

Child-Friendly Legal Aid in Uganda



Child-Friendly Legal Aid in Uganda

Practical Strategies and
Support for
Stakeholders in Child
Justice

Researched and Drafted by the Legal
Aid Service Providers Network
(LASPNET)

Supported by the Canadian Bar
Association (CBA)

Funded by Global Affairs Canada (GAC)



THE CANADIAN
BAR ASSOCIATION
L'ASSOCIATION DU
BARREAU CANADIEN



Global Affairs
Canada

Affaires mondiales
Canada



Contents

Forward.....	5
Acknowledgements.....	6
Section 1 — About this Manual.....	7
Why is this Manual necessary in Uganda?	9
Who benefits from child-friendly justice?	1
Who are the stakeholders in the child-justice sector?	12
Section 2 — Principles of Child-friendly Justice	13
Best interests of the child principle	13
Right of the child to be heard and child participation.....	16
Non-discrimination principle	18
Right of the child to life, maximum survival and development	19
Privacy and confidentiality	20
Section 3 — Why is Working with Children Different?.....	22
Role of adults in children’s cases	22
Interviewing children	23
Children require a different environment than adults.....	24
Section 4 — Strategies for working with children.....	25
Consider the child’s psychology.....	25
Make yourself approachable	26
Be patient	28
Create a child-friendly environment.....	28
Allow for child participation	31
Understand a child’s background and social status.....	32
Section 5 — Children with Additional Vulnerabilities	34
Re-victimization through the legal system.....	35
Girl children and defilement.....	35
Section 6 — Networking and Referrals.....	37

Relationships between stakeholders.....	38
Integrated Information Management System (IIMS).....	38
Section 7 — Non-formal Approaches to Child Justice	40
Traditional justice practices	40
Diversion.....	41
Alternative dispute resolution	42
Appendix 1 — Methodology used to Develop the Manual.....	44
Appendix 2 — List of Interviewees	45
Appendix 3 — List of Stakeholders in the Validation Process	47
Appendix 4 — Guiding Questionnaire.....	50
Appendix 5 — Legal Framework	51
Ugandan legal framework.....	51
International legal framework	52
Regional legal framework	55
Appendix 6 — Key Sources.....	59
Key guidelines.....	59
Key secondary sources.....	60
Appendix 7 — Example of Child-Friendly IEC Material.....	61



Forward

The Legal Aid Service Providers Network (LASPNET) is a national membership-based NGO, established in 2004 to provide strategic linkages and a collaborative framework for Legal Aid Service Providers (LASPs) in Uganda. LASPNET works to maintain a common front to interface with actors in the Justice, Law and Order Sector. LASPNET’s mission is “to strengthen access to justice for all by utilizing the synergies of legal aid service providers.”



LASPNET developed the Child-Friendly Legal Aid Manual (the Manual) as part of the Supporting Access to Justice for Children in East Africa (SAJCEA) project, which is supported by the Canadian Bar Association and funded by Global Affairs Canada. LASPNET has been a member of the Uganda National Working Group (UNWG) of SAJCEA since its inception in 2012. The UNWG is composed of the following organizations and institutions: the Uganda Law Society, the Judiciary, the Uganda Law Council, the Director of Public Prosecution, the Justice Law and Order Sector Secretariat, the Legal Aid Service Providers Network, the Paralegal Advisory Service, and the Ministry of Gender, Labour and Social Development. The Manual meets two of SAJCEA’s core objectives: to increase awareness of the legal rights of children and to improve the quality of legal service provided to children.

This Manual is meant to serve the needs of stakeholders in Uganda’s child justice sector. In addition to LASPs, many other individuals work to provide services to children who are in conflict or in contact with the law. As Uganda does not have one, coherent legal aid system for children, it is our hope that this Manual will serve as a starting point in standardizing the approaches that stakeholders take while working with children.

Samuel Herbert Nsubuga
Chairperson, Board of Directors
Legal Aid Service Providers Network



Acknowledgements

The Legal Aid Service Providers Network (LASPNET) is grateful to the many stakeholders in Uganda's child justice sector who participated in this project. Over sixty stakeholders from a range of professions contributed their ideas and recommendations to help make this Child-Friendly Legal Aid Manual (the Manual) directly relevant to the Ugandan context. The information that they provided added invaluable local knowledge and views to this Manual. LASPNET is continually impressed by the dedication and commitment found within the legal aid community and, more broadly, amongst all practitioners working towards child justice.



LASPNET hopes that the Manual will benefit all stakeholders working in child justice, including Legal Aid Service Providers (LASPs), judicial officers, social workers, police officers, and others. While the Manual primarily targets legal professionals, it can be used by anyone working in the sector, including stakeholders in social services, health care, or public administration.

LASPNET would like to thank Anna Du Vent, a lawyer from Canada and a Legal Intern with the SAJCEA project. Ms. Du Vent led the development of the Manual during her internship with LASPNET from September 2015 to March 2016. LASPNET is grateful for Ms. Du Vent's efforts to help strengthen legal aid services for children in Uganda and would like to thank the Canadian Bar Association for its organizational and human resource support as well as Global Affairs Canada for its financial support.

We thank you for your efforts in serving the children of Uganda.

Sylvia Namubiru Mukasa
Executive Director
Legal Aid Service Providers Network



Section 1 — About this Manual

The Uganda National Working Group (UNWG) of the Supporting Access to Justice for Children in East Africa (SAJCEA) project supported the development of this Manual. It worked directly with the Legal Aid Service Providers Network (LASPNET), an institutional member of the UNWG. SAJCEA operates through stakeholder collaboration, institutional development and capacity building. LASPNET works to strengthen the individual and coordinated capacity of Legal Aid Service Providers (LASPs) to provide quality legal aid services to a wide range of clients.

To develop this Manual, LASPNET interviewed over sixty stakeholders working in child justice as well as children in contact with the law. Their input was invaluable to the Manual and is referred to extensively.

Children have unique vulnerabilities and needs resulting from their level of cognitive, emotional, and physical development, and their related dependency on their parents and community. In particular, children in conflict or in contact with the justice system have specific rights and face specific challenges. In Uganda, a “child” is defined in the *Constitution* and in *The Children Act* as a person below the age of 18 years.

A child’s capacity to fully understand a legal situation varies based on his or her age, language and cognitive ability, and family and community background. The complex interplay between the different adults in the justice system is not easily understood by children, who typically cannot access and adequately seek the advice of lawyers on their own. Yet, children are entitled to be seen as full legal persons and have their human rights protected and recognized. Thus, it is vitally important that lawyers, as well as other stakeholders working with children, are fully knowledgeable of and comfortable with both the legal and social dimensions of working with children.

This Manual provides lawyers and stakeholders with support and information to help them serve child clients by upholding their rights in a manner that appreciates their unique vulnerabilities and needs. You can use this Manual as a starting point and a quick reference tool when looking to clarify an idea or develop a strategy related to working with children. When combined with relevant legislation and policy, the Manual will help ensure that you develop a comprehensive strategy.

We hope that you find this guide from a community of your peers helpful.



Why is this Manual necessary in Uganda?

Children represent the largest section of Uganda's population and are one of its most vulnerable groups.

All children are vulnerable due to their levels of dependency and maturity, which put them at an increased risk of neglect, abuse, and exploitation in many locations, including in schools, their communities and homes, and the courts. However, child vulnerability is relative and some children, because of their surrounding circumstances, are more likely to be in risky situations.

As children are not often enabled to speak for themselves, human rights abuses can be perpetuated against them in the shadow of silence. It is, therefore, paramount that the principle of the Best Interests of the Child guides all stakeholders.

Children have a right to counsel. However, Uganda does not have a state-funded legal aid system designed for children, although there is a draft national legal aid policy.

Children charged with capital offenses are entitled, under Uganda's *Penal Code Act* and the *Children's Act*, to benefit from the government's State Brief system. Under this system, children can be represented by LASPs. Nonetheless, these services are limited and do not provide for a single, comprehensive system for child representation.

"There is a lack of responsibility from the duty bearers"

- Project Interviewee

Too often, children fall through the cracks of an over-burdened justice system that does not provide for their specific needs.

Many stakeholders are frustrated with how the Ugandan justice system responds to children's needs and rights. These stakeholders highlighted that, in Uganda, the "legal system

for children is almost non-existent," in particular because there is no state-funded legal aid system.

Children and Poverty:

- Children (or those under age 18) represent 59 percent of Uganda's population and 70 percent of its chronically poor population
- In Uganda, 55 percent of children under 5, and 38 percent of children age 6-17 live in poverty

Uganda Demographic and Health Survey (2011)



What is “child-friendly” justice?



Lawyers often have to define complex terms and phrases.

Phrases such as “**child-friendly justice**” and “**child-friendly legal aid**” present a challenge.

The clearest definition of “child-friendly justice” is in the Council of Europe’s *Guidelines on Child-friendly Justice* (2010).

These *Guidelines* attempt to describe the scope of child-friendly work, including the importance of considering children’s specific circumstances as well as due consideration of timely process and proceedings.

Guidelines on Child-friendly Justice (Council of Europe 2012)

“Child-friendly justice refers to justice systems which guarantee the respect and the effective implementation of all children's rights at the highest attainable level...giving due consideration to the child’s level of maturity and understanding and the circumstances of the case. It is, in particular, justice that is accessible, age appropriate, speedy, diligent, adapted to and focused on the needs and rights of the child, respecting the rights of the child including the rights to due process, to participate in and to understand the proceedings, to respect for private and family life and to integrity and dignity.”

The over 60 stakeholders from the Ugandan child justice sector, including lawyers, paralegals, police officers, and judges, interviewed in making the Manual struggled to provide a single, clear definition of “child-friendly”. Instead, they provided a range of components, practices, and factors. While their responses provide a starting-point for understanding what is meant by “child-friendly”, they may not help professionals consistently apply the necessary approach.



The term “child-friendly” can be defined in varying ways because of national and regional context as well as by individual lawyers in their own practices and experiences. While context is important, it is also important to consistently understand and apply key terminology. Some child-friendly approaches discussed by stakeholders include:

Child-friendly Approaches:

- Address the full range of needs, including legal and non-legal measures
- Apply social work skills
- Consider the best interests of the child principle in decision-making regarding the child
- Make use of court facilities and procedures that will enable the child to be heard

The legal community, including stakeholders working in social services and the government should develop strong professional regulations about how to effectively work with children to create standardized systems and expectations. Doing so can include developing organizational definitions, systems, and protocols that are shared with all staff and volunteers working with children.

Who benefits from child-friendly justice?

While **children** (those persons under age 18) are the primary beneficiaries of child-friendly practices and procedures, the benefits of their rights and entitlement to due process being upheld extends much further to their communities and nation.



Who are the stakeholders in the child-justice sector?

A wide range of stakeholders are involved in child justice. These include parents; extended family and community members; stakeholders who work to address children's immediate legal needs; and stakeholders who work with children before and after they have been involved in the justice system.

Key Stakeholders in the Child Justice Sector

In addition to children, key stakeholders include:

- Lawyers
 - Private practitioners
 - LASPs
 - Resident State Attorneys and Public Prosecutors
 - Judges and Magistrates
- Police officers
- Probation and Social Welfare Officers
- Social workers
- Paralegals, Para-social Workers, and Community Legal Volunteers
- Civil Servants and Government representatives
 - Ministry of Gender, Labour, and Social Development
 - Ministry of Justice and Constitutional Affairs
 - Local Councils (including the Secretary of Children's Affairs)
- Staff at CSOs developing relevant programmes and policy
- Health-care workers
 - Doctors
 - Nurses
 - Mental health care providers
 - Registered mid-wives
- Teachers
- Parents



Section 2 — Principles of Child-friendly Justice

The United Nation’s *Convention on the Rights of the Child* (the CRC) is the key international document on children’s rights. It sets out four overarching principles regarding children’s rights, which are to be considered in all decisions affecting children.

These principles are:

- Best Interests of the Child Principle (Article 3, CRC)
- Right of the Child to be Heard (Article 12, CRC)
- Non-discrimination (Article 2, CRC)
- Right to Life, Survival and Development (Article 6, CRC)

Best interests of the child principle

The “Best Interests of the Child” principle is found in international, regional, and national children’s laws. It is incorporated into Uganda’s *Children’s Act* under Schedule 1.

**Convention on the Rights of the Child,
Article 3(1)**

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, **the best interests of the child shall be a primary consideration**

The *African Charter on the Rights and Welfare of the Child (1990)* is the most important children’s rights document in East Africa. It states that the best interests of the child is *the* basic consideration.

**African Charter on the Rights and Welfare
of the Child (1990), Article 4(1)**

In all actions concerning the child undertaken by any person or authority **the best interests of the child shall be the primary consideration.**



The best interests of the child principle can be challenging to use because it must be applied based on the facts of each particular case, and, thus, is at risk of being applied in a haphazard manner.

Interpreting of the best interests of children or using the principle cannot trump or override other individual rights guaranteed by in the CRC. Indeed, the concept acquires particular significance where other more specific CRC provisions do not apply.

The Best Interests of the Child principle is:

- The starting point in all cases involving children
- Grounded in the specific circumstances of the individual child
- A child-centred process, that allows for the child to have his or her opinions heard and to be an active participant in the decision making process
- Based on fully appreciating the child's rights, in the process treating children with empathy and dignity

Factors to consider when determining a child's physical, emotional, and psychological best interests:

- The child's own views and wishes
- The child's emotional and physical health and well-being
- The child's relationships with their parents and other community members involved in the case
- The child's age, level of maturity, and ability to comprehend the effects of their personal situation
- The child's family and social background
- The child's ability to participate in decision-making



When applying the Best Interests of the Child principle **REMEMBER**

Look to the Best Alternative

Consider case-specific options, e.g.: diversion in criminal cases; care orders/ safety planning in child protection situations; and counselling for child victims and witnesses

Help children more fully understand their options and provide knowledge so they can participate in decision-making about their case.

Consider the child's circumstances

Remember that children may break the law because of poverty or abuse.

When you work with children, you must also work with their families (i.e., through livelihood programs) to fully address the situation.

Avoid making value judgements about the child's alleged actions.

Involve the child

When working with children, ask "why" to ensure that the decision made reflects what the child wants, what the child thinks, and what the child needs.

Children need to understand the nature of the order against them.

Children should have a role in selecting what activities are part of any rehabilitation services they receive.



Right of the child to be heard and child participation

The United Nation's Committee on the Rights of Children recognizes the right of all children to be heard and taken seriously according to their age and maturity level.

Additionally, the Ugandan *Constitution* recognizes the right to participation by all persons (Article 127). Further, in 2008, the Ministry of Gender, Labour and Social Development published *The National Child Participation Guide for Uganda*, which defines child participation as “active engagement of children in all issues that affect their lives.” The Guide also underscores that participation includes having a voice and being heard in a meaningful way.

Convention on the Rights of the Child, Article 12(1)

State parties shall assure to the child who is capable of forming his or her own views **the right to express those views freely in all matters affecting the child**, the views of the child being given due weight in accordance with the age and maturity of the child.

When working with children, you may also consider the approximate ability of a child to participate in decision-making based on their age group. For example, you should consider the effect of age ranges such as:

- Infancy (0–2),
- Early childhood (2–6),
- Middle childhood (6–11), and
- Adolescence (12–18).

In the process of considering age ranges, you should pay particular attention to children whose age is at the cusp between two groups. In such cases, you will need to closely consider whether the child's cognitive development, i.e., his/her ability to process information, make decisions, and solve problems, is in reality either higher or lower than their actual, numerical age.

What does "Child Participation" mean?

- "Child Participation" is not defined
- Some literature emphasizes children's ability to freely express themselves
- Other literature emphasizes whether children can actually bring about change
- Children's input should be a key part of an active, collaborative decision-making process

Why should children be involved?

- Children should be key participants in developing their own legal strategies
- Children should participate in brainstorming solutions and remedies so that the end goal in their cases achieves justice in their eyes

What makes child participation effective?

- Child participation requires that you build rapport and respect, while creating effective working relationships with children
- Stakeholders should:
 - Create child-friendly environments
 - Enable children to know more about their legal rights and responsibilities
 - Engage in community dialogues, develop IEC material, and purposefully explain to children all aspects of their cases



Non-discrimination principle

Children potentially face discrimination because of their:

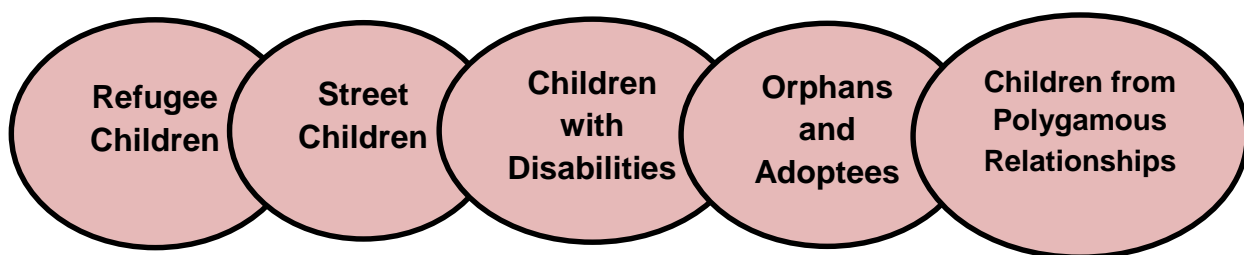
- Dependence on adults,
- Lower decision-making power, and
- Inability to adequately express their own needs in public and private forums.

These factors increase their vulnerability, i.e., their likelihood to experience a risky situation. In Uganda, Part II of *The Children's Act* states that any person having custody of a child should protect that child from discrimination, violence and neglect.

Convention on the Rights of the Child, Article 2(1)

State parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction **without discrimination of any kind**, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status

The Committee on the CRC has noted that young children who suffer multiple forms of discrimination (e.g., related to ethnic origin, social and cultural status, gender and/or disabilities) are especially at risk. Therefore, when you work with children who experience additional vulnerabilities and needs you should consider factors related to their cultural and family background, economic status, cognitive and linguistic abilities, and physical needs when determining what legal services and/or support to provide.



The Committee on the CRC has emphasized the importance of collecting disaggregated data to monitor discrimination. In Uganda, child-related data should be collected by Child and Family Protection Units (CFPUs), remand homes and courts to make decisions that improve child justice outcomes. As a LASP working with a child client or victim, this data may shed light for you on the context for his or her coming into contact with the law, may



highlight systemic issues and biases that are impeding just results and may strengthen your arguments that your client or the victim needs particular services or approaches.

For example, refugee children, when they are unaccompanied, may come into contact with the law because of linguistic barriers and/or a lack of adult support. Such children are often unaware of what the Ugandan refugee determination system requires of them and, therefore, they may become offenders simply because of lack of knowledge. Additionally, unaccompanied girl children are at a higher risk of physical and sexual exploitation and abuse, often while they are part of the foster care system. In such situations, because of their low socio-economic status and inability to speak in a local language, these children face higher barriers in protecting themselves and seeking justice than do other children.



Right of the child to life, maximum survival and development

The CRC goes beyond the fundamental right to life and survival to the concept of “development”, which is not just about the preparation of the child for adulthood, but also about providing optimal conditions for the child’s life now.

As a stakeholder in child justice, it is your duty to prevent children from being repeated victims of violence and exploitation by providing access to justice and, where necessary, sensitizing others on practices that have been legislated as illegal in Uganda, including but not limited to corporal punishment (Part X, *Children’s Act*); child marriage (Article 31 of the *Constitution*); and child sacrifice (Articles 22(1) and 24 of the *Constitution* and Section 5 of the *Prevention of Trafficking in Persons Act, 2009*).

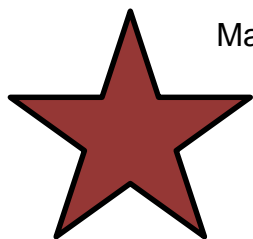
For example, in 2005, the Committee on the CRC raised the topic of “child sacrifice”. It stated that “The Committee notes with deep concern that child sacrifice takes place in the districts of Mukono and Kayunga, a serious violation of the most fundamental rights of the child.” It recommended that Uganda “(a) Adopt appropriate legislative measures specifically prohibiting the practice of child sacrifice at the local level; (b) Continue to ensure that people who sacrifice children are reported to the authorities and prosecuted; and (c) Conduct awareness-raising campaigns through local Governments on negative cultural practices, especially in the districts concerned.”



Privacy and confidentiality

Article 16 of the CRC stipulates that children have a right to privacy. You must remember, at all times, that the child, not the parent or any other party, is your client. Therefore, your first obligation regarding privacy is to the child. The child's privacy is to be protected in all situations, including within the family, alternative care, and all institutions, facilities and services. In addition, the article protects the child's family and home from arbitrary or unlawful interference. Article 16 also covers the right to confidential advice and counselling. When a child is a client or patient, the principles and provisions of the Convention provide a framework for clarifying the child's rights, in particular in relation to his or her parents.

Indeed, confidentiality is a key principle behind all legal work.



Maintaining privacy and confidentiality, in all but the most limited of cases, is key to developing an effective lawyer-client relationship. Doing so is an important part of friendly service delivery. Everyone working with children should maintain a child's confidentiality to the highest degree possible.



The Advocates (Professional Conduct) Regulations, **Regulation 7**

An advocate shall not disclose or divulge any information obtained or acquired as a result of his or her acting on behalf of a client except where this becomes necessary in the conduct of affairs of that client, or otherwise required by law.

Confidentiality is key to developing rapport and trust. Children need to trust that any information they share with you will remain confidential. If you can establish this level of trust, you will be more likely to gain key information that will help you better understand a child's case. Save for any information that you are legally required to share (e.g., information related to the abuse of a child) you should ensure children that you will keep their information confidential.



**The Advocates (Legal Aid to Indigent Persons) Professional
Conduct) Regulations, 2007, Regulation 14**

- 1) A legal aid provider shall ensure that clients are provided with quality client care
- 2) In this regulation, client care means but is not limited to:
 - a) Hospitality, accessible and appropriate services;
 - b) **Conducive environment for confidentiality;**
 - c) **Professional and sensitive handling of juveniles, elderly, or vulnerable people;**
 - d) Provision of information about availability and nature of services;
 - e) Acting on client's instructions or, if not possible, in the best interests of the client.

When you begin an interview with a child, you should explain that your professional responsibility as an advocate requires you to keep his or her information confidential except in very limited circumstances, such as when you are required to share the information by law or when the information may put the child at risk. You should also explain that in order to present the best case to a court you may need to use the child's information as evidence in order to help him or her achieve justice.

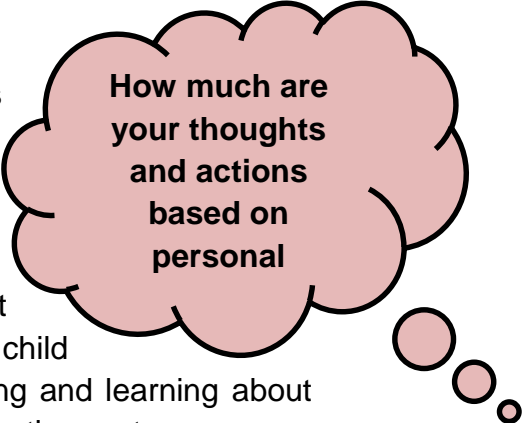
If, when you are working with a child, you find that there is a conflict of interest between the child and the child's parents / guardians, you must remember that the child is your client. International best practice is that the lawyer takes instruction from the child, not the parents. If the child you are working with is competent to give instruction, then you must take instructions from the child. Therefore, in such situations, the best interest of the child, as your client, remains paramount.



Section 3 — Why is Working with Children Different?

Stakeholders agree that working with children is different from working with adults, but have more difficulty agreeing how.

The question of how to work differently with children is at the root of how we implement important legal principles related to children and how we develop strategies for working with them. It is important to be mindful that our opinions are rooted in personal biases and notions about children. Therefore, we must attempt to objectively consider the research around child development. You should devote time to understanding and learning about child psychology in order to best serve children in the justice system



How much are your thoughts and actions based on personal

Role of adults in children's cases

When you work with a child, you should consider how the child's parents and other adults are involved. While the best interests of the child principle should always be paramount, the role of adults cannot be ignored because it is embedded in any realistic assessment of the child's interests and how to best protect the child, including whether such adults should be present and involved in giving instructions to the child's counsel.



Working with children requires considering the potential role of adult stakeholders from different professional sectors as well as the child's adult family members, who often act as gatekeepers. A child's case can never simply rely on the relationship between the adult LASP and the child client.

Using an individualized, **strengths-based approach** can allow you to draw upon the strengths of children, families, and communities. Doing so acknowledges each child and family's unique set of strengths and challenges, and engages the family as a partner in developing and implementing the service plan using formal and informal services and supports based on specific needs and strengths. By using this approach, each family's individual risks and strengths become part of the decision-making process.



Interviewing children

You should remain patient while working with children. Depending on the needs of the child, you may need to take more time than you do while working with adults.

Adapt your time with each child depending on his or her age and maturity level. You will need to first build rapport before explaining the legal issues and seeking their input. The number of times that you meet with a child is determined by his or her ability to open up and provide specific views or instructions. However, it is important to use as few interviews as possible so as to avoid causing additional trauma to the child.



When you are interviewing a child you must document the child's exact words, as there can often be more than one interpretation drawn from the child's words. Keeping good records may help to clarify any future contention related to their aired wishes.

Lawyers should engage in open-ended fact gathering and refer child clients to qualified social work and medical professionals where the need arises. Use open-ended questions when working with a child, only reverting to more specific questions if the general ones do not assist in resolving the allegation. Focus on questions that address the Who, What, When, and Where, while avoid asking Why.

Interviews can follow a structured, semi-structured, or flexible approach. While working with children, because of concern that a detailed interview structure may be used against the interviewer, it is better to use a simpler structure. For example, you should plan an interview structure with a beginning, middle, and end that allows for greater flexibility than an interview with many phases.

It can also be useful to set some "ground rules" with children before beginning an interview. Doing so will help the child know your expectations. Some examples include:

- I am going to ask you a lot of questions. If you know the answer, tell me.
- If you don't know the answer, say I don't know.
- If I ask you a question you don't understand, tell me and I'll ask it is a better way." (For example, a child may not be able to answer "What is your gender" but the child will be able to tell you if he or she is a boy or a girl.)
- If I make a mistake, tell me.
- Even if you think I already know something, please tell me anyway.





Children require a different environment than adults

Children are entitled to access to justice in a manner that suits their developmental level and makes the experience the least harmful. Further, in order to be truly open with LASPs and other stakeholders, children need child-friendly spaces.

LASPs should use open communication strategies while working with children, which may allow children to more frankly disclose information. Some examples of open communication

strategies include:

- Ensuring that your message is both clear and precise,
- Encouraging a child client to ask you questions so that communication is a two-way process,
- Being an active listener by summarizing or paraphrasing a child's responses, and
- Remaining silent when necessary in order to give a child time to think.

It is important to be timely in arranging to interview a child you are being asked to represent. In some situations, you should consider meeting with a child at his or her school or in another community location, where the child is familiar and comfortable. When making a decision about where to interview the child, you must consider all of the facts and circumstances of the case to ensure that the child feels safe and will be able to disclose his or her version of events.



You should also engage with the Probation and Social Welfare Officer in order to learn about the child's background. In certain cases, it may be necessary for you to move into the field, visit places where the child resides, goes to school, and plays, and interview key stakeholders such as parents and teachers in order to fully understand the context of the child's case.



Section 4 — Strategies for working with children


There are many strategies you can use with children. Some strategies are very practical, such as providing children with snacks in a friendly environment with toys and comfortable furnishings, while other strategies relate to your mindset and ensuring that you approach every child with a child-friendly perspective. Most of these strategies are appropriate for working with children in conflict with the law as well as for working with children in contact with the law, such as witnesses or victims.

Consider the child's psychology

To work effectively with children, it is necessary to approach each situation with a child-friendly perspective. Displaying love and empathy towards children and their surrounding circumstances is key to developing good relationships with children. Duty bearers should **“look at children as children”** instead of first thinking of them as “offenders”.

Remember that you were once a child and that you may have made similar mistakes. Additionally, consider that some children may be involved in the justice system because of social and family circumstances, such as poverty and/or large families. Such situations may cause a child to steal in order to support his or her brothers and sisters.

You should also consider whether a child exhibits symptoms of trauma. Children may experience different levels of trauma, which can cause them to display symptoms of sadness, fear, worry, anger, and/or abandonment. These children may find it difficult to trust others and may act out in an aggressive manner or harm themselves. Children may also experience Post-Traumatic Stress Disorder (PTSD). This can include experiencing flashbacks and/or being unable to remember details of their pasts. PTSD can arise from experiencing physical or sexual abuse, witnessing violence, or from living in conflict situations.



“If we treated all children like our own they would not be in prison.”

- Project Interviewee

As a practitioner in child justice, you should watch out for such symptoms, and refer a child to a qualified social work or medial professional where necessary.



Make yourself approachable

When you work with children you must make yourself as approachable as possible and bring yourself to the children's level. Making yourself "approachable" can include:

- Avoiding using technical or complicated words,
- Pausing for longer periods of time between questions,
- Positioning yourself at eye level to a child before speaking,
- Respecting a child's views by probing using open-ended questions to see how he or she arrived at a particular conclusion, and/or
- Allowing a support person to be present.

Children need to trust you in order to share information with you. If you can build relationships and rapport with children, you will be more likely to be able to work effectively with them and, in the long-term, to gain effective information about the child's case.

"Bring yourself low"

"Reach down to their ground"

-Project Interviewees

You must work to reduce a child's fear about working with lawyers or other professionals.

The more children feel as though you are working at their level, the more likely they will feel comfortable with you. Doing so does not have to be difficult. **Simply ask...**

What did you like as a child and how you would want to be treated?

Too often, as adults, we build barriers of distance, separation, and formality. We often pass judgement that deters children from confiding in us and reforming. Try to remove this type of formality and potential judgement from your work.



When you are working with children, you can make yourself more approachable by using strategies such as:

- Talking and writing using plain language
- Sharing stories (if you chose to use this strategy be careful that you are not changing the child's story so as to compromise evidence collection)
- Taking walks in order to reduce a child's tension or the formality of being in one space for a long period of time
- Using illustrations, especially in relation to taboo questions, such as in cases related to sexual violence

To build rapport with a child, using “**social**” skills that emphasize effective communication and consideration of individual needs are often more important than traditional legal skills.

Remember to diligently document your interactions with a child in a verbatim format or via recording and attempt to minimize the number of times a child is re-traumatized by telling or clarifying events to actors that he or she is not very familiar with. Using multiple interviewers may degrade a child's evidence.

REMEMBER that children may have

- Experienced trauma
- Varying language abilities
- A fear of authority
- Been impacted by factors from their homes and/or communities.



Be patient

Children are often too reserved to say what they are thinking when they meet a lawyer or other practitioner.

When you work with children you must:

- 1) Be patient



- 2) Allocate sufficient time

If you try to rush a case involving a child, you risk reaching the wrong conclusion. Instead, you may need to:

- Use a series of interviews
- Gently and clearly question the child
- Use a language the child understands
- Apply a long-term strategy that involves a number of stakeholders

Working with children does not allow for a “one size fits all” approach

Create a child-friendly environment

You should work with children in a comfortable environment that will help you build trust with the child.

While the interview should take place away from most adults, in some situations, a child may need or want a support person present who is an adult, and it is good practice to allow this adult to be present so long as he or she has no conflict of interest regarding what you will be discussing with the child.



Children should be made to feel like they are in a home away from home. Remember that each case is different and should be handled on a case-by-case basis.

Gatekeepers in children's cases include parents and other family members. It is up to you to ask the child whether he or she wants to have another adult present in the room while the interview is taking place.



Sometimes having adult gatekeepers present is useful because they will help the child feel more comfortable. Other times, they can inhibit a child from sharing information. You could consider whether the adult has a conflict of interest regarding the child's case

If your budget allows...

- Provide children with food and water
 - Many children come from homes where they do not get adequate meals
 - No one, especially a child, can concentrate and provide detailed information if they are hungry or thirsty
- Create a child-friendly space that allows children to feel comfortable since many children are afraid of sterile office environments, which can be very sterile
 - Use toys and comfortable seating
 - Have some extra sheet paper and colouring materials available, particularly for children age 3–11
 - Make the space colourful and inviting by including plants and soft fabrics
- Taking these types of steps will help children who need some time to get comfortable



If your budget does not allow, you can still....

- Step away from your desk. Sitting next to a child instead of across from a child can reduce fear and authority levels
- Remove your jacket or court wig
- Leave the office and take a walk outside with the child or go to a different room in order to shift the atmosphere
- Think of the interview as a conversation
- Begin each “conversation” by asking the child simple questions to establish rapport and comfort, for example:
 - What are your favourite TV shows or books?
 - What sport do you follow or play?
 - What is your favourite subject at school?Although these questions are not related to the case, they are integral to children feeling as though they can relate to you.
- Allow children to use pictures, drawings and toys to tell their stories
- Ensure the child understands what to expect from the justice system
- Take time to explain to the child the roles of everyone involved in their case and what steps will occur. Doing so will help children be more confident in the court process.
- Be aware that children do not always know what they have been charged with or the other details of their case.



Allow for child participation

Allowing for child participation is a key element of following the best interest of the child principle. Participation in their legal case is a child's right.

Depending on a child's cognitive ability, some children should be part of brainstorming solutions and remedies related to their case. Asking an adolescent (age 12–18) about his or her plans for the future and considering whether these plans are realistic can help you gauge that child's cognitive ability and his/her related ability to participate in brainstorming. For some children, if they are part of strategizing from the beginning, it is more likely that the result will achieve justice in their eyes.

**“A person is a person,
no matter how small”**

- Dr. Seuss
(children's author)

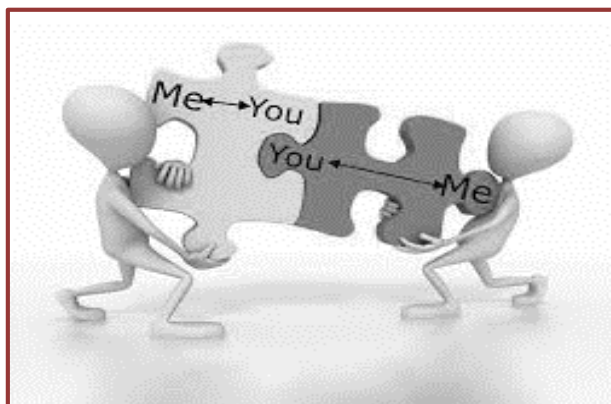


Remember that **children are the key stakeholder in their case**. They are likely to:

- Know more details regarding their case
- Have strong opinions and ideas about how their case should proceed.

It is your job to frame children's input around what the legal framework and to help children understand how the relevant legal principles apply to their case.

Some children, depending on their maturity and cognitive levels, will be able to provide more input during a brainstorming session than others will. While it is important to engage children in the decision-making process, you should also remember that, as the advocate, you understand how the facts of their case will fit into the law.



Understand a child’s background and social status

You must consider a child’s maturity, level of reasoning, and background. This includes how they conceptualize information. You may need to reach out to your referral networks for additional help. Remember to consult the social welfare report, if available.

Children’s background and social status affect their **language** abilities.

If you do not speak the same language as the child, you will need to use an interpreter. Even if you and the child share a second or third language, you should find someone who speaks the child’s first language so that the child can fully express him/herself.

Even if you speak the same language, a child’s proficiency will likely be lower than yours. Sometimes you will need to consider what the child is attempting to say because he or she may not be using the same sentence structure or vocabulary. However, if you do so, you must remain cognizant of not asking leading questions. For example, do not assume that you know what a child is trying to say and, consequently, ask specific questions to confirm your assumption. Continue to approach each interview with an open mindset.



“Try to fit into the shoes of the child”

- Project Interviewee

Be empathetic and sensitive to children’s needs.

Children’s needs are often very broad. As a lawyer, if a child provides new disclosures to you, and this process appears to be causing additional trauma to the child, you should consider the need for a psycho-social support professional. Remember that stakeholders in child justice have different skills and training. You should have a large referral network, including qualified social workers and mental health professionals.

The chart below highlights specific areas that you should consider when assessing a child’s background. The chart asks you to look at individual, family, community, and other environmental factors in order to help you develop a full picture of how the child’s circumstances may have led to his or her involvement with the law.

Assessment information for considering a child's background

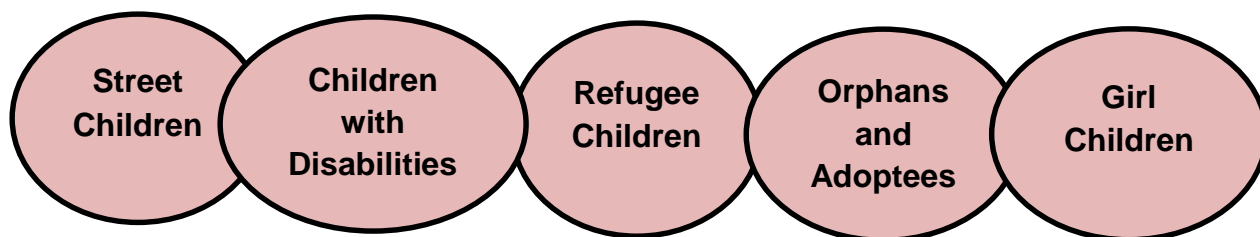
Children	Capacity of care (parents/families)	Family & community factors	Societal, community & environmental factors
Identity, including name, age, gender, location	Provision of basic care	Family's resources: income, employment, housing, health, education	Social & cultural norms, beliefs, & practices regarding children, care and families
Family composition and relationships	Ability / capacity to ensure safety	Family's social integration	Political, economic, religious influences on the welfare of children at local & national levels
Family location (for separated or unaccompanied children)	Ability / capacity to provide emotional warmth	Family history and functioning	Nature of shocks within community that can affect child welfare – natural, political, economic, conflict related
Health	Stimulation	Situation and location of the wider family	Threats to child's welfare within the community in which the child is currently situated
Emotional and behavioural demeanour and development	Ability/capacity to provide appropriate guidance and boundaries	Community resources – levels & provision of education, health, employment	Causes of family separation
Self-care skills	Ability / capacity to provide stability	Community history and functioning	Threats to child's welfare within their community of origin
Interaction with others and social relationships	Ability/capacity to value interaction with others and to develop social relationships	Situation of family within the wider community	View of community/ society towards child and their ability and right to develop appropriate social relationships

*This chart is adapted from Save the Children's guide to "Case Management Practice within Save the Children Child Protection Programmes" (2011), online: <https://www.savethechildren.org.uk/sites/default/files/docs/Case-Management-Practice-Within-Save-the-Children-Child-Protection-Programmes.pdf>



Section 5 — Children with Additional Vulnerabilities

All children are vulnerable, primarily due to their inability to speak for themselves. However, some children face additional vulnerabilities and challenges. Some stakeholders interviewed for this Manual, in particular those who work with specific vulnerable groups of children, emphasized the need for the Ministry of Gender, Labour and Social Development to consider the special needs of children with multiple vulnerabilities. Such children include, for example:



According to the Ugandan *Guide for Interpreting and Applying National Quality Standards for the Protection, Care and Support of Orphans and Other Vulnerable Children*, vulnerability refers to a state of being in which a person is likely to be in a risky situation, suffering significant physical, emotional or mental harm that may result in their human rights not being fulfilled. A vulnerable child is most likely to fall through the cracks of regular progress, policies and traditional safety-nets and therefore needs to be given attention when programs and policies are designed and implemented.

Specific challenges of some vulnerable groups include:

- The increased risk of girl children to experience defilement,
- The unique capabilities of children with mental and physical disabilities,
- The educational needs of refugee children, and
- The fact that street children are often sent to remand homes.

Stakeholders highlighted their belief that it can be more difficult for children with additional vulnerabilities to receive legal representation, because professionals may think that such cases are more difficult and because child justice actors are less likely to attempt to understand the backgrounds and language abilities of children with additional vulnerabilities. Although this input is not clearly supported by independent evidence, it is important for stakeholders to consider whether they actively attempt to represent such groups, and, if not, what impact their own biases or beliefs may have on how often they engage with children from vulnerable groups.





As a professional, it is important that you understand these additional barriers to accessing justice. You may need to take up such remedial actions as ensuring the presence of interpreters; advocating for the provision of forms in braille and improved access to court buildings; and, potentially, taking up strategic litigation for children whose needs are not met.



Re-victimization through the legal system

All children, including those with additional vulnerabilities, can be re-victimized through repeated interactions with the legal system. For example, street children, abandoned children, child labourers, children who are being sexually exploited, and children engaged in domestic work can face allegations that bring them in conflict with the law, while, in fact, there are deeper reasons for their situations.

You should consider whether conflict, poverty, HIV/AIDS, or a lack of services in a child's home area has caused him or her to become additionally vulnerable. For example, refugee children may come in contact with the law because they are unaccompanied, do not know the language, and do not know the proper rules to follow to gain legal status in Uganda.



Working with such children will often present situations where **you will need to rely on your referral networks and support systems**. There are particular organizations that specialize in working with children with specific needs. You should also continually upgrade your knowledge and skills to work with children who have additional needs.

Girl children and defilement

Defilement is the most common criminal charge heard at High Court in Uganda. Section 129 of Uganda's *Penal Code Act 1950* refers to defilement (i.e., sexual intercourse) with girls under age 18 as an offense. Further, Section 133 makes it a felony for anyone to own or occupy a premises or who act or assist in the control of such premises where a girl is defiled. Additionally, the *Penal Code (Amendment) Act 2007* updated these provisions to create the specific offenses of "simple" and "aggravated" defilement. Aggravated defilement occurs in the following circumstances:



- Where the person against whom the offence is committed is below the age of fourteen years;
- Where the offender is infected with the Human Immunodeficiency Virus (HIV);
- Where the offender is a parent or guardian of or a person in authority over, the person against whom the offence is committed;
- Where the victim of the offence is a person with a disability; or
- Where the offender is a serial offender

Key risk factors that may lead a child to be more vulnerable to sexual abuse include:

- Unaccompanied children
- Children in foster care, adopted children, stepchildren
- Physically or mentally handicapped children
- History of past abuse
- Poverty
- War/armed conflict
- Psychological or cognitive vulnerability
- Single parent homes/broken homes
- Parent(s) with mental illness, or alcohol or drug dependency.

You should watch out for such risk factors in your child clients.

When working with cases related to sexual offenses, it is important to interview the child as soon as possible after the alleged offense has occurred. In such cases, you will need to work closely with a medical professional in order to ensure that the interview and the medical history are coordinated. The Police should provide a form at the police station forwarding the child for medical examination at the nearest health unit. Working closely and cooperatively during such cases will help alleviate the risk that the child will experience further trauma by unnecessary repetition as well as the risk that information will get lost or distorted through repeated interactions.

Remember that cases involving sexual abuse are less likely to involve physical evidence. Most of the evidence in such cases will come from the child's direct words.



Section 6 — Networking and Referrals

When you work with children, it is important to remember that you cannot be an expert in all of the challenges that children may face.

Children's issues can have many social factors. If you do not feel comfortable dealing with a particular issue or responding to a child's particular need then it is time to reach out to your networks either to discuss an issue and gain knowledge or to refer a case to someone else entirely.



In some situations, it is necessary to refer a child to another professional. Some examples of cases where you will need to refer children to other professionals include:

- If a child appears to be displaying certain disease symptoms you will need to refer the case to a medical professional;
- If the child has experienced trauma you should engage a mental health professional; and
- If the child discloses additional offenses to you during an interview you will need to engage law enforcement official.

Many stakeholders believe there is now a degree of good will allowing for the development of child-friendly services and facilities in Uganda. You should use these developments to your advantage.

For example, JLOS institutions, such as Child and Family Protection Units at Central Police Stations can be good resources, and the Family and Children's Courts have created a child-friendly space in the Ugandan court system.

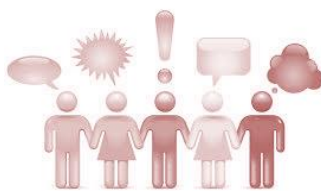


Other recent positive developments include: the Sauti, a child helpline that can be reached by dialing 116, and the Justice for Children programme, through which Regional Coordinators support Regional Children's Committees and District Children's Committees (DCCs) in mainstreaming child-friendly practices and procedures.



It is important to consider the full range of community supports available to you, including: Probation and Social Welfare Officers, Community Development Officers and para-social workers. These individuals can play a key role in helping to provide information about a child's family and local community. It is also important to continually follow-up on referrals that you have made. It is not sufficient to simply refer a child to someone else and then forget about that child.

Relationships between stakeholders



One of the best things you can do is to build your relationships and networks in the sector so that you know many professionals in different regional and disciplinary areas throughout Uganda as possible. You should try to build these relationships from early on, before a problem arises.

In some rural areas positive relationships have emerged from well-functioning District Coordination Committees (DCCs). If the DCC in your area is not working well try to think about what you could do to help improve how it functions. For example, you could reach out to other stakeholders, coordinate roundtables to talk about issues specific to your District, or bring in an expert who would be of interest to other local stakeholders.

Child Protection Committees in some areas have also played a positive role working with local clan systems and religious leaders during mediations.

Try to be creative about how you develop relationships in your area.

What can you do to work more effectively with other stakeholders around you?



Integrated Information Management System (IIMS)

LASPNET has an IIMS. This system helps LASPs more effectively refer cases.

The IIMS is a computerized tool for centralizing, analysing and storing legal aid information. It will help monitor legal services, and effectively capture and store information so that you can increase access to justice in the communities where you work.



The IIMS will allow you to generate reports from a consolidated data source so that you will have access to reliable information.

Currently the IIMS provides for a standard case management system, which supports client management, captures case information, minimizes referral complications, and produces standard reports on a periodic basis. Some LASP locations are already using the IIMS. An online version is available at www.legalaid-ims.org where authorized users can directly login and use the system.



LASPNET has rolled out the IIMS. The majority of LASPs have now started to use the System. The next step will be to incorporate a standardized Means and Merit test and a Client Satisfaction tool to assess the impact and nature of service provided by the LASPs.

LASPNET hopes that LASPs will use the IIMS to refer cases and consolidate their respective information so that LASPs can better facilitate access to justice to the poor, marginalized, and vulnerable, including children, by analyzing case trends and designing appropriate interventions.



Section 7 — Non-formal Approaches to Child Justice

In addition to serving child clients through existing formal structures, such as the court system, it is important that stakeholders in child justice consider non-formal approaches, including traditional community-based practices, diversion, and alternative dispute resolution (ADR). These approaches are often more effective at achieving access to justice in the eyes of the child and his or her community. Further, utilizing non-formal systems can often be a more cost-effective and timely approach.

Traditional justice practices

Ugandan law acknowledges the existence of the traditional justice system, as evidenced in National Objective XXIV of Uganda’s *Constitution* — Cultural Objectives as well as Articles 129 and 246 of the Constitution, which, respectively, allow Parliament to establish qadhi’s courts and recognize the institution of traditional or cultural leaders. However, most stakeholders interviewed for this Manual thought that, in practice, the formal and information justice systems do not work well together.

The majority of stakeholders found that, in their experiences, communities are more likely to first rely on the informal system. This appears to be, at least in part, based on a fear of the police and a lack of knowledge about how to access formal justice structures. Because of this tendency, it is important for you to understand these systems, expand your networks to include informal stakeholders, and consider ways that children’s cases can be resolved using informal elements.

Due to regional nuances, your understanding and application of the informal system will be closely linked to the geographic area of Uganda in which you practice. For example, in the East, stakeholders highlighted the role of clan settings, while in For Portal some stakeholders discussed successes they have had partnering with religious leaders.



In addition to how to best serve specific clients, you should also consider your potential role in educating the public about how the formal and the informal systems can interact.



Diversion

Diversion refers to strategies developed in the child justice system to prevent young people from committing crime or to ensure that they avoid formal court action and custody if they are arrested or prosecuted. Diversion is meant to:

- Deal quickly and simply with less serious offenders;
- Reduce the risk of re-offending;
- Engage the child in a restorative process with the victim and society; and
- Reduce to a minimum a child's involvement with the criminal justice system.

Convention on the Rights of the Child, Article 40(3)

State Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular (b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.

It is also important to note that the CRC underscores the importance of establishing diversion strategies in relation to children.

In Uganda, Part X of the *Children's Act*, empowers police to “under justifiable circumstances caution and release the child” and to “dispose of cases at their discretion without recourse to formal court hearings.” Additionally, JLOS is currently in the process of developing a set of guidelines on diversion in Uganda, which, when finalized, will provide you with further guidance about how to implement diversion in your practices. Currently, the Law Development Centre is attempting to implement diversion practices at its clinics throughout Uganda and is experiencing some success in this regard.

Broadly speaking, a presumption exists that it is in the public interest to prosecute in criminal cases. In some instances, the serious nature of the case will make this presumption a very strong one. However, there are circumstances in which, although the evidence is sufficient to provide a reasonable prospect of conviction, prosecution is not required in the public interest. Public Prosecutors should consider the appropriateness of using a diversionary option, particularly in cases involving children, if doing so is in the



public interest. Each case must be assessed on its own merits. For diversion to be used the child must admit to the offense.

Some examples of diversionary options include:

- Informed warnings,
- Restorative meetings with the offender and the victim,
- Restorative conferences using a number of different community partners.

Additionally, when considering whether a case can be dealt with through diversion, some elements to consider are:

- The seriousness of the offence,
- Whether the offender was a ring-leader of the offence,
- Whether the offense was pre-meditated,
- Whether the offense was carried out pursuant to a plan, and
- Whether the offense involved possession or use of a firearm or other weapon.

Alternative dispute resolution



Alternative Dispute Resolution (ADR) is a term used to describe different methods of resolving legal disputes without going to court, for example: arbitration, negotiation, and mediation, as well as additional types of ADR designed for specific subject matters such as collaborative family law.

Arbitration is much like a trial, in that the parties can call witnesses, present evidence, and argue the merits of their case to a neutral decision maker. However, the decision will be made by an arbitrator, likely an expert in the subject matter of the case. Although a judge is not involved, the final decision in an arbitration is binding.

Alternatively, **mediation** differs from arbitration in that there is no official decision-maker present. The mediator is meant to listen to the parties' stories and to help the parties' exchange settlement offers and responses. Parties can share information with the mediator in confidence, and the mediator will give the parties his or her own thoughts about the case. In the end, the goal is for the parties to agree on how the case should be resolved.



Negotiation is the most informal ADR method. Negotiation has been defined as any form of direct or indirect communication whereby parties who have opposing interests discuss the form of joint action which they might take to manage and ultimately resolve the dispute between them. Negotiations may be used to resolve an already-existing problem or to lay the groundwork for a future relationship between two or more parties. Negotiations are voluntary, non-adjudicative, flexible, confidential and informal.

In large part, use of ADR methods in Uganda is in its infancy. However, one should consider that many traditional justice practices resemble ADR. As a stakeholder in child justice, it is important for you to understand how you may be able to engage other parties in using ADR methods. Doing so may help decrease the amount of time and money spent resolving a child's case.

Stay Connected with LASPNET

- Website: www.laspnet.org
- Facebook: Legal Aid Service Providers Network – LASPNET
- Twitter: @LaspnetUganda



Appendix 1 — Methodology used to Develop the Manual

To inform the Manual, LASPNET conducted a desk review of international, regional, and national frameworks dealing with child justice issues as well as secondary sources focussing on child justice and child-friendly legal aid.

Following this, LASPNET interviewed stakeholders, including children, in the child justice sector in Kampala, Fort Portal, and Eastern Uganda.

Although, due to time and financial constrictions, LASPNET could not conduct interviews in the North, some key stakeholders from the North attended the National Child Justice Convention in Kampala on November 24–25, 2015 and shared their experiences.¹ This allowed the Manual to benefit from some Northern insight.

In total, LASPNET conducted 48 interviews with 61 participants. Additionally, LASPNET held a group interview with nine participants in Busia, as well as two discussions with children at the Naguru Remand Home in Kampala. Interviewees from the 48 interviews fall into the following categories:

- Lawyers providing legal aid services – 16
- State attorneys – 3
- Paralegals providing legal aid services – 6
- Policy and government – 9
- Judges and magistrates – 3
- Police officers – 11
- PSWOs – 3
- Mental health and social workers – 5
- Non-governmental organizations (non-legal) – 7



The 48 interviews included 18 interviews in Kampala, 17 interviews in the Eastern Region,² and 13 interviews in Fort Portal.

¹ These included The Hon. Lady Justice Margaret Mutonyi, Resident Judge Gulu; The Hon. Justice Vincent Okwonga, Resident Judge Arua; and Counsel Walter Ladwar (Gulu).

² Eastern Region interviews took place in the following locations: Kapchorwa (4), Mbale (3), Tororo (6), Mayuge (2), Kamuli (1), and the one group interview in Busia.



Appendix 2 — List of Interviewees

LASPNET would like to thank the following organizations for participating in interviews that contributed to the development of the Manual. Their feedback has been invaluable in providing local insight and perspective to the Manual.

	Organization	Location
Legal Aid Service Providers and NGOs		
1	Association of Human Rights Organizations (AHURIO)	Fort Portal
2	Child Restoration Outreach	Mbale
3	Community Action for Human Rights	Kapchorwa
4	Defense for Children International	Kampala
5	FIDA (National) <ul style="list-style-type: none"> • Chief Executive Officer • Head of Legal Aid Clinic 	Kampala
6	FIDA	Kapchorwa
7	FIDA	Mbale
8	Human Rights and Democracy Link Africa – RIDE Africa	Fort Portal
9	Joy for Children	Fort Portal
10	Justice Centres Uganda	Fort Portal
11	Justice Centres Uganda	Tororo
12	Kamuli Based Paralegal Association	Kamuli
13	Legal Aid Clinic, Law Development Centre	Fort Portal
14	Legal Aid Clinic, Law Development Centre	Kampala
15	Muslim Centre for Justice and the Law	Mayuge
16	National Union for Disabled Persons in Uganda	Kampala
17	Platform for Labour Action	Kampala
18	Refugee Law Project	Kampala
19	Uganda Christian Lawyers Fraternity	Kampala
20	Uganda Youth Development Link	Kampala
21	Uganda Law Society -- Legal Aid Project	Kampala
22	Youth and Women Empowerment Network	Fort Portal
Service-Provider Organizations		
23	Child and Family Protection Unit	Kampala (Jinja Road)
24	Child and Family Protection Unit	Kapchorwa



25	Child and Family Protection Unit	Tororo / Bukedi Region
26	District Labour Office	Tororo
27	Family and Children's Court	Tororo
28	High Court • Chief Magistrate	Fort Portal
29	High Court • Chief Magistrate	Kampala (Nakawa)
30	Paralegal Advisory Services	Fort Portal
31	Paralegal Advisory Services	Kampala
32	Police Services • Child and Family Protection Unit • Sexual and Gender Based Violence • Criminal Investigation Division	Fort Portal
33	Police Services • Child and Family Protection Unit • Sexual and Gender Based Violence • Deputy Assistant Inspector	Mayuge
34	Police Services • Community Liaison	Mbale
35	Prison for Women	Fort Portal
36	Probation and Social Welfare Office	Fort Portal
37	Probation and Social Welfare Office	Mbale
38	Probation and Social Welfare Office	Tororo
39	Remand Home	Fort Portal
40	Remand Home	Kampala (Naguru)
41	Resident State Attorney	Fort Portal
42	Resident State Attorney	Kapchorwa
43	Resident State Attorney	Tororo
Policy and Government Organizations		
44	Centre for Justice Studies and Innovation	Kampala
45	Centre for the Study of the African Child	Kampala
46	Justice for Children	Fort Portal
47	Justice for Children	Kampala (Nakawa)
48	Justice Law and Order Sector (JLOS) • Senior Technical Advisor • Technical Advisor, Criminal Justice	Kampala
49	Plan International	Kampala
50	USAID	Kampala



Appendix 3 — List of Stakeholders in the Validation Process

LASPNET would like to thank the following individuals and organizations for being part of the validation process, which occurred online in March 2016. Feedback was invaluable in finalizing the Manual.

	Organization	Name	Location
Legal Aid Service Providers and NGOs			
1	Association of Human Rights Organizations (AHURIO)	Fred Khaawa	Fort Portal
2	Child Restoration Outreach	Christine Kamuti	Mbale
3	Child Restoration Outreach	Bawyo Moses	Mbale
4	Community Action for Human Rights	Robert Cherop	Kapchorwa
5	Community Legal Education Ontario	Caroline Lindberg	Toronto, Canada
6	Defense for Children International	Josephine Kalege	Kampala
7	FIDA (National)	Irene Ovonji Odida	Kampala
8	FIDA (National)	Lilian Adriko	Kampala
9	FIDA	Monica Myawere	Mbale
10	Human Rights and Democracy Link Africa – RIDE Africa	Emid Kazigati	Fort Portal
11	Human Rights Awareness and Promotion Forum	Anthony Mutimba	Kampala
12	Joy for Children	Kobusinge Diana	Fort Portal
13	Justice Centres Uganda	Murangira Hillary	Fort Portal
14	Justice Centres Uganda	Regina Tronera	Fort Portal
15	Justice Centres Uganda	Asumme Anna Rita	Tororo
16	Justice for Children and Youth	Samira Ahmed	Toronto, Canada
17	Justice for Children and Youth	Emily Chan	Toronto, Canada
18	Land and Equity Movement	Priscilla Aling	Kampala

19	Legal Aid Clinic, Law Development Centre	Mazimwe Lilian	Fort Portal
20	Legal Aid Clinic, Law Development Centre	Agnes Wandira	Kampala
21	Muslim Centre for Justice and the Law	Mawanda Hakim	Mayuge
22	Muslim Centre for Justice and the Law	Nulu Kavuma	Kampala
23	National Union for Disabled Persons in Uganda	Babu Martin	Kampala
24	National Union for Disabled Persons in Uganda	Eric Namungalu	Kampala
25	Platform for Labour Action	Diana Prida	Kampala
26	Refugee Law Project	Susan Alupo	Kampala
27	Retrak Uganda	Robert Ssemwogerere	Kampala
28	Uganda Christian Lawyers Fraternity	Vincent Mutonerwa	Kampala
29	UGANET	Bisikwa Barbara	Kampala
30	UGANET	Immaculate Owomugisha	Kampala
31	Uganda Law Society	Aaron Besigye	Kampala
32	Uganda Law Society	Deborah Gasana	Kampala
33	Uganda Youth Development Link	Catherine Namatovu	Kampala
34	War Child Canada	Samuel Odong	Gulu
35	World Voices	Gard Bena	Kagadi
36	Youth and Women Empowerment Network	Kusemererwa Rosemary	Fort Portal
Service-Provider Organizations			
37	High Court	Emokor Samuel	Fort Portal
38	High Court	Flavia Nassuna Matovu	Kampala (Nakawa)
39	Paralegal Advisory Services	Basaalinsa Stella	Fort Portal
40	Paralegal Advisory Services	Elinor W. Chemonges	Kampala
41	Police Services (Child and Family Protection Unit)	Namyalo Khadija	Fort Portal
42	Police Services (Community Liaison)	Joyce Nandudu	Mbale



43	Probation and Social Welfare Office	Karonguru Shamillah	Fort Portal
44	Probation and Social Welfare Office	Waboga Kassim	Mbale
45	Probation and Social Welfare Office	Susan Alamai	Tororo
46	Remand Home (In-Charge)	Mary Kyomugisha	Kampala (Naguru)
47	Resident State Attorney	Wasswa Adam	Fort Portal
Policy and Government Organizations			
48	Canadian Bar Association	Jennifer Khor	Ottawa, Canada
49	Centre for Justice Studies and Innovation	Lydia Namuli	Kampala
50	Centre for the Study of the African Child	Timothy Opobo	Kampala
51	Justice for Children	Brenda Kyomugisha	Fort Portal
52	Justice for Children	Naomi Bazinzi	Kampala (Nakawa)
53	Justice Law and Order Sector (JLOS)	Rachel Odoi	Kampala
54	Justice Law and Order Sector (JLOS)	Lucy Ladira	Kampala
55	Justice Law and Order Sector (JLOS)	Tina Prabakhar	Kampala
56	Justice Law and Order Sector (JLOS)	Sam Wairagala	Kampala
57	Ministry of Gender, Labour and Social Development	James Kaboggoza	Kampala
58	Plan International	Barbra Babweterra	Kampala
59	Uganda Human Rights Commission	Nicholas Ogwaang	Kampala
60	UNICEF	Geri Burkholder	Kampala
61	UNICEF	Irene Naiga	Kampala
62	USAID	Ian Morrison	Kampala
63	USAID	Theo Bitature Webale	Kampala



Appendix 4 — Guiding Questionnaire

Introduction

- What are strengths and gaps exist in how the Ugandan legal system addresses the needs of children?
- Who are the key stakeholders in the relationship between children and the law in Uganda?

Child-friendly Legal Practices (General)

- What do you consider to be child-friendly legal aid?
- What are some examples of child-friendly legal aid that you have observed in Uganda?
- How should the informal and the formal justice systems in Uganda interact?
 - How can the interaction be strengthened?
- To what extent do you use alternative forms of justice? (i.e., negotiation, diversion)
- What kind of legal aid should be provided to victims of child sexual abuse?

Child-friendly Legal Practices (Ugandan stakeholders)

- In your line of work, how do you understand the term “best interests of the child”?
- Do you think that children are aware of their rights?
 - How do you help children increase their awareness of their rights?
- How is your approach to working with children different from your approach to working with adults? (i.e., How do you establish trust / make children feel comfortable)
- What do you think are the three most important things that LASPs should keep in mind while working with children?
- What do you think is the best way to get useful information from a child?

How to Strengthen the Provision of Child-friendly Legal Aid Services

- How can the Ugandan child justice system be improved?
- What support could LASPNET provide you to help you better address the needs of children?

Appendix 5 — Legal Framework

The following is a list of key provisions in Uganda, international, and regional legislation, conventions, and other agreements, that together make up the legal framework related to child-friendly justice and child-friendly legal aid.

This list is not meant to be comprehensive. Rather, it is a summary of what LASPNET considers the most important legal documents for you to consult in seeking to understand children’s legal rights in Uganda.

Ugandan legal framework

The Children Act, Chapter 59 (1997).

The Children Act, Cap 59 is Uganda’s primary legislation relating to children. It defines children as everyone under age 18 and presents guiding principles for working with children that, in part, are drawn from the Convention on the Rights of the Child. The Act also provides some points regarding the detention of children. That said, the Act has been criticized for being relatively weak. The proposed amendments would strengthen the Act by more clearly referencing Uganda’s international commitments in relation to children.

The Children Amendment (No 2) Bill (13 February 2015), Uganda Gazette No 7 CVIII.

Uganda’s Parliament adopted *The Children (Amendment) (No 2) Bill* as an amendment to *The Children Act, Cap 59* (1997) on March 1, 2016. The amendments enhance the protection of children, including prohibiting of the death sentence for crimes committed by children, as well as strengthening provisions related to the guardianship of children and inter-country adoption.

Constitution of Uganda, 1995

Section 28 — Right to a Fair Hearing

(1) In the determination of civil rights and obligations or any criminal charge, a person shall be entitled to a fair, speedy and public hearing before an independent and impartial court or tribunal established by law.



1. Every person who is charged with a criminal offence shall
In the case of any offence which carries a sentence of death or imprisonment for life, be entitled to legal representation at the expense of the State

National Legal Aid Policy Draft 6 (Final) (Justice, Law and Order Sector, June 2012).

The draft *National Legal Aid Policy* includes a mixed delivery model that expands on the work of paralegals and establishing an independent legal aid body in Uganda. Although the draft policy is a significant step forward, it was drafted before the proposed amendments to the *Children's Act* and, therefore, does not contain a full picture regarding children's rights. For example, the term "children" was only included in the Policy on four occasions. Throughout most of the document, children are subsumed into the broader category of the "vulnerable".

The Advocates (Legal Aid to Indigent Persons) Regulations, 2007, Supplement No. 6 (April 5, 2007).

Regulation 14 — Client Care

- (1) A legal aid provider shall ensure that clients are provided with quality client care.
- (2) In this regulation, client care means, but is not limited to—
 - a) hospitality, accessible and appropriate services;
 - b) conducive environment for confidentiality;
 - c) professional and sensitive handling of juveniles, elderly or vulnerable people;
 - d) provision of information about availability and nature of services provided and any other information;
 - e) acting on client's instructions, or if not practical, in their best interest;
 - f) means of client satisfaction surveys;
 - g) complaints procedure.

International legal framework

Convention on the Rights of the Child (United Nations) entered into force 2 September 1990, online:
<<http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>>.



Article 2 — Non-discrimination

States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.



States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 3 — Best Interests of the Child

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

Article 6 — Right to Life, Survival and Development of the Child

States Parties recognize that every child has the inherent right to life.

States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 10 — Right to be Heard

States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.



General Comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art 3, para 1) (United Nations) adopted at the 62nd session (14 January–1 February 2013), online: <www2.ohchr.org/English/bodies/crc/docs/GC/CRC_C_GC_14_ENG.pdf>.

The General Comment on the scope of the best interests of the child principle states that the full application of this principle requires a rights-based approach, engaging all actors in a holistic manner. In this Comment the Committee on the Rights of the Children underlined that a child's best interests is a substantive right, a fundamental interpretative principle, and a rule of procedure.

International Covenant on Civil and Political Rights (United Nations) entry into force 23 March 1976, online: <<http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>>.

Article 14

All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order or lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires.

Standard Minimum Rules for the Administration of Juvenile Justice (“The Beijing Rules”) (United Nations) Adopted by General Assembly resolution 40/33 of 29 November 1985, online: <<http://www.ohchr.org/Documents/ProfessionalInterest/beijingrules.pdf>>.

Rule 13.3

Juveniles under detention pending trial shall be entitled to all rights and guarantees of the Standard Minimum Rules for the Treatment of Prisoners adopted by the United Nations.



Rule 13.4

Juveniles under detention pending trial shall be kept separate from adults and shall be detained in a separate institution or in a separate part of an institution also holding adults.

Universal Declaration of Human Rights (United Nations) online:

<<http://www.un.org/en/documents/udhr/index.shtml#a7>>.



Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination...and against any incitement to such discrimination.

Regional legal framework

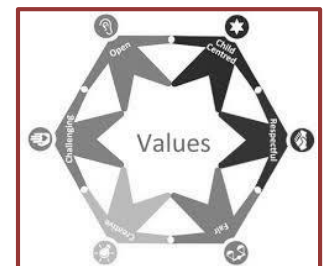
African (Banjul) Charter on Human and People's Rights (Organization for African Unity) CAB/LEG/67/3 (1982), entered into force 21 October 1986, online: <<http://www.achpr.org/instruments/achpr/>>.

Article 7(1)(c) — Right to a Legal Defense

Every individual shall have the right to have his cause heard. This comprises: (c) the right to defense, including the right to be defended by counsel of his choice

African Charter on the Rights and Welfare of the Child (Organization for African Unity), CAB/LEG/24.9/49 (1990), entered into force 29 November 1999, online: <<https://www1.umn.edu/humanrts/africa/afchild.htm>>.

Article 4 — Best Interests of the Child



In all actions concerning the child undertaken by any person or authority the best interests of the child shall be the primary consideration.

In all judicial or administrative proceedings affecting a child who is capable of communicating his/her own views, and opportunity shall be provided for the views



of the child to be heard either directly or through an impartial representative as a party to the proceedings and those views shall be taken into consideration by the relevant authority in accordance with the provisions of appropriate law.

Article 17 — Administration of Juvenile Justice

Every child accused or found guilty of having infringed penal law shall have the right to special treatment in a manner consistent with the child's sense of dignity and worth and which reinforces the child's respect for human rights and fundamental freedoms of others.

State Parties to the present Charter shall in particular:

- a) Ensure that no child who is detained or imprisoned or otherwise deprived of his/her liberty is subjected to torture, inhuman or degrading treatment or punishment;
- b) Ensure that children are separated from adults in their place of detention or imprisonment;
- c) Ensure that every child accused in infringing the penal law:
 - i. Shall be presumed innocent until duly recognized guilty;
 - ii. Shall be informed promptly in a language that he understands and in detail of the charge against him, and shall be entitled to the assistance of an interpreter if he or she cannot understand the language used;
 - iii. Shall be afforded legal and other appropriate assistance in the preparation and presentation of his defense;
 - iv. Shall have the matter determined as speedily as possible by an impartial tribunal and if found guilty, be entitled to an appeal by a higher tribunal;
- d) Prohibit the press and the public from trial.



African Youth Charter (2 July 2006), online:

<<http://www.unesco.org/new/fileadmin/MULTIMEDIA/FIELD/Dakar/pdf/AfricanYouthCharter.PDF>>.

Article 18 — Law Enforcement

1. Every young person accused or found guilty of having infringed the penal law shall have the right to be treated with humanity and with respect for the inherent dignity of the human person.



2. States Parties shall in particular

- a) Ensure that youth who are detained or imprisoned or in rehabilitation centres are not subjected to torture, inhumane or degrading treatment or punishment;
- b) Ensure that accused minors shall be segregated from convicted persons and shall be subject to separate treatment appropriate to their status;
- c) Build rehabilitation facilities for accused and imprisoned youth who are still minors and house them separately from adults;
- d) Provide induction programmes for imprisoned youth that are based on reformation, social rehabilitation and re-integration into family life;
- e) Make provisions for the continued education and skills development of imprisoned young people as part of the restorative justice process;
- f) Ensure that accused and convicted young people are entitled to a lawyer.

Dakar Declaration, (African Commission on Human and Peoples' Rights, September 1999), online:
<http://www.jstor.org/stable/3558976?seq=1#page_scan_tab_contents>.

Article 8 — Legal Aid

Access to justice is a paramount element of the right to a fair trial. Most accused and aggrieved persons are unable to afford legal services due to the high cost of court and professional fees. It is the duty of governments to provide legal assistance to indigent persons in order to make the right to a fair trial more effective. The contribution of the judiciary, human rights NGOs and professional associations should be encouraged.



Article 10 — Children and a Fair Trial

Children are entitled to all the fair trial guarantees and rights applicable to adults and to some additional protection. The African Charter on the Rights and Welfare of the Child requires that: “Every child accused of or found guilty of having infringed penal law shall have the right to special treatment in a manner consistent with the child’s sense of dignity and worth and which reinforces the child’s respect of human rights and fundamental freedoms.”



The Lilongwe Declaration on Accessing Legal Aid in the Criminal Justice System in Africa (Lilongwe, Malawi: Penal Reform International, November 2004), online: <http://www.legalaidrwanda.org/legal_text/Lilongwe-declaration-2004.pdf>.

This Declaration states that governments have the primary responsibility to support basic human rights, including access to justice. It also states that governments should keep the special needs of women and children in mind when allocating funds for legal aid. Point 10 highlights the importance of legal literacy, particularly for vulnerable groups including children.

The Munyonyo Declaration on Child Justice in Africa (November 2011), online: <https://srsg.violenceagainstchildren.org/sites/default/files/political_declarations/Munyonyo_Declaration.pdf>

The Declaration underscores that while most countries in Africa have made progress towards passing children's laws, in many cases, these laws have not been fully integrated into the national development frameworks. It includes Calls to Action to relevant children's bodies at international organizations as well as governments, media and religious leaders to put children's issues on the agenda.



Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa (Banjul, African Commission on Human and People's Rights), online: <http://www.achpr.org/files/instruments/principles-guidelines-right-fair-trial/achpr33_guide_fair_trial_legal_assistance_2003_eng.pdf>.

Section H refers to *Legal Aid and Legal Assistance*. It guarantees that the accused or a party to a civil case “has a right to legal assistance assigned to him or her in any case where the interest of justice so require, and without payment by the accused or party to a civil case if he or she does not have sufficient means to pay for it.”

Section O refers to *Children and the Right to a Fair Trial*. Amongst other guarantees, this section underscores the importance of considering the best interests of a child, ensuring a child's right to privacy, and maintaining that detention is used as a means of last resort.



Appendix 6 — Key Sources

Below is a selection of key guidelines and secondary sources that will help you to further understand children’s relationship to justice.

As noted with the legal framework, this list is not meant to be comprehensive. Rather, it is a summary of documents that LASPNET considers to be important for you to consult in seeking to understand children’s legal rights in Uganda.

Key guidelines

Access to Justice for Children, A/HRC/25/35 (United Nations High Commissioner for Human Rights, 16 December 2013), online:
<www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session25/Documents/A-HRC-25-35_en.doc+&cd=1&hl=en&ct=clnk>.

A Guide for Interpreting and Applying National Quality Standards for the Protection, Care and Support of Orphans and other Vulnerable Children in Uganda, (Ministry of Gender, Labour and Social Development, June 2007), online:
<www.bettercarenetwork.org/library/social-welfare-systems/data-and-monitoring-tools/guide-for-interpreting-and-applying-national-quality-standards-for-the-protection-care-and-support>.



Guidelines on Child-friendly Legal Aid Service Provision (Kampala: Centre for Justice Studies and Innovations, 2015).

Guidelines of the Committee of Ministers of the Council of Europe on Child-Friendly Justice and their Explanatory Memorandum (Council of Europe, 31 May 2011), online:
<www.coe.int/t/dghl/standardsetting/childjustice/Guidelines%20on%20child-friendly%20justice%20and%20their%20explanatory%20memorandum%20_4_.pdf>.



Second National Development Plan (NDP II), 2015/16-2019/20 (June 2015), online:
<npa.ug/wp-content/uploads/NDP II-Final.pdf>.

The National Child Participation Guide for Uganda (June 2008), online:
<<http://resourcecentre.savethechildren.se/sites/default/files/documents/1796.pdf>>.

The Third JLOS Strategic Investment Plan (SIP III), 2012/13–2016/17 (Kampala, Uganda: Justice Law and Order Sector), online:
<<http://www.jlos.go.ug/old/index.php/2012-09-25-11-10-16/sip-iii>>.

United Nations Common Approach on Justice Towards Children (Guidance Note of the Secretary General, March 2008), online:
<https://www.unodc.org/pdf/criminal_justice/Guidance_Note_of_the_SG_UN_Approach_to_Justice_for_Children.pdf>.

Key secondary sources

Achieving Child-Friendly Access to Justice in Africa, (The African Child Policy Forum and Defense for Children International, 2012), online:
<http://www.ipjj.org/fileadmin/data/documents/decision_resolution_meetings_outcomes/KampalaConference_AchievingChildFriendlyJusticeAfrica_2012_EN.pdf>

Children and Young People Tool Kit, (British Medical Association, December 2010).

Geraghty, Thomas F and Diane Geraghty, **Child-Friendly Legal Aid in Africa**, UNICEF/UNODC (June 2011), online:
https://www.unodc.org/pdf/criminal_justice/Child-Friendly_Legal_Aid_in_Africa.pdf>.

Hansen, Dr. Thomas Obel, **Access to Justice and Legal Aid in East Africa** (Danish Institute for Human Rights and the East African Law Society, December 2011), online:
<http://www.humanrights.dk/files/media/billeder/udgivelser/legal_aid_east_africa_dec_2011_dihhr_study_final.pdf>.

The African Report on Child Well-Being 2013 (Addis Ababa, The African Child Policy Forum, 2013), online: <<http://www.africanchildforum.org/africanreport/>>.



Appendix 7 — Example of Child-Friendly IEC Material

Here is one example of how to adapt legal material to make it child-friendly.

UN Convention on the Rights of the Child In Child Friendly Language



Article 1
Everyone under 18 has these rights.

Article 2
All children have these rights, no matter who they are, where they live, what their parents do, what language they speak, what their religion is, whether they are a boy or girl, what their culture is, whether they have a disability, whether they are rich or poor. No child should be treated unfairly on any basis.

Article 3
All adults should do what is best for you. When adults make decisions, they should think about how their decisions will affect children.

Article 4
The government has a responsibility to make sure your rights are protected. They must help your family to protect your rights and create an environment where you can grow and reach your potential.

Article 5
Your family has the responsibility to help you learn to exercise your rights, and to ensure that your rights are protected.

Article 6
You have the right to be alive.

Article 7
You have the right to a name, and this should be officially recognised by the government. You have the right to a nationality (to belong to a country).

Article 8
You have the right to an identity – an official record of who you are. No one should take this away from you.

Article 9
You have the right to live with your parent(s), unless it is bad for you. You have the right to live with a family who cares for you.

Article 10
If you live in a different country than your parents do, you have the right to be together in the same place.

Article 11
You have the right to be protected from kidnapping.

Article 12
You have the right to give your opinion, and for adults to listen and take it seriously.

Article 13
You have the right to find out things and share what you think with others, by talking, drawing, writing or in any other way unless it harms or offends other people.

Article 14
You have the right to choose your own religion and beliefs. Your parents should help you decide what is right and wrong, and what is best for you.

Article 15
You have the right to choose your own friends and join or set up groups, as long as it isn't harmful to others.

Article 16
You have the right to privacy.

Article 17
You have the right to get information that is important to your well being, from radio, newspaper, books, computers and other sources. Adults should make sure that the information you are getting is not harmful, and help you find and understand the information you need.

Article 18
You have the right to be raised by your parent(s) if possible.

Article 19
You have the right to be protected from being hurt and mistreated, in body or mind.

Article 20
You have the right to special care and help if you cannot live with your parents.

Article 21
You have the right to care and protection if you are adopted or in foster care.

Article 22
You have the right to special protection and help if you are a refugee (if you have been forced to leave your home and live in another country), as well as all the rights in this Convention.

Article 23
You have the right to special education and care if you have a disability, as well as all the rights in this Convention, so that you can live a full life.

Article 24
You have the right to the best health care possible, safe water to drink, nutritious food, a clean and safe environment, and information to help you stay well.

Article 25
If you live in care or in other situations away from home, you have the right to have these living arrangements looked at regularly to see if they are the most appropriate.

Article 26
You have the right to help from the government if you are poor or in need.

Article 27
You have the right to food, clothing, a safe place to live and to have your basic needs met. You should not be disadvantaged so that you can't do many of the things other kids can do.

Article 28
You have the right to a good quality education. You should be encouraged to go to school to the highest level you can.

Article 29
Your education should help you use and develop your talents and abilities. It should also help you learn to live peacefully, protect the environment and respect other people.

Article 30
You have the right to practice your own culture, language and religion – or any you choose. Minority and indigenous groups need special protection of this right.

Article 31
You have the right to play and rest.

Article 32
You have the right to protection from work that harms you, and is bad for your health and education. If you work, you have the right to be safe and paid fairly.

Article 33
You have the right to protection from harmful drugs and from the drug trade.

Article 34
You have the right to be free from sexual abuse.

Article 35
No one is allowed to kidnap or sell you.

Article 36
You have the right to protection from any kind of exploitation (being taken advantage of).

Article 37
No one is allowed to punish you in a cruel and harmful way.

Article 38
You have the right to protection and freedom from war. Children under 15 cannot be forced to go into the army or take part in war.

Article 39
You have the right to help if you've been hurt, neglected, or badly treated.

Article 40
You have the right to legal help and fair treatment in the justice system that respects your rights.

Article 41
If the laws of your country provide better protection of your right than the articles in this Convention, those laws should apply.

Article 42
You have the right to know your rights! Adults should know about these rights and help you learn about them, too.

Article 43 to 54
These articles explain how governments and international organisations like UNICEF will work to ensure children are protected with their rights.



A Collaborative
Children's Week Project
of the
ACT Children's Week Committee



Office for Children, Youth and Family Support






Artwork © Kerry Jordan/ARTS



This poster is a UN Children's Week 2004 initiative and subject to copyright under license or agreement to Youthlinks Young Children's Foundation Inc.

