systems to enact laws to distinguish between juvenile delinquents and adult criminals.

Under Code Napoleon in France<sup>7</sup> for example, limited responsibility was attributed to children under the age of 16 and such responsibility could define who is a juvenile delinquent.

Despite apparent desire to curb down delinquency, punishments of juvenile offenders and their institutions remained inadequate up to 19th century. The first institution specifically for juvenile delinquents was the House of Refuge (HR) which was founded in New York City in 1824, so that juvenile delinquents could be separated from adult criminals. According to the documented literature, these were juvenile delinquents of the freed slaves who were not catered for by their families because of poverty as parents were resettling from slavery, a barbaric practice of the 19th century by the white race against the black race.

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<sup>6</sup> Genesis 4:8 king james version, 2000 :4

<sup>7</sup> Grant A.J and Temparley 1962:86

Although this was first of its kind to separate juvenile delinquents from adult criminals, modern rehabilitation of juvenile delinquents started in the middle of the 20th century. According to Mcardle (1951:120), the history of rehabilitating juvenile delinquents started in Europe after the inferno of World War 1 and World war 11<sup>8</sup> (WW 1 and WW 11) that led thousands of orphans and vulnerable children in the world. According to Mcardle (1951:120-123), there were 147, 000 juvenile orphans in Italian cities, 200,000 in Greece, and the total number of juvenile orphans in Europe were 13,000,000 by 1946 because of the effects of the wars.

In Germany, mentally and physically handicapped juveniles were exterminated under the policy of racial purification<sup>6</sup> as a way to avoid delinquency which was expected in the Post World War-Germany with a view that, delinquents could be dangerous to the city population. Juveniles with conditions such as epilepsy, mental retardation or cerebral palsy were put to death for the good of the State and for the good health of the rest of the nationals in Germany. In Slovakia, over 2,000 juveniles were deaf and dumb, blind, mentally and physically deficient while in Yugoslavia, 20,000 juveniles were blind, amputees or severely facially disfigured from burns, and thousands of others were similarly affected (UNESCO)<sup>9</sup>.

Juveniles of this kind led European nations to opt for RCs that could provide relief and care since most of them had lost their parents, others were mistreated by their parents and governments because of scarce resources which altogether led to the rise of juvenile delinquents not only in urban centers but also in all circles of continental Europe. While the Great wars were considered the major sources for the growth of juvenile delinquents in the 20th century, Huang et al<sup>10</sup>, assert that modern delinquency among juveniles is associated with street life. This means that juvenile delinquency began with the growth of suburbs and their associated consequences<sup>11</sup>. This assertion supports the argument that delinquency grew with industrial revolution that started in Great Britain towards the second half of 18th century. Scholars of psychology have observed that juvenile delinquents who live on streets or suburbs do not decide all of a sudden to go there or do they wish to have street life; many factors emanating from family background have been advanced to elucidate the growth of

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<sup>8</sup> Mcardle, 1951 at 120

<sup>9</sup> 1947 at 38

<sup>10</sup> 2004: 89, 821-826

<sup>11</sup> As per new vision July, 28<sup>th</sup> 2007

delinquency among juveniles. This is true in accordance to the Holy Bible (Genesis 4:8b), which stresses that delinquency started from the family of Adam. Besides that, Huang et al (2004: 89,821-826) assert that millions of street juvenile delinquents that live in various cities of the world have had reputable records of delinquency in their families and communities before resorting to the street life and large proportions of them reside in Latin America and Africa. They assert that while in their families, juveniles involve in taking drugs, fight and kill people, robbery, rape women and defile young females in their villages, form gangs that threaten people at night which all together have remained a threat to their communities. Such practices increase as juvenile delinquents go to the streets.

In Africa, Juvenile delinquency grew with the coming of colonialism that was received by the continent as a vehicle of change. Nonetheless, colonial impacts on the social setting of the African families and clan ties led redundant children who later found their safe haven on the street. In Uganda, 10,000 juvenile delinquents live on the streets of Kampala<sup>12</sup> and it has been observed that most of them come to the streets because of mistreatment and lack of basic needs in their families and due to delinquency committed against their communities. Because of delinquency, communities and their families take little interest in them and this makes juvenile delinquents develop a survival instinct which leads them into more delinquency; they are isolated, expelled from their homes which force them to go to streets where the police and people of good will get them to Rehabilitation centers. Others are taken directly by their parents and guardians to Rehabilitation centers to get psychotherapy because of delinquency committed against their communities. The research of this kind was carried out in Naguru Remand Home and . The main mission of Naguru Remand Home is to rehabilitate and create accommodation to the children who are in conflict with the law within the age bracket of 12 – 18 years. Its vision is to confine the renovations, recruiting more staff to improve on the services rendered to the juvenile delinquents, networking with other NGO"s and other well-wishers to start income generating activities and to expand on the size of the agency.

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<sup>12</sup> As reported in new vision july 2007

## 1.2 STATEMENT OF THE PROBLEM/STUDY

The untold story of juvenile offenders in the remand home is one which needs to be addressed if the remand homes can be a treasure to our society, because the gap between the have(s) and have not(s) is big and our society in a way helps to reinforce this gap, contributing to the troubling equation of high availability of drugs and alcohol, the use of drugs like alcohol, cocaine, and marijuana are becoming more like everything in Kampala district which is usually a catalyst for most criminal activities especially among the youth. Many juveniles commit crimes while under the influence of these substances. Besides a young person who has a parent with a substance abuse problem has a far greater chance of ending up in delinquent and illegal behaviour and increasing number of adolescents with little to do, schools and community programmes facing cut backs, economic turmoil among families with a few resources, children like adults have needs which range from desire to having necessities to wear.

However, this requires money yet the reality is that not all children are from rich families. Some children come from poor homes where the parents or guardians cannot afford to provide those needs. In order to meet these needs children resort to stealing food from market places like potatoes, cassava, bread, stealing clothes from within neighborhood, influence of adults that is to say, children are increasingly being led by adults to commit crimes, this is because they believe that if a child is caught he/she will be released or held for a short time prior to release than the child can be once again work for them and increasing punitive attitudes towards juveniles, this is a threat to public safety and disrupt other efforts to build strong communities<sup>13</sup>.

There is need therefore to build better correctional institutions which can help bring down the number of juvenile offenders, *"the welfare principle at the top of the list of everything they do."* the welfare principle is the guiding principle whenever the state, a court, a local authority or any person is determining any question with respect to the upbringing of a child, the child's welfare shall be of paramount consideration<sup>14</sup>.

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<sup>13</sup> As per the report in new vision paper Tuesday 24<sup>th</sup> march 2009

<sup>14</sup> Section 3 and the first schedule of the children cap 59

### 1.3 DEFINITION OF KEY TERMS

**Juvenile:** This is a young person who is not yet old enough to be considered an adult as per Cambridge international dictionary of English, 1995:775

**Delinquent:** This is a person who behaves in a way that is illegal or unacceptable to most people.

**Delinquency:** This is un-acceptable behaviors among juveniles in accordance to the moral codes of the society.

**Juvenile delinquency:** This is refers to criminal acts performed by Juveniles. It is either violent or non-violent crime committed by persons who are usually under the age of eighteen (18) and are still considered to be minors.

**Rehabilitation Centres:** These are places where juvenile delinquents are taken for psychotherapy, guidance and for the pro-social behaviour in order to wipe away the antisocial characters.

### 1.4 SCOPE OF THE STUDY

#### 1.4.1 Area Scope

The research was conducted in Naguru remand home, the area is known for dealing with young offenders in Uganda and has been known for rehabilitation of juvenile delinquents.

#### 1.4.2 Time Scope

The study covered a time frame from 1997 and 2009 because it was in 1997 that the government of Uganda came up with universal primary education UPE and it would be assumed that with the introduction of UPE, all children would find their way to schools and hence no phenomenon of juvenile offenders.

#### 1.4.3 Content Scope

The study examines the causes of juvenile delinquency because the activities of juvenile delinquents have threatened cities and urban centres and if such causes are ironed out, a conflict free generation will be achieved.

## **1.5 OBJECTIVE OF THE STUDY**

This study/research is to examine the causes and legal effects of juvenile delinquency (juvenile offenders) finding means for away forward for those causes and problems faced by the remand home. However the study will be limited to the juvenile offenders in Naguru remand home in relation to the juvenile justice system in Uganda.

### **1.5.1 Specific Objectives of Study**

- a. Ascertain the causes of juvenile delinquency.
- b. To find out how juvenile offenders are handled in relation to law in Uganda.
- c. To examine the role of modern courts of law towards juvenile delinquents.
- d. To analyze the challenges affecting Remand homes in rehabilitating juvenile delinquents.
- e. To establish the possible measures that can be put in place to curb juvenile delinquency in Uganda.

## **1.6 HYPOTHESIS**

- (a) Juvenile delinquency is caused or related to social and political situations in Uganda
- (b) That an improvement in the enforcement mechanism of the law relating to juvenile delinquency can go a long way in resolving the problem.
- (c) That a collective effort from the family, state, together with religious institutions can go a long way in resolving the problem.

## **1.7 RESEARCH QUESTIONS**

The key questions to guide the researcher include;

- a. I juvenile delinquency related to social economic and political situations in Uganda?
- b. Do modern courts of law play any role in rehabilitating juvenile delinquents
- c. What are the challenges affecting remand homes in rehabilitating juvenile delinquents?
- d. What possible measures can be put in place to curb juvenile delinquency in Uganda?

## **1.8 SIGNIFICANCE OF THE STUDY**

It is hoped that the study shall contribute to the existing body of knowledge about rehabilitating of juvenile delinquents and stimulate further researchers into the field of juvenile delinquency, besides that, the policy makers will be enabled addressed to address the lacuna in rehabilitating juvenile delinquents so that long lasting and complete behaviour change can be visibly realized among the delinquents once they are reintegrated into their families and communities.

## **1.9 LIMITATION OF THE STUDY**

The study was limited by language that is juveniles did not know English since most juvenile delinquents come from different areas of the country; however this was solved by the help of caretakers who were able to interpret and translate these questionnaires to the delinquents.

Secondly finances for transport and stationary were high which led to the delay in completion of this research process and this was solved by help of friends who provided him with financial assistance

## **1.10 METHODOLOGY**

This presents methods used in data collection; both qualitative and quantitative methods were used, this was because of the issues under study, that is; causes of juvenile delinquency a case study of Naguru remand home requires an understanding that can be got without using one method. Focused group Discussions [FGD], open ended questions, observations, literature review and interviews with key informants were carried out.

Using constant comparative method, specific samples were compared for verification of the emerging concepts and categories from the data. It was observed that studies on juveniles have been undertaken but few have been documented with a link to rehabilitating of juveniles delinquents. This comparative account of the rehabilitation center and its work provided the mechanisms that can be used to strengthen the rehabilitation centre in the rehabilitation process.

### **1.10.1 Data Sources**

The researcher used primary and secondary data sources. Primary sources of data collection are those which, directly involved data collection from the field through self administered questioners, face-to-face interviews and direct observation. Secondary sources were mainly library research and analysis of related documents like the Uganda districts information handbook, review of the Rehabilitation Centre brochures and related maps.

### **1.10.2 Observation**

In Naguru rehabilitation centre, data collection was through observation. As the actions and behavior of people are central aspects in virtually any enquiry, a natural and obvious technique is to watch what they do, record this in some way and then to describe and the researcher directly observed, the social behaviors of juvenile delinquents, rehabilitation activities and the social environment of juveniles in the Rehabilitation Centre. Direct observation provided the researcher with real situation on the ground and the nature of how things are done. Thus clear knowledge and understanding for recommendations and conclusions

### **1.10.3 Questionnaires**

This refers to a set of written down questions that a lot of people are asked as a way of getting information about what people think or do generally. Questionnaires helped the researcher, to get relatively simple and straightforward approach to the study of attitudes, values, beliefs motives of respondents, they may be adapted to collect generalized information from almost every human population.

Questionnaires were administered to various juvenile delinquent respondents so as to get their views on the topic. Questionnaires were physically delivered to juvenile respondents by the researcher in RCs and not by mail .through questionnaires the researcher got to know the attitudes, values, beliefs and motives of respondents.

### **1.10.4 Interviewing**

Formal interviews for key informants with pre-set guiding questions were carried out where the researcher asked respondents questions, and hopefully, receiving answers from them and

the responses were recorded in a standardized form. Face to face interview helped the researcher to modify his enquiry, following up responses and investigating underlying motives in a way that postal and self-administered questionnaires cannot. These questionnaires are presented in appendix B.

#### **1.10.5 Library Research**

The researcher used text books in the library, like treatment of young offenders and the law in Uganda by Matovu Benedict 1992, child offenders and the law in Uganda 1990 by Namazzi Joan, sentencing and treatment of child offenders by Bwire. Henry 1996 and the e-resource section of the university library to carry out extensive literature review to understand the concepts better which called for a lot of background information. Different information was obtained and reviewed from Kampala international university library, law development centre library. This method of data collection helped the researcher to do extensive literature review to understand the concept better.

### **1.11 THE RESEARCH DESIGN**

A case study research design was used since it accepts multiple methodologies including quantitative, qualitative and participatory approaches. These were used to supplement and complement one another. Each method used has advantages and disadvantages but it was planned that their use in the field of research would help one another.

Besides that, studies on juvenile delinquents have been dominated by quantitative analysis but in order for the researcher to understand the concepts better; both qualitative and quantitative methods were used. While quantitative methods were used to correlate the social-economic circumstances that led the delinquency among juveniles, qualitative methods became necessary to elucidate why delinquency occur among juveniles.

#### **1.11.1 Participatory Approach Methods**

Materials were gathered from group discussions where participatory exercise was carried out. Through group discussions and in-depth interviews with key informants, participatory approach enabled the researcher to reach the once marginalized group of juvenile delinquents and the reasons to why they took up delinquency as a last resort. It also helped the researcher

to come up with behavioral traits of some of respondents as juvenile participated in the exercise.

### **1.11.2 Sampling Procedure and Sample Size**

The size of the sample was 63 respondents in Naguru Rehabilitation Centre out of 115. According to Amin (2005:454), the size of the sample is determined as presented in the table one Purposive, snowball and simple random sampling techniques were used to reach the respondents. In the first instance, a one stage purposive sampling was used to Naguru Remand Home, and the same sampling technique was used to reach the two wardens of the selected Rehabilitation Center. While a snowball sampling technique was used to reach the care-takers, a simple random sampling technique was used to reach juvenile delinquents in the Rehabilitation Center who were later organized into Focused Group Discussions during the interviews. Apart from the care-takers and wardens, the Local Council (LCs I-III) chairpersons of the area and the Probations Officers (PO) were interviewed as key informants. In Naguru Remand Home, nine care-takers were interviewed. Then, three chairpersons of LCI, II, and III within Nakawa division and the Rehabilitation centre each RC was also selected because of its role in the area where juvenile delinquents are rehabilitated from. Two Probation Officers (PO) were interviewed in Kampala District where the Rehabilitation centre is located leading to two total numbers of PO respondents.

Finally, Focused Group Discussions of juvenile delinquent respondents were conducted in Naguru Remand Home, 47 respondents within four Focused Group Discussions were interviewed. In the four Focused Group Discussions, two groups comprised of 10 male juveniles per each, one comprised of 14 male juveniles and one comprised of 13 female juveniles were interviewed. This made a sample of 105 respondents of the study and the information can be presented on the table two.

**Table 1: Illustration of the sample size**

Rehabilitation centre	Naguru remand home		Total
Sex	males	females	
Wardens	1	1	02
Care takers	8	1	09
Lc chairperson Lc I-II-III	3		03
Two key informants probation officers	2		02
Focused discussion groups at the remand home	Two focused discussion groups consisting of 34 participants	One focused discussion group consisting of 13 participants	47
Total number of respondents			63

Source Data from the field

### 1.11.3 Data Analysis

Qualitative and quantitative methods of data analysis were used to analyze the causes of juvenile delinquency, laws concerning juvenile delinquency and challenges of rehabilitating juvenile delinquents. Qualitative method was used because it was easier to use it in describing and interpreting the findings while quantitative method became instrumental through the statistical package. Through the qualitative method, the study findings were analyzed and presented in percentages and graphs.

## CHAPTER TWO

### 2.0 LITERATURE REVIEW

Much has already been written on juvenile delinquency by the different people at different times and in the different places as well as in different situations both in Uganda and international wise, But most of the researchers and authors who write on the delinquency of the young people give the research of this particular paper a perspective of juvenile delinquency in general and these include;

**Matovu Benedict**<sup>15</sup> In his book directly dealt with the treatment of young offenders in Uganda. The author spends a great time on the causes of juvenile delinquency and their alternative solutions. Benedict also is of a view that the institutional dealing with the treatment of juveniles are inadequate especially Naguru remand home and Kampiringisa rehabilitation centre, it's those inadequacies that I intend to address by finding out the causes of the inadequacies in Naguru Remand Home and find out possible solutions to those inadequacies.

**Nakiyingi Hellen**<sup>16</sup> She also wrote on offences committed against children offenders but she wrote from the perspective of children although she specifically included those charged with offences against children. *"-----such offences include child abduction, defilement torture, indecent assault neglect and dissertation."* But Nakiyingi does not take the issue of treatment when they are in a remand home or rehabilitation centres and this research paper also aims at tackling the treatment of juveniles at the remand home and more so the researcher will talk about the offences committed by juveniles and not those committed against the juveniles as Nakiyingi did.

**Namazzi Joan**<sup>17</sup> She wrote on juvenile delinquency, she gave an account on the causes of juvenile delinquency, this particular writer does not say anything about the arrests, remand, trial and problems that the juvenile offenders face in the places they are committed. This paper aims at tackling the problems faced by the remand home in particular and the way for

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<sup>15</sup> treatment of young offenders and the law in Uganda

<sup>16</sup> (Violation of rights of children in Uganda 1990)

<sup>17</sup> (The child offenders and the law in Uganda 1990)

wad to those problems and effects to the remand home that is whether it makes juveniles hard core criminals or not.

**Kasirye Rogers**<sup>18</sup> He covers the institutional treatment of the juveniles and in that research though done at fort portal approved school and remand home which is for girls, it has similar findings with those in Naguru remand home which is for both boys and girls. How the juveniles are treated in these two remand homes is similar and is faced with relatively the same problems. It was found out that the current number of juveniles in these remand homes has been doubled there by overstretching on the available resources like, accommodation, hygiene and nutrition from the inmates.

It is generally observed by **Bwire Henry**<sup>19</sup> that There was one fully constituted juveniles court therefore most of the juvenile offenders were not conducive, he goes on to say that; “*the idea of mixing female juveniles and the male juveniles in the same remand home is not conducive because it was observed that the former tend to disturb the latter,*” The above observation is one of the problems faced with Naguru remand home and this is one of the problems that need urgent attention.

**Bwire** also explored the problems of the remand homes which have aggravated the plight of juvenile remandees such as poor administration, lack of secure perimeter fence to confine the inmates and minimize on the number of abs coning offenders. He also talks of delays in courts in deciding juvenile cases. These also are the same problems that the researcher found at Naguru remand home and also delay in courts was one of the problems faced in carrying out this research which in the long run leads to escape of children when being transported to the different courts e. g the court in Mityana.

**Bizimana Peninah**<sup>20</sup> She tried to deal with children appearing before courts in Uganda. She also considered what happened to juveniles who come in conflict with the law in magistrates courts with a view of assessing potentials for alternative penal policies and reforms In this area of the law however there are now changes from the time peninah carried out her

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<sup>18</sup> (A study of fort portal girls approved schools and remand home)

<sup>19</sup> (sentencing and treatment of juvenile offenders 1996)

<sup>20</sup> (A study of children appearing in 9 magistrate courts )

research till now because today there is the children's court and there are also family and children's court to handle cases of juveniles for example mwanga ii court.

**Francis Ayume**<sup>21</sup> In his book, he tackles the issue of sentencing the juvenile offenders in sufficient detail. He observed that the same sentences like capital punishments are inappropriate e.g. he says that the reformatory school rules (*repealed by the children statute of no.6 1996*) are in reality harsh to the juvenile offenders. He also observed that magistrates are not given wide sentencing powers and the magistrate act which leads to delay in administration of justice , he further noted that the wording of section 190 of the magistrates court act causes confusion , he therefore gives well founded points of sentencing of juveniles in Uganda.

**Robert B Seidman**<sup>22</sup> He wrote about the treatment of children and young offenders, he talks about the responsibility of children as being any child of seven years and above however this is different from the criminal responsibility in Uganda which is provided under section 88<sup>23</sup> to be 12 years, this is also important to note that for one to research about the causes of juvenile delinquency and the legal effects thereof, criminal responsibility is the first consideration before others come in.

*The street children Desk department and children affairs of the ministry of gender, labour and social department* in the training manual for practitioners working with street children in Uganda wrote about how children on the streets live and circumstances of their lives and most of them are the ones in most cases who committed delinquent acts because of such children being on streets and causes of them committing delinquent acts or being in conflict with the law.

**John J Sulium and Joseph L Victor**<sup>24</sup> In an annual report to the criminal justice system in U.S.A unit five there undertakes to mention of juvenile justice. This chapter shows the originality of juvenile justice system in U.S.A. this shows that juvenile justice system is not a Ugandan notion but also originate from USA which makes it a widely spread system which is also internationally recognized.

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<sup>21</sup> (Criminal procedure and Criminal law in Uganda1996)

<sup>22</sup> (A source book of the criminal law of Africa, cases, statutes and materials)

<sup>23</sup> Of the children Act cap 59

<sup>24</sup> (annual edition on criminal justice system)

**Grace Craig**<sup>25</sup> He says that the highest rate of delinquents occur among ethnic groups recently assimilated into urban life either from cultures or rural areas , these also appears to be a connection in environment and delinquency and broken human delinquency. Craig is talking of the causes of juvenile delinquency which are also talked about in the present research and one of its causes as mentioned in the present research

**P.I Berger and Berger**<sup>26</sup> In explaining the born criminal theory, analyzing the biological characteristics of deviants, Lombroso an Italian physician” *stated that deviants are born not made as the history of criminology.*” He refers to the born criminal notion as one of the causes of juvenile delinquency however the researcher in his research does not believe in born criminals’ notion because to him circumstances lead such children to become delinquents.

**Kuppuswamy**<sup>27</sup> He says that most forms of delinquents result from failure to acquire the socially accepted behaviour, a failure to learn the moral standards of the groups and thus failure is socialization and development of conscience are the basis of delinquency. This is very true because each society has its accepted behaviors therefore when one fails to acquire such social behaviour then they become delinquents for example someone who fails to understand that there is a particular age for one to consent to sexual intercourse will result into delinquent because they will have committed defilement.

**Clarke Hall and Morrison**<sup>28</sup> Says in his book that a child or young person accused of a criminal offence may be brought before a court in exactly the same way as an adult namely by arrest with or without a warrant.

Where a child or young person under 17years is arrested, the arresting officer is bound to notify the parent/guardian, more so it says if an arrested juvenile is held in custody the custody officer must inform him to his rights to have someone informed of his whereabouts and how to access legal advice. This is hard to effect in Uganda because some of the minors do not even have parents and they do not want to disturb the other relatives in case they are arrested and more so very few can afford legal advice.

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<sup>25</sup> Human Development 4<sup>th</sup> Edition

<sup>26</sup> (Sociology, Biographical appearance 2<sup>nd</sup> edition)

<sup>27</sup> (child behaviour by kuppuswamy 2<sup>nd</sup> edition)

<sup>28</sup> in division B proceedings in relation to juveniles

*It is<sup>29</sup> provided that* “no child shall be deprived of his or her liberty unlawfully or arbitrarily, the arrest and detention of a child shall be in conformity with the law and shall be only as a measure of last resort and for the shortest appropriate time.” It further requires that child deprived of his/her liberty should be separated from adult offenders, has legal representation and ought to be assisted to maintain contact with his or her family. Children in such situations must be treated in a manner which reinforces the child’s respect for human rights and fundamental freedoms of other s and takes into account the child’s age.

The UN standard minimum Rules for the Administration of juvenile justice system which is also known as the Beijing rules emphasizes areas such as ;

- i. Right to the presumption of innocence, notification of charges, legal representation, with the right to appear.
- ii. Community best intervention like restitution.
- iii. Remand and custody responses to be used as a last resort and for shortest time possible.
- iv. Presence of parents or guardians during trials
- v. Professional training to those involved in the juvenile justice period.
- vi. Non re-course to formal trials

The U.N Rules for the protection of juveniles deprived of their liberty, provides for the manner in which juveniles should be treated in remand homes and this includes forbidding the use of corporal punishments, solitary confinements, or denial of contact with their families, denial of inspection of the facilities by an agency different to that which administers the institutions as well as medical and psycho-social examination of each juvenile on admission at the facility.

The African charter on the rights and welfare of a child, article 17 provides that the state parties to the charter shall in particular ensure that every child accused of infringing the penal code laws shall be afforded legal and other appropriate assistance in the preparation and presentation of his or her defense.

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<sup>29</sup>Article 37 of the United Nations Convention on the Rights of children

## **CHAPTER THREE**

### **3.0 CAUSES OF JUVENILE DELINQUENCY**

It is increasingly being recognized that children in certain situations tend to drift towards criminal activities. Such situations are described in the United Nations guidelines for the prevention of Juvenile delinquency<sup>30</sup>. The intensity and severity of juvenile offences is generally determined by the social, economic, and cultural conditions prevailing in the country and this Chapter therefore is going to tackle the reasons why children commit crimes and,

There is also a reason or a cause to every problem, this fact means that the children do not out of the blue become delinquents. There is a reason or reasons which cause them to break the law. In order to find ways in which the problem of juvenile delinquency can be eradicated, it is prudent to first comprehend the reasons why children engage in criminal conduct. This will in turn guide parents, the local authorities and the state to find solutions to how the problem can be prevented by eradicating its causes. This chapter is to ascertain the causes of juvenile delinquency.

### **3.1 SOCIAL FACTORS**

#### **3.1.1 The Use of Drugs**

The use of drugs like alcohol, cocaine, and marijuana are becoming more like everything else in Kampala district which is usually a catalyst for most criminal activities especially among the youth. Many juveniles commit crimes while under the influence of these drugs. Besides a young [person who has parents with a drug abuse problem has a far greater chance of ending up in delinquent and illegal behaviour.

It was reported <sup>31</sup>about the increase of drugs in the country. According to the report, Uganda had become a consumer of not only drugs like cannabis but also bad narcotics like heroin,

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<sup>30</sup> Riyadh Guidelines as situations of "social Risk"

<sup>31</sup> In the new vision paper on 11<sup>th</sup> oct 2008

cocaine and opium which is consumed by most juveniles by sniffing it using pieces of cloth or handkerchiefs.

The police chief Kale Kayihura warned that Uganda is faced a looming disaster if drug use was left unchecked, *“if we don't move fast we will lose on the entire generation and also said that I am aware that both CID and other security organizations are following a certain racket of foreigners who have started getting these drugs to our children.”*

### **3.1.2 Peer Group Influence**

This plays a very important part in the construction of gender rules and relations including delinquent behaviour<sup>32</sup>. Explicitly, it has had the effect of changing the behaviours, feelings, actions, and characters of children, making them delinquents later on. This arises when juveniles of different characters and behaviours meet and exchange ideas thus those who are exposed to the bad ideas like taking of drugs influences others to get involved in such bad habits to feel part of the group hence ending up committing crimes under the influence of such drug. For instance Opakwoth Innocent who is aged 15 years at Naguru Remand Home was charged with malicious damage to property<sup>33</sup>

### **3.1.3 Influence of Adults**

Children are increasingly being led by adults to commit crimes. Firstly this is because they believe that if a child is caught he/she will be released then the child can once again work for them. Secondly, these people do not really care about the well being of a child. Children are sent by organized groups to go and steal electronic gadgets like phones or sell drugs to fellow children at school. Some children are sent to look for potential victims for human sacrifice which has become rampant problem in Uganda. Girls are forced into prostitution either by these groups or in some cases by their own parents who shamelessly use them as commercial tools. Some children are being sent to either commit murder or assist in commission of murder by their own parents.

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<sup>32</sup> Reasons for juvenile delinquency, <http://www.ehow.com> 18<sup>th</sup> 06/ 2011

<sup>33</sup> As provided by section 335 of the penal code act

Grace Katusime of ministry of gender labour and social development of juvenile justice who was interviewed by the researcher cited a case in masaka district where a mother because of family problems sent her daughter to give the father poisoned food and shortly after wards died. The mother laid blame on the girl's step mother who was subsequently arrested. Later the girl revealed the truth that her mother was the one who had poisoned her father. The step mother was rightly released and the mother arrested.

In Uganda today, certain people funded by gays and lesbian groups from the western world are recruiting children into abominable acts like homosexuality<sup>34</sup> and they mainly target poor children.

The new vision paper on<sup>35</sup> ran a front page story about a former homosexual called George Oundo who admitted having recruited students into homosexuality. He said he received funding and training from abroad and that he would mainly target needy who had problems with tuition and pocket money. He said he got seriously involved in promoting homosexuality in 2003. I was taken to Nairobi for training; he said ; I used to supply pornographic materials in form of books and compact discs showing homosexuality to young boys in many schools , I also got the pupils telephone contacts . We used to meet with both girls and boys in schools during ceremonies parties, the above fact prove that certain adults are deliberately misleading children into harmful and delinquent conduct.

#### **3.1.4 Media Influence**

Children today are flooded with various kinds of information from the media i.e. newspapers, radio and TV. Stations and internet. Some of it is good and beneficial to academic work however some is clearly bad and harmful to them.

It is possible that delinquent and criminal behaviours are learnt through association with the media<sup>36</sup>. For instance, the new vision news paper<sup>37</sup> run a story of a 9 year old child who hanged himself as he was trying to imitate what he had watched on television. This in away pre supposes that what the media portrays may influence how the viewers behave. That is

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<sup>34</sup> Which an offence as per section 145 of the penal code act of Uganda

<sup>35</sup> Tuesday 09 2009 April

<sup>36</sup> According to sue Titus Reid crime and criminology at 193

<sup>37</sup> On 13<sup>th</sup> April 2008

those ideas become a visual reality for many young people. Some of whom will go to great lengths to maintain a life style they cannot afford. This is mainly owing to the lack of monitoring what the children are watching as such movies of their choice that include that which is character and moral degenerations. That is to say, manipulating children with western culture. Many researchers have concluded that young children who watch violence tend to behave more aggressively or violently particularly when provoked. Overtime, television causes a shift in the system of human values and indirectly leads children to view courageous way of re-establishing justice hence creating a confused picture of acceptable societal norms within some youth sub cultures.

According to statistics from ministry of gender and social development the department of juvenile justice, Uganda is witnessing an increase in sexual related offences committed by children. The problem with pornography is that when a child sees it, he or she acquires a desire to experience it, unfortunately here she might end up sexually assaulting other children.

### **3.1.5 Domestic Violence**

Section two of the domestic violence act defines domestic violence to constitute any act or omission of a perpetrator who harms, injures or endangers the health, safety or well-being whether mental or physical of the victim or who tends to do so and includes causing physical abuse, sexual abuse, emotional abuse, verbal and physiological abuse and economic abuse It refers to acts of violence within the home that is administered by one spouse to another or to the children, it's either involves physical or psychological abuse or both. There is a tendency by those from violent homes to keep it a secret and not let the public know about what is happening so when a spouse beats up the other or the children, they usually keep the problem within their homes and not let outsiders know. However this often causes some form of harm to the child. Children learn by watching how their parents relate with one another, so when violence becomes a means by which a parent makes a point to the other, the child will learn from this and either transfers the lesson to other children in the community or against his or her siblings

The daily monitor newspaper<sup>38</sup> reported a story about a 14 year old boy who was arrested over sister's murder. He was a pupil of p.7 at Adyek Akanya School in Awori sub-county lira district. The suspect according to the Newspaper said that on a fateful day july14 he was feeling feverish and did not go to school, he said his step mother miss Agness Among found him at home and beat him. According to the suspect, after his step mother went to buy food, filled with anger, he took his 3years old young step sister to the nearby bush, tied her legs and engaged her before strangling her. He said he had told his father about his persistent abuse by his step mother but his father did nothing to help. It is important that if the step mother did not use violence as a means of making a point, it is likely that the child would not have used violence against her sister.

Violence is proof of irresponsible parenthood. No self-respecting parent can use violence against his or her spouse o children by setting a bad example to the children. The parents without intent lead their children down the path of delinquency. Furthermore, some parents do not involve themselves in the proper growth of their children. They hardly give them time and parental guidance.

In the Sunday vision<sup>39</sup> Stephen langa the executive director of family life network an organization which seeks to build the strength of families said; "we are quick to do the urgent, but forget to do the important. We have to have our priorities right (being there for our children) may not be convenient or pleasant but it is very important". According to him, the effect s of absentee parents would eventually show in such problems as rebellious teenagers and drug abuse.

### **3.1.6 Ignorance of the Law**

Ignorance of the law as a cause of juvenile delinquency takes two forms. Firstly some children believe that they are not criminally responsible to their criminal acts, so they deliberately do what constitutes a crime believing they will not be arrested. Secondly other children honestly believe that they are doing is not a criminal offence, so they engage in it. The most common being defilement as said by one of the care takers at the remand home

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<sup>38</sup> Of wed 29 2009

<sup>39</sup> 21 june 2009

Some children beat up others causing them serious harm when engaging in fights to determine who among themselves is the strongest. what they do not realize is that they can very well be deprived of their right to liberty and say to a remand home however a national rehabilitation centre a situation which like kampingisa.

The scriptures say that God's people perish because of sin. This is very much true in the case of delinquents who unknowingly commit crime believing that they are doing is not criminal.

Ignorance of the law is due to lack of education, a number of teenagers know little or even nothing about the law. This is to their disadvantage because in law ignorance of the law is not a defense section6 of the penal code act. So, where a child commits a crime not knowing it to be one, he or she will be nonetheless be reprimanded.

### **3.1.7 Death Penalty and life Imprisonment**

The death penalty has greatly contributed to the juvenile delinquency in that when the father or head of a family is sentenced to death penalty r life imprisonment, it is not him who is punished but his dependents for the crimes they did not commit. By taking away the father or mother, where she is the sole bread winner, the dependents of such a father or mother suffer instead. Families begin to disintegrate with each one taking a different direction in the search for survival. Children resort to pick pocketing, robbery, house breaking, shoplifting, and other so that they survive, some become street children and girls become prostitutes at ages 12, 16. When such children are found on streets they are taken to remand homes for being idle and disorderly here behaving committed a juvenile act. Therefore government should establish strategies to cater for children of the convicts as regards to social and economic welfares like food shelter and education

On the other hand, life imprisonment passes a probable atmosphere of delinquency to children whose parents have been sentenced to. In many families children lack parental care, food, shelter, clothing, education. This is because their parents are in prison most cases they house their living in is rented by parents so there is no place to stay as the land lord wants rent. Therefore delinquency becomes a solution to those children's problems. Therefore by imposing such punishments , the law in a way contributes to juvenile delinquency because it

infringes on the children's rights being provided for and taken care of by their parents and yet the state take no effort to care for the children of convicted people.

## **3.2 CULTURE**

### **3.2.1 A Decline in the Influence of Culture and Religion**

It is part of Ugandan culture for children to show respect to their elders, listen to their advice and do as told. This was often the case in pre colonial, colonial and certain aspects of the past colonial period. This is not to say that children always did as told because they would at times do the very thing they were told not to do. That said when looked at as a whole; this was rarely the case because in most cases they would listen to their elders' advice.

However in contrast today, children have a tendency to believe that they know much as or more than their elders because of the generation gap, they believe that the elders are living in the past and for this reason cannot tell them how to live their life in modern day and age.

By disregarding and not listening to the advice of elders, children are increasingly taking part in commission of crimes something they previously rarely did like taking harmful substance like drugs, pre marital sex prostitution.

Children are increasingly not listening to constructive advice from their religious leaders because if they were then they would not be taking part in crime. They are more interested in listening to and following in the footsteps of personalities from the western world rather than listening to their parent's religious leaders advice.

## **3.3 ECONOMIC FACTORS**

### **3.3.1 Poverty**

This is one of the causes of juvenile delinquency in Uganda. Children like adults have need which range from food, clothing's to wear, however, this requires money yet the reality is that not all children are from rich families, some come from poor families where the parents and guardians cannot afford to provide those needs. In order, in order to meet these needs

they resort to stealing food from market places, stealing clothing's from neighborhood, pick pocketing to more aggressive kinds like snatching phones from pedestrians on streets. Some of the children interviewed at the remand home said that hunger as a result of little food to eat at home led them to steal as a means of survival. They mentioned that neighbors would at times help with food however in cases were non helped and they felt they were not left with any choice but to steal.

Cases of theft are mostly carried out by boys because unlike girls, they have a false sense of confidence that they cannot be caught. The girls tired of poverty and the hardships that comes with it also yearning for better life and cannot find well paying jobs, turn to prostitution as a means of getting quick money to buy food and clothes so they too can look good like other girls from affluent families.

The girls are subjected to arrest because prostitution is a penal code offence in Uganda under <sup>40</sup> they are prone to being beaten by violent men with whom they spend the night. these men physically abuse the girls because they know that the girls will most likely not report to the authorities because of fear of being arrested for prostitution. It is likely that girls might become pregnant , this could give their shoulders early parental responsibility or in some cases they might commit abortion which could permanently damage their womb making it impossible for them to have children of their own in the future. In worst case scenario prostitution can lead to the acquiring of hivnd lastly deatyh.

### **3.4 THE JUVENILE JUSTICE SYSTEM**

#### **3.4.1 Arrest:**

When a child is arrested, the police have the discretion to caution and release the child or dispose of the case without recourse to formal court. However, this rarely happens because police do not always inform the child's parent or guardian when they are arrested. Also, in some cases parents or guardians are scared to accompany their children to police stations in case they themselves are arrested. As a consequence, children appear in court unaccompanied

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<sup>40</sup> Section139 of the penal code act

and the magistrate is forced to deny them bail and remand them. The FHRI report that some children are still being detained with adults in police cells.

### **3.4.2 Bail and remand:**

The Children Act 1997 sets out that remand in custody should not exceed six months in the case of an offence punishable by death (if they were an adult) and should not exceed three months in the case of any other offence. The majority of children are not remanded beyond the time limits however a minority, mostly charged with capital offences, is being remanded for a longer period. This is because the remand homes lack transport facilities to transport the juveniles to courts of law and poor book keeping and the remands homes that administrators miscount dates upon which juveniles are to be taken to court

### **3.4.3 The courts:**

There are three levels of courts that can administrate juvenile justice: local councils, the children and family courts, and the High Court. Local councils are meant to play a central role in the administration of juvenile justice legislation, but have been „constrained by their lack of training on the law and on juvenile justice issues“ and often refer the children on to the remand homes. Children and Family Courts (FCC) established by section 13<sup>41</sup>, have the jurisdiction to hear and determine most criminal charges against a child except capital ones. However, there are often delays of case hearings, as well as many children facing trials without representation. Children charged with capital offences are seen in the High Court, and provided with lawyers and legal aid. However as these children are tried in the same courts as adults and given no priority, there is a backlog of children waiting for their cases to be heard.

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<sup>41</sup> Of the children Act Cap 59

## **CHAPTER FOUR**

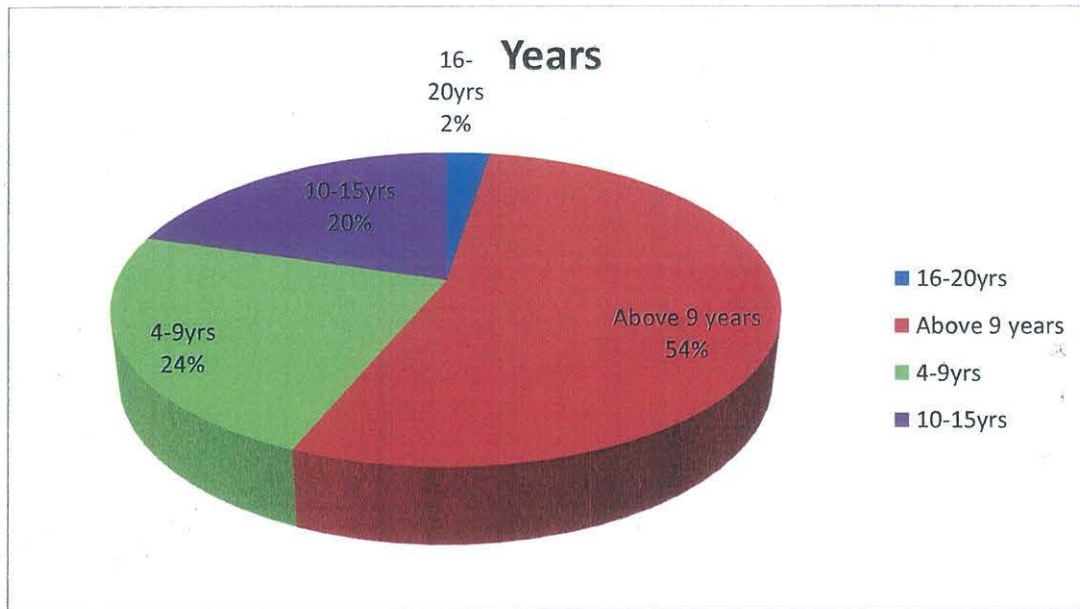
### **4.1. PRESENTATION AND DISCUSSION OF THE FINDINGS**

This chapter focuses on presentation and discussion of the findings got during the field study Naguru Remand Home. The field results are presented in form of graphs, pictorial charts and tables. It starts with the socio-economic characters of juvenile delinquent respondents which are fundamental in examining the challenges of rehabilitating juvenile delinquents. It then presents causes given by juvenile delinquent respondents for delinquency. The extent to which Rehabilitation Centers influence behavior change among juvenile delinquents is also presented in detail. The role of modern courts of law in rehabilitation process is also presented and discussed. It then ends with challenges faced in rehabilitating juvenile delinquents.

### **4.2 THE SOCIO-ECONOMIC CHARACTER OF THE RESPONDENTS**

The socio-economic character of the respondents is presented by sex, age, level of education, religious affiliation and juveniles' former occupation, which altogether remained fundamental to interpret and discuss the causes and the process of rehabilitating juvenile delinquents. It starts by presenting age groups of the respondents in percentages which according to the research carried out in Naguru Remand Home is presented on the pie chart one in percentage below.

**Pie chart 1 showing age groups of Respondents**

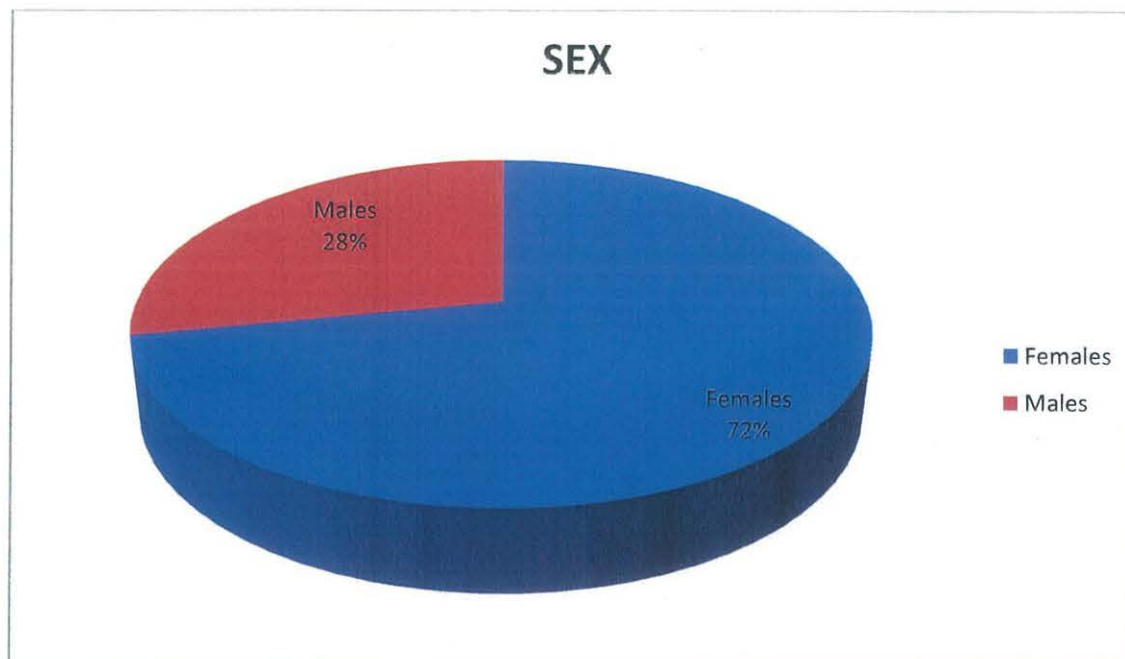


Source: data from the field

It (juvenile delinquency) decreases with adult-hood. This is because during the adolescent stage, some juveniles attempt to adventure into various fields of life some of which become avenues for the growth of delinquency. While in Naguru Remand Home, it was revealed that such groups of people are easy to rehabilitate because delinquency which they portray is learnt. It was also affirmed that rehabilitating adolescent groups is easier compared to adult groups because the adolescents can listen and always imitate what the seniors or the elders (models) do which is not the case to the adult delinquency because the adult delinquents are rigid to the advice from the care-takers.

The socio-economic character of the respondents is also presented by sex. According to the research carried out in Naguru Remand Home, the information is presented in the pie chart two below as;

**Pie chart 2: showing sex of respondents in percentage**

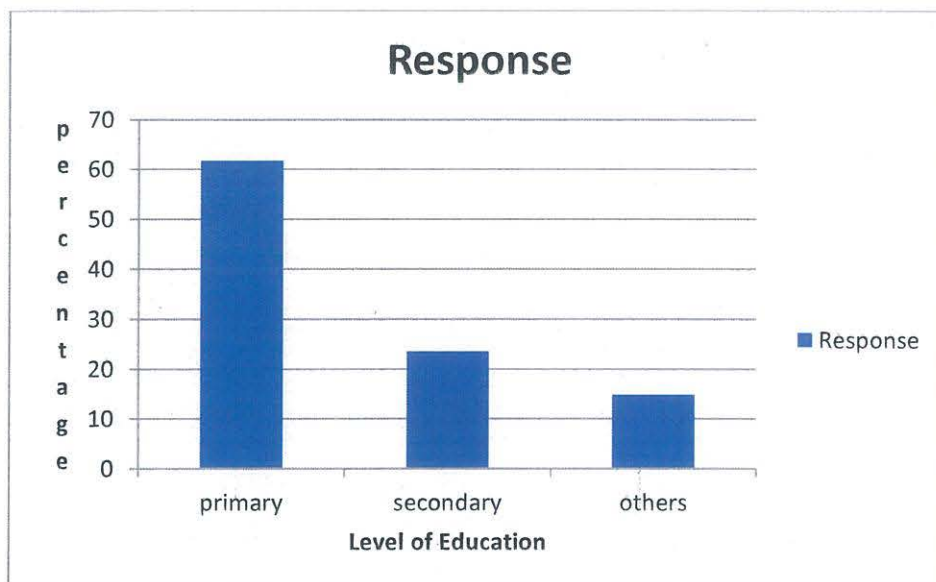


Source: Data from the field

The information in pie-chart two implies that delinquency is common among male juveniles as opposed to female juveniles. This is because male juveniles are found of adventuring into many social economic activities compared to female juveniles and out of such activities, male juveniles learn delinquency. While in the Rehabilitation Centre, it was revealed that female juveniles are easy to be rehabilitated, accepted and resettled back to their families or communities compared to the male juvenile delinquents. This is because female juvenile delinquents easily confess and accept their mistakes compared to male juvenile delinquents. Such confessions among the female juveniles give a clear approach to their care-takers. It is from such background that male juveniles largely remain a challenge to rehabilitation process.

Education distribution was another characteristic of the respondents as presented on the bar chart one below;

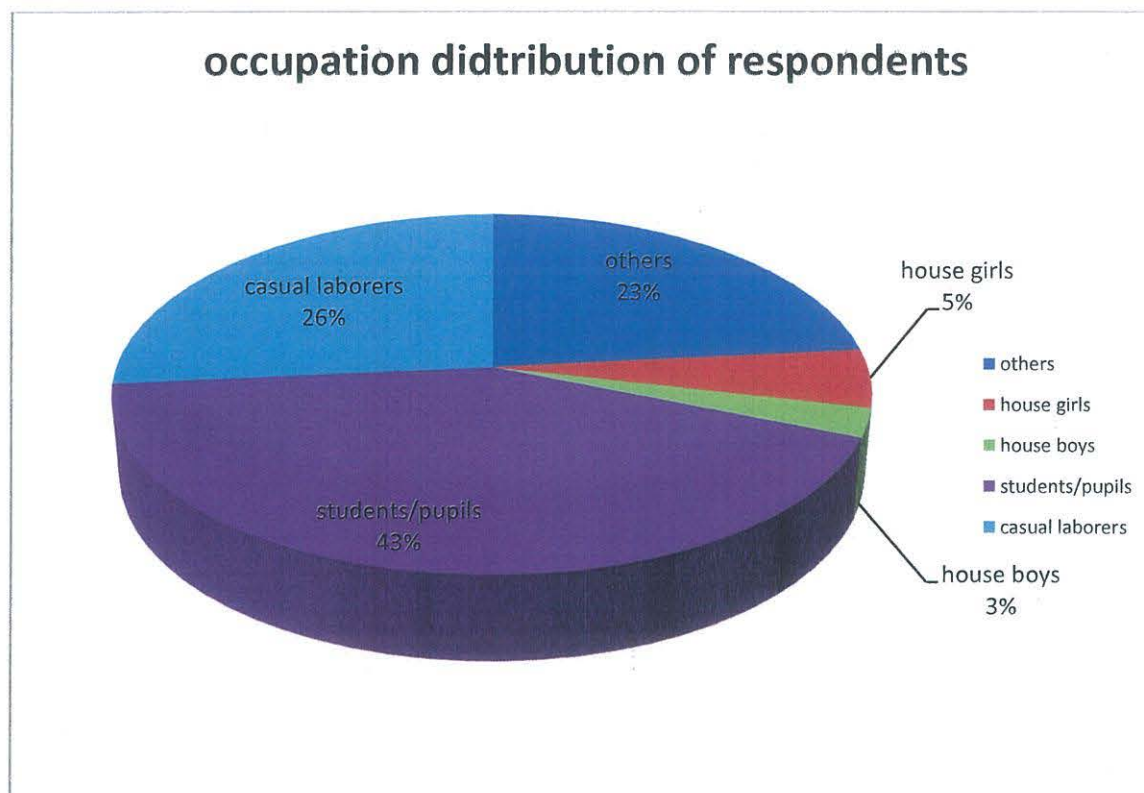
**Bar chart 1 showing levels of Education distribution amongst respondents**



Source: Data collected from the field

It can be explained that the high percentage of juvenile delinquents in RCs is from primary schools compared to the rest of the levels of education and this is due to the fact that many of the delinquents were from poor families who could not even afford the little to support their children in secondary schools. The social-economic occupation of respondents was another characteristic and according to the research carried out in Naguru Remand Home, the results are presented on the pie chart three below.

**Pie Chart 3: Respondent's occupation distribution in Percentage**

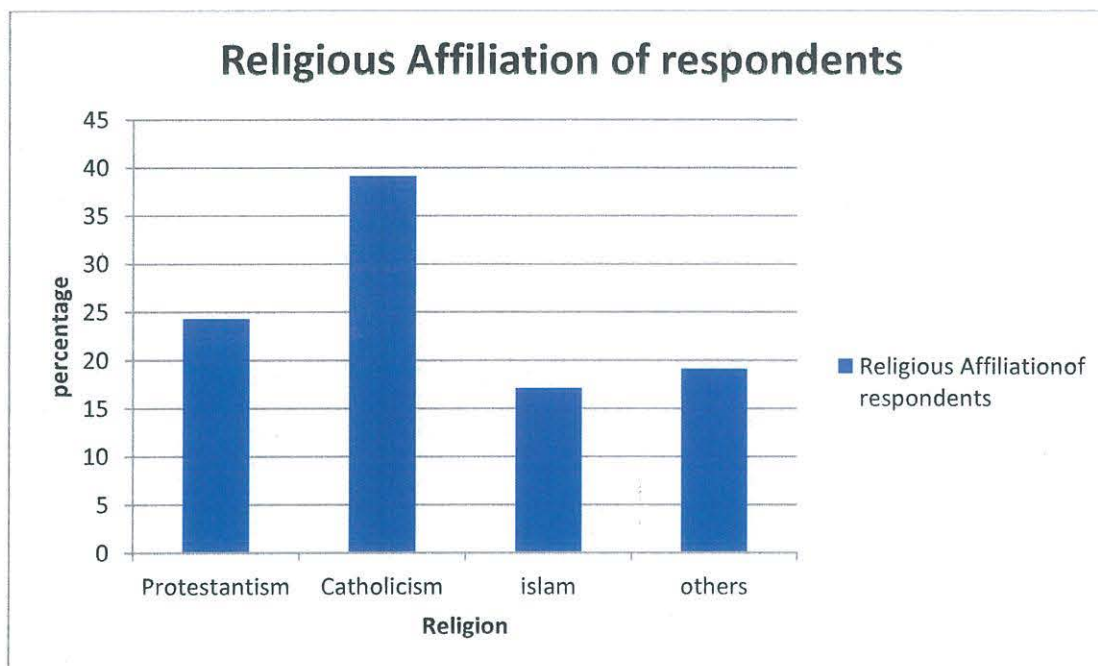


Source: Data collected from the field

Using the results from the pie-chart above it can be interpreted that majority of juvenile delinquents come from schools. Although it was revealed by the care-takers that juvenile delinquents from schools are easy to rehabilitate and resettle back to their homes, it was at the same time revealed that juveniles from the rest of the former occupations have got a hard spirit that is very hard to rehabilitate.

Religious affiliation constituted another characteristic of the respondents and according to the findings; the information is presented on bar chart two;

**Bar Graph 2: Religious Affiliation of Respondents**



Source: Data collected from the Field

Because of religious background, it can be asserted that pro-social behaviors can be easily instilled among juvenile delinquents as long as the delinquents were brought up in fear of God. Besides that, it was revealed by the care-takers during the study carried out in KNRC that religion is an important tool in instilling morals and discipline among juvenile delinquents, this is done through religious services and counseling.

#### **4.3 REASONS GIVEN FOR DELINQUENCY BY JUVENILES**

Various reasons were given by the respondents as to why they indulge in delinquency such as theft, disrespect of elders, drug abuse, attempted murder, prostitution, treason, defilement, possession of firearms, idleness and disorderly. Juvenile delinquent respondents in Naguru Remand Home stressed group influence as a major cause that led them to delinquency. They noted that groups are formed at schools and at their homes. At schools, some juvenile delinquents noted that they started slowly by stealing pens, pencils and books to use them. In order to defend themselves from the rest of the students, they developed aggressive

characters by identifying with certain symbols such as the cross (which means danger) that become a threat to the rest of the school members.

Respondents mentioned desire for good things as another cause for delinquency. These include clothes, perfume, going out with their friends, holding mobile phones and drinking alcohol. Such desires lead juvenile delinquents to steal and in the process they are caught and find their way to prisons or Rehabilitation Centres. During the research study carried out in Naguru remand home, one of juveniles revealed that he stole his father's money to buy a mobile phone which resulted into his way to the Rehabilitation Centre.

Some juvenile respondents mentioned desire to fornicate as another cause of delinquency among juveniles. Male juvenile delinquents noted that in order to entice young females, they must steal money from their fathers, mothers and relatives since they do not have sources of income.

Besides that, respondents noted that they steal because they would like to pay school fees. Through Focused Group Discussions, some respondents highlighted that they are living with their step-mothers and fathers but the circumstances at home are full of trouble. They are not allowed to express themselves, their rights as children are abused and sometimes can take a month without going to schools due to lack of school dues and this has pushed some to stealing in order to go to school but would not get away with the law.

Respondents also identified careless parents as a major cause of delinquency. To them, their fathers are found of coming late in the mid night and leave early in the morning to work; and the same to their mothers. In order to keep themselves busy, they start visiting their friends where they end up watching pornographic movies that entice them into delinquency.

**“ One of the male juvenile respondents in Naguru Remand Home noted that due to careless parents, he could always have time to go to tonight video-halls to watch pornographic movies that are basic avenues for delinquency”.**

Respondents identified separation and broken families as a cause for delinquency. It was revealed that juveniles start permissive life immediately after their parents have separated from each other. Because of separation their fathers opt to marry second wives whom the young generation do not owe respect. They become unruly at home and always abuse their stepmothers and the reaction of their fathers is to take them to the Rehabilitation Centre.

Mistreatment by parents, guardians and relatives remain a major cause of delinquency among juveniles. They noted that at home they are denied food; beaten and isolated from the rest of the children. At times they are forced to sleep outside the houses and this led juveniles to resort to street life and its associated ills where they were got by the city council to the Rehabilitation Centre.

Absolute poverty was also mentioned as a cause of delinquency among juveniles and this makes male juveniles to resort to stealing and female juveniles to prostitution. Some male Juveniles noted to have stolen people's money, parents and guardians because of poverty. One of the male juvenile respondents was quoted saying;

**"I was caught stealing 20,000 from the neighbors" house since at home neither my mother nor my father could afford to buy me scholastic materials to go to school"**

In the same way female Juvenile noted that in such circumstances, they resort to selling their bodies as a way to earn a living. Such practices lead them to be neglected by their parents and guardians who later resort to take them to Rehabilitation Centre. but since are young, they are taken to Naguru Remand Home for rehabilitation.

Respondents mentioned loss of parents as a major factor leading to delinquency. After the death of their parents particularly due to AIDS, some juveniles found themselves without care or with someone to comfort them for life. They began permissive life and join the once barred groups by their parents. In such groups, they began taking drugs such as marijuana, take alcohol which all constitute delinquency.

Besides that, juvenile respondents noted that they are sometimes neglected by their parents particularly their fathers. They noted that after reaching the adolescent stage their fathers neglected them, refused to give them school fees and later tell them to leave their houses. Juvenile feel isolated and the only option is to join the street children where they are got by the police and taken to Rehabilitation Centre.

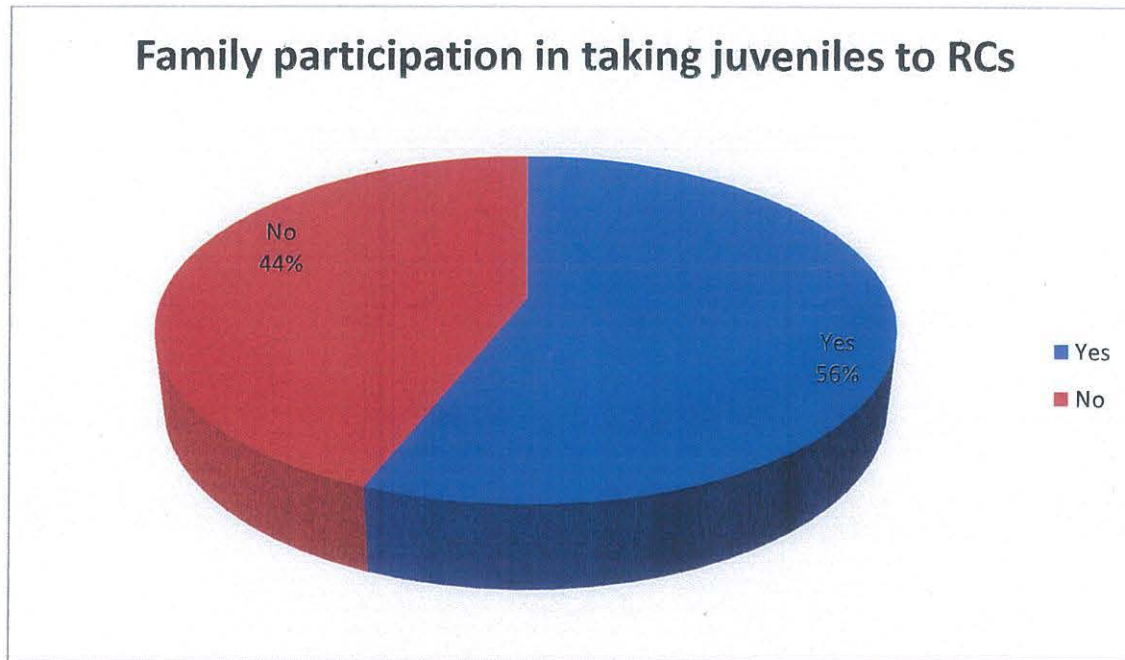
Pornographic novels and films were identified as causes of delinquency among juveniles. Male juvenile respondents noted that films which they watch entice them to commit crimes like defilement and rape. In order to defile, they first take drugs and alcohol such that they could be strong and remove shyness from their face. They also claimed that some drugs are mixed up with alcohol to act as stimulants for easy defilement. Bandwagon effect was mentioned as a cause for delinquency by respondents. This to the respondents interviewed is

a result from their fathers and peer group. They mentioned a situation where their fathers have been stealing radios and they also wished to steal such commodities. They also mentioned that their parents are good smokers and in most cases, parents give them chances to smoke. On top of that, some juveniles noted that their fathers are found of beating their mothers, an act that attract them to fight with their neighbors children

#### **4.4 CONFINING JUVENILE DELINQUENTS TO RCS**

Varied response was given when juvenile respondents were asked whether they were arrested. Some respondents supported that they were arrested while others noted that they were not arrested. Respondents described the processes how they are arrested in three ways. While some Juveniles were arrested immediately after committing crimes and taken to the police stations where they were later transferred to Naguru remand home and later to kampilingisa national rehabilitation Centre, others explained awful experience which they passed through before Rehabilitation Centres. They noted that at first they under-went intimidation by their step mothers and their fathers. They revealed that their step mothers could deny them food, force them to eat when the rest have finished eating and in the absence of the house boys/girls; they could be forced by their step mothers to substitute them. They could be stopped from going to schools in order to clean the houses, nurse the young children and above all to prepare food for the rest of the family members. When they refuse to do the above chores, the only option was to be taken to the Rehabilitation Centre. On the other hand, those who have been street children noted that they were gotten by the police and the city council and taken to the Rehabilitation Centre Respondents were interviewed whether their family members participated in taking them to Rehabilitation Centre and 56% of the respondents supported the statement while 44% objected to the statement. The information of this kind is presented on the pie chart four as follows.

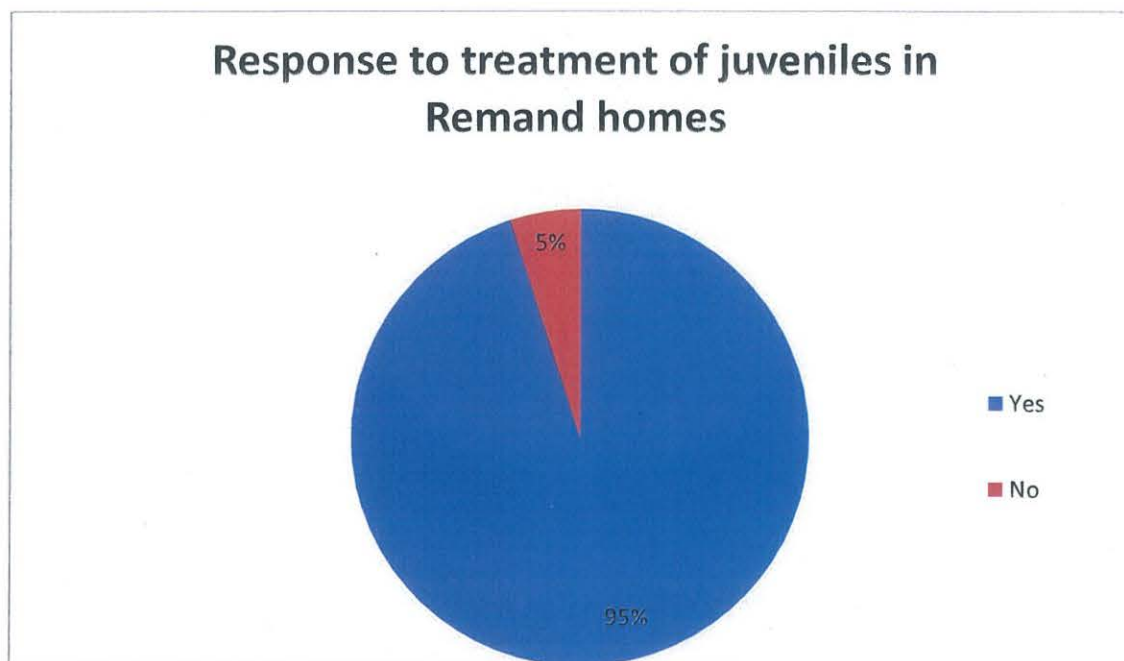
**Pie chart 4: Family Participation in taking Juveniles to RCs**



Source: Data collected from field

The above pie chart shows that 56% of the respondents said that their families participated in taking them to Rehabilitation Centre. This might be attributed to the fact that most of juvenile families come from schools (see pie chart three), most especially in primary schools (see bar chart one) where parents still have an upper hand in their children's lives. However, 44% of juveniles said that their parents did not participate in taking them to Rehabilitation Centre. This might be attributed to the fact that some juveniles adopt juvenile tendencies when they have left school and their parents' homes where they may be living alone or with friends. Respondents were interviewed on how they are treated while living at the centre and 95% of the respondents said that they are not treated well. However, 5% of the respondents said that they are treated well and care is taken upon them. This information is presented on pie chart five;

**Pie chart 5 on response to treatment in Rehabilitation Centre**



Source: Data collected from the Field

The 95% of the respondents noted that they are given poor food, sleep with more than 10 juveniles in one room, and eat only posh and not allowed to go to other places. On the other hand, the 5% of the respondents noted that they are given food, catered upon by the caretakers and allowed to go to schools. Therefore government through the ministry of gender labour should provide enough facilities to the juveniles in the remand homes like food medicine and clothings .95% of the respondents described awful experiences in the Rehabilitation Centre where they are seriously beaten as a way of punishment and moreover some times by their fellow juveniles whom are said to be their heads. Food which is given to them is not good as it is not well prepared and almost only one type of food. While in the group discussions, respondents noted that although they were facing troublesome environment in their homes, the treatment in the troublesome environment in their homes was better compared to the treatment in the Rehabilitation Centre. They noted that they had freedom and could eat well compared to the daily posh of the Rehabilitation Centre and potatoes with beans. The poor services in Rehabilitation Centre might be as a result of limited funding or financial help from the government and other donors yet the numbers are

big. Also this percent might constitute those juveniles from well to do families who are not satisfied by the services provided in Rehabilitation centre since they seem below standards as compared to their initial life style at home. 5% of the respondents however said that they are satisfied and treated well in the Rehabilitation Centre. These might be juveniles from the hitherto poor families.

This can be illustrated by the picture one which was taken during the research study as; showing poor feeding at the remand home.

**Picture 1: Showing Poor feeding at the remand home**

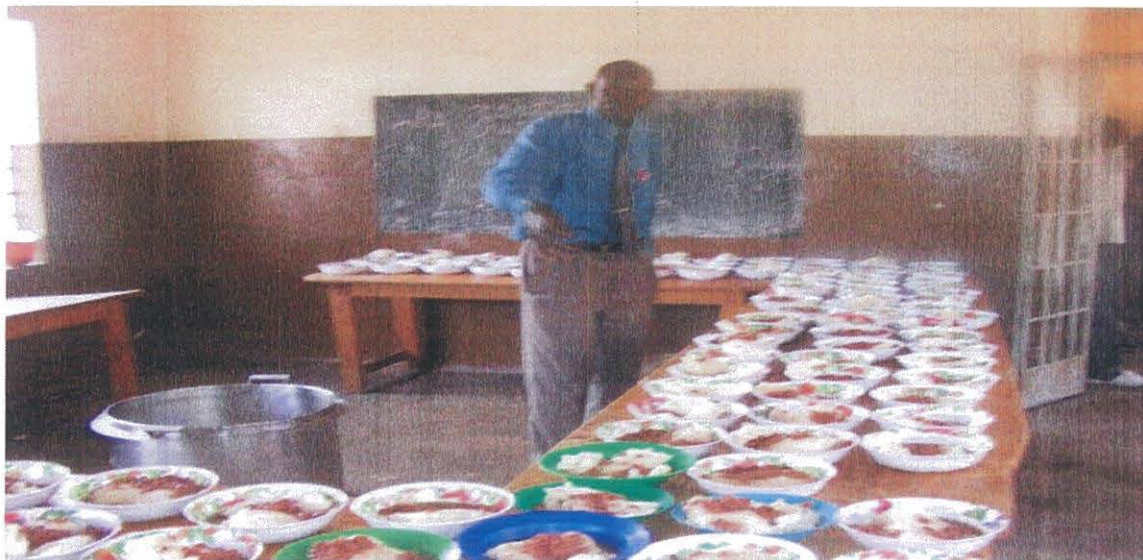


Photo by the Researcher

Rehabilitating the delinquent behaviors is a fundamental role of the Rehabilitation Centre and according to the research carried out in Naguru Remand Home; caretakers have tried to make Rehabilitation Centre resemble a home in order to change their delinquency to pro-behaviors. During the same research study, it was observed that a number of juveniles have got negative attitude towards the Rehabilitation Centre despite efforts by care-takers to make the Rehabilitation Centre home for juvenile delinquents. Through Focused Group Discussions in Naguru Remand Home, respondents revealed that they are caned and put into a certain small room normally called “*Akadukuulu*” for the whole day as a punishment. They mentioned that such practices make them to compare their families and Rehabilitation Centre but they find

that their families are better despite troublesome environment. The act of caning juveniles was observed and pictures taken as juveniles were to be caned in Naguru Rehabilitation Centre and this can be presented by picture two;

**Picture 2 juveniles lying down to be caned**

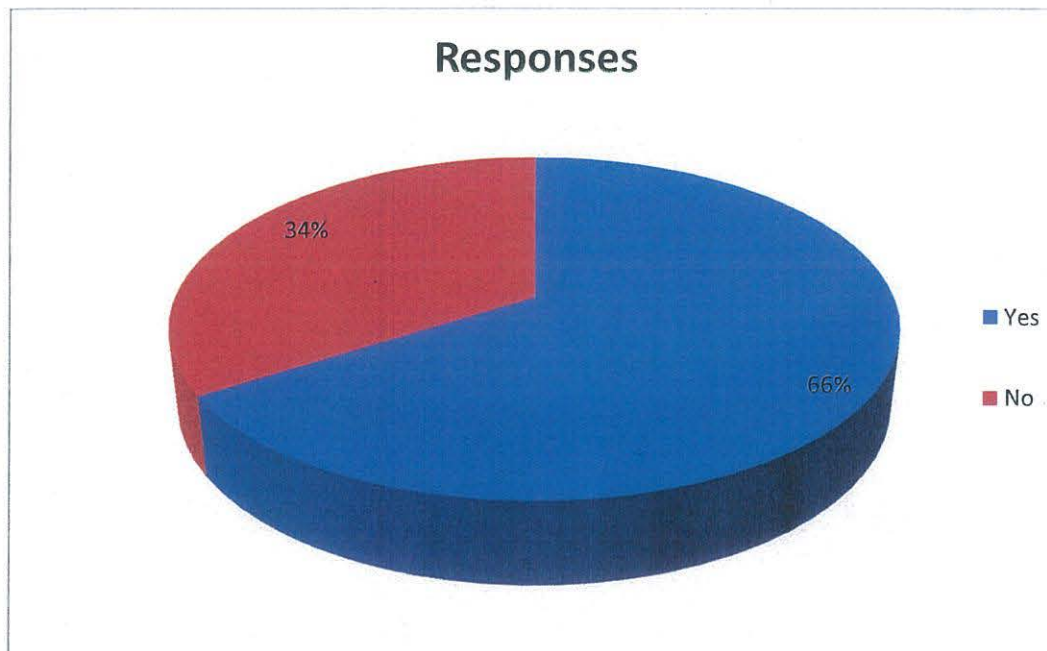


Photo By Nduggwa Ivol

According to the respondents, the condition in the Rehabilitation Centre cannot be compared with conditions in their homes and from their experience; some of the delinquents are taken to the Rehabilitation Centre because of allegations by their stepmothers and guardians.

On the accommodation, respondents gave yet varied responses. While 32% of the respondents supported the view that they are satisfied with accommodation and clothing given to them in the Rehabilitation centre, 66% of the respondents objected the statement. This information is presented by the pie chart six below. The respondents noted that they are many and are crowded in some rooms and moreover some of their members do urinate on beds which make it un-hygienic. Mostly the 34% who supported the view were mainly those from the street who had no way to sleep and this is their best while in the Rehabilitation Centre and the rest 66% who objected the statement were from homes where they would sleep well amidst other difficulties and therefore found the accommodation in the Rehabilitation Centre very un-satisfying and not comfortable.

**Pie chart 6: response on the Accommodation in the Rehabilitation Centre**



Source: Data Collected From the Field

The type of accommodation which the respondents referred was observed during the research study and pictures to portray the nature of accommodations are presented on the following page.

**Picture 3: Juveniles Accommodation at the Rehabilitation Centre**



Photo by the Researcher

Other services given in attempt to rehabilitate juvenile delinquents have been put in table two and the response presented before them in percentages. They include disciplining of juveniles for the wrong action committed and rewarding them for the good action done; juvenile participation in recreational activities, inspection by the caretakers every morning, guidance and counseling, protection from the offended people, going to schools and receive religious services. This is presented on the table two

**Table 3: Response to services given to Juveniles in the Rehabilitation centres**

Services given in Remand home	Yes	No
Disciplined for the wrong committed	95%	5%
Rewarded for the good actions done	22%	78%
Engage in recreation activities	96%	4%
Inspected every morning	88%	12%
Undergo guidance and counseling	96%	4%
Protection from the offended	76%	24%
Go to school	70%	30%
Receive religious service	95%	5%

Source: Data from the field

According to the respondents, disciplining juvenile delinquents is in form of canes and 95% of the respondents supported the statement that they are disciplined for the wrong action done while 5% of the respondents objected the statement (the 5% of the respondents happened to be new and that's why they objected the statement). It was revealed that punishing juvenile delinquents make them to develop a sense of respect and removes the desire to permissiveness that developed due to lack of supervision by their parents.

Table two also shows response towards the rewards given to juvenile delinquents for the good action done and 22% of the respondents supported the statement that they are rewarded for the good action done while 78% of the respondents refuted the statement. It was revealed that the caretakers prefer caning rather than rewarding the delinquents. However, it is not the caretakers' problem since the RCs are government run. Little money is said to be invested in

the Rehabilitation Centre and from that background therefore, there is no money to buy gifts to reward the children but there is some other type of rewards which are not material like praise and promotion as a prefect or leader in the rehabilitation centre.

On recreational activities, 94% of the respondents mentioned that they involve in activities such as playing football, dance drama, debating and educative indoor games like board games (locally called omweso) snakes and ladders and playing cards which all together attract juveniles to stay in the Rehabilitation centre . It was also observed that dancing and playing football and netball are major recreational activities in the Recreation Centre. Because both juvenile delinquents and the care-takers involve in recreational activities, intimate relationship is created during playing which further free association between the two. During the research study, various activities were observed and can be illustrated in the following pictures

**Picture 4: Juvenile Delinquents playing football**



Photo by the Researcher

One of the care takers in Naguru Remand Home noted that “Games and sports have helped juveniles to forget their past and now they live wonderful lives”. As far as game and sports are concerned in Naguru Remand Home, it was revealed that an NGO called Right to Play has done a lot in facilitation of football and their sport facilities.

**Picture 5: Juvenile Delinquents in a dance and Drama Session**

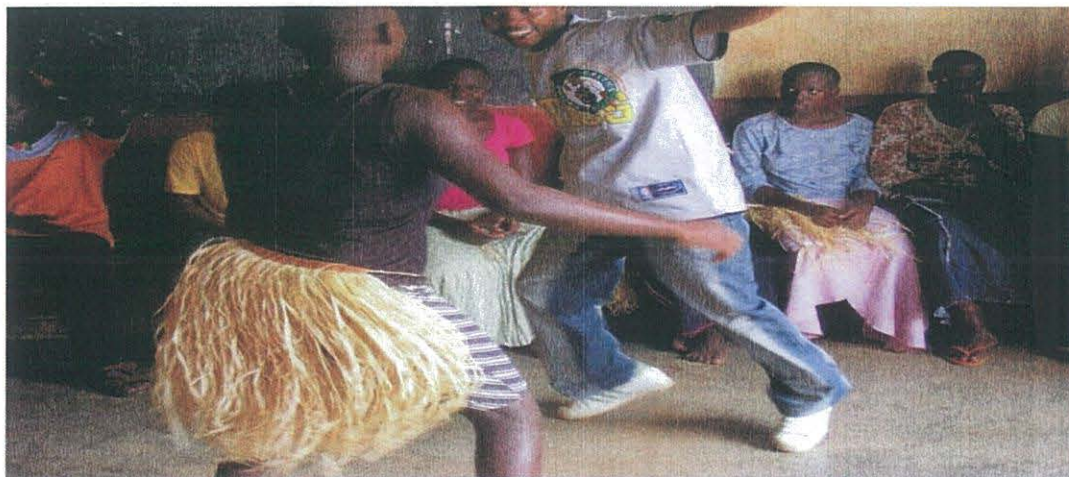


Photo by the Researcher

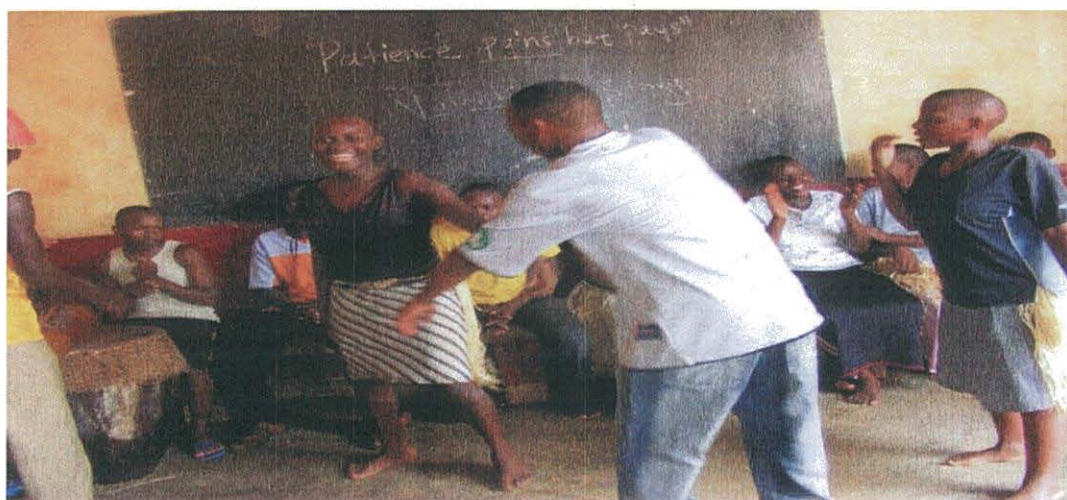


Photo by the Researcher

The above pictures taken during the research study from the RCs easily explain that there is an important work done by the Rehabilitation Centre in rehabilitating juvenile delinquent behaviors. It was revealed that through recreational activities, delinquents learn to associate with each other and that such activities refresh juvenile delinquents. The association developed from activities of this kind makes juvenile delinquents confess crimes committed and therefore remain an important tool to bring the culture of peace and togetherness in the Rehabilitation Centre.

Furthermore, the findings from the field reveal that 88% of the respondents supported the view they are inspected every morning in their dormitories while 12% of the respondents never supported the statement. Through the care-takers, it was revealed that morning inspections are fundamental in bringing discipline among juvenile delinquents. Care-takers further noted that some juvenile delinquents would not like to wake up but because of the daily inspections; juvenile delinquents are encouraged to wake up for the inspection. Inspection also is fundamental in engaging juvenile delinquents in activities like cleaning their dormitories, compound and juvenile themselves to take shower. One care taker from Naguru Remand Home said that inspecting children gives them a sense of belonging; it is like a father or a mother who wakes up to check on his child.

According to the table two, 96% of the respondents noted that they undergo guidance and counseling while 4% objected it. It was revealed that counseling is an important tool in bringing discipline among juvenile delinquents. Besides that, counseling makes juvenile delinquents confident to believe that there are some people who care about them. Guidance and counseling is among forms of the services given to juveniles during rehabilitation. It was revealed during the study that juvenile delinquents undergo guidance and counseling at an individual and group level. This is done by the groups such as religious groups and institutions which are invited by the care takers to visit the Rehabilitation Centre for such services. Such religious bodies include; the Chosen Generation Intervention, Jesus Cares for All, Open Door for Spiritual Development. It was also revealed by the care takers that the professional counselors and priests are invited to counsel juvenile delinquents. Other groups that give guidance and counseling include Give Me a Chance; an NGO responsible for the resettlement of juvenile delinquents, the Presbyterian Church and the Redeemed Church of Makerere.

It was further revealed by the caretakers in both RCs that it is during guidance and counseling that juvenile delinquents confess and openly speak out their evils which give the concerned people a good ground for intervention. It was revealed further that guidance and counseling done at an individual level normally is done to special cases and those are the hard core children who take long to change their behaviors.

Respondents also confessed that they are protected from those they offended and this was supported by 76% of the respondents while 24% refuted the statement that they are protected. According to the care-takers protecting juvenile delinquents is a crucial issue while in the Rehabilitation Centre because parents entrust them with authority to take care upon them. One of juvenile respondents from Naguru Remand Home noted that they are protected because rehabilitation houses are surrounded by the wall that has got barbed wires on top. Further still the law protects these children in Naguru Remand Home and no one attempts to attack them.

Table two also reveals that 70% of the respondents go to schools to acquire formal education as opposed by 30% of the respondents. In Naguru Remand Home, respondents are provided with a library where they make their private reading in holidays. It was revealed that those that do not attend schools are juvenile delinquents who were got from the streets at an old age and never wanted school life again. On technical education, respondents revealed that they have never received technical education

It was observed during the study that Naguru Remand Home used to have technical equipments for technical skills but these are now few. For example, they used to have carpentry workshops for the boys and tailoring for girls but these have ceased to be. On formal education, minority (30%) said yes because they just once in a while get some few lessons of formal education from the remand home given by the caretakers who are not even professional teachers.

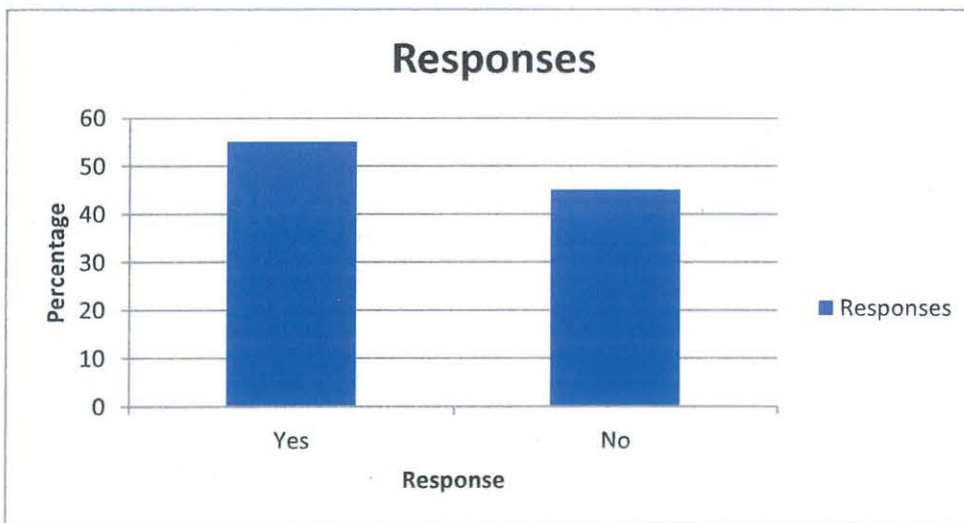
Lastly, table two shows that 95% of the respondents supported the view that they receive religious services and only 5% objected the statement. It was further revealed that religious services are received once in a week and through religious services, it is believed that juvenile delinquents are spiritually transformed. 95% of the respondents happened to have come from religious families and surely appreciate the presence of such services in the Rehabilitation Centre while the 5% happened to be children who were never brought up in religious families or had taken long on the streets. It was revealed that several priests and pastors are invited on many occasions to pray and preach to the children in Naguru

Rehabilitation Home and the caretakers clearly put it that this has been very fundamental in rehabilitation of juvenile delinquents since they are spiritually transformed. .

#### 4.5 COURTS OF LAW AND JUVENILE DELINQUENTS

Respondents were also asked whether they have ever been tried to the courts of law and according to the bar chart five below, 56% of juvenile delinquents have never been tried by the courts of law while 44% have ever.

**Bar 4: Response by juveniles whether they are tried in courts of law**



Source Data collected from field

Those who responded that they have never been tried by the courts of law presented two reasons. These are time and futility of the cases alleged upon them. The respondents who gave time as a reason believe that they have spent not more than one month in the Rehabilitation centre and therefore are convinced that the police is still investigating the matter. Others asserted that they do not have cases to answer in the courts of law. Such group is convinced that they did not commit any offense and thus they are in wrong places. Some respondents revealed that they had the rights of association, movements and worship when they were living in their homes but in the Rehabilitation Centre, these rights are violated by the care-takers who do not allow them to move from place to another, they do not associate with the rest of their family members and their friends. Though they are allowed to worship,

some respondents do not appreciate the nature how the worship is conducted. They believe that worship has got a lot to do with association but a part from meeting the care-takers and the group of juvenile themselves, no one they have ever met since their stay in the Rehabilitation Centre. Besides that, Moslem juvenile delinquents noted that that they have never received their religious leader to lead worship. They noted that they only see some priests who organize prayers in small rooms within few hours but they have never worshiped in accordance to Islamic faith.

On the other hand, some juvenile delinquents who have ever been tried to courts of law have never been pleased with the court proceedings. Some respondents noted that in the courts of law, they are not allowed to defend themselves since the court lawyers and judges use English as a medium of communication yet some young juvenile delinquents cannot speak English. Besides that, respondents noted that it would be better to be having their lawyers but they are not given time to look for them. Nonetheless, they believe that even if it was to look for them, it would have remained difficult for them to have a lawyer yet the lawyers need millions of money.

#### **4.6. JUVENILES ATTITUDES TO THE LIFE IN REHABILITATION CENTRE**

Varied responses were also given towards the life in RCs by the respondent. While some mentioned that they like life in the Rehabilitation Centre, others objected it that they do not like the life in RCs. According to the care-takers, majority of juveniles that like Rehabilitation Centre are juveniles that do not have where to go and most of them came from the streets but those who have got where to go, do not like the Rehabilitation Centre. Juveniles talked about guidance and counseling as service which has remained important to them. This according to the care-takers has been the most effective way to influence behavioral change among juvenile delinquents. It was also observed that had they have had guidance and counseling services like what they receive in the Rehabilitation Centre; they would not have developed delinquency. Unfortunately, they revealed that none of their parents or their guardians did involve in guidance and counseling exercise in their families and this became a major reason for delinquency. Some juvenile delinquents also revealed that

there is intimate association between juvenile delinquents and the care takers which according to one of juvenile delinquents has helped him to become friendly to people compared to the period when he was at home.

Juveniles also noted that food has made some juvenile delinquents to like the Rehabilitation Centre and according to the care-takers, most of juvenile delinquents that like food in the Rehabilitation Centre are those coming from the streets and coming from very poor families has become the order of the day in their families.

Playing football was also mentioned as an activity that makes juvenile delinquents like Rehabilitation centre. They noted that they like the place because of playing foot ball. The reason behind this is that foot ball has occupied the avenue which prior Rehabilitation Centres was for running to bars to drink alcohol and to think how to steal their fathers' money.

Education was also mentioned as the best service received by juvenile delinquent respondents. Respondents noted that while on the streets, they were not receiving such education. On the other hand, respondents noted that they do not like the Rehabilitation Centre because they it is not their homes. They pointed out that once in the Rehabilitation centre; they are not allowed to move from place to another. In Naguru Remand Home, a juvenile delinquent during the interview said "East or west the home is the best"

Respondents also never liked the Rehabilitaton Centre because they are caned by the caretakers. According to the respondents in Focused Group Discussion, juveniles are beaten in most cases rather than being advised. This makes them hate the Rehabilitation Centre and thus opt to go back home or to the streets.

Respondents revealed that they do not like the Rehabilitation Centre because they are subjected to digging and fetching water. Such activities to some juvenile delinquents have been for house boys/girls in their families.

Juvenile delinquent respondents noted that the home is better though there is mistreatment. To them, they are missing the company of their friend at home, some of their parents and guardians.

#### **4.7 CHANGES IN BEHAVIORS AMONG JUVENILE DELINQUENTS IN RCS**

Juvenile delinquent respondents gave a number of changes in their behaviors starting from the social economic changes which according to the care-takers are fundamental to justify that certain behaviors have been changed and juvenile delinquents can be resettled back to their families. These include appreciating for what is given in the Rehabilitation centre such as forms of advice, willingness to greet fellow juvenile delinquents and the care-takers together with willingness to give confession about their past experience. Some respondents also noted that they no longer smoke, a habit that had ruled their lives for many years. Those who have at once hated schools have returned to school. Juvenile delinquent respondents also noted that they no longer steal their friends' shirts nor can they take opium which had prior become a common practice while at the streets and in their families. This was justified by the care-takers who revealed that some of juvenile delinquents interviewed have completely changed from their former behaviors.

Respondents noted that they used to go to video shows and dancing halls at night which was done hiding from their parents but this has become an issue of the past since they were taken to the Rehabilitation Centre.

Fighting was also mentioned as one of the major acts which juveniles used to do and this has led unfriendly relations with their teen-ages. However, juvenile delinquents noted that they no longer fight and have opted to live a peaceful life.

Some Respondents noted that they have started a culture of worship which was never thought of before Rehabilitation Centre. Some respondents revealed that they have lived without the knowledge about God but because of religious services in the Rehabilitation Centre, they have realized that there is a supreme being above the earthly creatures and man inclusive. This according to the respondents has led the fear of God and according to the recorded literature, the fear of God is the source of peaceful mind and peace in the world. Some male juvenile delinquent respondents noted that they used to disturb young girls which at times could lead them to defilement and raping but this has become an issue of the past and they can now live with them in the Rehabilitation centre without disturbing them. Juvenile delinquent respondents noted that they could use vulgar language against anyone and the

elders inclusive. However this has changed while in the Rehabilitation Centre and they have started respecting their elders such as care-takers in the Rehabilitation Centre.

Some delinquent respondents noted that they were found of isolating themselves from the public in attempt to plan for delinquency but through the Rehabilitation Centre, they have started associating with the care-takes. They can also associate themselves with the public particularly fellow juvenile delinquents and at school, they noted to have been associating with fellow children and their teachers.

Lastly but not least, delinquent respondents noted to have been able to realize the problems which led them into delinquency. This realization came as a result of counseling and religious services.

Personal hygiene has also improved particularly among those who came from the streets and vulnerable families. Respondents talked of cleaning their teeth every morning which was unheard while at the street. They also mentioned daily bathing and desire to live in a clean environment

Therefore remand homes have to some extent improved behaviors and controlled the increasing number of juvenile delinquency in Uganda today

#### **4.8 CHALLENGES IN REHABILITATION PROCESS**

According to the research study carried out in Naguru Remand Home, various challenges have been mentioned by juveniles and the key informants. Such challenges affect both the care-takers and the consequences have been in-appropriate behaviors among juveniles at the end.

The anti-social behaviors of juveniles have remained a major challenge not only to the care-takers involved in rehabilitating juveniles" but to some of the fellow juveniles themselves.

It was revealed by both juvenile delinquents and the caretakers that some juvenile characters have remained un-tamed. Because of the long stay on the streets and due to the fact that that they loss of hope in their lives, some juvenile delinquents have got characters like those of beasts. They vandalize properties, make noise at night and start fighting with their fellow juvenile delinquents.

Lack of human resources has been yet another challenge to RCs amidst of increasing number of juvenile delinquents per day. This has led the care-takers to elect juvenile delinquents to be in charge of certain groups and dormitories where juveniles sleep. Juvenile delinquents elected by the care-takers always mistreat and beat their fellow juveniles, and this has created hatred and conflicts among juveniles delinquents.

Long period of time spent by juvenile delinquents in the Rehabilitation Centre before being taken to courts of law has been yet another challenge. This increases the number of juvenile delinquents in the Rehabilitation Centre amidst of little facilities given to juvenile delinquents.

The consequences have been increased scarcity of facilities in the Rehabilitation Centre leading to poor feeding and poor clothing. Besides that, it increases diseases due to congestion alongside lack of medical personnel. These diseases are mostly social transmitted diseases which most juvenile delinquents acquire when they are on the streets.

Lack of fuel for the vehicles to transport juvenile delinquents to courts of law has been problem facing the Rehabilitation Centre. It was revealed that sometimes juvenile delinquents overstay in the Rehabilitation Centre due to this issue.

Lack of casual laborers has also been mentioned as another challenge to the Rehabilitation centre. As a result, the care-takers have been forced to use the labor of juvenile delinquents in such jobs such as cleaning the compound, toilet, and the dormitories in order to make the place clean. Poor facilities such as building have stood for a long period as a challenge to Rehabilitation Centre. It was observed that the buildings in Naguru Remand Home are old and according to the care-takers, the buildings have never been renovated since 1960s. This can be justified by the wrecked iron-sheets; old electric poles that have broken down alongside shabby buildings and toilets. It was also observed that rooms which were built for carpentry and tailoring activities in have turned into best places of small birds' nests.

Lack of schools where juvenile delinquents can be recruited have also remained a challenge according to the care-takers. It was revealed that due to delinquency, head teachers do not admit male delinquents fearing that they can cause trouble to the rest of the pupils. This has resulted into increased redundancy and idleness in the Rehabilitation centre.

How to reach parents, guardians and relatives of juvenile delinquents have also stood as a long lasting issue particularly to those juveniles got from the streets. It was revealed that juveniles do not tell the truth about their background unless they have been brought by their parents or relatives. This has contributed to their long stay in the Rehabilitation Centre. Besides that, care-takers revealed that parents, guardians and relative expect much from the Rehabilitation Centre towards juvenile delinquent morals yet they have failed to create a convivial atmosphere for juveniles at home. There is lack of enough food to the ever increasing number of juveniles delinquents. It was revealed that the WFP (world Food Program) which used to supply food to the centers withdrew due to the increased scarcity of food in Northern Uganda and Southern Sudan. One of the care takers noted that there has been a decrease in food supply when the WFP left the work only in hands of the government yet children need to feed well if rehabilitation is to be successful.

## **CHAPTER FIVE**

### **CONCLUSION AND RECOMMENDATIONS**

#### **5.1 CONCLUSION**

The following lessons can be drawn from the study findings; the police get some juvenile delinquents from the streets to rehabilitation centers. Delinquency is not in-born; it is acquired and gradually grows within an individual turning him or her into juvenile delinquents with time, depending on the environment which he lives. Most parents produce children out of choice, when they feel the time is right and are both happy about having them. So juveniles are conceived and born normal children but in most cases the unfriendly and cruel environment in which they are raised changes them to social perverts.

On taking juvenile delinquents to the Rehabilitation Centers, force and various approaches are used but after rehabilitation; the environment that led to the growth of delinquency once again welcomes juvenile. At this point, one would call upon the police and all the stake holders to put their approaches onto the environment that led to the birth of delinquency rather than juveniles.

The culture of peace and pro-social behaviors are the wishes to all individuals to juvenile delinquents and this can be explained using analogy of birth. At birth, a child cries because of changes in environment but parents use different approaches to rehabilitate the environment in order to make the born child grow with the peaceful mind and pro social behaviors. Such rehabilitation of environment makes juvenile grow well as an upright human being but the change of environment in the period of growth lead to the growth of delinquency among juveniles. It is from such background that one should strive to rehabilitate the environment together with juveniles rather than juveniles alone

## **5.2 REHABILITATION OF JUVENILES**

Rehabilitation as an approach to delinquency among juveniles demands nothing else rather than friendly environment that can restore justice, order, comfort, dignity and the culture of peace among juveniles. It deals with the restoration of hope to the once hopelessness juveniles and inculcates the spirit of love and self recognition. In order to do this, rehabilitation centers need to be modernized in a shape beyond family environment of juveniles. Such approach calls for the government and other stake-holders intervention.

## **5.3 STUDY FINDINGS ON CHALLENGES OF REHABILITATING JUVENILE DELINQUENTS.**

The study examined the causes of juvenile delinquency the challenges of rehabilitating juvenile delinquents, the laws governing juvenile Delinquency and the extent to which Rehabilitation Centers shape juvenile behaviors. The role of Rehabilitation Centers therefore, is significant in making the once hated juveniles to be called the loved ones. From the study finding, it was revealed that the rehabilitation center such like Naguru Remand Home have got activities that can make the delinquents forget the anti social characters such as playing football, dancing, singing and counseling. Such activities need to be taken to the home environment of juvenile delinquent.. After Counseling and having realized that the acts of delinquency are no longer there, the care-takers then take some juveniles back to schools but those who found that they cannot go back to school remain in rehabilitation centers with nothing to do since activities involving carpentry and tailoring which were meant to be in the Rehabilitation Centre such as Naguru Remand Home are no longer there. This means that such groups remain idle in Rehabilitation Centers and the anti-social behaviors can once again develop since an idle mind is a workshop of the devil. It thus remains important for the government to revive such activities in order to make the work of rehabilitation more effective and universal. In the process to rehabilitate juveniles, courts of the law are involved in order to judge juveniles cases. Although Rehabilitation Centers face challenge to transport the delinquents from Kampilingisa National Rehabilitation Centre (Mpigi District) to Kampala District where there are the courts of law, the practice of taking juvenile delinquents to the courts of the law has remained sounding since it brings justice to juveniles.

However, due to the increased number of the delinquency among juveniles it would be better if the government can set up a court responsible for delinquency. Such courts of law should allow juvenile delinquents to defend themselves, as provided by article 34<sup>42</sup> that provides for the the rights and who is a child and Article 28<sup>43</sup> that provides for the right to a fair hearing which should be embraced in such courts of law rather than judging juvenile delinquents without defending themselves as it was revealed from the study findings Lastly, the findings of the study reveal that delinquency starts from troublesome environment at homes of juveniles. This means that rehabilitation of home environment rather than juvenile delinquents would be better solution to curb down delinquency. In such circumstance, the government should get involved into the affairs of various homes that have proved to be sources of delinquency. To juveniles who claim to have lived without parents, relatives need to be engaged into such affairs. This means that the government should increase services to its people.

#### **5.4. RECOMMENDATIONS**

In order for Rehabilitation Centers to successfully address the issues pertaining delinquency, there is a need for the government to facilitate the centers to full capacity. The government needs to employ more practitioners in the field in order to make the centers such that the Rehabilitation Centers can advise means to transport juveniles to the courts of law.

Proper justice measures help to rehabilitate juvenile delinquents and so children should not be deemed justice, rather pay attention to offering justice to them.

Not all juveniles should be taken to the Rehabilitation Centre. Juveniles who do not pose a threat to the public safety should be better punished through community services.

In order to do a way completely with the issue of juvenile delinquents, there should be early childhood interventions because it is a strategy which is aimed at nurturing well behaved

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<sup>42</sup> Of the 1995 constitution of Uganda

<sup>43</sup> supra

children as they grow. This makes best in their first five years of age. Parents should teach their children manners and they should not tamper them when they are in wrong.

Efforts to improve the registration of births should be continued by the Ministry of Gender, Labor and Social Development, A national framework for assessing a child's age should be agreed upon between the Ugandan Judiciary and the Uganda Police Service and disseminated to all relevant agencies because In order to establish the age of children, the police contact their parents, assess appearance or check the children's teeth. As a result, all of the remand homes and the national rehabilitation centre felt they had housed young people outside of the appropriate age boundaries.

The Ministry of Gender should re-examine the accommodation of female children in mixed remand homes. Potentially two alternative measures could be introduced: create a national remand home specifically for females so that they can be housed together; or create small-scale female remand homes in the current districts staffed by a matron.

The government should Immediately allocate enough resources for the street children in naguru remand home and as soon as possible establish a separate facility for the shelter and protection of children who are taken off the streets or in need of care and protection.

Cease the detention of children who are considered unruly by their parents. Probation and social welfare officers should investigate each case and make alternative provision for them like doing community work to avoid overcrowding in the Remand home.

Welfare accommodation should be created for children who have no extended family or a safe place to live, especially on return from custody. This could be the same facility for the shelter and protection of children who are taken off the streets.

The social welfare report should be completed on arrival to the remand home, preferably within a time limit, for example four weeks. This timely completion should then be monitored by an independent auditor.

The social welfare report should include the vulnerability factors faced by the child in conflict with the law. The report should outline the plan of action for the child to undertake work in the community or explain why the risks they pose to the public are so great that they should be sentenced.

Police officers should receive refresher training on their powers to caution and release or release on bond and the necessity of contacting the child's parents or guardian on arrest in remand home to avoid the issue of remandees over staying in the remand home pending police investigations.

Police should undertake community sensitization to show how they operate and emphasize that they are not going to automatically arrest parents or guardians so that parents can give visits to their children at police station and get for them police bond without fear of being arrested.

The detention of children in police cells should be monitored by an independent auditor to ensure that it does not exceed 24 hours and that they are separated from adults.

The efficiency of the Family and Children Court should be improved through training of the judiciary, employing more social and welfare officers and funding for legal aid. All children's cases should be heard at the children and family courts as opposed to the High Court.

Recruit staff to the national rehabilitation centre and other vacant positions and Monitor the presence and capacity of staff at the facilities through an independent auditor to avoid the problem of lack of staff in the remand home.

Training on child protection and how to provide psychological support to children in conflict with the law should be given to all guardians/social workers working with children in detention.

The Ministry of Gender should audit the resources they have at each site and redistribute them where necessary and Adequate uniforms and spares need to be provided for all the children and their conditions monitored in Remand home.

Educate and train remand home and national rehabilitation centre staff at all levels on the prohibition of violence against children in Ugandan institutions and alternative forms of discipline and Employ an independent auditor to monitor the compliance with the prohibition of violence and any other cruel and degrading treatment in Ugandan institutions.

Replicate the practice at Fort Portal Remand Home, where meals are prepared by cooks rather than the children and hygiene levels are high. Children should not be left in charge of open fires. Employ an independent auditor to monitor the food supplies, food preparation and to ensure that the children are receiving adequate food .

Dedicated sick bays for isolating sick children should be used along with a supply of basic medicine. Ideally, the Ministry of Gender and Ministry of Health should employ a dedicated medical officer to coordinate health services in the detention facilities in terms of disease prevention and testing, seeing to sickness, and referring children to appropriate hospitals.

Psychological training and support should be available for children in detention. This could be provided through links with universities or NGOs. Appropriate detoxification facilities should be available for children recovering from drug addiction, preferably away from any detention facilities

The social welfare report written at the beginning of a remand period should be used as a basis from which to provide a plan for the remaining time the children are on remand. The report and subsequent plan should then accompany the child if they are transferred to the national rehabilitation centre. These should be used as a basis for a more detailed sentence plan at Kampiringisa and guardians/social workers should measure progress against this plan.

The Ministry of Gender should work with the Ministry of Education to ensure that *all* children in detention, regardless of their illiteracy or educational level when they arrive, receive basic educational provision such as that taking place in Naguru Remand Home and Adequately stocked libraries should be made available to the children in all facilities

Children being schooled or trained outside the national centre should have a risk assessment to ensure that they are able to work with other children safely . The Ministry of Gender should take steps towards ensuring that all children in detention have the opportunity to undertake vocational training.

Ensure that children are promptly resettled following the end of their sentence. Ensure that sensitization is undertaken with parents and communities so that children are welcomed home after their period of detention.

## **5.5 SUGESTIONS FOR FURTER STUDY**

After carrying out the research study on causes of juvenile delinquency, challenges of rehabilitating juvenile delinquents in Uganda the researcher suggests that studies should be carried out on the culture of peace in families as a strategy to juvenile delinquency in Uganda. The researcher also suggests a study to be carried out to establish reasons why most juvenile delinquents are males.

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