



HUMAN RIGHTS, GENDER BASED VIOLENCE AND CHILD PROTECTION

A TRAINERS' GUIDE FOR UGANDA POLICE FORCE



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Human Rights, Gender Based Violence and Child Protection

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TABLE OF CONTENTS

FOREWORD	I
ACKNOWLEDGEMENTS.....	II
INTRODUCTION TO THE TRAINERS' GUIDE.....	III
ACRONYMS.....	V
PART ONE: INTRODUCTION TO HUMAN RIGHTS.....	1
1.1 HUMAN RIGHTS STANDARDS AND PRINCIPLES.....	1
1.1.1 The History of, and what is meant by Human Rights.....	2
1.1.2 Human Rights Characteristics.....	4
1.1.3. Legal and Protection Framework:.....	5
1.1.4. The Fight for Equality and against Discrimination:.....	7
1.2 HUMAN RIGHTS AND POLICE WORK.....	10
1.2.1 Human Rights and Police Conduct:.....	11
1.2.2 Monitoring Police Compliance with Human Right Standards:.....	14
PART TWO: HUMAN RIGHTS AND GENDER BASED VIOLENCE	17
2.1 What Is Gender?.....	7
2.1.1 Gender and Related Concepts.....	18
2.2 GENDER BASED VIOLENCE.....	20
2.2.1 Definition, Characteristics and Causes of Gender Based Violence:.....	21
2.2.2 Categories and Effects of Gender Based Violence:.....	23
2.3 VIOLENCE AGAINST WOMEN: THE LEGISLATIVE FRAMEWORK.....	26
2.3.1 Key International Instruments on Violence against Women:.....	27
2.3.2 National Legislation on Violence against Women:.....	27
2.4 GENDER BASED VIOLENCE: THE POLICE ROLE.....	29
2.4.1 Guiding Principle on Handling Cases of Gender Based Violence:.....	29
2.4.2 Step by Step Procedures of Handling Cases of Sexual Assault:.....	30
2.4.3 Interviewing Victims and Witnesses:.....	33
2.4.4 Risk Assessment:.....	35
2.5 PREVENTIVE MEASURES FOR VICTIMS OF SEXUAL ASSAULT.....	37
2.5.1 Post Exposure Prophylaxis:.....	38
2.5.2 Emergency Contraceptive Pills:.....	38
PART THREE: POLICE AND THE PROTECTION OF CHILDREN'S RIGHTS.....	43
3.1 CHILDREN RIGHTS LEGAL FRAMEWORK.....	43
3.1.1 Child Rights Instruments and Legislation:.....	43
3.2 GUIDING PRINCIPLES FOR POLICING AND CHILD PROTECTION.....	49
3.2.1 Police in Relation to other Stakeholders in the Juvenile Justice System:.....	50
3.2.2 Separation of Criminal justices and Social Welfare System:.....	54
3.2.3 Children Vulnerability Prevention and Reduction:.....	55
3.3 PROCEDURES ON HANDLING CHILDREN IN CONTACT AND IN CONFLICT WITH THE LAW.....	57

3.3.1 The Rights of Child Victim, Witness, and Suspect.....57

3.3.2 Step by Step Procedures of Handling Cases of Children in Conflict with the Law.....58

4.0 DEVELOPING AND PRESENTING DISTRICT OR SUB- COUNTY ACTION PLANS.....64

WORKSHOP TABLES.....65

Table I: Police and Other Stakeholders in the Juvenile Justice System.....64

Table II: Sample Format for Developing District or Sub- county Police Action Plans.....64

Table III: Rules for Writing on Workshop Cards.....65

Table IV: Participants’ Sharing Workshop Expectations and Fears.....65

Table V: Sample Tool for Daily Workshop Evaluation.....65

Table VI: Sample Overall Workshop Evaluation Tool.....66

Table VII: Sample Workshop Program.....67

LIST OF ANNEXES

Annex “1” Hand Out: The Human Rights.....73

Annex “2” Hand Out: Frame of Reference on Non-Discrimination.....74

Annex “3.1” Hand Out: Human Rights Standards For Good Conduct By Law Enforcement Officials75

Annex “3.2” Hand Out: Obligations of Uganda Police Officers.....80

Annex “4” Hand Out: Categories of Gender-Based Violence.....81

Annex “5” Hand Out: Women’s Rights.....82

Annex “6” Hand Out: Handling Cases of Gender-Based Violence.....83

Annex “7” Hand Out: Step By Step Handling of A Case of Sexual Assault.....84

Annex “No 8” Hand Out: Case Study on Genger-Based Violence.....87

Annex “9” Hand Out: Interviewing Women Victims of Gender Based Violence.....89

Annex “10” Hand Out: Risk Assessment Interview Tool.....90

Annex “11” Hand Out: Safeguards on Child Rights Violation.....91

Annex “12” Hand Out: The Rights of Child Victim, Witnes And Suspect.....92

Annex “13” Hand Out: Step By Step Procedure of Handling Cases of Children in Conflict With The Law...
.....93

Annex “14” Hand Out: Three Case Studies of Children in Conflict With The Law.....98

Bibliography.....99

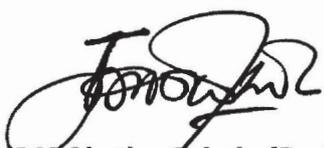
FOREWORD

Uganda is a signatory to a number of international and regional human rights instruments; and has gone ahead to domesticate them in the Constitution (1995), and has enacted related legislations. It is therefore, imperative to build and strengthen capacity of implementing agencies, including the Uganda Police Force (UPF) to fulfill its duty to protect all citizens, in particular the most vulnerable children and women. Specifically, law enforcement personnel are obliged to know and to apply international and national human rights standards, including standards for non-discrimination. They are therefore, expected to understand better their legal powers and limitations, as well as their roles and responsibilities in promoting respect, prevent and reduce human rights violations and crime against children and women.

It is within the above frame of reference that this manual is developed. Its production has benefited from financial support within the Peace building Program for Northern Uganda 2011/12 and the technical expertise of three UN agencies namely, OHCHR, UNFPA and UNICEF. These have collaborated with Uganda Police Force, specifically, police officers from four Units of the Police force, including the Training and Planning Unit, Community Liaison, Child and Family Protection and Political Education. The above constituted the Team which meticulously reviewed the drafts of the training manual, and made suggestions for improvement. They also participated in field testing of the draft manual in Gulu and Kitgum, and undertook final review of the draft Training Manual prior to production of this Manual. I can therefore speak with confidence that this manual fills the gaps; and concretizes, police officers knowledge of human rights; child protection, and gender –based violence; as well as skills in handling cases of gender- based violence, and children in conflict with the law.

I wish to express my great appreciation to the three UN agencies which jointly supported production of this manual which will contribute in no small measure to Uganda Police Human resource capacity strengthening, and also improving its public image.

It is my sincere hope that this Manual will be effectively utilized to influence and contribute to increasing positive attitudes and practices of members of the Police that are critical in the promotion of the rights of children and women.



J.M Okoth - Ochola (Esq)
DEPUTY INSPECTOR GENERAL OF POLICE

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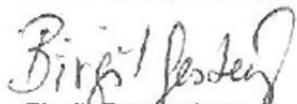
This Uganda Police Trainers' Guide is developed with joint technical and financial support of OHCHR, UNICEF and UNFPA in the framework of the Peacebuilding Programme in Uganda. It symbolizes harmonization and coherence of UN assistance to the Uganda Police Force.

The enthusiastic participation of the Uganda Police Force (UPF) through officers from: the Training and Planning Unit; Child and Family Protection; Community Liaison and Political Education, was notable. Specific applause is extended to Judith Nabakooba, CP who led the UPF team which was composed of Stephen Musoke, ACP; Christopher Kwerit, SSP; Baker Ziwedde, SP; and Sammy Kaggwa, IP. These officers, meticulously reviewed the first and second drafts of the Trainers' Guide, made comments and suggestions that have shaped the Guide. Their involvement as trainers in the two workshops in Gulu and Kitgum where the Trainers' Guide was pre-tested also added relevancy and value to the exercise. Furthermore, review of the Guide by, Dr. John Kanya ACP, Division of Human Resource Development, Planning and Quality Control depicted a high level of commitment and ownership of the Guide by the Uganda Police Force.

Similarly, the active participation, the comments and suggestions made by the police officers who participated in Gulu and Kitgum pre- test workshops were "pregnant" with lessons which guided review and editing of this Guide. To all of them, we extend our hearty appreciation.

We are also indebted to the Centre for Justice Studies and Innovations, for the valuable comments and suggestions made on the draft Trainers' Guides, and for generous sharing of reference materials on juvenile justice.

The consultant Dr. Maria Bawubya Senkezi is greatly appreciated for providing technical leadership to the entire exercise, including skillful planning, and facilitation of all the workshops during which the draft Trainers' Guides were reviewed. She is commended for professional guidance and facilitation of the two workshops in Gulu and Kitgum during which the Guide was pre-tested; for her commitment and all the works that have culminated in production of this Police Trainers' Guide.


Birgit Gerstenberg


Janet Jackson


Sharad Sapra

INTRODUCTION TO THE TRAINERS' GUIDE

This Uganda Police Trainers' Guide is specifically designed for use in training of Uganda police officers on relevant aspects of human rights related to non-discrimination, child rights and women's rights, for them to effectively implement their functions with regard to child protection and to contribute to the prevention and investigation of cases of gender based violence. Thus, the main thrust of this guide is increasing: police officers' awareness of human rights; and skills on how to handle different cases of human rights violation, and to promote attitudes against gender stereotyping and gender-based violence.

The Guide is for use in pre-service and in-service training of Uganda Police personnel, and is addressed especially to potential trainers in institutions of the Uganda Police Force (UPF). It is composed of three main parts, with human rights as a chassis for all of them. The first part focuses specifically on human rights. It presents the genesis of human rights and forces at work. It describes key international instruments on human rights and shades light on Uganda Government efforts to domesticate international human rights instruments. The part also casts light on the role of police in protection of human rights.

Part two focuses on gender –based violence. It examines gender –based violence within the context of human rights in general, as well as women's and girls' rights in particular. It enlightens on international instruments on women's and girls' rights; and on the provisions of Uganda Constitution (1995); and gives national legislations on protecting women against violence

In addition, part two casts light on the characteristics of gender –based violence; the categories of gender-based violence, as well as the causes and effects of gender-based violence. It discusses gender stereotyping, and casts light on the fact that power relations between men and women is among the sources of violence against women. Part two also presents Human Rights Standards of Good Conduct by Law Enforcement officials; and highlights the consequences of adherence, and violation of the standards. It explains how to handle victims and witnesses of gender based violence; the referral system and specialize technical assistance for victim, and presents measures to prevent health hazards and reduce agony among victims of sexual assault.

Part three focuses specifically on children's rights, with specific focus on juvenile justice. It highlights international and regional (Africa) instruments on children's rights and responsibilities; and also the provisions of the Constitution of Uganda (1995), and the Children Act Cap 59. Besides, part three discusses the need for police to handle vulnerable children in need of special protection measures different from those in conflict with the law; thereby separating welfare cases from criminal cases. It presents key stakeholders in the juvenile justice system, and highlights the role of each. It also casts light on the systematic approach to handling children in conflict with the law.

Part four focuses on development of action plans. It is intended to provide opportunity to the participants to think through the situation of human rights violation, including violence to women and children; and handling related cases at their duty station and plan how to utilize the acquired and/or strengthened knowledge, skills and attitudes on return to their duty stations/posts.

The Guide is punctuated with a number of practical exercises to maximize chance to tap into, and take advantage of the participants' knowledge and abundant experience to enrich the learning process. Its content is intended to be covered over five days of intensive work spearheaded by trainers with good understanding and with experience in conducting training in human rights, child protection, and gender-based violence.

Each Sub- heading provides: learning objectives; preparations to be made by trainers; along with presentations

formats, and participants' exercises. Possible responses and learning points are highlighted for trainers' convenience. Handouts and Tables to aid participants' understanding are highlighted in each sub-heading, and presented at the end of the Guide. Copies of the indicated legislations indicated in the different sub-headings, especially the newly enacted laws should be distributed along with the handouts. Legislations should be distributed to the participants for them to obtain insight into legislative provisions, especially with regard to newly enacted laws.

The number of participants in each workshop should not exceed 35, in order to ensure participatory learning. A sample five days training program is presented as Table VII. The program starts with climate setting intended to put participants in a relaxed workshop mood. It includes sharing of workshop expectations (see Table IV). To ensure effective training and learning, daily workshop evaluation is conducted (see Table V). The Guide also provides for overall workshop evaluation. This is intended to assess achievement of workshop objectives. (Table VI is the sample tool for overall workshop evaluation). The Guide also provides for development of district or sub-county action plans (see Table II). This is directed at enabling participants reflect on the situation at their duty station and plan how they would utilize the enhanced knowledge and skills after the workshop; using resources available or

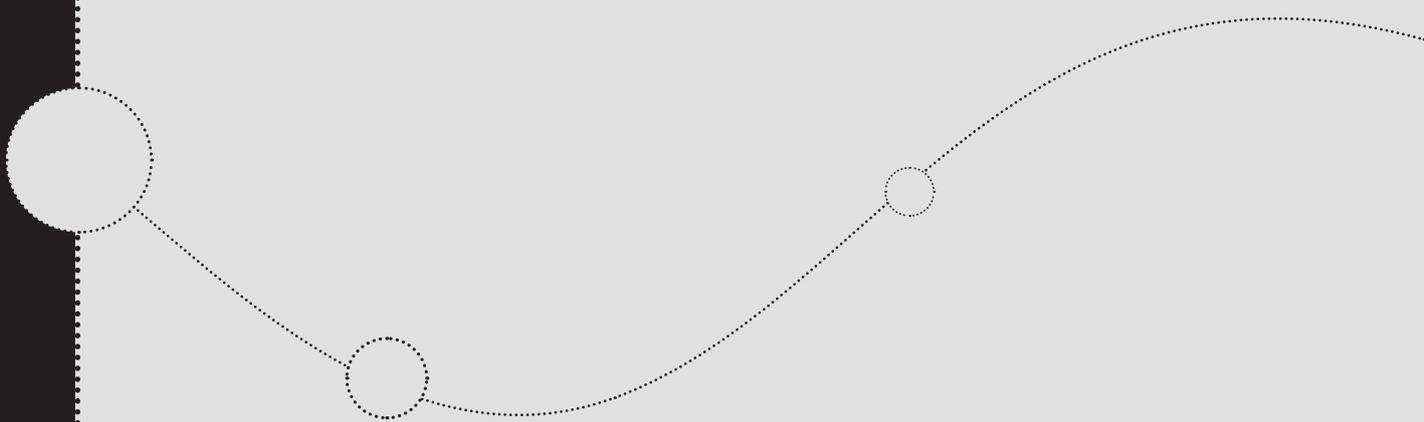
ACRONYMS

accessible at their duty station/posts

ACP	Assistant Commissioner Police
ACHPR	The African Commission on Human and People's Rights
CEDAW	Convention on Elimination of All Forms of Discrimination against Women
CFPU	Child and Family Protection Unit
CID	Criminal Investigation Department
CLO	Community Liaison Officer
CP	Commissioner of Police
CRC	Convention on the Rights of the Child
CRPD	The Convention on the Rights of Persons with Disabilities
GBV	Gender Based Violence
HO	Hand Out
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
LCCs	Local Council Courts
MWC	International Convention on Protection of the Rights of All Migrant Workers and Members of their Families
PEP	Post Exposure Prophylaxis
PWO	Probation and Welfare Officer
SOCO	Scene of Crime Officer
SP	Superintendent of Police
SSP	Senior Superintendent of Police
UDHR	Universal Declaration of Human Rights
UPF	Uganda Police Force

PART ONE

INTRODUCTION TO HUMAN RIGHTS



PART ONE

INTRODUCTION TO HUMAN RIGHTS

Introduction:

Human rights are universal values and legal guarantees that protect individuals and groups against actions and omissions by State agents and individuals that interfere with fundamental freedoms, entitlements and human dignity. The full spectrum of human rights involves respect for: protection and fulfillment of: civil, cultural, economic, political and social rights; as well as the right to development. Human rights are universal and belong inherently to all human beings, and are interdependent and indivisible. Uganda has ratified a number of international and regional instruments on human rights, and is party to the established frameworks including standards for the promotion and protection of human rights. The Government and all its agencies including Uganda Police Force are obliged to comply with the standards and principles in those instruments.

1.1 HUMAN RIGHTS STANDARDS AND PRINCIPLES

Learning Objectives:

By the end of this module, participants should be able to:

- Describe the source of human rights;
- Give examples of human rights;
- State the characteristics of human rights;
- Present international instruments and Uganda legislative provisions on the principle of equality and non-discrimination
- Demonstrate an appreciation of the relevancy of human rights to police work.

Methods:

- Lecture
- Group discussions
- Brainstorming.

Material:

- Flip charts
- Markers
- Masking tapes
- 240 workshop cards of three different colors(80 cards for each color
- Soft board pins (if the venue has soft boards).

Duration: 3.40 Hours

Note for Trainer(s):

As you prepare to conduct this session:

- a) Read and refresh yourself on human rights instruments especially, articles :

- i. 1, 9, 11, 12, 16, 25, and 29 of the Universal Declaration on Human Rights (UDHR);
 - ii. Articles 6-9, 14,16, 23,24, and 26 of the International Covenant on Civil and Political Rights;
 - iii. The Constitution of Uganda Articles 20 and 44.
- b) Obtain copies of the Chapter 4 of the Constitution of Uganda (1995) and its amendments for distribution to participants. In case of inadequacy distribute to police stations/posts represented in the workshop;
- c) Consider appropriate examples you would use to explain human rights to facilitate understanding by all participants;
- d) In case an overhead projector is not accessible, write key message and factual information on flip charts before the session;
- e) Distribute Handouts as indicated.

1.1.1 The History of, and what is meant by Human Rights

Duration: 1.00 Hours

Materials: Flip charts, masking tapes, makers, a packet of 100 workshop cards of the same color.

Session Handouts: Annex "No 1": Handout on Human Rights.

1. Explain that human right is a common talk in all spheres of life in contemporary society. For example, human rights protection is cited as a basis for providing support to agencies, and governments; also as a basis for planning, implementation and evaluation; and as a factor behind making individual and collective demands to governments, and which can be voiced in different manners including public demonstrations.

Exercise 1: Brainstorming on Definition of Human Rights

- i. Ask what human rights are?
- ii. Write responses from participants on a flip chart;
- iii. Read participants' responses aloud highlighting the rights mentioned;
- iv. Wrap up by defining human rights as:
 - a) Rights and freedoms of every human being established by custom or international agreements that impose standards of conduct on all States; such standards are considered universal to humanity, regardless of race color, sex, language, religion, political or other opinion; national or social origin; property, birth or other status;
 - b) Being expressed in binding international law and in the Constitution, human rights are globally recognized legal "entitlements" of fairness and justice for people, simply because they are human beings, irrespective of their citizenship, nationality, race, ethnicity, sex, language, abilities, or any other status;
 - c) Human rights are inherent and not granted by the State and should be respected by State institutions and other actors, e.g. upheld and promoted by all organs and agencies of Government.

2. Point out that the modern concept of human rights has its origin in 20th century. The events of the Second World War, particularly the abuse of human dignity, prompted the United Nations Charter of 1945; and thereafter the Universal Declaration of Human Rights (UDHR), which was adopted by the United Nations

General Assembly on December, 10th 1948. The Declaration is the most widely accepted statement of human rights in the world. It sets out basic rights applicable to everyone in the world, regardless of their race, color, sex, language, religion, nation, social origin, political views or other status. Those rights include the following:

- a) Everyone has the right to life, freedom from slavery, liberty and security of persons (Article 3);
 - b) No one shall be subjected to torture or to cruel inhuman or degrading treatment or punishment (Article 5);
 - c) All are equal before the law and entitled to equal protection of the law without any discrimination (Article 7);
 - d) No one shall be subjected to arbitrary arrest and detention (Article 9);
 - e) Every one charged with a penal offence has the right to be presumed innocent until proved guilty, according to law in a public trial at which they have had all the guarantees necessary for their defense (Article 11 (1));
 - f) No one shall be subjected to arbitrary interference with her/his privacy, family or home. Everyone has the right to protection of the law against such interference or attacks (Article 12);
 - g) Everyone has the right to freedom of opinion and expression (Article 19).
3. State that over the 19th and in particular during the 20th centuries the universality of human rights was broadened by integrating in the catalogue of human rights, the rights of specific groups of persons, like the rights of workers, the rights of ethnic, linguistic and religious minorities the rights of women, children, indigenous people, persons with disabilities; migrant workers and their families. The Declaration of the World Conference on Human Rights 1993 in Vienna expressed the commitment of the Governments to consider the rights of these groups as human rights.

4. Exercise 2: Individual Work on Human Rights

- i. Distribute two cards of the same color to each of the participants;
- ii. Ask each participant think of two rights, and write one right per card which he/she believes all people should enjoy. (Remind the participants on the rule of writing on workshop cards (refer to Table III);
- iii. With assistance of fellow trainers collect the cards and pin them on the soft board, or stick them on the wall while clustering cards with similar ideas/views together;
- iv. Summarize by highlighting the cluster of similar ideas that have emerged from participants' responses, on the rights every body should enjoy.

5. Explain that human rights include a broad range of legal guarantees addressing all aspects of human life and interaction. Distribute (Annex "No 1": Hand out on Human Rights); and ask for the meaning of the following human rights.
- a) Right to life;
 - b) The right to liberty and freedom of expression;

- c) The right to social, cultural, and economic participation including the right to participate in cultural activities;
 - d) The right to food;
 - e) The right to work;
 - f) The right to education;
 - g) Freedom from torture and cruel inhuman or degrading treatment or punishment;
 - h) Freedom from arbitrary arrest or detention;
 - i) Right to a fair trial;
 - j) Freedom from arbitrary interference with privacy, family, home or correspondence;
 - k) Right to equal protection of the law;
 - l) Freedom from discrimination;
 - m) Freedom of association, expression, assembly and movement;
 - n) Right to asylum;
 - o) Right to nationality;
 - p) Freedom of thought, conscience and religion.¹
6. Clarify that the principle of equality and non-discrimination is a key/cross cutting element throughout the human rights agenda based on the UDHR statement that all human beings are born equal in dignity and rights; and that human rights are derived from the inherent dignity of the human person.

1.1.2 Human Rights Characteristics

Duration: 40 Minutes

Materials: Flip charts, markers, masking tapes,

Methods: Lecture, discussion

1. Explain that the following are the characteristics of human rights:
 - a) Universality- human rights apply to every human being everywhere/worldwide;
 - b) Equality and non-discrimination – human beings are born equal in dignity and rights, everyone is entitled to an equitable access / enjoyment of all rights;
 - c) Indivisibility/integrity – During the Cold War civil and political rights, on the one hand, and economic, social and cultural rights, on the other, were looked at in different manner, but the enjoyment of human rights cannot exclude and/or prioritize some rights over others. Human rights are equally important and should be enjoyed in a whole;
 - d) Interdependence- to ensure full realization, human rights depend on each other; for instance

¹ Office of the United Nations High Commissioner for Human Rights: 2002:13.

the enjoyment of the right to education can positively influence the right to health, to work, to food, and other.

- e) Interrelatedness- human rights affect each other, i.e. the violation of one rights may lead to the violation of other rights;
- f) Inalienability/ Inherent- every human being is entitled to them to preserve human dignity. They cannot be taken away by anyone.

1.1.3. Human Rights Protection Framework

Duration: 40 Minutes

Materials: Flip charts, markers, masking tapes,

Methods: Lecture, discussion

1. Many organizations around the world dedicate their efforts to protecting human rights and ending abuses. Key among such organizations are:
 - a) The United Nations -Along with Peace, Security and Development, Human Rights are the third pillar of the UN Charter. In particular, the Human Rights Council of the United Nations, sitting in Geneva/Switzerland, was established by the General Assembly in 2006 and is the key United Nations intergovernmental body responsible for human rights decisions and actions;
 - b) The regional organizations like the African Union and in particular the African Commission on Human and Peoples' Rights (ACHPR).
 - It is based in Banjul Gambia and is tasked with promoting and protecting human rights and peoples' rights throughout the African continent.
 - Its main legal text of reference is the African Charter on Human and Peoples' Rights, which entered into force in 1986; and recognizes most of what is regarded as universally accepted civil and political rights; which include the right to freedom from discrimination.
 - The ACHPR interprets the Charter and considers individual complaints of violations of the Charter.

The African Court on Human and Peoples' Rights: established in 1998 Arusha/Tanzania, is a regional court that rules on African Union States' compliance within the African Charter on Human and Peoples' Rights
 - c) The State institutions of Uganda through its Constitution (1995): This is the supreme law of Uganda, and gives recognizable place for human rights and freedom, as seen in Chapter Four.
 - d) Civil society: - The civil society of a country are the organized non-State actors associating to advance common interests, including human rights and development; civil society can provide an intermediate layer of governance between the individual and the state, and can contribute to conflict solution and be instrumental to voice the demands of the citizens to the Government. The development of public freedoms and democracy is a key element for a vibrant civil society.
2. The role of government in protection of human rights: clarify that there is an overall duty of government to respect, promote human rights, to protect from and prevent human rights violations.
 - a. Explain that respect means to act under the rule of law, e.g. to accomplish with the established laws and procedures and without discrimination.

- b. Explain that prevention is a broad range of measures taken with the aim to foresee abuses and violations and prepare the system to react accordingly and to combating impunity.
- c. Explain that promotion (also as a part of prevention) means to make public the human rights provisions in the country, disseminate them appropriately, including to teach them to children, students and public officials, the wide public, everybody.
- d. Explain that protection means to have in place a legal framework and to enforce it by institutions, including the police force, courts, and welfare systems to prevent human rights violations by all means and if a violation happens – to investigate it, and to punish the perpetrators as well as to address measures of non-repetition and reparation of the caused damage to the victims;
- e. Protection has to be provided in a sense of equality and non-discrimination; although the key player of protection is the State, everybody can contribute according to his/ her specific conditions, and circumstances.
- f. Enforce human rights standards through domestication of international human rights law in the Constitution and national laws;

Exercise 3: Discussion of Roles of Government, Individual and Police in the Protection of Human Rights

- i. Form three groups, and distribute flip charts and markers;
- ii. Give the groups fifteen (15) minutes to discuss and write their presentations on flip charts, as follows:
 - Group one: What is the role of government in protection of people's rights?
 - Group two: what is the specific role of police in protection of human rights
 - Group three: What can individuals contribute to the protection of human rights? Use Article 29 of the UDHR
- iii. Give each group five (5) minutes for presentation; and three (3) minutes for comments and questions by other participants;
3. Possible responses on the role of individuals in protection of human rights include:
 - a) Appreciate that every human being has rights and must respect each other's rights;
 - b) Provide advice and assistance to victims of human rights abuse;
 - c) Seek professional assistance from NGOs and other service providers for technical support, including legal aid; psycho-social support; medical assistance;
 - d) Report human rights violation to appropriate agencies.
- iv. From the list below, mention what participants have not presented with regard to police role in protection of human rights; respect of dignity and rights of all individuals:
 - a) Give equal treatment to suspects, victims and witnesses without discrimination;
 - b) Protect life and property;
 - c) Refrain from using excessive and disproportionate force while maintaining law and order; Prevent and take action against gender-based violence;
 - d) Protect the rights of vulnerable and marginalized groups, for example, children, persons with disability, and women;
- e) Educate communities on their human rights, including respect of law and order.

1.1.4. International standards

Explain that promotion and protection of human rights is guided by international standards that are articulated in treaties (covenants, conventions and their optional protocols), declarations, resolutions and principles, for the State to meet its commitment. Some of the treaties cover a whole set of rights for example:

- The International Covenant on Civil and Political Rights (ICCPR);
 - The International Covenant on Economic, Social and Cultural Rights (ICESCR).
- e) Others focus on protection against specific human rights violation. For example:
- The International Convention on the Elimination of all forms of Racial Discrimination. (CERD)
 - The International Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT);
 - The International Convention on the Protection of all Persons from Enforced Disappearance (CPED)
- f) Others focus on the rights of specific groups:
- The Convention on the Rights of the Child (CRC);
 - The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);
 - The Convention on the Rights of Persons with Disabilities (CRPD);
 - The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC),
1. Clarify that:
- a) Each treaty/covenant or convention defines the substantive rights and freedoms in the areas addressed by the treat/covenant;
 - b) Countries become bound to a particular treaty through ratification or accession to it;
 - c) Any of those two acts, signals a country's concrete willingness to undertake the legal rights and obligations contained in the treaty;
 - d) A country that has ratified or accessed to a treaty is of often referred to as being "party to" the treaty;
 - a. Ratification or accessing obliges a country to refrain from acts which might defeat the purpose of the treaty.
 - b. To translate/integrate international standards in the domestic legal framework

1.1.5. The Fight for Equality and against Discrimination:

Duration: 1.20 Hours

Materials: Flip charts, masking tapes, makers,

Methods: Lecture, discussion

Session Handout: Annex "No 2": Handout on Frame of Reference on Equality and Non-discrimination.

1. Explain that democratic societies strive for equality and non discrimination in law enforcement. This makes it imperative for police to discharge their duties in a non- discriminatory manner. Law enforcement, public safety and protection of human rights must be handled in a manner which is fair and equal for all persons.
2. This can mean that persons with a specific disadvantage or in a vulnerable situation require special protection measures like women in case of GBV, children, persons with a disability, elderly. These special measures and rights are explained in international treaties.

Distribute (Annex “No 2”: Hand out on Frame of Reference on Equality and Non-discrimination).

3. Ask a volunteer to read aloud the standards, explain and answer any questions;
 - a) All human beings are born free and equal in dignity and rights;
 - b) Law enforcement officials shall respect and protect human dignity, maintain and uphold the rights of all persons;
 - c) All persons are equal before the law, and should be entitled without discrimination, to equal protection of the law;
 - d) In protecting and serving the community, police should not unlawfully discriminate on the basis of race, gender, religion, language, political opinion, nationality, and other status;
 - e) Law enforcement officials shall at all times, fulfill the duty imposed on them by law, by serving the community and protecting all persons against illegal acts;
 - f) It shall not be considered unlawfully discriminatory for the police to enforce certain special measures designed to address the special status and needs of vulnerable groups; or people at risk for example, pregnant women and lactating mothers, juveniles, the sick, the elderly, and others requiring special treatment in accordance with international human rights standards.²

4. Clarify that besides the Universal Declaration on Human Rights (UDHR), other human rights instruments have provisions for equality and non-discrimination as follows:

- a) The International Covenant on Civil and Political Rights (Article 2, 3 and 26). Article 26 affirms that:

“All persons are equal before the law and are entitled without discrimination to the equal protection of the law. This Covenant prohibits any discrimination and guarantees all people’s equal and effective protection against discrimination on any ground, such as race, color, sex, language, religion, social origin, birth or any other status.”

- b) The Convention on the Elimination of All forms of Discrimination against Women (CEDAW); which Uganda ratified in 1985:

- Sets out legally binding, and internationally accepted principles on the rights of all women;
- The basic legal norm of the Convention is the prohibition of all forms of discrimination against women. The Convention goes further to prescribe measures to be taken to ensure that women everywhere are able to enjoy the rights to which they are entitled.

- c) The Declaration on the Elimination of Violence against Women.

- d) The Convention on the Rights of the Child which Uganda ratified in 1990.

- e) The African Charter on Human and People’s Rights states that:

“ Every individual shall be entitled to the enjoyment of the rights or freedoms recognized and guaranteed in the present Charter, without discrimination of any kind, such as, race, ethnic group, color, sex, language, religion, political opinion, national or social origin; fortune, birth or other status.”

² High Commissioner for Human Rights. New York, Geneva: 2004:7

Uganda has fully or partly domesticated these treaties which are now domestic law.

For example:

Part four of Uganda Constitution (1995) provides for protection of fundamental and other human rights and freedoms; specifically, Article 21 provides for equality and freedom from discrimination as indicated here below: "All persons are equal before and under the law in all spheres of political, economic, social and cultural life, and in every other respect and shall enjoy equal protection of the law;"

"Without prejudice to clause (1) of this article, a person shall not be discriminated against on the ground of sex, race, color, ethnic origin, tribe, birth, creed, or religion; social or economic standing; political opinion or disability."

5. Point out that Uganda Constitution (1995) has provisions on marginalized groups, persons with disabilities and minorities as follows:

Article 32 on marginalized groups – states that:

- "The State shall take affirmative action in favor of groups marginalized on the basis of gender, age, disability or any of the reason created by history, tradition or custom, for the purpose of redressing imbalances which that exist against them;"
- "Laws, cultures, customs and traditions which are against the dignity, welfare, or interests of women or undermines their status; or any other marginalized groups to which clause (1) are prohibited."
- Rights of Persons with Disabilities: Article 35 indicate that persons with disabilities have a right to respect, and human dignity and the State and society shall take appropriate measures to ensure that they realize their full mental and physical potential.

Exercise 4: Discussion on the Hindrances to the Enjoyment of Rights

- i. Form two groups and give the groups the following assignments to be done in 20 minutes:
 - a) Identify the factors that work against all people being given equal protection of the law;
 - b) State what can be done to improve the situation.
- ii. Distribute flip charts and a marker to each group;
- iii. Allow each group five (5) minutes for presentation in plenary, and three (3) minutes for comments, questions by other participants.
- iv. Possible responses on factors that work against all people being given equal protection of the law include the following:
 - a) Discrimination on account of gender, ethnicity, social status, age, political differences etc.
 - b) Ignorance of the law by law enforcement personnel and the victims/survivors and the general populace;
 - c) Displacement during emergency situations, for example armed conflict, earthquakes, landslides;
 - d) Lack of facilities and resources, for example separate cells for juveniles;
 - e) Poverty.
- v. Possible suggestions to ensure that all people are given equal protection of the law, include the following :
 - a) Training all law enforcement personnel on human rights related to their duties and functions;
 - b) Awareness creation on basic human rights and laws on dominant human rights violations in specific regions and societies;
 - c) Supports to law enforcement personnel to enable them carry out their duties effectively.
- vi. Emphasizing the importance of the principle of equality and non-discrimination in police work.

1.2 HUMAN RIGHTS AND POLICE WORK

Introduction:

The functions and duties of the Police Force in Uganda include advancement and enhancement of peace and stability; order and adherence to the rule of law; as well as ensuring public safety of all Ugandans, including children (Article 212 of Uganda Constitution 1995).

Police constitute the first line of defense for the community with regard to protection of a full range of rights of the people; whether they are offenders, victims or members of the community.

The effective enforcement of the country's criminal law requires interpreting or reading the law with a human rights lens. This means in a first place:

- That human rights compliance is art of the ethical code of Law Enforcement Officers,
- To know the human rights in the Constitution and the treaties,
- To apply the law equally,
- To prevent and restrain arbitrary acts,
- To not allow for impunity of human rights violations in the police institution through the correct and impartial functioning of internal control mechanisms,
- To cooperate with the justice system if such violations occur,
- To protect and support the victims of those violations.

The image of, and the quality of human rights protection by Government depends in an important manner on the professionalism of the police in protecting the rights of citizens.

Learning Objectives:

By the end of this module, participants should be able to:

- Explain the relationship between human rights and police work;
- Highlight the relationship between respect of human rights and effective law enforcement;
- Describe guiding principles for police work;
- Present consequences of police violations of human rights;
- Highlight benefits of police respect for human rights.

Methods:

- Lecture
- Brainstorming
- Group Discussions

Materials:

- Flip Charts
- Markers
- Masking tape
- A packet of 100 cards of the same color, and a packet of 50 cards of a different color.

Duration: 1.40 Hours

Notes for the trainer(s):

- a) Refresh yourself on the following:
 - i. The Uganda Police Act;

- ii. Relevant articles of the Penal Code Act Cap 120;
 - iii. The UN Code of Conduct for Law Enforcement Officials.
- b) As you prepare for the session, think of relevant local examples, and develop locally appropriate case studies to facilitate participants' understanding;
- c) In case an overhead projector is not accessible, write factual information and group work on flip charts before the session;
- d) Discuss with your session co-trainer during preparations and highlight the assistance you would need.
- e) Write on flip charts key messages and factual information on flip charts before the session;
- f) Distribute handouts as indicated in the Guide.

1.2.1 Human Rights and Police Conduct:

Duration: 1.20 Hours.

Materials: Markers, flip charts, masking tapes, 100 workshop cards of the same color.

Methods: Lecture

Session Handouts: Annex "No 3.1": Hand out of Human Rights Standards of Good Conduct by Law Enforcement Officials;

Annex "No 3": Hand out on Obligation of Uganda Police;

Exercise 5: The importance of Human Rights to Police Work

- i. Distribute two cards (same color) to each of the participants; and ask the participants to write two reasons (one reason per card) why human rights are important to police work;
- ii. Remind participants on the rules for writing on cards (Refer to Table III);
- iii. Collect the cards from the participants with assistance of other trainers and stick the cards on the wall or pin them on soft boards. Cluster similar ideas together; Read or request assistance of a fellow trainer to read aloud the clusters of similar or related reasons presented by the participants on the importance of human rights to police work;
- iv. Possible reasons:
 - a) Police has a mandate to protect life, integrity and property therefore, are the first line of defense for human rights;
 - b) The police is the first and primary contact of a citizen with the law;
 - c) Every citizen and the communities depend on the police to protect the full range of rights through the effective enforcement of the country's criminal law;
 - d) Police officers are the guardians of the law and enforce it;
 - e) Police protection of human rights is fundamental to genuine and lasting law and order;
 - f) Human rights can enhance the effectiveness of police by offering tools and standards to policing that help to build and maintain public trust and confidence.

1. Emphasize that police at all times are expected to maintain a relationship with the public that projects the reality of the historic saying that the “the police are the public and the public are the police”, except that the police is a member of the public who is paid to give full-time attention to duties which are incumbent upon all citizens in the interest of community welfare and existence.³

Exercise 6: Benefits of Observing the Code of Conduct for Law Enforcement Officials

- i. Distribute one card of the same color to each of the participants;
- ii. Remind them about the rules of writing on cards (Refer to Table III);
- iii. Ask them to write one idea on the card on: what happens when police officers observe or respect the Uganda Police Force Obligation on: Police conduct of their duties, and the UN Code of Conduct for Law Enforcement Officials?
- iv. Collect the participants cards with assistance of another trainer and pin them on the notice board , or stick on the wall while clustering similar or related ideas, together;
- v. Read out the cluster of ideas that have emerged from the participants;
- vi. Wrap up by presenting what has not been mentioned by the participants from the following:
 - a) Public confidence is built and community cooperation fostered;
 - b) Legal prosecution is usually successful in court;
 - c) Police are seen as part of the community, performing social function;
 - d) An example is set for respect of the law by others in the society;
 - e) Police are able to be closer to the community, and, therefore, in a position to prevent and solve crimes through proactive policing;
 - f) Support is elicited from: the media and civil society, the international community and higher Government authorities.¹
- vii Highlight what happens if police does not observe the: UN Code of Conduct for Law Enforcement Officials or the Uganda Police Force Obligations on Police Conduct of Police Duties:
 - a) Making the work of law enforcement more difficult;
 - b) Hampering effective prosecution in court;
 - c) Reduce trust among the public, impacting on police/community relations;
 - d) Possibility of the guilty escaping sentence, and the innocent getting punished;
 - e) Forcing police to be reactive, rather than preventive in their approach to crime prevention;
 - f) Put agents and institutions of public authority in disrepute.
- viii. Wrap up by emphasizing that to uphold public trust, police officers have to exercise the highest standard of ethical conduct in discharging their duties.

2. Explain that the UN Code of Conduct for Law Enforcement officials, the UN Standard Minimum Rules, and the UN Body of Principles set out principles for the effective performance of law enforcement functions as follows:
 - a) Every law enforcement agency should be representative of, responsive and accountable to the community as a whole;
 - b) Every law enforcement official is a part of the criminal justice system, the aim of which is to

- prevent and control crime, and the conduct of every official has an impact on the entire system;
- c) Every law enforcement agency should discipline itself to uphold International Human Rights Standards for Good Conduct stipulated as follows: (Distribute Annex "No 3.1" : Hand out of Human Rights Standards of Good Conduct by Law Enforcement Officials).
 - Everyone is entitled to equal protection of the law, without discrimination on any grounds, and especially against violence or threat. Law enforcement personnel should be especially vigilant to protect potential vulnerable groups such as:
 - o Children
 - o The elderly
 - o Women
 - o Refugees
 - o Displaced persons.
 - Treat all victims of crime with compassion and respect, and in particular protect their safety and privacy;
 - Do not use force except when strictly necessary and to the minimum extent required under the circumstances;
 - Avoid using force when policing unlawful but non-violent assemblies. When dispersing violent assemblies, use force only to the minimum extent necessary.
 - Lethal force should not be used except when strictly unavoidable in order to protect your life or the lives of others;
 - Arrest no person unless there are legal grounds to do so, and the arrest is carried out in accordance with lawful arrest procedures;
 - Ensure all detainees have access promptly after arrest to their family and legal representative and to any necessary medical assistance;
 - All detainees must be treated humanely. Do not inflict, instigate or tolerate any act of torture or ill treatment, in any circumstances, and refuse to obey any order to do so;
 - Do not carry out, order or cover up extrajudicial execution or "disappearances", and refuse to obey any order to do so;
 - Report all breaches of these Standards to your senior officer and to the office of the public prosecutor. Do everything within your power to ensure steps are taken to investigate these breaches.⁴
3. Point out that if police officers are efficient, honest, and impartial and conduct themselves as servants of the public, they gain public regard and can count confidently on assistance from the general public in any emergency. Ethical and legal principles for effective policing include:
 - a) Respect for, and obedience of the law;
 - b) Respect for the dignity of the human persons;
 - c) Respect for the protection of human rights.
 4. Distribute (Annex " No 3.2": Hand Out on Obligations of Uganda Police);

4 GordanKalajdziev, L.L.M, et al: 2002:15

5. Explain that Obligations of Uganda Police Force, provide further guidance that the force shall:
- a) Not use the authority of his/her office for undue gain;
 - b) Not take away the liberty or rights of any person without reasonable cause;
 - c) Not convert property of any person or any property which comes into his or her custody by virtue his or her office;
 - d) Treat humanely all people at his or her disposal without discrimination;
 - e) Not receive any undue gratification for services he/she is expected to render by virtue of his or her employment;
 - f) Conduct him/her in the most decent and dignified manner at all times as an example for orderliness and law abiding;
 - g) Not compromise law enforcement on account of relationships, patronage or any other influence.⁵

1.2.2 Monitoring Police Compliance with Human Right Standards:

Duration: 0.20 Hour

Materials: Flip charts, makers, masking tapes

Methods: Lecture, brainstorming

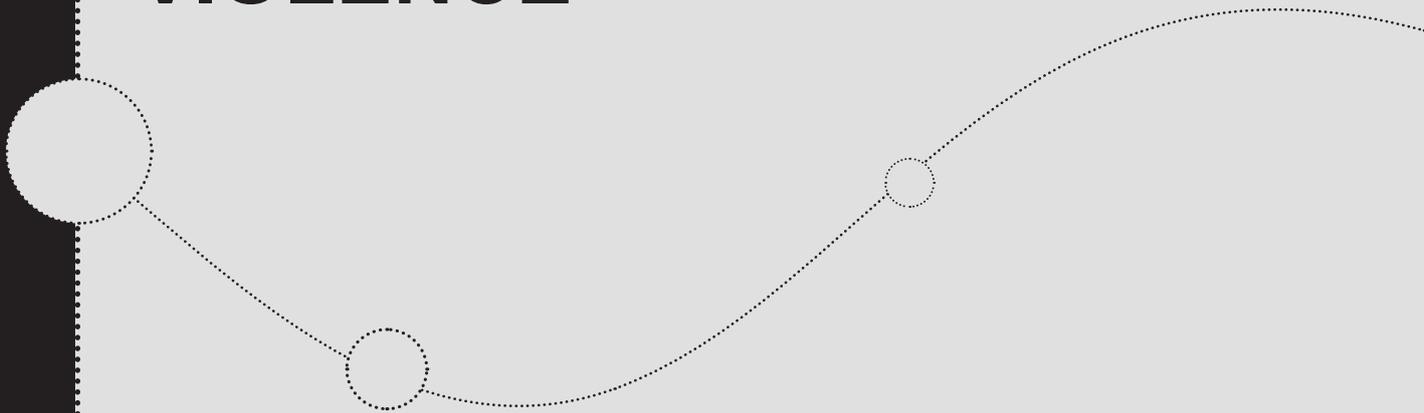
5 Uganda Police Force, Compendium of Laws, September, 2008, PART 303: p. 121.

Exercise 7: Brainstorming on Why Police Compliance with Human Rights is monitored

- i. Ask participants to give reasons why compliance of police personnel with human right standards is monitored?
- ii. Write participants responses on a flip chart;
- iii. Ask participants to mention organizations and /or groups that are involved in monitoring compliance with human rights standards;
- iv. Write responses on a flip chart;
- v. Read aloud the participants responses to the two questions.
- vi. Wrap up by presenting what participants have not mentioned from the following possible answers on why Police compliance with human rights standards is monitored:
 - a) To provide objective information on human rights protection;
 - b) To obtain a basis for advocacy on the improvement of the police service;
 - c) To generate data and information to guide capacity building including training;
 - d) To assess the effectiveness of law enforcement work;
 - e) To identify bottlenecks in law enforcement service delivery;
 - f) To obtain basis for remedial action in law enforcement work.
- vii. Highlight the following organizations involved in monitoring police personnel compliance with human rights:
 - a) Individual citizens individually or collectively, and community organizations;
 - b) Civil society organizations;
 - c) The police itself (Professional Standard Unit, Legal and Human Rights Directorate among others);
 - d) The Uganda Human Rights Commission;
 - e) The Parliament and other oversight bodies.

PART TWO

HUMAN RIGHTS AND GENDER BASED VIOLENCE



PART TWO**HUMAN RIGHTS AND GENDER
BASED VIOLENCE****Introduction:**

For some time in Uganda, incidents of gender based violence were viewed by communities as private and/or family issues not to be discussed in public. To an extent this was also reflected in the way the police dealt with such cases. However, the advent of social change arising from women empowerment efforts, weakening extended family ties, human rights awareness and action by different stakeholders, has ushered in a new shift in perception. This is evidenced in increase in the number of gender based violence cases reported to police, for example, 15,000 defilement cases were reported in 2006, compared to 2000 cases reported in 1997. Similarly, rape cases increased from 732 in 2005 to 750 in 2006.⁶

2.1 WHAT IS GENDER?**Background**

Gender provides a frame of reference on the relationships between men and women in a given society; what men and women do, what is expected of them; who accesses and who controls what resources and the power relationships. As such, police awareness and sensitivity to gender roles, is critical to police functions of :

- g) Enforcement of observing law and order;
- h) Detection and prevention of crime;
- i) Protection of life and people's property.

Learning Objectives:

By the end of this module participants should be able to:

- Explain what gender is, and gender roles in a given society;
- Make a presentation on what gender based violence is, its causes and effects;
- Discuss power relationship and gender based violence;
- Describe how violence against women is a human rights issue;
- Highlight Uganda legislation on gender based violence;
- Expound police role in protection of women's human rights.

Methods:

- Lecture
- Brainstorming
- Group Discussions

Materials:

- Flip Charts
- Markers
- Masking Tape
- Overhead Projector

6 ACFODE, 2009:13

Duration: 1.40 Hours

Note for Trainer(s):

Read and refresh yourself on the following:

- a) Gender and related concepts;
- b) Gender stereotyping;
- c) Power relationships, access and control of resources;
- d) Gender based violence, its causes and affects to the victims and those close to them.
- e) In case an overhead projector is not accessible, write key messages and all factual information on flip charts before the session.
- f) Make sure you have enough copies of handouts;
- g) Distribute handouts as indicated in the manual.
- h) Discuss with your session co-trainer during preparations and highlight the assistance each of you would need.

2.1.1 Gender and Related Concepts

Duration: 1.40 Hours

Materials: Flip charts, makers, masking tapes

Methods: Lecture, discussion, brainstorming

Explain that the word gender is commonly used in all spheres of development endeavors these days, including national policy frameworks; development plans, reports, and records.

Exercise 8: Brainstorming on Meaning of Gender

- i. Ask participants to define gender;
- ii. Write responses on a flip chart;
- iii. Read the responses aloud;
- iv. Refer to list below, to add to the discussion what has not been mentioned by the participants on the definition of gender:
 - a) Social differences between men and women.
 - b) Different roles of males and females in a given society.
 - c) Roles designed for men and women in a given society.
 - d) Social construct between men and women in a given society.
 - e) Social cultural responsibility between males and females in a given society.

1. Explain that gender does not look at women in isolation; it focuses on both men and women. This enables the differences between women and men to become visible. Gender also focuses on social and cultural construct of roles, responsibilities, attributes, power, opportunities, privileges, status, access to and control of resources; and benefits between women/girls and men/boys in a given society. It is completely different from sex as follows:
 - a) In most societies, being a woman or girl, man or boy means facing different expectations due to socially

assigned roles which we learn as we grow up;

- b) Gender defines the roles of women, girls, men and boys, with regard to:
- What they do?
 - What activities are females and males closely associated with in a given society?

Exercise 9: Discussion of Gender Roles

- i. Divide participants in four groups;
- ii. Assign each group one of the following tasks:
 - a. Group 1: A traditional woman in a rural area in the participants' area of policing
 - b. Group 2: A traditional man in a rural area of the participants' area of policing
 - c. Group 3: A ordinary girl in the participants' area of policing ;
 - d. Group 4: An ordinary boy in the participants' area of policing.
- iii. Ask the groups in 20 minutes to develop a daily routine chart/role chart (indicating time) and activities undertaken during the day from waking up in the morning at 5.30 a.m. to going to bed in the evening 9.00 p.m.)
- iv. Give each group six (6) minutes to present to the plenary; and four (4) minutes for comments and questions by other participants;
- v. After all the four groups have presented, ask the participants to reflect on the groups' presentations, and describe the nature of activities undertaken by women and girls; men and boys; the work load; and how time is spent by men and boys; girls and women;
- vi. Put up the groups presentation on men and women. Ask participants to indicate who among men and women, owns and controls the resources used in undertaking the activities mapped up for men and women above? Who has more power, and why?

Gender also mirrors who has power to make decisions, or who has more say on activities undertaken in a family, and who controls resources. This helps to understand capacities and constraints of women, men, girls and boys in a given society.

Gender Analysis:

Focuses on identifying disparity in access to opportunities and enjoyment of human rights, and how the disparity has led to inequalities between women and men.

Sex Roles:

Sex refers to the biological or physiological make up of women and men.

Exercise 10: Brainstorming on Sex Roles

- i. Ask participants to give examples of sex roles;
- ii. Write responses on a flip chart.

Possible responses include:

 - i. Women are expected to become pregnant.
 - ii. Women give birth to children and breast feed them.
- iii. Men determine the sex of a child through production of X and Y chromosomes.
- iv. Clarify that sex roles are determined by the biological differences between women and men.
- v. Emphasize that aspects of sex do not vary substantially between different societies; this is because they are associated with biological and physiological characteristics that define men and women.

Gender Stereotyping:

1. Explain that gender stereotyping refers to a person's views, attitudes towards women and men, boys and girls; and also how society regards females and males. The views and attitudes can be positive or negative; they are not based on scientific proof, but on what one hear others say, and what one learns through the process of socialization by peers, one's religion, profession etc.
2. Clarify that gender stereotyping refers to simplistic generalizations about gender attributes, differences and roles of individuals and /or groups.
 - a) Stereotyping takes place when people automatically apply gender assumptions which are so general and not based on scientific evidence;
 - b) Gender stereotypes can be positive or negative, but rarely communicate accurate information about all men and women

Exercise 11: Brain storming on Gender Stereotyping by Police Officers

- i. Ask participants to share common stereotyping by police officers about women, girls; and boys and men for example, of certain social background or from a certain geographical area, or of a given profession;
- ii. How does this affect the way police officers treat those categories of girls and women; men and boys?
- iii. Write responses on a flip chart;
- iv. Ask what rights are likely to be violated?
- v. Supplement participants' contributions with the following:
 - a) The right to equal protection of the law;
 - b) The right to equal treatment;
 - c) The right to be accorded full and equal dignity;
 - d) The right to realize full potential and advancement;
- vi. Emphasize that each suspect, victim or witness should be handled as an individual, whose dignity and rights should be respected.

1.2 GENDER BASED VIOLENCE**Learning Objectives:**

By the end of the module, participants should be able to:

- Explain what gender- based violence is;
- Highlight the characteristics of gender based violence;
- Describe categories of gender based violence;
- Discuss causes and effects of gender based violence.

Methods:

- Lecture
- Brainstorming
- Group Discussions
- Role Play

Materials:

- News print
- Markers

- Masking Tape
- A packet of 80 Workshop Cards (same color)

Duration: 2.20 Hours

Notes for the trainer(s):

- a) Obtain copies of the following legislations for distribution to all participants, (if inadequate) to the represented Police Stations/Posts:
 - i. The Domestic Violence Act (2010)
 - ii. The Domestic Violence Regulations (2011)
- a) Photocopy enough copies of the participants' Handouts.
- b) Distribute Handouts as indicated in the Guide.
- c) In case an overhead projector is not accessible, write on flip charts, all key messages and factual information before the session.
- d) Discuss with your session co-trainer during preparations and agree on the support to give each other.

2.2.1 Definition, Characteristics and Causes of Gender Based Violence:

Duration: 1.00 Hour

Exercise 12: Brainstorming on What Gender Based Violence is

1. Ask participants to define gender based violence (GBV);
2. Write responses on flip charts;
3. Summarize the responses highlighting the key phrases or words.

Gender Based Violence: The Meaning:

1. State that gender based violence is an act or practice that usually results in physical, sexual and psychological harm or suffering in which the female is usually the victim.
2. Highlight some of the characteristics of gender based violence as follows:
 - a) It is driven from unequal power relationships between males and females.
 - b) The violence is mostly directed specifically against females because of being female.
 - c) Gender based violence occurs in many forms including but not limited to:
 - Intimate partner violence, such as domestic violence, battering etc.
 - Sexual violence including marital rape and non-spousal rape.
 - Forced prostitution,
 - Trafficking in women
 - Female genital mutilation and
 - **Other harmful traditional practices, such as:**
 - o Early marriage;

- The killing of females because of their gender;
 - Widow inheritance.
- 2 .Explain that 'Gender based Violence' is internationally accepted reference to physical, sexual and psychosocial violence against women;
 - 3 Point out that gender based violence includes domestic violence;
 - 4 Define domestic violence as :
 - a) Physical, verbal, emotional, psychological, and/or sexual abuse of a woman or man by her/his partner or spouse. It includes:
 - The use of threatening or intimidating words;
 - Use of abusive or demeaning language;
 - Cause of isolation;
 - Rape;
 - Denial of financial access and/or control;
 - Cruelty towards partner and/or other people and things she/he cares about.
 - 5 Explain that gender based violence can occur in the following circumstances, among others:
 - a) A relationship where the victim has been or was married to the perpetrator;
 - b) The perpetrator and the victim are family members related by marriage, adoption or kinship;
 - c) The perpetrator and victim share the same residence;
 - d) The victim is an employee of the perpetrator but does not reside with the perpetrator;
 - e) The victim is or was in a relationship determined by the court to be domestic relationship.
 7. Emphasize that gender based violence is incompatible with the dignity and worth of the human person, and must be eliminated. Its occurrence steams from the fact that society created differences between men and women; and considers women to be of low status and men to be of a higher status.

Characteristics of Gender Based Violence:

Present the following:

- Though both men and women experience acts of violence (men have been known to experience violence from their wives or partners), gender based violence is predominantly inflicted by men and boys on women and girls with the view of controlling, intimidating and humiliating them to force them into subordinate positions as compared to themselves(men, boys). It occurs both in private and public life, in the home and in the workplace.
- Gender Based Violence compromises the health, dignity, security and autonomy of its victims. It encompasses a wide range of human rights violation, and reinforces inequalities between men and

women.

Causes of Gender Based Violence:

Exercise 13: Brainstorming on Gender Based Violence

- i. Ask participants to give the possible causes of Gender Based Violence?
- ii. Write responses on a flip chart;
- iii. Supplement the participants' contributions with what may not have been mentioned on the causes of Gender Based Violence from the list below:
 - a) Unequal power relations between men and women;
 - b) Women's subordinate social, economic and legal status in different setting;
 - c) Women lack of assertiveness;
 - d) The traditional gender norms that support male superiority and entitlements;
 - e) Social norms that tolerate or even justify violence against women;
 - f) Witnessing or experiencing violence as a child;
 - g) Alcohol or drug abuse;
 - h) Tolerance of violence in a society as a means of conflict resolution;
 - i) The ways some parents bring up their children, create disparity between boys and girls. For example:
 - Where a boy grows up, knowing that he is not supposed to wash his own clothes, cook or help in the house, if he grows up and gets married to a woman who comes from a home where duties are equally shared between girls and boys, this can create tension that might lead to violence.

1.1.2 Categories and Effects of Gender Based Violence:

Duration: 1:20 Hours

Materials: Markers, flip charts, a packet of 80 workshop, cards of the same color, masking tapes.

Methods: Lecture, brainstorming

Session Handouts: Annex "No 4": Handout on Categories of Gender based Violence

Exercise 14: Brainstorming on Types of Gender Based Violence

- i. Ask participants to mention the categories of gender Based Violence;
- ii. Write answers on a flip chart;
- iii. Analyze the given categories;
- iv. Supplement the discussion by highlighting the category of gender based violence from the list below, which are not yet mentioned:
 - a) Assault
 - b) Marital rape
 - c) Economic denial, including denial of property ownership
 - d) Widow inheritance
 - e) Female genital mutilation and removal of teeth
 - f) Humiliating cultural practices
 - g) Insulting
 - h) Denial of conjugal rights.

1. Enlighten that the Government of Uganda takes Gender Based Violence as a grave human rights abuse. This is evidenced in the enactment of the Domestic Violence Act (2010); which highlights the following four categories of Gender Based Violence:

- a) Economic abuse
- b) Emotional abuse
- c) Sexual abuse
- d) Physical abuse

2. Distribute (Annex "No 4": Hand Out on Categories of Gender Based Violence).
3. Ask volunteers to read aloud details of each category:

a) Economic Abuse:

This refers to the deprivation of all or any economic or financial resources which the victim is entitled to under any law or custom, or which the victim requires out of necessity. This may include but is not limited to:

- Denial of economic or a financial resource to which the victim is entitled which includes:
 - o Controlling access to money, for example selling the victim's property and refusing to give him/her money;
 - o Deprivation or denial of resources that the victim requires out of necessity for his/herself and his/her children, for example, money to buy food at home; money to pay rent, or denial of access to land to grow food;
 - o Deprivation of property jointly or separately owned by/with the victim. For example:
 - Denying a wife or a girlfriend use of a car jointly bought with the husband/ boyfriend;
 - Chasing a wife from the matrimonial bed, or from her matrimonial home;
 - Refusing to pay rent related to the shared household and maintenance;
 - Selling household property without notifying family members;
 - Denying the victim access to assets such as proceeds from family rented buildings in which the victim has interest, or is entitled on account of the domestic relationship;
 - Grabbing partner/spouse earnings;
 - Refusing a partner/spouse to participate in financial decision-making.

b) Emotional Abuse:

This refers to a pattern of degrading and humiliating actions towards a victim that hurt his/her feelings. This may include:

- Repeated insults, ridicule and name-calling;
- Repeated threats to cause emotional pain;
- Repeated possessiveness or jealousy aimed at invading the victim's privacy, liberty, integrity or security;
- Committing acts in the presence of children which is likely to cause him or her psychological injury.

c) Sexual Abuse:

- Refers to any harm which compromises a person's control over his/her sexuality.
- Any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of another person. This includes:
 - o Forced sex;
 - o Marital rape;
 - o Refusal to practice safe sex;
 - o Infidelity/ unfaithfulness;
 - o Forcing a person to do sexual acts against their will;
 - o Inserting of foreign objects into partner/spouse private parts.

d) Physical Abuse:

Includes any act or conduct that causes bodily pain, harm or danger of life, limb or health or which impairs the health or development of the victim and includes:

- Assault
- Criminal intimidation
- Hitting
- Slapping
- Burning
- Strangling.

Exercise 15: Individual Work on Commonly Reported Cases of Gender Based Violence

- i. Distribute to the participants two cards of the same color;
 - Ask participants to write two most commonly reported cases of violence against women and girls at their police station/post (to write one commonly reported case per card);
- ii. Collect the cards from the participants with assistance of other trainers, and paste the cards or pin on soft boards while clustering similar ideas together;
- iii. Read out the clusters that have emerged on commonly reported cases of violence against women. Highlight the dominant reported cases, and their characteristics.

Exercise 16: Group Work on Inequality between Men and Women and Gender Based Violence

- i. Form two groups.
- ii. Put up a flip chart on which you have written the following statements:
 - a) Inequality of women with regard to access to opportunities; as well as access and control of resources are among the key factors behind men perpetrating violence against women.
 - Do you agree?
 - Give reasons for your answer?
 - If you agree, what can be done to reduce violence against women?
- iii Give five (5) minutes to each group to present.
- iv Wrap up by clarifying the views expressed by the participants.

4. Explain that gender based violence has diverse effects with far reaching social, economic and psycho-social consequences.

Exercise 17: Brainstorming on the Effects of Gender Based Violence

- a) Ask participants to give effects of Gender Based Violence?
- b) Write responses on flip chart(s);
- c) Supplement the discussion with any effect(s) of Gender Based Violence from the list below that may not have been presented:
- d) Death;
- e) Psychological harm to the victim and her/his family;
- f) Many rape victims suffer severe injuries, including mental illness;
- g) Lack of peace in family;
- h) Poor nutrition, exacerbation of chronic illness, miscarriage, low- birth weight, etc.
- i) Cost of medical care for victims;
- j) The victim may become pregnant against her will due to rape or defilement;
- k) The victim may get exposed to sexually transmitted infections;
- l) A child who has witnessed violence may:
 - Become withdrawn, anxious or depressed.
 - Become aggressive, and also become an abuser when he/she becomes an adult.

2.3 VIOLENCE AGAINST WOMEN: THE LEGISLATIVE FRAMEWORK

Learning Objectives:

By the end of this module, participants should be able to:

- Explain the source of women human rights.
- Describe women human rights provisions in:
 - o International instruments.
 - o The Uganda Constitution (1995).
 - o National legislations.
- State how violence against women is a human rights issue;
- Highlight police role in the protection of women's rights.

Method:

- Lecture

Materials:

- Flip Charts
- Markers
- Masking tape

Duration: 1.20 Hours

Notes for Trainer(s):

- a). Read and re-fresh yourself on:
 - i. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);
 - ii. The Constitution of Uganda (1995); articles 32 and 33;
 - iii. The Domestic Violence Act (2010);
- b) Ensure that sufficient copies of the handouts indicated in the Guide are photocopied;

- c) Secure or make enough copies of Acts/Bills especially the newly enacted ones, for distribution to each participant. In case of inadequacy, obtain enough copies for distribution to the represented police stations/posts;
- d) If an overhead projector is not accessible, write key factual information and messages on flip chart(s), before the session;
- e) Discuss and agree with your co-trainer the support to give each other;
- f) Distribute handouts as indicated in the Guide.

2.3.1 Key International Instruments on Violence against Women:

Duration: 0.40 Hour

Materials: Flip charts, markers, masking tapes.

Methods: Lecture.

Session Handouts: Annex "No 5": Handout on Rights of Women in the Constitution of Uganda (1995).

Explain the following:

- a) Like other human beings, women and girls are rights holders, and are entitled to have their rights respected, promoted and protected;
- b) The human rights of women and the girl child, are an integral part of the universal human rights which include the participation of women in: political, civil, economic, social and cultural life, at the local, national, regional and international levels;
- c) At the international level, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) focuses specifically on women's human rights; and:
 - Prohibits all forms of discrimination against women;
 - Defines discrimination as any distinction made on the basis of sex which has the effect of making worthless, the enjoyment by women of their human rights and fundamental freedoms.
- d) The Constitution of the Republic of Uganda (1995), replicates many of the human rights standards set out in:
 - The International Bill of Rights;
 - The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1981);
 - The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1987);
 - The Convention on the Rights of the Child (1990);
 - The African Charter on Human and People's Rights (1986).
- e) By ratifying CEDAW in 1985, Uganda committed itself to eliminate discrimination against women in the enjoyment of all civil, political, economic, and cultural rights – in public and private life, including legal status. According to CEDAW article 16:1, State parties are expected to take all appropriate measures to eliminate discrimination against women in all matters relating to:
 - Marriage and family relations;
 - In particular to ensure equality for men and women.
- f) CEDAW Article(1)prohibits exclusion, and restriction on the basis of sex which has the effect of impairing or nullifying the recognition, enjoyment or exercise by women;
- g) CEDAW general recommendation 19, states that gender based violence is a form of discrimination that seriously inhibits women's ability to enjoy rights and freedom on the basis of equality with men.

1.1.2 National Legislation on Violence against Women:

Duration: 0.40 Hour

Materials: Flip charts, markers, masking tapes

Methods: Lecture.

Session Handouts: Annex "No 5": Handout on Rights of Women in the Constitution of Uganda (1995).

1. Explain that Uganda has taken steps to domesticate CEDAW. This is evidenced in the Constitution of Uganda (1995) which spells out the rights of women in Article 33 as follows:

1. Distribute (Annex "No 5": Handout on Rights of Women in the Constitution of Uganda (1995).
2. Request for a volunteer to read aloud, as you explain and answer questions:
 - a) Women shall be accorded full dignity of the person with men;
 - b) The State shall provide the facilities and opportunities necessary to enhance the welfare of women to enable them realize their full potential and advancement;
 - c) The State shall protect women and their rights, taking into account their unique status and natural maternal functions in society;
 - d) Women shall have the right to equal treatment with men and that rights shall include equal opportunities in: political, economic, and social activities;
 - e) Without prejudice to article 32 of the Constitution, women shall have the right to affirmative action for the purpose of redressing the imbalances created by history, tradition or custom;
 - f) Laws, cultures, customs or traditions which are against the dignity, welfare or interest of women or which undermine their status are prohibited.

4. Explain that in recent past, the government of Uganda has shown itself to be progressive by adopting new international and regional human rights and humanitarian instruments; and enacting legislations intended to consolidate respect, promotion and protection of women's rights. Such legislations include:

a) The Panel Code, Section 123- states that:

- Whoever rapes someone, commits an offence;
- Defines " law enforcement officials" to include all officers of the law, whether appointed or elected, who exercise police powers, especially the powers of arrest and detention;
- Provides that in the performance of their duties, law enforcement officials shall respect and protect human dignity, maintain and uphold the human rights of all persons.

a) The Domestic Violence Act 2010 – states that:

- All acts of domestic violence, whether of a physical, sexual, emotional or economic nature are offences that are prohibited by law.

b) The Domestic Violence Regulations, 2011:

- Guides operation of the provisions of the Domestic Violence Act.

c) Panel Code (Amendment) Act, 2007:

- Provides strict punishment for acts such as defilement and rape (Section 123, 124, 125, 128 and 129).

d) Trial on Indictments (Amendment) Act- A.25

- Seeks to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses by conducting proceedings in camera.

e) The Prevention of Trafficking in Person Act 2009:

- Criminalizes all acts of trafficking in persons, and imposes a penalty for the perpetrators of 15 years to life imprisonment.

f) The Anti-Female Genital –Mutilation Act 2010 :

- Criminalize acts of female genital mutilation;
- Convicted offenders face 10 years in prison, but if the girl dies during or due to the act, those involved get a life sentence.⁷

2.4 GENDER BASED VIOLENCE: THE POLICE ROLE

Introduction:

Gender Based Violence touches people's personal lives and is a sensitive issue, which requires professional handling. Victims have several needs, and it is important for police officers to know what to do, how to do it, as well as where to refer the victims for specialized assistance, and/or treatment.

Learning Objectives:

By the end of this module, participants should be able to:

- Describe guiding principles for handling cases of gender based violence ;
- Explain step by step procedures of handling cases of gender based violence;
- State the significance of risk assessment and how to conduct it;
- Discuss the significance of a safety plan for a victim of GBV and how to make it;
- Highlight the referral pathway for specialized assistance for victims of gender based violence.

Methods:

- Lecture
- Brainstorming
- Group Discussions

Materials:

- Flip Chart
- Markers
- Masking Tape

Duration: 3.00 Hours

Trainer(s) Notes:

- Photocopy enough copies of Annex "No 6": Handout on Handling cases of gender based violence.
- Issue Handouts as indicated in this Guide.
- In case an overhead projector is not accessible, write key messages and factual information on flip charts(s), before the session.
- Discuss with your co-trainer the support to give each other.

2.4.1 Guiding Principle on Handling Cases of Gender Based Violence:

Duration: 0.30 Hours

Materials: Flip chart, markers, masking tapes

⁷ Centre for Domestic Violence and Prevention. 2009:9.

Methods: Lecture,

Session Handouts: Annex "No 6": Handout on Handling Cases of Gender based Violence

1. Emphasize that victims of gender based violence, and citizens report cases of GBV to police stations/posts under the conviction that police would prosecute the perpetrator(s); and/or would provide assistance that would facilitate the victim to access specialized technical support.
2. Explain that the nature of police function expects them to create an environment in which the rights of victims are respected and protected. The following principles should guide handling of the cases:
 - a) Respect and protection of human rights and dignity;
 - b) Confidentiality;
 - c) Safety of the victim by not exposing her/him to further danger;
 - d) Not committing any act of corruption.
3. Distribute Annex "No 6": Handling cases of Gender Based Violence;
4. Request for a volunteer to read aloud the guidelines on dealing with a victim of gender based violence given below:
 - a) Do not blame the victim;.
 - b) Use a non -judgemental approach to the incident;
 - c) Allow the victim time to think through the incident and narrate the incident at her/his pace;.
 - d) Interview the victim in privacy and ensure confidentiality;
 - e) Treat information from the victim with confidentiality only to be released to authorised persons;
 - f) Respect the victim, and exercise patience and effective listening;
 - g) Be aware of the victim's stress and fear;
 - h) Establish whether a crime has been committed;
 - i) Identify the offence committed in the [Domestic Violence Act or Penal Code].
 - j) Beware that the victim may be suicidal due to depression, trauma, and thoughts of desperation.⁸
5. Clarify that :
 - a) Examination of injuries should be made by a police officer of the same sex as the victim;
 - b) All information from the victim should be treated confidentially, only to be released to authorized persons.

2.4.2 Step by Step Procedures of Handling Cases of Sexual Assault:

Duration: 1.30 Hours

Materials: Flip charts, markers, masking tapes

Methods: Lecture, discussion

Session Hand outs: - Annex "No 7": Hand out on Step by Step Procedures of Handling Cases of Sexual Assault; and Annex "No 8": Hand out of three Case Studies.

⁸ "Gender Based Violence: A Police Training Curriculum": Unpublished 2011:23

1. Explain that due to the severity and sensitive nature of cases of sexual assault, it is important that police officers follow the step by step procedures in handling such cases. Notwithstanding that, saving life is a cardinal principle which in some cases may warrant diversion from the step by step procedures.
2. Distribute (Annex "7": Hand out on Step by Step Procedure of Handling cases of Sexual Assault).
3. Read the steps or request a volunteer to read aloud as you explain and answer questions.
 - a) Step 1:
The victim alone or with her/his escort reports to the police station/post, and is guided to the reception.
 - b) Step 2:
Due to the sensitive nature of the case, the officer at the reception should refer the victim to the Child and Family Protection Unit (CFPU).
 - In the absence of CFPU officers at the police station /post, the victim should be escorted to a private room where he/she can talk in privacy with the officer/ detective.
 - c) Step 3:
At the Family and Child Protection Unit (CFPU), or in a private room, a police officer/detective will take the survivor's statement and obtain information relevant to investigation of the alleged crime(s).
 - In case the victim is not in position to make a statement, for example, if the victim has mental disability, an adult for example a relative, friend, local council leader, probation and welfare officer, can make the statement on his/ her behalf.
 - The victim may be allowed to bring the person who may have escorted her to the police station/post, if he/ she wishes and is free to talk in his/her presence;
 - Information is entered and a case reference (SD) number given to the complainant;
 - The police officer should record a statement if the victim's health status is not at risk of deteriorating, or if the victim is ready to do so. In case the victim's health is at risk, step seven should take precedence;
 - Where possible , the victim should be video recorded as she/he makes the statement ;
 - The victim should sign the statement only when she/he is satisfied with what the police officer has written, and understands what is written in the statement.
 - d) Step 4:

After the victim has made a statement, the statement of the person who accompanied the victim or witness should also be recorded; along with her particulars and relevant contacts.
 - e) Step 5:

If the victim is a child brought by a complainant:
 - The Police officer should take charge, by taking over full responsibility of the child

victim, and ensuring that his/her basic needs are met. The police officer, should be female if the victim is a female.;

- In the event that there is no female police officer, a respectable female such as, a member of the local council, or a respectable woman in the police quarters should assist in interviewing the victim, and should be present during medical examination;

- Protect the victim from the press;

- The Police should also follow up to make sure that the case is thoroughly investigated, including identifying possible witnesses to facilitate successful apprehension and prosecution of the suspect.

f) Step 6:

If making statements by the victim, and where possible the witness is complete, the police officer/detective issues a PF3 medical form to the victim to be completed.

g) Step 7, Saving Life:

Health care for life- saving is of paramount importance. It is important for police officers to nurture the good practice of prioritizing the victim's health care instead of getting rigidly stuck to step by step procedures of interviewing and taking statements. If the victim's life is at risk, interviewing and taking statements should be done after medical attention.

h) Step 8, Health Care:

- Depending on the victim's health status, a decision is made to take her/him to hospital or health unit.
- Health care includes at least the following:
 - o Victim physical examination;
 - o Treatment of injuries;
 - o Prevention of diseases, including STI/HIV;
 - o Prevention of unwanted pregnancy;
 - o Collection of minimum forensic evidence;
 - o Medical documentation.

i) Step 9, Completing PF3 Form:

For all sexual and gender based violence cases, a PF3 form must be completed by a police surgeon; along with its appendices, as soon as possible. A police officer of the same gender as the victim should accompany the victim, even in the case of a child victim.

j) Step 10, Conducting Investigations:

The Police officer/detective should start to conduct investigations immediately, even if the completed PF3 has not yet been returned:

- -The scene of crime must be visited expeditiously;
- Ensure that necessary incriminating evidence is not lost as there is a likelihood that it could be tampered with;
- Where possible , scene of crime officer(SOCO) must take pictures;
- The exhibits must be handed over to the police. These may include clothes that the victim was wearing at the time of assault.

After the police surgeon has completed PF3 form, it should be returned to the police officer/detective who issued it. Within three days of sexual assault, the victim, if found

HIV negative should be given HIV post exposure prophylaxis (PEP). The findings of the police surgeon should be used to update the victim's file. If possible and appropriate, further statements should be recorded by the investigating officer.

k) Step 11, Psycho-social Support:

Sometimes, the victim of sexual gender based violence may not show manifestation of physical injuries, but may be severely traumatized; and may need specialized technical support to come to terms with the critical incident of sexual assault. It is important for police officer to review each case critically, to assess the technical support the victim needs. Besides, health care, the victim may require psycho-social support, temporary shelter, legal aid.

l) Step 12, Arresting the Suspect(s):

When warranted, the police officer/detective should arrest the alleged assailant; and should observe the following:

- Inform him/her (the suspect) about the nature of the crime committed and options available to him/her;
- Refer him/her (the suspect) to the police surgeon for medical examination to ascertain his/her HIV status;
- Forward the file to the Resident State Attorney (RSA), or other responsible officer for advice;
- Follow advice of the RSA and produce the suspect in court as advised by the RSA. This should be done within 48 hours of arrest.

4. Explain that some of the steps may be skipped for some time, depending on the victim's health status.

Exercise 18: Case Study and Discussion on Handling Cases of GBV

- i. Form three groups;
- ii. Assign each group one case among the three cases that constitute Annex "No 8";
- iii. Distribute to each member of the group a copy of the case assigned to their group;
- iv. Distribute flip charts and markers;
- v. Ask each group in 20 minutes to study the case assigned to them and also answer the following questions:
 - a. What human rights were violated by whom?
 - b. Whose rights and which rights were fulfilled?
 - c. What was well done by the police when the case was reported?
 - d. What was not so well done by the police?
 - e. What should have been done by the police?
- vi. Give each group seven (7) minutes for presentation, and three (3) minutes for comments and questions by other participants.

2.4.3 Interviewing Victims and Witnesses:

Duration: 0.30 Hours

Materials: Flip charts, markers, masking tapes

Methods: Lecture, brainstorming,

Session Hand-out: Annex "No 9": Hand out on Interviewing Victims of Gender based violence

Exercise 19: Brainstorming on the Importance of Interviewing Victims and Witnesses

- i. Ask participants why interviewing is necessary in handling cases of gender based violence?
- ii. Write responses on a flip char;
- iii. Wrap up by stating that obtaining full and accurate information is crucial for effective handling cases of gender based violence.

1. Distribute (Annex "9" : Hand out Interviewing Adult Victims of Gender-based Violence);
2. Emphasize that it is important for police officers to conduct pre-interview assessment. Before the actual interview. This helps to establish the following:
 - a) The victim's psychological and mental stability;
 - b) The victim's physical wellbeing ;
 - c) The victim's age, and capacity to comprehend questions and discussion;
 - d) His/her capacity to endure an interview at the time;
 - e) Determine the most appropriate questions to ask in light of the victim's mental status;
 - f) The victim's immediate safety and protection issues.
3. The police officer should also establish rapport with the victim. This could be done by:
 - a) Welcoming the victim;
 - b) Police officer introducing him/herself to the victim, by telling him/her his/her name;
 - c) Explaining to the victim what is going to happen by informing him/her that you (police officer) is going to ask her a few questions about the reported case:
4. Ask a volunteer to read the already distributed hand Out "No 9" aloud. Explain and answer participants' questions:
 - a) What brought you here today?
 - b) Has violence ever happened before in your relationship?
 - c) Has the suspect ever threatened to kill or hurt you?
 - d) Was any one present when it happened? E.g. your children, relative, neighbour, house helper?
 - e) Did you tell anyone when this happened, e.g. relative, in-laws, LC?
 - f) Do you feel safe returning home?
 - g) There is a chance that your partner could be violent again, how would you plan for your safety in case this happens?

- h) What type of assistance would you like to get in light of what you anticipate may happen?
 - i) Is there any other information you would like to share with the police, about the danger you may be anticipating?
 - j) Describe the following options to the victim:
 - Written warning to the suspect;
 - Arresting the suspect;
 - Proceeding with court;
 - Mediation sessions.
 - k) Explain the requirement and implications of each;
 - l) Would you like to see a counsellor or health care provider? (This mainly apply where health risks are not visible, where visible no need to ask);
 - m) Let the victim read the statement you wrote, if she cannot read, read it back to her and ask her if it correctly represent her case and intentions;
 - n) Explain the next step that will be taken, and ask if she is comfortable with it.
5. Point out that if it is deemed necessary, the Police Officer should arrange to carry out a 'risk assessment' for purposes of guaranteeing safety of the victim and other party to the case.

2.4.4 Risk Assessment:

Duration: 0.30 Hour

Materials: Flip charts, makers, masking tapes

Methods: Lecture, brainstorming, role play

Session Hand out: Annex "No 10": Hand out on Risk Assessment

Exercise 20: Brainstorming on Risk Assessment

- i. Ask the risks victims of gender based violence face?
- ii. Write responses on a flip chart;
- iii. Ask why it is important to assess risks;
- iv. Write responses on a flip chart;
- v. Wrap up by highlighting the presented risks;
- vi. Explain that risk assessment enables the police to obtain further insight into the prevailing situation, and be in a better position to guide the victim to take a more viable decision on his/ her safety; including that of others affected by the violence, for example, children.

1. Emphasize the following golden rules for police officers:

- a) The life, protection needs of a victim and witness is of paramount importance.
 - At no time should the life, safety or wellbeing of a victim, and witness be compromised;
 - b) The victim and witness must be told what is possible or not possible in terms of support and protection measures;
 - c) Never make promises that you cannot keep, or that may not be possible for others to keep.
1. Distribute (Annex "No 10":Risk Assessment);
 2. Request a volunteer to read the Risk Assessment Questionnaire below:
 3. Clarify that any questions answered 'yes' highlights a risk for the victim.
 - a) Serious Injuries: Have you ever been seriously injured? Please describe what happened.
 - b) Take note that strangulation, life threatening injuries, or those that require hospitalization or extended medical care are the highest risk:
 - c) Abuse to children: do you have children? If yes, do they also experience violence from the perpetrator?
 - d) Weapons: Does the suspect have any weapons, e.g. gun, big stick, spear, bow and arrow? If yes, can you tell me what type of weapon the suspect have? Has the suspect ever used or threatened to use the weapon as part of the abuse?
 - e) Threat of killing or serious harm: Has the suspect ever threatened to kill or hurt you? If yes, when did the suspect threaten you last? How did the suspect threaten you?
 - f) History of Violence: Does the suspect have a history of violence with others? If yes, can you give some examples of the suspect's violent acts?
 - g) Frequency of Violence: How frequent is the violence? (The more violence, the greater the risk.
 - h) Isolation: Has the suspect prevented or stopped you from going out or associating with other people? Does the suspect get very upset if you talk with other men or accuse you of having affairs—even when it makes no sense for him to suspect you?
 - i) Sexual Assault: Has the suspect ever forced you to have sex when you did not want to?
 - j) Substance Abuse: Does the suspect drink alcohol or use any other drugs? If yes, does the suspect become violent when he is drunk (or on drugs)?
 - k) Abuse of Animals: Has the suspect ever abused pets or livestock?
 - l) Follow up with the following questions, again taking into consideration the level of risk involved:
 - a) How do you think the suspect will react if /when he finds out you have come to the police?
 - b) Is there danger from the suspect or from his family/friends when he/they find out that you have reported the case to the police?
 - m) The police would like to help in case increased vulnerability is anticipated after reporting this case to us:
 - n) Specifically, what potential vulnerability or danger are you anticipating? Clarify that this could be an event, a specific threat, or feeling.

Exercise 21: Role Play on Risk Assessment and Best Practices

- i. Ask the participants you ought to have requested earlier and given hand out "No 9", and "No10"; along with this case the previous evening, to study and prepare a role play. Let them present a ten (10) minutes role play on interviewing, and conducting risk assessment with regard to the following case:
 - Akin is brought to the police station by a local council chairman. Her husband has beaten her with an iron bar, and has fractured her hand. The husband has also poured paraffin on her cloths and burnt all of them; and has chased her from the home and locked the house, threatening to kill her and her children if they do not leave his home.
- ii. After the role play, ask the following questions:
 - What rights are at stake?
 - What positive actions have been taken regarding the case;
 - What has been professionally handled by police;
 - What has not been so well handled?
 - What would have been the best way of handling what is mentioned as not well handled?
- iii. Emphasize that the safety plan to be developed with the victim should be from the perspective of the victim, not from that of the police officer. The later should play the role of guide/helper.

2.5 PREVENTIVE MEASURES FOR VICTIMS OF SEXUAL ASSAULT

Introduction:

Gender based violence is associated with a number of health and psychological hazards, which should be prevented and /or their consequences minimized through provision of specialized technical assistance. Among such assistance is providing immediate medical services. It is therefore, important for police officers to know and establish a good working relationship with personnel providing specialized technical services to victims, including health, psychosocial and legal services.

Learning Objectives:

At the end of this module participants should be able to:

- Describe intervention measures for victims;
- Explain what Post Exposure Prophylaxis is;
- State conditions for administration of post exposure prophylaxis;
- Enlighten where to obtain post exposure prophylaxis and how to administer it;
- Discuss the importance of police collaboration with agencies providing specialized technical services to victims of gender based violence.

Methods:

- Lecture
- Brainstorming

Materials:

- Newsprint
- Markers

- Masking Tape

Duration: 1.30 Hours

Notes for the Trainer(s):

- a) If possible, this topic would be better conducted by a medical personnel or HIV/Specialist, for exhaustive discussion and response to participants' health and HIV questions.
- b) In case an overhead projector is not accessible, write on flip charts, all key messages and factual information before the session.

2.5.1 Post Exposure Prophylaxis:

Duration: 1.00 Hours

Materials: Flip chart, markers, masking tape

Methods: Lecture and brainstorming

Exercise 22: Brainstorming on Post Exposure Prophylaxis (PEP)

- i. Ask what HIV Post Exposure Prophylaxis (PEP) is?
- ii. Write responses on a flip chart;
- iii. Highlight the responses and wrap up by explaining that PEP is an emergency medical response drug consisting of a short-term combination of antiretroviral medicines given to reduce the risk of exposure to HIV infection through sex.
 - a) It is a set of pills taken for a period of 28 days.
 - b) It requires intensive follow up by a health service provider;
 - c) If the full course of treatment is not completed, the treatment will most likely not be effective.
 - d) In order for HIV PEP to be effective, it has to be taken within 2- 72 hours after exposure through rape or defilement. The earlier it is taken the better.

1. Highlight the additional crucial facts on PEP:

- a) PEP does not cure AIDS;
- b) PEP reduces the risk of getting infected with HIV by more than 80%;
- c) PEP is free in public health facilities to victims of rape or defilement.
 - It is not meant for people who have had sex with each other's consent.
- d) PEP cannot be used as prophylaxis in unprotected sex;
- e) It is not a replacement for condom use in consensual sex.

2. Emphasize the following:

- a) All victims of rape/defilement are at a risk of HIV infection, whether they know the HIV status of their perpetrator or not, and should be offered HIV PEP;

- b) Victims should also be counseled to come to terms with the critical incident, and to avoid transmission of HIV during the period of PEP provision;
 - c) Pregnant women who are victims of rape can also receive PEP after a health worker has weighed the risk of PEP to the unborn child against the benefits to the mother;
 - d) Before administering PEP, a health care provider is required to carry out an HIV test on the victim of sexual assault. After which:
 - PEP is then administered if the test is negative.
 - If the test is positive, it means that the victim was HIV positive prior to the sexual assault, and there is no need to prevent HIV infection, as it had already occurred.
 - e) PEP may have side effects and should only be prescribed by a health service provider;
 - f) Provision of PEP takes priority over any other action.
 - g) The Uganda Ministry of Health has committed to providing PEP in all government run hospitals, health centers IVs and some health Centre threes;
 - h) In case PEP is not available at any of the nearby the hospital or health center, a health worker should be able to refer the victim to another hospital or health center where the drug may be available;
 - i) PEP is to be provided free of charge in public health facilities.
3. Clarify that offering free access to PEP for victims of sexual violence is not only a human right imperative but also a key strategy in addressing gender based violence, given that sexual violence and HIV disproportionately impact heavily on women.

Exercise 23: Group discussion on PEP

- i. Form three groups and assign each group one of the following topics:
 - a) A mother reports to the police station that her daughter was defiled by one of the sports officials, when she participated in the school netball competition eight days ago. Would you refer her to a health center to get PEP? Give reasons for your answer.
 - b) A young woman reports a case of her HIV positive boyfriend who forced her into unprotected sex the previous night. Will you refer her for PEP? Give reasons for your answer;
 - c) A student reports a case of rape, while walking back to her hostel. On examination, the results reveal that she is HIV positive. What will you do? Give reasons for your action.
- ii. Give the groups ten (10) minutes for discussion; five (5) minutes for presentation by each group, and three (3) minutes for comments and questions by other participants.

2.5.2 Emergency Contraceptive Pills:

Learning Objectives:

By the end of the Unit, participants should be able to:

- Describe the circumstances under which emergency contraceptive pills are given;
- Highlight the importance of Emergency Contraceptive Pill;

- Give advice on where to obtain emergency contraceptive pills.

Methods:

- Lecture
- Brainstorming
- Discussion

Materials:

- Newsprint
- Markers
- Masking Tape

Duration: 0.30 Hour

Exercise 24: Brainstorming on what Emergency Contraceptive Pills are

- i. Ask what emergency contraceptive pills are?
- ii. Write responses on flip chart;
- iii. Ask the importance of emergency contraceptive pills?
- iv. Explain that an emergency contraceptive pill is a set of pills that can be taken by a female to prevent pregnancy after rape/ defilement/ having unwanted sex.
- v. Emphasize that women and girls who have been forced or coerced into sex are at risk for HIV infection as well as unwanted pregnancy.

1. Emphasize that during risk assessment, a police officer endeavor to establish the magnitude of sexual abuse suffered by the victim, and the assistance needed;

2. Point out that girls and women, who experience sexual violence from strangers as well as people known to them, sometimes find it difficult to talk about it. However, if during risk assessment the police officer senses that:

- a) The victim is worried about getting pregnant after sexual abuse, take her or refer her to a health center/ hospital for health attention as soon as possible;
- b) It is important to note that emergency contraception can be used for up to five days (120 hours) after sexual abuse. It is more effective the earlier it is used.

3. Explain that emergency contraceptives contain the same hormones that are used in contraceptive pills. They

4. Present the following facts on contraceptive pills:

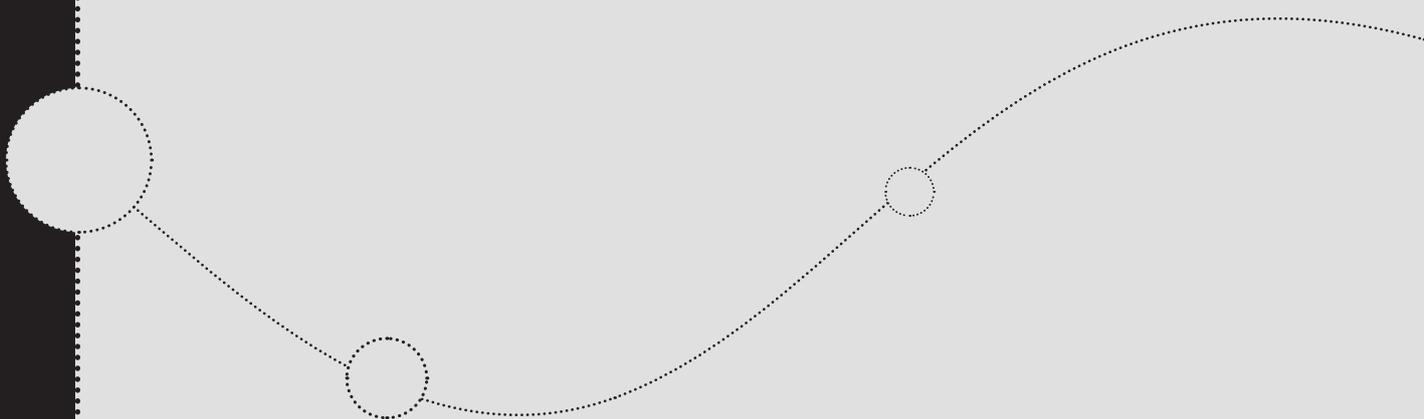
- a) Prevents ovulation and fertilization;
- b) Preventing implantation of the egg in the uterus;
- c) Do not cause abortion because they act before the pregnancy begins;
- d) It is not as effective as the forms of contraception that are used during sex (e.g. condoms, birth control pills, etc.);
- e) It is not appropriate for regular use;
- f) Does not prevent STI/HIV;
- g) It should only be used as an emergency intervention.

Exercise 25: Group Discussion on Emergency Contraceptive Pills

- i. Form three groups and assign each of them one of the following topics to be discussed in ten(10) minutes, and also prepare their presentation:
- ii. Give each group five (5) minutes for presentation, and three (3) minutes for comments by members of other groups. The group tasks are:
 - a) Pedin has reported a rape case. You have referred her to a health physician for examination. Results reveal that she is HIV Positive. Will you refer her for emergency contraceptive pills"? Give reasons for your answer;
 - b) A victim of marital rape did not have money for transport and reports the case seven days after the incident. Will you refer her for emergency contraceptive pills? Give reasons for your answer;
 - c) A student reports at the police station in the afternoon and confides in you that in the morning of the same day, she had consensual sex with a "sugar daddy" (older man- friend). She fears that she might become pregnant. She requests you to refer her to a health service provider, for emergency contraceptive pills. What will you do or advise her? Give reasons for your answer(s).

PART THREE

POLICE AND THE PROTECTION OF CHILDREN'S RIGHTS



PART THREE

POLICE AND THE PROTECTION OF CHILDREN'S RIGHTS

Background:

The Police Force in Uganda is charged with preserving law and order and ensuring public safety of all Ugandans, including children under Article 212 of the Constitution. Children below the age of 18 in Uganda constitute over 50 percent of Uganda's population. It is therefore, important that the Uganda Police Force is equipped with knowledge and skills on child protection; as the police are the entry point for children into the formal justice system. They have a big challenge of upholding the rights of children in conflict with the law; those in contact with the law; as well as vulnerable and at risk children; in accordance with the law.

3.1 CHILDREN RIGHTS LEGAL FRAMEWORK

Learning Objectives:

By the end of this module, participants should be able to:

- Describe what makes a person a child.
- Cite and explain international, regional and national legislation on children's rights;
- Explain child responsibilities;
- Describe vulnerable children, their circumstances, and police role;
- Highlight the provisions of the Children Act CAP 59 with regard to juvenile justice.

Methods:

- Lecture
- Brainstorming;
- Discussions

Materials:

- Flip Charts
- Markers
- Masking Tape
- A packet of 80 workshop cards of the same color
- Soft Board Pins

Duration: 2.00 Hours

Notes for the Trainer(s):

- a) Refresh on:
 - i. The Convention on the Rights of the Child, main article 37 and 40;
 - ii. The provisions of the Children's Act Cap 59:
 - Part X: Children charged with offences;
 - Part III: Support for Children by Local Authorities;
 - Part V: Care and Protection of Children.
 - iii. the African Charter on the Rights and Welfare of the Child;
- b) In case an overhead projector is not accessible, write on flip charts, all factual information not to be issued in handouts, before the session;
- c) Discuss with your co-trainer the topics to handle and how you will support each other.

3.1.1 Child Rights Instruments and Legislation:**Duration:** 2.00 Hours**Materials:** Flip charts, markers, masking tapes, a packet of 80 workshop cards of the same color**Methods:** Lecture, brainstorming,**Session Hand out:** Annex "No 11": Hand out on Safeguards to Child Rights Violation.**Exercise 26: Brainstorming on who a Child is**

1. Ask the following questions:
 - a) What makes a person a child?
 - b) If a 17 year old has sexual relations, is he/she still a child?
 - c) How about a 17 year old who is married and has a child, is she still a child?
 - d) If a 16 year old boy has left school and is working, is he still a child?
 - e) When does a child become an adult?
 - f) What makes a child different from the adult?
2. Write participants' responses to each question on flip charts;
3. Clarify that special attention is paid to a child because of his/her tender age, very limited experience, and innocence, which makes him/her vulnerable to exploitation and abuse;
4. Wrap up the participants presentations by explaining that according to international standards stipulated in the Convention on the Right of the Child (CRC) ,to which Uganda is a signatory, and which is domesticated in the Children's Act; a " child" is any person under the age of 18 regardless of their circumstances. What makes a person a child is the person's age.

The Global Perspective:

1. Explain that as human beings, children have rights which are enshrined in a number of international and regional instruments which Uganda has ratified. These include the Convention on the Rights of the Child (CRC), which was adopted in 1989 and ratified by Uganda in 1990. The Convention:

- a) Is the most important legal instrument in relation to juvenile justice?
 - b) Recognizes that children are born equal and are entitled to basic human rights and freedoms and that all children deserve respect, care and protection; and that children are individuals with the right to develop physically, mentally, socially and to express an opinion freely.
1. Point out that child rights are those things that the international community considers to be fair and just for every child to have, or entitlements which every child should enjoy, regardless of his age, sex, nationality, ethnic background, education etc.

Exercise 27: Individual Work on Child Rights

- i. Distribute two cards to each of the participants and ask them to write two child rights , one on each card;
- ii. With assistance of another trainer, collect cards and pin on a soft board ,or stick on a wall, while you cluster similar rights together;
- iii. Highlight the cluster of child rights presented by the participants;
- iv. In addition to the rights given by the participants, highlight any right from the list below which is not mentioned yet:
 - a) Education
 - b) Immunization
 - c) Clothing
 - d) Shelter
 - e) Medical care
 - f) Proper nutrition
 - g) Care and guidance

2. Enlighten that child rights are entitlements which can be demanded from different categories of duty-bearers/stakeholder, at all levels including law enforcement officials. Child rights demand for every child to be treated in a manner which:
- a) Promotes their sense of dignity and worth;
 - b) Reflects the Best Interest of the Child;
 - c) Takes into account the needs of the person of their age.
3. Explain that there are lots of rights in the CRC, among them four (4) rights are of utmost importance. They cut across all child rights and are regarded as "umbrella rights". These are:
- a) Article 6: The right to life, survival and development:

It asserts that State Parties shall ensure to the maximum extent possible the survival and development of the child.

- b) Article 3.1: The best interest of the child:

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

- c) Article 12: Emphasizes the right to participate in decision making on matters affecting the child.

- d) Article 2: Nondiscrimination on any grounds.

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

Child Rights Violation:

1. Clarify that respect, promotion and protection of child rights regardless of their situation and circumstances is a fundamental human right principle. Regarding children in conflict with the law, CRC article 37 highlights safeguards to child rights violation, and underscores the need for State Parties to ensure the following:

2. Distribute (Hand out Annex "No 11": Safeguards to Child Rights Violation)

- a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment:
 - Neither capital punishment nor imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age.
- b) No child shall be deprived of his or her liberty unlawfully or arbitrarily:
 - The arrest, detention or imprisonment of a child shall be in conformity with the law, and shall be used only as a measure of last resort, and for the shortest time possible.
- c) Every child deprived of liberty shall be treated humanely and with respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of her own age:
 - In particular, every child deprived of liberty shall be separated from adults, unless it is considered in the child's best interest not to do so.
 - Every child shall have the right to maintain contact with his or her family through correspondences and visits, save in exceptional circumstances.
- d) Every child deprived of his/her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent and impartial authority, and to a prompt decision on any such action.

In addition, CRC Article 40 provides the guidelines that:

- State parties shall recognize the right of every child alleged as, accused of, or recognized 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, and which takes into account the child's age and the desirability of promoting the child's reintegration and assuming a constructive role in society.

Africa Region Perspective

1. Explain that Africa Region has the African Charter on the Rights and Welfare of the Child (ACRWC) which attempts to interpret the UN Convention on the Rights of the Child within the African socio-economic and political context.
 - a) It was drafted by the Organization of Africa Unity (African Union), and was adopted by the African Heads of State and Government in 1990;
 - b) Uganda ratified the Charter in 1994;
 - c) It guarantees children's basic rights within the context of African culture. This includes protection from harmful initiation and cultural practices affecting the welfare and dignity of the child.
2. Unlike the Convention on the Rights of the Child (CRC), the African Charter on the Rights and Welfare of the Child (ACRWC) sets out in Article 31, the responsibility that a child has towards his/her family and society, the state and other legally recognized local and international institutions. The responsibilities of a child are articulated as follows:
 - a) To work for the cohesion of the family;
 - b) To respect his/her parents and elders and to assist them in time of need;
 - c) To serve his/her community and put his/her physical and intellectual abilities at its service;
 - d) To preserve and strengthen Africa cultural values in his/her relations with other members of the society, in a spirit of tolerance, dialogue, consultation and also contribute to the moral well-being of society;
 - e) To preserve and strengthen the independence and the integrity of his/her country;
 - f) To contribute to the best of his/her abilities at all times, and at all levels to the promotion and achievement of African Unity;
 - g) (Ref: Save the Children and Ministry of Gender, Labor and Community Development, 1996:35).
3. ACRWC also provides guidance on protection of children against abuse and torture, and the administration of juvenile justice as follows:
 - a) Article 16.1- states that:

State Parties shall take specific legislative, administrative, social and educational measures to protect the child from all forms of torture, inhuman or degrading treatment and especially physical or mental injury or abuse; neglect or maltreatment including sexual abuse.
 - b) Article 17- has very far reaching provisions on protection of children in conflict with the law:

It states that every child accused or found guilty of having infringed penal law shall have the right to special treatment in a manner consistent with the child's sense of dignity and worth, and which reinforces the child's respect for human rights and fundamental freedoms of others.
 - c) Article 17.2 -urges State Parties to ensure that :
 - No child who is detained or imprisoned or otherwise is deprived of his/her liberty, subjected to torture, inhuman or degrading treatment or punishment;
 - Children are separated from adults in their place of detention or imprisonment;
 - Every child accused of infringing the penal law is presumed innocent until duly proven guilty;
 - Uganda as a signatory to the CRC is party to the standards and norms elaborated in the CRC.

The National Perspective:

1. Explain that as a State Party to the Convention on the Rights of the Child (CRC), Uganda is bound by the standards and norms elaborated in the CRC; and has gone ahead to domesticate it by enacting the Children Act CAP.59:

- a) Article 5 (1) - states that:

It is the duty of a parent, guardian, or any person having custody of the child to maintain that child. In particular that duty of a parent/guardian/ care taker entitles the child to enjoy his/her rights (Refer to child rights, discussed above).

- b) Article 5 (2) -states that:

- Any person having custody of a child shall protect the child from discrimination, violence, abuse and neglect;
- It is the general duty of every local council from the village to district levels to safeguard and promote the welfare of children within its area;
- At the national level, the Constitution of Uganda sets out the rights of Children. Article 34 (6) refers to the treatment of 'child offenders', who are to be kept in lawful custody or detention and kept separately from adult offenders.

1. Point out that the Children's Act in Cap 59 spells out the role of different players in ensuring an environment of freedom, free from, violence, abuse and violation of children's rights. Police is one of the institutions with responsibility of providing justice to children, and also protecting children who are vulnerable due to abuse and the circumstances they find themselves in.

Exercise 28: Group Work on Categories of Vulnerable Children

- i. Form district specific groups;
- ii. Ask the groups in 20 minutes to discuss and answer the following questions:
 - d) Who are vulnerable children in your area of policing?
 - e) What are the circumstances leading to the vulnerability of each category of vulnerable children you have identified?
 - f) Which rights of the identified vulnerable children are at stake?
- iii. Give five (5) minutes for presentation by each group, and three (3) minutes for comments and questions by other participants.
- iv. Mention the category of vulnerable children not yet given by the participants from among the following:
 - a) Street Children;
 - b) Children abused by parents and/or care givers;
 - c) Child victims of early marriage;
 - d) Child prostitutes;
 - e) Orphans;
 - f) Children with disabilities;
 - g) Missing children;
 - h) Child laborers.
- v. Possible rights at stake may include the following:
 - a) Education;
 - b) Care and guidance;
 - c) Shelter, and clothing;
 - d) Medical care;
 - e) Proper nutrition;
 - f) Protection from abuse and exploitation.

2. Point out that failure of duty –bearers at different levels, starting from the household/family level, to respect, fulfill and protect child rights is a key factor behind children's vulnerability.

As such, police officers should do whatever is in their powers to promote respect and protection of the rights of children. Several laws, regulations and statutory instruments have been made to guide implementing institutions in administration of justice and care for vulnerable children, for example;

- The Anti-Female Genital –Mutilation Act 2010;
 - The Penal Code, Section 123;
 - The Prevention of Trafficking in Person Act 2009.
3. Emphasize that every child, regardless of social status or circumstances is a "rights holder," and is entitled to having his/her rights respected, promoted and protected, by different child rights "duty –bearers", including police among other law enforcement agencies, and child protection service providers.

3.2 GUIDING PRINCIPLES FOR POLICING AND CHILD PROTECTION

Background:

Police officers have a duty to protect the most vulnerable members of society, and to make sure that children who do break the law are treated fairly and with respect and also given a second chance and a guiding hand to lead them away from negative choices and influences.

Learning Objectives:

By the end of the module, participants should be able to:

- Highlight the role of police in handling children in contact and in conflict with the law;
- Explain institutions/agencies the police is expected to collaborate with in handling cases of children in conflict with the law;
- Describe the procedures of handling different types of children cases;

Methods:

- Lecture
- Brainstorming

Materials:

- Flip Chart
- Newsprint
- Markers
- Soft Board pins

Duration: 3.00 Hours

Notes for the Trainer(s):

- a) Make enough photocopies of handouts;
- b) In case an overhead projector is not accessible, write on flip charts, all factual information before the session;
- c) Discuss with your co-trainer and agree on the topics to handle and how you would support each other;
- d) Issue handouts as indicated in the Guide.

3.2.1 Police in Relation to other Stakeholders in the Juvenile Justice System:

Duration: 1.20 Hours

Materials: Flip charts, markers, masking tapes

Methods: Lecture, discussion, brainstorming

Session Hand Out: Table 1: Key Stakeholders in the Juvenile Justice System.

1. Explain that as key duty-bearers with responsibility of providing justice to children, and also protecting vulnerable children, police officers deal with diverse categories of children in different circumstances.

Exercise 29: Discussion on Categories of Children Police Frequently Handle

- i. Divide participants in three groups.
- ii. Ask each group in 20 minutes to:
 - a) Discuss and make three pictorial drawings on the categories of children, police get in contact with;
 - b) Explain the circumstances under which police get in contact with them.
- iii. Give five (5) minutes to each group to make its presentation, and three (3) minutes for comments and questions by other participants;
- iv. Mention from the list below, the categories of vulnerable children not yet mentioned by the participants:
 - a) Child suspects reported to police stations/ posts;
 - b) Abandoned and lost children brought to police station/post;
 - c) Street children;
 - d) Vulnerable children in need of protection in communities;
 - e) Child victims of abuse;
 - f) Child witnesses;
 - g) Children of suspects who are brought to police stations/posts along with their parent(s).

1. Explain that in handling vulnerable children, police does not work in vacuum; it coordinates and collaborates with different government agencies and institutions, and also with non-government organizations.
2. Clarify that The Children's Act, Cap 59, article 89 states that:
 - a) Police along with the Judiciary;
 - b) The Ministry of Gender, Labor and Social Development;
 - c) The Ministry of Local Government among others, have a primary responsibility to ensure an environment of freedom from violence, abuse and violation of the rights of children in conflict and in contact with the law.
3. Point out that CRC Article 37 and 40; and the Children Act CAP 59 Articles 36, 37, 38, 88, and 89 stipulate that law enforcement personnel are obliged to adhere to specific guidelines concerning handling children in contact or in conflict with the law.

Exercise 30: Discussion on Roles of Key Actors in handling Children in Conflict with the Law

- i. Form four groups and assign each group one of the four stakeholders/ duty-bearers in juvenile justice;
- ii. Ask the groups to:
 - a) Give the role of the assigned duty-bearer/stakeholder in handling children in conflict with the law;
 - b) State how the stakeholder/duty-bearer connects with the police.
- iii. Give fifteen (15) minutes for discussion and preparation of group presentation;
- iv. Give five (5) minutes for presentation, five (5) minutes for comments and questions by other participants.

4. Distribute Table 1: Stakeholders in the Juvenile Justice System;
5. Request for volunteer(s) read aloud the role of each duty-bearer/stakeholder. Clarify the roles of each and answer questions.

Table I: Police and Other Stakeholders in the Juvenile Justice System

Specialization Area	Actors	Roles
Enforcement	Police	<ol style="list-style-type: none"> i. Charged with preserving law and order and ensuring public safety of all Ugandans, including children under Article 212 of Uganda Constitution (1995); ii. Primary duty bearers for the detection and prevention of crime; iii. Entry point for children into the formal justice system; iv. Preserve peace and order; v. Protect life and property; vi. Investigate crimes under the direction of the public Prosecutor. vii. Collect evidence; viii. Implement caution and release options as much as possible; ix. Effect arrest of suspects; x. Effect search and seizure to collect evidence; xi. File complaint and other recommendations with Public Prosecutor's Office.
Probation	Probation and Social Welfare	<ol style="list-style-type: none"> i. Plays a very strong supportive role to all the justice law and order actors when it comes to criminal justice for children; ii. Collects background information on the circumstances surrounding children in conflict with the law, and look for solutions jointly with the law enforcement agents. Recommends appropriate institutional interventions that promote rehabilitation and re-integration of children into society; iii. Plays a central role in monitoring the behavior of children who have been detained and remanded; iv. Works with Family and Children Court (FCC) on all cases involving children; and to ensure that whatever action is taken is guided by the principle of Best Interest of the Child; v. Is consulted by police and other agencies on what constitute Best Interest of the Child; vi. Has power to remove a child from any place where he/she thinks that such a child is likely to suffer significant harm; vii. Finds a suitable place to keep an abandoned child or any other child in need of care and protection.

Specialization Area	Actors	Roles
Courts	Family and Children Court	<ul style="list-style-type: none"> i. Presided over by a Magistrate not below the Grade of Magistrate Grade I; ii. Follows informal procedure; iii. Hears all charges, except offences punishable by death and offences for which the child is jointly charged with a person over 18 years. iv. Issues: <ul style="list-style-type: none"> a) supervision order; b) Care order; c) Exclusion order; d) Search and production order; v. Also issues: <ul style="list-style-type: none"> a) Absolute discharge; b) Caution; c) Conditional discharge for not more than twelve months; d) Binding the child over to be of good behavior for a maximum of twelve months; e) Compensation, restitution or fine, taking into consideration the means for the child so far as they are known to the court; but an order of detention shall not be made in default of payment of a fine; f) A probation order in accordance with Probation Act for not more than twelve months, with such conditions as may be included as recommended by the probation and social welfare officer. A probation order shall not require a child to reside in a remand home. g) A detention for a maximum of three months for a child under sixteen years of age and a maximum of twelve months for a child above sixteen years of age, in a case punishable by death, three years in respect of any child.

Specialization Area	Actors	Roles
Local Council Courts (LCs)	Local Council Courts	<ul style="list-style-type: none"> i. Mediate over petty offences of non-criminal nature committed by children. These include: <ul style="list-style-type: none"> a) Affray; b) Idle and disorderly; c) Common assault; d) Actual bodily harm; e) Theft; f) Criminal trespass; g) Malicious damage to property. ii. Reconcile the parties and caution the child who is in conflict with the law. iii. Attempt to rehabilitate the child in conjunction with the child's parents or guardians, concerned community actors, institutions and the Probations and Welfare Officer. iv. The Local Council can make the following orders: <ul style="list-style-type: none"> a) Reconciliation (encourage parties to forgive each other); b) Compensation (a fine to compensate the victim form the child's possession – parent cannot pay a fine on behalf of the child); c) Restitution (order child to return stolen or taken property); d) Apology (initiative should come from the child) e) Caution (serious warning not to violate the law again); f) Guidance order, with the selection of a fit person to guide, supervises and assists the child for not more than 6 months; g) Fine/Community service, in case of the violation of a bylaw or ordinance.
Legal Support	Legal Aid Clinic (LACs)	Offering free legal aid to vulnerable groups, including children in the criminal justice system.

Exercise 31: Discussion on Enhancing Collaboration among Juvenile Justice Stakeholders

- i. Form district specific groups;
- ii. Assign the groups to discuss and make suggestions on:
How police could promote collaboration with other juvenile justice stakeholders;
- iii. Give the groups fifteen (15) minutes to discuss and prepare group presentation;
- iv. Give each group three (3) minutes for presentation; and 5 minutes for comments and questions by other participants;
- v. Supplement the presentations on how police could promote collaboration with other juvenile justice stakeholders with any of the following that may not have been mentioned by the participants:
 - a) Organizing joint, or inviting stakeholders to community mobilization and sensitization meetings;
 - b) Joint visits to schools to address issues of child abuse;
 - c) Inviting them to give talks on specific topics during police training workshops, and/or community meetings;
 - d) Holding joint press conferences and/or talks on TV, and/or local radio FM stations;
 - e) Participate along with them in planning meetings at community, parish, sub-county and district levels;
 - f) Periodically (for example, every three months) discussing issues pertaining to vulnerable children, including children in conflict with the law in the appropriate district, or sub-county/division committee, for example the social welfare, children committee, etc.
- vi. Wrap up by highlighting the importance of collaboration between the police and other juvenile justice stakeholders.

3.2.2 Separation of Criminal justices and Social Welfare System:

Duration: 0.40 Hour

1. Explain that many vulnerable children are not in conflict with the law. Such children need special protection measures for their rights to be fulfilled. These include street children, abandoned children, and lots of children among others. Such children should not be treated like children in conflict with the law; but should be referred to relevant government agencies and civil society organizations for assistance. The assistance may include:

- a) Providing shelter;
 - b) Organizing non-formal education and/or vocational skills training;
 - c) Supporting basic formal education;
 - d) Providing guidance and psycho-social support;
 - e) Providing medical care;
 - f) Providing legal aid, among others.
1. Clarify that many of such vulnerable children find themselves in such circumstances because they lack a caring and protective environment from their parents or people, who by law are supposed to provide care and guidance to them. Some of them have parents but parents lack capacity to take care of them. As such:
- a) Police is expected to be part of the system that should, with minimum delay, initiate the care of such children by referring them to the agencies mentioned above;
 - b) Children who are not in conflict with the law should not be handled through the criminal justice system.

The Children's Act Article 37 on removal of a child under emergency protection states:

- a) Any member of the police force or an authorized person who has reasonable grounds for

- believing that a child in his/her areas is suffering or is likely to suffer significant harm; after notifying the secretary for children affairs of the local government council in writing, may take the child and place him/her under emergency protection in a place of safety for a maximum period of forty- eight (48) hours;
- b) The probation and welfare officer may request assistance of a police officer in taking children to safety.
2. Point out that some children, who come in contact with the law, also have care and protection issues. For such children:
 - a) If the offence committed is not serious, but is a serious care and protection issue, then the care and protection issue should take priority over the offending behavior and the child should be treated as a child in need of care and protection;
 - b) The Children's Act (Article 89) guides that: Where a child is arrested, the police shall under justifiable circumstances caution and release the child or refer the case to local council courts.

3.2.3 Children Vulnerability Prevention and Reduction:

Duration: 1.00 Hours

Materials: Flip charts, markers, masking tapes;

Methods: Lecture, discussion;

1. Explain that the vulnerable circumstances, in which children find themselves, are among the factors behind children getting in conflict with the law. The police duty of crime prevention makes it imperative for police officers to play a key role in prevention and reduction of children vulnerability.

Exercise 32: Discussion on Police Role in Prevention and Reduction of Children's Vulnerability

- i. Form district specific groups;
- ii. Ask the groups to discuss and prepare a presentation on :
 - a) How police can contribute to prevention and reduction of children's vulnerability in their area of policing. (Clarify that prevention refers to anticipation of risks, and putting in place actions to reduce the likelihood of problems happening; rather than waiting to respond to problems after they have already occurred);
 - b) Which agencies and individuals would police collaborate with; and for which type of cases?
 - c) What opportunities and resources are at police disposal to enhance its capacity of Contributing, prevention and reduction of children's vulnerability, in their area of policing?
 - d) What challenges is police likely to encounter in prevention and reduction of children vulnerability; how would they overcome them?
- iii. Give 20 minutes for discussions; seven (7) minutes for groups' presentations, and three (3) minutes for participants comments and/or questions after each presentation;
- iv. Summarize by highlighting the groups' submission with regard to the four questions.

1. Mention from the following what participants have not presented on how to prevent and reduce child vulnerability:
 - a) Establish a cordial relationship with the community;
 - b) Through community networks, identify families and children that are at risk in community;
 - c) Take violence in families very serious to prevent children from running away from homes;
 - d) Be a visibly positive and helpful role model to troubled children and young people;

- e) Initiate early identification of any developing problems/issues with particular children;
 - f) Develop relationship with agencies, and NGOs to facilitate sharing of information about children's welfare, so that early interventions could be initiated before the situation escalates;
 - g) Refer at-risk children to child welfare NGOs for assistance;
 - h) Put families in touch with social services or NGOs who could help them in times of difficult;
 - i) Coordinate with social service agencies or counselors in family interventions;
 - j) Take violence against women and children within families very seriously, as this is a key reason for children leaving home to live on the streets.
 - k) Advocate with communities and families on the following:
 - Prevention of violence and abuse;
 - Parental responsibility;
 - Children's rights and responsibilities;
 - Positive child –rearing practices;
 - Non-violent and non-humiliating school discipline;
 - Not to call children and young people "delinquent" as this increases undesirable behavior.
2. Possible supplementary contributions to the participants' submissions on opportunities, and resources at Police's disposal, to enable them contribute to reduction and prevention of child vulnerability include the following:
- a) Provision of support to police stations/posts for police travel within the area of policing;
 - b) Availability of logistical support including motor cycles;
 - c) Availability of organizations including civil society organizations in area of policing who police can arrange to travel with, and join them in their community sensitization forums.;
 - d) Skills and experience in organizing community sensitization forums; and ability to undertaking walks in communities around the police stations/posts;
 - e) Visiting schools within easy reach from the police station/post;
 - f) Participating in school meetings as part of the community, and/or sub-county technical staff;
3. Emphasize that identifying and intervening in a positive way before a problem arises is a more effective method of policing than dealing with the problem after it has happened.

4.3 PROCEDURES ON HANDLING CHILDREN IN CONTACT AND IN CONFLICT WITH THE LAW

Introduction:

The human right imperative of ensuring respect and protection of the rights of children in conflict with the law, regardless of their circumstances; and the need to be guided by the principle of Best Interest of the Child, puts in perspective the need for police officers to pursue systematically laid out procedure of case handling; to minimize chances for subjectivity.

Learning Objectives:

By the end of the module, participants should be able to"

- Present the rights of children in conflict and in contact with the law;
- Describe health preventive services for victims of sexual assault;
- Highlight the human rights of child: victim, witness and suspect;
- Present a step by step procedure in handling children's cases.

Materials:

- Flip char
- Markers
- Masking tapes

Methods:

-Lecture

Duration: 3.00 Hours

Note for the Trainer(s):

- a) Refresh yourself on community policing;
- b) In case no over-head projector is accessible, write factual information, and key messages before the session(s);
- c) Make sufficient copies of the handouts;
- d) Distribute handouts as indicated in the Guide.

3.3.1The Rights of Child Victim, Witness, and Suspect:

Duration: 0.30 Hour

Materials: Flip charts, markers, masking tapes

Methods: Lecture,

Session Hand Out: Annex "No 12" on the Rights of Child Victim, Witness and Suspect.

1. Explain that all children regardless of the circumstances they find themselves in are entitled to have their rights respected and protected all the time.
2. Distribute (Annex "No 12": Hand out on the Rights of Child Victims, Suspect and Witness);
3. Request for a volunteer to read the hand out aloud, while you explain and answer questions:
 - a) The right to be treated with dignity and compassion. Police should use child-friendly mechanisms which include:
 - Not treating children in the same manner as adults;
 - Use of a friendly language;
 - Liaise with either the parents or guardians of the child.
 - b) The right to be protected from discrimination;
 - c) The right to be heard and express views and concerns;

- d) The right to effective assistance. If possible, through his/her parents or guardian, the child should access the following:
 - Legal or other appropriate technical assistance in preparation and presentation of his/her defense;
 - Be provided with free assistance of an interpreter if the child cannot understand or speak the language used.
 - e) The right to privacy. In order to avoid exposing the child to the public, police should use a separate room and facilities when handling child victims and witnesses;
 - f) The right to safety. If police has reasonable ground for believing that a child is suffering or is likely to suffer significant harm, she/he may take the child and place him/her under emergency protection in a place of safety, for a maximum of 48 hours. This should be done after notifying the Secretary for Children Affairs of the local government council one(LC1);
 - g) The right to special preventive measures. Police should refer victims of sexual assault, and other forms of violence to specialized agencies for:
 - Curative services for injuries;
 - Preventive services, for example prevention of:
 - o HIV infection;
 - o Pregnancy;
 - o Restoring wellbeing to the victims through psycho-social counseling.
1. Clarify that in dealing with any category of children, whether child victims, witnesses or suspects, police should be guided by the principle that every child has the right to have his/her best interest given primary consideration.

3.3.2 Step by Step Procedures of Handling Cases of Children in Conflict with the Law

Duration: 2.30 Hours

Method: Lecture, Discussion.

Session Hand Out: Annex "No 13": Hand out on Step by Step Procedures of Handling Cases of Children in Conflict with the law

1. Disclose that 12 is the age of criminal responsibility in Uganda;
2. Emphasize the significance of systematic handling of children's cases to avoid double jeopardy and to uphold the Best interest of the child.
3. Distribute (Annex "13: Hand Out on Step by step Procedures of Handling Cases of Children in Conflict with the Law)
4. Ask for volunteer(s) to read aloud the different steps, while you clarify and answer questions.

Step 1: Determine Age:

- a) Child under 12: Refer to PSWO or LC Secretary for Children Affairs;
- b) Child over 12: Proceed;
- c) Child over 18: refer to relevant office ;
- d) Ascertain the age::
 - check birth certificate, immunization certificate, school records or baptism card;
 - Seek testimony of the parents/guardian or members of the community;

- Check medical test results from a specialized test done by a certified specialist;
- In case of doubt refer to the FCC.

Step 2: Receiving a complaint:

Complaints about a child must be entered by the Police and then referred to the CFPU.

Step 3: Screening of the Case by the CFPU;

- a) Ensure the age of the criminal responsibility is respected;
- b) Ascertain the complaint is defined as an offence in law;
- c) Isolate cases that can be handled by the LC Courts; (refer to 3.2.2:9);
- d) Isolate cases which must be handled by CFPU. These are cases which the LC court cannot handle but which are not so serious as to require the involvement of the CID. Such cases include:
 - All charges, except offences punishable by death;
 - Offences for which the child is jointly charged with a person over 18 years;
- e) Use of separate rooms and facilities is encouraged to avoid exposing children to the public. Victims of sexual violence and other forms of violence must be given immediate medical help and attention;
- f) Isolate cases that must be handled by the CID for example, capital offenses;
- g) Isolate serious cases that require investigation by the CID for example capital offence;
- h) Isolate cases where a child is jointly charged with an adult;
- i) After screening and sorting the cases as above ,he CFPU should take appropriate action as follows:
 - Refer all cases involving a person above 18 years to a relevant office for handling. Where the case involves children below 18 years, CFPU should advise complainant appropriately or use discretion as follows:
 - o -Refer cases within the power of the LC Court to the relevant Court for handling;
 - o Refer serious cases to the CID for handling. In this case, make sure CFPU police officer, preferably of the same gender as the child, is present during the interview and is kept informed on all steps;
 - o Refer cases where the child is charged together with an adult to the CID for handling;
 - o For cases which are not so serious as to require investigation by the CID, the CFPU may use its discretion to dispose of them using any of the legal diversionary methods (refer to 3.2.2:8).

Step 4: Investigations of complaints:

- a) Emphasize that effective conduct of investigations is key to administration of justice. Clarify that:
 - Timely and effective investigation is important, due to the importance of freedom of

- liberty;
 - Cases of sexual and gender based violence (GBV) have serious implications for victims. These should be prioritized and tracked very fast;
 - Victims of gender based violence should be handled in a manner that captures the evidence, but at the same time preserving their dignity and privacy.
- b) Point out that the Children Act CAP 59, Section 89 (7); and Section 37 (1) set the following guidelines for fast tracking of children's cases:
- Where an investigation is being conducted over a child who has appeared before the Family and Children Court (FCC) and has denied the charges, investigations ought to be completed in less than one month;
 - For a child appearing before a High Court, investigations should not exceed three months;
 - The use of physical restraints and force on children shall be exceptional, and only employed when all other control measures have been tried and failed. Notwithstanding that it shall be employed for the shortest possible time;
 - Where the case is referred to the High Court investigations must not exceed 3 months.

Step 5: Summoning a Child to the Police:

- a) If the case is serious CFPU issues a written or verbal notice, requiring the child to report to the CFPU;
- b) Notice should be given to the parent or guardian or where there are none, the LC Secretary for Children Affairs or the PSWO or a fit person;
- c) The child should be summoned through the parents or guardians or the LC Secretary for Children's Affairs or the PSWO;
- d) Where the child does not respond the police should not immediately arrest the child, but first verify the complaint.

Step 6: Arresting the Child:

- a) Arrest is not to be made until enough information is got to support the case;
- b) Arrest should be as a measure of last resort;
- c) Police should use maximum restraint during the arrest of the child – no torture, harsh treatment, caning and violence etc.;
- d) On arrest of the child, the parents or guardians, PSWO and secretary of children affairs should be informed;
- e) The child should be informed in a language they speak to understand the reason for the arrest;
- f) A record of the arrest must be made by the police.

Step 7: Interviewing the child:

- a) The parents or guardian of the child must be present during the interview – if not available the LC Secretary for children affairs. or the PSWO must be present;
- b) Develop a check list of age- appropriate questions to ask;

- c) Establish the child's linguistic development to enable planning how best to communicate with the child:
 - Young children are likely to have limited vocabulary and language style; and may use words or phrases which are not common to adults;
 - The interviewer needs to listen to the child attentively and adjust his/her language accordingly.
- d) Conduct interview in a language the child understands;
- e) Read back the recorded statement and explain the content to the child in his/her preferred language;
- f) The recorded statement must be signed by the child, the police officer and those present to show that the contents are correct;
- g) Children should be interviewed by an officer of the same sex;
- h) If the interview reveals that the evidence is not sufficient for the case the child should be released;
- i) If the evidence suggests that the child committed the offence the police must take appropriate action;
- j) Serious cases must be referred to prosecution department;
- k) If the police officer is satisfied that the offence committed by the child is not so serious, she/he will caution and release the child (Children's Act, Article 98:2)

Step 8: Diversion of cases at the police level:

The police like other agencies in the Criminal Justice System have got a fundamental role to play in diverting children from the formal Criminal Justice System.

Diversion: can be defined as strategies developed in the juvenile justice system to prevent young people from committing crime and/or to ensure that they avoid formal court action and custody if they are arrested or prosecuted.

The police have the discretion to use of the following diversion measure:

- a) Caution and release, If:
 - The case is not serious (is not a capital offence and falls outside the jurisdiction of the LCCs). This is applicable when:
 - o The child is a first offender;
 - o The child is remorseful and repentant;
 - o The child's security will not be compromised, and there is no ill will from the complainant.
- b) Procedure to grant caution and release include:
 - Record the caution and have it signed by the child and the officer;
 - Ensure the child is counseled;
 - Release the child to his/her parents or an authorized person;

- Ensure where possible that the family is counseled to help the child reform.
- c) Police Bond:
- This is issued as conditional release to keep the child out of detention. It should :
 - o Be explained to the child including the conditions attached;
 - o As far as possible the child should be released on his own cognizance.
- d) Other Methods of Diversion (Non-custodial):
- a) Seek reconciliation between the child and the complainant through a meeting involving the parents;
 - b) When a settlement is reached, police should ensure that it is in writing and signed by both parties and witnesses;
 - c) Police may involve members of the community, such as:
 - Fit person;
 - Community volunteers;
 - Child rights advocates.
 - d) Where there is not a fit place for custody of the child, or if the child does not want to go back home, police should use its networks with other suitable agencies, such:
 - Children's homes,
 - Child care NGOs;
 - Placement with a recognized fit person until a more permanent solution is found.

Step 9: Cases which cannot be diverted at Police level:

- a) In cases that cannot be diverted, the police shall prepare a charge and refer the case to prosecution for advice;
- b) In cases which are of a serious nature the police shall ensure that the child is medically examined by a qualified medical officer, to assess:
 - Their physical and psycho social needs;
 - Ensure an appropriate intervention for the child.
- c) In the meantime, if the child has not been released on police bond he/she may be detained in appropriate police custody until she/he is taken to court within 24 hours. This may happen:
- d) If it is in the best interest of the child to remove him/her from association with any person, or if the police have reason to believe that the release of the child will defeat the end of justice, the child should be kept by police;
- e) Detention of children is not a recommended procedure. However, in the event that a child in conflict with

the law must be detained for reasons of his/her safety or to prevent escape; separate detention facilities must be provided. The call is for a zero tolerance policy on detention of children with adults; whether of the same or different sex.

Step 10: Detention in Police Custody:

- a) Detention in police custody shall be the last resort only or when it is for the child's protection;
- b) A child shall not be kept in police custody for more than 24 hours;
- c) A proper place, well lit and ventilated must be provided by the police;
- d) A child must not be detained with adults and not with children of the opposite sex;
- e) While in detention the wellbeing of the child must be guaranteed by:
 - By getting three meals a day;
 - Access to his or her parents;
 - Access to legal representative;
 - Access to medical care.

Step 11: Referring the case to prosecution:

- a) As much as possible every referral for Prosecution must be made within 24h of the arrest of the child, whether in custody or on police bond;
- b) The parents of the child must be informed of every step taken in the process.

Step 12: Records relating to Children in Conflict with the Law:

- a) The police must keep proper and accurate records, concerning children in conflict with the law;
- b) Access to records is limited to people who are directly concerned with handling the case of the child or those duly authorized;
- c) No information that is likely to disclose the identity of the child shall be disclosed to unauthorized people, except where it is necessary to carry out investigation of the case.

Exercise 33: Case Studies, and Discussion on Handling Cases of Children in Conflict with the Law

- i. Form three groups;
- ii. Distribute (Annex "No 14": Hand out of Three Cases of Children in Conflict with the Law;
- iii. Assign each group one case study;
- iv. Ask each group to study the case assigned to it, and prepare a presentation along the following guiding questions:
 - a) What type of vulnerability are the children trapped in/faced with?
 - b) What circumstances are likely to have driven the child to that situation and/or behavior?
 - c) What child rights are likely to have been violated?
 - d) Refer to the steps of case handling presented above, and with a role play demonstrate how you would handle the case assigned to your group.
- v. Give the groups 30 minutes to study the case, and prepare their presentation; allow seven (7) minutes for present and three (3) minutes for comments.

4.0 DEVELOPING AND PRESENTING DISTRICT OR SUB- COUNTY ACTION PLANS**Introduction:**

Refresher training challenges participants, creates enthusiasm and should motivate them to do things differently or try out new activities. It adds value if trainees/participants get opportunity to think through the situation at their duty station/post, and plan what to do after the workshop, within the resources at the disposal of their station/post.

Duration: 2.30 Hours

Exercise 34: Discussion and Development of Action Plans

- i) Form district or sub-county specific groups;
- ii) Ask them to reflect on the situation in their areas of policing, with regard to: human rights, gender based violence and child protection, discuss and prepare a presentation on activities they would implement within four (4) months, on return to their work stations/posts. These should be activities that could be implemented using resources at the disposal or accessible to their area of policing.
- iii) Participants may be guided by the sample table below:

Table II: Sample Format for Developing District or Sub- county Police Action Plans

Activity	Purpose	When	Where	Responsible Officer(s)/ Person(s)

1. Give participants seven (7) minutes for presentation, and three (3) minutes for addition and/or clarification by members of the group.

OTHER WORKSHOP TABLES

Table III: Rules for Writing on Workshop Cards

- a) Write one idea per card;
- b) Write only three lines on each card;
- c) Use key words instead of full sentence;
- d) Write large letters in both upper and lower cases;
- e) Write legibly and use the broadest side of the marker;
- f) Use the card color suggested by the trainer.

Table IV: Participants' Sharing Workshop Expectations and Fears

2. Sharing workshop expectations.
 - a) Distribute one card of the same color to each participant;
 - b) Distribute markers;
 - c) Ask participant to write only one most important thing he/she hopes to achieve in the workshop;
 - d) Collect and stick cards on the wall, or pin on the soft board, while clustering/ putting together cards with similar expectations;
 - e) Read aloud the cluster of participants' expectations.
3. Sharing Workshop Fears
 - a) Distribute to each participant one card of a different color from the one distributed for expectations ;
 - b) Ask each participant to write one thing he/she fears may happen in the workshop and wishes could be avoided or prevented;
 - c) Distribute markers as well.
 - d) Collect the cards and stick them on the wall or pin them on the notice board, while clustering cards with similar fears together;
 - e) Write one word or phrase that best explain each cluster and press it there;
 - f) Read the cluster of fears aloud.
1. Workshop Code of Conduct

Agree on a workshop Code of Conduct. This could include:

 - a) What to do to reduce disturbances during the sessions,
 - b) How to ensure maximum participation for every participant;

Table V: Sample Tool for Daily Workshop Evaluation

Evaluation Variable	Just Write your Comments/submission. You do not have to write your name.(Use additional paper if space is not enough)
1. Write what you have not understood among the things taught today.	
2. Among the things taught today, what in your view is not relevant to police work.	
3. What needs improvement in this workshop?	

Table VI: Sample Overall Workshop Evaluation Tool

Evaluation Variables (Tick as appropriate)	Not at all	Fairly well	Perfectly	Comments (Please write your comments, if any, against the relevant statement, in the column below)
a) I'm able to describe, define and apply human rights to my work as a Police Officer.				
b) I'm able to identify and address negative practices in handling cases involving Gender Based Violence and Children.				
c) I'm able to identify and source professional partners/stakeholders in dispensing Juvenile Justice...				
d) I'm able to apply proper procedure in handling children in conflict and in contact with the law...				
d) Regarding achievement of my expectations from this workshop, I say:				

UPF TRAINING WORKSHOP ON HUMAN RIGHTS, GENDER BASED VIOLENCE AND CHILD PROTECTION

Table VII: Sample Workshop Program

Timing	Activity	By/Responsible
DAY ONE		
MORNING		
8.00 – 8.30	Arrival and Registration of Participants	Organizers
8.30 – 10.30	<p style="text-align: center;">Climate Setting</p> <ol style="list-style-type: none"> 1. Welcome Remarks. 2. Introducing Workshop Participants, Trainers and Organizers 3. Rules of writing on workshop cards (See Table III) 4. Participants' sharing of Workshop Expectations (See Table IV). 5. Participants' Sharing of Workshop Fears (See Table IV). 5. Agreeing on a Workshop Code of Conduct 6. Electing Participants' representatives. 7. Presenting workshop objectives. 8. Information on Administrative Issues 	<p>Organizers</p> <p>Organizers</p> <p>Trainers</p> <p>Trainers</p> <p>Trainers</p> <p>Trainers</p> <p>Trainers</p> <p>Organizers</p>
10.30 -11.00	TEA/COFFEE	ORGANIZERS
PART ONE	1.0 INTRODUCTION TO HUMAN RIGHTS	5.20 HOURS
1.1	HUMAN RIGHTS STANDARDS AND PRINCIPLES	3.4 HOURS
11.00 – 12.00	1.1.1.Human Rights Characteristics and Legal Framework	Trainer(s)
12.00 – 1.00	1.1.2 Human Rights Characteristics and Legal Framework	Trainers
1.00 – 2.00	LUNCH	ORGANIZERS
AFTERNOON		
2.00 – 2.20	1.1.2 Completing Human Rights Characteristics and Legal Framework	Trainer
2.20 -3.40	1.1.3 The Fight for Equality and against Discrimination	Trainer(s)
1.2 HUMAN RIGHTS AND POLICE WORK		
3.40 – 4.00	1.2.1 Human Rights and Police Conduct	Trainer

4.00 – 4.30	TEA/COFFEE	ORGANIZERS
4.30 -5.00	1.2.1 Continuation with Human Rights and Police Conduct	Trainer
5.00 -5.05	Evaluation of Proceedings of the Day	Trainers and Participants
5.05- 5.30	Process and analyze results of Participants' Evaluation; and plan to address emerging issues in the first session the following day	Trainers and Participants' Representatives
DAY TWO		
MORNING		
8.00 – 8.30	-Re –cap to address issues that emerged from evaluation of the Day One	Trainers and Organizers
8.30 -9.00	1.2.1 Complete Human Rights and Police Conduct	Trainer
9.00 -9.20	1.2.2. Monitoring Police compliance with Human Rights Standards	Trainer

PART TWO	2.0 HUMAN RIGHTS AND GENDER BASED VIOLENCE	9.50 HOURS
2.1	WHAT IS GENDER?	1.40 HOURS
9.20 -10.30	2.1.1 Gender and Related Concepts	Trainer(s)
10.30 – 11.00	TEA/COFFEE	ORGANIZERS
11.00 – 11.30	2.1.1 Completing Gender and Related Concepts	Trainer
2.2	GENDER BASED VIOLENCE	2.20 HOURS
11.30 – 12.30	2.2.1 Definition, Characteristics, and Causes of Gender Based Violence	Trainer(s)
12.30 – 1.00	2.2.2 Categories and Effects of Gender Based Violence	Trainer(s)
1.00 – 2.00	LUNCH	ORGANIZERS
AFTERNOON		
2.00 – 2.50	2.2.2 Completing Categories and Effects of Gender Based Violence e	Trainer(s)
2.3	VIOLENCE AGAINST WOMEN : THE LEGISLATIVE FRAMEWORK	1.20 HOURS
2.50 -3.30	2.3.1 Key International Instruments on Violence against Women	Trainer(s)
3.30 -4.10	2.3.2 National Legislation on Violence against Women	Trainer(s)
4.10 – 4.30	TEA/COFFEE	ORGANIZERS

2.4	GENDER BASED VIOLENCE: THE POLICE ROLE	3.00 HOURS
4.30 – 5.00	2.4.1 Guiding principles on Handling Cases of Gender Based Violence	Trainer(s)
5.00 – 5.05	Evaluation of Proceedings of the Day	Trainers and Participants
5.05 – 5.30	Process and analyze results of the evaluation; and plan how to address emerging issues during re-cap the following day.	Trainers and participants' representative(s)
DAY THREE		
MORNING		
8.00 – 8.30	-Re –cap to address issues that emerged from evaluation of the Day Two	Trainer(s)
8.30 – 10.00	2.4.2 Step by Step Procedures on Handling Cases of Sexual Assault	Trainer(s)
10.00 – 10.30	2.4.3 Interviewing victims, and witnesses	Trainer(s)
10.30 – 11.00	TEA/COFFEE	ORGANIZERS
11.00 – 11.30	2.4.4 Victim Risk Assessment	Trainer(s)
2.5	PREVENTIVE MEASURES FOR VICTIMS OF SEXUAL ASSAULT	1.30 HOURS
11.30 – 12.30	2.5.1 Post Exposure Prophylaxis (PEP)	Trainer(s)
12.30- 1.00 p.m.	2.5.2 Emergency Contraceptive Pills	Trainer(s)
1.00 – 2.00 p.m.	LUNCH	ORGANIZERS
AFTERNOON		
PART THREE	3.0 POLICE AND PROTECTION OF CHILDREN'S RIGHTS	6.50 HOURS
3.1	CHILD RIGHTS LEGAL FRAMEWORK	8.00 HOURS
2.00 – 4.00	3.1.1 Child Rights Instruments and Legislation	Trainers
4.00 – 4.30	TEA/COFFEE	ORGANIZERS
4.30 – 5.00	3.2.1 Police in relation to other stakeholders in the juvenile justice system.	Trainer(s)
5.00 – 5.05	Evaluation of the Day's Proceedings	Participants
5.05 – 5.30	Process and analyze results of the evaluation and plan how to address emerging issues during the recap session the following day.	
DAY FOUR		
3.2	GUIDING PRINCIPLES FOR POLICING AND CHILD PROTECTION	1.20 HOURS

8.00 – 8.30	Re-cap on Proceedings results of the Evaluation the previous day	Trainer(s)
8.30 – 9.50	3.2.1 Continuation with Police in Relation to other Stakeholders in the Juvenile Justice System	Trainer(s)
9.50 – 10.30	3.2.2 Separation of Criminal Justice and Social Welfare	Trainer(s)
10.30 – 11.00	TEA/COFFEE	ORGANIZERS
11.00 – 12.00	3.2.3 Child Vulnerability Prevention and Reduction	Trainer(s)
3.3	PROCEDURES OF HANDLING CHILDREN IN CONFLICT WITH THE LAW	3.00 HOURS
12.00 – 12.30	3.3.1 The Rights of Child Victims, Witnesses and Suspects	Trainer
12.30 – 1.00	3.3.2 Step by Step Procedures of Handling of Cases of Children in Conflict with the Law	Trainer
1.00 – 2.00	LUNCH	ORGANIZERS
	AFTERNOON	
2.00 – 4.00	3.3.2 Continue with Step by Step Procedures of Handling Cases of Children in Conflict with the Law	Trainer(s)
4.00 – 4.30	TEA/COFFEE	ORGANIZERS
4.0	DEVELOPING DISTRICT OR SUB-COUNTY ACTION PLANS	3.00 HOURS
4.30 – 5.00	4.1 Forming district specific groups and issuing, and explain group assignment	Trainer(s)
5.00 – 5.05	Evaluation of Proceedings of the Day	Participants
5.05- 5.30	Process and analyze results of participants evaluation and plan how to address the emerging issues the following day.	Participants representative and trainers.
DAY FIVE		
	MORNING	
8.00 – 8.30	Re-cap to address what emerged from evaluation of Day Four	Trainer(s)
8.30 – 10.00	District Groups discussions, developing action plans and preparing their presentations.	Participants
10.00 – 10.30	District Groups Presentations	
10.30 – 11.00	TEA/COFFEE	ORGANIZERS
11.00 – 11.30	District Group Presentations Continue	Participants and Trainers
11.30 – 11.40	Overall Workshop Evaluation	

11.40 – 12.40	Workshop Closure	Organizers and Trainers
12.40	LUNCH AND PARTICIPANTS' DEPARTURE THERE AFTER	ORGANIZERS AND PARTICIPANTS

ANNEXES



ANNEX "1"

HAND OUT: THE HUMAN RIGHTS

- a) The Right to Life;
- b) Freedom from Torture and Cruel inhuman degrading treatment or punishment;
- c) Recognition of everyone as person before the law
- d) Freedom from arbitrary arrest or detention;
- e) Right to be presumed innocent until proved guilty according to the law;
- f) Right to a fair trial and public hearing by an independent and impartial tribunal;
- g) Freedom from arbitrary interference with privacy, family, home or correspondence;
- h) Right to equal protection of the law;
- i) Freedom from discrimination;
- j) Freedom of thought, conscience and religion
- k) Freedom of opinion and expression;
- l) Freedom of association and assembly and movement;
- m) Right to asylum;
- n) Right to nationality;

ANNEX "2"

HAND OUT: FRAME OF REFERENCE ON NON-DISCRIMINATION

- a) All human beings are born free and equal in dignity and rights;
- b) Law enforcement officials shall respect and protect human dignity, maintain and uphold the rights of all persons;
- c) All persons are equal before the law, and should be entitled without discrimination, to equal protection of the law;
- d) In protecting and serving the community, police should not unlawfully discriminate on the basis of race, gender, religion, language, political opinion, nationality, and other status;
- e) Law enforcement officials shall at all times, fulfill the duty imposed on them by law, by serving the community and protecting all persons against illegal acts;
- f) It shall not be considered unlawfully discriminatory for the police to enforce certain special measures designed to address the special status and needs of vulnerable groups or people at risk for example, pregnant women and lactating mothers, juveniles, the sick, the international human rights standards.

(UN Office of High Commissioner for Human Rights.Trainers' Guide on Human Rights for Police. New York, Geneva: 2004:7).

ANNEX "3.1"

HAND OUT: HUMAN RIGHTS STANDARDS FOR GOOD CONDUCT BY LAW ENFORCEMENT OFFICIALS

(In Annex the UN Code of Conduct)

1. Everyone is entitled to equal protection of the law, without discrimination on any grounds, and especially against violence or threat. Be especially vigilant to protect potentially vulnerable groups such as children, the elderly, women, refugees, displaced persons and members of minority groups;
2. Treat all victims of crime with compassion and respect, and in particular protect their safety and privacy;
3. Do not use force except when strictly necessary and to the minimum extent required under the circumstances;
4. Avoid using force when policing unlawful but non-violent assemblies. When dispersing violent assemblies, use force only to the minimum extent necessary;
5. Lethal force should not be used except when strictly unavoidable in order to protect your life or the lives of others;
6. Arrest no person unless there are legal grounds to do so, and the arrest is carried out in accordance with lawful arrest procedures;
7. Ensure all detainees have access promptly after arrest to their family and legal representative and to any necessary medical assistance;
8. All detainees must be treated humanely. Do not inflict, instigate or tolerate any act of torture or ill-treatment, in any circumstances, and refuse to obey any order to do so;
9. Do not carry out, order or cover up extrajudicial executions or "disappearances", and refuse to obey any order to do so;
10. Report all breaches of these Standards to your senior officer and to the office of the public prosecutor. Do everything within your power to ensure steps are taken to investigate these breaches.

Code of Conduct for Law Enforcement Officials

Adopted by General Assembly resolution 34/169 of 17 December 1979

Article 1

Law enforcement officials shall at all times fulfil the duty imposed upon them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession.

Commentary :

(a) The term "law enforcement officials", includes all officers of the law, whether appointed or elected, who exercise police powers, especially the powers of arrest or detention.

(b) In countries where police powers are exercised by military authorities, whether uniformed or not, or by State security forces, the definition of law enforcement officials shall be regarded as including officers of such services.

(c) Service to the community is intended to include particularly the rendition of services of assistance to those members of the community who by reason of personal, economic, social or other emergencies are in need of immediate aid.

(d) This provision is intended to cover not only all violent, predatory and harmful acts, but extends to the full range of prohibitions under penal statutes. It extends to conduct by persons not capable of incurring criminal liability.

Article 2

In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.

Commentary :

(a) The human rights in question are identified and protected by national and international law. Among the relevant international instruments are the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid , the Convention on the Prevention and Punishment of the Crime of Genocide, the Standard Minimum Rules for the Treatment of Prisoners and the Vienna Convention on Consular Relations.

(b) National commentaries to this provision should indicate regional or national provisions identifying and protecting these rights.

Article 3

Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.

Commentary :

(a) This provision emphasizes that the use of force by law enforcement officials should be exceptional; while it implies that law enforcement officials may be authorized to use force as is reasonably necessary under the circumstances for the prevention of crime or in effecting or assisting in the lawful arrest of offenders or suspected

offenders, no force going beyond that may be used.

(b) National law ordinarily restricts the use of force by law enforcement officials in accordance with a principle of proportionality. It is to be understood that such national principles of proportionality are to be respected in the interpretation of this provision. In no case should this provision be interpreted to authorize the use of force which is disproportionate to the legitimate objective to be achieved.

(c) The use of firearms is considered an extreme measure. Every effort should be made to exclude the use of firearms, especially against children. In general, firearms should not be used except when a suspected offender offers armed resistance or otherwise jeopardizes the lives of others and less extreme measures are not sufficient to restrain or apprehend the suspected offender. In every instance in which a firearm is discharged, a report should be made promptly to the competent authorities.

Article 4

Matters of a confidential nature in the possession of law enforcement officials shall be kept confidential, unless the performance of duty or the needs of justice strictly require otherwise.

Commentary :

By the nature of their duties, law enforcement officials obtain information which may relate to private lives or be potentially harmful to the interests, and especially the reputation, of others. Great care should be exercised in safeguarding and using such information, which should be disclosed only in the performance of duty or to serve the needs of justice. Any disclosure of such information for other purposes is wholly improper.

Article 5

No law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, nor may any law enforcement official invoke superior orders or exceptional circumstances such as a state of war or a threat of war, a threat to national security, internal political instability or any other public emergency as a justification of torture or other cruel, inhuman or degrading treatment or punishment.

Commentary :

(a) This prohibition derives from the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly, according to which:

"[Such an act is] an offence to human dignity and shall be condemned as a denial of the purposes of the Charter of the United Nations and as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights [and other international human rights instruments]."

(b) The Declaration defines torture as follows:

". . . torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as obtaining from him or a third person information or confession, punishing him for an act he has committed or is suspected of having committed, or intimidating him or other persons. It does not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions to the extent consistent with the Standard Minimum Rules for the Treatment of Prisoners."

(c) The term "cruel, inhuman or degrading treatment or punishment" has not been defined by the General Assembly but should be interpreted so as to extend the widest possible protection against abuses, whether

physical or mental.

Article 6

Law enforcement officials shall ensure the full protection of the health of persons in their custody and, in particular, shall take immediate action to secure medical attention whenever required.

Commentary :

(a) "Medical attention", which refers to services rendered by any medical personnel, including certified medical practitioners and paramedics, shall be secured when needed or requested.

(b) While the medical personnel are likely to be attached to the law enforcement operation, law enforcement officials must take into account the judgement of such personnel when they recommend providing the person in custody with appropriate treatment through, or in consultation with, medical personnel from outside the law enforcement operation.

(c) It is understood that law enforcement officials shall also secure medical attention for victims of violations of law or of accidents occurring in the course of violations of law.

Article 7

Law enforcement officials shall not commit any act of corruption. They shall also rigorously oppose and combat all such acts.

Commentary :

(a) Any act of corruption, in the same way as any other abuse of authority, is incompatible with the profession of law enforcement officials. The law must be enforced fully with respect to any law enforcement official who commits an act of corruption, as Governments cannot expect to enforce the law among their citizens if they cannot, or will not, enforce the law against their own agents and within their agencies.

(b) While the definition of corruption must be subject to national law, it should be understood to encompass the commission or omission of an act in the performance of or in connection with one's duties, in response to gifts, promises or incentives demanded or accepted, or the wrongful receipt of these once the act has been committed or omitted.

(c) The expression "act of corruption" referred to above should be understood to encompass attempted corruption.

Article 8

Law enforcement officials shall respect the law and the present Code. They shall also, to the best of their capability, prevent and rigorously oppose any violations of them.

Law enforcement officials who have reason to believe that a violation of the present Code has occurred or is about to occur shall report the matter to their superior authorities and, where necessary, to other appropriate authorities or organs vested with reviewing or remedial power.

Commentary :

(a) This Code shall be observed whenever it has been incorporated into national legislation or practice. If legislation or practice contains stricter provisions than those of the present Code, those stricter provisions shall be observed.

(b) The article seeks to preserve the balance between the need for internal discipline of the agency on which public safety is largely dependent, on the one hand, and the need for dealing with violations of basic human rights, on the other. Law enforcement officials shall report violations within the chain of command and take other lawful action outside the chain of command only when no other remedies are available or effective. It is understood that law enforcement officials shall not suffer administrative or other penalties because they have reported that a violation of this Code has occurred or is about to occur.

(c) The term "appropriate authorities or organs vested with reviewing or remedial power" refers to any authority or organ existing under national law, whether internal to the law enforcement agency or independent thereof, with statutory, customary or other power to review grievances and complaints arising out of violations within the purview of this Code.

(d) In some countries, the mass media may be regarded as performing complaint review functions similar to those described in subparagraph (c) above. Law enforcement officials may, therefore, be justified if, as a last resort and in accordance with the laws and customs of their own countries and with the provisions of article 4 of the present Code, they bring violations to the attention of public opinion through the mass media.

(e) Law enforcement officials who comply with the provisions of this Code deserve the respect, the full support and the co-operation of the community and of the law enforcement agency in which they serve, as well as the law enforcement profession.

ANNEX "3.2"

HAND OUT: OBLIGATIONS OF UGANDA POLICE OFFICERS

- a) Use the authority for his/her office for undue gain;
- b) Not take away the liberty or rights of any person without reasonable cause;
- c) Not convert property of any person or any property which comes into his or her custody by virtue his or her office;
- d) Treat humanely all person at his or her disposal without discrimination;
- e) Not receive any undue gratification for services he/she is expected to render by virtue of his or her employment ;
- f) Conduct himself /herself in the most decent and dignified manner at all times as an example for orderliness and law abiding ;
- g) Not compromise law enforcement on account of relationships, patronage or any other influence;
- h) Treat all diplomats, and foreign nationals with courtesy;
- i) Not consume alcohol in a public drinking place, while on duty, or in uniform or in possession of a weapon.

Uganda Police Force, Compendium of Laws, September, 2008. PART 303: The Police Act, P 121.

ANNEX "4"

HAND OUT: CATEGORIES OF GENDER-BASED VIOLENCE

1. Economic abuse:

Refers to deprivation or denial of economic or a financial resource to which the victim is entitled. This includes:

- a) Controlling access to money, for example, selling women's property and refuse to give them the money, a husband refusing a wife to work; or borrow money from financial institutions (SACCO); Deprivation or denial of resources that the victim requires out of necessity for his/herself and his/her children. For example, money to buy food at home; money to pay rent, or denial to access land to grow food;
- b) Deprivation of property jointly or separately owned by the victim. For example, refusing a wife or a girl friend to use a car jointly bought with the husband; or chasing a wife from the matrimonial bed; or from her matrimonial home;
- c) Refusing to pay rent related to the shared household and maintenance;
- d) Selling household property without notifying family members;
- e) Denying victim access to assets such as proceedings from family rented buildings in which the victim has interest, or is entitled on account of the domestic relationship;
- f) Grabbing partner/spouse earnings;
- g) Refusing a partner/spouse to participate in financial decision-making.

2. Emotional Abuse:

Refers to a pattern of degrading and humiliating actions towards a victim (it hurts feelings) and includes:

- a) Repeated insults, ridicule and name-calling;
- b) Repeated threats to cause emotional pain;
- c) Repeated possessiveness or jealousy aimed at invading the victim's privacy, liberty, integrity or security;
- d) Committing acts in the presence of children which is likely to cause him or her psychological injury.

3. Sexual abuse:

Refers to harm which compromises a person's control over their sexuality, any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of another person and includes:

- a) Forced sex;
- b) Marital rape;
- c) Refusal to practice safe sex;
- d) Infidelity/unfaithfulness;
- e) Forcing a person to do sexual acts against their will ;
- f) Inserting foreign objects into partner/spouse private parts.

4. Physical abuse:

This includes any act or conducts that causes bodily pain, harm or danger of life, limb or health or which impairs the health or development of the victim and includes:

- a) Assault;
- b) Criminal intimidation;
- c) Hitting;
- d) Slapping;
- e) Burning;
- f) Strangling.

ANNEX "5"

HAND OUT: WOMEN'S RIGHTS

- a) Women shall be accorded full dignity of the person with men;
- b) The State shall provide the facilities and opportunities necessary to enhance the welfare of women to enable them to realize their full potential and advancement ;
- c) The State shall protect women and their rights, taking into account the unique status and natural maternal functions in society;
- d) Women shall have the rights to equal treatment with men and that rights shall include equal opportunities in: political, economic, and social activities;
- e) Without prejudice to article 32 of the Constitution, women shall have the right to affirmative action for the purpose of redressing the imbalances created by history, tradition or custom;
- f) Laws, culture, customs or traditions which are against the dignity, welfare or interest of women or which undermine their status are prohibited.

(Constitution of Uganda (1995), article 33)

ANNEX "6"

HAND OUT: HANDLING CASES OF GENDER-BASED VIOLENCE

- a) Do not blame the victim;
- b) Use a non-judgemental approach to the incident;
- c) Allow the victim to be calm and composed;
- d) Interview the victim in privacy and ensure confidentiality;
- e) Respect the victim, and exercise patience and effective listening;
- f) Be aware of the victim's stress and fear, given that the victim has been manipulated and abused by the perpetrator;
- g) Establish whether a crime has been committed;
- h) Identify offence committed in [Domestic Violence Act or Penal Code];
- i) Be aware that the victim may be suicidal due to trauma;
- j) Examination of injuries to be done by officer of same sex;
- k) Treat information from the victim with confidentiality only to be released to authorised persons.

ANNEX "7"

HAND OUT: STEP BY STEP PROCEDURE OF HANDLING CASES OF SEXUAL ASSAULT

m) Step 1:

The victim alone or with her/his escort reports to the police station/post, and is guided to the reception.

n) Step 2:

Due to the sensitive nature of the case, the officer at the reception should refer the victim to the Child and Family Protection Unit (CFPU).

- In the absence of CFPU officers at the police station /post, the victim should be escorted to a private room where he/she can talk in privacy with the officer/detective.

o) Step 3:

At the Family and Child Protection Unit (CFPU), or in a private room, a police officer/detective will take the survivor's statement and obtain information relevant to investigation of the alleged crime(s).

- In case the victim is not in position to make a statement, for example, if the victim is a child or has mental disability, an adult for example a parent/guardian, or person of authority for example, local council leader, teacher, probation and welfare officer, can make the statement on his/her behalf.
- If the victim is an adult he/ she may be allowed to bring the person who may have escorted her to the police station/post, if he/ she wishes and is free to talk in his/her presence;
- Information is entered and a case reference (SD) number given to the complainant;
- The police officer should record a statement if the victim's health status is not at risk of deteriorating or if the victim is ready to do so. In case the victim's health is at risk, refer to step seven;
- Where possible, the victim should be video recorded as she/he makes the statement;
- The victim should sign the statement only when she/he is satisfied with what the police officer has written, and understands what is written in the statement.

p) Step 4:

After the victim has made a statement, the statement of the person who accompanied the victim or witness should also be recorded; along with her particulars and relevant contacts.

q) Step 5:

If the victim is a child brought by a complainant:

-The Police officer should take charge, by taking over full responsibility of the child victim, and ensuring that his/her basic needs are met. The police officer, should be female if the victim is a female.;

- In the event that there is no female police officer, a respectable female such as, a member of the local council, or a respectable woman in the police quarters should assist in interviewing the victim, and should be present during medical examination;
 - Protect the victim from the press;
 - The Police should also follow up to make sure that the case is thoroughly investigated, including identifying possible witnesses to facilitate successful apprehension and prosecution of the suspect.
- r) Step 6:
If making statements by the victim, and where possible the witness is complete, the police officer/detective issues a PF3 medical form to the victim to be completed.
- s) Step 7, Saving Life:
Health care for life- saving is of paramount importance. It is important for police officers to nurture the good practice of prioritizing the victim's health care instead of getting rigidly stuck to step by step procedures of interviewing and taking statements. If the victim's life is at risk, interviewing and taking statements should be done after medical attention.
- t) Step 8, Health Care:
- Depending on the victim's health status, a decision is made to take her/him to hospital or health unit.
 - Health care includes at least the following:
 - o Victim physical examination;
 - o Treatment of injuries;
 - o Prevention of diseases, including STI/HIV;
 - o Prevention of unwanted pregnancy;
 - o Collection of minimum forensic evidence;
 - o Medical documentation.
- u) Step 9, Completing PF3 Form:
For all sexual and gender based violence cases, a PF3 form must be completed by a police surgeon; along with its appendices, as soon as possible. A police officer of the same gender as the victim should accompany the victim, even in the case of a child victim.
- v) Step 10, Conducting Investigations:
The Police officer/detective should start to conduct investigations immediately, even if the completed PF3 has not yet been returned:
- -The scene of crime must be visited expeditiously;
 - Ensure that necessary incriminating evidence is not lost as there is a likelihood that it could be tampered with;
 - Where possible , scene of crime officer(SOCO) must take pictures;
 - The exhibits must be handed over to the police. These may include clothes that the victim was wearing at the time of assault.

After the police surgeon has completed PF3 form, it should be returned to the police officer/detective who issued it. Within three days of sexual assault, the victim, if found

HIV negative should be given HIV post exposure prophylaxis (PEP). The findings of the police surgeon should be used to update the victim's file. If possible and appropriate, further statements should be recorded by the investigating officer.

w) Step 11, Psycho-social Support:

Sometimes, the victim of sexual gender based violence may not show manifestation of physical injuries, but may be severely traumatized; and may need specialized technical support to come to terms with the critical incident of sexual assault. It is important for police officer to review each case critically, to assess the technical support the victim needs. Besides, health care, the victim may require psycho-social support, temporary shelter, legal aid.

x) Step 12, Arresting the Suspect(s):

When warranted, the police officer/detective should arrest the alleged assailant; and should observe the following:

- Inform him/her (the suspect) about the nature of the crime committed and options available to him/her;
- Refer him/her (the suspect) to the police surgeon for medical examination to ascertain his/her HIV status;
- Forward the file to the Resident State Attorney (RSA), or other responsible officer for advice;
- Follow advice of the RSA and produce the suspect in court as advised by the RSA. This should be done within 48 hours of arrest.

5. Explain that some of the steps may be skipped for some time, depending on the victim's health status.

ANNEX "No 8"

HAND OUT: CASE STUDY ON GENDER-BASED VIOLENCE Case Study "A"

Alabwor, a 45 year old female head of household, went to a graduation party of a daughter of one of her friends in the next village. There were many people and plenty to eat and different types of drinks. At around 9.00 p.m., Alabwor started walking back home. Okobor a man from the same village, joined her on her journey home. On reaching an isolated corner, Okobor, attempted to rape Alabwor, but Alabwor fought hard and raised an alarm to rescue herself. In the process, Okobor twisted and fractured Alabwor's right hand, punched her face and ran away.

The following day Alabwor went and reported the case to the police, who drove to Okobor's house and took him to the police station for investigation. While at the police station, Okobor denied having attempted to rape Alabwor, but she proved that he (Okobor) did it, citing evidence of the visible bite he inflicted on his face and the hand.

In the process of interviewing both of them, the wife of Okobor arrived and started accusing Alabwor of telling lies about her husband to get him imprisoned. She also accused Alabwor of being a prostitute who takes other people's husbands. On hearing this, the police officer who was handling this case told Alabwor that she was going to embarrass herself if she opts to continue with the case; telling her that after all she is a grown up woman; and that besides, the fractured hand and scratches on the face she was not so much injured. That she should accept whatever money Okobor can afford to give her for her treatment and close the case. Alabwor, unwillingly accepted not to proceed with the case.

ANNEX "No 8": HAND OUT CASE STUDY "B"

Muthoni has been married to Odukan for ten years and has four children with him. Muthoni became a leader of a women development group in her village, and started organizing meetings at a church once a week. She also started participating in workshops organized for leaders of community based organizations in her sub-county.

Misunderstandings started in the family from the time Muthoni assumed the leadership role. Odukan, suspected that Muthoni has men whom she meets whenever she goes for meetings. Leaders of women groups in her sub-county were given two exotic goats to enhance their economic capacity. Immediately Muthoni brought the goats home, Odukan, started telling people in the village that the goats were his; that Muthoni who is his "property" came with nothing into the marriage and cannot claim to own anything. The ownership of the exotic goats and weekly attendance of meetings by Muthoni, increased misunderstandings in the family; so much so that every week they would quarrel and fight.

That fateful day, Muthoni was told when she was returning from a meeting that her husband had sold the goats. She started looking for him and found him at the home of his second wife. Muthoni complained why Odukan had sold her goats and demanded for the money. This sparked off a quarrel. Villagers intervened and convinced Muthoni to return to her home.

In the night, Odukan returned to Muthoni's home. The quarrel resumed and resulted in a serious fight. Oduka beat up Muthoni and bloused her face, and also fractured the hand of his son, who went to his mother's rescue.

Neighbors intervened and stopped the fight, but Odukan insisted that Muthoni and her children should leave his home, and threatened to kill them if he sees any of them again.

Muthoni and her children went to the police station and reported the case. The police arrested Odukan, who was violent and continued saying that he would kill Muthoni and her children. The following day Muthoni and her children went to the police station. The police had made arrangement to send Odukan to court. Muthoni feared the reaction of the extended family in case Odukan was to be sent to prison; and withdrew the case. Before releasing Odukan, the Police instructed Odukan to cover medical expenses for his son's treatment; and to give Muthoni the money from the sale of Muthoni's goats. Odukan sold his bicycle, to top up the money he paid Muthoni for her goats; and also accepted to cover his son's medical expenses. A police officer, counseled the couple; and instructed Muthoni, that if she is to continue with meetings with her group, she should hold meetings at her home; otherwise, she should withdraw from group activities.

ANNEX "No 8": HAND OUT CASE STUDY "C"

Adiga a daughter of Manini a widow in Kalyek village was defiled by a teacher in her school. Adiga informed her mother about what had happened to her while at school. The mother went to police, along with her daughter (Adiga) and reported the incident. The daughter narrated to the police what had happened to her while at school. She also disclosed that while at school she had informed the head teacher who abused her for accepting to take books to the teacher's quarter. She further disclosed that the head teacher told her never to tell anybody; and instructed her to return home. After recording their statements, the police officer, told Manini and her daughter to return home and wait until they are invited to the police post, after arresting the suspect.

Manini had been encouraged to report the case to the police station because in an earlier case of Mundung, the son of Kabwoy a casual worker in the village, who attempted to defile a girl in the village, the defiler (Mundung) was arrested, prosecuted, and was still in prison.

Due to fear of revenge on her daughter by some of the teachers in the school, Manini stopped her daughter from attending school; while she waited for police to invite them. After waiting for two weeks without communication from the police Manini and her daughter (Adiga) walked back to the police station. The police officer handling the case informed them that they had taken a statement from the teacher (suspect), and had let him continue with teaching, due to scarcity of teachers in the school. He assured them that she (the police officer) was going to invite them when court hearing is fixed so that they could testify against the suspect.

After waiting for a month, Manini and her daughter walked back to the police to find out when the case was likely to be heard. The Police officer handling the case informed Manini and Adiga that she (the police officer) had received information a week ago that the teacher who defiled Adiga had ran away from the school and no one knew where he was.

ANNEX "9"

HAND OUT: INTERVIEWING ADULT VICTIMS OF GENDER BASED VIOLENCE

- a) What brought you here today?
- b) Has violence ever happened before in your relationship?
- c) Has the suspect ever threatened to kill or hurt you?
- d) Was any one present when it happened? E.g. your children, relative, neighbour, house helper?
- e) Did you tell anyone when this happened, e.g. relative, in-laws, LC?
- f) Do you feel safe returning home?
- g) There is a chance that your partner could be violent again, how would you plan for your safety in case this happens?
- h) What type of assistance would you like to get in light of what you anticipate may happen?
- i) Is there any other information you would like to share with the police, about the danger you may be anticipating?
- j) Describe the following options to the victim:
 - Written warning to the suspect;
 - Arresting the suspect;
 - Proceeding to court;
 - Mediation sessions.
- k) Explain the requirement and implications of each.
- l) Would you like to see a counsellor or health care provider? (This mainly apply where health risks are not visible, where visible no need to ask);
- m) Let the victim read the statement you wrote, if she cannot read, read it back to her and ask her if it correctly represent her case and intentions;
- n) Explain the next step that will be taken, and ask if she/he is comfortable with it.

ANNEX "10"

HAND OUT: RISK ASSESSMENT INTERVIEW TOOL

- a) Ask the victim the following questions.
- b) Note that any questions answered 'yes' increases the risk for that victim. The risk assessment questions are:
- c) Serious Injuries: Have you ever been seriously injured? Please describe what happened.
- d) Take note that strangulation, life threatening injuries, or those that require hospitalization or extended medical care are the highest risk:
- e) Abuse to children: do you have children? If yes, do they also experience violence from the perpetrator?
- f) Weapons: Does the suspect have any weapons, e.g. gun, big stick, spear, bow and arrow? If yes, can you tell me what type of weapon the suspect have? Has the suspect ever used or threatened to use the weapon as part of the abuse?
- g) Threat of killing or serious harm: Has the suspect ever threatened to kill or hurt you? If yes, when did the suspect threaten you last? How did the suspect threaten you?
- h) History of Violence: Does the suspect have a history of violence with others? If yes, can you give some examples of the suspect's violent acts?
- i) Frequency of Violence: How frequent is the violence? (The more violence, the greater the risk.
- j) Isolation: Has the suspect prevented or stopped you from going out or associating with other people? Does the suspect get very upset if you talk with other men or accuse you of having affairs—even when it makes no sense for him to suspect you?
- k) Sexual Assault: Has the suspect ever forced you to have sex when you did not want to?
- l) Substance Abuse: Does the suspect drink alcohol or use any other drugs? If yes, does the suspect become violent when he is drunk (or on drugs)?
- m) Abuse of Animals: Has the suspect ever abused pets or livestock?
- n) Follow up with the following questions, again taking into consideration the level of risk involved.
- o) How do you think the suspect will react if /when he finds out you have come to the police?
- p) Is there any danger from the suspect or from his family/friends when he/they find out that you have reported to the police?
- q) Assure the victim that police would help if you think you might be in increased danger after reporting the case to us.
- r) Is there any other information you would like the police to know about the danger you may be in? (For example, an event, a specific threat, a feeling you may be having?)

ANNEX "11"

HAND OUT: SAFEGUARDS ON CHILD RIGHTS VIOLATION

- a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;
- b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be with conformity with the law, and shall be used only as a measure of last resort, and for the shortest time possible;
- c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of her own age. In particular, every child deprived of liberty shall be separated from adults, unless it is considered in the child's best interest not to do so, and shall have the right to maintain contact with his or her family through correspondences and visits, save in exceptional circumstances;
- d) Every child deprived of his/her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent and impartial authority, and to a prompt decision on any such action.

ANNEX "12"

HAND OUT: THE RIGHTS OF CHILD VICTIM, WITNES AND SUSPECT

- a) The right to be treated with dignity and compassion. Police should use child-friendly mechanisms which include not treating children in the same manner as adults; use a friendly language and also liaise with either the parents or guardians of the child;
- b) The right to be protected from discrimination;
- c) The right to be heard and express views and concerns;
- d) The right to effective assistance. If possible, through his/her parents or guardian, the child should access legal or other appropriate technical assistance in preparation and presentation of his defense. Also to provide free assistance of an interpreter if the child cannot understand or speak the language used;
- e) The right to privacy. In order to avoid exposing the child to the public, police should use a separate room and facilities when handling children victims, witnesses;
- f) The right to safety. If police has reasonable ground that's for believing that a child is suffering or is likely to suffer significant harm, she/he may take the child and place him/her under emergency protection in a place of safety, for a maximum of 48 hours. This should be done after notifying the Secretary for Children Affairs of the local government council one(LC1);
- g) The right to special preventive measures. Police should refer victims of sexual assault, and other forms of violence to specialized agencies for curative for injuries, and preventive services, for example prevention of HIV infection, and pregnancy; and for restoring wellbeing to the victims through psycho-social counseling.

ANNEX "13"

HAND OUT: STEP BY STEP PROCEDURE OF HANDLING CASES OF CHILDREN IN CONFLICT WITH THE LAW

Step 1: Determine Age:

- a) Child under 12: Refer to PSWO or LC Secretary for Children Affairs;
- b) Child over 12: Proceed;
- c) Child over 18: refer to relevant office ;
- d) Ascertain the age::
 - i. check birth certificate, immunization certificate, school records or baptism card;
 - ii. Seek testimony of the parents/guardian or members of the community;
 - iii. Check medical test results from a specialized test done by a certified specialist;
 - iv. In case of doubt refer to the FCC.

Step 2: Receiving a complaint:

Complaints about a child must be entered by the Police and then referred to the CFPU.

Step 3: Screening of the Case by the CFPU:

- a) Ensure the age of the criminal responsibility is respected;
- b) Ascertain the complaint is defined as an offence in law;
- c) Isolate cases that can be handled by the LC Courts;
- d) Isolate cases which must be handled by CFPU. These are cases which the LC court cannot handle but which are not so serious as to require the involvement of the CID. Such cases include: all charges, except offences punishable by death and offences for which the child is jointly charged with a person over 18 years;
- e) Use of separate rooms and facilities is encouraged to avoid exposing children to the public. Victims of sexual violence and other forms of violence must be given immediate medical help and attention;
- f) Isolate cases that must be handled by the CID for capital offenses;
- g) Isolate serious cases that require investigation by the CID for example capital offence;
- h) Isolate cases where a child is jointly charged with an adult.
- i) After screening and sorting the cases as above the CFPU should take appropriate action as follows:
 - i. Refer all cases involving a person above 18 years to a relevant office for handling. Where the case involves children below 18 years, CFPU police officer should advise complainant

appropriately and/or use discretion as follows:

- Refer cases within the power of the LC Court to the relevant Court for handling;
- Refer serious cases to the CID for handling. In this case, make sure CFPU police officer, preferably of the same gender as the child is present during the interview and is kept informed on all steps;
- Refer cases where the child is charged together with an adult to the CID for handling;
- For cases which are not so serious as to require investigation by the CID, the CFPU may in its discretion dispose of them using any of the legal diversionary methods (refer to Table 1).

Step 4: Investigations of complaints:

a) Emphasize that effective conduct of investigations is key to administration of justice:

- i. Timely and effective investigation is important, due to the importance of freedom of liberty;
- ii. Cases of sexual and gender based violence (GBV) have serious implications for victims. These should be prioritized and tracked very fast;
- iii. Victims of gender based violence should be handled in a manner that captures the evidence, but at the same time preserving their dignity and privacy.

b). The Children Act CAP 59, Section 89 (7); and Section 37 (1) set the following guidelines for fast tracking of children's cases:

- i. Where an investigation is being conducted over a child who has appeared before the Family and Children Court (FCC) and has denied the charges, investigations ought to be completed in less than one month;
- ii. For a child appearing before a High Court, investigations should not exceed three months;
- iii. The use of physical restraints and force on children shall be exceptional, and only employed when all other control measures have been tried and failed. Notwithstanding that it shall be employed for the shortest possible time.
- iv. Where the case is referred to the High Court investigations must not exceed 3 months.

Step 5: Summoning a Child to the Police:

- a) If the case is serious CFPU issues a written or verbal notice, requiring the child to report to the CFPU;
- b) Notice should be given to the parent or guardian or where there are none, the LC Secretary for Children Affairs or the PSWO or a fit person;
- c) The child should be summoned through the parents or guardians or the LC Secretary for Children's Affairs or the PSWO;
- d) Where the child does not respond the police should not immediately arrest the child, but first verify the complaint.

Step 6: Arresting the Child:

- a) Arrest is not to be made until enough information is got to support the case;
- b) Arrest should be as a measure of last resort;
- c) Police should use maximum restraint during the arrest of the child – no torture, harsh treatment, caning and violence etc;
- d) On arrest of the child, the parents or guardians, PSWO and secretary of children affairs should be informed;
- e) The child should be informed in a language they speak to understand the reason for the arrest;
- f) A record of the arrest must be made by the police.

Step 7: Interviewing the child:

- a) The parents or guardian of the child must be present during the interview – if not available the LC Secretary for children affairs. or the PSWO must be present;
- b) Develop a check list of age- appropriate questions to ask;
- c) Establish the child's linguistic development to enable planning how best to communicate with the child. Young children are likely to have limited vocabulary and language style; and may use words or phrases which are not common to adults. The interview need to listen to the child attentively and adjust his/her language accordingly;
- d) Conduct interview in a language the child understands;
- e) Read back the recorded statement and explain the content to the child in his/her preferred language;
- f) The recorded statement must be signed by the child, the police officer and those present to show that the contents are correct;
- g) Children are interviewed by an officer of the same sex;
- h) If the interview reveals that the evidence is not sufficient for the case the child shall be released;
- i) If the evidence suggests that the child committed the offence the police must take appropriate action;
- j) Serious cases must be referred to prosecution department;
- k) If the police officer is satisfied that the offence committed by the child is not so serious, she/he will caution and release the child (Children's Act, Article 98:2)

Step 8: Diversion of cases at the police level:

The police have the discretion to use of the following diversion measure:

- a) Caution and release, when:
 - i. The case is not serious (is not a capital offence and falls outside of the jurisdiction of the LCCs) .This is

applicable when:

- ii. The child is a first offender;
- iii. The child is remorseful and repentant;
- iv. The child's security will not be compromised and there is no ill will from the complainant.

Procedure to grant caution and release include:

- o Record the caution and have it signed by the child and the officer;
- o Ensure the child is counseled;
- o Release the child to his/her parents or an authorized person;
- o Ensure (where possible) that the family is counseled to help the child reform.
- o

b).Police Bond:

This is issued as conditional release to keep the child out of detention. It should be explained to the child including the conditions attached. As far as possible the child should be released on his own cognizance.

c).Other Methods of Diversion (Non-custodial):

- i) Seek reconciliation between the child and the complainant through a meeting involving the parents;
- ii) When a settlement is reached, police should ensure that it is in writing and signed by both parties and witnesses;
- iii) Police may involve members of the community, such as fit persons, community volunteers and child rights advocates in the diversion of cases from the formal system;
- iv) Where there is not a fit place for custody of the child, or if the child does not want to go back home, police should use its networks with other suitable agencies, such as children's homes, or placement with recognized fit persons, until a more permanent solution is found.

Step 9: Cases which cannot be diverted at Police level:

- a) In cases that cannot be diverted, the police shall prepare a charge and refer the case to prosecution for advice;
- b) In cases which are of a serious nature the police shall ensure that the child is medically examined by a qualified medical officer, to assess their psycho social needs and ensure an appropriate intervention for the child;
- c) In the meantime if the child has not been released on police bond he/she may be detained in

appropriate police custody until she/he is taken to court within 24 hours. This may happen:

- i. If it is in the best interest of the child to be removed him/her from association with any person, or if the police have reason to believe that the release of the child will defeat the end of justice, the child should be kept by police;
- ii. Detention of children is not a recommended procedure. However, in the event that a child in conflict with the law must be detained for reasons of his/her safety or to prevent escape; separate detention facilities must be provided. The call is for a zero tolerance policy on detention of children with adults; whether of the same or different sex.

Step 10: Detention in Police Custody:

- a) Detention in police custody shall be the last resort only or when it is for the child's protection;
- b) A child shall not be kept in police custody for more than 24 hours;
- c) A proper place, well lit and ventilated must be provided by the police;
- d) A child must not be detained with adults and not with children of the opposite sex;
- e) While in detention the wellbeing of the child must be guaranteed by:
 - i) Getting three meals a day;
 - ii) Access to his or her parents;
 - iii) Access to legal representative;
 - iv) Access to medical care.

Step 11: Referring the case for prosecution:

- a) As much as possible every referral for Prosecution must be made within 24h of the arrest of the child, whether in custody or on police bond;
- b) The parents of the child must be informed of every step taken in the process.

Step 12: Records relating to Children in Conflict with the Law:

- a) The police must keep proper and accurate records, concerning children in conflict with the law;
- b) Access to records is limited to people who are directly concerned with handling the case of the child or those duly authorized;
- c) No information that is likely to disclose the identity of the child shall be disclosed to unauthorized people, except where it is necessary to carry out investigation of the case.

ANNEX "14"

HAND OUT: THREE CASE STUDIES OF CHILDREN IN CONFLICT WITH THE LAW CASE STUDY "A"

Kabwong, a 17 year old male is brought to the police station/post by the Local Council 1 chairperson of Kadeg Trading Center, with a lap top and a musical system he is alleged to have stolen from a head teacher of one of the schools in Kadeg Trading Centre. He had been beaten badly and is bleeding from the ears.

Twenty (20) minutes after reporting Kabwong to the Police, a gang of youths, arrives with four boys, namely Dong 11 years old, Beken 13 years old, and Kut and Chacha 15 years old. All living around Kadeg Trading Centre, and have no permanent place of residence. They stay wherever they get a place to sleep. They are accused of being thieves because they had been seen in the company of Kabwong most of the time. All the four boys have been beaten but not as much as Kabwong.

CASE STUDY 14 "B"

Mundugugavehis 15 year old daughter Maimun , 300,000/= for school fees. Instead of going to school, Maimun went to stay with her boyfriendKokil. On receiving a call from school asking why Maimun had not returned to school, Mundugu started searching wherever he thought his daughter might have gone, but could not find her. Fortunately, on a tip off, Mudung learnt that his daughter is staying with Kokil, her boyfriend who rides a motor cycle (bodaboda), for a living. Mudungu with his three sons sets off in the night for Kokil's home. They knock the house and Kokil opens, thinking it was his friend knocking. On seeing his father and brothers, Maimun started insulting them, blaming them for following her and bothering her; when she is tired of education and wants to stay with her man.

Mundung and his son with help of the local council chairperson of the village bring both Kokil and Maimun to the police station.

CASE STUDY 14 "C"

Three children between the age of ten (10) and fourteen (14) are brought to the police station, after finding them stealing sugar canes from the market. They look malnourished and shabby. On interviewing them you discover that those children are staying by themselves in a child headed household; having lost all their parents. Their elder brother 18 years old Kabed went to Kampala, a year ago. They have not heard from him since then. They tell you that when they were picked in the market they had gone to look for some work so that they could raise money for paraffin and soap.

BIBLIOGRAPHY

Centre for Domestic Violence Prevention: in Collaboration with UNFPA. Responding to Violence Against women: A Training Manual for Uganda Police Force, 2009

Children's Act Cap 59

Centre for Justice Studies and Innovations. Training Guide /Curriculum For Justice For Children. (Unpublished).

Centre for Justice Studies and Innovations "Handbook for the Administration of Justice for Children" .(Unpublished) .

Gordon Kalajdziev, L.L.M etat Police and Human Rights Manual for Police Training .Skopje, 2002. Denmark.

OHCHR, Human Rights and the Rights of Women and Children, (Notes)

Principles Adopted by the Eighth United Nations Congress on Prevention of Crime and the Treatment of Offenders. Havan Cuba, 1990.

Stick Statement by the Coalition Against Torture, "The Passing of the Anti Torture Bill" New Vision, April, 1012.

Jekayinfa, A.A. An Abstract "Types , Causes and Effects of Gender Based violence:Challenges for Social Studies Education in Nigeria'.

MatiaKasaijja "Police Needs to Focus on Customer Care" New Vision, 21st October, 2008.

Penal Code Act, Cap.120

Reference on Administration of Juvenile Justice.A Mimeography by Centre for Justice Studies and Innovations.

Republic of Uganda, The Domestic Violence Act, 2010

Republic of Uganda, The Domestic Violence Regulations, 2011

Save the Children Fund (UK), and the Ministry of Gender, Labour and Community Development. National Trainers Guide for The Children Statute 1996 : For District Authorities.

Sir Robert Peels "principles of Policing" . December, 2006

Uganda Police Force and Centre for Domestic Violence Prevention. Responding to Domestic Violence : A Handbook for Police 2007

UN High Commissioner for Human Rights, Professional Training Series. NO. 5/Add/3: Human Rights Standards and Practice. UN Geneva and New York

United Nations Universal Declaration of Human Rights: Dignity and Justice for All of Us.

UN, Universal Declaration of Human Rights: Dignity for all of Us,

Office of United Nations High Commissioner for Human Rights, Human Rights and Law Enforcement: A Trainer's Guide on Human Rights for Police. Geneva, and New York, 2002.

Uganda Constitution (1995)

UNFPA, A Practical Approach to Gender Based Violence: A Program Guide for Health Care Providers, and Manager. Pilot Edition, New York 2001

UNFPA", Gender Based Violence: a Police Training Manual" (Unpublished) April, 2011. Training

UNICEF, Manual for the Police on Child Rights and Child Protection

USAID, Addressing Gender Based Violence Through USAID Health Programs: A Guide for Health Sector Program Officers. Washington DC, July 2006

(Footnotes)

1 Gordon Kalajdziev: 2002:8

