



Global Monitoring



Report on the

**status of action against commercial
sexual exploitation of children**

UGANDA



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Glossary of terms and acronyms

AIDS: Acquired Immune Deficiency Syndrome

ANPPCAN: African Network for the Prevention and Protection against Child Abuse and Neglect

Code of Conduct: A code for travel and tourism companies, providing guidance on the protection of children from sexual exploitation

CPAR: Canadian Physicians for Aid and Relief

CRC: Convention on the Rights of the Child

CSE: Commercial sexual exploitation

CSEC: The commercial sexual exploitation of children consists of criminal practices that demean, degrade and threaten the physical and psychosocial integrity of children. There are three primary and interrelated forms of commercial sexual exploitation of children: prostitution, pornography and trafficking for sexual purposes. Commercial sexual exploitation of children comprises sexual abuse by the adult and remuneration in cash or in kind to the child or a third person or persons.

CST: Child sex tourism, or the commercial sexual exploitation of children by men or women who travel from one place to another, usually from a richer country to one that is less developed, and there engage in sexual acts with children, defined as anyone under the age of 18.

ECPAT: End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes

Grooming: Preparing a child for sexual abuse and exploitation

HAR: Hope After Rape

HIV: Human immunodeficiency virus

IDP: Internally displaced person

ILO: International Labour Organization
ILO/IPEC: International Labour Organization/International Programme on the Elimination of Child Labour
INGO: International non-governmental organization
ISPs: Internet service providers
LRA: Lord's Resistance Army
MGLSD: Ministry of Gender, Labour and Social Development
MoU: Memorandum of Understanding
NGO: Non-governmental organization
NPA: National Plan of Action
STIs: Sexually transmitted infections
UCRNN: Uganda Child Rights NGO Network
UN: United Nations
UNICEF: United Nations Children's Fund
UPDF: Uganda People's Defence Force
UYDEL: Uganda Youth Development Link

Foreword

Ten years have passed since the First World Congress against Commercial Sexual Exploitation of Children (CSEC) was held in 1996 in Stockholm, Sweden. The Stockholm Congress was a landmark event, providing testimony that convinced the world that sexual violations against children exist in all nations, irrespective of cultural differences or geographic location. It marked the first public recognition by governments of the existence of CSEC and resulted in a commitment to a global Declaration and Agenda for Action, which was formally adopted by 122 governments, as a guide to the specific measures that must be taken for counteraction.

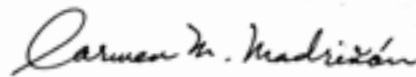
Since 1996, many actors around the world have focused their efforts around this common Agenda for Action and more government and non-government entities have linked, to ensure positive change for children and to protect their right to live free from sexual exploitation. This broad societal alliance (bolstered by a Second World Congress held in Yokohama in 2001, during which the number of countries adopting the Agenda rose to 159 - a figure which has since risen to 161) has made progress in improving protection for children from commercial sexual exploitation. However, the increasing sophistication of resources available to those who seek to exploit children have grown in equal measure. Responding to these challenges requires far more coordinated and targeted work to be undertaken to avoid retrogression.

Experience demonstrates that the level of responsibility and role that a government takes to set and uphold standards of protection, like the lead taken for protecting children's rights, determines the nature, quantity and quality of what the country achieves for its children. Governments can and have accelerated progress for implementation of the Agenda for Action, often opening new and important channels for such work. Nevertheless, their actions have not been uniform and, as these country profiles attest, far more urgent work must be done to protect children from such heinous violations, as these are still perpetrated with impunity in many countries.

This report aims to provide a baseline of information on actions taken and remaining gaps for addressing CSEC in each country, based on the framework of the Agenda for Action, to enable more systematic assessment of progress on implementation of this commitment. It also seeks to contribute to other international mechanisms that exist to protect children's rights; the *Convention on the Rights of the Child (CRC)* and the *Optional Protocol on the sale of children, child prostitution and child pornography* so as to strengthen the implementation and action against commercial sexual exploitation of children at all levels.

Another important objective of these reports is to stimulate the exchange of experience and knowledge among countries and different actors to create a dialogue that can further work against CSEC. While much has been achieved over the last 10 years, many gaps still remain. The implementation of the Agenda for Action is urgently required, for as the reports clearly illustrate, there is a compelling need for global action to protect children from these inhuman violations.

This project is the result of a broad and global collaboration. ECPAT International (EI) would like to thank all those who participated in the work and contributed their inputs, in particular the ECPAT member groups in the countries examined, local experts who provided valuable information and insights, other organisations that shared their experience and information, the dedicated staff and volunteers in the Secretariat of EI and the generous donors who backed the project (more extensive acknowledgements can be found in the Regional Report). This work would not have been realised without their support and solidarity.



Carmen Madriñán
Executive Director, ECPAT International

Methodology

The Agenda for Action against Commercial Sexual Exploitation of Children provides a detailed framework and categories of actions to be taken by governments in partnership with civil society organizations and other relevant actors for combating commercial sexual crimes against children. Broadly, these actions are focused on: 1) Coordination and Cooperation; 2) Prevention; 3) Protection; 4) Recovery, Rehabilitation and Reintegration; and 5) Child Participation. The Agenda for Action is thus the formal and guiding structure used by governments that have adopted it and committed to work against CSEC. As such, the Agenda for Action is also the main organising framework for reporting on the status of implementation of the Agenda as seen in the World Congress of 2001 and in the Mid-Term Review meetings held between 2004 and 2005. It has been used in the same way to structure and guide the research, analysis and preparation of information presented in these reports on the status of implementation of the Agenda in the individual countries.

Preparatory work for this report involved a review of the literature available on sexual exploitation for each of the countries where ECPAT works. A number of tools were prepared, such as a detailed glossary of CSEC terms, explanatory literature on more difficult themes and concepts and a guide to relevant CSEC-related research tools, to assist researchers in their work and to ensure consistency in the gathering, interpreting and analysing of information from different sources and parts of the world.

Early desktop research revealed a lack of information in the areas of Recovery, Rehabilitation and Reintegration; and Child Participation. After extensive efforts to collect information relevant to these areas for each of the countries covered, it was decided that as this information was not consistently available, the reports would focus only on those areas of

the Agenda for Action where verifiable information could be obtained. Thus, the report covers: Coordination and Cooperation; Prevention; and Protection, and where information on the other two areas was available, it has been included under the specific country or in the regional overview.

Research of secondary sources, including CRC country reports, alternative CRC reports, the reports of the Special Rapporteurs, submissions for the recent UN Study on Violence against Children, as well as research and field studies of ECPAT, governmental and non-governmental organizations, and UN agencies, provided the initial information for each report. This information was compiled, reviewed and used to produce first draft reports. In-house and consultant specialists undertook a similar process of review to generate information on specialised areas of the reports, such as the legal sections. Nevertheless, researchers often encountered a lack of information. While sources also included unpublished reports and field and case reports of ECPAT and other partners, many countries lacked up-to-date data and information on areas relevant to this report.

Despite these limitations, sufficient information was gathered to provide a broad overview of the situation in each country. Subsequently, first drafts were prepared and shared with ECPAT groups, which then supplemented the information with other local sources and analysis (taking care to identify them and source appropriately). Upon receipt of these inputs, a series of questions were generated by the ECPAT International team for deeper discussion through teleconferences, which involved ECPAT groups and specialists invited by them. The information from these discussions was used to finalise inputs to each of the reports. These consultations proved to be invaluable for analysis of the country situation.

They also served as a measure for triangulating and validating information as different actors offered their perspective and analysis based on their direct work.

As previously noted, the information of each country report is organised to correspond to the structure of the Agenda for Action. Thus all reports feature: (i) an overview of the main CSEC manifestations affecting the country; (ii) analysis of the country's National Plan of Action (NPA) against CSEC and its implementation (or the absence of an NPA); (iii) overview and analysis of coordination and cooperation efforts during the period under review; (iv) overview and analysis of prevention efforts; (v) overview and analysis of protection efforts, which includes detailed information on national legislation related to CSEC (see www.ecpat.net for further details); and (vi) priority actions required.



UGANDA

A sectoral study conducted by Uganda Youth Development Link and commissioned by the International Labour Organization (ILO) and the Ministry of Gender, Labour and Social Development found that various forms of commercial sexual exploitation of children (CSEC) exist in Uganda. Furthermore, the sexual abuse of children is a common offence and is on the rise. Evidence suggests that children are abducted, trafficked and forced into prostitution and also sexually abused by adult men who seek young girls with the belief that they are free from HIV.¹

Although the hidden nature of the problem makes it difficult to establish concrete statistics, one study suggests that the number of children exploited in commercial sex in the Kabarole, Lira, Mbale and Busia districts of Uganda is between 7,000 and 12,000.² In Kawempe, one of the five divisions of Kampala, the capital city, it was revealed that more than 500 children below the age of 18 were being sexually exploited.³ Kampala city is particularly affected by the problem.⁴ ‘Survival sex’ is irregular and seasonal, depending on the current survival needs of the child and, as such, the turnover of children forced into prostitution is high.⁵ In the Jinja district, it was reported that both boys and girls aged between 8 and 16 years old are exploited in commercial sex, with girls being more vulnerable than boys.⁶ Generally, no information is available on the prostitution of boys, apart from scattered reports indicating that it occurs.

Evidence suggests that child prostitution takes place mainly in slums, rented rooms and in certain lodges and hostels.⁷ Contact points are on roadsides, on the streets or near wells and springs.⁸ The children usually live independently or with peers who are also exploited through prostitution. Some children identify themselves with ‘solidarity groups’ referred to as ‘ebiduula’ and follow rules to which every member must conform, such as the amount of money charged for various sexual acts. Child victims of prostitution are stigmatised and often harassed, including by the police and the Local Defense Units.⁹

Truck rest stops register high incidence of child prostitution

The commercial sexual exploitation of children by truck drivers is common along most truck routes, such as those going to the border with Rwanda. Truck rest stops in Idudi, Naluwerere, Lukaya and Ntungamo were the subject of a recent study carried out by the organisation Women and Youth Services. Ninety-seven per cent of the 143 child respondents who reported being sexually exploited on a regular basis were girls, most of who were aged between 8 and 18 years old. A majority of the girls had dropped out of school either because they were unable to pay the fees or one or both parents had died. While most children expressed a desire to escape prostitution, they had no other means of supporting themselves or their families. The study indicated that these children are abused in lodges, in the bushes and inside or under the trucks. One girl reported that she was “forced under the truck many times” by perpetrators that included rough men who refused to sleep in lodges because they were expensive, “and at the end of it all I would be given as little as 2,000 shillings” (approximately US\$1), she said. Perpetrators were usually from Burundi, Congo, Kenya, Rwanda, Somalia, Tanzania and Uganda.¹⁰

Research reports also indicate that students, especially those in day secondary schools and higher institutions and those residing in student hostels, are increasingly being forced into prostitution.¹¹ Furthermore, sexual harassment of schoolgirls by teachers, other staff and male students is quite widespread not only in Uganda but, in several other countries across Africa, as is the sexual exploitation of girls in return for in-kind compensation, such as better grades. ECPAT Uganda reports that schoolboys are also starting to be victimised in this manner. Teachers who are found to perpetrate such abuses are usually merely transferred to other schools without any further penalisation or criminal prosecution.

In addition, media reports have highlighted an upsurge of young children participating in strip dancing, commonly known as ‘ekimansulo’.¹² It is believed that the dancers may also be sexually exploited, especially when facing economic hardship.

Poverty, lack of care following the death of parents, mistreatment by relatives and step-parents and difficulties in obtaining employment in urban centres after moving from rural areas are the main factors forcing children into commercial sex to survive. Street children, orphaned children or those made vulnerable as a result of HIV/AIDS are most at risk of being coerced into prostitution.¹³ The 2006 UNAIDS *Report on the Global AIDS Epidemic* on Uganda indicates that between 870,000 and 1,300,000 children are orphaned by AIDS in the country.¹⁴ Most of them become heads of their households and have to make ends meet, a situation that makes them highly vulnerable to commercial sexual exploitation.

The dangerous myth that sex with children may prevent HIV/AIDS

Several myths across Africa explicitly espouse the purported benefits of sex with children in the prevention or management of HIV/AIDS, thus perpetrating the sexual abuse and commercial sexual exploitation of children and making children and adults extremely vulnerable to contracting HIV. These myths include:

- Children do not have HIV/AIDS, they are just innocent;
- Children cannot transmit HIV because they lack the sexual fluid that may contain the virus;
- Children can survive HIV as they are resistant; and
- Sex with a virgin cures HIV/AIDS.

Other myths, while not explicitly linked to perceptions regarding children and HIV/AIDS, are equally harmful as they encourage sex with children:

- Having sex with young boys and girls make the old get younger;
- Sexual intercourse with small girls cures malaria; and
- Sex with a child can make you rich.¹⁵

A distinctive feature of CSEC in Uganda is the exploitation perpetrated by rebel forces in the north and in camps for internally displaced persons (IDP).¹⁶ Since 1986, a civil war between the Lord's Resistance Army (LRA) and Government forces has raged in northern Uganda. The LRA has conducted several attacks on civilians and abducted children to be used for sexual servitude as well as for military purposes.¹⁷ Younger girls are particularly favoured as it is believed that they are less likely to be HIV-positive.¹⁸ More than 30,000 children are thought to have been abducted by the LRA in the 20-year period of the civil war.¹⁹ Fortunately, the situation has improved dramatically as a result of the ongoing peace process, which began in October 2006 and has resulted in a decline in abductions. Nevertheless, protection of the population in the conflict areas is still required, as past abductions usually occurred due to laxity in security.

Because of the frequency and brutality of the attacks and abductions by the rebel forces, tens of thousands of children would leave their villages (especially in the districts of Gulu, Kitgum and Pader)²⁰ in a process called 'night commuting', to spend the night in larger and supposedly safer towns.²¹ These children would leave their homes and walk to urban centres every evening without parental guidance, and many individuals took advantage of their difficult situation to lure them into trading sex for money, food or other necessities.²² A study conducted in the Gulu region found that 41 per cent of night commuting children

knew someone who had been offered money for sex.²³ Again, as a result of the ongoing peace process, night commuting by children has now come to a halt.

Based on the rationale that the population in conflict-affected areas would be better protected if grouped in more easily defensible locations, since 1996 the Government has promoted a policy of forced displacement, whereby civilians are removed from their homes and forced to live in 'protected villages', which are in essence a network of IDP camps.²⁴ Entire villages have thus been removed to 'safer' IDP camps, and about 1.5 million civilians have lived in IDP camps at one point, approximately 50 per cent of whom were children.²⁵ Both transactional and organised commercial sex has taken place in the IDP camps.²⁶ Tragically, this has victimised numerous children. As reported by the Inter-Agency Internal Displacement Division Mission to Uganda: "The close proximity of the IDP population to soldiers, widespread idleness and lack of access to land, despondency and alcohol abuse among men and the poor conditions of camp life have resulted in a breakdown of social order and traditional morals . . . among the most significant [problems] is the high rate of child prostitution on the one hand and sexual abuse and rape by military personnel and other males in the camps on the other hand."²⁷

The number of sexual abuse and rape cases in IDP camps is very high. However, instead of reporting the incident to the police, parents of child victims tend to resolve the situation by accepting money from the perpetrators and consulting 'witch doctors' to 'purify' the victim.²⁸ This trend of parents accepting out-of-court settlements is prevalent not only in the conflict-affected region but all over the country. Aside from the desperate need for parents to earn extra money, such behaviour is caused by an overwhelming mistrust of authorities and the police and the belief that reporting the incident will not lead to a satisfactory resolution.²⁹ The trend can also be attributed to a lack of awareness about available legal mechanisms as well as frustration at the laborious legal process.

Early marriage is rampant throughout the country. Marrying off young girls has become a source of income because of the dowry and marriage gifts.³⁰ Inasmuch as these early marriages involve payment in cash or in-kind in exchange for young girls, it is tantamount to commercial sexual exploitation. Some parents also force their daughters to marry older, wealthier men who can provide for the family,³¹ while others give away their daughters for food.³²

Furthermore, red-light districts in towns affected by the conflict are found to be frequented by young girls, making them vulnerable to commercial sexual exploitation. This trend has come to the attention of law enforcers, who have started to take action to address it.³³

Although there are no reliable figures on the extent of child trafficking in Uganda, a study by the Slum Aid Project in slum areas of Kampala found that 71 per cent of children engaged in prostitution were from rural areas outside of Kampala.³⁴ Rural girls trafficked for prostitution are frequently school dropouts aged between 12 and 15, often recruited by adults upon vague promises of work that turn out to be as bar girls or prostitutes. Once trafficked, the girls are prohibited from leaving.

Research on the commercial sexual exploitation of children in border areas of Uganda conducted by the Uganda Youth Development Link (UYDEL) shows that children are also migrating from eastern Uganda to Nairobi, Kenya, where they are exploited in prostitution.³⁶ Furthermore, many children have been kidnapped off the streets or bought from their impoverished parents by Nigerian or Angolan gangs and brought to Johannesburg and Cape Town, in South Africa, for prostitution.³⁷ There are some reports that abducted girls from Uganda are being sold as slaves in Sudan and the Middle East,³⁸ where it is likely that they are sexually exploited.

There is no evidence that children are being used in the production of child pornography in Uganda, however, children are sometimes seen accessing pornography in cyber cafés in full view of the owners. The unsupervised use of the Internet by children and exposure to pornography places them at high risk of being contacted and groomed by sexual exploiters.

No information or research is available on the extent of child sex tourism in Uganda.

Uganda adopted the *Stockholm Declaration and Agenda for Action* in 1996 and reaffirmed its commitment in Yokohama in 2001.

NATIONAL PLAN OF ACTION (NPA)

In 2003, Uganda drafted a four-year *National Plan of Action against Child Sexual Abuse and Exploitation*, jointly developed by governmental and non-governmental representatives. It is a matter of concern that its implementation has not been initiated to date. As the Plan falls outside the priorities identified in the Government's *Poverty Eradication Action Plan*, it has not yet been officially adopted nor entitled to budget allocation. The lead ministry responsible for the Plan's implementation is the Ministry of Gender, Labour and Social Development (MGLSD). Other key actors are the Ministry of Health, Ministry of Education, Ministry of Justice and Ministry of Internal Affairs.³⁹

When the *National Plan of Action against Child Sexual Abuse and Exploitation* was developed, Uganda had not yet developed a child labour policy, which is now in place. As such, it would be advisable to review the NPA as there may be an overlap of initiatives planned under the child labour policy. Furthermore, the NPA lacks mechanisms for promoting child participation. This gap will hopefully be addressed in the national child participation guidelines presently being developed by the Ministry of Gender, Labour and Social Development in conjunction with the United Nations Children's Fund (UNICEF) and the Uganda Child Rights NGO Network (UCRNN), which will provide a framework for the involvement of children in matters affecting their lives.

The NPA was developed by several stakeholders, including: the Ministry of Gender, Labour and Social Development; the Ministry of Foreign Affairs; the Ministry of Justice and Constitutional Affairs; Uganda Child Rights NGO Network; Save the Children Norway; ILO-IPEC; Hope After Rape; the Child and Family Protection Unit of the Ugandan Police; World Vision; the National Association of Women Organisations in Uganda; Uganda Joint Christian Council; Central Broadcasting Service; and the New Vision Newspaper.

COORDINATION AND COOPERATION

Local and National Level

As Uganda still lacks a national focal point on CSEC, it is recommended that one be appointed to work with the National Council for Children to foster and coordinate action against the commercial sexual exploitation of children, including the development of a new NPA against CSEC.

The commercial sexual exploitation of children is treated by the Ugandan Government as a child labour violation. As such, a Unit and a National Planning Committee on Child Labour have been set up within the Department of Labour, Employment and Industrial Relations, with the objective of developing programmes to address child labour and CSEC.⁴⁰ Members of the Committee were drawn from line ministries, officers and employer representatives, NGOs, academia and the media.⁴¹

The Uganda Child Rights NGO Network, to which ECPAT Uganda belongs, has coordinated action to promote child rights at grassroots level.

Regional and International Level

ECPAT International has not been able to obtain information regarding the Ugandan Government's engagement in international cooperation against CSEC. Conversely, NGOs are actively promoting regional coordination against CSEC, particularly with regard to child trafficking. ECPAT groups in the region have started to study mechanisms to reinforce coordination and have prepared a work plan for joint collaborations.

The African Network for the Prevention and Protection against Child Abuse and Neglect (ANPPCAN) - Uganda Chapter, is a member of the wider ANPPCAN network. ANPPCAN Uganda works with other agencies to deliver medical care, rehabilitation and

resettlement services to child victims of CSEC, sexual abuse and neglect. Using community theatre, radio and television slots, it seeks to raise awareness of such violations of children's rights and to empower children through activities undertaken through child rights clubs in schools.

PREVENTION

The Ugandan Government has not been proactive in CSEC prevention efforts, although it should be acknowledged that it promoted improvements in related legislation and has created a child labour unit within the Ministry for Gender, Labour and Social Development that seeks to address the commercial sexual exploitation of children.⁴² Most CSEC prevention programmes have been initiated and implemented by NGOs, focusing on advocacy, sensitisation and counselling as well as providing vocational training, life skills and health assistance to children vulnerable to and already exploited in commercial sex. The United Nations Committee on the Rights of the Child reports that this collective effort has resulted in increased awareness by children, families and the community of the problem and the dangers of child sexual abuse; an increase in the number of crimes and early marriages being reported to the police (sometimes by children themselves) and of arrests of violators; and improved collaboration between NGOs and the Government.⁴³

The following groups and organisations have played a crucial role in tackling the problem of child sexual exploitation and abuse in Uganda: ECPAT Uganda, Slum Aid Project, Reproductive Health Care Initiative, Family Protection Unit of the Uganda Police, Uganda Association of Women Lawyers, Friends of Children Association, Uganda Muslim Supreme Council, ANPPCAN, UCRNN, National Association of Women's Organisations, African Centre for Treatment and Rehabilitation of Torture Victims, Uganda Youth Development Link and Hope After Rape (HAR).⁴⁴

Hope After Rape supports child rights clubs in schools and involves children in awareness raising on CSEC and other forms of sexual abuse, using television and radio programmes, theatre, music, drama, poems and dance. In addition, it undertakes research and provides child protection training that targets peer helpers, the police, magistrates and caregivers. HAR also runs a drop-in centre for child victims, staffed by professional counsellors and organises follow-up visits to victims. In some cases, legal assistance is provided through collaboration with other human rights agencies or law firms.

Since 1999, the Uganda Youth Development Link (UYDL), with funding from ILO-IPEC, has implemented an Action Programme to Combat CSEC in the Kampala District, Kawempe Division.⁴⁵ It consists of an outreach programme to establish contact with and provide support to victims of CSEC, such as counselling, income-generating activities and vocational training. It has also involved community sensitisation campaigns and close collaboration with community leaders.

In an attempt to tackle the widespread sexual and gender-based violence in the IDP camps, an action committee was established in Pabbo and a further 10 camps.⁴⁶ Through this collaborative effort between local governments, the MGLSD and Canadian Physicians for Aid and Relief (CPAR) run weekly radio broadcasts discussing the nature and extent of the problem, describing vulnerable groups, conducting hypothetical and real scenarios and exploring preventive measures.⁴⁷ Various workshops for community health workers, local councillors and administrators have also been organised, focusing on how to empower the community to take action against sexual and gender-based violence.⁴⁸

Additionally, UCRNN is piloting a project to increase understanding and awareness of and counteraction against child sexual abuse and exploitation among organisations working in the conflict areas. Linkages have been established with key child protection actors in the affected districts, such as the Child and Family Protection Unit of the Police, the Probation and Welfare Office and magistrates. The ultimate goal is to form a referral network to strengthen coordinated responses to the problem.

The Government has not developed programmes to assist child victims of prostitution who live on the streets. However, since 2002 it has undertaken a project to remove children from the streets of Kampala, place them in a juvenile remand home and subsequently resettle them with their families.⁴⁹ While the placement of child victims in juvenile correction centres is not desirable, in the face of a lack of alternative facilities, these measures have provided assistance in the reunification of children with their families.

Initiatives to support children affected by HIV/AIDS are vital to prevent this highly vulnerable group of children from falling prey to commercial sexual exploitation to meet their survival needs. In order to support people living with HIV/AIDS and those orphaned by it, the organisation, GOAL, has established partnerships with local NGOs to promote healthy and safe sexual practices and access to HIV/AIDS services as well as educational opportunities for street children.⁵⁰ Such initiatives have taken place in Hoima and Bundibugyo (western Uganda).

Finally, research on CSEC has been undertaken by ECPAT Uganda in a number of districts, as well as on the linkages between commercial sexual exploitation of children and HIV/AIDS.⁵¹ ECPAT Uganda reports that government officials often seek information on child sexual abuse and exploitation to justify and plan appropriate interventions. Consistent governmental action against CSEC, however, seems to be hindered by a failure to systematically implement the national plan against CSEC, including conducting a situational analysis to gather the relevant information and statistics that would demonstrate how the problem manifests itself in the country.

PROTECTION

Uganda ratified the UN *Convention on the Rights of the Child*⁵² in 1990 and acceded to its *Optional Protocol on the sale of children, child prostitution and child pornography (Optional Protocol)* in 2001.⁵³ Uganda signed the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol)*⁵⁴ in 2000 but had not ratified it at the time of writing this report. In 2001, it ratified *ILO Convention No. 182*.⁵⁵ At the regional level, Uganda ratified the *African Charter on the Rights and Welfare of the Child* in 1994.

Legislation

Uganda's legislation does not specifically define and prohibit child prostitution, child pornography or child trafficking, although certain provisions can be used to protect children from some forms of commercial sexual exploitation. The Government has nevertheless been reviewing the laws related to sexual offences against children.

Prostitution of Children

Uganda's laws require significant reform to meet international standards to protect children from prostitution. The current legislation focuses on procuring girls for the purposes of

prostitution, which is very limited as it applies only to girls and only to the act of procuring. Furthermore, boys are offered no protection whatsoever. Key activities related to the sexual exploitation of children, such as soliciting, facilitating or having sex with a child for remuneration, are not addressed. The law is further weakened because successful prosecution requires the testimony of more than one witness, or evidence corroborating the testimony of a single witness. Thus, Ugandan law offers very limited protection for children. Other legal provisions focus only on girls (with the exception of indecent assault and acts of gross indecency) and it is unclear whether the scope of these laws includes all acts proscribed by the *Optional Protocol*.

The main legislation against child prostitution in Uganda refers to the procurement of girls or women for sex. The *Penal Code* makes it illegal to procure a girl or woman under 22 years of age to: (1) have sexual relations in Uganda or elsewhere; (2) leave Uganda or elsewhere to become a prostitute; (3) leave Uganda with the intent that she become a resident of a brothel elsewhere; or (4) leave her usual home that is not a brothel with the intent that she become a brothel resident for the purposes of prostitution in Uganda or elsewhere.⁵⁶ Violators may be punished with seven years' imprisonment,⁵⁷ but a person cannot be convicted of any of these offences upon the evidence of only one person, unless that witness' testimony is corroborated by additional evidence.⁵⁸

Ugandan law also makes it illegal to keep a brothel⁵⁹ or to own or occupy premises where a girl under 18 years of age is induced to have sex with any man.⁶⁰ Offenders may be punished with five or seven years' imprisonment, respectively.⁶¹ The Government of Uganda states that its criminal law also prohibits prostitution and other sexual activities, but supplies no details about these provisions.⁶²

In addition, Ugandan law prohibits certain sexual acts, such as rape, indecent assault, defilement and acts of gross indecency. The legal age of consent for sexual activity is 18 years of age for boys and girls.⁶³ Under Ugandan law, it is illegal to have sex with a girl or woman without her consent, using force, threats, intimidation, fear of bodily harm, or false representations. The offence of rape or defilement may be punished with death.⁶⁴

The crime of indecent assault is unlawfully and indecently assaulting any girl or woman; offenders may be punished with 14 years' imprisonment, with or without corporal punishment. A girl under 18 years of age cannot consent to an act of indecency, so this defence is not available to an offender.⁶⁵ Indecent assault also includes unlawful and indecent assaults against boys under 18 years of age, and the same punishment applies: 14

years' imprisonment with or without corporal punishment.⁶⁶

Finally, Uganda's *Penal Code* makes it illegal for any person to: (1) publicly or privately commit an act of gross indecency with another person; (2) procure another person to commit an act of gross indecency; or (3) attempt to procure another person to publicly or privately commit an act of gross indecency. Violators may be punished with seven years' imprisonment.⁶⁷

Widespread rape of girls could be curbed through new legislation

There is a high incidence of rape of girls in Uganda, and 'defilement' cases constitute more than half of the cases of child abuse reported to the police.⁶⁸ However, according to a variety of human rights NGOs in Uganda, "those who commit such crimes against girls are rarely subject to any form of punishment stronger than a slap on the wrist".⁶⁹ In Northern Uganda especially, families will often forgive the perpetrator (and/or not press charges) if he agrees to either marry the girl, pay a fine for his actions or both.⁷⁰

A bill that would strengthen action against some acts of sexual violence against children is currently being examined. The *Penal Code (Amendment) Bill* broadens the existing definition of 'defilement' to include performing or attempting to perform a sexual act with a person under 18 years of age. A sexual act is defined as: "penetration of the vagina, mouth or anus, however slight, of any person by a sexual organ or the use of any object or organ by a person on another person's sexual organ." Penalties upon conviction are severe, ranging from life imprisonment for performing a sexual act with a person under 18 years of age and up to 18 years' imprisonment for attempting to do so. The death penalty may be imposed in cases involving aggravated circumstances, such as where the offender knows that s/he is HIV-positive or where the offender is a parent, guardian or has authority over the victim. While this bill offers more protection to children against sexual acts, it still does not prohibit sex with a child for remuneration and, given the Bill's broad language, it appears that it could be interpreted to prosecute children who engage in sexual activity with each other, as it does not stipulate the age difference that is permissible in the case of sexual relations between young people below the age of 18. Furthermore, its penalty provisions are so severe that a court may be reluctant to impose them on an offender, which may result in fewer convictions, not more.

In addition to the *Penal Code (Amendment) Bill*, the *Magistrates Courts (Amendment) Bill* 2006 would give judges discretion to exclude the press and public from court proceedings involving cases where the child victim of sexual abuse or exploitation is below 12 years of age. This too is a good step forward in protecting children, but it should be extended to all children under 18 years of age, and should mandate that judges exclude the press and public from such proceedings, rather than provide them with the discretion to do so.

Trafficking in Children for Sexual Purposes

According to the Government, Uganda's legal provisions related to procuring girls and women for sex⁷¹ also cover "all forms of sale or trafficking in children". While these provisions address the act of procuring a girl for sex, they come nowhere near the comprehensive protections set forth in the *Trafficking Protocol*.

The *Penal Code* provides a few provisions that criminalise both the internal and external trafficking in women and children for sexual purposes: it punishes anyone who procures or attempts to procure a woman or girl to leave Uganda with the intent that she may frequent a brothel elsewhere; or who procures or attempts to procure a woman or girl to leave her usual place of abode in Uganda for the purposes of prostitution or to frequent a brothel either within or outside of Uganda. The punishment is a maximum seven-year prison term.⁷²

Child Pornography

The Government of Uganda recognises that it has no specific legislation on child pornography⁷³ except for the provision discussed above on acts of gross indecency with another person.⁷⁴ It further notes that, while this provision addresses obscene acts, it may not include child pornographic images and that a new law is required to fill this gap in legislation. Since Uganda is in the process of amending its sexual offence laws, it will need to enact legislation that conforms to the standards set forth in the *Optional Protocol*.

Extraterritorial Legislation

Based on the information obtained by ECPAT International, Ugandan law does not appear to have legal provisions that would criminalise sexual offences committed outside Uganda.

Child Protection Units

The Family and Child Protection Unit of the Police, officially established in 1998, deals with cases of child neglect and abuse, including sexual abuse, rape, sexual exploitation and domestic violence. The Unit receives support from UNICEF and the British Council in terms of training on child protection issues and has trained child protection police personnel who work closely with child rights NGOs.⁷⁵

Section 13 of the *Children's Act* 2004 provides for the establishment of Family and Children's Courts in every district. However, this has not been followed up, which has resulted in limited access to courts in cases involving crimes against children and hindered the effective administration of their affairs. Despite legal reform promoted by the Ugandan Government, in particular the *Children's Act* 2004, very few abused children actually receive justice or redress from the courts of law.⁷⁶

Support Services for Children

Despite a number of laudable and timely efforts, much work on developing rehabilitation and reintegration programmes for child victims of commercial sexual exploitation remains to be done. The support services available are usually provided by NGOs, which have meagre resources to run them, and there are no government interventions in this regard. A study conducted by the Uganda Youth Development Link demonstrated that children involved in CSE are not receiving nearly enough support for psychosocial treatment or to withdraw from commercial sex. Furthermore, the few available indirect support services are difficult to access as they are not child-friendly.⁷⁷ Additionally, little has been done to rescue children from commercial sexual exploitation and provide them with alternative livelihoods.

In the UYDEL study, 71 per cent of the interviewed children had never received any form of support during their time of engaging in commercial sex.⁷⁸ Fewer than three per cent had received condoms, food supplies, medical treatment, counselling and universal primary education. Less than one per cent had received sex education. Services supported by ILO-IPEC to reach children in situations of exploitation had not been extended beyond Kampala city, and children from Kabarole and Busia districts respectively received piecemeal remedial services and support.⁷⁹

The NGOs Slum Aid and Uganda Youth Development Link are working to prevent child prostitution and to rehabilitate exploited children. The Slum Aid Project focuses on the Kampala slums and provides rehabilitation and support to survivors of gender-based violence and children engaged in commercial sex by providing temporary shelter, emergency relief funds, counselling, mediation and referrals to other organisations or institutions that are better able to handle certain cases.⁸⁰ The Youth Development Link provides child-friendly services to CSEC victims at outposts and drop-

in centres. Between April 2002 and October 2003, for instance, they provided medical services for 29,564 youth and child victims of commercial sexual exploitation, while 25,680 received psychosocial counselling support.⁸¹

A few civilian reception centres have been established for formerly abducted children who have either been released by or escaped from the Lord's Resistance Army. These centres provide counselling, medical services and vocational skills-training and are run by UNICEF and other

NGOs.⁸² Some of the assistance provided is geared towards the social rehabilitation of girls who suffered sexual exploitation at the hands of the LRA. Formerly abducted children often face hostility from communities upon their return, and girls who have been used as sex slaves face stigmatisation and marginalisation, finding it very difficult to reintegrate in their home villages.⁸³ Despite these efforts overall, the current rehabilitation and reintegration services provided for these child victims are highly inadequate and insufficient.⁸⁴

Training Law Enforcement Personnel

Law enforcers – that is, police officers, state attorneys, court officials and magistrates – lack training on how to respond to cases of sexual abuse and exploitation of children. Most disturbingly, their poor understanding of child rights severely compromises their work against sexual abuse of children. Police officers interviewed in one study indicated their mistrust of victims of sexual violence and some even believed that girls aged 13 to 14 and, in some cases, girls as young as eight years old, were ready for sexual intercourse and that, as such, there was no point in working for the prosecution of CSEC-related offences.⁸⁵ Another issue that demands intervention from relevant authorities is the insufficient number of police officers in IDP camps (and in the country generally), which causes impunity in CSEC crimes to invariably prevail.

Uganda's entire police force numbers only 13,000 personnel, which cannot serve as more than a token presence. In the northern districts, the number of police officers is barely adequate to provide security in the urban centres, let alone in the far-flung and remote IDP camps. In the Pabbo camp, where there are 68,000 residents, there are only three permanent police officers. The police are not equipped to deal with all the criminal activities taking place in the camps and, consequently, this role is, to a large extent, played by the camp leadership committees or vigilante justice.⁸⁶ Consequently, many perpetrators of commercial sexual exploitation of children are not prosecuted.

With support from Save the Children Denmark, the United Kingdom and UNICEF, the Ugandan Government has facilitated training of the Uganda Police on the *Convention on the Rights of the Child and the Children's Statute 1996* (which sets out the Government's duties with regard to children) and on how to handle cases of child abuse and domestic violence. Save the Children Denmark is training the Uganda People's Defence Force (UPDF) on the protection of children's rights in conflict situations in particular.⁸⁷



PRIORITY ACTIONS REQUIRED

- ✦ The 2003 *National Plan of Action against Child Sexual Abuse and Exploitation* is still awaiting official adoption. It should become an integral part of the *Poverty Eradication Action Plan* so that it can attract the financial resources necessary to implement its provisions. It is also recommended that the Plan be reviewed as its term expires in 2007 and changes in the situation of children as well as recent developments must be considered in an updated plan.
- ✦ A situational analysis on CSEC is strongly recommended to inform the review of the NPA and foster better understanding of the need to combat commercial sexual exploitation of Ugandan children.
- ✦ A national focal point on CSEC should be appointed to work along the National Council for Children to foster and better coordinate action against commercial sexual exploitation of children.
- ✦ Large-scale sensitisation programmes are needed on sexual abuse and the commercial sexual exploitation of children as well as on the dangers of trafficking and migration to urban areas. These should target not only communities and young people but also relevant governmental agencies and departments so that they understand the issues and take action against such violations of child rights through their work, whenever appropriate.
- ✦ The high demand for sex with children must be tackled, and truck drivers and other child sex exploiters, including facilitators such as taxi drivers, the boda boda (motorcycle taxis), hotel and bar staff and media that advertise bogus offers of work should be targeted. Mass sensitisation campaigns to highlight the long-term damage inflicted upon such children should mobilise commitment from these groups to act as advocates for children and reach other exploiters (particularly in the case of truck drivers). They should also emphasise that sexual exploitation of children is a crime.
- ✦ The Ministry of Education must recognise and address the sexual exploitation of children that takes place in schools. School policies to create child-safe schools are urgently needed and should include protocols and procedures to dismiss, prosecute and prohibit further employment in school settings of any education and related personnel suspected or known to have committed offences against children. Teachers found to be involved should not only be dismissed but also have their names divulged to other schools, including private schools and the Teachers Association, to prevent their recruitment by other educational institutions. In addition, the Teachers Association should review their code of conduct with the objective of including stronger provisions to curb the problem.

- ✎ Uganda must ratify the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol)* as a matter of priority.
- ✎ Although Uganda has not yet ratified the *Trafficking Protocol*, in light of its proposed amendments to other sexual offence laws, it should enact legislation that better protects its children by criminalising all acts related to trafficking of children: recruiting, transporting, transferring, harbouring or receiving a child under 18 years of age for purposes of exploitation including, but not limited to, prostitution.⁸⁸
- ✎ Ugandan law must be reformed to specifically define and prohibit child prostitution - sex with any child under 18 years of age for remuneration in cash in-kind to the child or any third party – and to categorise as criminal all acts of obtaining, offering, procuring or providing a child for prostitution, according to the *Optional Protocol* standards. All such provisions must apply to both girls and boys.
- ✎ Ugandan law should be revised to define child pornography according to the *Optional Protocol* standards: that is, any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes is child pornography.⁸⁹ All acts of “producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the above purposes child pornography” should be made illegal.⁹⁰ Mere possession of child pornography should also be criminalised, as recommended by the *Stockholm Agenda for Action*. It is hoped that these will be addressed in the draft bill on sexual offences currently waiting to be tabled.
- ✎ There is an urgent need to provide training to law enforcers on child rights issues and how to effectively tackle commercial and other forms of sexual exploitation of children: apart from ad hoc specialised trainings, these subjects must be incorporated in the police academy curriculum and other established law enforcement training programmes. Furthermore, border personnel needs systematic training on the trafficking law provisions and how to properly combat child trafficking.
- ✎ Family and Children’s Courts employing child-friendly procedures should be more widely available throughout the country to ensure that child witnesses and victims of crime do not suffer further traumatising and are enable to produce evidence that effectively leads to convictions.
- ✎ To prevent the abduction and sexual exploitation of children by the Lord’s Resistance Army, security forces must remain in the conflict regions, as protection mechanisms in the affected communities are inadequate. An average of 20,000 children who were abducted by the LRA have now returned to their communities: they must be assisted with their reintegration, provided with education and income-generating opportunities, as well as psychosocial rehabilitation.

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