

UNACCOMPANIED AND SEPARATED REFUGEE CHILDREN IN UGANDA:
COMMUNITY BASED CHILD PROTECTION MECHANISMS

Emily Everett
PSCI 4817A: International Politics and Forced Migration
August 14, 2020

Abstract

In consideration of the more than 40,000 unaccompanied and separated children (UASC) in Uganda, the most registered anywhere in the world with the UNHCR, this paper asks: Do community and refugee-led structures make for effective child protection mechanisms and, if so, how can these frameworks be applied in the case of UASC in Uganda? Instead of focusing on states, international organizations, and other powerful transnational actors, this paper shifts the focus towards the subjects of global governance, viewing refugees as integral actors instead of passive objects of external governance. Due to the conspicuous lack of literature about refugee-led child protection mechanisms supporting UASC in Uganda, this article examines the efficacy of community-based child protection mechanisms (CBCPMs) in Sierra Leone, Kampala, and northern Uganda. Furthermore, it argues that community and refugee-led structures are effective and efficient child protection mechanisms that could play a crucial role in returning autonomy to refugees, filling gaps in the child protection system in Uganda, and offering a more holistic and sustainable solution to address the remarkable needs of UASC.

INTRODUCTION

With a refugee policy that is celebrated for its open-borders approach and progressive response, Uganda currently hosts more than one million refugees—62 per cent of whom are children.¹ In addition to hosting Africa's largest number of refugees,² Uganda hosts an unprecedented number of unaccompanied and separated children (UASC) with more than 40,000 UASC registered in UNHCR's proGres V4 system³—the most UASC registered anywhere in the world. UASC experience heightened protection risks such as sexual and gender-based violence, neglect, survival sex and teenage pregnancy, early marriage, psychosocial distress, and the added burden of adolescent UASC assuming adult-like responsibilities or being taken in by potentially abusive foster families.⁴ UASC are separated from their family at a time when they need them most. The heightened and unique risks experienced by refugee children can have a lasting impact, and ultimately necessitate the demand for effective child protection by refugee and host communities, the Government of Uganda, UNHCR and its implementing partners, and the international community at large.

Although the 1951 Refugee Convention states that governments are the primary duty bearers towards refugees and asylum seekers in their territories, in some countries, such as Uganda, the UNHCR handles a portion of these functions.⁵ Additionally, the 2007 Executive Committee Conclusion on Children at Risk (2007 ExCom Conclusion) and the 2016 New York Declaration (NY Declaration) call for a referral of the care of refugee children at risk and UASC

¹ UNHCR, "Uganda Country Refugee Response Plan 2019-2020," 15.

<https://data2.unhcr.org/en/documents/details/67314>

² UNHCR, "Uganda Country Refugee Response Plan 2019-2020," 15.

³ UNHCR, "Uganda Child Protection Thematic Report—October 2019."

⁴ Ibid.

⁵ UNHCR, "Inclusion of Refugee Children in National Child Protection Systems: Guidance for Practitioners in East Africa," 2017, 6-7. <https://www.refworld.org/docid/5b0ea9de4.html>

to the relevant national child protection authorities.⁶ However, limited capacity of the national child protection system in Uganda has prevented this from happening;⁷ as such, the protection of refugee children in Uganda is primarily handled by the UNHCR through its Child Protection Sub-Working Group (CP SWG) who coordinate the activities of humanitarian workers, implementing partners (IPs), and government bodies, in the effort to prevent, identify and respond to child protection risks for refugee and host community children.⁸

Despite the push by various international norms for burden-sharing, a lack of international funding has critically limited the capacity of the UNHCR and its IPs to deliver effective child protection to refugee communities in Uganda. The most striking manifestation of which is the high proportion of children to caseworkers, with a ratio as high as 300:1 in some settlements, as opposed to the 25:1 ideal standard.⁹ Additionally, over 75 percent of households caring for refugee children report a lack of adequate services for their children in need.¹⁰ With a limited capacity from both the UNHCR and national child protection systems in Uganda, it is important to consider what can be done to ensure the protection of the more than 40,000 UASC currently residing in Uganda.

Borrowing from Pincock, Betts, and Easton-Calabria (2020), this paper puts forward the concept of the ‘global governed’ “as a means to critically interrogate the relationship between the

⁶ Lucy Hovil, "Uganda's Refugee Policies: The History, the Politics, the Way Forward." *International Refugee Rights Initiative: Rights in Exile Policy Series* (2018): 3

⁷ UNHCR, "Global Focus: Uganda, Child Protection," Accessed July, 2020, <http://reporting.unhcr.org/node/26453>

⁸ Child Protection Sub-Working Group, "Terms of Reference: Child Protection Sub-Working Group (CP SWG) South West - Uganda Refugee Response," 2018, 1. <https://data2.unhcr.org/en/documents/details/65053n>

⁹ UNHC, "Child Protection Dashboard: Uganda Refugee Response Plan (RRP): 2019," [https://reliefweb.int/report/uganda/uganda-refugee-response-plan-rrp-2019-2020-child-protection-dashboard-quarter-](https://reliefweb.int/report/uganda/uganda-refugee-response-plan-rrp-2019-2020-child-protection-dashboard-quarter-4)

4

¹⁰ UNHCR, "Uganda Country Refugee Response Plan 2019-2020," 16.

‘governors’ and the ‘governed’.’¹¹ The goal of the global governed is to “analytically turn global governance on its head, beginning with a focus on affected populations.”¹² Instead of focusing on states, international organizations, and other powerful transnational actors, the global governed shifts the analytical lens towards the subjects of global governance, viewing them as integral actors instead of passive objects of external governance.¹³ When it comes to protection, Pincock, Betts, and Easton-Calabria (2020) argue that “an immediate threat to a subject population is used to legitimate external intervention in order to mitigate that threat and restore a particular vision of normality.”¹⁴ While protection has an important role in safeguarding life and ensuring human welfare, “to protect is also to govern. Protection is mediated by power and, if prolonged, can lead to subjugation and the erosion of autonomy.”¹⁵

One way that Pincock, Betts, and Easton-Calabria (2020) offer as a means to flip the global governance of protection on its head, is to acknowledge “the role that refugees play as providers of protection and assistance to other refugees.”¹⁶ Whether through formal or informal organizations and networks, refugees often organize among themselves to support other vulnerable members of their community. While formal international assistance is crucial to supporting refugees, Pincock, Betts, and Easton-Calabria (2020) claim it “is rarely sufficient to allow refugees to meet their basic needs, and so refugees themselves often provide alternative sources of support.”¹⁷

¹¹ Kate Pincock, Alexander Betts, and Evan Elise Easton-Calabria, *The Global Governed?: Refugees as Providers of Protection and Assistance* (Cambridge: Cambridge University Press, 2020), 11.

¹² Pincock, Betts, and Easton-Calabria, *The Global Governed?: Refugees as Providers of Protection and Assistance*, 11.

¹³ Ibid.

¹⁴ Ibid., 120.

¹⁵ Ibid.

¹⁶ Ibid., 1.

¹⁷ Pincock, Betts, and Easton-Calabria, *The Global Governed?: Refugees as Providers of Protection and Assistance*, 1.

With the extraordinary need faced by UASC in Uganda, this paper asks: Do community and refugee-led structures make for effective child protection mechanisms and, if so, how can these frameworks be applied in the case of UASC in Uganda? Due to the conspicuous lack of literature about refugee-led child protection mechanisms supporting UASC in Uganda, this paper looks at the efficacy of community-based child protection mechanisms (CBCPMs) in various settings such as Sierra Leone, Kampala, and northern Uganda, in order to apply the global governed framework to the context of the refugee child protection regime for UASC in Uganda.

In response to the research question above, this paper argues that community and refugee-led structures do make for effective and efficient child protection mechanisms, and could play a crucial role in returning autonomy to refugees, filling gaps in the child protection system in Uganda, and offering a more holistic and sustainable solution to address the remarkable needs of UASC.

To support this argument, this paper is divided into three sections. The first is a literature review that discusses the theoretical framework of the global governed and other bottom-up approaches to global refugee policy. The second consists of four case studies of CBCPMs in Sierra Leone, Kampala, and northern Uganda. The third section considers the lessons learned from the case studies and theoretical framework of the global governed in order to apply insights and policy recommendations to the issue of refugee–UASC in Uganda. Additionally, this paper points to the need for further research that is specific to UASC in Uganda and refugee-led child protection initiatives.

THE GLOBAL GOVERNED: FLIPPING GLOBAL REFUGEE POLICY ON ITS HEAD

Global governance is typically viewed as the making and enforcing of rules and norms by states, international organizations, and other transnational actors. Powerful actors, often in the Global North, create the rules of the game and use various tools at their disposal in order to achieve successful levels of implementation at local levels, often in the Global South.¹⁸ The privileging of state and powerful non-state actors in the theory and practice of global governance is cause for further interrogation. The goal of the global governed framework, as put forward by Pincock, Betts, and Easton-Calabria (2020), is to “analytically turn global governance on its head, beginning with a focus on affected populations.”¹⁹ Affected populations are frequently seen as “passive objects of external governance”²⁰ who lack agency, willpower, or the ability to make meaningful decisions for themselves. Conversely, affected populations, also referred to as aid recipients or benefactors, are “integral actors in the making of global governance, participating in the making of rules and norms and the creation and provision of global public goods.”²¹ Pincock et al. (2020) define the global governed not as a population, but as a mode of thought that represents an ontological move away from the governors toward the governed.²² The goal is to view the governed as integral actors with their own values, interests and power relations.²³

¹⁸ Megan Bradley, James Milner, and Blair Peruniak. *Refugees' Roles in Resolving Displacement and Building Peace Beyond Beneficiaries* (Washington, DC: Georgetown University Press, 2019): ix.

¹⁹ Pincock, Betts, and Easton-Calabria, *The Global Governed?: Refugees as Providers of Protection and Assistance*, 11.

²⁰ Ibid.

²¹ Ibid.

²² Ibid., 16.

²³ Pincock, Betts, and Easton-Calabria, *The Global Governed?: Refugees as Providers of Protection and Assistance*, 16.

One area that is commonly neglected in global governance is the role refugees play as providers of protection and assistance for other refugees. Where international assistance is insufficient, refugees often organize among themselves to support vulnerable members of their community.²⁴ Understanding how refugee-led protection and assistance takes place can offer insight into a neglected source of additional and efficient assistance, and can also “support the autonomy and dignity of refugees as people capable of self-governance.”²⁵ The justification for the imposition of external intervention is often for the sake of protection. However, while protection can play a crucial role in safeguarding life and human welfare, there remains an inherent relationship between protection and power. To protect is to govern and, if prolonged, it can lead to subjugation and the erosion of autonomy.²⁶

An alternative approach to top-down forms of refugee protection is that of community-based protection. Although broad and varied in practice, community-based organizations are either encouraged by external agencies or diaspora, or created organically by communities themselves.²⁷ Community-based organizations are not generic institutions, but “situated, contextualized and highly specific entities.”²⁸ In contrast to the dominant approach of expert-driven protection and assistance structures, community-based organizations stimulate levels of community ownership that are effective and sustainable.²⁹

²⁴ Ibid., 1

²⁵ Ibid., 4

²⁶ Ibid., 120

²⁷ Kirsten McConnachie, “Securitization and Community-Based Protection Among Chin Refugees in Kuala Lumpur,” *Social & Legal Studies* 28, 2 (2019): 159.

²⁸ McConnachie, “Securitization and Community-Based Protection Among Chin Refugees in Kuala Lumpur,” 159.

²⁹ Michael G Wessells, “Bottom-up Approaches to Strengthening Child Protection Systems: Placing Children, Families, and Communities at the Center.” *Child Abuse & Neglect* 43 (2015): 8.

In the field of child protection in particular, there has been a global focus by entities such as UNICEF and UNHCR on strengthening national child protection systems.³⁰ However, this approach aims to support top-down systems that fail to listen to families and communities, or to consider local contributions to the protection of children.³¹ According to Wessells (2015), “a more comprehensive approach to child protection system strengthening is to intermix and balance top-down, bottom-up, and middle-out approaches,” ensuring that national governments have effective laws, policies, and capacities in place, that local governments have sufficient resources and regional agendas set up, and that community action and strengths are considered and collaborated with.³² Community-based child protection mechanisms (CBCPMs) are “local-level groups or processes that respond to violations against children and work to prevent risks to children.”³³ It should be noted that children are most often protected by non-formal actors such as families, community leaders, elders, teachers, religious leaders, and other local actors. Because CBCPMs operate at grassroots levels, they are well-situated to assist in the protection of children where they may be exposed to significant risks.

In his article, *Bottom-up approaches to strengthening child protection systems: Placing children, families, and communities at the center*, Wessells (2015) identifies a list of critical questions that should be asked in consideration of child protection systems:

- Are government managed child protection systems colonial impositions?
- How well do formal aspects of the child protection system fit the local context? Do they build upon or marginalize existing mechanisms or processes?

³⁰ Wessells, “Bottom-up Approaches to Strengthening Child Protection Systems: Placing Children, Families, and Communities at the Center,” 8.

³¹ *Ibid.*, 9.

³² *Ibid.*, 8.

³³ *Ibid.*, 9.

- At grassroots level, do people actually use formal means when severe cases of child abuse occur, or do they rely more on family and community supports?
- How well aligned are the formal and non-formal aspects of child protection systems?
- How effective and sustainable are community-based child protection mechanisms?
- Can one strengthen efforts to protect children at community level through community driven action?³⁴

Each of these questions contributes to a ‘Do No Harm’ imperative that is particularly necessary when it comes to the safeguarding of children. Wessells (2015) argues that national child protection systems often fit poorly within local contexts since they are modelled after those of countries in the Global North.³⁵ Externally imposed systems run the risk of promoting outsider values that do not build on existing systems and processes. In cases where national child protection systems are misaligned with local values, local people will resort to informal mechanisms.³⁶ Although external child protection mechanisms have the possibility of adding value and in some cases are even necessary, they do not constitute the actors of CBCPMs, nor do they replace community ownership of locally initiated protection systems.

Notwithstanding the significant agency refugees display in providing their own assistance and protection, refugee community organizations (RCOs) and other refugee-led initiatives typically receive very little international recognition or financial support for their efforts. The UNHCR consistently awards formal partnerships to international or national NGOs,³⁷ leaving small-scale, refugee-led organizations unsupported by domestic and international modes of

³⁴ Wessells, “Bottom-up Approaches to Strengthening Child Protection Systems: Placing Children, Families, and Communities at the Center,” 10.

³⁵ Ibid.

³⁶ Ibid.

³⁷ Pincock, Betts, and Easton-Calabria, *The Global Governed?: Refugees as Providers of Protection and Assistance*, 15.

governance. This lack of recognition is problematic as it provides refugee-led groups with a chicken-and-egg dilemma. As Pincock et al. (2020) put it, “in order to receive recognition and funding, they need to have capacity. But in order to have capacity, they need recognition and funding.”³⁸ RCOs are hard-pressed to meet the accounting, auditing, vetting or compliance requirements required to make them “eligible” for humanitarian funding.³⁹ The lack of international recognition means that the few RCOs that thrive tend to do so in spite of the way the humanitarian system is constructed, by going through their own transnational networks to bypass formal systems.⁴⁰

There is currently little research that analyzes RCOs and other refugee-led community based groups as providers of assistance and protection. In the realm of forced migration, as well as humanitarian and aid assistance, there is an imposing logic that international institutions and their implementing partners are the most apt to serve the best interests of those they claim to benefit. When emergencies present themselves, the authority to govern is quickly transferred from the community to a group of external actors.⁴¹ As the entity that holds control over the aid budget and a partnership with the national government, international institutions like the UNHCR retain authority over the communities they serve, influencing which organizations are provided opportunities to deliver services. The risk of top-down models of governance and protection is that they typically silence, neglect, and exclude alternative modes of protection from within the community.

³⁸ Ibid., 28.

³⁹ Ibid., 15.

⁴⁰ Ibid., 121.

⁴¹ Ibid., 12.

As will be shown in the case studies of the next chapter, local communities and refugees frequently organize to provide social protection, both formally and informally. In camps, settlements, and urban areas, humanitarian assistance is often inadequate, so refugee-led initiatives and RCOs emerge to fill the gaps.⁴² This highlights the “centrality of refugees’ social networks to their adaptation and even their survival.”⁴³ Refugees are sources of information on how to stay safe, they are providers of education, healthcare, moral and financial support, and “they are, more often than not, [other] refugees’ first port of call in times of need.”⁴⁴ This paper will further the concept of the global governed to the framework of child protection amongst UASC in Uganda.

⁴² Pincock, Betts, and Easton-Calabria, *The Global Governed?: Refugees as Providers of Protection and Assistance*, 3.

⁴³ McConnachie, “Securitization and Community-Based Protection Among Chin Refugees in Kuala Lumpur,” 166.

⁴⁴ *Ibid.*, 166-167.

REFUGEE-LED INITIATIVES AND COMMUNITY-BASED CHILD PROTECTION MECHANISMS IN PRACTICE

While there is a lack of literature that specifically addresses refugee-led CBCPMs supporting UASC in Uganda, there are other notable studies that highlight the efficacy of CBCPMs in similar contexts. This chapter details four separate research sites of community-based programming for child protection in Sierra Leone, Kampala, and northern Uganda, for the purposes of analyzing their strengths and weaknesses, and applying the lessons learned to propose policy recommendations in the case of refugee-UASC in Uganda.

Sierra Leone

Using an approach developed and tested in rural Sierra Leone, research was conducted to consider community-driven action in child protection, with a focus that included collaboration with the formal system, increased community ownership, and sustainability. The initiative envisioned a bottom-up approach to child protection system strengthening, recognizing the role of local communities in driving and nourishing collaboration with formal actors.⁴⁵ Participatory Action Research (PAR) was utilized with a focus on supporting vulnerable children and providing communities with the power to define problems and take self-designed steps to address issues.⁴⁶

Findings from the PAR conducted in Sierra Leone revealed a profound disconnect between informal and formal aspects of the child protection system. Importantly, definitions of children varied, with local people defining children as one dependant on parents or sexually inactive,⁴⁷ in contrast to the Convention on the Rights of the Child (CRC) which defines a child

⁴⁵ Wessells, “Bottom-up Approaches to Strengthening Child Protection Systems: Placing Children, Families, and Communities at the Center,” 13.

⁴⁶ Ibid.

⁴⁷ Ibid.

as a person under the age of eighteen.⁴⁸ Additionally, large discrepancies were apparent in what locals viewed as causes of harm to children. The top harms listed by participants included being out of school, teenage pregnancy out of wedlock, heavy work, maltreatment of children not with biological parents, beating, cruelty, sexual abuse, neglect, bad parenting, witchcraft, abduction, ritual murder, and notably, Children's Rights.⁴⁹ The advocacy of Children's Rights were seen to be an undermining of the authority of parents, since they could no longer use corporal punishment and little emphasis was placed on children's responsibilities.⁵⁰ Interestingly, not mentioned by participants was female genital mutilation, despite being a pervasive practice in Sierra Leone.⁵¹ One mother reported to researchers that, fearing being reported to human rights workers, she no longer beat her "willful girl," and instead disciplined her child by denying her food.⁵²

The disconnect between the informal and formal aspects of the child protection system in Sierra Leone are highlighted in the high level of child harm cases that accessed traditional processes of justice, with 90 per cent of cases choosing this route over accessing formal mechanisms.⁵³ Through the PAR he conducted, Wessells (2015) concluded that with slower, community-driven action, including collaboration and linkages with the formal system, communities developed greater willingness to engage with formal child protection services and achieved increased ownership, effectiveness, and sustainability of the system.⁵⁴

⁴⁸ UN General Assembly, "Convention on the Rights of the Child, 20 November 1989," <https://www.refworld.org/docid/3ae6b38f0.html>

⁴⁹ Wessells, "Bottom-up Approaches to Strengthening Child Protection Systems: Placing Children, Families, and Communities at the Center," 14-15.

⁵⁰ Wessells, "Bottom-up Approaches to Strengthening Child Protection Systems: Placing Children, Families, and Communities at the Center," 14-15.

⁵¹ *Ibid.*, 15.

⁵² *Ibid.*, 14-15.

⁵³ *Ibid.*, 15.

⁵⁴ *Ibid.*, 8.

Kampala, Uganda

Localized contexts of CBCPMs within Uganda create lessons that could be applied in the case of national-level strategy and policy. Horn et al.'s (2013) research project amongst urban refugees in Kampala was the first study of CBCPMs undertaken in a refugee setting.⁵⁵ At the time this research was conducted, the number of urban refugees registered in Kampala was 71,598, with 25,974 being children.⁵⁶ The strongest message that came out of interviews with refugees and key informants, is that the most effective way to protect refugee children is to send them to school.⁵⁷ Despite this, the majority of urban refugees were said to be out of school and facing great harm as a result.⁵⁸ Other child protection issues that concerned refugees were discrimination, rape, inadequate and overcrowded housing (resulting in exposure to adult sexual activity), and drug abuse.⁵⁹

While formal child protection structures and NGO supports are in place in Kampala, the vast majority of children claimed to turn to their parents for help in times of need, only occasionally reporting harms to a teacher.⁶⁰ Commonly accessed community supports included religious leaders and church associations who provided spiritual as well as practical support, including; limited financial support, English classes, vocational training, and practical assistance in finding accommodation for UASC.⁶¹ Accessed less often were NGO supports such as InterAid Uganda, Refugee Law Project, Hebrew Immigration Advisory Service, and others.⁶² CBCPMs

⁵⁵ Ibid., 5.

⁵⁶ Rebecca Horn et al., "Community-based Child Protection Mechanisms Amongst Urban Refugees in Kampala, Uganda: An Ethnographic Study," *Child Protection in Crisis* (2013): 17.

⁵⁷ Rebecca Horn et al., "Community-based Child Protection Mechanisms Amongst Urban Refugees in Kampala, Uganda: An Ethnographic Study," *Child Protection in Crisis* (2013): 6.

⁵⁸ Ibid., 7.

⁵⁹ Ibid., 6.

⁶⁰ Ibid., 8.

⁶¹ Ibid.

⁶² Ibid., 7.

were found to be primarily family-based with very limited contact with formal protection mechanisms such as Local Council representatives or police, whom refugee children felt discriminated against.⁶³

Another noteworthy finding that came from Horn et al.'s research was that refugees who would usually offer support to relatives and neighbours in their home countries, were struggling too much to be able to help their communities.⁶⁴ Importantly, children who were living without their parents faced even greater barriers in accessing both informal and formal protective networks.⁶⁵

Northern Uganda

Two case studies amongst post-conflict communities in Northern Uganda also illustrate the importance of CBCPMs in providing effective and efficient child protection for their communities that could be applied toward the refugee response at a national level. The first is an analysis on the reintegration of formerly abducted child mothers (FACM) after their escape from the Lord's Resistance Army (LRA) rebel group. Two parallel protection systems were noted in this case, the traditional child protection system, and the modern child protection system. In the traditional system, support for children was provided within the family and immediate community, with an emphasis on collective responsibility enforced by local chiefs, elders, and cultural committees.⁶⁶ Although the authority of the traditional system is derived from unwritten social institutions, rules and norms, its strength has noticeably been weakened as a result of the

⁶³ Ibid., 8.

⁶⁴ Ibid.

⁶⁵ Rebecca Horn et al., "Community-based Child Protection Mechanisms Amongst Urban Refugees in Kampala, Uganda: An Ethnographic Study," *Child Protection in Crisis* (2013): 9.

⁶⁶ Eric Awich Ochen, Adele D Jones, and James W McAuley, "Formerly Abducted Child Mothers in Northern Uganda: A Critique of Modern Structures for Child Protection and Reintegration," *Journal of Community Practice: Social Development and Social Work* 1-2 (2012): 9-10.

protracted conflict.⁶⁷ Additionally, traditional resources are often inadequate to address the unique trauma experienced by FACM.⁶⁸

Modern child protection structures are set up by NGOs, international institutions, and the Government of Uganda.⁶⁹ However, unlike community structures, modern institutions owe their allegiance to their founding organizations, leading to competition and the duplication of work.⁷⁰ Modern child protection structures work towards meeting the goals and objectives of sponsors and are driven by donor requirements and demand for quick turnarounds at the expense of the communities they serve.⁷¹ This causes an over-reliance on agencies rather than communities and programming that is not embedded in the local context.⁷² Importantly, findings suggest that needs of FACM and CBCPMs have been hampered by competing structures of child protection organizations, such as UNICEF,⁷³ leading to limited community ownership of child protection mechanisms and overlap in programming.⁷⁴ Ochen, Jones, and McAuley (2012) suggest that traditional CBCPMs are self-sustaining, embedded within the community, and should be advocated for their ability to develop cohesive and collective efforts that instil a sense of shared responsibility amongst communities.⁷⁵

Finally, encouraging research conducted by Clacherty (2018) tells the story of CBCPMs offering alternative models to modern child protection structures. Children of the World (COTW)

⁶⁷ Ochen, Jones, and McAuley, "Formerly Abducted Child Mothers in Northern Uganda: A Critique of Modern Structures for Child Protection and Reintegration," 10.

⁶⁸ Ibid.

⁶⁹ Ibid., 15-16.

⁷⁰ Ibid., 10.

⁷¹ Ochen, Jones, and McAuley, "Formerly Abducted Child Mothers in Northern Uganda: A Critique of Modern Structures for Child Protection and Reintegration," 11-12

⁷² Ibid., 13.

⁷³ Ibid., 11.

⁷⁴ Ibid., 1.

⁷⁵ Ibid., 22.

is a community-based organization that developed a child protection program in post-conflict northern Uganda.⁷⁶ COTW is described as a “home-grown” organization without significant outside influence from donors or international organizations.⁷⁷ As a local organization, staff members of COTW experienced the same conditions and atrocities of war as their participants.⁷⁸ The first task for COTW is to ask for permission and entry through official stakeholders in the village, then to run participatory meetings that include children.⁷⁹ In the meeting, participants are able to identify what they want to see change and then work together to identify the barriers of those changes.⁸⁰ After participatory meetings, COTW staff analyze information and come up with a report to design an intervention for that particular community.⁸¹

The next step is the creation of large and representative Family Support Groups.⁸² Groups are trained on issues relating to children’s rights, protection, referrals, and how to best communicate in order to mediate conflict.⁸³ As part of their service, COTW offers a psychosocial program called Journey of Life to help children and other community members heal together.⁸⁴ Research findings suggest that participants of COTW programs become strong advocates and links between children and formal protection services,⁸⁵ and experience a strong sense of ownership over child protection structures.⁸⁶

⁷⁶ Glynis Clacherty, “Protecting Children Through Village-based Family Support Groups in a post-conflict and Refugee Setting, Northern Uganda—Case Study,” *Interagency Learning Initiative* (2018): 3.

⁷⁷ Clacherty, “Protecting Children Through Village-based Family Support Groups in a post-conflict and Refugee Setting, Northern Uganda—Case Study,” 3.

⁷⁸ *Ibid.*, 3.

⁷⁹ *Ibid.*, 4.

⁸⁰ Clacherty, “Protecting Children Through Village-based Family Support Groups in a post-conflict and Refugee Setting, Northern Uganda—Case Study,” 4.

⁸¹ *Ibid.*, 4.

⁸² *Ibid.*, 5.

⁸³ *Ibid.*, 7.

⁸⁴ *Ibid.*

⁸⁵ *Ibid.*, 11.

⁸⁶ *Ibid.*, 15.

LESSONS LEARNED AND POLICY RECOMMENDATIONS FOR UNACCOMPANIED AND SEPARATED REFUGEE CHILDREN IN UGANDA

This chapter considers the lessons learned from case studies in the previous section in order to examine the efficacy of CBCPMs, as well as to apply insights and policy recommendations to the issue of refugee–UASC in Uganda. Pincock et al. (2020) framework of the global governed provides a useful lens to interrogate current systems of child protection amongst refugees in Uganda, as well as points to possible solutions for a more effective and sustainable system, returning autonomy to refugees and bolstering current protection measures for the more than 40,000 high-risk UASC.

In each of the above case studies, communities identified the primary structures for the enforcement of child protection as being at local levels, amongst family members, cultural committees, chiefs, elders, and other community-based systems.⁸⁷ While international rights agreements such as the CRC, the 2007 ExCom Conclusion, and other child protection laws and policies lay out norms and rights for children, they do not in themselves provide protection from abuse. Instead, due to proximity, traditional community structures provide the greatest opportunity for effective child protection.

Research in Sierra Leone, Kampala, and northern Uganda found that, through community-driven action, a greater willingness was identified for communities to engage with and use formal services, as well as to motivate one another toward collective action, reducing harms to children. Sustainability of protection systems was also noted to be higher. Importantly,

⁸⁷ Eric Awich Ochen, Adele D Jones, and James W McAuley, “Formerly Abducted Child Mothers in Northern Uganda: A Critique of Modern Structures for Child Protection and Reintegration,” *Journal of Community Practice: Social Development and Social Work* 1-2 (2012): 9-10.

through community-driven approaches, formal child protection actors shifted from experts to facilitators and co-learners.⁸⁸

Other important lessons from the case studies in the previous chapter include: a consensus among urban refugees that the most effective way to protect children is to send them to school,⁸⁹ that parents are the first point of call for children in time of need,⁹⁰ that community-based mechanisms helped to find accommodation for UASC,⁹¹ that refugees struggling to cope were less able to help their communities than they would have in their home countries,⁹² that community-led efforts can be hampered by competing structures of NGOs and international institutions,⁹³ and that refugee settlements are divided according to the date families arrive and not by background or ethnicity, limiting social cohesion amongst community members.⁹⁴

These lessons learned from CBCPMs in Sierra Leone, Kampala, and northern Uganda are useful in considering how CBCPMs could be enhanced among refugee communities in caring for UASC in Uganda. However, they also provoke some important questions: If the most effective way to protect refugee children is to send them to school, is the sponsoring of refugees to attend school by NGOs a positive element of formal protection mechanisms? If parents are the first source of help for children in times of need, who is the first source of help for UASC? If

⁸⁸ Wessells, “Bottom-up Approaches to Strengthening Child Protection Systems: Placing Children, Families, and Communities at the Center,” 19.

⁸⁹ Rebecca Horn et al., “Community-based Child Protection Mechanisms Amongst Urban Refugees in Kampala, Uganda: An Ethnographic Study,” *Child Protection in Crisis* (2013): 6.

⁹⁰ *Ibid.*, 8

⁹¹ *Ibid.*

⁹² *Ibid.*

⁹³ Ochen, Jones, and McAuley, “Formerly Abducted Child Mothers in Northern Uganda: A Critique of Modern Structures for Child Protection and Reintegration,” 11.

⁹⁴ Clacherty, “Protecting Children Through Village-based Family Support Groups in a post-conflict and Refugee Setting, Northern Uganda—Case Study,” 16.

CBCPMs help find accommodation for UASC, how can these mechanisms be strengthened in their search for appropriate and safe foster care arrangements for these children? If refugees who are struggling are less able to help their communities, how can formal mechanisms empower refugees to better support one another? If CBCPMs are hampered by competing structures of NGOs and international institutions, how can community-led structures be encouraged so that they are championed instead of competing with formal institutions? If refugee settlements are divided by ethnicity, how can social cohesion be strengthened so CBCPMs can thrive? These questions and others are crucial and should be examined in further research.

Research into CBCPMs in Sierra Leone, Kampala, and northern Uganda reveals that community and refugee-led structures make for effective child protection mechanisms, but how can these frameworks be applied in the case of UASC in Uganda?

The Current State of Child Protection for Refugees in Uganda

Although the 2007 ExCom Conclusion and the NY Declaration call for a referral of care of refugee children at risk and UASC to the relevant national child protection authorities, limited capacity of the national child protection system in Uganda has prevented this from happening.⁹⁵ According to Save the Children, the national child protection system in Uganda is considered "fragmented and weak,"⁹⁶ with a poorly coordinated referral system and a lack of resources in the facilitation and staffing of police and child protection sectors.⁹⁷ As such, case management for

⁹⁵ UNHCR, "Global Focus: Uganda, Child Protection," <http://reporting.unhcr.org/node/26453>

⁹⁶ Save the Children, "UN Convention On The Rights Of The Child," <https://www.savethechildren.org.uk/what-we-do/childrens-rights/united-nations-convention-of-the-rights-of-the-child#targetText=>

⁹⁷ The Agency for Capacity Building, "Interagency Assessment of Measures, Services and Safeguards for the Protection of Women and Children Against Sexual and Gender Based Violence Among Refugees in Uganda," 41. <https://data2.unhcr.org/en/documents/details/69840>

at-risk or UASC is handled by the UNHCR and their IPs, not by district Probation and Social Welfare Officers (PSWO), as is protocol under the Ugandan Children's Act.⁹⁸ This includes the care arrangements of UASC which are placed by child protection officers from the UNHCR, IPs, or arranged informally within the community.⁹⁹

However, as illustrated by the high proportion of children to caseworkers, a lack of resources has severely hindered the capacity and reach of the UNHCR and its IPs in delivering effective child protection to the refugee community. Gaps in capacity include frequent staff turnover among agencies, poor collaboration with district local governments, short implementation cycles of humanitarian and development projects, and irregular community outreach services to raise awareness of sexual and gender based violence (SGBV), violence against children (VAC), and referral pathways.¹⁰⁰ In addition, despite the call of various global norms to transition into sustainable solutions and nationally-led systems, there remains no discernible strategy by the UNHCR for transition.¹⁰¹

Finding a Way Forward through Policy

The lack of capacity of the Government of Uganda, the UNHCR and its IPs, as well as the vast number of at-risk refugee children in Uganda, suggest there is a need for more sustainable and efficient child protection mechanisms. Moreover, lessons learned from the case studies in this paper suggest that refugee-led CBCPMs also have the potential of being more effective at protecting UASC. The UNHCR and its IPS should encourage and stimulate

⁹⁸ Uganda Children's Act, Cap 59. 1997.

⁹⁹ Ibid.

¹⁰⁰ The Agency for Capacity Building, "Interagency Assessment of Measures, Services and Safeguards for the Protection of Women and Children Against Sexual and Gender Based Violence Among Refugees in Uganda," 42-43

¹⁰¹ Nicholas Crawford et al., "The Comprehensive Refugee Response Framework: Progress in Uganda," *HPG Working Paper*. (2019): 14-15.

refugee-led CBCPMs and RCOs that work to protect refugee children, including the provision of a minimum number of annual UNHCR/RCO partnerships. Additionally, as seen in post-conflict communities in northern Uganda, the encouragement of Family Support Groups can stimulate community ownership and create links between informal and formal sectors of child protection. In the case of UASC, the creation of Family Support Groups should be encouraged among foster families to support their care of UASC.

Special attention should be paid to the unique challenges faced by UASC in refugee communities, such as the break-up of social cohesions and traditional family ties and links. While war and displacement significantly constrains traditional mechanisms of child protection, the enhancement of family and indigenous institutions should always lie at the heart of any child protection system. Without family, the primary safety net for any child, children are at heightened risk of abuse, increasingly so when they have fled their home countries in search of safety. UASC do not have parents to protect them or report incidents to, and their high levels of trauma call for specialization in psychosocial support. However, the strengths of CBCPMs in the case studies above to support vulnerable children should not be ignored here. Instead, exceptional attention must be provided to ensure that the same benefits of community mechanisms can be afforded to UASC as well. The lack of parental figures does not mean the care of UASC should be fully transferred to formal protection systems, but that formal protection systems need to bolster community and refugee-led initiatives to extend their reach to the most vulnerable and high-risk cases of children.

It cannot go without saying that refugee actors need to be given agency at higher levels of global governance, from roles of leadership in NGOs, the UNHCR, national committees, and the

Executive Committee. While Pincock et al. (2020) framework of the global governed focuses on bottom-up approaches to governance, top-down approaches remain important in their ability to influence systems, and must include the participation of refugees in a meaningful way.

Further research must be conducted that is specific to the experience of UASC in refugee settlements and urban settings. With the extraordinary number of UASC residing in Uganda, it is a particularly compelling site for continued study. Research must centre the experiences of UASC and how they view child protection, and include RCOs that are potentially already working in the area of child protection. Particular research should be conducted with the question of how social cohesion can be strengthened in refugee settlements to promote community based programming.

CONCLUSION

The heightened and unique risks of UASC, as well as their exceptional presence in Uganda, makes the nation an important site for research about alternative modes of formal child protection. Pincock et al. (2020) theoretical framework of the global governed offers a useful lens to investigate power relations between the governors—the UNHCR, various NGOs, and the Government of Uganda—and the governed—refugees and UASC. With a means of analytically turning global governance on its head, this paper has used the global governed framework to focus on the role refugee communities have in the protection of children.

Case studies of CBCPMs in rural Sierra Leone, urban Kampala, and post-conflict northern Uganda have demonstrated the amazing ability local communities and traditional mechanisms have in protecting children. Through community-driven action, there is an increase in sustainability, a greater willingness for communities to engage with and use formal services, and a noted rise in collective action to reduce harms facing children.

Taking from the lessons these case studies have provided, this paper asked: How can the frameworks of community and refugee-led structures be applied in the case of UASC in Uganda? In response to this question, this paper has argued that community and refugee-led structures could play a crucial role in returning autonomy to refugees, filling gaps in the refugee child protection system in Uganda, and offering a more holistic and sustainable solution to address the remarkable needs of UASC. Additionally, this paper recommends that formal child protection actors should strengthen refugee-led CBCPMs and RCOs, and encourage Foster Family Support Groups.

Finally, this paper has argued that refugees need to be provided agency at high levels of global governance, and that future research should be conducted that is specific to UASC in Uganda, with the focus of study remaining on affected populations.

Instead of viewing refugees as passive objects of external governance, the global governed views them as integral actors. Global refugee policy, particularly in the field of child protection, needs to shift to include community-driven, bottom-up approaches.

Bibliography

- Bradley, Megan, James Milner, and Blair Peruniak. *Refugees' Roles in Resolving Displacement and Building Peace Beyond Beneficiaries* Washington, DC: Georgetown University Press, 2019.
- Child Protection Sub-Working Group. "Brief on Alternative Care Arrangements for Unaccompanied and Separated Children in Humanitarian Contexts in Uganda: Challenges and Opportunities." 2018a. Accessed from <https://reliefweb.int/report/uganda/brief-alternative-care-arrangements-unaccompanied-and-separated-children-humanitarian>
- Child Protection Sub-Working Group. "Terms of Reference: Child Protection Sub-Working Group (CP SWG) - South West - Uganda Refugee Response." 2018b. Accessed from <https://data2.unhcr.org/en/documents/details/65053n>
- Clacherty, G. Protecting Children Through Village-based Family Support Groups in a post-conflict and Refugee Setting, Northern Uganda—Case Study. (2018) Retrieved from <https://childprotectionforum.org/wp-content/uploads/2018/04/Children-of-the-World-Draft-FINAL-.compressed.pdf>
- Convention and Protocol Relating to the Status of Refugees. 1951. Accessed from <https://www.unhcr.org/3b66c2aa10>
- Crawford, Nicholas, Sorcha O'Callaghan, Kerrie Holloway and Christina Lowe. "The Comprehensive Refugee Response Framework: Progress in Uganda." *HPG Working Paper* (2019): 1-17 Accessed from <https://www.odi.org/sites/odi.org.uk/files/resource-documents/12937.pdf>
- Horn, R., Bizimana, D., Nasinyama, S., & Aporo, L. Community-based Child Protection Mechanisms Amongst Urban Refugees in Kampala, Uganda: An Ethnographic Study. (2013). Retrieved from <http://www.cpcnetwork.org/resource/community-based-child-protection-mechanicms-amongst-urban-refugees-in-kampala-uganda-an-ethnographic-study/>
- Hovil, Lucy. "Uganda's Refugee Policies: The History, the Politics, the Way Forward." *International Refugee Rights Initiative: Rights in Exile Policy Series*, (2018): 1-16. Accessed from <http://refugee-rights.org/wp-content/uploads/2018/10/IRRI-Uganda-policy-paper-October-2018-Paper.pdf>
- McConnachie, Kirsten. "Securitization and Community-Based Protection Among Chin Refugees in Kuala Lumpur." *Social & Legal Studies* 28, no. 2 (April 2019): 158–178.

- Meyer, Sarah R, Elizabeth Meyer, Clare Bangirana, Patrick Onyango Mangen, and Lindsay Stark. "Protection and Well-Being of Adolescent Refugees in the Context of a Humanitarian Crisis: Perceptions from South Sudanese Refugees in Uganda." *Social Science & Medicine* 221 (January 2019): 79–86.
- Ochen, Eric Awich, Adele D Jones, and James W McAuley. "Formerly Abducted Child Mothers in Northern Uganda: A Critique of Modern Structures for Child Protection and Reintegration." *Journal of Community Practice: Social Development and Social Work: Learning from Africa* 20, no. 1-2 (January 1, 2012): 89–111.
- Pincock, Kate, Alexander Betts, and Evan Elise Easton-Calabria. *The Global Governed? : Refugees as Providers of Protection and Assistance* Cambridge: Cambridge University Press, 2020.
- Save the Children. "UN Convention On The Rights Of The Child." Accessed from <https://www.savethechildren.org.uk/what-we-do/childrens-rights/united-nations-convention-of-the-rights-of-the-child#targetText=>
- The Agency for Capacity Building. "Interagency Assessment of Measures, Services and Safeguards for the Protection of Women and Children Against Sexual and Gender Based Violence Among Refugees in Uganda." (2018) Accessed from <https://data2.unhcr.org/en/documents/details/69840>
- Uganda Children's Act, Cap 59. 1997. Accessed from <https://ulii.org/ug/legislation/consolidated-act/59>
- UNHCR. "Inclusion of Refugee Children in National Child Protection Systems: Guidance for Practitioners in East Africa." (2017) Accessed from <https://www.refworld.org/docid/5b0ea9de4.html>
- UNHCR. "Figures at a Glance." 2019a. Retrieved from <https://www.unhcr.org/figures-at-a-Glance.html>
- UNHCR. "Uganda Country Refugee Response Plan 2019-2020." 2019b. *Document - Uganda Country Refugee Response Plan 2019-2020*. <https://data2.unhcr.org/en/documents/details/67314>.
- UNHCR. "Uganda Child Protection Thematic Report - October 2019." 2019c. *Document - Child Protection Thematic Report - October 2019, UNHCR Uganda*. October. <https://data2.unhcr.org/en/documents/details/73232>.
- UNHCR. "Child Protection Dashboard: Uganda Refugee Response Plan (RRP): 2019." 2019d. Accessed from <https://reliefweb.int/report/uganda/uganda-refugee-response-plan-rrp-2019-2020-child-protection-dashboard-quarter-4>

UNHCR. "Global Focus: Uganda, Child Protection." Accessed from <http://reporting.unhcr.org/node/26453>

UNHCR. "Global Focus: Uganda, Child Protection." Accessed from <http://reporting.unhcr.org/node/26453>

UN General Assembly. "Convention on the Rights of the Child, 20 November 1989." United Nations, Treaty Series, vol. 1577, 1-15, Accessed from <https://www.refworld.org/docid/3ae6b38f0.html>

Wessells, Michael G. "Bottom-up Approaches to Strengthening Child Protection Systems: Placing Children, Families, and Communities at the Center." *Child Abuse & Neglect* 43 (2015): 8–21.