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**THE EFFECTIVENESS OF KAMPIRINGISA NATIONAL REHABILITATION
CENTRE FOR CHILDREN (KNRCC) IN PROMOTING, PROTECTING, AND
FULFILLING THE RIGHTS OF JUVENILE DELINQUENTS IN UGANDA**

A dissertation presented to

SCHOOL OF ARTS AND SOCIAL SCIENCES

in partial fulfillment of the requirements for the award of the degree

Master of Arts in Local Governance and Human Rights

UGANDA MARTYRS UNIVERSITY

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2013-M062-20014**

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July 2015

Dedication

I dedicate this dissertation to my family; Beshisha family especially to my late father Mr. Beshisha Africano.

Acknowledgement

I wish to express my sincere gratitude to my guardian Mr. Titus Byarushaya and my Mother Mrs. Beshisha Antonia Tushemereirwe who have been supportive both morally and financially.

Special thanks go to my supervisor Mr. Charles Turyahabwe, for the constructive advice, guidance and support which helped me to learn and gain knowledge in order to come up with this dissertation.

My appreciation also goes to the family of Mr. Paul Orikushaba for their support and encouragement that enabled me to complete this work. In a special way, I thank Mrs. Constance Orikushaba for having been there for me in hard times.

I am also sincerely grateful to Miss Dolorence Mutyaba and the family of Mukasa Kirema. Your trust, love, care and support have kept me moving forward up to the completion of this dissertation and the course in general.

I cannot forget to be grateful to all my respondents, especially social workers and juvenile delinquents at KNRCC. I also acknowledge those who participate in editing this work; Rukondo Selly, Ernest Ahomugisha, Saturday Bonaventure Kabairaho and Agathah Nyamuomba. Your contribution was greatly felt.

With sincerity, I say thank you very much for your contribution. I entrust you in the hands of our Good Lord God for the great reward.

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List of Acronyms and Abbreviations

ACRWC:	African Charter on the Rights and Welfare of the Child
CID:	Criminal Investigation Department
CRC:	Convention on the Rights of the Child
CRPWD:	Convention on the Rights of People with Disabilities
DV	Dependent Variables
FHRI:	Foundation for Human Rights Initiative
ICESCR:	International Covenant on Economic, Social and Cultural Rights
ICCPR:	International Covenant on Civil and Political Rights
IV	Independent Variables
KNRCC:	Kampiringisa National Rehabilitation Centre for Children
NGOs:	Non Government Organizations.
TV	Television
UACE	Uganda Advanced Certificate of Education
UCE	Uganda Certificate of Education
UDHR:	Universal Declaration of Human Rights.
UNICEF:	United Nations Children's Funds.
UPE:	Universal Primary Education.

Abstract

Juvenile delinquency has been a major threat to most communities and families across the globe. It has led to the establishment of juvenile detention facilities as one of the control measures where juveniles who have been found to be delinquent are detained so as to be rehabilitated. The gist of this study was from the fact that both the international, regional and national human rights instruments have emphasise that all juveniles, including those in detention facilities, have rights which need special care and protection because of their age. However, at KNRCC, the only juvenile detention facility in Uganda, conditions seemed to be far from being conducive yet juvenile delinquents had nowhere to go. The main objective of the study therefore, was to establish whether KNRCC was effective in promoting, protecting and fulfilling the rights of juvenile delinquents.

The study adopted qualitative method of research with 54 respondents. These included juvenile delinquents, social workers and Assistant Probation and Social Welfare Officers who were purposively selected due to their knowledge on the subject matter. Standard methods of data collection; interviews, focus group discussions and observation were used. The field data was analysed manually by arranging it according to the respective specific objectives of the study. To each objective, themes were created in consideration of the research problems in the literature reviewed. This was followed by rearranging data under each objective according to the related themes and presented in comparison with the literature reviewed.

From the study findings, it was established that due to various measures that were in place at KNRCC such as counseling, educational and vocational training, simple farming practice, resettlement, aftercare and allowing independent human rights auditors to visit juvenile delinquents, KNRCC effectively promoted, protected and fulfilled the rights of juvenile delinquents such as the right to health, the right to education, freedom of religion, the right to privacy and the right to food, among others. Though some challenges were still reported to be faced in the due process of promoting, protecting and fulfilling the rights of juvenile delinquents at KNRCC, it was most importantly recommended that Government of Uganda puts in place all that is required to ensure that KNRCC serves the purpose for which it was established putting in consideration the need to promote, protect and fulfill the rights of juvenile delinquents.

CHAPTER ONE

GENERAL INTRODUCTION

1.0 Introduction

Juvenile delinquency cuts across every human society around the globe. It depicts the unrestrained conduct among the juveniles which eventually results in antisocial and delinquent characters. As the alternative control measure, juvenile detention facilities have been established where juvenile delinquents are locked up for rehabilitation purposes. However, Rule No. 26.2 of the *United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules)* provides that while in such detention facility, juvenile delinquents should receive care, protection and all necessary social, educational, vocational, psychological, medical and physical assistance that they may require because of their age, sex, and personality and in the interest of their wholesome development. This constitutes part of fundamental rights and freedoms which juvenile delinquents should never be denied or deprived of while in the detention facility. Bearing this in mind, the study was carried out to establish whether KNRCC, the only juvenile detention facility in Uganda, was effective in promoting, protecting and fulfilling the rights of juvenile delinquents.

The study consists of five chapters. Chapter One presents the background of the study, the statement of the problem and the objectives of the study. Herein, the research questions the

scope of the study, significance and justification of the study. The chapter concludes by describing the conceptual framework and the definition of key terms.

Chapter Two specifically reviews the literature on the rights of juvenile delinquents in the detention facility and measures for their effective promotion, protection and fulfillment. Chapter Two also reviews the challenges faced for the effective promotion, protection and fulfillment of the rights of juvenile delinquents in the detention facility.

Chapter Three deals with research methodology; describing the research design, area of the study, study population, sampling procedure, data collection methods and instruments, data management and processing. The same chapter addresses data analysis techniques, ethical considerations and limitations of the study.

Chapter Four presents the findings of the study, as well as interprets analyses and discusses them. Here, the meanings different people attached to the subject under study are presented.

Finally in Chapter Five, the summary of the findings are brought together with some suggested recommendations for the challenges that were mentioned. The same chapter suggests another area of the study basing on the study findings.

1.1 Background of the Study

Juvenile delinquency is as old as history of man and according to the Holy Bible (Genesis 4:8b), it began with Cain attacking and killing his brother Abel, from which God cursed Cain for such delinquent behaviour.

Different parts of the world have had different mechanisms designed to deal with juvenile delinquent delinquency. In the United States of America, for instance, juvenile who would be found to be delinquent were detained together with adults in the same prison; there was no formal differentiation made between juvenile delinquents and adult prisoners. However, in the 20th century (Austin et al., 2000), juvenile detention facilities such as New York House of Refuge were established specifically to separate juvenile delinquents from adults (American Bar Association, 2014).

In Europe, on the other hand, the concept of separating juvenile delinquents from adult prisoners started in 1704 when Pope Clement XI founded a centre for the correction of "reckless youths". Following this development, a special institution for reforming juvenile delinquents who would be found to be delinquent was established by the Marine Society of England in 1756. Following the passing of the *Reformatory Schools Act* in 1854 however, the separation of juvenile delinquents from adult criminals was officially launched (Hub Pages & Hubbers, 2014).

In Africa, juvenile delinquency was associated with the era of colonisation. Colonial masters from various parts of western world imposed their cultural systems on African indigenous people resulting into the abandonment of indigenous social-cultures which used to

shape their moral values (Ugboajah, 2008). This was followed by the establishment of juvenile detention facilities in different parts of Africa where in Uganda, the first juvenile detention facility known as Kampiringisa was established in 1952 under the *Ordinance Act*. Kampiringisa was initially meant to cater for boys aged 6 to 16 who would be found to be delinquent but with the enactment of the *1997 Children Act*, it was transformed into a national rehabilitation centre and transformed to detain both boys and girls aged from 12 to 17 (Moore, 2010).

Though a juvenile delinquent may be in a detention facility, his or her best interests remain the first consideration. For that matter, the United Nations General Assembly established the *Convention on the Rights of the Child (CRC)*; a universally agreed set of non-negotiable standards and obligations and the African Union established the *African Charter on the Rights and Welfare of the Child (ACRWC)*; the only regional instrument specifically guaranteeing the rights of all juveniles both stipulating some categories of rights fundamental to juvenile delinquents in the detention facility. Fortunately, Uganda is among the 194 countries which have signed and ratified the CRC and among other 53 African countries that have signed the ACRWC. Unfortunately, the ground analysis at KNRCC seemed to indicate that juvenile delinquents were still facing some challenges pertaining to the enjoyment of their rights yet it was the only detention facility for juvenile delinquents in Uganda. This raised the need of the study to establish whether KNRCC was effective in promoting, protecting and fulfilling the rights of juvenile delinquents.

1.2 Statement of the Problem

Whereas Uganda has signed and ratified both the CRC and ACRWC stipulating some categories of rights which juvenile delinquents should never be denied while in a detention facility, it was remarkable that it had taken a step ahead to integrate them in the *1995 Constitution of the Republic of Uganda* and the *1997 Children Act Cap.59*. From the ground analysis at KNRCC however, conditions seemed to be far from being conducive yet juvenile delinquents had nowhere else to go. The study was carried to determine whether KNRCC was effective in promoting, protecting and fulfilling the rights of juvenile delinquents.

1.3 Objectives of the Study

1.3.1 Major Objective

To assess the effectiveness of KNRCC in promoting, protecting and fulfilling the rights of juvenile delinquents.

1.3.2 Specific Objectives

- i. To identify the rights of juvenile delinquents living in the detention facility.
- ii. To Establish measures for effective promotion, protection and fulfillment of the rights of juvenile delinquents.
- iii. To establish the challenges faced in the effective promotion, protection and fulfillment of the rights of juvenile delinquents.

1.4 Research Questions

- a. What are the rights of juvenile delinquents in the detention facility?

b. What are the measures for effective promotion, protection and fulfillment of the rights of juvenile delinquents?

c. What are the challenges faced in the effective promotion, protection and fulfillment of the rights of juvenile delinquents?

1.5 Scope of the Study

1.5.1 Time Scope

The study considered the performance of KNRCC since January, 1997 when Universal Primary Education (UPE) was introduced up to November, 2014 when the study was carried out. From an ideology that an idle mind is the devil's workshop, it was believed that since that was the period when juvenile would be much more engaged in schools as education was free, they would not be idle to engage in juvenile delinquents.

1.5.2 Geographical Scope

The study was carried out at KNRCC which is located in Mpigi District, 44Km from Kampala and 2.5 Km off Kampala-Masaka Road. KNRCC was considered because it is the only juvenile detention facility in Uganda that had a preferential treatment for juvenile delinquents.

1.5.3 Content Scope

The study was carried out to assess the effectiveness of KNRCC in promoting, protecting and fulfilling the rights of juvenile delinquents. The need for this study was derived from the fact that since juvenile delinquents in the detention facility were deprived of their liberty, the defense of their rights fell entirely in the hands of the facility authorities. It was therefore thought

necessary to find out how KNRCC was effectively executing its responsibility to ensure that rights of juvenile delinquents were effectively promoted, protected and fulfilled. This would enable juvenile delinquents to fully enjoy their rights in the detention facility even after resettlement hence.

1.6 Significance of the Study

The study was expected to:

- i. Contribute to the already existing body of knowledge about the rights of juvenile delinquents and stimulate further research in this field. This was meant to enhance the promotion, protection and fulfillment of the rights of juvenile delinquents in the detention facility at KNRCC.

- ii. Encourage Policy makers to develop and implement comprehensive effective measures geared towards promoting, protecting and fulfilling the rights of juvenile delinquents based on and in compliance with standard rules and procedures of CRC and ACRWC.

- iii. Highlight the key issues affecting the effective promotion, protection and fulfillment of the rights of juvenile delinquents at KNRCC and how they could be addressed.

1.7 Justification of the Study

According to Article 3(1) of the CRC, in all actions concerning juveniles, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the juvenile shall be a primary

consideration. Like parents and guardians, social workers in the juvenile detention facility at KNRCC had the primary responsibilities of ensuring that the best interests of juvenile delinquents are given a primary consideration. Given the fact that juvenile delinquents were deprived of their liberty, the study was carried out to assess whether KNRCC was effective in promoting, protecting and fulfilling the rights of juvenile delinquents.

1.8 Definition of Key Terms

- A juvenile:** A human being below the age of eighteen (18) years.
- Age of Criminal Responsibility:** The age at which a juvenile commits an offence and he or she is subjected to legal actions. In Uganda, the age of criminal responsibility is 12 years.
- Juvenile Delinquent:** A human being below the age of legal responsibility (18 years) whose anti-social behaviour is beyond parental control and therefore subject to legal actions.
- Juvenile Delinquency:** Conduct by a juvenile characterised by anti-social behaviour that is beyond parental control and therefore subject to legal action.
- Juvenile Court:** Judicial body set to determine the delinquencies of juveniles.

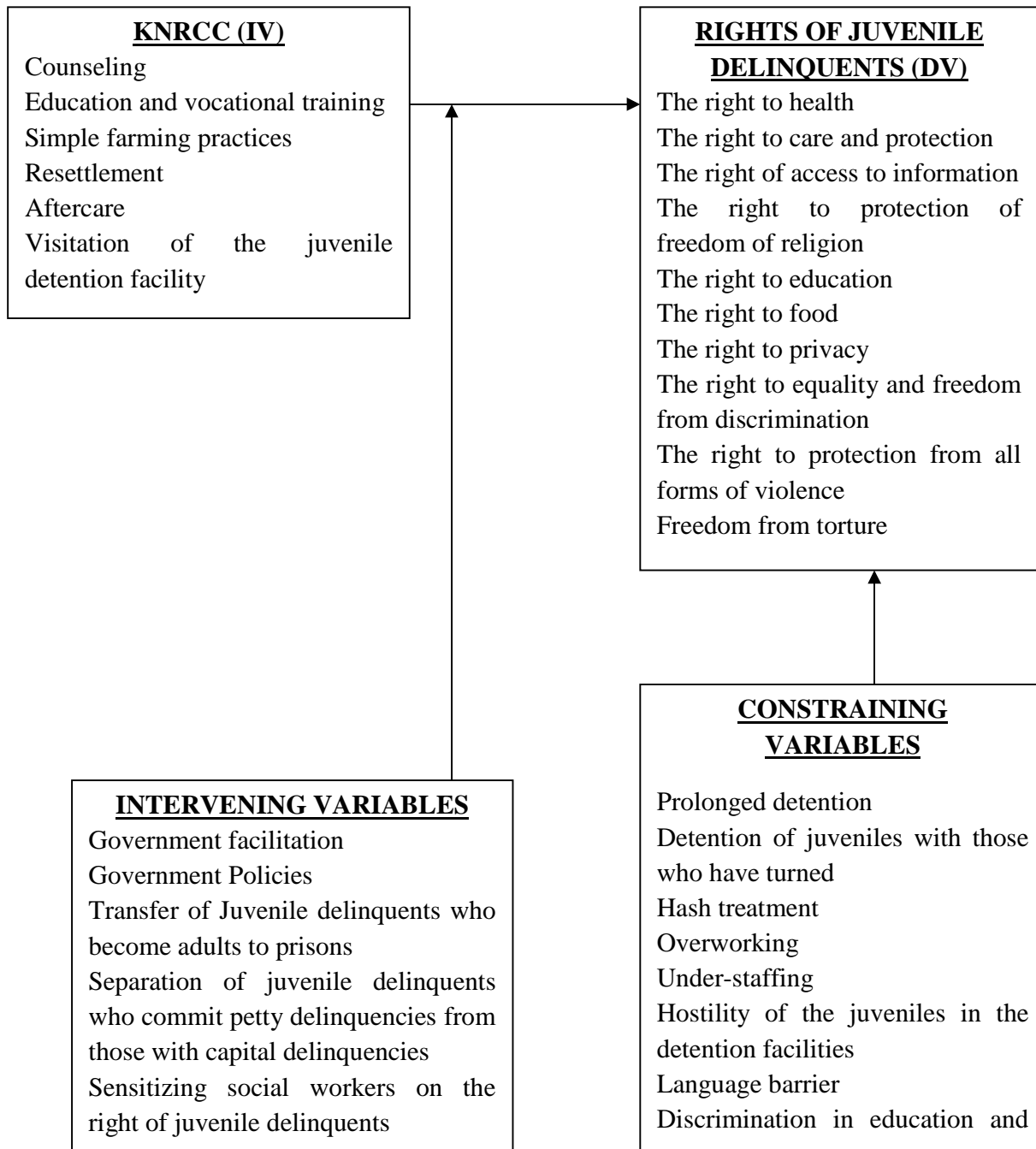
Juvenile Detention Facility: An institution designed to detain juvenile delinquents for short period of time purposely for rehabilitation.

Rehabilitation: A process of reclaiming the moral responsibilities of juvenile delinquents in the detention facility.

Aftercare: The continuous care and assistance given to a juvenile delinquent before and after resettlement.

Recidivism: Relapsing back into a delinquent behavior after experiencing its negative consequences.

1.9 Conceptual Framework



The conceptual framework above demonstrates that at KNRCC (Independent Variables); counselling, education and vocational training, simple farming practices, allowing independent

human rights auditors to visit juvenile delinquents, resettlement and aftercare are some of the measures that are in place to effectively promote, protect and fulfill the rights of juvenile delinquents. These rights include the right to health, the right to care and protection, the right of access to information, the right to protection of freedom of religion, the right to equality and freedom from discrimination, the right to education, the right to food, the right to freedom from torture, inhuman and degrading treatment, the right to protection from all forms of violence, the right to be kept in humane facilities and the right to privacy (Dependent Variables). Though not strong enough, there are some external factors (Intervening Variables) which supplement the independent variables to effectively promote, protect and fulfill the rights of juvenile delinquents. These include government facilitation, government policies, transferring Juvenile delinquents who become adults to adult prisons, separating juvenile delinquents who commit petty delinquencies from those with capital delinquencies, as well as sensitizing social workers on the right of juvenile delinquents.

The conceptual framework further indicates that despite measures in place at KNRCC to effectively promote, protect and fulfill the rights of juvenile delinquents; prolonged detention, the detention of juveniles with those who have turned adults, harsh treatment, old dilapidated structures, overworking, detaining juveniles with both capital and petty delinquencies in the same facility, under-funding, under-staffing, hostility of the juveniles in the detention facility, language barrier, as well as discrimination in education and vocational training are some of the challenges (Constraining Variables) faced in the due process.

1.10 Conclusion

Chapter one has introduced various issues concerning the background of the study, statement of the problem, objectives of the study, research question and the scope of the study. The Chapter has also addressed the significance of the study and the justification of the study, as well as the description of the conceptual framework. The following chapter briefly reviews the literature on juvenile delinquency to enhance the understanding of the subject matter.

CHAPTER TWO

LITERATURE REVIEW

2.0 Introduction

In Chapter one, the historicity and the veracity of juvenile delinquency as a social problem have been discussed. Particularly in the background of the study, it has been argued that juvenile detention facilities were established purposely to rehabilitate juvenile delinquents while keeping in mind the promotion, protection and fulfillment of their rights. Chapter two reviews the already existing literature on the rights of juvenile delinquents, measures for their effective promotion, protection and fulfillment in the detention facility, as well as challenges faced.

2.1 The Rights of Juvenile Delinquents in the Detention facility

Human rights derive from the *1948 Universal Declaration of Human Rights* (UDHR). In a bid to promote, protect and fulfill the rights of juveniles, the United Nations General Assembly adopted the in 1989. Uganda has signed and ratified it and gone an extra mile to adopt its provisions in the *1995 Constitution of the Republic of Uganda* and the *1997 Children Act*. It articulate some categories of the rights as discussed below, which juvenile delinquents living in a detention facility should never be deprived of or denied.

2.1.1 Equality and Freedom from Discrimination

Article 2 of the CRC provides that States Parties should respect the rights of each juvenile without discrimination on the grounds of 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. More importantly, Article 7 (1) of the *Convention on the Rights of People with Disabilities* (CRPWD) emphasises that all necessary measures should be taken to ensure that juvenile delinquents with disabilities enjoy all human rights and fundamental freedoms on an equal basis with other juveniles. This is because, as Article 21(1) of the *1995 Constitution of the Republic of Uganda* provides, all persons are equal before and under the law. However, given the fact that it has been a common practice for people with disability to be marginalised and discriminated in the society, the study wanted to find out whether juvenile delinquents with disabilities were protected from being marginalised and discriminated at KNRCC.

2.1.2 The Right to Care and Protection

Juveniles have the right to be given special care and protection against actions and omissions that interfere with their fundamental rights, freedoms and human dignity (United Nations, 2006). This is because according to the Committee on the Rights of the Child's General Comment No. 10 on Children's Rights in Juvenile Justice, juveniles differ from adults in their physical, psychological and emotional development. Their aspects of cognition, psychosocial maturity and other developmental characteristics are not mature enough as compared to adults (Woolard, 2011). The study therefore, wanted to find the nature of care given to juvenile delinquents in consideration of their age.

Section 94 (4) of the *1997 Children Act* provides that the detention of the juvenile delinquents should be after all other reasonable alternative measures have been tried and failed. Furthermore, Article 37(b) of the United Nations CRC provides that the detention of juveniles should be a measure to be applied at the last resort and for the shortest appropriate period of time. This is because, as articulated in Article 31 (5) of the *1995 Constitution of the Republic of Uganda*, juveniles should not be separated from their families or the persons entitled to bring them up. Given the fact that the preamble of the CRC provides that a family is a fundamental group of the society and the natural environment for the growth and wellbeing of its members particularly juveniles, the study aimed at establishing how KNRCC had ensured that juvenile delinquents in detention are kept in touch with their families.

2.1.3 Freedom from Torture

The *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* defines torture in Article 1(1) as any act by which severe pain or suffering, whether physical or mental, intentionally inflicted on a person for such purposes as punishing or getting information from him or her. Juvenility coupled with neglect, abuse, domestic violence, poor parenting and poverty can make juveniles suffer a lot and lead to development of behavioural difficulties which when taken to the detention facility may lead them to being tortured by either social workers or other juveniles. This is against Section 3 of the *2012 Prevention and Prohibition of Torture Act* which provides that the enjoyment of the right to freedom from torture is nonderogable. Thus, the study wanted to discover how juvenile delinquents at KNRCC are protected from being subjects of torture.

2.1.4 Protection from Deprivation of Personal Liberty

Unlawful deprivation of personal liberty is prohibited under Article 37(b) of the CRC. Whereas juvenile courts are given the discretion to make orders of detention for juvenile who have been found to be delinquents, Section 94 of the *1997 Children Act* provides that juvenile delinquents with the age of sixteen should be detained for a maximum period not exceeding three months, those above the age of sixteen be detained for not more than twelve months and for those whose delinquencies are punishable by death to be detained for a period not more than three years. Considering the fact that KNRCC detains juvenile delinquents of all categories, the study wanted to find the distinction made in the facility in compliance with Section 94 of the *1997 Children Act*.

2.1.5 The Right to be kept in Humane Facility

Being kept in a humane facility designed to preserve health, obtain adequate food, water, shelter and clothing is a fundamental human right that juveniles living in a detention facility must enjoy (Uganda Human Rights Commission, 2012). Rule No. 10 of *Standard Minimum Rules for the Treatment of Prisoners* provides that all the accommodations provided for use in detaining juvenile delinquents should meet all requirements of health. However, Austin et al., (2005) argue that special consideration should be given to climatic conditions and particularly to the cubic content of air, minimum floor space, lighting, heating and ventilation. With this knowledge of thought, the study wanted to evaluate the environment and living conditions of juvenile delinquents at KNRCC and their consistency with human rights standards.

2.1.6 The Right to Food

The right to food is an interdependent right which juveniles, especially those in a detention facility, cannot live without. It is recognised under the international human rights law especially the UDHR where Article 25(1) provides that everyone has the right to the highest standard of living adequate for health and well-being of him or herself and his or her family. However, the World Health Organisation (2008) states that the right to food does not simply mean a right to a minimum ration of proteins and other specific nutrients, but also a right to all nutritional elements that a person needs to live a healthy and active life. For that reason, the study wanted to establish how juvenile delinquents were fed at KNRCC.

2.1.7 The Right to Health

The United Nations Committee on Economic, Social and Cultural Rights contends in its General Comment No. 14 on the Right to the Highest Attainable Standard of Health that health is a fundamental human right indispensable for the exercise of other human rights. The *Constitution of the World Health Organisation* (2006) defines health in its Preamble, not only to mean the state of the absence of disease or infirmity, but also the state of complete physical, mental and social well-being. From the Fact Sheet No. 31 on the right to health, it is understood that juveniles face particular health challenges related to their stages of physical and mental development. This implied that juvenile delinquents at KNRCC were not exceptional. The study therefore wanted to evaluate how juvenile delinquents KNRCC were enabled to enjoy the right to health.

2.1.8 The Right to Education

Education is a means through which the realisation of other human rights is possible. It is one of the compulsory rights of all juveniles provided under Article 26 of the UDHR that:

(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

According to the United Nations Committee on Economic, Social and Cultural Rights in the General Comment No. 13 on the right of the children to freedom from all forms of violence, education is an empowerment right, a primary vehicle by which economically and socially marginalised juveniles can obtain the means to participate fully in their communities. Rules 38-39 of the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty* emphasise that every juvenile of compulsory-school age should be afforded the enjoyment of the right to education suited to his or her needs and abilities, as well as designed to prepare him or her for return to society. Bearing this in mind, the study judged it fundamental to evaluate the quality of education that was offered at KNRCC.

Related to the above, the enjoyment of the right to education requires, as provided in Rule No. 46 of the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty*, that education be provided outside the detention facility, in community schools wherever possible and, in any case, by qualified teachers through programs integrated with the education

system of the country. This made it necessary for the study to examine the system of education offered at KNRCC.

2.1.9 The Right to Religion

The UDHR provides in Article 18 that: *Everyone has the right to freedom of thought, conscience, and religion.* This is because, as Lord Nicholls in *R. (Williamson) v. Secretary of State for Education and Employment [2005] 2 AC 246*) stated: “Religious and other beliefs and convictions are part of the humanity of every individual.” In order to effectively promote the right to religion among the juveniles, Article 18(4) of the *International Covenant on Economic, Social and Cultural Rights (ICESCR)* compels parents or legal guardians to ensure that juveniles receive a religious and moral education in conformity with their own convictions. Based on this knowledge of thought, the study wanted to find out whether social workers at KNRCC were doing what was required to ensure that juvenile delinquents have received religious education in conformity with their conviction.

2.2 Measures for Effective Promotion, Protection and Fulfillment the Rights of Juvenile Delinquents in a Detention Facility

In the detention facility, rehabilitation cultivates into juvenile delinquents the sense of self-esteem and dignity which enables them to successfully rejoin society and play a constructive role without relapsing to juvenile delinquency. However, for rehabilitation to be effective, detention facility authorities especially social workers must respect the values of promoting, protecting and fulfilling the rights of juvenile delinquents. The following section reviews the measures for effective promotion, protection and fulfillment of the rights of juvenile delinquents.

2.2.1 Counselling

Counselling is one of the ways in which moral values are restored in juvenile delinquents (Inter-Parliamentary Union and UNICEF, 2007). This involves self-disclosure and honesty, modification of distorted self-image and interpersonal openness. During counselling, juvenile delinquents take responsibility of their actions and get involved in problem-solving activities including community service (Susan et al., 2002). Counselors listen to the concerns and problems of juvenile delinquents and lead them to gain insight into the causes of these problems (Omoniyi, 2011). This helps them to focus on their past dysfunctional life styles in order to shape their future. Once their morals are effectively shaped, they can easily enjoy other fundamental rights such as education which comes with trust in the detention facility, as well as freedom from torture brought about by moral conduct. Having in mind the significance of counselling to juvenile delinquents therefore, the study desired to find out the competence of personnel at KNRCC to effectively carry out counselling to juvenile delinquents.

2.2.2 Education and Vocational Training

From Article 30 of the 1995 *Constitution of the Republic of Uganda*, the right to education is compulsory for every juvenile. However, the majority of juvenile delinquents aged 16 and above do not want to return to school when released from the detention facility (Gemignani, 1994). Providing them with vocational training in the detention facility therefore equips them with some skills in different fields which help them to find some employment opportunities (Hamilton and McKinney, 1999). Having realised the importance of vocational training to juvenile delinquents, the study found it the necessary to establish the existence of such

education and vocational training programs and the nature of skills equipped to juvenile delinquents.

2.2.3 Resettlement

The preamble of the CRC hails that a family is the fundamental group of society and the natural environment for the growth, well-being and protection of juveniles. The United Nations General Assembly emphasises in Resolution 45/113 that competent authorities should ensure that juvenile delinquents are reintegrated and resettled into their families and communities. This is because the protection of juveniles is both a private and a public responsibility (Wulczyn, 2010). Individual parents, extended family members and other members of the community protect juveniles through largely informal mechanisms. Thus, the study wanted to establish how the process of resettlement was done at KNRCC.

Resolution 64/142 of the United Nations General Assembly provides that the situation of juvenile delinquents needs to be assessed with multidisciplinary advice if they are to be helped to overcome the challenge of juvenile delinquency. This involves consulting Juvenile delinquents themselves since they have a body of experience unique to their situation and views that derive from their experience. Moreover, they are the social actors with skills and capacities to bring about constructive resolutions to their own problems (United Nations, 2004). When assessing their situation during resettlement, it is important that they be consulted in all aspect that concerns them. In addition, it is also important to consult other different groups of people who are meaningful in their lives, as well as the alternative caretaker. This determines whether resettlement is possible or not. However, given the fact that some juvenile delinquents may not

be received back in the communities and families, the study wanted to find out how they are handled in consideration of their best interests.

2.2.4 Aftercare

Aftercare is the re-integrative service given to juveniles in the detention facility for re-entry into the community (Gies, 2003). During the period of aftercare, juvenile delinquents are systematically prepared to assume self-reliance and to integrate fully in the community. They are equipped with social and life skills which are fostered by participation in the life of the local community. Aftercare improves the gains made during initial treatment for a certain delinquent behaviour and increases an individual's chances of long-term abstinence (Hazelden, 2013). However, the study still wanted to establish the nature assistance given to juvenile delinquents at KNRCC during the process of aftercare and how it had effectively promoted, protected and fulfilled the rights of juvenile delinquents.

2.2.5 Visiting Juvenile Delinquents in the Detention Facility

The security and well-being of juvenile delinquents deprived of their liberty is often in the hands of the detention authorities (Penal Reform International, 2011). This often puts them in a defenseless position in terms of enjoying their fundamental rights and freedoms. However, Section 97 of the *1997 Children Act* of Uganda establishes a committee of visitors appointed by the Minister in Charge of Children Affairs to periodically visit and inspect juvenile detention facility. They assess the detention facility's compliance with human rights standards and principles, and where necessary, they advise the detention authorities and the Minister in charge of juvenile affairs on matters affecting juvenile delinquents. Based on this knowledge of though,

the study wanted to establish how these roles played the committee of visitors were significant in promoting, protecting and fulfilling the rights of juvenile delinquents at KNRCC.

Despite the enjoyment of the rights of juvenile delinquents in the detention facility, it is not without any challenge.

2.3 Challenges Facing the Effective Promotion, Protection and Fulfillment of the Rights of Juvenile Delinquents in the Detention Facility

While the rights of juvenile delinquents in the detention facility and measures for their effective promotion, protection and fulfillment have been discussed, it cannot be denied that there are no challenges. These are discussed below.

2.3.1 Difficulty in Age Determination

The CRC provides in Article 40(3) (a) that all State Parties shall establish a minimum age below which juveniles shall be presumed not having the capacity to infringe the penal law. In Uganda, age is verified from the legal provisions available for birth registration. However, because of bureaucracy, lack of resources, and the fact that rural births often take place away from health facilities, the majority of births are not registered (Moore, *ibid.*). This has led some juvenile delinquents to be detained with adults either in adults' prisons or in juvenile detention facilities. With this challenge in the background of the mind, the study wanted to establish how KNRCC was dealing with juvenile delinquents who had attained the age of 18 (adults) while still in the facility.

2.3.2 Detention with Adults

Rule No. 29 of the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty* provides that in the detention facility, juveniles should be separated from adults. This is because, as General Comment No. 10 on children's rights in juvenile justice states, detaining juvenile delinquents with adults puts their basic safety, well-being, and their future ability to remain free from delinquencies at risk. However, the Uganda Human Rights Commission observed in its 15th Annual Report (2012) that juveniles were still detained with adults in the same facility. The study considered it significant to establish the circumstances under which some old people would be brought to be detained with juvenile delinquents at KNRCC.

2.3.3 Negative Publicity

The United Nations Committee on the Rights of the Child claims in the General Comment No. 10 on children's rights in juvenile justice that juveniles who have been found to be delinquent are often subjected to negative publicity in the media. This leads to discrimination, negative stereotyping and adopting unfavorable approaches to juvenile delinquents such as mandatory sentences and trial in adult courts. With this claim in mind, the study was intended to find out whether media indeed had participated in violating the rights of juvenile delinquents at KNRCC.

2.3.4 Torture

Despite Article 37 (a) of the CRC providing that no juvenile shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment, Robertson (2015) says that abuse has been a common issue inside the juvenile detention facility. He claims that some states do not

have rules against abuse towards these misunderstood teens and what happens behind closed doors is not really under any control of authorities. Robertson attributes this to shortage of enough trained social workers where some guards have been plucked right from adult prisons and placed in an atmosphere with young adults. Some of these guards are simply not used to handling juvenile delinquents and as a result, they end up taking actions that may not necessarily favour the best interests of juvenile delinquents. The study, for that reason, intended to establish the competence of social workers at KNRCC in relation to spearheading the effective promotion, protection and fulfillment of the rights of juvenile delinquents.

2.3.5 Social Influence

Albert Bandura cited by McLeod (2011) claims that juvenile delinquents' engaging in delinquent behaviour is influenced by what they observe in the surrounding environment while growing up. When juveniles with petty delinquencies are not separated from those with serious delinquencies such as murder, Robertson (ibid.,) claims that they absorb the poor information given and end up becoming core juvenile delinquents. With this idea in mind, the study wanted to establish the possibilities of social influence to juvenile delinquents at KNRCC and how it had affected the effective promotion, protection and fulfillment of the rights of juvenile delinquents.

2.4 Conclusion

This chapter has reviewed the relevant literature on the rights of juvenile delinquents in the detention facility. Such rights have been highlighted and measures for their effective promotion, protection and fulfillment have been discussed. In addition, the chapter has also highlighted some challenges still faced in the effective promotion, protection and fulfillment of

the rights of juvenile delinquents in the detention facility. The following chapter describes the research methodology.

CHAPTER THREE

RESEARCH METHODOLOGY

3.0 Introduction

Research methodology is the description of how the study is carried out in order to deal with a research problem (Jonker and Pennink, 2010). In this chapter, research design, area of the study, study population and sampling procedure are presented. Furthermore, data collection methods and instruments, data management and processing, as well as data analysis techniques are discussed. This chapter concludes with two important issues; ethical considerations and limitations of the study. Here, the moral justification as regards the minimal abuse, safety, social and psychological wellbeing of the respondents is addressed, as well as the anticipated constraints imposed by the methods of research and how they were addressed.

3.1 Research Design

Research design refers to a technique used to discharge the burden of proof through logical organisation (Miller & Brewer, 2003). Qualitative method of research was used in order to understand how ordinary people thought and felt about the topics under the study. Through this method of research, the research sought the meaning which could not be achieved by looking at particular features of many instances of a phenomenon, but by looking at all aspects of the same phenomenon to understand their inter-relationships and how they come together to form a whole.

3.2 Area of the Study

The study was carried out at KNRCC located in Mpigi District, 44Km from Kampala; the Capital City of Uganda, and 2.5Km off Kampala-Masaka road. KNRCC was established in 1952 under the Ministry of Gender, Labour and Social Development initially to cater for male juvenile delinquents aged 6 to 16 years of age. However, with the enactment of the *1997 Children Act*, it was transformed into a national rehabilitation centre to cater for both boys and girls. KNRCC was considered authentic for the study because it is the only juvenile detention facility in Uganda for juveniles who have been found to be delinquent.

3.3 Study Population

Study Population in research refers to the group of people believed to be reliable for the study and from whom information is taken (Kombo & Tromp, 2006). The study considered juvenile delinquents at KNRCC as key respondents since the topic under study was about their welfare. The age category of 12 to 17 was targeted given the fact that Section 88 of the *1997 Children Act* of Uganda and Article 34(5) of the *1995 Constitution of the Republic of Uganda* provide that the minimum age of criminal responsibility is 12 years and a juvenile is a person below eighteen (18) years respectively.

The Assistant Probation and Social Welfare Officers were also considered for the study because they were the custodians of juvenile delinquents in determining whether a given juvenile delinquent was to be detained and the period of detention or to be released.

Finally, the study considered social workers at KNRCC as they wore shoes of parents and guardians of juvenile delinquents in the detention facility. This meant that they had the moral

responsibility to ensure that the rights of juvenile delinquents were promoted, protected and fulfilled.

3.4 Sample Procedure

3.4.1 Sample Size

The sample consisted of 69 respondents of which 47 were juvenile delinquents, 8 Probation Officers and 14 social workers as indicated in the table 1.

Table 3.1: Proposed Category of Respondents and their Sample Size

Population	Number of Population	Population Percentage (%)
Juvenile delinquents	47	68.1
Assistant Probation and Social Welfare Staff	8	11.6
Social workers	14	20.3
Total	69	100

3.4.2 Sampling Techniques

Purposive sampling was used to select all the necessary respondents of the study. Berg (2001) defines Purposive sampling as the sampling procedure which requires the researcher to use his or her special knowledge or expertise to select respondents who represent the entire

population. In purposive sampling, the researcher put in consideration the attributes which he well thought-out as most useful for the study. Purposive sampling was used because it increased the validity and reliability of the data since people with vital information were the ones considered.

3.4 Data Collection Methods and Instruments

Three methods of data collection: interviews, focus group discussion and observation were used.

3.5.1 Interviews

Interviews are the most widely used method of data collection. They involve asking respondents to talk about their everyday experience regarding the topic under study. Interviews take a form of a conversation between two or more people to develop ideas rather than facts. This is important in understanding the thinking and the feeling of the respondents (Miller & Brewer, *ibid.*). Interviews were used to collect data from Assistant Probation and Social Welfare Officers and social workers at KNRCC. These respondents were subjected to interviews in order to capture their deep feelings and expressions on the study.

3.5.2 Focus Group Discussion

According to Kombo and Tromp (*ibid.*) a focus group discussion comprises of individuals who share certain characteristics relevant for the study. A total of 47 juvenile delinquents from KNRCC were selected under the help of social workers considering the languages which the researcher was acquainted with; English and Luganda. They were then

divided into 8 different focus groups to ease the process and concentration. Focus group discussion gave juvenile delinquents more confidence to share their true feelings and thoughts about the study.

3.5.3 Observation

Like Kombo and Tromp (ibid.,) describe, observation is a tool that provides information about actual behaviour. Unlike the interviews and focus group discussion which relied on answers got from the respondents, observation helped the researcher to get the information himself by taking a close look at respondents' expressions and other observable structures. He tried to observe directly and engaged in casual conversations so as to be part of the experience.

3.6 Quality Control Methods

Quality control involves the validity and reliability of the study in producing accurate results. By using KNRCC, the only juvenile detention facility in Uganda, data was collected from respondents with vast experience and this made it valid, reliable and easily generalised.

3.7 Data Management and Processing

Data was collected through interviews, focus group discussion and observation. During the process of data collection, routine explanation was given to respondents on questions that seemed to be misunderstood. Probing was also done for clarity on some of the issues raised by respondents.

3.8 Data Analysis Techniques

Field data was analysed manually. Most of the data that was collected through interviews was in audio. It was then transcribed and typed together with other file notes from the observation and focus group discussion. This was done to ensure that there was a uniform compilation of data for further analysis. The typed data was then sorted out and arranged according to the objectives of the study. To each objective, themes were created in consideration with the literature reviewed. This was then followed by further sorting out data under each objective and rearranging it in accordance with the related theme. Data collection methods and the respondents were noted in each step to ensure that no information was mixed or confused. Finally, data was presented, interpreted, analysed and discussed in comparison with the literature reviewed.

3.9 Ethical Consideration

Ethical consideration involves the manner under which the researcher chooses the respondents, how he or she plans to deal with them personally and how he or she expects to use the information they provide (Walliman, 2011). According to Miller and Brewer (*ibid.*), voluntary consent is the central norm governing the relationship between the researcher and participant. Borrowing from Miller and Brewer knowledge of though, the research sought the respondents' consent.

According to Williman (*ibid.*), one of the most important aspects of social research is the protection of the participants' identity. He argues that participants should not share personal information with a researcher unless they are certain that their data will be kept confidential.

Taking a leaf from Williman's knowledge of thought, the principle of confidentiality was adhered to. This was done systematically by replacing real names of respondents with false ones. The right to privacy in the detention facility was highly considered as one of the sensitive issues when conducting any study. Obtaining an authorisation letter from Permanent Secretary in the Ministry of Gender, Labour and Social Development in order to access KNRCC was important in building a sense of trust in respondents that their information would not be misrepresented.

Punch (2002) asserts that ethical issues differentiate research carried out with juveniles and with adults. In order to obtain juveniles' consent and involve them in the study, the researcher had to seek consent first from the social workers. However, the researcher also explained to juvenile delinquents the purpose of the study.

3.10 Limitations of the Study

To every study conducted, there are certain issues that are beyond the control of the researcher and that may affect the course of the study. During this study for instance, there was a problem of reward for information given. Some social workers and juvenile delinquents requested for money in exchange for information. Conversely, the researcher tried to explain to them the purpose of the study and this enabled them to calm down and accept to participate in the study.

Acquiring an authorisation letter from the Permanent Secretary in Ministry of Gender, Labour and Social Development in order to access juvenile delinquents at KNRCC for the study was not an easy task. The researcher received letter after traveling several times to his office and

this led to loss of valuable time. For this matter, the researcher had to multiply the effort to recover the wasted time.

Due to the fact that the researcher used recorders during interviews and focus group discussions, some respondents tried to present themselves in the best possible ways to provide what they thought the researcher wanted to know rather than the reality on the ground. However, this was overcome by probing and interviewing different respondents on the same topic to compare the results.

Despite the limitations, the researcher had a good discussion with the respondents and he was able to collect data and information that was sufficient for the study. This helped him to draw a line between the theoretical basis of the study and the reality on the ground. Of course there can never be a study that perfectly answers everything but in this case, the information that was collected was able to provide the necessary answers to the research questions.

3.11 Conclusion

This chapter has discussed research methodology. The following chapter presents, interprets analyses and discusses the data findings.

CHAPTER FOUR

DATA PRESENTATION, INTERPRETATION, ANALYSIS AND DISCUSSION

4.0 Introduction

The previous chapters have addressed the contextual, theoretical and descriptive aspects of the study. In the following chapter, the findings of the study are presented, analysed, interpreted and discussed.

4.0.1 Categories of Respondents

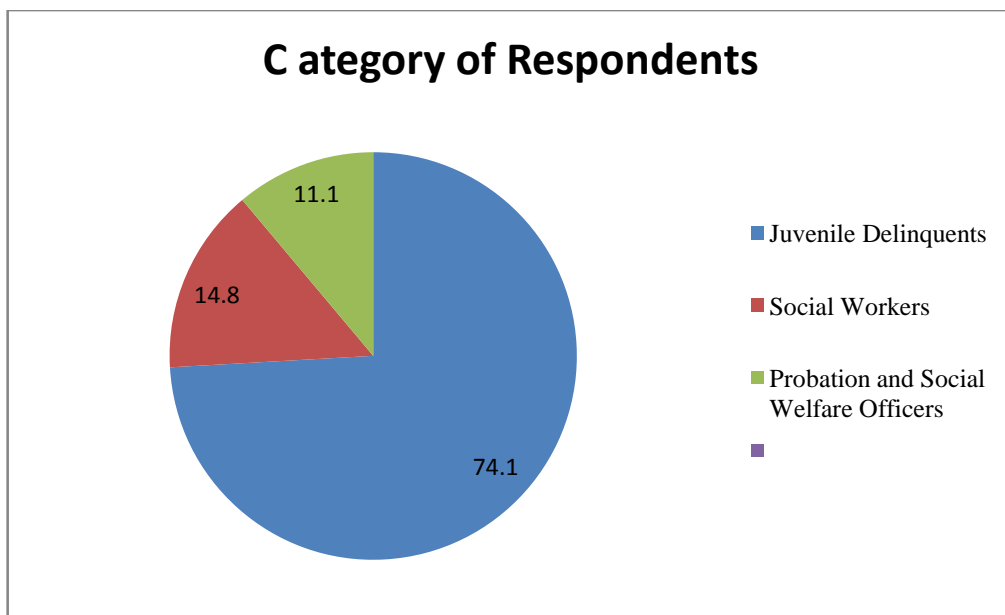
The study was carried out at KNRCC in Mpigi district, the only juvenile detention facility in Uganda for juveniles who have been found to be delinquents. The respondents included juvenile delinquents, social workers and Assistant Probation and Social Welfare Officers. Data was collected through in-depth interviews, Focus Group Discussions (FGDs) and observation.

The number of respondents who participated in the study varied from one department to another depending on their population and the relevance of their opinions to the study. Fifty-four (54) respondents out of Sixty-nine (69) were considered. Table 4.2 shows the summary of the respondents who participated in the study.

Table 4.1: Category of Respondents Who Participated in the Study and the Sample Size

Population	Number of population	Sampled Size	Percentage of the Sample (%)
Juvenile Delinquents	47	40	74.1
Assistant Probation and Social Welfare Officers	8	6	11.1
Social Workers	14	8	14.8
Total	69	54	100

Figure 4.1: The Pie Chart of Sample Size



Source: Primary Data

From the figure 4.1 above, juvenile delinquents had a bigger sample size. This was because the study was about their welfare and their majority opinions had to be considered in order to draw conclusion on the subject matter. Social workers had the second largest sample size because they were the primary caretakers of juvenile delinquents. Assistant Probation and Social Welfare Officers came third as their responsibility pertaining to juvenile delinquents was only limited to making alternative decisions during detention and resettlement.

4.1 The Rights of Juvenile Delinquents in the Detention Facility at KNRCC

Human rights are not man-made gifts granted to people out of charity but rather, they are inherent, inalienable and universal to all human beings. However, their contextual understanding can be traced from the establishment of the United Nations in 1948 as they became promoted and protected under the Bill of Rights; UDHR followed by *International Covenant on Economic, Social and Cultural Rights (ICESCR)* and the *International Covenant on Civil and Political Rights (ICCPR)*. Uganda has signed and ratified these human rights instrument and domesticated them into the 1995 Constitution and the 1997 *Children Act*. They articulate some categories of rights which protect juvenile delinquencies in the detention facility like those at KNRCC in Uganda.

4.1.1 The Right to Health

The right to health entails the enjoyment of a variety of goods, facilities, services and conditions necessary for the maintenance of good health (World Health Organisation, 2008). Compared to adults, juveniles face specific hurdles in relation to the enjoyment of the right to

health. For that reason, the study established that the Government had put in place a health facility for juvenile delinquents at KNRCC.

Picture 4.1: Health Facility at KNRCC



Source: Primary data

In an interview with one of the health workers attached to the above health facility, he noted that sick juvenile delinquents were admitted and given medication. He added that those whose condition was beyond their management were often referred to other advanced Government health facilities such as Mulago Hospital. This was confirmed from the focus

group discussion where one of the juvenile delinquents named as Nampijja¹ affirmed that she had been previously admitted and attended to. In her words, she reported that:

...When I fell sick, I went to talk to the matron who took me to the clinic for health examination...

This indicated that the right to health was not only observed at KNRCC, but it was also promoted, protected and fulfilled.

4.1.2 The Right to Care and Protection

The United Nations General Assembly proclaims in the preamble of the CRC that juveniles by reason of their physical and mental immaturity needs special safeguards and care, including appropriate legal protection, before as well as after birth. Based on this proclamation, study findings established that female juvenile delinquents at KNRCC were given special attention considering their body changes. Mr. Wasswa² during an interview revealed that:

...One of the staff is assigned roles such as meeting the needs of the girls and training them in their puberty needs. She also trains them in health issues; sanitation, hygiene due to their changing body...

This was in compliance with Rule No. 26.4 of the *United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules")* under which female juvenile delinquents are to be given special attention as to their personal needs and problems.

¹ Not real name

² Not real name. He is also a farm manager at KNRCC

4.1.3 The Right of Access to Information

Article 17 of the CRC provides that State Parties shall recognise the important role played by the mass media and shall ensure that the juveniles have access to information and material from a diversity of national and international sources, especially those aimed at promoting their social, spiritual and moral well-being, as well as physical and mental health. In conformity with this knowledge of thought, study findings at KNRCC revealed from the focus group discussions that juvenile delinquents had some means of accessing information such as television.

Picture 4.2: Television Set at KNRCC



Source: Primary data

However, study findings established that the facility had only one television set serving the staff and over 200 juvenile delinquents and there were no newspapers available as an alternative source of information to juvenile delinquents. Nonetheless, the Principal in charge of KNRCC reported that KNRCC allows visitors from various organisations such as the Uganda Law Society to come and address juvenile delinquents on various happenings.

4.1.4 The Right to Protection of Freedom of Religion

The research findings from KNRCC established that juvenile delinquents were allowed to satisfy the needs of their religious and spiritual life by attending religious services offered in the facility as articulated in Article 29 of the *1995 Constitution of the Republic of Uganda*.

Picture 4.3 Some Christian Juveniles in a Religious Service



Source: Primary data

The study established that the majority of the juvenile delinquents at KNRCC were Christians though there was some minority Muslims. From the focus group discussion, one of juvenile delinquents clarified that:

*...Muslims pray on Friday while Catholics, Protestants and other “Barokole”
faiths pray on Sunday...*

In another development, during the focus group discussion, juvenile delinquents revealed that attending religious services was at one’s discretion. However, one of the juvenile delinquents clarified that whenever Foodstep Uganda³ would come on Thursdays, everyone was obliged to attend. Freedom of religion at KNRCC was in realisation of Article 18(4) of the ICESCR which emphasises the provision of religious and moral education to all juvenile delinquents. Like Lord Nicholls in *R. (Williamson) v. Secretary of State for Education and employment [2005] 2 AC 246*) proclaimed, religious and other beliefs and convictions are part of the humanity and the right to protection of freedom of religion should never be marginalised.

4.1.5. The Right to Equality and Freedom from Discrimination

Freedom from non-discrimination is the basic human right fundamentally recognised in the UDHR and the ICCPR, as well as the CRPWD. However, juveniles with disabilities being among the marginalised groups in the society are the most victims of inequality and discrimination. Nonetheless, the CRPWD provides in its preamble that juveniles with disabilities should have full enjoyment of all human rights and fundamental freedoms on an

³Foodstep Uganda is one of the NGOs that volunteer at KNRCC to run rehabilitation programs including presiding over religious services.

equal basis with other juveniles. Undoubtedly, one of the social workers named as Mr. Wasswa⁴ explained that:

...When we receive juveniles with disability, we encourage them that disability is not inability. Like others, we train them in various fields like poultry, depending on their disability...

He added that those whose disability could be corrected, some NGOs were generous to facilitate their rehabilitation. This was in agreement with Article 23 of the United Nations CRC which provides that every juvenile with disability has the right to special care and to be helped in the enjoyment of a full and decent life in dignity and achieve the greatest degree of self-reliance, as well as social integration.

Related to the above, study findings from KNRCC discovered that one (1) juvenile was undergoing mental rehabilitation in Butabika and five (5) others were still being managed in the facility at KNRCC. This was an attempt to put their rights on the same level with the rest of juvenile delinquents in the detention facility.

4.1.6 Right to Education

Education is a universal entitlement recognised in the International Bill of Rights. This is emphasised in Article 30 of the *1995 Constitution of the Republic of Uganda* under which everyone has the right to education. However, in order to effectively enjoy this rights, Article 13 (2) of the ICESCR provides that primary education should be free and compulsory for all; secondary education in its different forms, including technical and

⁴ Not real name

vocational education, be made generally available and accessible to all by every appropriate means. The Article further emphasises that higher education should be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education. Similarly, it was reported that at KNRCC, juvenile delinquents were provided with education right away from Primary up to the University. It was revealed that they attended Primary education at Mbutte Primary School after which they joined Isaac Newton for Secondary education and later to the university.

Picture 4.4: Mbutte Primary School near KNRCC



Source: Primary Data

In an interview with the Principal, he revealed that in 2013, one of the juvenile delinquents was admitted to Makerere University on Government sponsorship and was pursuing Bachelor of Statistics by then. It was reported that he did his primary and secondary education in

the detention facility and became one of the first best ten (10) students in Uganda Advanced Certificate of Education (UACE) in Mpigi District. On the other hand, the Principal further reported that another student was at Nsamizi Training Institute of Social Development pursuing Diploma in Social Administration. In the same development, the principal reported that in 2014, fourteen (14) pupils had sat for Primary Leaving Examination (PLE) and four (4) for Uganda Certificate of Education (UCE) examination. They were expected to become good citizens after their studies.

Paying school dues for juvenile delinquents was reported to be the responsibility of parents and guardians for those who had them as a way of emphasising responsible parenthood and assessing the attitude of the parents and guardians towards their juveniles. However, for those who had no parents and those whose parents and guardians had given up on them, one of the social workers at KNRCC named as Jackie⁵ noted that they were taken care of by the detention facility authority in conjunction with other organisations. She stated that:

...Even when parents or guardians refuse or cannot contribute anything to the education of the juvenile delinquents, for those who are bright, the Principal liaises with various NGOs so as to facilitate their education...

This kind of arrangement gave hope that at KNRCC, there was an opportunity for juvenile delinquents to enjoy the right to education.

4.1.7 The Right to Food

The right to food is fundamental in protecting juvenile delinquents from hunger, food insecurity and malnutrition. However, effective enjoyment of the right to food involves the

⁵ Not real name

availability of food in the detention facility, its accessibility and adequate to meet the dietary needs. From the study findings, it was established that at KNRCC that juvenile delinquents were served enough food. They were provided with three meals a day. Porridge was served at 11.00 am and the meals of Posho or rice, sweet potatoes and beans were served at lunch time and dinner.

Picture 4.5: Food at KNRCC



Source: Primary Data

From the focus group discussion, Juveniles reported that the food served was adequate and everyone was fed. However, one of the social workers named as Catherine⁶ reported during an interview that:

⁶ Not real name

...Food can take long to come. The Principal sends in the requisition but the response delays...

She further reported that they sometimes depended on the mercy of some NGOs such as Foodstep Uganda to provide food security. However, in an interview with the farm manager at KNRCC⁷, he noted that juvenile delinquents cultivate their own food such as pumpkins, sweet potatoes and greens. These were used as the alternative source of food.

Picture 4.6: Pumpkin Garden at KNRCC



Source: Primary Data

4.1.8 Respect for Human Dignity and Protection from Inhuman Treatment

Article 24 of the *1995 Constitution of the Republic of Uganda* provides that no person shall be subjected to any form of torture or cruel, inhuman or degrading treatment or punishment. To this end, Rule No. 87 of *United Nations Rules for the Protection of Juveniles Deprived of their*

⁷ Mr. Wasswa was the farm manager at KNRCC and at the same time the social worker

Liberty provides that when dealing with juvenile delinquents in the detention facility, social workers need to respect and protect their human dignity and fundamental human rights. It further provides that Social workers in detention facility should never in any way inflict, instigate or tolerate any act of torture, cruel, inhuman or degrading treatment. At KNRCC, the majority of the social workers confessed not to have been at liberty to torture any juvenile delinquents in detention. This was because of the fact that juvenile delinquents were frequently visited by human rights auditor to assess their living conditions. Social workers feared being reported to visitors by juvenile delinquents.

On the other hand, in an interview with the Principal in charge of KNRCC, it was discovered that social workers and all personnel working at KNRCC were governed by the code of conduct. The observance of such code of conduct was observed during the interaction with juvenile delinquents in a focus group discussion where they reported that social workers were friendly to them and they were not rude to them though they acknowledged that when they did wrong, they would be punished. This coincided with Article 7 of the ICCPR and Article 5 of the UDHR under which any form of torture, cruel, inhuman and degrading treatment is prohibited.

4.1.9 The Right to Protection from All Forms of Violence

In the General Comment No. 13 on the Right of the Children to Freedom from all Forms of Violence, the Committee on the Rights of the Child observed that the extent to which violence is exerted on juvenile is alarming. The Committee further observed that though both girls and boys were at risk of all forms of violence, girls were at a risk of experiencing sexual violence more than boys. For that matter, Rule No. 8 (a) of the *Standard Minimum Rules for the*

Treatment of Prisoners provides that male and female juveniles should be detained in separate institutions and in an institution which receives both male and female, the whole of the premises allocated to female should be entirely separate. Correspondingly, an interview with one of the social workers at KNRCC named as Nambi⁸ revealed that female juvenile delinquents had their dormitories located on the upward wing of KNRCC and those of male juveniles on the downward wing. This protected female juvenile delinquents from being sexually exploited.

The research findings at KNRCC also established that juvenile delinquents were divided according to their age and slept in different houses. These houses were identified by different names such as St. Kizito which was inhabited by juvenile delinquents aged 1-12, Archbishop House inhabited by juvenile delinquents within the age brackets of 13-14 and Mutesa House with juvenile delinquents aged 15. Juvenile aged 16 years resided in Lumumba House and those aged 17 resided in Akibua House. This kind of arrangement was in compliance with Rule No. 28 of the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty* which provides that the detention of juvenile delinquents should take place in conditions that take full account of their particular needs, status and special requirements according to their age and personality effectively.

4.1.10 The Right to be kept in Humane Facilities

To be kept in humane facility is one of the fundamental rights emphasised by the Uganda Human Rights Commission (2012). Correspondingly, the findings revealed that in 2014 when the study was carried out, KNRCC was not operating at an overcrowded level. In an interview with the Principal, he reported that:

⁸ Not real name

...Despite their variance in number, the detention facility has always been able to take care of them accordingly...

Some social workers reported in interviews that the number of juvenile delinquents who were in detention by then ranged between 189 and 220 yet the facility was designed to accommodate up to 400 (four hundred) juvenile delinquents. This implied that juvenile delinquents had enough space which was important in preserving good health for juvenile delinquents.

Rule No. 47 of *United Nations Rules for the Protection of Juveniles Deprived of their Liberty* provides that every juvenile in the detention facility should have the right to a suitable amount of time for daily free exercise, in the open air whenever weather permits and that during the appropriate time, recreational and physical training should normally be provided. This is in consideration with the availability of adequate space, installations and equipment. In compliance with this provision, it was observed that juvenile delinquents had recreational equipments just in the compound of KNRCC.

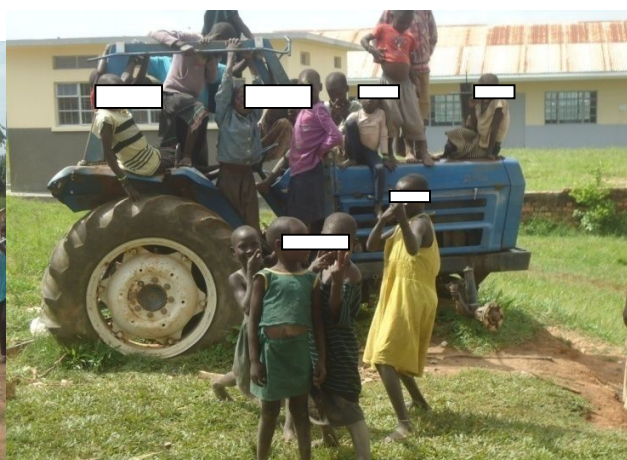
Picture 4.7: Juveniles Playing Band and Marching



Source: Primary Data

Picture 4.8:

Juveniles Playing on a Tractor



Source: Primary Data

From the focus group discussion, juvenile delinquents reported that they enjoyed playing football, netball, volleyball, as well as nine-square game. They further revealed that these kinds of games were played during their free time when they had finished working.

4.1.11 The Right to Privacy

According to Article 17 of the ICCPR, everyone has a right to be protected against arbitrary or unlawful interference with his or her privacy, family, home or correspondence as well as against unlawful attacks on his or her honour and reputation. The observance of this right was observed at KNRCC where during an interview with the Principal, he deliberately refused to reveal the identity of the juveniles who had passed through KNRCC and were living a successful life. He maintained that:

...Such information could be used to overrun them especially whenever they intend to vie for elective positions...

The Principal further noted that the only person well known to have passed through the rehabilitation centre and was in a political position was the president of Kenya, Uhuru Kenyatta. However, he attributed this to the fact that he came from a prominent family. The right to privacy was important in protecting juvenile delinquents from being victimised in the public life after rehabilitation.

Scrutinising visitors who would come to the detention facility at KNRCC was reported as another measure put in place to protect the right to privacy of juvenile delinquents. The study established that whereas parents and guardians were encouraged to visit juvenile delinquents

frequently, other kinds of visitors were obliged to obtain an authorisation letter from the Permanent Secretary in the Ministry of Gender, Labour and Social Development allowing them to enter KNRCC. Such letter ensured that such visitors were properly identified so as to be held accountable for any human rights violations emanating from their visit, especially the right to privacy.

Deriving from Article 16 (1) of the CRC that no juvenile shall be subjected to arbitrary or unlawful interference with his or her privacy, the study findings revealed that no one, including parents and guardians, was allowed to visit juvenile delinquents in schools and vocational institutions where they were admitted. This was because, as Christine explained during an interview:

...Apart from the Head Teacher, other teachers in the outside schools where juvenile delinquents study from are not told any information about their delinquency. Parents are barred from visiting them to avoid exposing their information...

Like Christine explained, when such juveniles were known at school as delinquents, they would be abused and stigmatised by their teachers and other students. This would affect their continuation in school.

4.2 Measures in Place at KNRCC for Effective Promotion, Protection and Fulfillment the Rights of Juvenile Delinquents.

The Foundation for Human Rights Initiative (2009) maintains that rehabilitation is one of the primary goals for keeping juvenile delinquents in the detention facility. During detention, the

study established that KNRCC had tried to promote, protect and fulfill the rights of juvenile delinquents in detention. This was done through various measures as presented.

4.2.1 Counselling

Robertson (2015) compares a juvenile with an onion. He asserts that there are many layers on juvenile delinquents and their struggles. In order to get to the core of the issue, each layer needs to be peeled off one by one. Thus, in order for juvenile delinquents to fix their behaviour, they need some kind of guidance. For instance at KNRCC, it was established that juvenile delinquents underwent counselling, both on individual and group basis from which they learnt several things. In a focus group discussion, one of the juvenile delinquents reported that:

... We are taught how to behave when we leave the detention facility, how control our emotions, how to respect each other and how to conduct ourselves when we are with others...

During the process of counselling, juvenile delinquents recognised their delinquencies and the need to reform after resettlement.

The competence of the social workers played an important role on the effectiveness of a counselling process. From an interview with the Principal, he reported that each social worker had a minimum qualification of diploma in social works. In addition, some volunteers from various organisations were invited from time to time to come and counsel juvenile delinquents. This implied that juvenile delinquents were counseled by social workers and volunteers who knew what they were doing with the necessary expertise.

4.2.2 Education and Vocational Training Program

Providing juvenile delinquents in the detention facility with education and vocation training was explained as one of the best ways to promote their best interests. From the interview with the Principal in charge of KNRCC, he expounded that they try to ensure that juvenile delinquents are provided the same opportunities with other juveniles living in their homes. This was exemplified by the establishment of a school within the detention facility, where juvenile delinquents studies from under the supervision of qualified social workers before they are taken to other schools in the outside environment.

Picture 4.9: One of the classrooms at KNRCC



Source: Primary Data

In an interview with Mr. Wasswa, he reported that within the detention facility, juvenile delinquents were provided with formal education up to Primary Four (4). This prepared them morally to be able to integrate fully with the rest of the juveniles in the outside schools.

Responsible parenthood during the education of the juvenile delinquents was encouraged by the detention authorities at KNRCC. This involved bringing parents and guardians on board to visit their juveniles in the detention facility and contributing to their school dues. From the interviews with some social workers however, it was noted that not all parents and guardians were interested in visiting their sons and daughters in the detention facility. Nonetheless, the Principal revealed that:

...When parents and guardians cannot contribute in any way, we try to take over the responsibility, in collaboration with various NGOs...

This was in correspondence with Rule No. 47 of the *United Nations Guidelines for the Prevention of Juvenile Delinquency* under which the Government agencies are to provide young persons with the opportunity to continue their full-time education. It must be understood that education is one of the tools that can provide juvenile delinquents with the necessary requirement to contribute to the society once they are resettled.

According to Rule No. 42 of the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty*, every juvenile has the right to receive vocational training which is likely to prepare him or her for future employment. Though the findings of the study revealed that at KNRCC, some vocational training programs including carpentry and welding were out of function due to lack of instructors and funds, it also established that tailoring, hairdressing (cosmetology) and shoe making programs were still functioning. These provided juvenile delinquents with the necessary skills to fit in the society.

Picture 4.10: Juvenile Delinquents with their Instructor learning how to make Shoes



Source: Field Data

In another development, the study further established that the vocational training programs that were not provided at KNRCC, juvenile delinquents were attached to the outside institutions where social workers would keep on following them up to assess their progress. This was another progressive development towards the promotion, protection and fulfillment of the rights of juvenile delinquents.

4.2.3 Simple Farming Practises

Training juvenile delinquents in simple farming practises was reported to be a significant strategy in equipping them with the necessary skills to participate fully in the society. From the study findings at KNRCC, it was recognised that juveniles were trained in piggery keeping, poultry keeping and horticulture, among others.

Picture 4.11: One of the juvenile delinquents in the Garden



Source: Field Data

Picture 4.12: Piggery Project



Source: Field Data

Picture 4.13: Poultry Project at KNRCC



Source: Primary Data

According to the farm manager at KNRCC, the primary objective of training juveniles in simple farming practises was to bring them back to the ordinary environment. He stated that:

...We have to bring them back to the society norm that a good child has to do like this, grow like this, respect others and respect the authority; you have to participate in each kind of activity at home...

This was consistent with Rule No. 45 of the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty* under which methods of work offered in the detention facility should resemble, as closely as possible, those of similar work in the community to prepare juvenile delinquents for the conditions of normal occupational life.

4.2.4 Resettlement

The European Council (2012) asserts that juvenile delinquents from the detention facility need to be protected from all forms of harm and be facilitated to enjoy a constructive regime that prepares them for their return to their communities. Likewise at KNRCC, it was reported that juvenile delinquents after rehabilitation were taken back to their communities and families for resettlement. However, one of the social workers named as Nanyonga⁹ noted that resettlement was done only to juvenile delinquents whose homes had been successfully traced. In an interview with Mr. Lubega¹⁰, one of the Assistant Probation and Social Welfare Officers at KNRCC, he explained that tracing of homes was first done purposely to talk to parents, guardians and community leaders to counsel and prepare them for the safe landing of the juveniles. This was in agreement with Section 31(4) of the *1997 Children Act* of Uganda which provides that warden of the approved detention facility has to communicate with the parents or guardians of a given juvenile, to inform them of the juvenile's progress and to arrange for them to return home as soon as it is appropriate.

⁹ Not real name

¹⁰ Not real name

Study findings established that during resettlement, not all juvenile delinquents were welcome back to their families and communities. For instance, an interview with the Principal in charge of KNRCC revealed a scenario of three (3) girls from one family in Iganga District who were saved from being lynched by the angry mob on the allegation of eating a young baby who belonged to their neighbor and brought to the detention facility. The Principal said that when time came for one of them to go back and pick her Primary Leaving Examination (PLE) result slip as it was a requirement for her registration for Uganda Certificate of Education (UCE) exams, she and one of the female social workers who had accompanied her were attacked and survived being lynched by the angry community. This communicated to the detention authorities that the resettlement of these three girls would not be possible.

In Resolution 64/142 No. 49 on the guidelines for the alternative care for the juveniles, the United Nations General Assembly emphasises that before juvenile delinquents are taken out for resettlement, the assessment of their situation with multidisciplinary advice in consultation with different actors involved such as the juvenile delinquents themselves, their families and the alternative caregiver must be considered. This is to determine whether their reintegration and resettlement in a given society or community is possible. Based on the past experience and observing that the above said three girls could not be safe in their home, the Principal prepared for independent resettlement by equipping them with vocational skills. He proudly reported that he got for them jobs and that they were doing well in their places of work in Kampala, by the time the research was carried out.

4.2.5 Aftercare

The continuous follow up and assistance given to juvenile delinquents after resettlement was established during the study as a definition of aftercare. It is derived from Section 98 of the 1997 *Children Act* of Uganda under which Probation and Social Welfare Officers, as well as the authorities in the detention facility are obliged to discuss with the juvenile delinquent the period of aftercare. From KNRCC, the study found out that after resettlement, there was a continuous following up of juvenile delinquents for a period of three (3) years. In an interview with one of the social workers named as Mutebbi¹¹, he reported that during the aftercare program, juvenile delinquents were given assistance in terms of scholastic materials such as books, school fees and other necessities depending on their needs. This helped them to stabilise in their communities and practise what they had learnt during resettlement.

4.2.6 Visiting Detention Facility

In order to assess the condition of juvenile delinquents and compliance with the standards of human rights, the study found out that KNRCC was frequently visited by the Board of Visitors appointed by the Minister in Charge of Children and Welfare. According to an interview with the Principal in charge of KNRCC, it was revealed that:

The Board of Visitor has an advisory role and helps the management of the Centre on issues concerning the general welfare of the juveniles.

This complied with Rule No. 72 of the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty* under qualified inspectors or an equivalent duly constituted authority not belonging to the administration of the detention facility are empowered to conduct inspections on a regular basis and to undertake unannounced inspections on their own initiative.

¹¹ Not real name

The board of visitors played an important role in enforcing the promotion, protection and fulfillment of the rights of juvenile delinquents.

Despite the measures in place at KNRCC for effective promotion, protection and fulfillment of the rights of juvenile delinquents, this was not without any challenge. During the study, some challenges were still reported.

4.3. Challenges Faced at KNRCC in the Effective Promotion, Protect and Fulfillment of the Rights of Juvenile Delinquents

Though the study established that the rights of juvenile delinquents were effectively promoted, protected and fulfilled due to different measures that were in place at KNRCC, some challenges were still reported as presented.

4.3.1 Prolonged Detention

Spending a long period of time in the detention facility waiting for resettlement was reported to be violating the right of juveniles to protection from personal liberty. From the focus group discussion, some juvenile delinquents lamented that they had finished their sentence as it was determined by the juvenile court but they were still in the detention facility at KNRCC. One of the juvenile delinquent named as Niwagaba¹² expressed his discomfort stating that:

...I have finished my sentences but I am still kept here. There are even more others who have finished their sentence and are still kept in detention...

This contravened Section 64(2) of the *Prisons Act* which provides that detention should be for a period indicated in the warrant.

¹² Not real name

Whereas Section 94(7) of the *1997 Children Act* grants that the detention of the juvenile delinquent should be for a maximum period of three years, Mr. Wasswa revealed during an interview that juvenile delinquents who were in candidate classes and needed to complete their studies, as well as those whom the social workers would feel that they had not been effectively rehabilitated were delayed for resettlement. However, this is contrary to Rule No. 17(b) *United Nations Rules for the Protection of Juveniles Deprived of their Liberty* which provides that Work, education or training should not cause the continuation of the detention.

4.3.2 Continuous Detention of Juveniles Delinquents with those who have turned 18 years (Adults)

During the study, it was established that juvenile delinquents who turned 18 years (adults) were not transferred to adult prisons. They were continuously detained with juvenile delinquents who were still young in the same facility. More so, due to irregularities in determining the age of the juveniles, some adults were detained with juvenile delinquents in the juvenile detention facility. This was justified during an interview with Mr. Wasswa who reported that:

...We always receive juveniles who have committed the offence and are beyond Seventeen. When you look out and judge by yourself, you see that he or she is not a juvenile by our standard...

However, the Principal in charge of KNRCC argued during an interview that:

...Age is determined in the remand homes and courts of laws...

He maintained that when the competent court does not verify the age of the juvenile, it was not his work to do it. Nonetheless, this breached Article 37 (c) of the CRC under which every juvenile deprived of liberty is to be separated from adults.

4.3.3 Harsh Treatment

Rehabilitating juvenile delinquents was considered as the sole purpose of juvenile detention. Though the study observed that social workers at KNRCC had tried to create conducive atmosphere resembling ordinary homes, juvenile delinquents expressed their embarrassment due to the use of “black house”¹³. In an interview with Catherine, one of the social workers, she justified that:

...Intolerable juvenile delinquents are locked in an isolation house known as a black house and remain there for some two weeks...

She was convinced that putting juvenile delinquents in a black house was one of the ways of reforming such kind of juvenile delinquents. She maintained that:

While inside the black house, they repent and write apology letters asking us to tell their parents that they won't repeat their mistakes again.

From the focus group discussion, one of the juvenile delinquents named as Mugisha¹⁴ explained that:

¹³Black House is a small room at KNRCC where new arrivals especially boys are locked up for a month to calm down and get used to the detention facility. It is also used as a disciplinary measure for boys who are stubborn and unruly.

¹⁴ Not real name.

...Black house is a compulsory cell for boy new arrivals. The moment a boy is brought to KNRCC, his shirt is taken away and sent to the black house for one month and only comes out for meals and counselling...

Picture 4.14: Juvenile Delinquents who are still in the Black House



Source: Primary Data

Juvenile delinquents described conditions in the black house as smelly, very cold and that blankets and mattresses were not enough. They also reported that they were sometimes made to sleep two on one mattress and others on the floor. This infringed Rule No. 87 of *United Nations Rules for the Protection of Juveniles Deprived of their Liberty* which provides that in performing their duties, detention facility authorities should respect and protect the human dignity and fundamental human rights of all juveniles. In particular, that they should not inflict, instigate or tolerate any form of harsh treatment, punishment, correction or discipline under any pretext or circumstance whatsoever.

4.3.4 Old Dilapidated Structures

The issue of poor facilities such as building was reported to have persisted for a long period at KNRCC. As it was observed, most of the buildings at KNRCC were old. In interviews with social workers, it was revealed that they had taken a long period of time without being renovated.

Picture 4.15: Old and Depleted Structures at KNRCC.



Source: Primary Data

In an interview with Nambi, she reported with much concern that:

...Girls' dormitory is out of use. Girls are currently staying in the main hall even without enough mosquito nets and beds. Boys' dormitory also is old and leaks when it rains...

Rightly so, on entering the dormitory of girls, it was observed that some girls did not have beds as their mattresses were on the floor and others had no mosquito nets.

Picture 4.16: Some Juveniles with no Mosquito Nets and others Sleeping on the Floor



Source: Primary Data

Such living conditions exposed juveniles to various killer diseases such as malaria. This flouted Rule No. 33 of the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty* under which sleeping and accommodation facilities for juvenile delinquents should consist of small group dormitories while bearing in mind the local standards.

4.3.5 Overworking

Both social workers and juvenile delinquents at KNRCC admitted the fact that juvenile delinquents were involved in various activities including cultivation, collecting water and firewood, cleaning the dormitories, mopping the dining, as well as washing plates for girls. However, most of the juvenile delinquents were unhappy with too much work that was given to them. From the focus group discussion, Walimbwa¹⁵ strongly objected that:

...I don't like the kind of work here because we are taken to work in the morning, go back in the afternoon and sometimes in the evening...

¹⁵ Not real name

This corresponded with the findings of Adiru (2015) who reported in the *Daily Monitor* Newspaper on 19th February, 2015 quoting Henry Kadier, a 16- years-old juvenile delinquent at KNRCC. Kadier sadly reported that ever since he arrived at KNRCC, he had learnt nothing but only work and work all the time. He reported that when he would refuse, he was either caned or taken to the black house for two days.

In an interview with Mr. Wasswa, he admitted that apart from poultry, piggery and cattle farming, other garden works were compulsory for everyone. However, he claimed that:

... We tell them that you have to produce food. Like at home, you cannot say I will not go to dig. You have to dig. But we use a technical language that will make them get interested that really it is good...

According to Article 32 (1) of the CRC however, juvenile delinquents should be protected from performing any work that is likely to be hazardous or to interfere with their education, or to be harmful to their health or physical, mental, spiritual, moral or social development. This was supposed to be the same principle at KNRCC.

In the focus group discussion, Odongo¹⁶, one of the juvenile delinquents, reported that social workers had no consideration of the sick juveniles during time of work. He miserably revealed that:

... Sometimes when we are sick and report, they don't listen to us. They send us to work and when we refuse, we are beaten and sent to the black house. They think that we are telling them lies...

However, Jackie defensively argued during an interview that:

¹⁶ Not real name

...The boys in the age category of 16-17 are forced because they tend to be stubborn...

She did not however, reveal any criteria used to determine sick juvenile delinquents. This, to a large extent, justified that even when juvenile delinquents were sick, some social workers tended to think that they were stubbornly pretending in order to dodge work. This was inconsistent with Article 32(1) of the CRC which prohibits subjecting juvenile delinquents to conditions that are likely to be hazardous to their lives.

4.3.6 Detaining Juvenile Delinquents with Capital and Petty Delinquencies in the Same Facility

Ignoring the nature of delinquencies committed by juvenile delinquents and detaining them in the same detention facility defeated any strategy put in place to promote, protect and fulfill the rights of juvenile delinquents. This was reported at KNRCC where juvenile delinquents with capital delinquencies were detained in the same facility with juvenile delinquents with petty delinquencies. The study found out that that was happening due to the fact that social workers were principally prohibited from labeling them according to their delinquencies. In an interview with one of the social workers named as Christine¹⁷, she reported with deep concern that:

...It is not good for a child to stay in the detention facility with those who have committed murder, aggravated theft and other gruesome acts...

She believed that when juvenile delinquents who have committed capital delinquencies are sharing their experience, those with petty delinquencies may learn from them. According to her, this could influence them to commit more serious delinquencies.

¹⁷ Not real name

4.3.7 Under-funding

In the 16th Annual Report of the Uganda Human Rights Commission to the Parliament of the Republic of Uganda (2013), it was reported that underfunding was a general challenge affecting detention facilities in Uganda. This also affected most of the rehabilitation programs at KNRCC. For instance, it was observed that carpentry and welding which would equip juvenile delinquents with vocational skills were not adequately equipped and often ran short of instructors. Though the study found out that juvenile delinquents who were interested in them were sent in the outside institution such as *Masorita Vocational Institution*, this arrangement interrupted the process of rehabilitation given the fact that in such institutions, there were no well-trained social workers and counselors. According to Mr. Wasswa,

...if there was enough funding and juveniles were provided education and vocational training within the detention facility, the social workers would ensure that they are thoroughly rehabilitated and trained...

Traditionally, it was discovered that whenever juvenile delinquents from KNRCC were taken for resettlement, they were accompanied with resettlement kit (package). In the words of the Principal, he stated that:

...Juvenile delinquents taken for resettlement are supposed to go with resettlement kits in the field of their competence especially those who have done vocational training in order to continue practising what they have learnt...

However, he regretted the fact that due to limited funds, they were given standard rehabilitation kits containing a blanket, mattress and hoes regardless of the skills acquired from the detention

facility. This implied that the skills acquired would not be put in practice due to the limited capital. This put them at a risk of relapsing back into delinquent behaviour after resettlement.

4.3.8 Under-staffing

The number of staff at KNRCC was reported to be inefficient to effectively promote, protect and fulfill the rights of juvenile delinquents. In an interview with the Principal in charge of KNRCC, he stated that:

...I have got the staff of 33 personnel and they are not even enough. I try to build the capacity and competence of the few members that I have but they are again taken to go to start and manage other remand homes...

Citing an example, he reported that his deputy was taken to manage a remand home and had never been replaced. He bewailed that as much as he wanted his staff to be filled, it was a challenge that even the limited number he had was still being reduced. Understaffing affected the realisation of Resolution No. 45/113 of the United Nations General Assembly which requires all personnel in the detention facility to perform their duties considering the respect and protection of the dignity and fundamental rights of all juvenile delinquents.

4.3.9 Hostility of the Juveniles in the Detention Facility

The anti-social behaviour among the juvenile delinquents was reported to have remained a major challenge, not only to the social workers involved in their rehabilitation, but also to their fellow juvenile delinquents in the detention facility. From the interviews and focus group discussions, both juvenile delinquents and social workers admitted that despite being in the

detention facility for rehabilitation, the behaviour of some juveniles had remained unchanged.

Mutebbi¹⁸, one of the social workers revealed in an interview that:

...Some juvenile delinquents especially drug addicts are unruly and refuse to respond to call...

Hostility of some of the juvenile delinquent at KNRCC was attributed to the fact that most of the juvenile delinquents at KNRCC were picked from the streets where they had stayed for a long period of time without disciplinary measures. Others, depending on their past experience were reported to have attained personalities that took a long period of time to be correct during rehabilitation. During another focus group discussion, it was reported that such juvenile delinquents vandalised property, made a lot of noise at night and fought with their fellow juvenile delinquents. This coincided with the experience of Myers (2009) who observed after a long period of time working with juvenile delinquents that most of the juvenile delinquents do not want to be counseled or some well-meaning "professional" to tell them what they need to do or that they have to change. This affects the effectiveness of juvenile delinquents in promoting, protecting and fulfilling the rights of juvenile delinquents in detention.

4.3.10 Language Barrier

Study findings revealed that Language barrier affected the ability of juvenile delinquents to understand communications from social workers. From the report of Adiru (2005), the common language that was frequently used at KNRCC was Luganda which some juvenile delinquents were not acquainted with. From an interview with one of the social workers named as Yusuf, he reported that KNRCC received juvenile delinquents from all parts of Uganda, a

¹⁸ Not real name

heterogeneous country with the diversity of languages. He noted that it was hard to communicate to all juvenile delinquents given the fact that social workers who were available were not conversant with all the languages and there were no interpreters. This affected the realisation of Rule No. 6 of the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty* under which juvenile delinquents who are not fluent in the language spoken by the personnel of the detention facility have the right to the services of an interpreter whenever necessary.

4.3.11 Discrimination in Education and Vocational Training

From the study findings, it was reported that not every juvenile delinquent at KNRCC benefited from the opportunity offered for education and vocational training. In the focus group discussion, Walimbwa sadly reported that:

...I went to see the staff to allow me go to school but they told me to wait and I am almost leaving the detention facility...

In response, social workers reported that juvenile delinquents were selected for education and vocational training in outside schools and other technical institutions on the basis of discipline. However, there was no alternative for those juvenile delinquents who would remain in the facility given the fact that most of the vocational programs that used to be at KNRCC such as carpentry and welding were no longer function. They left the detention facility with no enough vocational skills that would help them earn a living and lift themselves out of poverty, the major cause of juvenile delinquency.

4.4 Conclusion

Chapter Four has presented, interpreted, analysed and discussed the findings of the study. The rights of juvenile delinquents at KNRCC and the measures that were in place for their effective promotion, protection and fulfillment have been presented. The chapter has also presented some challenges that were reported to be still affecting their effective promotion, protection and fulfillment. For that reason, the following chapter majorly focuses on some recommendations to address these challenges.

CHAPTER FIVE

CONCLUSION AND RECOMMENDATIONS

5.0 Introduction

Chapter four has presented, interpreted, analysed and discussed the findings that were obtained from the field. From the study findings, it was established that there was effective promotion, protection and fulfillment of the rights of juvenile delinquents at KNRC. The rights which were found to effectively enjoyed by juvenile delinquents included the right to health, the right to care and protection, the right of access to information, the right to protection of freedom of religion, the right to equality and freedom from discrimination, the right to education, the right to food, the right to freedom from torture, inhuman and degrading treatment, the right to protection from all forms of violence, the right to be kept in humane facilities and the right to privacy. Their enjoyment was attributed to some measures in place such as counselling, education and vocational training, training juvenile delinquents in simple farming practice, independent human rights auditors to visit juvenile delinquents in the detention facility, resettlement and aftercare. Though some challenges such as prolonged detention, the detention of juveniles with those who have turned adults, harsh treatment, old dilapidated structures, overworking, detaining juveniles with both capital and petty delinquencies in the same facility, under-funding, under-staffing, hostility of the juveniles in the detention facility, language barrier, as well as discrimination in education and vocational training were still faced, the study importantly recommended that Government of Uganda puts in place all that is required to ensure

that KNRCC serve the purpose for which it was established considering promoting, protection and fulfillment of the rights of juvenile delinquents.

5.1 Summary

Delinquency is not an in-born character but rather, it is learned and adopted depending on an environment in which juveniles are brought up from and consequently become juvenile delinquents. During the study, it was learnt that KNRCC was established as a juvenile detention facility with the primary objective of rehabilitating juvenile delinquents. Regardless of the role for which it was established, the study purposely wanted to establish how effective KNRCC was in promoting, protecting and fulfilling the rights of juvenile delinquents.

The study adopted qualitative method of research. It involved 54 respondents, who among them were juvenile delinquents, social workers and Assistant Probation and Social Welfare Officers. Standard methods of data collection; interviews, focus group discussions and observation were used. During the analysis, the field data was typed and arranged according to the objectives. To each objective, themes were created basing on research problems obtained from the literature reviewed. Data was then sorted out and rearranged according to the respective theme and presented by quoting the words of respondents directly and in comparison with the literature review.

Upon analysing the data, the study established juvenile delinquents had certain categories of rights which were effectively promoted, protected and fulfilled. This was verified from the fact that the time when the study was carried, there was no juvenile delinquent reported to have

been resettled and brought back in detention at KNRCC for having been involved in other delinquent behaviour. Most of the social workers reported during the interview that though it had happened in the previous years, the rate of return was minimal. This implied that upon resettlement, they put in practice what they learnt from KNRCC especially the moral conducts.

5.2 Recommendations

The Government of Uganda through the Ministry of Gender, Labour and Social Development should facilitate KNRCC to full capacity. There is a need to employ more and well trained social workers at KNRCC in order to effectively promote, protect and fulfill the rights of juvenile delinquents.

The Ministry of Gender, Labour and Social Development, should ensure that juvenile delinquents who attain the age of eighteen (18) are transferred to adult prisons. This protects the young ones from being influenced by the adults to commit serious delinquencies and being abused by the same.

The Ministry of Gender, Labour and Social Development should ensure that juvenile delinquents who commit capital delinquencies such as murder are separated from those with petty offences such as stealing a chicken. This will diminish the rate at which juvenile delinquents with petty offences are influenced to commit more capital delinquencies.

The Government should ratify and domesticate the *Optional Protocol to the Convention against Torture*. This will provide an additional mechanism for the prevention of torture and ill

treatment of juvenile delinquents in the detention facility. Besides, the Government of Uganda needs to adopt countrywide policies, guidelines and standards for KNRCC in order to diminish the mistreatment of juvenile delinquents.

In spite of the fact that the *Constitution of the Republic of Uganda* is good enough in stipulating the rights of the juveniles, a lot is desired in the *1997 Children Acts* of Uganda with regard to protecting and promoting the rights of juvenile delinquents in the detention facility. The Government of Uganda needs to implement and go beyond by explaining how to observe such fundamental rights and improvise sanctions to the violators.

Like it was established at KNRCC, carpentry and tailoring training facilities were available but without instructors. Such facilities are fundamental in equipping juvenile delinquents with skills to be self-dependent upon resettlement. There is a need therefore, to revive such facilities by recruiting and training more instructors.

The Ministry of Gender, Labour and Social Development needs to ensure that juveniles are promptly resettled following the end of their sentence. More to that, parents and the community at large should be sensitised on the wellbeing of such juveniles so that upon resettlement, they are received back home after their period of detention.

The Ministry of Gender, Labour and social Development needs to devise some effective measures in registering juvenile births. A national framework for the agreement of a juvenile's

age should be agreed upon between the Ugandan Judiciary and the Uganda Police so that there is no risk of misplacement of justice.

Finally, social workers who are taking care of juvenile delinquents in the detention facility should be well educated and trained on the prohibition of violence against juvenile delinquents. More independent human rights auditors need to be employed to monitor the compliance with the prohibition of violence and any other cruel and degrading treatment in the detention facility.

5.3 Suggestions for Further Study

During the study it was established that though juvenile delinquent suspects undergo court sessions to determine their innocence or guilty before they are sent to the detention facility, less is known about the effectiveness of juvenile courts in bringing justice to juveniles suspected to be delinquents. Thus, the researcher suggests that another study be carried out on the effectiveness of juvenile courts in bringing justice to juvenile delinquent suspects.

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APPENDICES

Appendix I: Interview Guide for Assistant Probation and Social Welfare Officers

1 The Probation and Social Welfare department is commonly known for its fundamental in dealing with juveniles. What specifically do you do in this regard?

2 How does the scope of your role extend to juvenile delinquents?

3 How strong is the link between you and juvenile detention facility taking care of juvenile delinquents?

4 How do you handle juveniles who have finished rehabilitation and are leaving detention facility, specifically in terms of resettlement, and other arrangements, if any?

5 Is there any strategy designed to help these juveniles reunite with their families and communities?

6 If yes, how do you ensure that these strategies are effective?

7 Have there been some cases where some families and communities are reluctant to receive and integrate them back to their families and communities?

8 If yes, how do you deal with these situations?

9 Are there some prior preparations given to juvenile before leaving detention facility so as be able to cope positively in the new environment?

10 If yes, how are these preparations conducted?

11 Do you often make some follow up on the progress of the juveniles who have left detention facility and resettled?

12 If yes, how can you describe their situations?

13 Do you think the establishment of the juvenile detention facility has, in some ways, helped in combating juvenile delinquency among the juveniles?

14 If yes, how?

15 How do you describe the enjoyment of the right to privacy among the juvenile delinquents?

16 Do you think the media has in some ways invaded the enjoyment of this right to privacy of the juvenile delinquents?

17 If yes, how?

18 What do you think could be done to avoid this invasion?

19 In as far as your responsibilities with juvenile delinquents are concerned, what challenges are you facing in dealing with juvenile delinquents?

20 What do you think should be done to address these challenges?

21 In your opinion, how effective do you think a juvenile detention facility is, in promoting the rights of juvenile delinquents?

Appendix II: Interview Guide for Social Workers/Care Takers from KNRCC

1 Kampiringisa National Rehabilitation Facility is established under the Ministry of Gender, Labour and Social Development. How do you cooperate to ensure that the best interest of the juveniles is given the best priority?

2 How many juveniles, averagely, do you receive monthly?

3 What is the maximum capacity of Kampiringisa National Rehabilitation Facility?

4 How many juveniles are currently under your protection in Kampiringisa National Rehabilitation Facility?

5 Among the juveniles currently under detention, how many are females?

6 Do you have a female caretaker, specifically playing the role of senior woman teacher?

7 What are her responsibilities?

8 Have you, at times, been overwhelmed by a large number of juvenile delinquents exceeding the capacity of the detention Facility?

9 If yes, how do you deal with such situations?

10 Averagely what is the age range of juveniles currently under your protection here?

11 Have you been experiencing some situation where you think juvenile delinquents brought to you are under the age of 12 or are above 18?

12 If yes, how have you been dealing with these situations?

13 Are there some cases where some juvenile delinquents turn 18 still in the detention facility?

14 If yes, how do you deal with them?

15 Are there some categories of juvenile delinquents that you consider to be vulnerable and need special attention?

16 If yes, who are they and how do you attend to them?

17 How do you deal with juvenile delinquents who are defiant even in the detention facility?

18 Do you involve juvenile delinquents in some kind of work?

19 If yes, which kind of work?

20 How do you assess the attitude of juvenile delinquents to these kinds of work?

21 When do take these juvenile delinquents for some work?

22 How helpful do you think working is helpful to juvenile delinquents in detention facility?

23 Are there some education and vocational programs given to juvenile delinquents in the detention facility?

24 If yes, which kind of education and vocational programs are there in the detention facility?

25 How do you assess the attitude of juvenile delinquents to these programs?

26 How do you think these education and vocational training programs at Kampiringisa National Rehabilitation Facility are helpful to the juvenile delinquents?

27 Are Juvenile delinquents often visited here at Kampiringisa National Rehabilitation Centre for Children?

28 If yes, which kinds of visitors are allowed there?

29 In your opinion, do you think such kinds of visits are essential to the juvenile delinquents in the detention facility?

30 If yes, how?

31 Kampiringisa is referred to as a Rehabilitation Facility. Which kind of rehabilitation programs are currently administered to the juvenile delinquents?

32 How do you assess their effectiveness?

33 Basing on your experience, what are the changes in terms of behaviour do you witness from the time juvenile delinquents are admitted to the time they leave the detention facility?

34 Which challenges, if any, do you face in dealing with juvenile delinquents in the detention facility?

35 What are the challenges, specifically, do you face in the education and vocational training sector?

36 What do you think should be done to address the above challenges?

37 Some juveniles who have been in the detention facility before are afraid of being referred back here. What do you think could be the reason for such attitude?

38 Do you sometimes receive juvenile delinquents who may have been in the detention facility before?

39 If yes, what is the proportion of juveniles who are returning for the second time?

40 Finally, how effective do you think a juvenile detention facility is in combating juvenile delinquency?

Appendix III: Focus Group Discussion Guiding Questions for Juvenile Delinquents

- 1 Do you have any recreational activities here?
- 2 Which kind of recreational activities are available for you here in the detention facility?
- 3 Do you like studying?
- 4 Are you given an opportunity to study here?
- 5 What is your relationship with the care takers?
- 6 Are you punished when you do wrong in the detention facility?
- 7 What kinds of punishments?
- 8 Are you rewarded when you do well?
- 9 which kinds of works do you do in the detention facility?
- 10 How many hours do you work per day?
- 11 Drawing from your own experience, what could be the reasons why young children engage in delinquent behaviour?
- 12 Which type of food do you eat at Kampiringisa?
- 13 Are you given some counselling?
- 14 Which kind of counselling?
- 15 How has counselling helped you?
- 16 Are you allowed to attend some religious services?
- 17 How have religious services helped you?
- 18 How do you compare condition in the detention facility and the conditions you were in before?
- 19 Which skills have you acquired that you feel can help you when you go out of here?

20 How do you think being in Kampiringisa National Rehabilitation Centre for Children has helped you?

Appendix IV: Observation Schedules

Existence of a Health facility

The availability of food

Nature and extent of work

Availability of televisions, newspapers and radios

Existence of the chapel or mosques

Existence of classrooms

Vocational training programs available

Relationship between social workers and juvenile delinquents

Existence of recreation materials

The temperament of juvenile delinquents

The availability and appearance of the structure

Space in the dormitories

The nature of beddings juvenile delinquents have

Gardens and other related farm projects

Clothes juvenile delinquents put on

The ability to keep secrets of juvenile delinquents by social workers

Any other related observable

Appendix V: Research Introduction Letter from Uganda Martyrs University

Uganda
Martyrs
University



making a difference

Office of the Dean
Faculty of Humanities and Social Sciences
4th November 2014

Your ref.:
Our ref.:

TO WHOM IT MAY CONCERN

Dear Sir/Madam,

Re: Research Work Assistance

Greetings from Uganda Martyrs University.

This is to introduce to you **Mr. Sajas Akabitunga (2014-M062-20001)** who is a student of this University. As part of the requirements for the award of the Master of Human Rights Studies of the University, the student is required to carry out field research for the submission of a Project paper on, "**The Effectiveness of Juvenile Detention Centres in Promoting the Rights of Juvenile Delinquents in Uganda**".

I therefore kindly request your assistance in permitting and facilitating the student in this survey.

Any assistance rendered to him will be highly appreciated.

Thank you in advance.

Yours sincerely,

Alwan

Dr. Sr. Speranza Namusisi
Dean
Faculty of Humanities and Social Sciences



**Appendix VI: Research Authorisation Letter from the Ministry of Gender, Labour and
Social Development**

TELEPHONE: 041-4 347854
SWITCHBOARD: 041-4 347855
PERMANENT SECRETARY: 041-4 343572
FAX: 041-4256374
E-MAIL: ps@mglsd.go.ug
WEBSITE: <http://www.mglsd.go.ug>



THE REPUBLIC OF UGANDA

Ministry of Gender, Labour
and Social Development
P.O. Box 7136
Kampala,
Uganda.

In any correspondence on
This subject please quote No. ADM 140/178/02

6th November, 2014

Mr. Sajas Akabitunga
Student, Graduate Programs
Uganda Martyrs University
Kampala

REQUEST TO UNDERTAKE RESEARCH

Reference is made to your unreferenced letter dated 4th November, 2014 on the above subject.

This is to inform you that you have been granted permission by the Ministry of Gender, Labour and Social Development to undertake a research entitled;

“The Effectiveness of Juvenile Detention Centres in promoting the Rights of Juvenile Delinquents in Uganda”.

You are encouraged to share your research findings with the Ministry to guide and enrich future planning of related ventures.


Benon Kigenyi
For: PERMANENT SECRETARY