



Foundation
for
Human Rights
Initiative



**A review of law and policy to prevent and remedy
violence against children in police and pre-trial
detention in Uganda**

www.penalreform.org

www.fhri.or.ug

Penal Reform International

60-62 Commercial Street
London E1 6LT
United Kingdom

Telephone: +44 (0) 207 247 6515

Email: info@penalreform.org

www.penalreform.org

FHRI

Human Rights House, Block 15, Plot 1853
Lulume Road, Nsambya
P.O. Box 11027
Kampala
Uganda

Telephone: +256 414 510263

Email: info@fhri.org.ug

www.fhri.or.ug

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The **Foundation for Human Rights Initiative (FHRI)** is an independent, non-governmental, non-partisan and not-for-profit human rights advocacy organisation established in December 1991. It seeks to resolve impediments to democratic development and meaningful enjoyment of the fundamental freedoms enshrined in the 1995 Uganda Constitution and other internationally recognised human rights instruments. FHRI addresses the entire range of human rights: civil and political as well as economic, social and cultural rights as defined in international human rights covenants. This is done through public education, capacity building efforts for the community leaders as well as strengthening collaboration with grass root structures, strategic partnerships, media campaigns, mass empowerment, research, monitoring, documentation and reporting; strategic litigation and legislative analysis, review and advocacy.

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1. INTRODUCTION

‘Juvenile justice is a core dimension of the rights of the child and a pivotal area where States’ commitment to children’s rights can be best expressed. We have a unique opportunity to promote a paradigm shift and help the criminal justice system evolve from an adult universe where children and adolescents hardly belong and where violence remains a high risk into an environment where children are seen as rights holders and are protected from all forms of violence at all times.’

Marta Santos Pais, the Special Representative of the Secretary-General (SRSG) on Violence Against Children speaking at an experts meeting held in January 2012 in Vienna to formulate and accelerate the adoption of effective measures to protect children within the juvenile justice system against all forms of violence.

Violence against children who are deprived of their liberty is a severe violation of their rights and is frequently invisible and under-researched. This is despite the fact that the 2006 UN Study on Violence found that children in care and justice institutions may be at higher risk of violence than nearly all other children.¹ It is very difficult to get a full and clear picture of the prevalence of violence against children in detention. Nonetheless, there is reliable and consistent evidence that children are at significant risk of violence in police and pre-trial detention in both developed and developing countries and that violence in these settings is widespread and in some cases normalised.

In the context of detention, violence against children can take many forms including torture, beatings, isolation, restraints, rape, harassment, self-harm and humiliation. The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment states that ‘Violence in places of detention, including special institutions for children, is manifest in several ways, mainly through physical and sexual violence, as well as through verbal abuse. In addition, children are also subjected to violence as a result of conditions of detention, or as a form of discipline or punishment’.²

The World Health Organization (WHO) has stated that the impact of violence on children in the general population can have irreversible and life-long consequences: ‘it is associated with risk factors and risk-taking behaviours later in life. These include violent victimization and the perpetration of violence, depression, smoking, obesity, high-risk sexual behaviours, unintended pregnancy, and alcohol and drug use. Such risk factors and behaviours can lead to some of the principal causes of death, disease and disability – such as heart disease, sexually transmitted diseases, cancer and suicide.’³

¹ United Nations Secretary-General, *World Report on Violence against Children*, 2006, p175.

² *Sexual Violence in Institutions, including in detention facilities*, Statement by Manfred Nowak, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, 2010.

³ WHO and the International Society for Prevention of Child Abuse and Neglect, *Preventing child maltreatment: a guide to taking action and generating evidence*, 2006.

States that are parties to the UN Convention on the Rights of the Child (CRC) have a clear obligation to take all appropriate legislative, administrative and educational measures to protect children in detention from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment or exploitation, including sexual abuse.⁴ Furthermore, under Article 40 (1) of the CRC states are obliged to: 'recognise the right of every child alleged as, accused of, or recognised as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society'. In their General Comment on Children's Rights in Juvenile Justice (General Comment No. 10) the CRC Committee asserts that all forms of violence in the treatment of children in conflict with the law must be prohibited and prevented.⁵ The right of children to freedom from violence is also found in the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). Under Article 24 of the ICCPR, children enjoy the right 'to such measures of protection as are required by [their] statuses as minors'. In addition, both the ICCPR and CAT prohibit cruel, inhuman, or degrading treatment.

Penal Reform International (PRI) with the assistance of the Foundation for Human Rights Initiative (FHRI) has carried out a review that aims to increase our understanding of the specific legal and policy measures that can work to prevent and remedy violence against children in detention in Uganda. This is part of a larger piece of work, which reviews legal and policy measures to prevent and remedy violence against children in detention in seven other countries, selected because they are countries where PRI has a presence and/or relative influence to follow up recommendations: Bangladesh, Georgia, Jordan, Kazakhstan, Pakistan, Russia and Tanzania. For each country the review aims to:

- identify policy and legislative measures already in place to prevent and detect violence, to assist victims and to make perpetrators accountable;
- highlight significant gaps in provision; and
- make recommendations for improvements.

This report first describes the background to and methodology used in the review before summarising its key findings and recommendations for Uganda.

⁴ Convention on the Rights of the Child (CRC), Article 19.

⁵ UN Committee on the Rights of the Child (CRC), *CRC General Comment No. 10 (2007): Children's Rights in Juvenile Justice*, 25 April 2007, CRC/C/GC/10 hereafter General Comment No.10, para 13.

2. BACKGROUND TO THE REVIEW

Definitions

For this review, children are defined as all those under 18⁶ and draws on definitions of violence provided by the CRC: ‘all forms of physical or mental violence, injury and abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse’.⁷ This includes torture which is defined by the Committee on the Rights of the Child in a recent General Comment as ‘violence in all its forms against children in order to extract a confession, to extra-judicially punish children for unlawful or unwanted behaviours, or to force children to engage in activities against their will, typically applied by police and law enforcement officers, staff of residential and other institutions and persons who have power over children, including non-State armed actors’.⁸ The Committee on the Rights of the Child has emphasised that the term violence ‘must not be interpreted in any way to minimize the impact of, and need to address, non-physical and/or non-intentional forms of harm (such as, *inter alia*, neglect and psychological maltreatment)’.⁹

Methodology used

A list of indicators of law and policy measures that can prevent and respond to violence against children in detention were drawn up. These were based upon various sources including the report prepared by the Office of the High Commissioner for Human Rights (OHCHR), UN Office on Drugs and Crime (UNODC) and the SRSG on Violence against Children entitled *Joint Report on Prevention of and Responses to Violence Against Children within the Juvenile Justice System*. They were also based on the research plan used by UNICEF in the Central and Eastern Europe and the Commonwealth of Independent States (CEE/CIS) region supporting research into the torture and ill-treatment of children in the context of juvenile justice by looking at its prevalence, impact, prevention, detection, assistance and accountability. Please see Annex 1 for the indicators used which include:

- having systematic information and data gathering in place to determine the scale and character of the problem;
- having a comprehensive policy on children's law and justice that makes it clear that children in conflict with the law are rights holders, violence against children in detention is unacceptable, and that perpetrators will be held accountable;
- ensuring that deprivation of liberty is used as a measure of last resort by having in place an appropriate minimum age of criminal responsibility, diversion measures and alternative measures to detention;
- ensuring that children are detained for the shortest appropriate period of time by implementing effective legal limits on time spent in police and pre-trial detention;

⁶ CRC, Article 1.

⁷ CRC, Article 19.

⁸ UN Committee on the Rights of the Child (CRC), *General Comment No. 13 (2011): The right of the child to freedom from all forms of violence*, 18 April 2011, CRC/C/GC/13 para 26.

⁹ *Ibid.* para 4.

- protecting children when they are in detention by separating children from adults, having properly trained, qualified and remunerated employees working in detention facilities, and ensuring contact with families, lawyers and civil society;
- having an effective independent complaints and monitoring mechanism; and
- holding those responsible for violence against children accountable through investigation of allegations, prosecution of those implicated by the evidence, and imposition of proportionate penalties where applicable.

A desk review was conducted to assess whether the above pre-defined law and policy measures were in place in Uganda and the extent to which the measures were implemented in practice, where such information was available. The research constituted an intensive literature search, review, and synthesis of relevant documents concerning Uganda's current law and policy relating to the indicators identified. It drew upon a wide range of sources including information and reports from international NGOs such as UNICEF, UN and regional human rights mechanisms such as the Universal Periodic Review (UPR), National Human Rights Institutions, civil society and, in some instances, media reports. The findings and recommendations from the review were then distributed to FHRI, a national NGO working on children and justice in Uganda, which then provided additional information on the topic, filled any remaining gaps and commented on the accuracy, credibility and relevance of the information provided.

This review focuses on police and pre-trial detention based on the assumption that these settings are particularly dangerous for children. Children can be vulnerable when in contact with the police: unreasonable force may be used in the course of arrest and during interrogations in order to force confessions; they may be held for lengthy periods of time alongside adult detainees; the arrest and placement of children in police detention may go unrecorded for some time, thereby providing law enforcement officials with a cloak of impunity; children can be very isolated at the police station; they may be denied access to legal representatives; and their families are often not told that their child has been arrested or where they are being held. Children in pre-trial detention are often at greater risk than those who have been convicted because they are held in the same overcrowded pre-trial detention facilities as adults, which can increase the risk of violence occurring.

The way in which girls and boys experience violence in detention can be different. Girls are always in the minority within criminal justice systems for children and require special protection as a consequence. As a result of their low numbers, many countries do not have special facilities for them and they are often held with adult women, which may increase the risk of physical and sexual abuse. Furthermore, they can be at risk of being held in isolation or far from their homes in order to keep them in institutions separate from boys. There may be a lack of female staff in facilities where girls are detained. Efforts were made to reflect these differences in the design of the desk review questions.

Challenges and limitations

This review is designed to provide a snapshot of the state of play of existing law and policy measures to prevent and reduce violence against children in Uganda and as such provide a useful springboard for further action on the ground. However, it has limitations: for example,

it doesn't consider primary and secondary crime prevention measures for children; it doesn't examine violence by police which doesn't result in arrest and detention (for example against children living or working on the street); and doesn't look at law and policy in place for children who are in post-trial detention. It also does not cover administrative or immigration detention or detention of children who are held with their mothers.

This review is not original research and is therefore hampered by its reliance on secondary data sources on the issue. Although every effort was made by both PRI and FHRI to ensure its comprehensiveness, it is possible that key sources were not accessed. Despite these limitations, it is hoped that the report is a useful starting point for further action.

3. FINDINGS AND RECOMMENDATIONS

Evidence available on the issue

Number of children detained in police and pre-trial detention

No accurate statistical information is available on the number of children who are detained in police detention although in its 14th annual report, the Uganda Human Rights Commission (UHRC) reported that they had found 64 children detained with adults during monitoring missions, most often at police stations and posts.¹⁰ Detained children who are awaiting trial are placed in one of four remand homes: Fort Portal Remand Home, Gulu Remand Home, Naguru Remand Home or Mbale Remand Home. During 2010, the African Prisons Project (APP) found a total of 316 children held in the four remand homes.¹¹

What evidence do we have of prevalence of violence against children in police and pre-trial detention?

It is difficult to secure reliable and transparent data on the extent of the use of violence against children in detention that is disaggregated between pre- or post-trial detention and/or between girls and boys. This is problematic because when the government does not have sufficient and relevant information about how the criminal justice system is working in practice then there is an increased risk that children may be exposed to violence, that perpetrators will not be held accountable and that the ill-treatment of children in detention remains invisible and unreported.

There is evidence that adult detainees experience torture and ill-treatment. In 2011, a report to the Universal Periodic Review process expressed concern that 'cases of torture are frequently reported in Uganda...In police holding cells allegations of torture are particularly common and some complaints of summary execution whilst in custody have also been reported'.¹² The UHRC refers to finding 'cases of alleged torture or cruel, or degrading treatment or punishment in both the prison and police detention facilities'.¹³ Torture within the Special Investigation Unit, previously named the Rapid Response Unit [RRU], which is a section of the police created to combat armed crimes, is of particular concern. Human Rights Watch reports that this Unit 'continues to arrest and in some instances torture criminal suspects.....RRU officers routinely use unlawful force during arrests, including beating suspects, using torture during interrogations to extract confessions, and the alleged extrajudicial killings of at least six individuals in 2010 alone'.¹⁴

¹⁰ UHRC, *14th Annual Report*, 2011, p27.

¹¹ African Prisons Project, *Juvenile Detention in Uganda*, 2010, p13. Available at: <http://www.africanprisons.org/research/juvenile-detention-in-uganda/> (accessed 25 October 2012)

¹² UN Country Team in Uganda, *Submission To The Universal Periodic Review*, 2011.

¹³ UHRC, *14th Annual Report*, 2011, p26.

¹⁴ Human Rights Watch, *World Report, Uganda Country Summary*, 2012.

RECOMMENDATIONS TO IMPROVE EVIDENCE AND DATA GATHERING

- More studies must be undertaken to establish the extent of the problem.
- Uganda needs to have more effective and more transparent data collection and publication on indicators that can help to address violence covering the following¹⁵:
 - Time spent in detention before sentence
 - Time spent in detention after sentence
 - Number of child deaths in detention during 12 months
 - Percentage of children not wholly separated from adults
 - Percentage of children visited by family member in last three months
 - Percentage who enter a pre-trial or pre-sentence diversion scheme
 - Number of children in detention per 100,000 child population
 - Number of child deaths in detention during a 12-month period, per 1,000 children detained
 - Percentage of children in detention who are victims of self-harm during a 12-month period
 - Percentage of children in detention who are victims of sexual abuse during a 12-month period
 - Percentage of children in detention who have experienced closed or solitary confinement at least once during a 12-month period
 - Existence of a system guaranteeing regular independent inspection of places of detention
 - Existence of specialised standards and norms concerning recourse by personnel to physical restraint and use of force with respect to children deprived of liberty
 - Existence of specialised standards and norms concerning disciplinary measures and procedures with respect to children deprived of liberty

The UNODC-UNICEF Manual suggests that data should be disaggregated by gender, ethnicity, offence and district of origin. It also suggests that data on juveniles deprived of liberty be disaggregated by the kind of facility in which they are confined. The proposed categories are police stations, juvenile detention facilities, 'juvenile rehabilitation facilities/schools' and 'prison', defined as a 'detention facility housing both children and adults'.

¹⁵ These indicators are based upon those recommended by UNODC and UNICEF in their *Manual for the measurement of juvenile justice indicators*, United Nations: New York, 2007; and also on indicators outlined in Detrick S, Abel G, Berger M, Delon, A and Meek R, *Violence against children in conflict with the law: A study on indicators and data collection in Belgium, England and Wales, France and the Netherlands*. Amsterdam, Defence for Children International, 2008

Use of detention as a last resort

Children should only be detained as a matter of last resort and keeping children out of police and pre-trial detention in the first place will reduce the numbers of children exposed to violence in these settings. Section 94(4) of the Children Act of Uganda promotes this by stipulating that detention shall be a matter of last resort and shall only be made after careful consideration and after all other reasonable alternatives have been tried.

Comprehensive law and policy on children in criminal justice

The development of a comprehensive law and policy on juvenile justice in line with the core elements set out in the Committee on the Rights of the Child's General Comment No 10 can help to construct a climate where children in conflict with the law are defined as rights-holders who are entitled to proportional and fair treatment in line with international human rights standards and to establish that detention should only be used as a last resort. The Uganda Children Act Cap. 59 includes a comprehensive outline of the rights of children in conflict with the law in Uganda that is largely in conformity with international human rights standards.

Minimum age of criminal responsibility

Setting the age of criminal responsibility as high as possible and no lower than 12 years (as recommended by the UN Committee on the Rights of the Child¹⁶) is an important preventive measure since it reduces the number of children in detention. A minimum age for detention above that for criminal responsibility can also reduce the number of children detained.

A child in Uganda is defined as anyone under 18 years¹⁷ and the age of criminal responsibility is 12 years old.¹⁸ However, fewer than four percent of children aged between 12 and 18 have birth certificates and methods of age determination are at times arbitrary and may be inaccurate. In order to establish the age of a child, the police may contact his or her parents, assess appearance, or check the child's teeth. Research conducted by APP in 2010 concluded that Uganda's remand homes had at times housed children who were younger than 12.¹⁹

Abolishing status offences

Status offences include truancy, running away, violating curfew laws or possessing alcohol or tobacco. Such conduct would not be a criminal offence if committed by an adult but a child can be arrested and detained simply on the basis of their age. Status offences focus disproportionately on regulating the actions of girls as well as boys who are poor, disadvantaged or who work or live in the streets and therefore spend much of their time outside of the home. These offences should be abolished and the related conduct should be addressed instead through multi-agency child protection mechanisms. This will ensure that children are not held in detention and exposed to the risk of violence for behaviour which does not represent a serious risk to the child or others.

¹⁶ General Comment No 10, para 32.

¹⁷ Section 2 of the Children Act, Cap. 59.

¹⁸ *Ibid.* S.88.

¹⁹ African Prisons Project, *Juvenile Detention in Uganda*, 2010, p10.

A number of status offences were decriminalised under the Children Act including vagrancy, begging, gambling in a public place and being a 'rogue or vagabond'. However, children living and/or working on the street are routinely rounded up by police and placed in Kampiringisa Rehabilitation Centre where they are held alongside children who have been convicted of offences.

Availability of diversion by police

When a child is arrested in Uganda, the police have the discretion to caution and release the child or dispose of the case without recourse to formal court.

Diversory measures

Local councils are meant to play a central role in the administration of juvenile justice legislation and the Children Act stipulates that all matters of a civil and criminal nature concerning children should be dealt with by the Village Executive Committee Court (Local Council level 1).²⁰ They have the power to make an order for reconciliation, compensation, restitution, apology, or caution. They can also make a Guidance Order for a maximum of six months 'under which the child shall be required to submit himself or herself to the guidance, supervision, advice and assistance of a person designated by the court'. The local councils are not supposed to make an order remanding a child into custody but this still happens.

Alternatives to pre-trial detention

Under the Children Act, 'whenever possible, the court shall consider alternatives to remand such as close supervision or placement with a fit person determined by the court on the recommendation of a probation and social welfare officer'.²¹ There is a further opportunity for diversion at the Family and Children's Court level, where the magistrate can use his or her powers to involve parties in alternative dispute resolution. However, FHRI reports that in 2009 the only diversory measures in operation were those operated by civil society organisations.²²

RECOMMENDATIONS TO ENSURE DETENTION IS USED AS A LAST RESORT

- All children currently held in adult prisons should be removed with the utmost expedience to a remand home in conformity with the Children Act.
- Birth registration must be encouraged across the country and proper age determination procedures established and implemented in the Court system.
- Status offences should be identified as welfare issues and children engaging in these activities should be dealt with by the social welfare system and not the child justice system.
- The use of existing diversory powers should be increased through training.

FHRI, in its report on Juvenile Justice in Uganda for the period January to July 2009 recommended that the Ministry of Justice and Constitutional affairs should pay due

²⁰ Section 92, Children Act, Cap. 59.

²¹ Section 91(9), Children Act, Cap. 59.

²² Foundation for Human Rights Initiative, *Juvenile Justice in Uganda, January to July 2009*, 2009, p9.

consideration to international and domestic standards that discourage the imprisonment of child offenders except as a matter last resort. Specifically, it recommended that that the Ministry of Gender, Labour and Social development:

- Should adopt policies and standards for the National Rehabilitation Centre with an express purpose of promoting child correction and rehabilitation.
- Should allocate sufficient resources to the National Rehabilitation Center in order to adequately cater for the growing numbers of children placed there, ensuring access to education for these children.

Detention for the shortest possible time

Limiting time in police detention

The UN Committee on the Rights of the Child has indicated in General Comment No 10 that no child should be detained for more than 24 hours without a judicial order. The longer the period spent in police custody without the knowledge of the court system and possibly without the knowledge of family or guardian, the greater the risk of violence taking place. In Uganda, if a child cannot be taken to court immediately then the police may give them a release bond or they may be detained in police custody for a maximum of 24 hours or until they are taken to court, whichever is sooner.²³

Limiting time in pre-trial detention

According to international standards, the maximum time spent in pre-trial detention should be no longer than six months. Enforcing time limits will ensure that the numbers of children in pre-trial detention are reduced and therefore the risk of violence is lessened. Detention should be reviewed at least every 14 days.

The Children Act requires that every case be dealt with expeditiously and without unnecessary delay. General Principle 2 of the First Schedule to the Children Act obliges any court of law to consider the general principle that any delay in determining the case is likely to be prejudicial to the welfare of the child. In relation to matters concerning children who are accused of having infringed the law, Section 99(2) states that 'where a case of a child appearing before the Family and Children's Court is not completed within three months after the child's plea has been taken, the case shall be dismissed and the child shall not be liable to any further proceedings for the same offence'. However, it goes on to say that remand in custody should not exceed six months in the case of an offence punishable by death (if they were an adult). According to APP, the majority of children are not remanded beyond the time limits. However a minority, mostly charged with capital offences, are being remanded for a longer period.²⁴

RECOMMENDATION

The time limit of 24 hours for detaining a child in police custody and six months in pre-trial detention must be strictly enforced regardless of the severity of the offence.

²³ Section 89(6), Children Act, Cap. 59.

²⁴ African Prisons Project, *Juvenile Detention in Uganda*, 2010, p19.

Prevention measures at the police station

Proper registering of detainees within a time limit

Registering of detainees is an important preventive measure since it establishes that the police station has responsibility and is accountable for the treatment of a child detainee. It is not clear if law and/or policy in Uganda stipulates that police stations must register a child's details on arrest. However, police officers are obliged to notify courts when they have arrested a person without warrant.

Specialist police officers to deal with children

International standards encourage specialisation within the police to deal with child offenders and a child should be referred to the relevant specialised officer as soon as possible following arrest.²⁵ In May 1998, the Uganda Police Force (UPF) officially established the Child and Family Protection Unit to create an environment in which children's and women's rights are recognised, respected, promoted and protected. It aims to have skilled, disciplined and accountable police officers handling children, women and family issues.

In collaboration with the government, organisations such as Save the Children have also set up Child Protection Units (CPUs) within many police stations. These units ensure that children are not detained with adults; sensitise the community, children and families as to what constitutes child abuse; and provide training. Probation and social welfare officers are supposed to be in place in all districts, but a number of key positions remain unfilled. In some cases police officers individually support vulnerable children and some street children are being taken off the street but are sleeping in police stations. Under Section 89(9) of the Children Act, a female child shall, while in custody, be under the care of a woman officer.

Protection from abuse when taking samples and during searches

The process of taking samples and searching children in order to obtain evidence or for security purposes can be abused by police. The international instruments do not provide any specific protection for children in the course of searches, although Rule 10.3 of the Beijing Rules requires contact between law enforcement officials and children to be managed in such a way as to respect the legal status of the child, promote the well-being of the child and avoid harm to him or her. This could be read to imply that a child in detention should only be searched by an officer of the same sex. Intimate searches (such as taking of blood, saliva or pubic hair) should only be taken in limited circumstances and carried out by a medical practitioner.

The law governing searches in Uganda is the Criminal Procedure Code Act Cap.116, which provides that searches of women should be conducted by female officers.²⁶ The same should apply to children as well. The Children Act is silent on this.

Separation from adults during police detention

Article 34(6) of the Constitution of the Republic of Uganda 1995 provides that, 'a child offender who is kept in lawful custody or detention shall be kept separately from adult

²⁵ Beijing Rule 12.1; Riyadh Guideline 58.

²⁶ Section 8, Criminal Procedure Code Act, Cap. 116.

offenders.¹²⁷ This is reiterated in the Children Act, which stipulates that 'no child shall be detained with an adult person.'¹²⁸

However, a report by FHRI on juvenile justice in Uganda states that there are very few specialised cells in police stations and children are often detained with adults.²⁹ This is confirmed by the Commissioner of Police and Community Affairs: 'The police have few detention facilities and in some cases, children are detained with adults or at police posts where such detention is not allowed. It is not uncommon to find children remanded at police stations by courts. This may be due to lack of remand homes in some magisterial areas'.³⁰ The 2010 UHRC report confirms that, 'in some instances, juvenile suspects remanded by courts would be taken back to the Police either because the Probation Officer was unavailable or because there was lack of transport to take the juvenile suspects to the respective remand homes'.³¹

Presence of lawyers, parents and others during questioning

Article 37(d) of the CRC requires states to provide children with 'prompt access to legal and other appropriate assistance'. The UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems assert that states should establish child-friendly legal aid systems that 'enable children, who are arrested, deprived of personal liberty, suspected or charged with a crime, to contact their parents/guardians at once and to prohibit any interview in the absence of a parent/guardian, and lawyer or other legal aid provider.' Such contact with the outside world can be a vital preventive mechanism and can also be an opportunity for children to report cases of violence.

In Uganda, as soon as possible after arrest, the police are obliged to inform the child's parent or guardian and the Secretary for Children's Affairs of the local government council in the area in which the child resides. Section 89(5) of the Children Act states that: 'Where a parent or guardian cannot be immediately contacted, a probation and social welfare officer or an authorised person shall be informed as soon as possible after the child's arrest so that he or she can attend the police interview'.

However, according to FHRI, parents or guardians are often scared to accompany their children to police stations in fear that they might be arrested as well.³² As a consequence, children appear in court unaccompanied and the magistrate is forced to deny them bail and remand them since bail is conditional on being accompanied by an adult. Legal representation at the police station is sporadic.

²⁷ Article 34(6).

²⁸ Section 89(8), Children Act, Cap. 59.

²⁹ Foundation for Human Rights Initiative, *Juvenile Justice in Uganda, January to July 2009*, 2009, p9.

³⁰ Asan Kaysingye, Commissioner of Police/ Community Affairs (undated) *Role of the Police Under Diversion: An Assessment, Successes and Failures*, p 5, Available at:

<http://www.createsolutions.org/unicef/Documents/resources/country/africa/ugandapoliceroleindiversion.pdf> (accessed 25 October 2012).

³¹ UHRC, *13th Report*, 2010.

³² Foundation for Human Rights Initiative, *Juvenile Justice in Uganda, January to July 2009*, 2009, p6.

RECOMMENDATIONS TO PREVENT VIOLENCE AT THE POLICE STATION

- Proper procedures for registering children and admissions at the police station should be developed and implemented.
- Ensure that children are separated from adult detainees in police cells. Prioritise creating juvenile cells in the police stations that deal with the highest numbers of children's cases.
- Policy and regulations should be developed that require the presence of legal assistance and the mandatory presence of a parent/guardian/legal representative/appropriate adult during the interrogation of a child at a police station. The draft National Legal Aid Policy which is meant to ensure that children have access to a lawyer, provided by the state if they cannot afford one, from the time of arrest and not only at trial should be adopted and implemented as soon as possible.

Prevention measures during court proceedings

Support from social workers/probation officers to identify alternatives to pre-trial detention

The Children Act makes provision for the court to order a written social background report to be prepared by a probation and social welfare officer to be used for sentencing purposes. However, there is nothing in the Act to suggest that such a report is available for the court prior to making a decision on pre-trial detention.

Provision of legal assistance during court proceedings

Article 28(3) of the Constitution of the Republic of Uganda 1995 limits the right to state-aided counsel to capital offences, offences with a possible sentence of death, or life imprisonment. Furthermore, the Poor Persons Defence Act 2000 makes a provision for legal aid (Section 2) where it states that for any reason, in the interests of justice, a prisoner should have legal aid in the preparation and conduct of his defence at trial, and that if the means of the prisoner are insufficient to enable him to obtain such aid, a certifying officer, upon the committal of the prisoner for trial, may certify that the prisoner is entitled to have an advocate assigned to him or her. Section 15 of the Advocates (Amendment) Act 27 of 2002 makes it mandatory for lawyers to provide legal services pro bono to indigent persons in Uganda, and the Advocates (Pro Bono Services to Indigent Persons) Regulations 2009 sets a minimum of 40 hours free services in each year. Law students at the Law Development Centre may also provide unpaid representation to indigent persons in the Magistrates Courts under supervision of a lawyer under the Advocates (Student Practice) Regulations 2004.

The Paralegal Advisory Services (PAS) has been working since 2005 in the criminal justice system to educate persons in conflict with the law, as well as communities on the criminal justice system, procedures, basic law relating to common offences, suspects'/ prisoners' rights and obligations; to follow up cases through the criminal justice agencies to increase case disposal; and to link suspects and prisoners to their relatives and friends for purposes

of facilitating quick access to justice. Under Section 16 of the Children Act, children appearing before the Family and Children's Court have a right to legal representation.

However, so far there is no overarching policy on legal aid and Uganda has a fragmented approach to provision of legal representation which relies upon services offered by the legal profession, NGOs and paralegals. Most lawyers are based in urban centres in a country where 86 per cent of the population lives in rural areas. A draft policy on legal aid has been developed by the Justice, Law and Order Sector (JLOS), which emphasises that children require legal representation from the time of arrest onwards. This is currently undergoing consultation.³³

Exclusion of evidence obtained through torture or threats

Courts which allow evidence that has been obtained through torture or threats add to the problems of impunity that can make these practices common in many countries in the investigation phase of the criminal justice system for children.

Section 24 of the Evidence Act states 'A confession made by an accused person is irrelevant if the making of the confession appears to the court, having regard to the state of mind of the accused person and to all the circumstances, to have been caused by any violence, force, threat, inducement or promise calculated in the opinion of the court to cause an untrue confession to be made'. Further, Section 15(1) of the Prevention and Prohibition of Torture Act 2012 also provides for the inadmissibility of evidence that appears to have been obtained through torture or ill-treatment.

RECOMMENDATIONS FOR COURTS

- Courts must be supported in their decision-making by social workers, probation officers or other suitable persons who can liaise with family and community and identify community-based alternatives to pre-trial detention.
- Policy and regulations should be developed that require the presence of legal assistance during court proceedings and the draft policy on legal aid should be implemented.
- Clear legal provisions should be adopted that prescribe measures to be taken by courts should evidence appear to have been obtained through torture or ill-treatment. Ensure that confessions made under duress are not used as evidence in trials, as required by the Evidence Act.

³³ Uganda Draft National Legal Aid Policy (November 2011), presented to JLOS by the Governance and Justice Group. Available at: [http://jlos.go.ug/uploads/Policy_Final_Uganda_draft\[1\]%20NOV%202011.pdf](http://jlos.go.ug/uploads/Policy_Final_Uganda_draft[1]%20NOV%202011.pdf) (accessed 25 October 2012).

Prevention measures in pre-trial detention facilities

Separation from adults in pre-trial detention

Although it is not permitted under the Children Act, there is evidence that children are detained alongside adults in Uganda. Ordinarily, detained children should be placed in one of the four remand homes in Fort Portal, Gulu, Naguru, or Mbale and on conviction, at Kampiringisa Rehabilitation Centre. The 2011 UN Country Team report to the UPR found that 'there are inadequate separate detention spaces for children: there are four remand homes nationwide and one reception centre in Naguru which have not been able to adequately handle the number of cases, leading to continued detention of juveniles with adults'.³⁴ The UHRC in its 2011 report also found that children were being detained alongside adults at both police stations and in prisons.³⁵

Regular visits by parents/guardians/family members and others

The remand homes and national rehabilitation centre have an open policy on visits from family and parents.

Specialised standards and norms concerning disciplinary measures and procedures with respect to children in pre-trial detention

Corporal punishment is prohibited as a disciplinary measure in penal institutions in the Prisons Act 2006.³⁶ However, it is not prohibited in homes or in schools. The APP report found that in the majority of remand homes there was no recourse to physical discipline and children who misbehaved were verbally reprimanded. However in both Mbale Remand Home and Kampiringisa National Rehabilitation Centre, corporal punishment in the form of caning was routinely used for disciplinary reasons. Kampiringisa had an isolation cell used for punishment.³⁷ FHRI also noted that detention in 'batanga cell' – a dark cell where children are detained for up to a week and given one meal a day – is used as a form of punishment.³⁸

Appropriately qualified, trained and remunerated staff

According to the UN Study: 'Unqualified and poorly remunerated staff are widely recognised as a key factor linked to violence within institutions.' The APP report found that there is generally a lack of specialist staff training in the facilities for juveniles. In an interview with the APP, the Commissioner for Youth and Children noted that there are no psychologists in any of the homes or any psychological based training given. Also, although the wardens of remand homes have had child protection training, this had not been disseminated to the guardians/social workers. They had been trained in social work, but had received no specific training on working with children in conflict with the law.³⁹

³⁴ United Nations Country Team in Uganda, *Submission to the Universal Periodic Review*, 2011, p6. Available at: <http://lib.ohchr.org/HRBodies/UPR/Documents/session12/UG/UNCT-eng.pdf> (accessed 25 October 2012).

³⁵ UHRC, *14th Annual Report*, 2011, p27.

³⁶ Section 81(2), Prisons Act, 2006.

³⁷ African Prisons Project, *Juvenile Detention in Uganda*, 2010, p4.

³⁸ Foundation for Human Rights Initiative, *Juvenile Justice in Uganda, January to July 2009*, 2009, p26.

³⁹ African Prisons Project, *Juvenile Detention in Uganda*, 2010, p22.

Implementation of a clear child protection policy, with step-by-step procedures on how allegations and disclosures of violence are to be handled by institutions
 Institutions where children are detained do not have a clear overarching child protection policy that includes a clear statement that every child has the right to be protected from all forms of violence, abuse, neglect and exploitation, and it is the duty of every police officer and detention facility employee to ensure that children are so protected and where everyone has a duty to immediately report any concerns, suspicions or disclosures of to the appropriate authorities.

RECOMMENDATIONS TO PREVENT VIOLENCE DURING PRE-TRIAL DETENTION

- Children must be held separately from adults at all points of detention or deprivation of liberty (including during transportation to court or other facilities), including police and pre-trial detention.
- Regulations relating to visits by parents, family members and others to children in detention should be properly implemented taking into account the following issues:
 - The Havana Rules state that they should occur ‘in principle once a week and not less than once a month’.⁴⁰
 - Children should have access to appropriate facilities to maintain contact with relatives and significant others such as comfortable private space to conduct visits.
 - Children should be placed in a facility that is as close as possible to the place of residence of his or her family.⁴¹ To ensure that children are able to be placed near their families, the Havana Rules encourage States to decentralise institutions.⁴²
 - Children should be provided with help in communicating with their families and their right to privacy should be respected.⁴³
 - Children should be allowed to communicate with other persons or representatives of reputable outside organisations who can help to expand the range of activities and support that the child can access while detained, supporting their development and encouraging their reintegration into society.
- Specific regulations must be drawn up and implemented concerning the use of disciplinary measures in all detention facilities where children are held. This must be in line with the Havana Rules and in particular must prohibit corporal punishment, solitary confinement and restriction or denial of contact with family members. These regulations must be known about by children and staff.
- Staff should be carefully selected, undergo criminal record checks, receive appropriate training and necessary supervision, be fully qualified, and receive adequate wages.

⁴⁰ Havana Rules, Rule 60.

⁴¹ General Comment No 10, para 60.

⁴² Havana Rules, Rule 30.

⁴³ Havana Rules, Rule 61 and 87 (e).

- Staff must be trained in child rights and non-violent disciplinary measures, and must be fully aware of all the provisions outlined in the Children Act and other relevant legislation.
- Efforts should be made to improve the status of individuals working with children in detention to ensure high-calibre employees, and they must be trained to immediately report any concerns, suspicions or disclosures of violence against children to the appropriate authorities.
- Establish a clear child protection policy with step-by-step procedures on how allegations and disclosures of violence are to be handled by institutions.

In addition, FHRI's Juvenile Justice report in Uganda for the period January to July 2009 suggests that the Ministry of Gender, Labour and Social Development should:

- Allocate more resources to remand homes in order to ensure that adequate programmes for children's rehabilitation can be accessed.
- Adopt country-wide policies, guidelines and standards for remand homes in order to improve the treatment of children.
- Establish more remand homes in all parts of the country in order to stop the detention of children with adults.

Independent monitoring of police and pre-trial detention facilities

According to the UN Rules for the Protection of Juveniles Deprived of their Liberty, duly constituted authorities independent from the institution should undertake inspections on a regular basis, with unannounced inspections on their own initiative. Such inspections can play an important role in preventing violence as well as providing avenues for children to bring violence to the authority's attention.

Relevant international and regional human rights instruments ratified and cooperation with UN special procedures

Uganda has ratified the CRC (and both Optional Protocols), ICCPR, ACRWC, ACHPR and CAT - all of which contain provisions on the prohibition of torture and the protection of children from violence, abuse, neglect and exploitation. The government of Uganda is obliged to harmonise national legislation with these treaties. However, it is yet to ratify the OPCAT.

Is there a system guaranteeing regular independent inspection of places of detention

In Uganda, there are a number of bodies mandated to inspect and monitor places where children are deprived of their liberty:

- i. Uganda Human Rights Commission: The UHRC is constitutionally mandated to visit prisons and all places of detention to inspect and assess the conditions of inmates and make recommendations.⁴⁴ In fulfilling its mandate in 2011, the Commission visited 900 places of detention including four remand homes.

⁴⁴ Article 52(1)(b), Constitution of the Republic of Uganda, 1995.

- ii. Civil society: The Ugandan authorities allowed international NGOs, foreign diplomats, and local NGOs to conduct prison visits during 2010 but required advance notification.⁴⁵
- iii. Committee of visitors: Under the Children Act, 'The Minister shall appoint fit and proper persons to periodically visit the detained children and inspect the detention centre, and those persons shall be referred to as the "committee of visitors" under this Act.'

RECOMMENDATIONS TO ENSURE INDEPENDENT MONITORING

- Ensure that independent inspections and monitoring of detention facilities by qualified bodies takes place on a regular basis, at times unannounced, with full access to the facilities and freedom to interview children and staff in private.
- It is recommended that Uganda take steps to sign and ratify the OPCAT.

Measures to ensure accountability

Under international human rights law, Uganda is obliged to thoroughly and promptly investigate allegations of violence (including the use of torture) against children in police and pre-trial detention, prosecute those implicated by the evidence, and, if their guilt is established following a fair trial, impose proportionate penalties. Implied in this is that the children concerned should have the opportunity to assert their rights and receive a fair and effective remedy, that those responsible stand trial, and that the victims themselves obtain reparations.

In the first instance there should be clear avenues for children to make complaints of ill-treatment whilst in detention. Children who have experienced violence whilst in detention in Uganda can notify the police so that a criminal prosecution can be initiated for battery, assault or other offences against the person defined in the Penal Code. Children may face considerable difficulties in providing proof of these offences, particularly if they do not have access to medical records establishing the harm caused. They may also fear reprisals.

If violence is perpetrated by law enforcement officers, then Section 24(4) of the Police Act Cap, 303 states: 'where a complaint of torture of a suspect in custody is made to a magistrate, the magistrate shall order an investigation into the allegation; and if the allegation is proved to be true, the magistrate shall order for the examination and treatment of the person affected at the expense of the State, and any person responsible for the torture shall be charged.' Furthermore, in July 2007, the Uganda police force established the Professional Standards Unit (PSU) to receive, investigate and take disciplinary action against officers found acting outside the law or infringing on rights of ordinary persons. Under the provision of Section 70 of the Police Act, Cap.303 as amended by Act No.16, 2006, a member of the public is entitled, without prejudice to any legal redress available to

⁴⁵ US Department of State: Human Rights Report Uganda (2010), Section 1(c) Available at: <http://www.state.gov/j/drl/rls/hrrpt/2010/af/154375.htm> (accessed 25 October 2012).

him or her, to make a complaint against any police officer. General complaints made include those related to mismanagement of cases; misconduct of police officers; unlawful arrests/detention; corruption, and torture/assault. The unit is not currently in operation throughout the country, but there are plans to expand offices to receive complaints from more areas. In 2009 alone, the unit received over 2,000 complaints, of which 1,197 were 'completed'. In 2010, a total of 1,665 complaints were received with only 473 completed.⁴⁶ Once a complaint is received, the unit must investigate and then can either recommend that the administrative courts of police handle the case, or hand it over to the Criminal Investigations Department, both in consultation with the police legal department. Violations of the police disciplinary code of conduct can result in dismissal from the police in the most serious cases, to fines and reprimands for lesser offences.

The UHRC is also mandated to receive and hold hearings on complaints of violence whilst in detention, investigate allegations of torture, visit places of detention with an aim of preventing violence, and bring perpetrators to court. It is empowered to order the release of any detained person, and recommend payment or compensation, or any other legal remedy after it finds the existence of a human rights abuse. Human Rights Watch reports that in cases before the UHRC, complainants do not sue their torturers directly: instead, the defendant is the attorney general as a representative of the state.⁴⁷ There is currently a significant delay in cases pending before the UHRC and complainants wait approximately two-and-a-half years for commissioners to hear a case.

Article 24 of the Constitution of the Republic of Uganda 1995 guarantees every person the right to freedom from torture, cruel, inhuman and degrading treatment, which is also considered an absolute freedom by Article 44(a) of the same Constitution. On 27 July 2012, the President of Uganda assented to the Prevention and Prohibition of Torture Act 2012. The Act defines and criminalises torture ensuring individual criminal liability of the perpetrators of torture.

RECOMMENDATIONS TO COUNTER IMPUNITY

- Ratify OPCAT, which would allow the Subcommittee on Prevention of Torture of the UN Committee against Torture to visit Uganda.
- Ensure that regulations to operationalise the Prevention and Prohibition of Torture Act 2012 are speedily drafted to give effect to the Act. Deliver a firm message of 'zero tolerance' towards ill-treatment, including through on-going training activities, to all police and prison staff. As part of this message, it should be made clear that the perpetrators of ill-treatment and those condoning or encouraging such acts will be subject to severe sanctions.
- Ensure that allegations of violence and ill-treatment including torture are impartially and adequately investigated.
- It is recommended that an independent body for receiving and processing complaints by children in detention be established in order for any instances of abuse, ill-treatment or torture to be properly reported and followed up.

⁴⁶ Information provided to PRI by FHRI, August 2012.

⁴⁷ Human Rights Watch, *Violence instead of Vigilance*, 2011, p47.

ANNEX 1. COUNTRY STUDY TEMPLATE

INFORMATION REQUIRED FOR COUNTRY STUDIES ON LAW AND POLICY MEASURES TO PREVENT AND REMEDY VIOLENCE AGAINST CHILDREN DURING POLICE AND PRE-TRIAL DETENTION

1. Baseline information

NB where possible this information should be disaggregated by gender

- The number of children arrested within 12 months per 100 000 child population
- The number of children in detention per 100 000 child population
- The number of children in pre-trial detention per 100 000 child population
- Time spent in detention before sentence
- Time spent in detention after sentence
- Number of child deaths in detention during 12 months
- Percentage of children not wholly separated from adults
- Percentage of children visited by family member in last 3 months
- Percentage of children receiving a custodial sentence
- Percentage who enter a pre-trial or pre-sentence diversion scheme
- Percentage of children in detention who are victims of self-harm during a 12-month period
- Percentage of children in detention who are victims of sexual abuse during a 12-month period
- Percentage of children in detention who have experienced closed or solitary confinement at least once during a 12-month period
- Percentage of children released from detention receiving confidential exit interviews by independent authority

2. Overarching law and policy

- Is there a comprehensive law and policy on juvenile justice in line with the core elements set out in Committee on the Rights of the Child General Comment no 10?

3. Measures in place to reduce the number of children in detention overall

- Are status offences and minor offences such as begging or loitering decriminalised?
- Are there any status offences/minor offences which particularly impact on girls?
- What is the age of minimum criminal responsibility?
- What is the minimum age at which children can be detained in custody?
- What provision is there for children with mental health problems to be dealt with outside the criminal justice system?
- What is the availability and use of pre-trial and pre-sentence diversion.
- Does the use of pre-trial and pre-sentence diversion differ for girls and boys?

4. Measures in place to protect children from violence at the police station

- Are there alternatives to arrest such as issuing a police warning/caution or written notice to appear?

- What are the legal requirements regarding the presence of lawyers, appropriate adults, parents or guardians during questioning in a police station? What are the sanctions for breach of these requirements?
- Does the law limit the period that a child may be held by the police for questioning without a judicial order to 24 hours, as recommended by the Committee on the Rights of the Child? If not, how long may the police keep a child in detention for purposes of questioning without a court order?
- What are the legal provisions for children to have access to medical care whilst detained by the police?
- Is there provision for a child to be handed over to a specialised police official as soon after arrest or apprehension as possible?
- Do procedural rules regarding searches of children respect their privacy and dignity, and ensure that intimate searches are only authorised in narrow circumstances and carried out by a medically trained person of the same sex unless delay would cause harm to the child?
- Do procedural rules regarding the taking of intimate and non-intimate samples for evidence include rules relating to consent, and to the retention of such evidence?
- What do rules of evidence say regarding the submission of any statements or evidence that are not gathered in compliance with law or policy, and what are sanctions for officers regarding failures arising from this?
- Is there law and policy setting out appropriate physical conditions for police holding cells that accommodate children and which take into account the requirements of boys and girls?
- Do police station registers indicate the child's details (including age) and the time of arrest/apprehension and are these registers open to inspection by lawyers, social workers and independent monitoring bodies?

5. Measures for protecting children being brought before the court for the first time

- Are children brought before a court/tribunal (or the appropriate forum) for consideration of release as soon as possible but within 24 hours of arrest or apprehension?
- What are the sanctions against those responsible if there is a delay in coming before court?
- Law and policy regarding transporting children to court (ie separate from adults, girls separate from boys, and not handcuffed except in tightly-prescribed exceptional circumstances).
- Law and policy regarding accommodation of children at court, ie kept separate from adults and girls separate from boys.
- What are the legal requirements regarding the presence of lawyers, appropriate adults, parents or guardians during court appearances? What are the sanctions for breach of these requirements?
- Is the possibility of diversion or other alternative measures considered at the first appearance?
- If the case is not to be diverted, then are alternative measures to detention considered eg unconditional or conditional release into the care of

parent/guardian/other appropriate adult, close supervision in the community, foster care etc?

- Are courts allowed to use evidence that has been obtained through torture or threats to be presented to the court or used against a child to lead to a conviction?

6. Measures to reduce the numbers in pre-trial detention

- Law and policy regarding use of alternative measures to detention eg diversion/ referral to restorative justice programmes.
- Alternatives to pre-trial detention eg care of parent/guardian/suitable adult, close supervision, foster care etc.
- Law and policy regarding maximum period in pre-trial detention (Committee on the Rights of the Child recommends no longer than six months).
- Frequency that detention is reviewed.
- Support from social workers/probation officers to identify alternatives to pre-trial detention
- Are regular visits to the child in detention by parents/guardians/responsible adults permitted?

7. Measures to control and reduce the use of restraint by staff members working in institutions where children are detained

- Are there specialised standards and norms concerning disciplinary measures and procedures with respect to children in police and pre-trial detention? What are they?
- What is the percentage of children in detention who have experienced a disciplinary measure at least once during a 12-month period? (disaggregate by sex where possible)
- What are the sanctions for use of prohibited measures or where measures are used outside the restrictions used by law?

8. Measures to control the use of illegal violence by staff members

- What are the sanctions, including criminal charges, civil claims for damages and dismissal proceedings, for any prohibited use of violence against children?
- Are staff appropriately qualified, eg are they carefully selected and recruited/ is there professional recognition of child care work/ are there specialist staff members such as psychologists available to children?
- Are staff directed to undertake their duties in a humane, committed, professional and fair manner, and without resort to violence or unlawful use of force or restraint?

9. Measures to prevent violence by adult detainees

- Are children prohibited from mixing with adults in any form of detention? (exceptions may be made for children who reach the age of majority whilst in detention, subject to appropriate supervision and risk management)
- What measures are taken to ensure girls are held separately from women?

10. Measures to prevent violence by other children

- Are children assessed on admission to determine the type and level of care required for each child?

- Are children placed within the facility according to the outcome of the assessment, in accordance with their particular needs, status and special requirements?

11. Measures to ensure accountability

- Do the staff of police or detention facilities, or other persons having access to them, have a legal obligation to report complaints or evidence of ill-treatment of children confined in the facility or police station?
- Which agencies or officials are responsible for investigating cases of violence against children in police and pre-trial detention? What are their responsibilities and obligations?
- What are the sentences attached to the offences of violence against children in detention?
- Does the law recognise the responsibility of the State to pay damages, or provide any other forms of compensation, to victims of violence?
- Are there gender-specific procedures for girls and boys who have been victims of torture and other ill-treatment, including with regard to access to redress for victims of rape and other sexual abuse?
- Does a child who claims to be a victim of violence have the right (standing) to take legal action in person, if his or her parents are unwilling to do so?

12. Provision for complaints

- What provision is made for children to make formal complaints regarding their treatment in police and pre-trial detention?
- Can others make complaints on their behalf? (parent/guardian/ appropriate adult etc)
- Do mechanisms ensure there are no reprisals against those who bring the complaint?
- Are there sanctions attached when breaches of law or policy are found via complaints?

13. Inspection and monitoring

- Is there a system guaranteeing regular independent inspection of places of detention?
- What is the percentage of police stations and pre-trial detention facilities that have received an independent inspection visit in the last recorded 12 months?
- Do children have confidential access to the team carrying out the inspection?
- Do inspection teams include women as well as men?

14. Data collection

- Is data relevant to violence against children collected in line with the recommended UNODC and UNICEF indicators, and disaggregated by gender?⁴⁸

⁴⁸ UNODC and UNICEF, *Manual for the measurement of juvenile justice indicators*, United Nations: New York, 2007; and also indicators outlined in Detrick S, Abel G, Berger M, Delon, A and Meek R, *Violence against children in conflict with the law: A study on indicators and data collection in Belgium, England and Wales, France and the Netherlands*. Amsterdam, Defence for Children International, 2008.

15. Other relevant information

- Are there any significant cases or jurisprudence concerning violence against children in police and pre-trial detention? If so please identify and summarise them.
- Are there any examples of measures taken by governments, civil society or others that have contributed to preventing or detecting violence against children in police and pre-trial detention and/or which have provided affected children with redress and rehabilitation or increased the likelihood of perpetrators being held accountable?
- Any other relevant information for this country?