COUNTRY CASE STUDY FOR **UGANDA**

Effective law and policy for addressing child protection in disaster risk management

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List of **Acronyms**

AIRD	African Initiative for Relief and Development
CAFOMI	Care and Assistance for forced migrants.
CCA	Climate Change Adaptation
CDOs	Community Development Officers
CFS	Child Friendly Spaces
CRC	Convention on the rights of the child
CSO	Civil Society Organizations
DCPWG	District Child Protection Working Group
DDMCs	District Disaster Management Committees
DOVCC	District Orphans and Vulnerable Children Coordination Committee
DRM	Disaster Risk Management
DRR	Disaster Risk Reduction
FROK	Friends of Kisoro
HIJRA	Humanitarian Initiative Just Relief Aid
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Cultural and Social Rights
IFRC	International Federation of the Red Cross and Red Crescent Societies
INGOs	International Non-Governmental Organizations
JLOS	Justice, Law and Order Sector
MoES	Ministry of Education and Sports
MoGLSD	Ministry of Gender, Labour and Social Development
MOH	Ministry of Health
MoIAs	Ministry of Internal Affairs
MoJCAs	Ministry of Justice and Constitutional Affairs
MTI	Medical Teams International

NAPACS	National Action Plan against Child Sacrifice
NAPCSAE	Child Sexual Abuse and Exploitation
NCPWG	National Child Protection Working Group
NFPACC	National Framework for the Provision of Alternative Care to Children
NGOs	Non-Governmental Organisations
NOSC	National Orphans and Vulnerable Children Steering Committee
NPACL	National Plan of Action on Child Labour
NSPPI	National Strategic Program Plan of Interventions
OPM	Office of the Prime Minister
OVC	Orphans and Vulnerable Children
PSS	Psychosocial Support
PSWO	Probation and Social Welfare Officers
RAs	Research Assistants
RFL	Restoration of Family Links
SGBV	Sexual and Gender Based Violence
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nations High Commission for Refugees
UNICEF	United Nations Children's Fund
UNDRR	United Nations Office for Disaster Risk Reduction
UOBDU	United Organization for Batwa Development in Uganda
URCS	Uganda Red Cross Society

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Summary

Children form the most vulnerable group classification in the whole realm of disaster risk management: -from preparedness, response and rehabilitation, they form a special cloud of attention who could play a significant role in effective disaster risk management. Most often however, the contribution of children is only limited by humanitarian-development actors to only being beneficiaries. The role of children in disaster risk reduction stipulated in existing legal policy frameworks is neither clear nor understood by different actors. As such the voices of children are often not heard and do not influence humanitarian decision-making. The plight of children is exacerbated by emergencies such as natural disasters, displacement and health crises include: physical, sexual, and psychological violence; neglect; injuries; harmful practices including child early and forced marriage; psychosocial distress and mental disorders; as such children become associated with armed conflicts and armed groups; child labour; losing out on education; and becoming unaccompanied and separated. For effective and inclusive disaster risk management, there needs to be more focus on integrated programming through policies and bye laws to benefit all children in need of care and protection. This calls for developing multisectoral and multidisciplinary system approaches spanning across social welfare, food security, education, health, justice and rights from the national to the local level. With the exception of The Hague Convention on Inter-country adoption, Uganda has ratified most of the key child rights international and regional instruments. This study was commissioned by the IFRC as part of the global initiative on "*Effective law and policy for addressing child protection in disaster risk management*" and implemented by Uganda Red Cross Society.

The overall goal for the study was to assess the effectiveness of Uganda's current systems of law, policy and legal frameworks in providing child protection during disaster and in disaster risk management. The study also documented the advocacy gaps and opportunities for effective child participation during policy formulation including the current discussions on the Climate Change Bill, revision of the Red Cross Act, Wetlands Bill, and the National Disaster Management and Preparedness Bill.

Data were collected from 12 samples (622 respondents) drawn from 6 districts of Bududa, Entebbe, Isingiro, Kisoro, Hoima and Arua. They included schools, government representatives, faith based organisations, the United Nations fraternity, cultural leaders, refugees, children and their parents. Data was also analyzed using Epi-info software and respondents' views were described using descriptive statistics with a confidence interval of 95%.

Uganda has commendable policies to support child protection in Disaster Risk Management. They are however, not disseminated at community level and most implementers lack an understanding of them. It does leave a gap on how they are implemented in practice. Funding for Child protection in DRM is also limited to sporadic occurrences. With opportunities around the country trying to develop a disaster management law, child protection plight could be further highlighted. This could also be further expounded on in Uganda Red Cross Act Revision.

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CHAPTER 1 INTRODUCTORY BACKGROUND TO THE STUDY

1.1.1 Brief introduction to the global project and case study

Around the world, nearly 50 million children[1] have migrated across borders or been forcibly displaced. More than half of these girls and boys flee violence and insecurity in search of a safer home. In attempting to achieve this, they are at risk of being exposed to inexplicable forms of abuse and harm related to child trafficking, child labour, recruitment into armed groups, physical injury, early marriages, rape and serious disruption of child rights.

In 2014, the IFRC and UNDP authored a multi-country report on 'Effective law and regulation for disaster risk reduction[2]". In the background, the report states "In the years following the adoption of the Hyogo Framework for Action a significant amount of new legislation aimed at strengthening the focus on DRR has been enacted in various parts of the world. However, important gaps still remained at the time of the Third Session of the Global Platform for DRR in 2011, particularly with regard to the impact of legislation at the community level. It was found that communities were not well enough informed, engaged or resourced to take an active part in reducing disaster risks, and that rules to deter risky behavior, particularly in construction and land use, often go unenforced". The report was general and not specific to scoping the legal framework for child protection. The report was aimed to support legislators, public administrators, and DRR and development practitioners and advocates to prepare and implement effective legal frameworks for disaster risk management (DRM) that are adapted to their own country's needs, drawing on examples and experience from other countries. It did lack practical gaps in disaster risk management targeting children as a resource to implement DRR and their role in engagement to make laws, policies and bye laws as comprehensive to the most vulnerable group as possible.

1.1.2 Overview of the main types of disaster risks faced in Uganda

Uganda is regularly affected by multiple natural hazards, including droughts, earthquakes, floods, epidemics, landslides, and volcanoes. Flooding, particularly in low-lying areas, presents the largest risk. Each year, floods impact nearly 50,000 people and over $62 million in gross domestic product. Droughts affected close to 2.4 million people between 2004 and

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1 Case Study for the Child Protection Emergencies Integrated Programme for Refugees in Uganda 2016
2 IFRC & UNDP, (2014): Effective law and regulation for disaster risk reduction: a multi country report - Summary, New York

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2013, and drought conditions in 2010 and 2011 caused an estimated loss and damage value of $1.2 billion, equivalent to 7.5 percent of Uganda's 2010 gross domestic product. Environmental degradation, underdeveloped irrigation systems, and near-absence of disaster preparedness at the community level are contributing factors to increasing drought risk in Uganda. Climate change is likely to increase average temperatures in Uganda up to 1.5 degrees Centigrade by 2030 and 4.3 degrees Centigrade by 2080. Rainfall variability and rising temperatures are expected to lead to higher incidences of droughts and water scarcity. In addition to this, Uganda is also prone to a series of man-influenced disaster risks including fire outbreaks, road traffic crashes, armed conflict. Uganda hosts an estimated 1.2 Million refugees of which 60% are children.[3]

Uganda's child protection in terms of main child protection concerns and statistics is not properly documented. Save the Children estimated[4] that in June 2017 that more than 900,000 refugee children from South Sudan could be shut out of education over the next three years. Currently, Uganda government has started a relocation of highest at risk survivors of 2018 Bududa landslide with 10 households of 60 people moved to Bunambutye in Bulambuli District as of May 20th 2019. The Ugandan government, through the Office of the Prime Minister, has built new homes characterized by a two-bedroom house on an acre of land, with another two acres for agriculture.

The government has taken steps to advance disaster risk management (DRM) and climate resilience. Uganda's economic development framework has identified disaster management as one of the enabling sectors to achieve sustainable development. The Ministry of Disaster Preparedness and Refugees in the Office of the Prime Minister facilitates collaboration among ministries, local governments, and communities for disaster preparedness and management.

In 2008, the Climate Change Department within the Ministry of Water and Environment was established to strengthen Uganda's implementation of the United Nations Framework Convention on Climate Change and the Kyoto Protocol. It coordinates national climate change actions in different sectors and monitors the implementation of mitigation and adaptation activities. In addition, in 2015, Uganda implemented the Sendai Framework for Disaster Risk Reduction and established a national resilience committee.

To further advance its DRM agenda, Uganda's national priorities include:

- Increasing the understanding of natural hazard and climate change risk;
- Enhancing the country's capacity to minimize the effects of disasters; and,
- Integrating disaster preparedness and management into the development processes.

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3 https://www.gfdrr.org/en/uganda
4 Report on Horror and hope: 2017 for millions of children hit by conflicts and disasters

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Integrating disaster preparedness and management into the development processes

Drought	Flood	Earthquake	Hailstorm
Electric Storm	Landslide	Fire	Landslide
Fire	Storm	Flood	Storm
	Other		Other
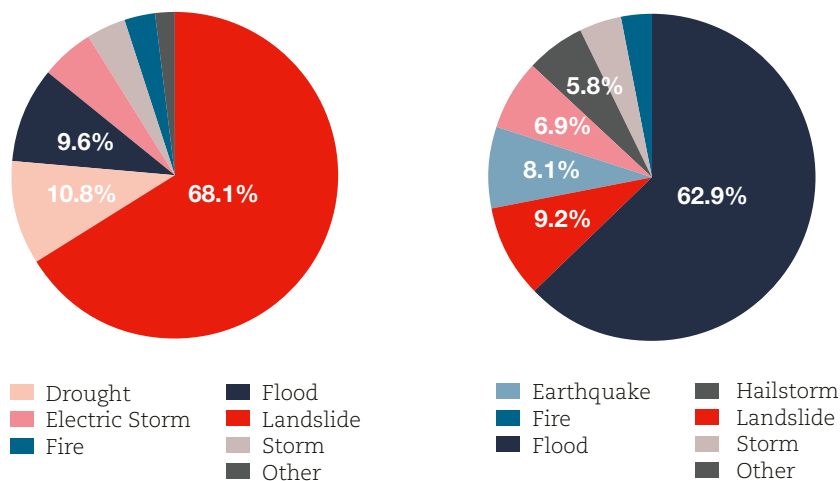
From L-R Showing Nationally reported losses 1990–2014 for disaster mortality and combined economic losses.[5]

1.1 Research Questions

The case study focused on several areas, which also provide the structure of the report.

1. To what degree are child protection issues incorporated in the national disaster risk management acts and policies?
2. To what degree do national system(s) for child protection in normal/non-disaster times have in place including disaster contingency measures.
3. What are the existing mandates for coordination with disaster risk management institutions or agencies?
4. How effective are the legal / policy provisions relating to the above issues in practice?
5. How can the existing legal and policy framework be strengthened to better address gender-responsive child protection in terms of prevention of separation, access to education, and child participation?

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5   Basic Country Statistics and Indicators (2014) Last accessed on 4th June 2019 at https://www.preventionweb.net/countries/uga/data/

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1.2   Ethical considerations

Focus groups discussions with children, mainly adolescents (12–17 years) were orga-
nized to understand the perspectives directly from children. This followed the IFRC Child
Protection Policy, Communications Guidelines for working with children and having their
permission and ethical standards. Human Rights subjects were engaged following core
research ethical principles, core humanitarian standards (CHS) and Uganda Red Cross
Society core values. As part of reducing the carbon footprint, the research team walked
more than driving to reach to the community groups. Where child respondents were
involved, designated adults/parents consented on their behalf. The consent form outlined
what the research was about, why they were getting interviewed, where and how long the
Focus Group Discussions would take place, the safety systems in place and that children
had a choice to participate; The participants and their local community leaders were
informed clearly about what the case study was about and how the findings would be used.

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CHAPTER 2 METHODOLOGY AND ANALYSIS APPROACH

The process was characterized by a 2 day orientation organized between the core study team (Disaster Law Legal Advisor, Manager Community Resilience, Psychosocial Support officer and the research assistants). The orientation enabled the Research Assistants understand the case study purpose and it was during this that the Key Informant Interview Guides, Focus Group Discussion guides and team composition, programs for the study were developed. Child Protection Policy (adapted from IFRC) was issued to the Research Assistants to read, appreciate and assign to. Ethical Guidelines for research with children were equally issued as guidance tool for the RAs and was applied during the study.

The case study focused on two systems of law and policy that can support better outcomes for child protection:

The national system(s) for child protection in normal/non-disaster times, which generally included criminal laws, police and courts, health and psychosocial support services, and may include special laws or support systems such as national strategies on prevention of violence against children. The analysis includes the questions of whether these systems have in place disaster contingency measures, or any mandates for coordination with disaster risk management institutions or agencies, and stakeholder perceptions on their effectiveness during disasters.

The national system for disaster risk management/civil protection, including any specific mandates on prevention of child separation, access to education, or child participation in disasters. The analysis included the question of legal or policy mandates for coordination and stakeholder perceptions on how effective these frameworks are in achieving child protection in disaster operations. The case study aimed to provide information and recommendations useful for the Government, the National Society and other humanitarian actors on good practices and challenges in ensuring child protection in disaster operations and disaster risk reduction services.

2.1   Data Collection methodologies

Data was collected following desktop research, Focus Group Discussions and Key Informant Interviews with relevant stakeholders.

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The research team used the already designed tools to obtain data from field. These included the:

- Key informant interview questionnaire which mainly targeted key people in society such as district officials, mayor, local councils, head teachers, respondents from NGOs, INGOs.
- Focus group discussion-guide with guided questions for children
- Focus group discussion with guided questions for adult respondents

2.2   Study areas

The study took place in Bukalasi and Bulucheke sub counties respectively, in Bududa district. These places were identified because they were the most affected with the natural calamities that included; mudslides, landslides among others.

In Isingiro, data was collected from Nakivaale Refugee Settlement: - to capture wide views of Child Refugees from different countries. Nakivaale, one of the oldest refugee settlements in Uganda[6], was opened in 1958 and officially established as a settlement in 1960. The settlement hosts more than 100,000 refugees from Burundi, the Democratic Republic of Congo, Eritrea, Ethiopia, Rwanda, Somalia, Sudan, and South Sudan. During the Burundian crisis in 2015, the population of the settlement greatly increased and has since remained this high. Markets are bustling and food is available for purchase, but many refugees struggle to afford basic items.

In Arua, the study took place in Imvepi refugee settlement, a host to 57,000 refugees but was specifically conducted in zone 2 which is among the three zones in Imvepi refugee settlement. Zone 2 accommodates the highest number of refugees and therefore provided a representative sample of the study respondents.

In Kisoro, the study took place at around Nyakabande refugee transit centre where data was collected from key informants. Nyakabade refugee transit center for refugees/asylum seekers from neighboring countries of Democratic Republic of Congo, Burundi and Rwanda. The center also holds the highest number of unaccompanied minors before they are re-settled to appropriate refugee settlements.

In Entebbe, the study team collected data from fishing communities of Nakiwogo, Kabale and Kasenyi. The study areas represented views from the fishing communities, sand-mining and child related protection and health concerns in urban contexts.

In Kikuube district (curved out of Hoima district), the study took place in Kyangwali Refugee Settlement and Sebagoro Reception Centre. Located in Western Uganda near the border with the Democratic Republic of Congo, Kyangwali settlement is home to more than 83,000 refugees[7]. Due to its geographical location, Congolese refugees form

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6   Uganda Refugee Response Monitoring Settlement Fact Sheet: Nakivaale (June 2018). https://reliefweb.int/report/uganda/uganda-refugee-response-monitoring-settlement-fact-sheet-nakivale-june-2018

7   Uganda Refugee Response Monitoring Settlement Fact Sheet: Kyangwali (July 2018). https://reliefweb.int/report/uganda/uganda-refugee-response-monitoring-settlement-fact-sheet-kyangwali-july-2018
Last accessed 6th June 2019

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the majority of the population but there are also Rwandese, Burundians, South Sudanese, Somalis, and has accommodated Kenyans. In response to the influx of Congolese refugees entering the country since December 2018, Kyangwali has been receiving new arrivals, which has resulted in a significant increase in its population. Despite effort from human- itarian agencies to provide necessary services, people still face a number of challenges ranging from access to health care, protection, education, and livelihoods among others.

A Map of Uganda showing study Areas

Arua
· Imvepi refugee settlement

Bududa
•District offices
•Bukalasi sub-county
•Bulucheke sub-county

Kikuube/ Hoima
· Kyangwari refugee settlement
· Sabagolo Reception centre

Kampala
· UNICEF head office
· URCS head office
· MoGLSD Kampala

Kisoro
•Nyakabande reception Centre

Isingiro
•Nakivale Refugee settlement

Entebbe
· Nakiwogo landing site
· Kabaale village
· Kasenyi fishing community
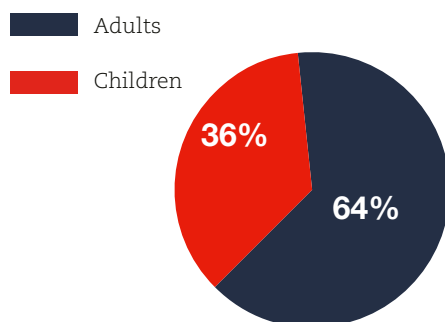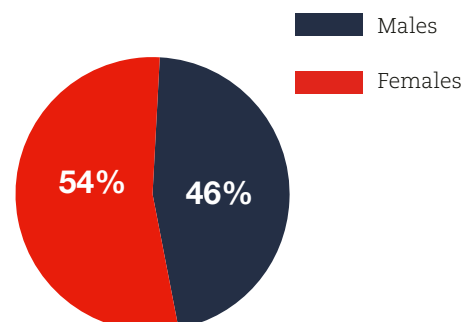
Target population and study sample

A total of 622 respondents were reached out to of which 36% were children and 64% were adults. 54% were females and 46% were males.

Distribution of study participants

- Adults
- Children

36%

64%

Respondents by sex

- Males
- Females

54%

46%

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CHAPTER 3 LITERATURE REVIEW OF CHILD PROTECTION IN DISASTER RISK MANAGEMENT

3.1 Law, policy and institutions on child protection in normal times

Uganda has a sturdy framework of legal and institutional structures that are intended to protect and promote children rights, in addition to the various International & Regional laws that aim at protecting children to which Uganda is a signatory such as the Convention on the Rights of the Child (CRC) and its additional protocols, African Charter on the Rights and Welfare of the Child, the Universal Declaration of Human Rights(UDHR), Convention of the Rights relating to the status of Refugees, the International Covenant on Economic, Social and Cultural Rights(ICESCR), and the International Covenant on Civil and Political Rights (ICCPR) among others.

Table 1: Status of Uganda's ratification of key international and regional child rights instruments[8]

INSTRUMENT	STATUS	DATE RATIFIED
Convention on the Rights of the Child (CRC, 1989)	Ratified	16.09.1990
Convention on the Elimination of All Forms of	Ratified	22.07.1985
Discrimination against Women (CEDAW, 1979)		
Optional CRC Protocol on Sale of Children, Child	Ratified	30.11.01
Prostitution and Child Pornography		
Optional CRC Protocol on Involvement of Children in Armed Conflict	Ratified	06.05.02
Optional Protocol to CEDAW (1999)	Signed	06.10.99
Hague Convention on Protection of Children and	Non-Party	
Inter-country Adoption		
Hague Convention on Civil Aspects of International Child Abduction	Non-Party	

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8 https://bettercarenetwork.org/sites/default/files/CP%20Systems%20Mapping%20Report%20%20
Printed%20Version248.pdf

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INSTRUMENT	STATUS	DATE RATIFIED
Convention on the Rights of Persons with **Disabilities** (2007)	Ratified	25.09.08
Minimum Age Convention (ILO Convention #138, 1973)	Ratified	25.03.03
Worst Forms of Child Labor Convention (ILO #182, 1999)	Ratified	21.06.01
(Palermo) Protocol to Prevent, Suppress and	Non-Party	
Punish Trafficking in Persons, Especially Women and Children (2000)		
Rome Statute of the International Criminal Court	Ratified	14.06.07
Convention Relating to the Status of Refugees(1951)	Acceded	27.09.76
Protocol to the Convention Relating to the Status of Refugees (1967)	Acceded	27.09.76
African Charter on Human and People's Rights(1981)	Ratified	10.05.86
African Charter on the Rights and Welfare of the Child (1990)	Ratified	17.08.94

Uganda has domesticated most of her international child rights commitments through the enactment of various laws relating to the protection of the rights of children.

Table 2: The key National Legal instruments for child protection in Uganda[9]

LEGISLATION	CHILD PROTECTION ISSUE COVERED
The Constitution of Republic Uganda, 1995	Provides for children's rights to basic education and health, parental responsibilities, protection from exploitation, rights of child offenders, and protection of Orphans and other vulnerable children
The Children's Act - Cap 59	Provides for the rights of the child, roles of local authorities, procedures for dealing with children in conflict with the law, care and protection of children including alternative care arrangements (foster care placements, adoption and institutional care).
The Penal Code Act – Cap 120 (as amended)	Defines criminal violations including violations against children and provides for sanctions. Amendments provide for the charge of child-to- child sex.
Prevention of Trafficking in Persons Act (2009)	Child sexual exploitation, child sacrifice, child labour, child abduction.
The Prohibition of Female Genital Mutilation Act (2010)	Criminalizes FGM/C and provides sanctions for persons who carry out FGM/C on another, persons who self-mutilate, and persons who aid/abet FGM/C and those who participate in the actions/activities related to FGM/C.

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9   https://bettercarenetwork.org/sites/default/files/CP%20Systems%20Mapping%20Report%20%20 Printed%20Version248.pdf

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LEGISLATION	CHILD PROTECTION ISSUE COVERED
International Criminal Court Act(2010)	Prohibits forceful recruitment and abuse(especially sexual abuse) of children during armed conflicts.
The Domestic Violence Act 2010	Physical, sexual and psychological abuse occurring within households
The Uganda People's Defense Forces Act (CAP 307) 1992	Protection of children from conscription into the UPDF
The Registration of Persons Act , 2015	Registration of all births and deaths.
The Uganda Registration Services Bureau (URSB) Act (Cap.210)	Establishes an institutional mechanism for registration of civil records including births, deaths and marriages.
The Local Government, Act (Cap243) 1997	Outlines the roles of local authorities including in the protection of the rights of children.
The Employment Act 2006;	Prohibits exploitative employment of children and regulates employment of children.
Occupational Safety and Health Act (OSHA) (2006).	
The Labour Dispute and Settlement Act (LDSA) (2006).	Regulates conditions of employment including for children
The Education Act (2008).	Provides for the rights of children to education.
The Persons with Disability Act (PWD) 2006	Provides for the right to quality education, health, and rehabilitation services and prohibits discrimination against PWD including children.
The Refugee Act (2006).	Provides for the rights of refugee children to elementary education and entitles them to the same rights as all other Ugandan children as provided for in the Children's Act and other international child rights instruments.
The Amnesty Act (CAP 294).	Provides amnesty to persons participating in hostilities towards the government including for children and provides for the rehabilitation and re-integration of children associated with armed groups.

In addition to these legislations, there are several key policies and national action plans that guide child protection interventions and responses, among them: the National Orphans and Vulnerable Children (OVC) Policy (2004) with its attendant National Strategic Program Plan of Interventions (NSPPI), which is in its second phase (2011/12–2015/16), the first phase having been implemented between 2005/6–2009/10; and the Child Labour Policy (2004) with its attendant National Plan of Action on Child Labour (NPACL) (June 2012). There are also a number of action plans that remain in draft such as the National Action Plan on Child Sexual Abuse and Exploitation (NAPCSAE), the National Action Plan against Child Sacrifice (NAPACS) and the National Framework for the Provision of Alternative Care to Children (NFPACC).

The existence of these laws and policies however does not necessarily mean that children, especially those at risk are being fully protected, owing to the inadequacy in the dissemination, implementation, and enforcement of the same. Every child is vulnerable to abuse and neglect, which vulnerability becomes extreme during disasters and conflict. Conflict and disasters (natural and man-made) continue to undermine and disrupt the provision of education, general welfare and wellbeing of children in Uganda in particular and the world in general. Disasters and conflict do not only lead to a disruption of their general wellbeing of children but also to things like disadvantaged recruitment into armed forces and armed groups, gender-based violence, unaccompanied fleeing children, psychosocial disturbances among others. At 51%, children comprise over a half of Uganda total population of 34,600,000 people and a population growth rate of 3.2%in Uganda.

As of March 2019, there are over 1.2 million refugees and asylum seekers from South Sudan, Burundi, Somalia, the Democratic Republic of Congo (DRC), Rwanda, Eritrea, Ethiopia and other closely neighboring countries in Uganda. Out of these 1.2 Million, it is estimated that 61 percent are children. In addition to this, at least 7,368 children are registered as unaccompanied or separated from their families receiving alternative care services according to UNICEF.

Having ratified and domesticated most of the key international child protection instruments through the enactment of several child protection laws and policies, the major challenges are related to the inadequate implementation of laws and policies for child protection. This has perpetuated continuing abuse of children in spite of the existing legal and policy framework.

The Ministry of Gender, Labour and Social Development is the nodal institution for child protection in the country. In as much as the child protection mandate rests with the Department of Youth and Children Affairs, it is also spread across other departments, notably that of Gender and Women Affairs, Culture and Family Affairs and of Labour and Industrial Relations. Beyond the Ministry, the mandate for child protection is shared with the Ministry of Internal Affairs, Ministry of Justice and Constitutional Affairs, Ministry of Education and Sports and Ministry of Health. At the district level, the mandate for child protection is with the Community Based Services Department. The array of Departments and Ministries involved in child protection indicate a need for coordination if effective child protection services are to be delivered. Unfortunately, despite the numerous coordination mechanisms in place, some of which are cross-sectoral in nature, current coordination efforts are not delivering concrete outcomes for children. Additionally, human resource and logistical challenges constrain the ability of key institutions, both at the national and district level, to play their statutory responsibilities.[10]

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10   THE STATUS OF THE CHILD PROTECTION SYSTEM IN UGANDA, A UNICEF Report https://better-carenetwork.org/sites/default/files/CP%20Systems%20Mapping%20Report%20%20Printed%20Version248.pdf

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3.2   The climate and disaster risk management system

Uganda's vision to become a middle-income country by 2040 remains highly contingent on Government's ability to safeguard children's rights in the face of mounting global and regional challenges such as climate-related hazards and urbanization. Despite the enormous progress Uganda has made in reducing poverty and safeguarding children's rights, these challenges threaten to undermine Uganda's national potential and trap millions of children in poverty. Climate change, environmental degradation and urbanization are increasingly responsible for creating new risks and putting pressure on poverty reduction efforts while fostering and deepening socio-economic inequities.

Climate change and urbanization have been identified as major challenges that will have an increasingly significant impact on the well-being of children in coming decades, particularly on the poorest and most vulnerable children[11] (UNICEF 2016). This is nowhere more so than in Uganda, which is already affected by frequent droughts and where the rate of urbanization is high. Investing in its young population will enable Uganda to reap unprecedented economic benefits.

The government has gaps in updating and consolidating child protection laws in one comprehensive Act. The amended Children Act existing is detailed but does not cater for all the different aspects involved in child protection in disaster risk management. Ongoing Legal reforms (Climate change law, Disaster Risk Management Law, Wetlands Management Law, Minimum Wage Law) should be directed towards bringing the scattered child protection provisions (in the various legal instruments) into a consolidated child protection code whose implementation can be more effectively coordinated and monitored. This includes updating the laws to provide appropriate sanctions for all child rights violations and strengthening provisions that guarantee child friendly processes for child victims and witnesses.

Laws are written in English and comprehensive legal language which most people may not be able to understand, worse still, most people are even ignorant of the existence of certain laws. It is imperative therefore, to develop and make available simplified versions of the key child protection laws and policies in languages that the various child protection actors especially those dealing with children in disaster management and children at risk such that the children and their caregivers can clearly understand.

The policy on disaster risk management elucidates the need to educate children on the causes and effects of these disasters, how they can help in combatting the occurrence of these disasters and their effects when they happen. Further, the policy also recognizes the capacity of children as information carriers who can help educate and create awareness in their communities. By empowering these children, the government and stakeholders involved will create awareness of children's rights and allow them to participate in matters that affect their communities. Child participation therefore should be a key element in legislation on child protection.

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11   Emerging Global Challenges, Climate-related hazards & urbanisation: Protecting Uganda's Children. A UNICEF Report https://www.unicef.org/.../Climate%20changeand%20urbanisation-FINALMAIL

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The local community elders most times have more informed experiences in how to cope during disasters for example in areas where natural disasters are recurrent. In order to enhance the protective environment for children, government and child protection actors must scale up efforts that promote community dialogue on major child protection issues during disaster management such as failure to access school from the effects of disasters. This way the local community is directly involved in coming up with more suitable and localized mechanisms to ensure that their children are well protected during times of emergency. Capacities of social workers, immigration and border control officers, NGOs, probation officers and other groups of caregivers should be built to boost child protection during disaster risk management.

There are very many structures and institutions involved in various but similar aspects of child protection. This duplication hinders the process of implementation of these laws. There is need therefore to address the scattered and disconnected nature of child protection services at all levels and ensure children's access to child protection services through creating and operationalizing a child protection management system and ensure that this central system provides the best care for children involved in disaster risk management. This will also level the ground for different key actors in child protection during disaster management for a proper system of financial accountability to ensure efficiency and proper utilization of funds. This system could help determine which most pressing aspects of child protection require immediate priority and attention. It should be led by the government structures with child representation and other national child protection actors.

3.3   Child protection in the Disaster Risk Reduction system

Though the country has put in commendable effort to put in place child protection laws and systems, their existence does not directly translate to an effective child protection system and/or environment. There is still a wide gap between the existence of a robust and far reaching legal and policy framework and the actual protection of children be it in disaster or normal times.

The Children Act attempts to codify provisions of child protection, but a number of other important Legal Provisions covering child protection aspects are spread and scattered across various sectoral laws, which hinders the effective understanding, comprehension, harmonization and implementation of the laws and policies covering child protection in disaster risk management.

The issue of risk reduction lessons has been in the spotlight for several years in Uganda. In 2015, the Office of the Prime Minister, Disaster Management Department and United Nations Development Programme released a report entitled 'Integrating Disaster Risk Reduction into Primary Education in Uganda'. And in 2012, UNISDR partnered with the Ministry of Education, National Curriculum Development Centre and Dan Church Aid to support curriculum development for lower secondary pupils, aged 13–17.

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Uganda's National Policy for Disaster Preparedness and Management emphasizes the role of disaster risk reduction in education although structural changes have not been made across the country to provide lightening and related safety equipment especially in school settings.

The National Policy for Disaster Preparedness & Management[12] advocates for child participation through educating them about their rights and what they can do to help in disaster risk management. The policy protects children exposed to Mines and Unexploded Ordinances (UXOs) so that they do explode anytime upon detonation by innocent children or adults who come in contact with them unconsciously. The ministry of education is mandated to play a key role:

Hazards and disasters can affect children while at school or on their way to or from school. The Ministry of Education must ensure school buildings are built strong enough to withstand all hazards that affect the location.

The Ministry is urged to mainstream disaster risk management to the education curriculum at all levels. This will enable the children to grow up while knowing the risks and hazards in their society and how to avoid or manage them. Pupils and students are also good educators of the communities when once equipped with the knowledge at school. It is however evident that most laws and policies do not recognize the importance of incorporating participation of children in the mechanisms of child protection. This can be related to most cultural and traditional values that do not recognize the need to listen to children before making decisions that affect them.

"The biggest challenge for us as children is that we're kept like kids to be cared for. No one asks us what we want or what we can do even for our fellow kids."

*Respondent,
Child Focus Group Discussion*

System can be viewed from three levels: national, district and community level. National level mandate shared across five Ministries (including their associated semiautonomous entities) – Ministry of Gender, Labour & Social Development Coordinating delivery of child protection services including standard setting -Ministry of Justice & Constitutional Affairs: Ensuring children's access to justice, birth registration, review and enactment of laws. -Ministry of Education & Sports Provision of education services, and has the highest level of direct contact with children. Child protection incorporated in implementation of Minimum Basic Educational Standards and Safe School Programmes -Ministry of Internal Affairs Uganda police, immigration, NGO Board. Lead role in addressing issues of crime and violence against children and especially in efforts geared at fighting human trafficking. The Ministry also handles children in conflict with the law. — Ministry of Health: offering health services to children including recovery and rehabilitation services to children who experience grievous bodily harm.

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12 National DM Policy: file:///C:/Brian/2019/Juin/1.%20National%20Policy%20for%20Disaster%20Pre-paredness%20&%20Management.pdf

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CHAPTER 4 FINDINGS AND RECOMMENDATIONS

4.1   Overview of findings

Major feedback was received from the police, community members, acadaemia, government bodies and NGOs from local and national level.

Special attention was given to understand the views of children including child respondents who were living with a disability.

Showing child respondent characteristics
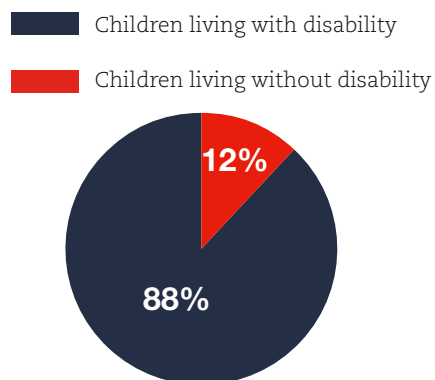
Showing characteristics of respondents

■ Children living with disability
■ Children living without disability

12%

88%
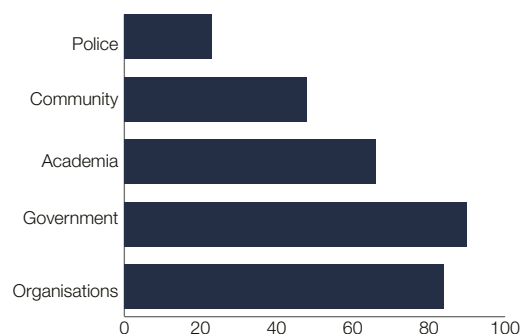
Note: *Organizations included CSO, the UN bodies, Humanitarian and development organisations including INGOs. Academia covered child respondents who identified themselves attached to a school, teachers and education personnel.*

Many respondents (61.5%) were aware of policies and bye laws in the community to protect children during disasters compared to 38.5% who responded not to know. Of those who responded to know the policies, 86.8% couldn't mention correctly 3 references for child protection and rights in disaster risk management. 72.7% of the respondents knew that existing policies assign a special role to children to contribute in the realm of disaster risk management compared to the 22.3%.

In analysing the effectiveness of existing child focussed DRM policies, special consideration was made to cover child

> "We do hear about these policies, but we have not internalized them. I wonder if they exist in practice."
>
> *Key informant 21, NGO*

participation, child education and child seperation. In general, the study showed that existing policies are not effective in promoting child participantion and child education. More than half of respondents said that policies around child seperation were not effective either.

Showing effectiveness of child-focussed DRM polcies
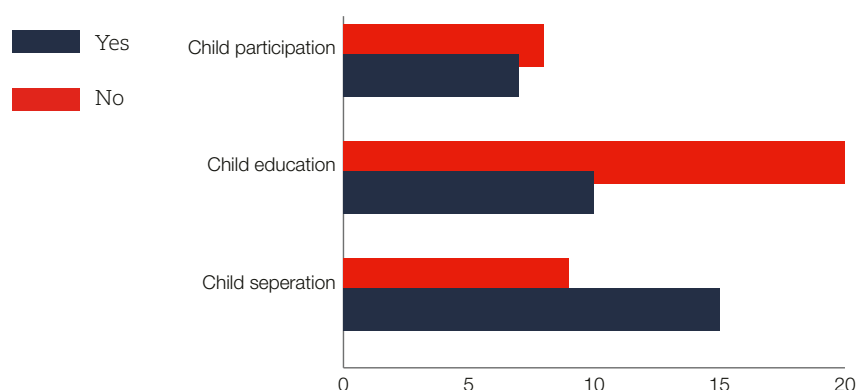
Lack of awareness about legal policies, byelaws and frameworks in disaster risk management formed a core part of the challenges towards child protection in this field. This could perhaps have led to inadequate parental involvement and consequently fuelled child labour.

In the different Focused Group Discussions, it was noted that adults' priorities were/are mainly keeping their families safe and providing basic essentials such as security, food and how to earn a little income that would sustain the family. In doing that however, children are often times exposed to child labor, which most adults often mistake to be teaching their children how to grow up responsible.

The children's, priorities were playing, eating and education. Whereas children prefer to go to school, their parents prefer them staying home and work to earn a little extra income to supplement sustainability, but also some parents have a mindset that letting children out of sight say to go to school amounted to separation and which they were not comfortable with and hence preferred just having their children with them.

- Most Village local leaders were not well conversant with child protection rights and policies.
- Children were often neglected in decision making.
- Child protection frameworks were in place but had no sufficient funding to implement them.
- Girls are more vulnerable and affected more than boys in times of disaster. Children living with disabilities are worst hit because actors don't have adequate skills and knowledge (language) to work with them.

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In one of the refugee settlements, adult interviewees were more interested in discussing the general wellbeing and conditions of living in the settlement camps than the problems affecting their children. The children in that settlement were more forthcoming and seemed more knowledgeable about the issues touching the research interests.

When it came to gender priorities, it was noted that a number of young girls who would prefer continuing with their education, parents preferred them getting married to on the one hand bring wealth in terms of bride price; and on the other hand, to ease the burden of parental child support. The boys who preferred to continue with education are instead forced by parents to do menial work to earn and support their parents and younger siblings.

Top challenges related to child protection

Child labour	
Less awareness about child rights	
Funding	
Inadequate parental engagement	
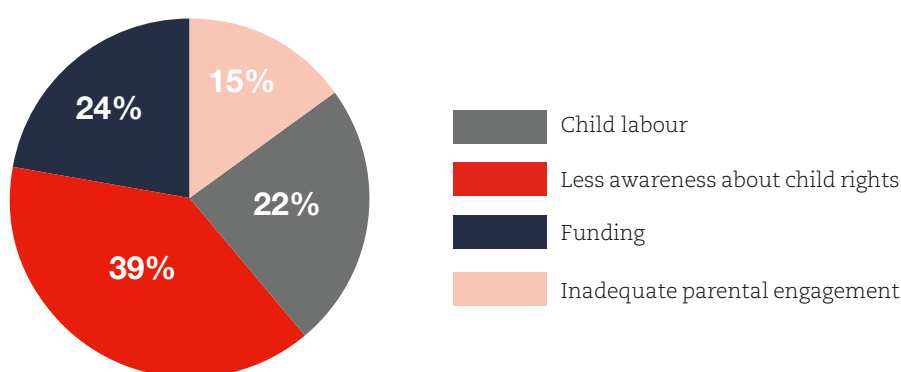
4.2 Key actors at national and local level and their roles in child protection

At the National level, the following structures were identified;

- **The National OVC Steering Committee (NOSC)**
The Ugandan Government, through MGLSD, is mandated to promote the social protection of poor and vulnerable children. It informs programmes and legal and administrative actions that affect the safety, well-being and development of orphans, vulnerable children and their care-givers.

- **The National Council for Children**
Formulate a policy on planning, financing and coordination of child welfare activities and advise the government. Coordinate public education programmes on the welfare of the children. Approve or disapprove child welfare programs proposed by clan table organizations.

- **The National Steering Committee for Child labour**
A National Steering Committee to provide guidance and policy coordination; Ratification of ILO Conventions 138 and 182; Institutional capacity building in participating organizations. Awareness raising in the public about child labour issues.

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- **The Anti- Trafficking Task Force**

To combat human trafficking, BJA develops training for law enforcement and communities to identify trafficking in persons and funds task forces to investigate and prosecute all forms of human trafficking based on a sound strategy of collaboration among state and local enforcement, trafficking victim service providers.

- **The Justice, Law and Order (JLOS) Secretariat/The Justice for Children Steering Committee (Under JLOS)**

To deliver the JLOS SIP III results is the total personnel in the 16 institutions of JLOS alongside their partners and stakeholders. The Secretariat will require enhanced systems for human, physical and information resource management to undertake its roles.

- **National Child Protection Working Group (NCPWG)**

The group brings together NGOs, UN agencies, academics and others under the shared objective of ensuring more predictable, accountable and effective child protection responses in emergencies. In the humanitarian system, the CPWG constitutes an "area of responsibility" within the Global Protection Cluster

At the District Level, the following Structures were identified:

- The District OVC Coordination Committee (DOVCC)
- The District Child Protection Working Group (DCPWG)
- The District Chain-linked Coordination Committees (DCCs)
- The Sub Country OVC Committees (SOVCCs)

There seemed to be too many coordination structures at both national and district levels with lack of a clear hierarch for effective coordination and decision making. Generally, there was inadequate multi-sectoral involvement with child protection actors seemingly inclined towards child education and advocacy. The present structures at district level only seemed to function occasionally as they lacked financial support and clear workplans.

4.3   Good practices/models in the country

- U-reporting: An innovation of UNICEF that uses mobile phones to send free, unanimous and safe messages over disaster/health or any other community concerns to leaders and other actors. It has worked as an early warning system and young people have used it to reach out to implementers for quality services, accountability and learning within a number of stakeholders, CSOs and Uganda Red Cross Society. Through this, PSS has integrated children concerns. The major challenge with this innovation was that it is limited to being a reporting tool only, has no universal toll free, short, telephone number and is not linked to the internet where photos and videos could be shared in real time regarding child protection.

- UNHCR popularized a Feedback Referral Resolution Mechanism supporting a communication system among refugees and other actors in a Sexual Exploitation and Abuse (SEA) Community-based Complaint Referral Mechanism referral.

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In this arrangement, the staff refer cases and get immediate feedback, track cases in the communities when humanitarian staff is far away, all community members are able to report. This inter-agency initiative was, at the time of this study, being popularized to garner support and engagement with the government at all levels.

- There was also presence of an Inter-agency coordination protection working group (at national and district levels):-a platform to agree on priority agenda and advocacy messages for child protection. There is representation from the Ministry of gender, labour and social development. There was however, a general plea for more government bodies to play a bigger role in the functioning of this system at the district levels with the appointed lead agencies.

- Community led child table talk shows. The shows encourage and challenge leaders to look at programme implementation from the lens of a child. There is need for this approach to scale up to other areas not particularly those hosting or proximal to armed conflict zones.

- Restoring Family Links and Tracing Programme: Led by the International Committee of the Red Cross, the RFL programme supports uniting unaccompanied minors, displaced persons with their families and loved ones, sometimes even across borders while in line with children and human rights.

- Keep a girl in school: Uganda Red Cross Society (URCS) in collaboration with the Ministry of Education and Sports on the 28th March launched a Country wide initiative dubbed "Keep A Girl in School" aimed at improving Menstrual Health Management among primary and secondary school going adolescent girls and young women. The event was hosted by Mackay Memorial College—Nateete, one of the model schools in Rubaga division, Kampala. The initiative under the theme; Empowered Girls, Empowered Mothers, Empowered Communities, is championed by the Uganda Red Cross goodwill ambassadors, who are Volunteers and friends of the Uganda Red Cross. They are passionate about the plight of the girlchild and societal well-being. While officiating at the campaign launch, the Minister of Education and Sports who is also first lady- Hon. Janet Kataha Museveni said the Ministry has implemented a number of interventions aimed at improving Menstrual Health Management among adolescent girls especially those in primary and secondary schools.

- Y-adapt: Y-Adapt is a game that helps youth and children understand climate change and take practical action to adapt to changing environments in their communities. These actions are local interventions that reduce the impacts of extreme weather events. These can be rapid-onset events such as heavy rain leading to flooding, or slow-onset events such as extreme heat and drought.

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"I would consider a platform that brings together all the Respondents for annual planning, and reporting at the national level and field level as an innovative good practice."

Key interview respondent, NGO

The Uganda Red Cross Society (URCS) earlier this year became the first National Society in Africa to roll out the *Y-Adapt* climate-adaptation curriculum at a week-long training of trainers for 30 young people at its Kampala headquarters. It comprises of seven sessions ranging from an introduction to Y-Adapt, comparing *weather* and *climate*, critical thinking on mapping extreme-weather impacts, brainstorming to identify and prioritize resources in specific communities, and creating action plans for climate change adaptation. Y-adapt highlights the differences in exposure and adaptation for children in disaster risk management: —key considerations for child protection actors.

4.4   Gaps and Challenges

- Most child protection actors are not well informed about the laws and policies protecting children in DRM.

- There are serious challenges of discriminatory accessibility (environment, information) for people living with disabilities. DRM actors working with children living with disabilities are not trained to communicate, empathise and or handle their special needs.

- There is lack of coordination between the key players in child protection during disaster risk management. This lack of coordination between government agencies themselves and also between the other players such as NGOs and rescue groups impairs the ability to develop planned and organized network for child protection during emergencies.

- Children at the Nyakabande transit center like all the other transit centers in the country are only offered elementary education due to the policies of the center where refugees are only allowed to stay for only 48hrs until transported to the settlement.

- During the times when the number of refugees coming in is very high, the influx translates into a shortage of the social amenities and services available which leaves Children at the transit center face challenges of inadequate basic needs such as food, shelter and clothing and dignity kits; exposing these children to high risks of diseases such as pneumonia and a wide range of nutrition related illnesses.

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- Child protection frameworks that should ideally apply in disaster risk management are in place but their implementation is sometimes marred by shortage of funds and apparatus necessary to execute the protection of children during disasters, where funds that have been earmarked for a project run out, it takes long to get more funds thus constraining the whole system.

- Children living with disabilities face challenges such as discrimination and are more negatively affected by the living conditions at the transit and refugee settlements since they require special care and attention compared to other children at the centers.

- Girls are more vulnerable and affected more than boys in times of disaster especially being prone to early marriages and child labor. The discrepancies in the education systems discourage girls from keeping in school to avoid the shaming and bullying that comes with being an older girl in a class of much younger students, this coupled with other factors such as lack of sanitary materials to use during menstruation forces girls to drop out of school in favor of getting married or going to do odd jobs to earn money.

- Cultural beliefs and customs are a major hindrance to child participation. This is so because in most African cultures, a child is not allowed to question the decision of an adult or elder and the opinion of children is always disregarded. This kind of relationship discourages child participation in any matter even those pertaining to the welfare of the child him/herself.

- There is a huge discrepancy in the education systems from which refugee children originate and that of the host country, Uganda. This makes it difficult for the children who have been to studying to study in English and as an outcome, some of these children are forced to go back a number of years in the education system which in most cases makes them lose interest in going to school.

- There's a challenge of over population at the transit centers where the maximum capacity is supposed to be 800 persons, however due to unavoidable circumstances several times, the number goes up to 2000 people hence constraining the budget and making living conditions poor.

- The child friendly space (CFS) are small compared to the available number of children engaged daily i.e. the average number of children that was engaged daily in April was approximately 314.

- The level of traumatic cases is high at the transit centers which leads to parents bartering children and sometimes neglect them.

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4.5   Recommendations (on operations, law and policy mandates and their implementation)

- Provide clear and strict child protection laws and policies in disaster risk management with implications for none compliance. Whereas there are laws, policies and frameworks, there is a need to put in place strict measures and penalties to ensure adherence to these laws and policies, for example, some of the punishments prescribed in law for child abuses such as child trafficking which are known to escalate during emergencies are light which in turn fails to deter potential child abusers.

- There is a need to include child protection elements into the new disaster legislation under development and assign clear roles and responsibilities to child protection actors during emergencies. This also calls for roles and responsibilities to be clarified for each actor at local level and assign funding and technical training to comply with their responsibilities.

- With regards to working with children with disabilities, deliberate actions to support children with disabilities in terms of accessibility should be put in place. This includes efforts to reach out and engage with their parents consequently providing awareness raising to parents on disability, family strengthening, support with food, medication, providing a parent-parent peer support structure and other support benefits.

- Encourage child awareness, participation and involvement in decision-making. This can be done through holding seminars and conferences, debates and child rights clubs in schools and communities and radio talk shows, among others, to educate children on the importance of their responsibilities, rights and contributions in their communities. Through avenues like child rights clubs and debates, the government and stakeholders involved will not only create awareness of children's rights and but also hear from and encourage them to participate in matters that affect them as children living in disaster prone communities.

- There is an urgent need to establish long term Case management systems since it is one of the major themes discussed at the inter-agency level. It is strongly linked to the National Child Protection policy being developed in the country and provide direct linkages with the national refugee policy. This is best exemplified by the Refugee registration issue where birth registration needs to be linked with National Identification and Registration Authority (NIRA) processes. This requires political and social will to channeling resources and operationalize this as the current high refugee numbers are not sufficiently reflected in government budgets.

- Promote financial discipline and accountability of funds. Key actors in child protection during disaster management should have a proper system of financial accountability to ensure efficiency and proper utilization of funds. This system can help determine which most pressing aspects of child protection require immediate priority and attention during emergency situations.

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- Increase on the number of trained child protection personnel and provide constant refresher trainings for child protection officers in the different sectors within the DRM systems. The government and the relevant stakeholders should for example routinely hold seminars and trainings for the people who are involved in disaster management to make child protection a cross cutting issue to be included in their mandate.

- Provide a unified mechanism for ensuring that the various child protection institutions are held accountable to their child protection mandates especially in DRM. There are too many structures and institutions involved in various but similar aspects of child protection. This duplication hinders the process of implementation of these laws. There is need therefore to address the scattered and disconnected nature of child protection services at all levels and ensure children's access to child protection services through creating and operationalizing service a universal child protection management system and ensure that this central system provides the best care for children involved in disaster risk management to ensure accountability and answerability in different sectors.

- Strengthen Community engagement for existing policies. In order to create an effective protection system for children during emergencies, government and child protection actors must scale up efforts that promote community dialogue on major child protection issues during disaster management such as failure to access school as a result of disasters and emergencies. This can be done through community outreach programs that bring together both adults and children to discuss child protection problems that might arise in their communities in case of emergencies and suitable solutions to these problems. This way the local community is directly involved in coming up with more suitable and localized mechanisms to ensure that their children are well protected during times of emergency.

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- Put in place a working alternative care system to cater for unaccompanied and separated children. Large numbers of children are rendered homeless as a result of disasters and there is no proper system in place to take care of these children until they are reunited with their families or allocated a more permanent home setting. The government and other stake holders should therefore seek to create a proper childcare system for children at risk within disaster risk management. This could be done by making it a national initiative promoted by the Government and humanitarian partners.

- Simplify and disseminate child protection laws and policies. It is imperative to develop and make available simplified versions of the key child protection laws and policies that are applicable in disaster response in languages that the various child protection actors and children are conversant with. This will help caregivers especially the local actors understand their obligations to children. Dissemination of laws and policies will supplement the community awareness and sensitization processes in place. Laws and policies should be translated into local languages. Major efforts should be geared towards development of a dissemination package for different audiences (children, community members, local actors, government representatives, etc). The current efforts to establish a Disaster Preparedness and Management Bill should include protection of children against Sexual Gender Based Violence.

- Incorporate disaster risk management education in elementary and high school curricula to build capacity of children on main risks and how to respond in the event of an emergency.

- More efforts should be focused at supporting effective children participation (is now a core pillar in the Children National Policy under development). The new policy must include a guideline document that determines the "how" to operationalize child participation especially in emergency contexts.

- Refugees children access to education is impeded by the missing academic documents fueled by the failure to find linkages and channels to communicate to schools in their country of origin. There is need to provide alternative educational/vocational education packages that could equate refugee academic qualifications to national credits. On the Government side, a strategy for equating degrees is there but it is hampered by the problem of language even when significant strides have been made to improve education standards with support from UNICEF.

- In conjunction with the education sector it is essential to put in place a standardized test to determine the grade to place refugee children when they arrive to Uganda.

4.6   Annex 1: List of interviews and consultations

- District Education officers
- District Community Development officers
- Probation officers
- Sub county chiefs
- Parish Chiefs
- Community Development Officers
- HIRJRA
- Office of the prime minister
- UNHCR
- Red cross staff and volunteers
- Save the children
- Windle Trust International
- District Disaster Management Committee (DDMC) in study areas
- Save the Children
- CAFOMI
- Friends of Kisoro (FROK)
- Medical Teams International (MTI)
- African Initiative for Relief and Development (AIRD)
- Compassion International
- Hope for Orphans and Vulnerable Children
- United Organization for Batwa Development in Uganda (UOBDU) and
- The Uganda Police
- War Child Canada

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