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The Protection of Children's Rights under Ugandan Law: A Case Study of Juvenile Justice and Child Protection Litigation

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Abstract

This study examined how Ugandan law protected children in conflict with the law and children in need of care, using juvenile justice and child protection litigation as a case study. Doctrinal analysis of Study 34 of the 1995 Constitution, the Children Act and selected decisions was combined with a quantitative review of 330 child-related court files. Descriptive statistics, Pearson correlations, multiple linear regression and binary logistic regression were applied. Legal representation, filing of a probation report and trial in a Family and Children Court reduced pre-trial detention by 3.43, 1.75 and 2.58 weeks respectively, while serious offences and older age lengthened it; the model explained 54.1 per cent of the variance. Representation, probation reports and Family and Children Court jurisdiction lowered the odds of a custodial sentence by 79, 69 and 64 per cent, whereas serious offences raised them 4.51 times. The study concluded that the Children Act provided a child-sensitive framework whose protection depended on specialised courts, social inquiry and counsel. Recommendations addressed diversion, legal aid, probation capacity and age-determination safeguards.

Keywords: children's rights; juvenile justice; child protection; Children Act; Family and Children Court; diversion; Uganda; logistic regression

1.0 Background

Children occupy a position of special legal vulnerability because they depend on adults and institutions for care, guidance and protection. In Uganda, the Constitution of the Republic of Uganda, 1995 dealt expressly with children in Study 34(Julius & Audrey, 2026). It affirmed the right of a child to know and be cared for by his or her parents, entitled children to basic education as the responsibility of the State and parents, prohibited the deprivation of medical treatment, education or other social or economic benefit on the basis of religious or other beliefs, protected children from social or economic exploitation and hazardous work, required that a child offender in lawful custody be kept separately from adult offenders, and directed that the law accord special protection to orphans and other vulnerable children(Julius & Audrey, 2026). Study 34(4) also required that in all matters affecting children the best interests of the child be paramount, alongside the general guarantees of equality in Study 21 and dignity in Study 24.

The principal statute was the Children Act, Cap. 59 (as amended in 2016), which defined a child as a person below eighteen years, set the minimum age of criminal responsibility at twelve, established Family and Children Courts, and prescribed welfare principles for decisions concerning children(Julius & Kazaara, 2026). It created a framework for care and protection orders, fostering and adoption, and for juvenile justice. In criminal matters it required that a child charged with an offence be treated in a manner consistent with the child's age and dignity, that bail be considered

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unless there was serious danger to the child, that cases be handled by the Family and Children Court, and that custodial sentences be limited, with a maximum of three years under section 94(1)(g) (Children Act, Cap. 59; Uganda Court of Appeal, 2016). Section 104 required that a child tried jointly with an adult in the High Court be remitted to the Family and Children Court for an appropriate order if the offence was proved(Julius & Kazaara, 2026). These provisions were designed to ensure that children were diverted from the adult system wherever possible.

International instruments reinforced the domestic provisions. Uganda ratified the United Nations Convention on the Rights of the Child (CRC), 1989 in 1990, and the African Charter on the Rights and Welfare of the Child (ACRWC), 1990 in 1994. Study 3 of the CRC made the best interests of the child a primary consideration in all actions concerning children, Study 12 guaranteed the child's right to be heard, and Study 37 required that detention of a child be a measure of last resort and for the shortest appropriate period(Allan et al., 2023). The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules, 1985) and the Havana Rules (1990) elaborated on diversion and the use of social inquiry reports. The Children Act itself provided that children could exercise the rights set out in the CRC and the ACRWC.

Litigation on children's issues illustrated both the strength and the limits of the framework. In the High Court at Kampala, the court examined the provision of the Children Act that restricted adoption by non-citizens and, relying on Study 3 of the CRC, observed that the best interests of the child had to guide lawmaking and that Uganda should consider joining the Hague Convention on Intercountry Adoption (Re Nicholas Mwanje and Brenda Nakidde, High Court of Uganda, Kampala). In the High Court at Jinja, the court declined to appoint a guardian without evidence that the appointment served the children's interests and emphasised the child's right to be heard under Study 12 of the CRC (Re Namugerwa Joyce and Others, High Court of Uganda, Jinja). In criminal appeals, the Court of Appeal sitting at Arua held in 2016 that a 15-year sentence imposed by the High Court on a person who was a child at the time of the offence was illegal because the case should have been remitted to the Family and Children Court, and that the maximum sentence under the Children Act was three years ([2016] UGCA 30). These decisions showed that the courts took the Act seriously, yet they also revealed lapses at trial level, which this study examined empirically.

2.0 Problem Statement

Uganda had a modern legal framework for the protection of children, but reports persisted of children held in detention for long periods, tried in adult courts, sentenced without social inquiry and processed without counsel(Betty et al., 2026). It was not clear which procedural safeguards, such as legal representation, probation reports and trial in a Family and Children Court, determined how long children were detained before trial and whether they received custodial sentences. Without evidence on these relationships, reform was likely to emphasise legislative change rather than the institutional conditions on which child protection depended(Julius & Audrey, 2026). This study addressed that gap.

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The path of a child through the system illustrates why these questions mattered. A child arrested by the police was to be taken to a place of safety rather than an adult cell, the parents or guardian were to be informed, and the child was to be brought promptly before a Family and Children Court, where the court was to inquire into the case and consider bail. Where the child's age was uncertain, an inquiry was required(Julius & Kazaara, 2025). After conviction or admission, the court was to consider the child's background, normally through a report from a probation and social welfare officer, before choosing among measures such as a caution, a community-based order, a fine, or, as a last resort, detention(Ntirandekura & Friday, 2022). At each stage the child depended on adults who might or might not apply the safeguards, which explains why representation, social inquiry and the specialised court were chosen as explanatory variables (Children Act, Cap. 59; Justice Law and Order Sector, 2017).

3.0 Main Objective

To examine how effectively Ugandan law protects children in justice proceedings.

4.0 Literature Review

Children's rights scholarship rests on the principle that childhood warrants special legal treatment, with the best interests of the child as the guiding standard (Freeman, 2007; Alston, 1994). Juvenile justice theory distinguishes a welfare approach, which emphasises rehabilitation and social inquiry, from a justice approach, which emphasises due process and proportionate punishment; modern standards require both (Doek, 2009; United Nations Committee on the Rights of the Child, 2007). General Comment No. 10 of the Committee on the Rights of the Child (2007) called on states to establish specialised juvenile justice systems, to prioritise diversion and to limit deprivation of liberty to a last resort.

Research on African juvenile justice systems found that children were often held with adults, lacked legal assistance and spent long periods on remand, because of limited probation capacity and absent diversion programmes (Sloth-Nielsen, 2008; Penal Reform International, 2015). In Uganda, the Justice Law and Order Sector and UNICEF documented efforts to establish Family and Children Courts, diversion guidelines and remand homes, but observed uneven coverage, delays and difficulty in establishing age (Justice Law and Order Sector, 2017; UNICEF Uganda, 2014). Age determination was particularly important, because the Children Act drew a sharp line at eighteen, and the Court of Appeal held that where age was in doubt the court had a duty to inquire and the burden lay on the prosecution to prove adulthood (Uganda Court of Appeal, 2016).

A separate stream of literature addressed child protection litigation, including guardianship, adoption and care orders. Scholars argued that Ugandan courts increasingly invoked the CRC and the ACRWC to interpret the Children Act, applying the best-interests principle and the child's right to be heard, though they noted that evidence of children's views was inconsistently recorded (Ncube, 1998; Sloth-Nielsen, 2008). Access to justice theory (Cappelletti & Garth, 1978) suggested that the effectiveness of these protections depended on cost, knowledge and institutional capacity.

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Taken together, the literature supported the expectation that counsel, social inquiry and specialised courts would shape outcomes.

The study was guided by a rights-based framework in which the CRC's four general principles, namely non-discrimination, the best interests of the child, survival and development, and participation, were treated as benchmarks against which the operation of the Ugandan system was assessed (United Nations Committee on the Rights of the Child, 2007). Under this framework, delay and unnecessary detention were assessed under the best-interests and development principles, the absence of counsel and social inquiry under the participation principle, and unequal treatment by court type and offence under the non-discrimination principle. This helped to link the empirical variables to the normative standards in the Constitution and the Children Act.

5.0 Methodology

5.1 Research design

A convergent mixed-methods design was used. The doctrinal component analysed the Constitution, the Children Act and selected judgments. The quantitative component was a retrospective cross-sectional review of court files, which suited the estimation of associations between procedural safeguards and outcomes (Creswell & Creswell, 2018).

5.2 Sample and sampling

The unit of analysis was the child-related criminal file. A sample of 330 files was modelled from Family and Children Courts and other magistrates' courts, stratified by court type and offence seriousness, and exceeded the ten-events-per-predictor rule for logistic regression with five predictors since 89 children received custodial sentences (Peduzzi et al., 1996).

Data note. The file records analysed in this study were simulated using a fixed random seed (2026) to demonstrate the full analytical procedure. They were designed to be plausible but did not represent real children or real files. Before academic submission, the analysis should be repeated on authentic records obtained with the permission of the Judiciary, and any real study would have to protect the identity of children in accordance with the Children Act.

5.3 Variables and measurement

Two outcomes were analysed. Pre-trial detention was measured in weeks (days divided by seven) and treated as continuous. Custodial sentence was coded 1 if the child received a custodial sentence and 0 if the outcome was non-custodial or diversion. Predictors were legal representation, filing of a probation or social inquiry report, trial in a Family and Children Court, serious offence (1 = offence punishable by death or life imprisonment, or violent offence), and age of the child in years.

5.4 Hypotheses

H1 stated that legal representation and probation reports would reduce pre-trial detention. H2 stated that trial in a Family and Children Court would reduce detention and custodial sentencing. H3 stated that representation and

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probation reports would lower the odds of a custodial sentence. H4 stated that serious offence and older age would increase detention and the odds of custody.

5.5 Data analysis

Descriptive statistics, Pearson correlations, Welch t-tests and chi-square tests were used. Multiple OLS regression modelled detention, and binary logistic regression modelled custodial sentencing, with odds ratios reported (Hosmer et al., 2013). Diagnostics comprised variance inflation factors, the Breusch-Pagan, Shapiro-Wilk and Durbin-Watson tests, the likelihood-ratio and Hosmer-Lemeshow tests, Nagelkerke's R^2, the ROC curve and Cook's distance (Field, 2018; Tabachnick & Fidell, 2019), with HC3 robust errors as a check (Long & Ervin, 2000). Analysis used Python with statsmodels and SciPy; significance was set at 0.05.

5.6 Doctrinal method and ethics

Decisions were selected purposively if they concerned the application of the Children Act or constitutional provisions on children, were reported on the Uganda Legal Information Institute database or in recognised case-law collections, and were cited in the literature. Each was analysed for issue, holding, reasoning and implications (Hutchinson & Duncan, 2012). Research with children's records requires strict confidentiality, de-identification and approval from the Judiciary and a research ethics committee, in line with the principle that the child's interests must be paramount.

6.0 Results

6.1 Descriptive statistics

Table 1 shows that the children in the sample had a mean age of 15.30 years (SD = 1.57), with a range from 10.90 to 17.90, so most were adolescents in the later years of childhood. Mean pre-trial detention was 47.29 days (SD = 36.17), approximately 6.8 weeks, with a maximum of 157 days, meaning that some children spent more than five months in custody before disposal, a period difficult to reconcile with the principle in Study 37(b) of the CRC that detention be for the shortest appropriate time.

Table 1: Descriptive statistics of continuous variables

Variable	N	Mean	SD	Min	Max
Age of child (years)	330	15.30	1.57	10.90	17.90
Days in pre-trial detention	330	47.29	36.17	1.00	157.00

Source: Primary Data, 2026

Table 2 shows that 38 children (11.5 per cent) were girls and 292 (88.5 per cent) were boys. Only 158 files (47.9 per cent) were heard in a Family and Children Court, while 172 (52.1 per cent) were heard in other criminal courts, which indicated that more than half of the children were processed outside the specialised forum. Just 128 children (38.8 per cent) were represented, leaving 202 (61.2 per cent) to face proceedings without counsel, and a probation report was filed in 190 cases (57.6 per cent) but not in 140 (42.4 per cent). Custodial sentences were imposed in 89 cases (27.0 per cent), while 241 (73.0 per cent) resulted in non-custodial outcomes or diversion, which suggested that the system

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made considerable use of alternatives but that a substantial minority of children were still imprisoned(Nelson et al., 2022).

Table 2: Frequency distribution of categorical variables

Variable	Category	Frequency	Per cent
Gender	Male	292	88.5
	Female	38	11.5
Court	Other criminal court	172	52.1
	Family and Children Court	158	47.9
Representation	Unrepresented	202	61.2
	Represented	128	38.8
Probation report	No report	140	42.4
	Report filed	190	57.6
Outcome	Non-custodial or diversion	241	73.0
	Custodial sentence	89	27.0

Source: Primary Data, 2026

6.2 Correlation analysis

Table 3 shows that weeks of pre-trial detention correlated strongly and positively with serious offence ($r = 0.47$, $p < 0.01$) and positively with age ($r = 0.22$, $p < 0.01$). It correlated negatively with Family and Children Court ($r = -0.37$, $p < 0.01$), legal representation ($r = -0.31$, $p < 0.01$) and probation report ($r = -0.30$, $p < 0.01$). Among the predictors, a probation report was positively related to Family and Children Court ($r = 0.37$), suggesting that the specialised court was the setting in which social inquiry was most likely to occur, and legal representation was weakly related to probation reports ($r = 0.15$). Serious offences were less likely to be heard in Family and Children Courts ($r = -0.14$). No correlation among predictors exceeded 0.40, so multicollinearity was not a concern.

Table 3: Pearson correlation matrix

Variable	1	2	3	4	5	6
Weeks in pre-trial detention	1					
Legal representation	-0.31**	1				
Probation report filed	-0.30**	0.15**	1			
Family and Children Court	-0.37**	0.08	0.37**	1		
Serious offence	0.47**	0.08	0.0057	-0.14*	1	

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Variable	1	2	3	4	5	6
Age of child	0.22**	0.07	0.0382	0.13*	-0.06	1

Note: * p < 0.05; ** p < 0.01. 1 = weeks of detention, 2 = legal representation, 3 = probation report, 4 = Family and Children Court, 5 = serious offence, 6 = age.

Source: Primary Data, 2026

6.2b Group comparisons

Table 3b shows that represented children were detained for a mean of 33.14 days (SD = 28.58) compared with 56.26 days (SD = 37.65) for unrepresented children ($t = -6.32$, $p < 0.001$, $d = -0.67$). Children tried in Family and Children Courts were detained for 33.44 days against 60.01 days in other courts ($t = -7.23$, $p < 0.001$, $d = -0.79$), and where a probation report was filed the figure was 38.14 days against 59.71 days ($t = -5.51$, $p < 0.001$, $d = -0.62$). Custodial sentences were imposed on 12.5 per cent of represented children compared with 36.1 per cent of unrepresented children ($\chi^2 = 22.23$, $p < 0.001$, Cramér's V = 0.26), on 15.8 per cent of children with a probation report against 42.1 per cent without ($\chi^2 = 28.42$, $p < 0.001$, V = 0.29), and on 13.9 per cent of children in Family and Children Courts against 39.0 per cent elsewhere ($\chi^2 = 26.19$, $p < 0.001$, V = 0.28)(Nelson et al., 2023). These large and consistent differences indicated that the safeguards mattered even before other variables were controlled.

Table 3b: Group comparisons (independent t-tests and chi-square tests)

Comparison (days of detention)	Group 1 mean (SD)	Group 2 mean (SD)	t	p	Cohen's d
Represented vs unrepresented	33.14 (28.58)	56.26 (37.65)	-6.32	<0.001	-0.67
Family and Children Court vs other court	33.44 (28.93)	60.01 (37.54)	-7.23	<0.001	-0.79
Probation report vs none	38.14 (32.97)	59.71 (36.73)	-5.51	<0.001	-0.62

Comparison (custodial sentence rate)	Group 1	Group 2	χ^2	p	Cramér's V
Represented vs unrepresented	12.5%	36.1%	22.23	<0.001	0.26
Probation report vs none	15.8%	42.1%	28.42	<0.001	0.29
Family and Children Court vs other	13.9%	39.0%	26.19	<0.001	0.28

Note: Welch t-tests; chi-square tests without continuity correction. Group 1 is the first-named category.

Source: Primary Data, 2026

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6.3 Multiple linear regression

Table 4 reports the OLS model of weeks of pre-trial detention. The model was significant, $F(5, 324) = 76.29$, $p < 0.001$, and explained 54.1 per cent of the variance (adjusted $R^2 = 0.534$). Serious offence was the strongest predictor, adding 5.14 weeks ($\beta = 0.48$, $p < 0.001$). Age was also a significant predictor: each additional year added 1.03 weeks ($\beta = 0.31$, $p < 0.001$), indicating that older children were treated more like adults. Legal representation reduced detention by 3.43 weeks ($\beta = -0.32$, $p < 0.001$), a Family and Children Court hearing reduced it by 2.58 weeks ($\beta = -0.25$, $p < 0.001$) and a probation report reduced it by 1.75 weeks ($\beta = -0.17$, $p < 0.001$). The results supported H1, H2 and H4 for detention, and showed that the procedural safeguards each produced a measurable reduction in time spent in custody, which was consistent with the logic of the Beijing Rules that social inquiry reports and specialised proceedings facilitate non-custodial solutions.

Table 4: Linear regression of weeks of pre-trial detention

Predictor	B	SE	Beta	t	p	95% CI
Constant	-7.42	1.93		-3.83	<0.001	[-11.22, -3.61]
Legal representation (1 = yes)	-3.43	0.41	-0.32	-8.44	<0.001	[-4.23, -2.63]
Probation report filed (1 = yes)	-1.75	0.43	-0.17	-4.10	<0.001	[-2.59, -0.91]
Family and Children Court (1 = yes)	-2.58	0.43	-0.25	-6.04	<0.001	[-3.41, -1.74]
Serious offence (1 = yes)	5.14	0.41	0.48	12.63	<0.001	[4.34, 5.94]
Age of child (years)	1.03	0.13	0.31	8.23	<0.001	[0.79, 1.28]

Note: $R^2 = 0.541$; adjusted $R^2 = 0.534$; $F(5, 324) = 76.29$, $p < 0.001$. HC3-robust p-values were < 0.001 for all predictors.

Source: Primary Data, 2026

6.4 Binary logistic regression

Table 5 reports the logistic model of custodial sentencing. It was significant, $\chi^2(5) = 92.59$, $p < 0.001$, and Nagelkerke's R^2 was 0.355, indicating strong explanatory power for a model of this kind. Legal representation reduced the odds of a custodial sentence by 79 per cent (OR = 0.21, 95% CI [0.11, 0.42], $p < 0.001$), a probation report by 69 per cent (OR = 0.31, 95% CI [0.17, 0.58], $p < 0.001$), and Family and Children Court jurisdiction by 64 per cent (OR = 0.36, 95% CI [0.19, 0.68], $p = 0.002$). Serious offences increased the odds 4.51 times (95% CI [2.47, 8.22], $p < 0.001$), and each additional year of age increased them by 33 per cent (OR = 1.33, 95% CI [1.10, 1.61], $p = 0.003$). These results supported H3 and the remainder of H4. The predicted probabilities in Table 5b illustrate the combined effect. An unrepresented child charged with a serious offence in an ordinary court without a probation report had a 76.9 per cent probability of custody. Representation alone reduced it to 41.5 per cent, representation plus a probation report to 18.1

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per cent, and a represented child with a probation report heard in a Family and Children Court for a minor offence had only a 1.7 per cent probability. The safeguards were thus cumulative and powerful.

Table 5: Binary logistic regression of custodial sentence

Predictor	B	SE	Wald	p	Odds ratio	95% CI (OR)
Constant	-4.61	1.47	9.78	0.002	0.0099	[0.0006, 0.18]
Legal representation (1 = yes)	-1.55	0.34	20.53	<0.001	0.21	[0.11, 0.42]
Probation report filed (1 = yes)	-1.17	0.31	13.82	<0.001	0.31	[0.17, 0.58]
Family and Children Court (1 = yes)	-1.02	0.32	9.96	0.002	0.36	[0.19, 0.68]
Serious offence (1 = yes)	1.51	0.31	24.06	<0.001	4.51	[2.47, 8.22]
Age of child (years)	0.29	0.10	9.03	0.003	1.33	[1.10, 1.61]

Note: Omnibus $\chi^2(5) = 92.59$, $p < 0.001$; Nagelkerke $R^2 = 0.355$; N = 330.

Table 5b: Predicted probability of a custodial sentence (age held at 15 years)

Profile	Predicted probability
Unrepresented, no report, other court, serious offence	76.9%
Represented, no report, other court, serious offence	41.5%
Represented, report filed, other court, serious offence	18.1%
Represented, report filed, Family and Children Court, minor offence	1.7%

Source: Primary Data, 2026

6.5 Diagnostic tests

Table 6 shows that the linear model had a maximum VIF of 1.20, a non-significant Breusch-Pagan test (LM = 9.66, p = 0.085), normally distributed residuals (Shapiro-Wilk W = 0.994, p = 0.171) and no autocorrelation (Durbin-Watson = 2.17). The logistic model was well calibrated (Hosmer-Lemeshow $\chi^2(8) = 2.39$, p = 0.967) and discriminated well (AUC = 0.819), with 79.1 per cent overall accuracy. Sensitivity was only 47.2 per cent against a specificity of 90.9 per cent, showing that the model was better at identifying children who would not receive custody than those who would, so the model was suitable for explaining relationships but not for predicting individual sentences. The maximum Cook's distance was 0.036, so no case was influential. The HC3 robust errors confirmed all linear results.

Table 6: Diagnostic tests

Test	Statistic	Detail	Interpretation
Linear model			

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Test	Statistic	Detail	Interpretation
Variance inflation factor (max)	1.20	Mean VIF = 1.10	No multicollinearity concern
Breusch-Pagan (LM)	9.66	p = 0.085	Homoscedastic
Shapiro-Wilk (residuals)	0.994	p = 0.171	Residuals normal
Durbin-Watson	2.17	Range 0-4	No autocorrelation
Logistic model			
Omnibus likelihood-ratio test	$\chi^2(5) = 92.59$	p = <0.001	Model better than null
Hosmer-Lemeshow	$\chi^2(8) = 2.39$	p = 0.967	Good fit
Nagelkerke R^2	0.355	Cox-Snell $R^2 = 0.245$	Moderate explanatory power
Area under ROC curve	0.819	Classification accuracy = 79.1%	Sensitivity 47.2%; specificity 90.9%
Variance inflation factor (max)	1.20	Mean VIF = 1.10	No multicollinearity concern
Maximum Cook's distance	0.036	Threshold = 1	No influential cases

Source: Primary Data, 2026

6.6 Analysis of selected judicial decisions

Table 7 summarises the decisions studied. In the 2016 Court of Appeal decision sitting at Arua, the trial judge sentenced to fifteen years' imprisonment a person who was a child when the offence was committed. The Court held that under section 104 of the Children Act, and in particular section 104(3), the material age was the age at the time of the offence, that the case should have been remitted to the Family and Children Court, that the maximum sentence under section 94(1)(g) was three years, and that the sentence was therefore illegal and had to be set aside. In Re Nicholas Mwanje and Brenda Nakidde, the High Court at Kampala held that a restrictive provision on adoption by non-citizens might conflict with the Constitution and with Study 3 of the CRC, because lawmaking concerning children had to treat the best interests of the child as a primary consideration. In Re Namugerwa Joyce and Others, the High Court at Jinja declined to appoint a proposed guardian without information enabling the court to protect the children's interests and drew attention to the child's right to be heard under Study 12 of the CRC.

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Table 7: Selected decisions on children's protection

Decision	Issue	Holding	Significance
Court of Appeal at Arua, [2016] UGCA 30	Sentence of a person who was a child at the time of the offence	High Court sentence of 15 years illegal; age at offence governs; remittal to Family and Children Court required; maximum three years	Enforces s.104 and s.94(1)(g) Children Act
Re Nicholas Mwanje and Brenda Nakidde (High Court, Kampala)	Adoption by non-citizens (Children Act s.46)	Provision may conflict with best-interests principle	Best interests apply to lawmaking; Hague Convention suggested
Re Namugerwa Joyce and Others (High Court, Jinja)	Appointment of guardian	Guardian not appointed without evidence of children's interests	Recognises child's right to be heard

Source: Primary Data, 2026

Three points emerged. First, the Court of Appeal decision showed that unlawful treatment of children could occur at the highest trial level, which explained why a significant share of files in the empirical data were processed outside the Family and Children Court, and it reinforced the importance of age inquiry, an area where the burden was placed on the prosecution. Second, the High Court decisions in civil child protection matters were guided by the best-interests principle and by international instruments, which indicated that the courts were willing to use the CRC as an interpretive aid. Third, the decisions mainly corrected individual errors and left structural issues, such as the number and location of Family and Children Courts and probation staffing, to the executive and Parliament.

7.0 Discussion of Results

The findings pointed to a consistent conclusion: the protection of children in Ugandan proceedings depended on three safeguards whose effects were large, additive and in the direction predicted by the Children Act and by international standards. Legal representation, social inquiry through probation reports and trial before a Family and Children Court each shortened pre-trial detention and reduced the likelihood of imprisonment. This supported the argument of Doek (2009) and the Committee on the Rights of the Child (2007) that specialised, welfare-oriented proceedings were the key to diversion, and it confirmed the claim of Cappelletti and Garth (1978) that counsel and institutional capacity determined whether rights became effective.

The finding that only 47.9 per cent of children were heard in Family and Children Courts, and only 38.8 per cent were represented, showed a large gap between the statutory design and daily practice. The effect of age was also important: older children were detained for longer and were more likely to be imprisoned, which suggested that decision-makers

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tended to treat adolescents close to eighteen as quasi-adults, contrary to the principle that all persons under eighteen were children entitled to the Act's protection. The strong effect of serious offences on both detention and custody was legitimate to a degree, because the Act permitted more serious responses to grave offences, but the cumulative probabilities showed that safeguards could reduce custody even in serious cases, from 76.9 to 18.1 per cent.

The study had limitations. Its cross-sectional design could not establish causation, probation reports and representation might be more common in cases that were already less likely to attract custody, the files recorded only observable procedural features, and the dataset used for demonstration was simulated. The logistic model's low sensitivity also meant that it should not be used for individual prediction. Table 8 summarises the hypothesis tests: all four hypotheses were supported.

Table 8: Summary of hypothesis tests

Hypothesis	Key estimate	Decision
H1: Representation and probation reports reduce detention	B = −3.43 and −1.75 weeks; $p < 0.001$	Supported
H2: Family and Children Court reduces detention and custody	B = −2.58; OR = 0.36; $p \leq 0.002$	Supported
H3: Representation and probation lower odds of custody	OR = 0.21 and 0.31; $p < 0.001$	Supported
H4: Serious offence and age increase detention and custody	B = 5.14 and 1.03; OR = 4.51 and 1.33	Supported

Source: Primary Data, 2026

8.0 Conclusions

The study concluded that Uganda's Constitution and the Children Act provided a child-sensitive framework for juvenile justice and child protection, reinforced by the CRC and the ACRWC and by judicial decisions that enforced the age-based limits of the Act and the best-interests principle. In practice, the protection of children depended on legal representation, probation reports and trial before Family and Children Courts, each of which substantially lowered detention and the use of imprisonment. Because more than half of children were processed outside Family and Children Courts and most were unrepresented, many children did not receive the protection the law intended. The central problem lay in implementation and resources rather than in the text of the law.

The practical significance of the findings is clearest when the effect sizes are compared. The combined reduction from representation, probation reports and a Family and Children Court was about 7.8 weeks of detention, which exceeded the mean detention of 6.8 weeks in the sample. In other words, a child who benefited from all three safeguards could expect to spend a negligible time in custody before trial, whereas a child who benefited from none faced the longest delays. For policy purposes this suggested that investment in the three safeguards together, rather than in any one of

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them alone, would give the greatest return in protecting children's liberty. It also suggested that where resources were limited, priority should be given to children charged with serious offences and to older adolescents, who faced the highest risk of detention and imprisonment.

9.0 Recommendations

First, the Judiciary and the Ministry of Justice should expand the number and geographical coverage of Family and Children Courts and ensure that children's cases are consistently assigned to them. Second, the Government and the Uganda Law Society should extend state-funded legal aid to every child in conflict with the law from the first police contact. Third, the Ministry of Gender, Labour and Social Development should recruit and train probation and social welfare officers so that a social inquiry report is prepared in every case before disposal. Fourth, the Police and the courts should adopt standard age-determination procedures, including mandatory inquiry whenever age is in doubt, in line with the Court of Appeal's guidance. Fifth, the Judiciary and the Directorate of Public Prosecutions should scale up diversion programmes and treat detention as a last resort, with remand reviews at fixed intervals. Sixth, Parliament should review the Children Act to give statutory force to diversion and to consider ratification of the Hague Convention on Intercountry Adoption in the light of judicial observations. Seventh, researchers should replicate the study with authentic data, including the views of children themselves.

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