



POLICY BRIEF

This policy brief draws on engagement with children, law enforcement, and justice actors within Uganda's juvenile justice system, and reflects a commitment to advancing diversion practices that are informed, rights-centered, and consistently applied in the best interests of every child.

An Overview

In Uganda, the most decisive moment in a child's justice journey often occurs at first contact with police before the child receives legal advice. At this stage, Police officers determine whether a child is diverted or formally charged. Although diversion is widely recognized as a child-centered alternative to formal proceedings, its application remains inconsistent in practice. Evidence from UNICEF indicates strong diversion potential, but uneven implementation across cases and locations.

Recent data from the Uganda Police Force highlights the system impact. Thousands of child-related cases are reported annually, with many proceeding to court and a large proportion remaining unresolved or under inquiry.

- In 2023, 70% of child-related cases taken to court were still pending by the end of the reporting period.
- In 2024, 57% of court cases involving children remained pending, with thousands of others still under inquiry.

A key driver is the absence of legal advice before charging decisions are made. Without early legal input, diversion eligibility may not be properly assessed, increasing unnecessary court involvement, prolonging case resolution, and exposing children to avoidable harm.

This Policy brief recommends:

1. Mandatory legal consultation before a child is formally charged.
2. Practical, targeted diversion training for frontline police officers.
3. Structured legal oversight where diversion eligibility is unclear or complex.
4. Clear accountability mechanisms to track charging and diversion decisions.
5. Strengthened referral pathways to community-based and rehabilitative support services.

These measures would improve consistency in diversion decisions, strengthen procedural safeguards, and promote more effective child-centred justice.

Diversion means handling a child's case outside the formal court process, so they do not go through prosecution or criminal punishment. Instead of being charged and taken to court, the child receives support, guidance, or a corrective response that helps them learn and move forward.

Examples of diversion: Mediation between the child and the person affected by the offence, restitution, counselling, community service, family conferencing, referrals to social or rehabilitation programmes (life skills, education support, mentoring)

Who decides before a child is charged?

This brief examines whether current diversion practices in Uganda truly reflect the protective goals of the child justice system, and what happens when children are charged without first receiving legal advice.

The brief explores three key questions:

- Are diversion options properly considered before children are formally charged?
- What factors influence police decisions at the first point of contact?
- What safeguards are needed to make sure children's rights are protected in practice?

The analysis finds that although diversion is recognized in law and policy, it is not applied consistently. When children do not receive legal advice early, important safeguards can be missed. The brief concludes that practical reforms including legal consultation before charging, stronger support for police decision-making, and clearer accountability are needed to ensure diversion works as a reliable child-protection measure, not just an option that is applied unevenly.

A closer look at the problem

In Uganda, the decision to divert or formally charge a child is usually made at the first point of contact with the Uganda Police Force. These decisions are often made quickly, without a clear process to confirm that diversion has been fully considered. Because of this, some children are formally charged even when support-based responses such as mediation, counselling, or community service would have been more suitable. Once a child is charged, it becomes much harder to step back and use diversion. This pulls more children into the formal justice system than necessary and exposes them to longer and more stressful legal processes.

Several practical factors shape these early decisions:

- Frontline discretion. Police Officers must make fast decisions without a required step-by-step process to check whether diversion is appropriate.
- No guaranteed legal advice. Children often face life-changing legal decisions without understanding their rights or available alternatives.
- Workload and time pressure. Formal charging is often quicker and easier than arranging diversion support.
- Limited early understanding of the child's situation. Decisions may be made before officers fully understand the child's background, needs, or circumstances.

When diversion is not properly considered before charging, more children enter court unnecessarily. This increases case backlogs, delays resolution, and weakens the protective purpose of the child justice system.

If safeguards are missing at the first point of contact, child-centered justice cannot work consistently. Improving how early decisions are made is essential to ensure diversion is used fairly, reliably and in the interest of every child.

Findings

Available data shows that diversion is recognized in Uganda's child justice system, but it is not applied consistently at the point where decisions regarding charges are made. According to UNICEF, national diversion rates have been reported at over 76%, reflecting strong policy commitment to handling children outside the formal court process. However, national police data shows that many children still enter formal proceedings and remain there for long periods, suggesting that diversion is not always fully assessed before charging the children.

Statistics from the Uganda Police Force illustrate the system impact:

In 2023

- 10,741 child-related cases were reported.
- 1,008 cases taken to court.
- 70% still pending by the end of the reporting period.

In 2024

- 9,408 child-related offences recorded.
- 862 cases taken to court.
- 57% of the court cases still pending.
- 4,363 cases still under inquiry. (Not yet concluded)

Together, the evidence suggests that early decision-making processes do not consistently ensure diversion is fully considered before children are formally charged.

Why Legal Standards matter more than discretion

Legal standards matter more than discretion because they are binding and ensure children's rights are protected. In Uganda, the Police Diversion Guidelines guide officers but still leave charging decisions to their discretion. In contrast, the Children Act requires that the best interests of the child come first, formal justice is used only when necessary, and rehabilitation is prioritized.

The missing step before charging:

No procedure currently requires these legal principles to be fully assessed before a child is formally charged. As a result, some children are processed through the formal justice system even when diversion would better reflect the law's protective purpose.

Early legal consultation closes this gap.

It helps ensure charging decisions are consistent with the child's rights and the legal standards set by the Children Act.

Policy Recommendation

Uganda has established a comprehensive diversion framework through the Children Act and the 2019 Police Diversion Guidelines. However, these instruments primarily guide police discretion rather than create enforceable procedural safeguards. To ensure diversion is consistently applied and children's rights are protected, the following targeted reforms are recommended:

1. Mandatory Legal Consultation Before Charging

No child should be formally charged without prior consultation with a qualified legal representative, except in emergency circumstances. Legal input ensures diversion eligibility is properly assessed and that the child understands their rights and available alternatives.

2. Empower Police Through Targeted Diversion Training

Frontline officers should receive mandatory, practical training on implementing diversion, identifying eligible cases, and documenting decisions. Training should focus on operational decision-making at first contact while integrating legal safeguards.

3. Integrate Legal Oversight into the Diversion Process

Lawyers should provide targeted oversight for cases where diversion eligibility is unclear, contested, or complex. This ensures procedural fairness without replacing police-led decision-making.

4. Operationalize Accountability Mechanisms

Implement a system to track diversion decisions, including:

- whether legal consultation occurred
- reasons for proceeding with formal charges
- outcomes of diverted cases

Regular monitoring will strengthen consistency, transparency, and adherence to child-friendly justice principles.

5. Strengthen Multi-Sector Referral Pathways

Police must have reliable access to community-based programs, probation services, and psychosocial support to ensure diversion leads to meaningful rehabilitation rather than case closure alone.

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About the Author

Maria Aminat Opolot is a lecturer in Child Protection and Safeguarding and a practicing lawyer specializing in Juvenile justice. She has over 6 years experience working with vulnerable and justice affected children in Uganda. Maria is the Founder of IKOKU an organisation that works directly with children in conflict with the law, supports their legal and psychosocial needs and promotes safe reintegration. She trains stakeholders working within the juvenile justice system and contributes to policy discussions through articles and policy briefs that highlight gaps in the justice system.

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