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Issue Brief

PUBLIC INVESTMENT IN CHILD PROTECTION.

July 2024

Key Messages

- Government budgets possess overwhelming power and influence in advancing the realization of children's rights and that children are among the biggest user groups of essential public services key among which is child protection especially in local communities.
- An effective and well-funded national child protection system is vital to ensure that communities can prevent and respond to violence against children and hence Government needs to enhance investment in strengthening child protection systems at the national and district levels.
- Despite the increase in budget allocation to the human capital programme that comprises the largest proportion of public services towards children, the actual allocations towards child-specific services such as child protection are still inadequate more specifically at subnational level.
- Budget allocation towards child protection has been on a downward trajectory over the last three financial years. Between FY2021/22 and FY2022/23, the allocation increased sharply to UGX 24.6 billion from UGX 4.5 billion but has since been on a declining trend.
- The percentage share of the Youth and Children department to the overall Ministry budget is on a declining trend which has a significant impact on the adequacy and effectiveness of the provision of child protection services in communities.
- The amount allocated to child protection as a percentage of the National Budget is significantly smaller. Its share in the national budget in recent years has been on a downward trajectory since FY2021/22 from 0.010% to approximately 0.043% in FY2024/25 as shown in Figure 5 above.
- There is a need for the Ministry of Finance in collaboration with the line Ministry of Gender, Labour and Social Development to allocate resources targeted towards strengthening the implementation and enforcement of existing policies and laws in order to effectively protect children from all forms of violence.
- There is a need to allocate funds to support the line Ministry and Community Based Departments in districts in popularizing initiatives such as the 24-hour "Sauti 116" toll-free national child helpline and working with schools to strengthen reporting and response mechanisms.

1.0 About the brief

This brief assesses the extent to which the budget addresses the financing needs for child protection in Uganda, by analyzing the sub-programmes that have a bearing on the rights of children under Government programmes such as human capital development and community mobilization and mindset change for the recent national budgets.

1.1 Introduction

Children in Uganda continue to face several protection challenges including orphanhood, teenage pregnancy, child labour, an influx of street-connected children, and violence (MGLSD, 2020). The first-ever Uganda National Violence Against Children Survey revealed that more than 76 per cent of children experienced at least one form of violence (MGLSD, 2018).

Most children in Uganda have experienced physical violence that threatens and halts their holistic and positive development. According to UNICEF 2020, 59 per cent of girls and 68 per cent of boys experienced physical violence. Gender-based violence and sexual violence are also pervasive, with some 35 per cent of girls and 17 per cent of boys having experienced sexual violence during childhood.

Girls are especially at risk of child marriage, teenage pregnancy, and female genital mutilation. Today, 4 in 10 women aged 20 to 49 years are married by 18 years, and at least 1 in 4 teenage girls are either pregnant or have a child. Child labour is pervasive, with children mainly working in the informal sector. In rural areas, 93 per cent of children are engaged in agriculture and fishing. According to the Uganda Police Force Report of 2023, 10,741 Child-related Offences were registered during the year, 8,925 cases of defilement were registered while 3,846 cases of aggravated defilement were brought to the attention of Police, and 4,730 Child neglect cases were reported.

Why public investment in Child protection systems

- Child protection systems offer the best method to address complex problems to prevent and protect children from all forms of violence.
- Systems strengthening efforts support a focus on prevention and response and aim to treat children and their families in a holistic manner.
- Child protection systems serve all children and have greater capacity to reach the most vulnerable.
- A systems approach helps overcome the limitations of a fragmented approach to child protection, which traditionally focused on specific child protection issues (in both development and humanitarian contexts).
- Child protection system strengthening efforts are more cost-effective and of greater benefit in tackling the diverse range of child protection concerns affecting girls and boys of different ages and backgrounds.
- Child protection system strengthening is guided by long-term thinking, and thus is more likely to be sustainable for Government

1.2 The legal and policy framework

Uganda has ratified several international and regional treaties, minimum rules, standards and guidelines, which uphold children's rights and obligate that all feasible measures to protect and realise those rights are taken. Key among these is the Constitution of the Republic of Uganda (1995) which is the overriding national legal framework for ensuring that the rights of children and the general population are protected.

Other laws such as the Children's Act, Cap 59 (amended, 2016) provide the overarching legal framework, articulating constitutional provisions on children and emphasising the rights, protection, duties and responsibilities as contained in the UN Charter on the Rights of the Child and the African Charter on the Rights and Welfare of the Child. The Penal Code defines criminal violations including violations against children and provides for sanctions among other laws.

On the policy front, policies such as the National Child Policy 2020 provide a national framework for Ministries, Departments and Agencies (MDAs) to plan and deliver interventions that address children's rights holistically. Furthermore, its 3rd objective is to prevent, respond to, and protect children from all forms of violence, abuse, neglect and exploitation.

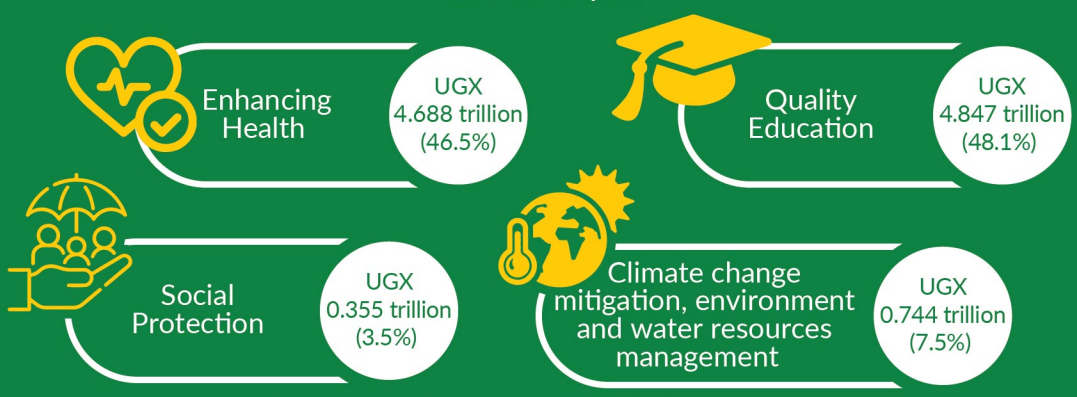
With a strong enabling legal and policy framework that Uganda has towards addressing child protection challenges, there is a need for the Government to work towards disseminating widely the policy guidelines to the respective implementing agencies under the child protection sector and plan for follow-up engagements to ensure these guidelines are adequately funded during the planning and budgeting processes.

2.0 Financing for Human Capital Development

The National Development Plan III put Uganda's Human Capital Index (HCI) at 38 per cent which implies that in the current state of education and health, a child born in Uganda is expected to achieve only 38 per cent of their productive potential at age 18.

On a positive note, the Government has continued to show progress towards investment in its human capital development programme which comprises healthcare, education, social protection, water, sanitation and hygiene. This has been evidenced by the programme taking the largest share (14.16%) of the total FY2024/25 budget as shown in Figure 1 below:

Figure 1: Budget allocations within the human capital development programme for FY2024/25.



Data source: Citizen's Guide to the FY2024/25 Budget

Despite the increase in budget allocation to the human capital programme that comprises the largest proportion of children's services, the actual allocations towards child-specific services such as child protection are still inadequate, especially at the subnational level.

2.1 Public financing trends for Child Protection interventions

Article 19 of the UN Convention on the Rights of the Child conceptualizes child protection as any effort to prevent and respond to violence, protection, exploitation, neglect and abuse of children. The Ministry of Gender, Labour and Social Development budgetary allocations for child protection are channelled through the Gender and Social Protection sub-sub programme.

Concerningly, overall allocations towards this programme which comprises several interventions that have a direct bearing on child protection interventions including the Department of Youth and Children continue to decline. The budget for all these departments in FY2024/25 declined to UGX.144.814 bn from UGX.172.73 bn as shown in table 1 below.

"Prioritizing children's rights in budgets, at both national and subnational levels, as required by the Convention, contributes not only to realizing those rights, but also to long-lasting positive impacts on future economic growth, sustainable and inclusive development, and social cohesion."

-UN Committee on the Rights of the Child

General Comment number 19 on public budgeting for the realization of children's rights

Table 1: Budget allocations to the Gender and Social Protection sub-sub programme from FY22/23 to FY24/25

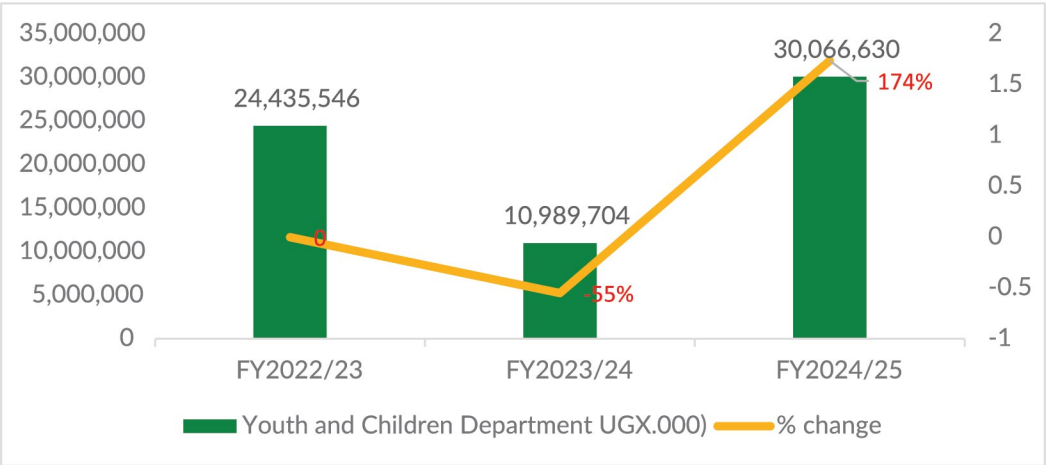
Department	FY2022/23 UGX. 000			FY2023/24 UGX. 000			FY2024/25 UGX. 000		
	Wage	Non-Wage	Total	Wage	Non-Wage	Total	Wage	Non-Wage	Total
Equity and Rights	220,000	280,000	500,000	120,000	240,000	360,000	152,000	225,000	377,000
Gender and Women Affairs	220,000	25,642,045	25,862,045	140,000	20,337,378	20,477,378	175,000	1,470,000	1,645,000
Youth and Children	220,000	24,435,546	24,655,546	150,000	10,839,704	10,989,704	542,120	29,524,511	30,066,630
Disability and Elderly	220,131	146,676,709	146,896,839	150,000	140,756,315	140.906,315	340,000	112,385,864	112,725,864
Total	880,131	197,034,299	197,914,430	560,000	172,173,397	172,733,397	1,209,120	143,605,375	144,814,494

Source: Approved Budget estimates FY2022/23 to FY2024/25

2.2 Trend in Budget Allocations towards Child Protection

The 2020 National Child Policy defines child protection as the measures that are taken to prevent and respond to all forms of abuse, neglect, exploitation and violence against children and their rights. Despite the growing overall budget of the Ministry of Gender, Labour and Social Development (MoGLSD), the budget allocation towards the Youth and Children department which is mandated to ensure that children are protected from all forms of violence slightly increased to UGX.30.066billion in FY2024/25 from UGX.10.989 billion in FY2023/24.

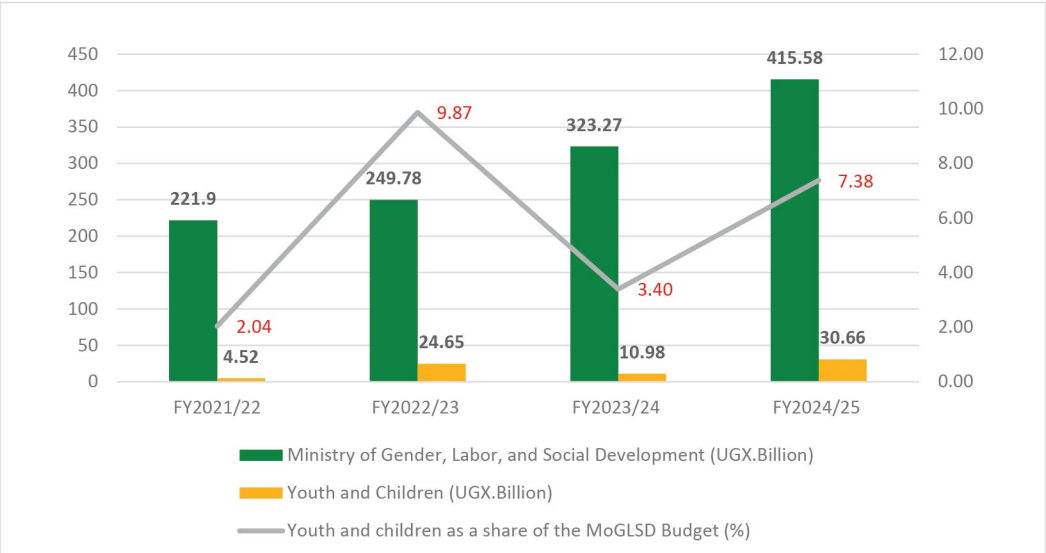
Figure 2: Budget allocation trend on child protection between FY2022/23 and FY2024



Source: Approved Budget estimates FY2022/23 to FY2024/25

Budget allocation towards child protection has gained momentum in FY2024/25 recovering from a downward trajectory over the last three financial years. Between FY2021/22 and FY2022/23, the allocation increased sharply to UGX 24.6 billion from UGX 4.5 billion in FY2021/22.

Figure 3: Child protection budget allocation trend as % of the overall MoGLSD budget



Data source: Approved budget estimates FY2021/22 - FY2024/25

However, these insignificant allocations for the department directly impact the adequacy and effectiveness of the provision of child protection services in communities.

Figure 4: Examples of services provided by the Youth and Children department under the MoGLSD

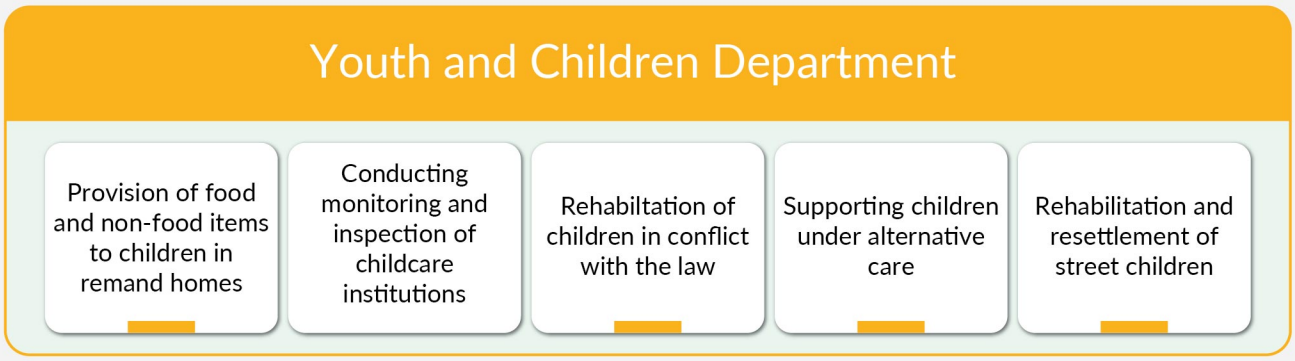
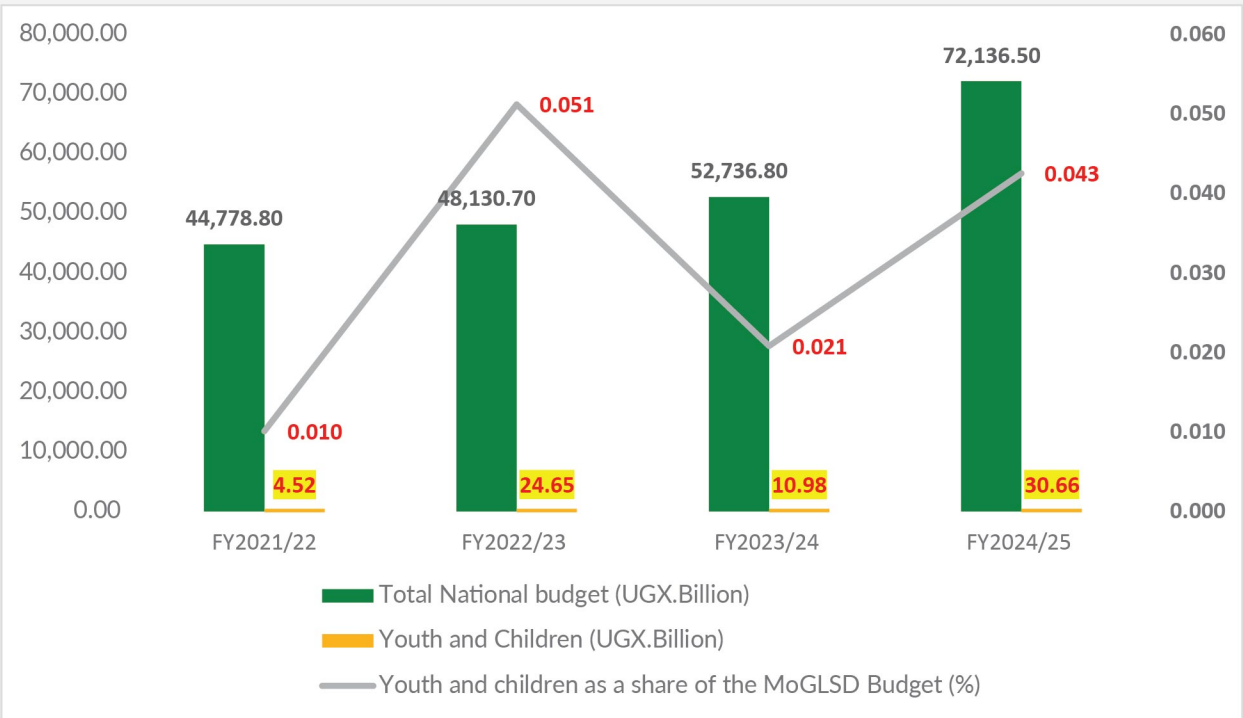


Figure 5: Child Protection programme budget allocation trend as % of the National budget



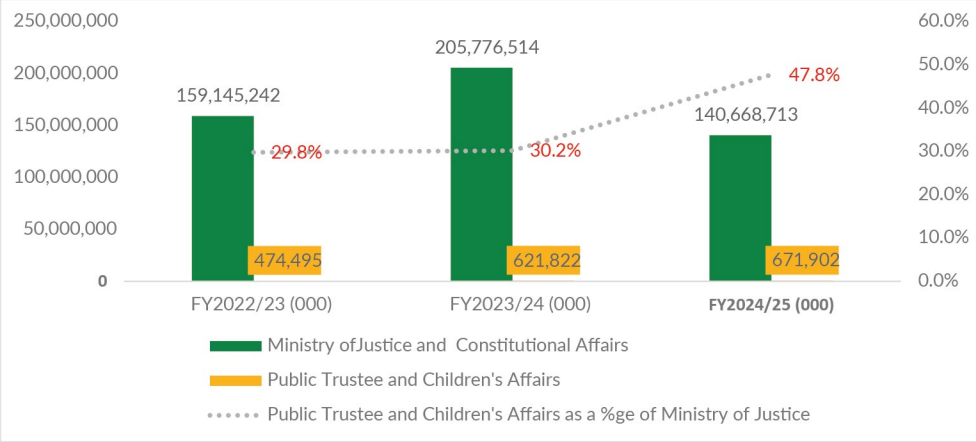
The amount allocated to child protection as a percentage of the National Budget is significantly smaller. Its share in the national budget in recent years has been on a downward trajectory since FY2023/24 from 0.021% to a slight increase of approximately 0.043% in FY2024/25 as shown in Figure 5 above. This is on account of budget cuts across several Government agencies as part of the implementation of its fiscal consolidation agenda to minimize public costs.

2.3 Child Protection under the Justice, Law and Order

The Department of Public Trustee and Children Affairs under the Ministry of Justice and Constitutional Affairs is responsible for safeguarding the interests of vulnerable people, children inclusive who are unable to manage their own affairs. The allocations to the department currently at 47.8% of the entire Ministry's budget are allocated towards the department as shown in figure 6 below.

However, despite the moderate allocation to the department, over 64.4% of the budget under FY2024/25 is allocated to wages.

Figure 6: Child protection budget allocation trend as % of the overall Ministry of Justice and Constitutional Affairs budget

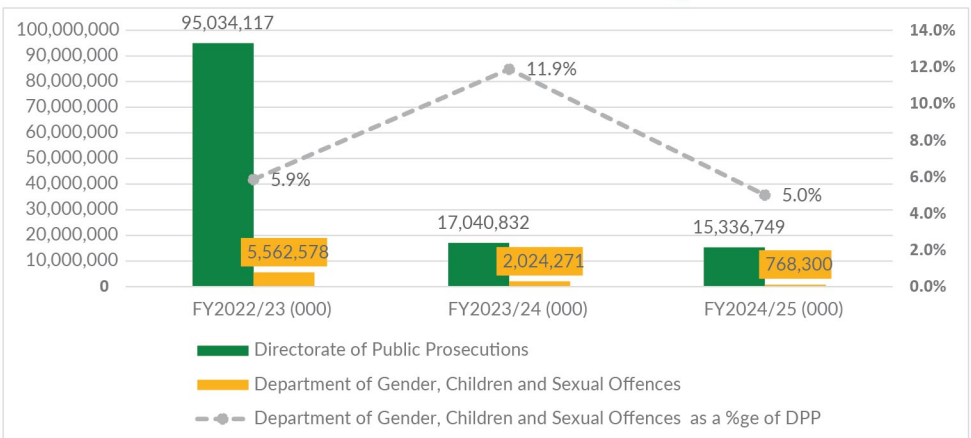


Data source: Approved budget estimates FY2022/23 - FY2024/25

Allocations to the Department of Gender, Children and Sexual Offences in the Office of the Director of Public Prosecutions under the Directorate of Prosecutions experienced a sharp decline in FY2024/25 from UGX.2,024 million in FY2023/24 to UGX.768 million.

The Department is mandated to handle Sexual and Gender-Based Violence (SGBV) and children-related cases through prosecution-led investigations, perusal and sanctioning of related files, providing legal advice to investigators, prosecution, promoting gender-responsive strategies, and maintaining stakeholder collaborations.

Figure 7: Child protection budget allocation trend as % of the overall Ministry of Justice and Constitutional Affairs budget

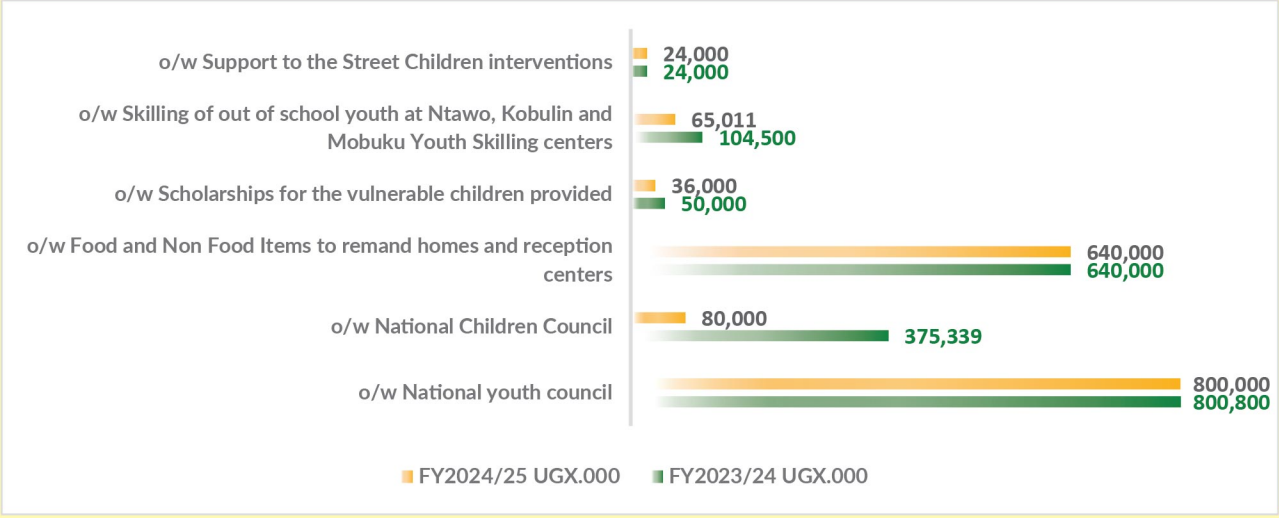


Data source: Approved budget estimates FY2022/24 - FY2024/25

2.4 Public Financing for Child Protection at the sub-national level

In FY2024/25, a total of UGX765 Million was allocated to be transferred to other Government units under the Youth and Children department from UGX 1.994 bn in FY2023/24. The bulk of this budget was allocated to the National Youth Council, remand homes and reception centres as well as the National Children Authority as shown in figure 6 below.

Figure 8: Transfers to other Government Units under the Youth and Children department



Data source: Approved budget estimates FY2024/25

A total of UGX80 million was allocated to the National Children Authority in FY2024/25 which is a reduction from UGX375 million in FY2023/24. The authority is mandated to provide a structure and mechanism, which is meant to ensure proper oversight coordination, monitoring and evaluation of all programs relating to the survival, development, protection and participation of children. This reduction in funding affected the Authority's work around coordination, monitoring and evaluation of the implementation of child survival and development, child protection, child participatory laws, policies and programs at all levels. UGX640 million was provided to support the provision of food and non-food items to remand homes and reception centres while the budget for the provision of scholarships to vulnerable children was reduced from UGX50 million in FY2023/24 to UGX36 million in FY2024/25.

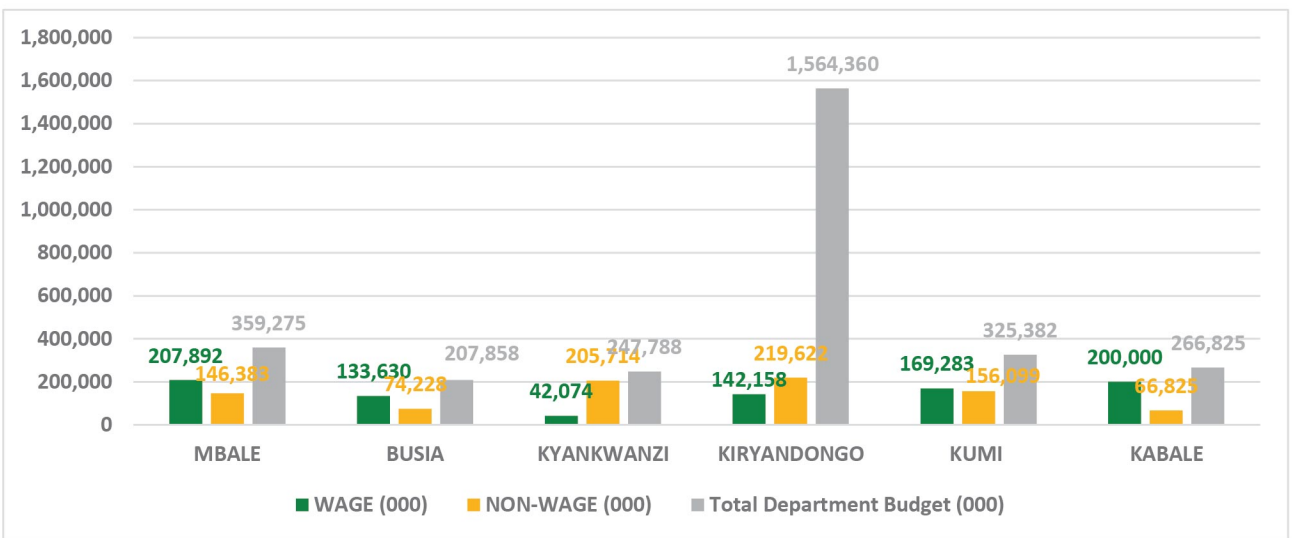
The sub-national level comprises Higher Local Governments (HLG) i.e. Districts and lower local governments like sub-countries, municipalities and Town Councils. The child protection sector at local government is mostly dependent on the conditional non-wage grant that is received through central government transfers. The Community-based services department where the Conditional Grant is channelled is not limited to child protection but rather shared among other units such as the probation and welfare office. At the HLGs, child protection is in the Community-based services (CBS) department which comprises the units shown in Figure 6 below.

Figure 9: Units under the Community-based services department at the district level



As a Department, CBS annually receives funds directly from MoFPED, which is part of the Sector line ministry (MoGLSD) in the form of a conditional grant (non-wage) for recurrent expenditure under the "Community Mobilization and Empowerment" programme. This conditional grant is utilised by the department to implement the various activities of the nine (9) units shown in Figure 7 above.

Figure 10: Allocation to the Community-Based Services Department under selected districts FY2023/24



Data source: Approved budget estimates FY2023/24

From Figure 7 above, except for Kyankwanzi, and Kiryandongo, allocations to the districts under review are majorly geared towards wages. For Kabale, the wage allocations for the department triple the non-wage allocations.

Annually, in line with the indicative planning figures from MoFPED, each unit in the department (CBS) prepares its budget following a pre-determined set of guidelines. In the guidelines, Probation and Welfare (PW), which holds a mandate for child protection is allocated 10% of the conditional grant (non-wage) from the sector line Ministry whereas Youth councils are allocated 12% of the grant.

3.0 Child Protection Service Delivery issues

It is worth noting that Government budgets possess overwhelming power and influence in advancing the realization of children's rights and that children are among the biggest user groups of essential public services key among which is child protection especially in local communities. As the Government gears up to commence preparations for the upcoming planning and budgeting processes, below are service delivery issues for consideration.

3.1 Inadequate public investment in child protection systems

IAn effective and well-funded national child protection system is vital to ensure that we can prevent and respond to violence against children. But in Uganda, the system is fragmented and weak – the referral system is poorly coordinated, services for survivors are scarce, children are not empowered to speak out and report abuse and traditional beliefs often perpetuate certain forms of violence. Most cases are not reported, and only 32 per cent of those reported result in arrests.

Recommendations

1. The government should consider revising the policy guidelines on percentage allocations at the national and district levels through the Youth and Children Department and the Community-based Services Department to increase allocations to the child protection systems.

2. There is a need to allocate funds to support the line Ministry and community-based departments in districts in popularizing initiatives such as the 24-hour "Sauti 116" toll-free national child helpline and working with schools to strengthen reporting and response mechanisms.

3.2 Limited allocation towards the prevalence of violence against children

Violence against children remains high with 85 per cent of children experiencing at least one violent disciplinary action (UDHS, 2022). According to the UDHS 2016, 44 per cent and 59 per cent of girls and boys respectively aged 13-17 years had experienced physical violence in the year preceding the survey. Efforts to effectively protect children from violence, abuse, exploitation and neglect continue to be undermined by the weak implementation and enforcement of existing policies and laws, inadequate safeguards and weak enforcement. Results from the National Violence Against Children (VAC) survey indicate a high prevalence of all forms of violence - physical, sexual, and emotional. Among 13 to 17-year-olds, 4 in 10 girls and 6 in 10 boys reported physical violence in the year preceding the survey. In addition, 1 in 4 girls (25 per cent) and 1 in 10 boys (11 per cent) reported sexual violence in the past year.

Additionally, allocations to departments responsible for the protection of children against violence largely cater for wages.

Recommendation: There is a need for the Ministry of Finance in collaboration with the line Ministry of Gender, Labour and Social Development to allocate resources targeted towards strengthening the implementation and enforcement of existing policies and laws to effectively protect children from all forms of violence.

3.3 Inadequate resourcing towards access to justice for children

The Children Act as amended (2016) provides for children to access justice through the Criminal and Civil Justice Systems, whether as witnesses, victims or in conflict with the law. It provides for state-funded legal aid to be availed

to children who are charged with committing capital offences. While children are one of the categories of people that come into contact or conflict with the law, the current criminal justice and social welfare systems in Uganda do not have a coordinated case management process that can support survivors in receiving the required services such as legal, shelter, trauma support, information, and protection from perpetrators and hostile family members.

Further, while evidence is clear that institutionalization and deprivation of liberty for children is harmful, ineffective, costly, and carries a high risk of violence against these children, children are arrested and detained for not only allegedly committing capital offences such as defilement, robbery, and murder, but also other offences, including theft, assault, child-to-child sex (JLOS, 2017). The Kampiringisa National Rehabilitation Centre, where many children in contact with the law are committed, is under-resourced and has limited provisions for counselling and reintegration of children back into their communities.

Recommendation: The government to enhance resources for the National Rehabilitation Centre to ensure adequate provisions for counselling and to support the reintegration of children into their families and communities.

3.4 Limited child participation in the planning and budgeting processes

Children's right to participate is clearly articulated in international instruments, to which Uganda is a signatory, as well as in several national legal frameworks and policy documents. The Children Act Cap.59 (as amended) entails various provisions aimed at upholding the right of children to participate in all issues that affect their survival and development. Similarly, Section 8 of the third schedule of the Local Government Act (Cap.243) provides for the right of children to play an active role within their local communities. However, ensuring meaningful child participation is still a challenge. Some of the key barriers to child participation include a lack of understanding of what comprises meaningful child participation, unequal power relations between children, caregivers and other adults, and entrenched attitudes regarding child participation rooted in cultural and normative beliefs. Additionally, there are limitations regarding the capacity of government and civil society officials to facilitate children's participation, which requires a wide range of skills and experience.

Recommendation: There is a need for the Government through the Ministry of Gender, Labour and Social Development to support District Local Governments in understanding what comprises meaningful child participation within the planning and budgeting processes to ensure the perspectives of children are incorporated in the budgets.

4.0 Conclusion

It is imperative for the Government in the upcoming planning and budgeting process to re-think how to attain the highest dividends from its bulging young population as revealed by the recent national census by ensuring that families are effectively supported to protect and nurture their children in stable environments in which they can thrive.

References

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- Ministry of Gender, Labour and Social Development Ministerial Policy Statements from FY2021/22 to FY2024/25
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This document was developed in partnership with the Civil Society Budget Advocacy Group.

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