

**ASSESSING THE CHALLENGES FACED IN THE CONTROL OF GIRL  
CHILD DEFILEMENT: A STUDY OF TWO NGOs IN KAMPALA  
DISTRICT, UGANDA.**

**By  
NANSASI GRACE  
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## **DEDICATION**

This dissertation is dedicated to my mother Mrs. Wamala Nassiwa Immaculate who prayed, supported, sacrificed to give me a good foundation and the gift of education. Lastly I dedicate it to my son, Gareth Michael Mukede Junior who is a blessing to me.

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Lastly, I hereby thank my fellow course mates, research assistants who supported me in my field work research.

## **ABSTRACT**

The study was on defilement and the general objective was to examine the challenges faced in the control of girl child defilement. The research was carried out in Nakawa Division, Kampala District, Uganda. Two NGOs took a centre stage where the research was carried out that is (ANPPCAN) and Hope after Rape (HAR) and the Handle Girl Child defilement. The significance of this research was to understand the dynamics and complexities of the increasing number of girl children being defiled. The study used both qualitative and quantitative data collection tools. These included structured questionnaires, key informant interviews, interview guide and observation in order to get in-depth and balanced information. Among the research findings they include; Loss of competence from police, corruption, long procedures of court, lack of cooperation between parents and authorities, the age of the girl, limited facilities of officers following the case, medical examination, poverty, cultures, most of the defilers are known to the abused girl. The research discovered that girls are defiled right from the ages of 3 months to 17 years. However the common age of defilement is 12-17 years. In most cases defilers are known to the victim. Among the defilers include; step fathers, relatives, religious leaders, domestic employees, boda bodas, teachers and others. More so research discovered that some parents take defilement as an opportunity to get wealth hence many cases go unreported and not prosecuted. Cases are reported after the two parties have failed to agree but even those reported are always withdrawn from police for amicable solutions. This means that the victims do not get justice. The study recommends government to fight against corruption from its institutions like police force and the judiciary. The Government should also facilitate police offices and court to follow up cases appropriately, train more police surgeons and deploy them in different areas taking services near to people at the grass-root. More sensitization and counseling should be encouraged by NGOs but they also need support from both the government and the population. Such programs should be for all concerned parties which may include; girl children, parents, teachers, LC officials, police officers. The Government should train more women police officers handling crimes like defilement and they should be trained with skills of handling children. Training of more police surgeons and allowing clinics/hospitals to carry out medical examination to the defiled girls immediately before first hand evidence is destroyed. The researcher recommends that; investigation of sensitive cases need psychologists, pediatricians, social workers and a conducive environment for the children. Legislature should enact and commend tough/strict laws to pin the offender and laws must be practical to implementers / enforcers. The judiciary should also try and make court cases faster so that complainants do not lose interest in cases. And Magistrate courts should also be allowed to handle defilement cases to reduce on the accumulated cases in high court.

## **ABBREVIATION AND ACRONYMS**

ACRWC	African Charter on Rights and Welfare of a Child
ANPPCAN	African Network for the Prevention and Protection against Child Abuse and Neglect
CID	Criminal Investigation Department
CRC	Convention Rights of the Child
CSA	Child Sexual Abuse
FIDA	Uganda Federation of Women Lawyers
HAR	Hope After Rape
ICESCR	International Covenant of a Economic Social and Cultural Rights.
LCs	Local Councils
NGOs	Non Governmental Organizations
STDs	Sexually Transmitted Diseases
UNCRC	United Nation for Children Right Council
UNCEF	United Nation for Children on Economic Affairs
WHO	World Health Organization

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## CHAPTER ONE

### INTRODUCTION

#### 1.1 Background of the Study

Sexual abuse and violence are serious problems that transcend racial, economic, social, and regional or even age and sex boundaries. Violence is frequently directed towards the female, the youth and children especially the girl-child, all of whom lack the economic, social status and physical capabilities to avoid. Adolescents and young children, in particular, may experience abuses in the form of domestic violence, rape, sexual assault, sexual exploitation, defilement, and in worst cases female genital mutilation (Corwin 1988). To estimate the prevalence rate of sexual abuse and sexual violence in developing world is difficult due to the limited amount of research done on the subject (Finkelhor 1994).

Defilement /child sexual abuse can be defined as any sexual contact between an adult (as socially and physically defined) and a sexually immature child for the purposes of adult sexual gratification or any sexual contact to a child made by use of force, threat or deceit to secure the child's participation or sexual contact to which the child is incapable of consenting by virtue of age or power differentials and the nature of the relationship with the adult (Finkelhor and Korbin 1988).

The police annual statistical report of 2007 and it indicates that defilement ranks high on their crime chart. This means that there is need for government to put in more effort in order to address the problem of defilement. There is need for reforms and transformation of economic, social-cultural, and political in order to realize significant decrease on the crime in Uganda. However cases of defilement still maintain an upward trend (A police report 2007) **Appendix V**.

Girl child defilement/ abuse and exploitation is on the increase in many parts of the world. In Uganda, although several policies and strategies have been put in place to improve the situation of children between 1986 to date, the girl child holds a disadvantaged position (Kyamureku, 1997). The girl child needs are neglected right from child hood as she gets relatively less food,

education and health assistance than the boys In this study, however, girl child sexual abuse is to be operationally defined as any forms of sexual contact either through sexual kissing, sexual touch, and/or oral/anal/vaginal intercourse) where the perpetrator use physical force to intimidate or dominate the victim (female) or achieve sexual gratification. And the victim is below the age of 18. Child sexual abuse (CSA) which refers to any behavior that exposes a child below 18 years to sexual content or in which a child is used to obtain sexual stimulation, has received increased attention during the last two decades, both in the popular media and the research literature.

In Uganda, like many other developing societies, child sexual abuse (CSA) is on rise at very alarming rates. In 2005 for example, the Uganda Police recorded 5693 cases of defilement countrywide making this alarmingly high considering that most sexual abuse cases are never reported (Lisa 2006). In the same year, the Uganda Bureau of Statistics demographic health survey reported that 65,000 children in Uganda suffered from child abuses such as early marriages, ruptured sexual organs, had STDs including HIV/AIDS, were child mothers, children with a low self esteem and innumerable school dropouts (Nanteza 2006).

At 62 percent, most of the defilement cases in Uganda originated from rural areas (Nanteza, 2006). According to the annual report released by ANPPCAN Uganda of 2007, defilement cases handled by ANPPCAN were 147 in total with a 23.2 percent hence defilement was the highest cases reported as shown their table of cases they handle below;

## Cases Handled By ANPPCAN In 2007

<b>Nature of cases</b>	<b>Number</b>	<b>percent</b>
Defilement	147	23.2
Maintenance	23	3.6
Physical Abuse	144	22.7
Neglect	78	12.3
Child domestic work	80	12.6
Support	23	3.6
Custody/ Access	22	3.5
Inheritance/ Property rights	12	1.9
Children in conflict with the law	85	13.4
Emotional	20	3.2

(ANPPCAN Annual Report 2007)

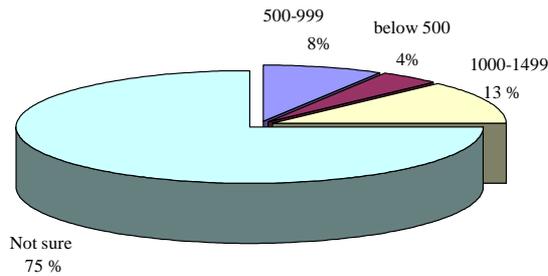
In the study, the researcher found out that sexual abuse is the most common form of child abuse in Uganda and it is on the rise. Uganda seems to be an exception as rape, defilement and other child abuse cases are high. And yet the mechanisms to protect children and punishing of the girl children defilers do exist. While the mechanisms to protect children from abuse have been put in place, they are undermined by other factors which this study intends to investigate.

### 1.2 Statement of the Problem

Statistics about child abuse reveal that sexual abuse is the most common form of abuse in Uganda. While there are a number of sexual offences against children, defilement is the most prominent. Many children are defiled, raped by people in all spheres of life, in the hands of their biological fathers, step fathers, relatives, friends, religious leaders, care givers and strangers. The annual crime statistics compiled by the Criminal Investigation Department (CID) of the Uganda Police enlists defilement cases as continuing to dominate the crime scene with a 22.3 percent increase in registered cases of 6,395 in 2004. With particular respect to defilement, 15,385 cases were reported to police in 2006 representing an increase of 23 per cent from the 2005 figure of 12,545. In 2007, reported defilement cases were 12,230 compared to 15,385 in 2006. There was thus a decrease by 2 percent.

#### 4.3.6: Defilement cases received in the last five years

**Figure 4.2 Cases received for the last five years**



Source police

In figure 4.2 above, shows cases that were received/ recorded at Kiira road police station for different years. In 2007 the findings show that, Kiira police station received cases between 1000-1499 which is 13 percent, in 2006 below 500 cases with 4 percent, while in 2005 cases were 500-999 with 8 percent and 75 percent the police was not sure of the cases received in the years of 2004 and 2003 since the records were not available to refer to them. Below are some of the figures that were given from the records of institutions that handle defilement;

#### **Recorded Cases of Defilement Handled by Institutions**

<b>Organization</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>
<b>HAR</b>	42	50	54	54	61
<b>Police</b>	145	237	174	257	225

But, the LCs did not have any records for defilement cases. That means that they do not keep any record. But still even the other organizations visited, some do not keep their records properly. The Uganda's Commissioner General of Prisons, revealed that defilement tops crime list of all detainees in Uganda Prisons; accounting for 32 percent of all prisoners or remand, 13 percent of all convicts and 46.7 percent of the capital offenders (Monitor Newspaper 2006).

Although article 34 of the 1995 Uganda Constitution, grants children rights, it is deficient in fostering outright protection from defilement. It is clear that the Penal Code Cap 120 chapter 14 spells out defilement and its punishment as death and seven years imprisonment. Today it eighteen years and defilement remains a big problem because it tops first on the crimes committed against children. There are no explicit structures to facilitate the protection of children against defilement. This weakness has hindered the Court processes and prosecution of the abuses.

The high rate of defilement cases in Uganda is becoming a great concern. Despite the high rate of reporting by the press, the existence of the penal code, expanding police force, growing judiciary, civil society advocates on child rights, and parents plus local community authorities, all arrayed against child sexual abuses, there many challenges facing this phenomenon which this study seeks to find out There is no evidence available that the presence of all the above measures to reduce girl child defilement as having any effect in reducing the rate of defilement. While a number of studies have been undertaken to determine causes and effect of defilement on girl child, not much research has been undertaken to determine the reasons why, despite of all the measures that have been put in place, the rate of defilement continues to rise. It is against this background that this study, attempts to find out why defilement continue to be a big social problem by assessing the challenges faced in the control of girl child defilement.

## **1.4 Objectives of the Study**

### **1.4.1 General Objective**

To examine the challenges faced in the control of girl-child defilement.

### **1.4.2 Specific Objectives**

To find out the legal framework in controlling girl child defilement

To examine the extent to which social, economic and cultural factors may be a barrier in the control of girl child defilement.

To establish strategies that can be put in place to improve on the control of girl child defilement.

### **1.5 Scope of the Study**

The study was carried out in Nakawa Division, Kampala District. The focus of the study centered on the civil society organizations especially, the African Network for the Prevention and Protection against Child Abuse and Neglect (ANPPCAN) and Hope After Rape (HAR). These are directly involved in work to do with abused children, as well as the local communities that are served by the two non-governmental organizations such as parents, defiled girls, local community, area authorities, and Kira road police stations/ Ntinda police post located in this division. The research focused on the period between 2003 and 2007.

### **1.6 Significance of the Study**

The study was to contribute to an understanding of the dynamics and complexities on the increasing number of girl-child defilement as the commonest sexual abuse inflicted on the girl child. In essence, an appreciation of this relationship will go a long way into informing future strategies for controlling this kind of crime.

The study will also compliment other studies and fill in certain gaps which are uncovered. It is anticipated to be of use to a wide range of stakeholders who include Government, politicians, youths, policy makers, local authorities, local communities, children, girl-child, women activists, non governmental organizations, and researchers. In addition, to the findings of the study will help local community authorities, police, judiciary and government agencies to appreciate the need to improve on the culture of stopping child sex abuse especially defilement of girl child in vulnerable situations. Finally the findings of the study will also contribute to additional knowledge on the phenomenal complexities of child sexual abuse, and defilement. This will make it easier for policy formulation regarding to girl child defilement in Uganda and elsewhere.

The findings of the study will stimulate a desire for further research into the dynamics that explain the institutional challenges into controlling child defilement.

### **1.7 Definitions of key concepts**

**Girl child:** This is a young female who has not yet reached the age of 18 years according to the constitution of Uganda.

**Defilement/Child Sexual Abuse:** It is any form of sexual contact either through sexual touch, kissing, oral, anal and vaginal intercourse where the perpetrator use physical force to the victim in order to achieve sexual gratification and the defiled must be below the age of 18 years according to the 1995 Ugandan Constitution.

**Aggravated defilement:** Is sexual intercourse with a girl below fourteen years and when the man who has defiled her is HIV positive.

**Control:** Is a system that manages or regulate the behavior of others by reducing the incidence in this case defilement.

**Challenge:** This is to claim justification or into questioning the act for example of defilement.

**Victim:** A person who is offended by another person as a result of committing a crime to the victim. In this case, the victim is the defiled girl child.

## **1.8 Theoretical Framework**

### **The Four- Factor Traumagenic Theory (Kemp 1998)**

This theory on child sexual abuse was developed by Finkelhor and Brown (1988). The theory tries to understand the dynamics involved in the problem. Finkelhor attempts to describe the make up of Men who sexually abuse children without relying on simple personality pathological traits. He argues for the importance of a variety of specific experience for example being abused oneself in childhood Lack of relationship skills and wider factors that contribute more generally to the sexual orientation and socialization of men.

Finkelhor and Browne identify four factors which they believe that are key to understanding the impact of child sexual abuse on the victims as below;

First, traumatic sexualization; which refers to the sexualization that occurs in response to sexual abuse as a result of being ground into participating in sexual activity which happens to the child's sexuality. This explains why some children have inappropriate advanced knowledge of sexual matters. And other children might try to avoid sex and sexuality altogether because of the fear and trauma they associate with it. This may lead to inability of the abused children to enjoy sexual relations normally in their adulthood.

Second, betrayal, it means feelings and beliefs that results when important people betray the faith and trust the child puts in them like fathers the child is innocent, this act teaches a child never to trust others even those whom she would have been trusting. This leads the girl child loose trust to both perpetrator of abuse and others people. The other people who sometimes cause further harm when they turn their backs on the victim, through not believing, blaming the child or focusing on what the child has done like family members and the community.

Third, powerlessness, this is when the child's will or ability to choose appropriately is taken away the child's rights are violated and her personal integrity. The will of the perpetrator is imposed on the child through trickery, coercion or force. Most societies are patriarchy hence male dominated and they have power and influence over women and children. This makes them vulnerable to be abused.

Fourth, stigmatization, here the child begins judging herself and how will others see and think about the act. Even when the child has not disclosed, she is likely to evaluate her self of what happened to her and what the social/ cultural norms are. The child might decide to keep quiet after being sexually abused due to the sensitivity of the action of sex and the secrecy involved as most cultures treat it. This sometimes leads the child into isolation of herself from others. The four factor traumagenic theory to particularly child sexual abuse will have idiosyncratic aspects to this character and experience that are relevant to the abuse. But it suggests that there are also normative factors in the socialization of men that help to explain why such abuse is wide spread.

In conclusion, the above theory is helpful to the framework of tackling on challenges faced in the control of girl child sexual abuse. And it makes it clear that, it is the perpetrator who is responsible for child sexual abuse when it occurs. And sexually abused children seek a non-blaming, supportive responses from adults. This is because; it may be their perception of the likelihood that this is what they will find that decides whether or not they are willing to disclose what has happened to them.

### **1.3 About HAR and ANPPCAN**

Hope After Rape (HAR) is an indigenous women NGO that was formed in 1994 in response to increasing reports of child sexual abuse, rape and gender base violence. The founders are social scientists and have a background of psychology. Its head quarters are in Bukoto- Kisasi Road, behind Kabila country club, Nakawa division Kampala. At the time of its foundation, there were no services in place to address the psychological and physical consequences of such abuses. Its mission is, to empower children, women and communities, to prevent sexual and other forms of abuse and facilitate the rehabilitation of the survivors through advocacy, training and psychological support. While the African Network for the Prevention and Protection against Child Abuse and Neglect (ANPPCAN) was established in 1992, ANPPCAN Africa has its main headquarters in Nairobi, Kenya and their offices of Kampala are located along Kiira road. It comprises of individual members who are committed to fight for the plight of children. ANPPCAN is one of the Leading NGOs advocating for children rights in Uganda.

Both ANPPCAN and HAR work in partnership since one of their objectives is to fight for the children's rights, in aspect like child sexual abuse. They offer legal, social and psychological services to their clients. HAR and ANPPCAN also collaborate with various organizations like Federation of Women Lawyers at (FIDA) Uganda, save the Children, British Council, Police, Judiciary, and Legislature, police, Hospitals, Local Councils, Communities, Schools, Universities and many government departments to advance their cause.

## CHAPTER TWO

### LITERATURE REVIEW

#### 2.1 Introduction

This chapter reviews the literature to the related study of defilement. It discusses various contributions which have been done by different scholars concerning defilement and its control.

#### 2.2 The Concept of girl-child Defilement / Child Sexual Abuse

According to the World Health Organization Report (WHO 1999) child sexual abuse is defined as the involvement of a child in sexual activity that he or she does not fully comprehend; is unable to give informed consent to; for which the child is not developmentally prepared and cannot give consent; or that violate the laws or social taboos of society. It further goes to say that child sexual abuse is the act between the child and an adult or another child who by age or development in a relationship of responsibility trust or power, the activity being intended to gratify or satisfy the sexual needs of the other person. The report further mentions what the other conceived acts of child sexual abuse would entail and these include the inducement or coercion of the child to engage into any unlawful sexual activity, the exploitative use of a child to practice prostitution or other indecent practices of similar nature, and the exploitative use of the child to practice and enjoy by way of viewing pornographic materials and performances.

According to Lorraine and Andrew (2005) the definitions of child sexual abuse must be comprehensive to give broad understanding when they address two issues: narrowness and broadness of definitions. To them, there are issues such as contact child sexual abuse and non-contact child sexual abuse that need understanding critically. Contact child sexual abuse according to them involves any form of physical sexual contact during the commission of a sexually abusive act, intimate or non-intimate, ranging from non-genital and genital touching to vaginal or anal sexual intercourse, while non-contact child sexual abuses involve sexually abusive acts that may range from exhibitionism to being (a non-contact) agent in the use of children in pornography or prostitution (Lorraine and Andrew 2005 and Milner 1998).

Kemp (1980) gave a comprehensive definition of the concept child sexual abuse, which applies to an environment of modern child sexual abuse examination and analysis. He stated that it is the involvement of dependent, developmentally immature children and adolescents in sexual activities that they do not fully comprehend, and to which, they are unable to give informed consent or that violate the social taboos of family roles.

Defilement on the other hand is a behavior that exposes a child below 18 years of age to sexual content or which the child is used to obtain sexual stimulation and gratification. The proof of sexual intercourse must be carnal evidence indicating that the penis of the person penetrated the complaint's vagina, however slightly. Also medical examination report verifying the physical evidence such as the presence of blood, sperms in the vagina or bruises on the walls and margins of vagina may also be permitted as evidence (ANPPCAN 2005).

The UN Summit (1983) wrote that any understanding of child sexual abuse is incomplete without consideration of the child's perspective. Understanding the child's context of abuse reinforces the adult logic of the vulnerability, damaging effects and therefore amelioration of the situation. It further points out that the sexual abuse accommodation syndrome addresses the vulnerability and the reality of sexual assault of the child. The syndrome encompasses five elements that include:

Secrecy: if the child feels she will not be understood or will be blamed then she is compelled to conceal her experience of sexual assault. Helplessness: if a child has no confidence to believe that her report will not be rejected the abuse will go unnoticed fully. Entrapment and accommodation: if the child thinks that it will be very hard to validate her report about her experiences, she becomes a victim of both the primary and secondary damaging effects of abuse, delayed, unconvincing disclosure. He further points out that the first categories are pre-conditions to the occurrence of sexual abuse, and the last three categories are sequential contingencies, which take on increasing variability and complexity.

According to Lorraine and Andrew (2005) child sexual abuse differs in terms of the age category in focus. In their exploration of the individual and the contextual factors that have been associated with sexually abusive acts involving children, they appreciated that there is clear evidence that the abuse of young children is a common phenomenon all around; yet, because of the reasons for the abuse of the young children, the reasons are likely to be different from the case of children who have reached puberty.

Child sexual abuse includes a wide range of sexual behaviors that take place between a child and an older person. This sexual behavior is intended to erotically abuse the older person, generally without consideration for one reactions or choices of the child and without consideration for the effects of the behavior upon the child (Julia 2006). It includes indecent touching, penetration and sexual torture as well as indecent exposure, usually, using explicit sexual language towards a child and showing children pornographic materials.

### **2.3 Who defile the girl –child?**

According to Blumenthal (1994) says that girl children are sexually abused if not by the parent or cohabite then are abused by custodian such as foster parent, bay sitter, relative or friend. And these individual/ abusers are drawn from all sections of society. Sexual Exploitation of young girls is frequently facilitated by their lack of economic power and job opportunities. Sugar daddies' take advantage of girls due to lack of economic resource by promising to help with expenses in exchange for sex.

Delano (1998) compiled a report of studies done in different countries. For example, a study carried out in Kenya revealed that 50 percent of the girls admit receiving of the form of money, ornaments and clothes when they engage in sex for the first time.

Young girls frequently report that their early sexual experiences were coerced. In a study in South Africa 30 percent of girls report that their first sexual intercourse was forced in rural Malawi, 55 percent of adolescent girls surveyed report that they were often forced to have sex.

These girls get the threat of social stigma prevent young girls from speaking out about sexual abuse. In Zimbabwe, rape cases are sometimes settled out of court when perpetrator either pays

compensation to the girls father or pays pride price and marries the girl avoid bring up public attention and shape to the girl and family. A study in rural population of South Africa found out that 51 percent of children between 6 months and 5 years of age receiving medical treatment for sexual abuse have been abused by a neighbor, an acquaintance, a lodger or stranger studies conducted in Zimbabwe found out that half of reported rape cases involves girls less than 15 years of age and that girls are most vulnerable to sexual abuse by male relatives, neighbors and school teachers.

According to Uganda law reform commission (2000) research indicates that girl children are defiled by persons in authority. The study showed that many children are defiled by persons who are authority over them. The abuse of victims is made easier by the relationship or position of trust or authority the offender has in relation to the child. It found out among the offenders as teachers, domestic servants, employers, guardians and wardens. In addition to the above' girl children are defiled by their biological father, uncles, grandfathers, neighbors *boda boda* riders, house boys and shamba boys and it has become the order of the day (CRESS 2004).

In the New Vision newspaper November 25 (1999) girls are sexually abused and defiled by the clergy, security guards, drivers, soldiers, witchdoctors and fellow children. Also still the press reports that girls are defiled by responsible people in society like local council officials, teachers, policemen, guardians, employers, domestic servants; relatives include cousins, uncles, grandfathers, step fathers and biological fathers. And these girls are rarely defiled by strangers. Girls are also defiled by drug abusers and alcoholics Girls are defiled by persons who have authority over them. Then the abuse of the child is made easier by the relationship or position of trust or authority the offender has in relation to the victim.

#### **2.4 Causes of girl-child defilement**

The causes of defilement range from socio-cultural, economic and political. Luswata (1990) says that absolute poverty looms in the majority of households in Uganda, this can also step up the factors leading to increased defilement. This is because parents and the girl children are looking for material gains in order to survive.

The UNICEF, ANPPCAN et al (2001) report observed that, broken marriages leave children stranded and without proper support. Children are often mistreated by step parents and run away from homes ending up as prostitutes or child laborers. Orphans who lack care and support are at risk of being exploited and street children are also more vulnerable to sexual exploitation. Drug abuse is both a direct cause and consequence of survival sex and child prostitution. In some countries, parents make their children available for sexual exploitation as a way of earning money or in exchange for the invalidation of family debts.

## **2.5 The Legal Framework on Protection of the Girl Child against Defilement**

### ***2.5.1 The International law (Child Rights)***

The United Nations, on the convention of the rights of the child (UNCRC) which Uganda ratified in 1989. This purpose of the convention is for protection of the rights of a child and to be articulated on girl defilement are provided by UNCR. These include; the right to life, the protection of a child without family, freedom from abuse and neglect freedom of identity; freedom from sexual abuse, freedom from sale, trafficking and abduction. These are contained in article 6, 7, 8, 19, 34, 35 and 36.

### ***2.5.2 The African Charter***

The African charter, on the rights and welfare of child article 27 says that, state parties shall undertake to protect the child from all forms of sexual abuse and exploitation shall in particular undertake measures to prevent the inducement, coercion or encouragement of a child to engage in any sexual activity. Uganda is one of the countries that ratified this convention.

Events that happen within families are usually not subject to international law. International law respects family autonomy as articulated in the International Covenant of Economic Social and Cultural Rights (ICESCR). However, child sexual abuse facilitated in the family under the guise of culture is now prohibited under international law by the Convention Rights of the Child (CRC) and the African Charter on Rights and Welfare of the Child (ACRWC).

Under article 19 of the CRC, the child is protected from abuse whilst in the care of parents, guardians or others who care for the child.

The state is required to take all appropriate legal, administrative, social and educational measures to protect the child. Sexual exploitation of children is also prohibited. At the regional level, ACRWC expressly prohibits child sexual abuse and exploitation. It compels states to amongst the same grounds articulated in the CRC to protect children against sexual abuse by school authorities.

ACRWC is applicable to all children under the age of 18 years regardless of national ages of majority. It seeks to eliminate the possibility of sexual abuse of children within marriages by establishing 18 years as the minimum age of marriage. To reinforce this, states are obliged to make registration of all marriages compulsory in an official register. Child marriages are to be prohibited by enacting the necessary legal measures that sets a minimum age of marriage at 18 years.

### **2.5.3 The Constitution for the Republic of Uganda**

While a whole chapter four of the Constitution of Uganda 1995 provides for the observance of human rights of all individuals, only a single article 34 specifically provides for children's rights. Among the rights mentioned, there are no specific provisions for protection rights of the girl child against situations that lead to girl defilement as spelt out in the UNCRC.

It is apparent that the 1995 constitution of the republic of Uganda provides no specific provision to protect the girl child in times of armed conflict as it has been seen in northern Uganda. However, article 34 provides for a legal framework under which children's human rights. Policies and law have been enacted in support of realizing and protecting rights of children in general or specific situations, such laws formulated have included; the children Act chapter 59 and the laws under the penal code cap 120.

### **2.5.4 The Children Act Chapter 59**

The children Act of Uganda Chapter, provides the principles which guide in the design of protection of rights strategies of children in situations of domestic dispute and where legal action

is required. And these are based on three core values of the UNCRC 1989 and these are “the best interest of the child”, “survival and development of the child” and participation of children”. On the basis of these, any decision that is made that affects the child’s life while dealing with other persons, state, a court, a local authority are to be decided with the following consideration (a) the wishes and feelings of the child concerned in light of his or her age and understanding (b) the child’s physical, emotional and educational needs and (c) the likely effects of any changes in the child’s circumstances.

Those considerations are a good pointer that Uganda recognizes and appreciates children’s right to protection against defilement or protection physically and emotionally.

When the Act out-law harmful customary practices that are detrimental to the child’s health, it becomes useful to the cause of the study but in conflict situation the customary practices continued become worse and relegate the girl child to sexual encounters of early marriages. As it stands however, it is incomplete because it does not give the scope of the social customary practices.

#### **2.5.5 The Penal code cap 120**

The Penal Code Act cap 120 is an offence creating Act in Uganda and has a long history that is traced in the colonial era in the early 50’s. When one examines the offences therein it will be appreciated that any violation of the following protection rights is offensive and the offences are punishable. They include, the right to life, freedom from illicit transfer, abuse and neglect, child labor, sexual exploitation, freedom from slave, trafficking and abduction freedom from other forms of exploitation and to abuse, rape and defilement against children irrespective of what environment they are committed under. All are clear provision for enforcing and protecting the rights of all children irrespective of situation. However, the area that has hindered the protection of the girl child from defilement and what needs to be urgently addressed is the lack of up to date data on the practice.

#### **2.6 The socio-cultural practices and economic factors affecting defilement**

In many societies girl child defilement occur though most of the case are not reported to concerned authorities, girls are exposed to more of the cultural, social and economic constraints

than boys. Cultural norms against reporting defilement abuses make it even more difficult to assess accurately the abuses (Delano 1998).

In most of the African societies, children are a source of wealth and girls are means of obtaining money, cows and many other things. And so since the highest proportion of bride price goes to girl's parents, then these girl children are married off by their parents when they are still young to old men who defile them, due to their parents need for material gains. In the traditional Africa, defilement existed, but like in Buganda virginity of the girl was of great value. So if a man defiled a girl before she got married, then he would be fined a goat, one cow and two backcloths which he would give to the father of the girl.

However, if a man defiled a girl being prepared to marry the `Kabaka` meaning king then the defiler would be killed. In the African tradition, every elder person was regarded as a parent to any child. Sexual issues were forbidden to be discussed in public. And traditionally the position of women in society, family and politics was subordinate. Virginity of a girl was safe guarded, but today parents leave their children with house-girls/ boys, relatives, neighbors and school authorities (Batunzi and Kadoma 1997).

In Uganda and Africa at large, matters concerning sex were treated with sensitivity and not to be discussed in public. The responsibility of giving and passing of sex education to the girl child was to be done by female relatives of the family (Nkozi 1992). This would happen when the girl was being prepared for marriage.

Cultural practices condone sexual abuse of children; it has not been easy to effect positive change in most communities where cultural practices condone the sexual exploitation of children. In some communities the definition of a child does not necessarily agree with the legal provisions. Due to the fact that sex is taboo, many cases of sexual abuse of children go unreported for fear of stigmatization (UNICEF 2001).

In the East and Southern Africa Region, early marriage is closely associated with a society's concept of children and the situation of any given child. In Uganda and Kenya, for example,

cultural practices such as initiation ceremonies and the view that the onset of puberty is the cut-off point between childhood and woman hood, means that adolescents are not defined as children in many cultural practices. This is also the basis for early marriage (Kalemera and Sameji 1998).

In Kenya some parents are known to marry off their young girls to older men in order to obtain money to meet educational fees for their male siblings and for other purposes. In pastoral communities, early marriages are common where parents marry off their young girls in exchange for livestock. These exchanges, of cattle for girls and women, form an integral part of the local economy (UNICEF, ANPPCAN, et al 2001).

Godwin (1998) observed that child sexual abuse is seen to be present through out the history of human interactions, and in some cultures is ingrained in the historical and sociological development of society; thus, like folks, tales, that emphasizes the relationship between kin that are in actual practice are incest taboos. He puts emphasis on the point that should be taken seriously is the fact that people should be aware of and conscious of the historical concepts as well as the cross-cultural differences that exist in different societies across the world when thinking of adult-child sexual contacts that may in society not be seen as evil and deviant behavior.

Kariisa (1993) highlights that new technology in form of televisions, videos, cinemas, novels, music and some magazines with pornography have brought problems and peer pressure to children. Alcohol, stereotyping, sexual immorality and drug abuse all need to be addressed. UNICEF, ANPPCAN et al (2001) report, showed that since children in this region exist within a cultural context, work with children, families and communities needs to take into account the social and cultural settings and experiences. Interventions must therefore be culturally sensitive and appropriate to policy makers and all concerned policy makers.

## **2.7 Strategies/ Prevention of Girl Child defilement / Sexual Abuse**

The response of the international community to sexual abuse of children does not have a long history and it is only recently that it has been recognized as a significant social problem. The hesitancy of international law to address child sexual abuse has been attributed to the dichotomy

of the private and public spheres. International law is primarily concerned with the public sphere whilst domestic law deals with the private sphere (Levesque 1999).

Thomason (1995) observes that, the ideal response to child sexual abuse would be primary prevention strategies aimed at eliminating, or at least reducing, the sexual abuse of children. He says that focus on issues related to the deleterious outcomes linked to child sexual abuse rather than on the characteristics of abusers and the contexts in which abuse is more likely to occur, which are relevant to primary prevention, and since, most information presents levels of sexual abuses the implications are for secondary and tertiary preventive strategies aimed at ameliorating the damage inflicted by abuse, and reducing the subsequent reverberations of that damage.

According to Lucy (2001) offenders accountability or community protection mechanisms that are for instance used in the United States are good strategies because, about 60 percent of cases confirmed during investigation are referred for prosecution. The rates are higher for cases investigated and referred by police than cases referred from child protection authorities. On average, more than half of those cases result in prosecution. Cases involving older children, more serious abuse, extra family offenders, more and better evidence, children with fewer problems and the presence of maternal support for the child are more likely to be prosecuted. A large majority cases where charges are filed result in conviction mostly by plea.

In only about 15 percent of cases do children testify in court, of the convicted offenders about half are incarcerated.

State reporting is one of the strategies that have been introduced by the international community to ensure compliance with international norms. There are reporting procedures in the CRC and ACRW to oversee compliance; state reporting is not a form of enforcement mechanism as such. Reporting procedures have not been effective in ensuring that child sexual abuse and exploitation of the child is curtailed. There has been a general lack of political will to implement the comments of the relevant committees.

At the national level, there are a number of strategies that have been put in a place to prevent girl child defilement ranging from the legal, political to cultural means among others. They occur at

national and community level. For example, section 123(1) of the Penal Code of Uganda, spells out clearly that, the maximum penalty for defilement is death. And the punishment for attempted defilement is life imprisonment. As the law stands today, defilement is a capital offence punishable by death in Uganda.

## **2.8 Emerging Issues from the reviewed literature**

Among the emerging issues from the literature reviewed, defilement has no universal definition. Most literature talk about girl child sexual abuse to mean defilement, while other scholars use girl child sexual abuse to mean oral sex, pornography, kissing and others. The issue of age is another gap where different data provide different ages for defilement. Also most literature do not give a multi-modal system of handling defilement right from the initial stage when the girl is defiled, counseling, rehabilitating, treatment and court process.

The data which is available is not sufficient and it is not quantified properly. Scholars talk about the court procedures to be problematic and traumatizing to victims of defilement but do not give solutions and advice on what should be done for improvement in the service delivery, police and any other institutions handling defilement. The literature also does not cater much on the girl children who are defiled due to armed conflict, how those girls are defiled and under what circumstances. Further more, most studies treat defilement in general. And most of the efforts and attention has been put on punishment. But even and the enacting of tough laws the problem of defilement seems to increase day by day. That's why this study try to give un understating of the girl child defilement.

## **CHAPTER THREE**

### **RESEARCH METHODOLOGY**

#### **3.1 Introduction**

This chapter describes the techniques of research which were used in collecting data during the study, Research design, area of the study, study population. It also indicates the sampling procedure and selection, sample size, data collection instruments, validity and reliability of research instruments. Lastly it describes data analysis, ethical considerations and limitations of the study.

#### **3.2 Research Design**

The study used an exploratory and descriptive study design. Both qualitative and quantitative research methods were used in the study. The aim was to enable the study offer and stimulate explanations about the challenges in the control of girl child defilement.

The qualitative method was of particular importance to this research because of their ability to penetrate into the different expressions and experiences of respondents to the subject matter. The study used qualitative method because of the experiences of key respondents like NGO officials, police and LC's who handle cases. The quantitative method was used due to the desire of establishing the magnitude of the problems using statistical data and evidence. This led to measure variables in numbers of cases, percentages and frequencies.

#### **3.3 Area of Study**

The study was carried out in Nakawa Division in Kampala District. The Division was chosen because offices of a number of civil society organizations that deals with many social problems and defilement are found within the division. Hope after Rape (HAR) situated along Bukoto-Kisasi road behind Kabila country club and The African for Prevention and Protection against Child Abuse and Neglect (ANPPCAN) Uganda Chapter has it offices on Kira road. These are the two organizations that were studied as they both deal with issues of child abuses in general and defilement in society. The organizations are also easily accessed and approached for the study on matters of girl children who have been defiled. This also helped in accessing those parents

whose children have been defiled before. It was easy also to access the local community area authorities (LCs), homes and the Police stations/ units located in this division. However there other organizations in the area that handle girl child issues like FIDA Uganda which is like a sister organization to ANPPCAN and also collaborates with HAR hence the researcher ended up interviewing some members from FIDA since some information was referred to it.

### **3.4 Study Population**

In this study, the target population was the victims of defilement who were girls below 18 years of age hence not yet the consent age. Also parents/guardians of abused children, two NGOs that deal with child abuse defilement of the girl child inclusive. The study also included local council members, police units/stations and other key people for more information that may be vital to the study, in Nakawa Division, Kampala district. The population of key informants were made up of NGO officials with 75 percent and they included program information officers, programme child healthy officers, social workers, counsellors, lawyers, directors, volunteers. However, police officers had 21 percent and LC officials 4 percent were part of the informants in the study.

However, it should be noted that apart from the police officers and LC officers, all the other categories of key informant were from NGOs hence had the largest population in the study. All these informants had knowledge about `defilement inclusive hence in better positions to give appropriate information. The number of female key informants was higher than that of their male counterparts or respondents in the study.

### **3.5 Sampling Procedure and Selection**

Multi/cluster sampling procedure was used to select the sample of the study area. The study used simple sampling to choose respondents. Defiled girls in their household were selected and those ones found on spot at the police station and NGOs with fresh cases.

Key informants based on their knowledge were purposively selected in different study area like administrators/members from the NGOs studied, LC 1 officials, opinion leaders, police officers and parents were selected.

### **3.6 Sample size**

The sample size of 100 respondents was selected. And this represented the population of defilement. The sample size consisted of 15 victims of girl child defilement, 55 selected key informants from the two organizations dealing with defilement, police officers, and local council one officers ,30 parents/guardians of the defiled victims. The researcher chose different numbers for interview due to the sensitivity of the research problem and the availability of the respondents. Respondents were selected on the basis of geographical dispersion and location.

### **3.7 Data Collection Instruments**

The following research instruments were used for carrying out the study:

#### ***3.7.1 Qualitative Data Collection Instruments***

A number of instruments were used to collect qualitative data as indicated below;

**(a) Interview Guide:** This was used to gather information using face-to-face conversation between the researchers and purposely-selected key-informants involved in issues to do with controlling defilements of girl child. The use of this instrument was to get data from key informants that helped in carrying out in-depth interviews on the key information relating to experiences with girl-child defilement. The key informants were administrators from NGOs, police officers, local council officials working on children's rights, child sexual abuse and defilement.

**(b) Published/Unpublished Materials:** These were used to help in the collection of qualitative information that can be used to validate data collected from other desk review of legal instruments methods. Such information was used to get an insight into how views and opinions about child sexual abuse have influenced the efforts for improvement in the existing control measures to prevent girl child sexual abuse and defilement. The materials helped in drawing appropriate conclusions about the collected information from the respondents. Materials such as academic research reports from civil society organizations dealing with child sexual abuse will be reviewed and police reports about the problem of girl child defilement will be the focus of the study.

(c) **Observations:** This method was used in the study to help and capture hidden behavior of girls, parents and other respondents by watching how victims reacted when asked some of the questions. And also people attitudes were observed to fill the gap of the data collected

### ***3.7.2 Quantitative Data Collection Instrument***

Different quantitative instruments were used in collecting data among which include;

(a) **Questionnaires:** These were employed to help collect the view of the girl child, parents of victim of defilement, NGO officials, police officers and LC officials. The questionnaires were semi-structured and self administered questionnaires to which the respondents were required to select from options given. The questionnaires for the key informants had a free response choice to try and balance up the data to give their free opinion without being influenced by the study. Rapport was created with respondents which created a good study environment and for more detailed information.

## **3.8 Validity and Reliability of Research Instruments**

### ***3.8.1 Validity***

This refers to the extent to which the measurement techniques or instruments actually measures the attributes that were intended in the research. The study used constructed instruments that were used to solicit data from the sample of respondents. The instruments were then validated through content validity index.

### ***3.8.2 Reliability***

Reliability refers to the level of dependability of the questions in the research instrument. To ensure this, the inter-rater reliability was used to measure the consistency of the research instruments through the use of two experts to gauge the extent to which each instrument was measuring what it is expected to measure.

## **3.9 Research Procedure**

The researcher asked for a letter of introduction from the Research Coordinator, Faculty of Social Science seeking for permission to carry out research. After the permission was granted, the researcher proceeded to the selected organizations to identify and select respondents who participated in the study.

### **3.10 Data Analysis**

The study used both qualitative and quantitative data, and they were analyzed as below;

#### ***3.10.1 Qualitative Data Analysis and management***

The first step in analyzing the qualitative data collected was to get familiar with the data collected through reading and re-reading the text of the collected data. Key themes and patterns that address the research questions were then identified and organized into coherent categories to help in summarizing and bringing meaning to the data collected. The outcome was presented in form of content analysis after comparing and crosschecking of the collected data for accuracy and correctness using triangulation and holistic view of the research

#### ***3.10.2 Quantitative Data Analysis***

On the other hand, the quantitative data through use of questionnaire went through a gradual process of analysis involving editing of collected data, coding and tabulation. Coding involved classifying the answers for each item into meaningful categories. The coded data was recorded, tabulated and then fed into the computer using Statistical Package for Social Scientists (SPSS) program and excel computer program for analysis to obtain frequencies and percents. After which interpretations and useful conclusion that attempts to address the issues raised in the study were arrived at between the variables of girl-child defilement and its control.

### **3.11 Ethical considerations**

The researcher got a letter of introduction from the Department of Sociology Makerere University. And the researcher sought permission which was granted from the administration of the two NGOs, police stations and LC1s in the areas where research was carried out. Also consent was sought from the defiled girls especially those between the ages of 14-17 years. The study of defilement victims were treated with sensitivity and confidentiality.

### **3.12 Limitations of the study**

Slow response occurred in carrying out this kind of study as respondents tended to doubt as to why information was being collected, although the presence of an introductory letter from the Dean of the Faculty/Department of sociology helped in clarifying the matter.

Time constraint and lack of funds affected the study since the research is privately sponsored and limited time is given to students to accomplish the project. However, the researcher scheduled and budgeted for available time and funds properly so as to accomplish the project.

Fitting a suitable time schedule to be used for interviewing targeted respondents was not easy, both on the side of the researcher and the respondents leading to one party not turning up at schedule time. This was because police officers move a lot as they follow up cases and even special or abrupt deployment. And also there was a lot of traveling of NGO officials within and outside the country. But the researcher on trying and following respondents until when it is convenient for them, hence the researcher had to be patient for good results.

Non response, this occurred due to the sensitivity of the research topic and the children being young. Already some girl children were stigmatized and traumatized others decided to keep quiet plus crying when asked questions. However, the researcher tried to create rapport with the girls and their parents so as to get information from them.

## CHAPTER FOUR

### PRESENTATION OF FINDINGS

#### 4.1 Introduction

This chapter presents the findings of the study. The analysis and discussion of the findings are based on the collected data and reviewed literature. The chapter gives how defilement cases are handled, who are defilers, opinion of respondents, prosecution of defilers, why cases are not reported to police, suggested punishment and how defilement can be prevented and how some challenges can be tackled. Further more, the chapter gives how defilement cases are handled, who are defilers. Opinion of respondents, prosecution of defilers, why cases are not reported to police, suggested punishment and how defilement can be prevent and how some challenges can be tackled. The findings are presented by interpretation of the following and the objectives of the study.

#### 4.2 Background information of respondents

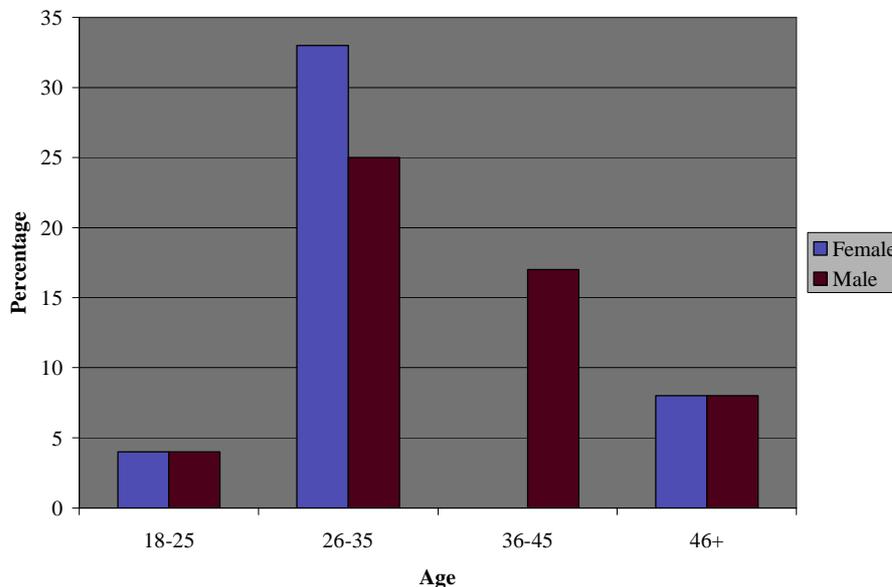
##### *4.2.1 Education level and nature of family*

All children in the study were school going children and still at school. However, children from polygamous families were slightly fewer than their counterparts from monogamous families. Generally, children from polygamous families stayed with their parents from compared to counterparts from monogamous families.

Much as a greater number of respondents had reached tertiary institutions and there was no clear relationship between education level and nature of family. Monogamous families however contributed to almost two thirds of the general parent respondents' population. The study found out that most parents four children while others had between five and nine. Yet, all families comprised of not more than four girls. The key informants 63 percent were mostly dominated by NGOs officials as directors, counsellors, social workers, lawyers, programme information officers programme healthy officers volunteers, and Police officers as well LC officials. Among the key informants 75 percent of the total population of key informants' were graduates, while 21 percent were O-level standard with the rest being A-level.

#### 4.2.2 Gender and age of parents and key informants

**Figure 4.1: Age distribution of key informants**



From the figure 4.1 above, irrespective of gender, the age bracket of 26-35 had up to 33 percent of key informants, followed by those between 36- 45 with 17 percent though the latter were only male. Respondents between 18 and 25 were least in number having 4 percent and lastly 46 years. This shows that most respondents most of whom were mature enough to give appropriate and informed information to the study. But the very old people were not easily got since the research was carried out from a city suburb not in the rural area where old people are easily found. The key informants, age generally ranged from 18-57 years. These shows the key informants were mature enough to give informed answers concerning defilement. Female key respondents were more than their male counterparts hence they had key interest in the research.

#### 4.2.3 Age of Victims

The girl children/victims in the research were aged between 7 – 17 years. Though there were cases of girls defiled between the ages of 0-6 years and in this case it was their parents who were interviewed. For example I witnessed a fresh case of a girl defiled at 4 years. And this was aggravated defilement where a girl is below 14 years of age.

### 4.3.0 Legal Frame Work on Defilement

#### 4.3.1 Definition of a girl-child by key informants and parents

**Table: 4.1 Definition of a girl-child**

<b>Definition</b>	<b>Frequency</b>	<b>Percent (%)</b>
A girl below 18 years	26	30
A girl not yet consent age	23	27
A female from birth to puberty	6	7
A girl below 12 years	20	24
A girl who has high value like a boy	10	12
<b>Total</b>	<b>N =85</b>	<b>100</b>

In the table 4.1 above, key informants and parents were asked to define who is a girl child, and according to the findings various answers, were given as shown above. However, most of the key informants defined girl child right as a girl below 18 years and a few of parents 30 percent. Most parents defined a girl child as a person who has not reached the consent age 27 percent, a female from birth to puberty 7 percent, a girl below 12 years 24 percent and a girl who has a high value like that of a boy 12 percent. It should be noted that a few of some key informants from NGOs also defined a girl child as a person who has not yet reached the consent age.

From the definition given above, this shows that majority of key informants are aware of the law. But most parents did not know well about the law of the girl child due to various definitions they gave hence more sensitization is needed to the communities and the public at large. The above is supported by the constitution of Uganda 1995 article 257 a child means a person under the age of eighteen years. This is in consistence with the children statute 1997.

### 4.3.2 Legal definition of defilement

**Table 4.2 Definition of defilement**

<b>Definition</b>	<b>Frequency</b>	<b>Percent (%)</b>
Sex with a girl below 18 years	28	28
Sex without the consent of a girl	21	21
Forced sex	13	13
Sex with a minor	10	10
Sex before marriage	15	15
Adult sex with a young girl satisfaction	8	8
I don't know	5	5
<b>Total</b>	<b>N = 100</b>	<b>100</b>

In table 4.2 above, all respondents were required to define defilement and from the findings in the table above various definitions were given according to the knowledge of the respondents. Some key informants gave the right definition defilement as sex with a girl below 18 years 28 percent. And some few parents defined it correctly and the defiled girls between the ages of 15-17 years.

However, a few of key informants' defined defilement, as sex without the consent of a girl, this definition was also given by some parents 21 percent. About 10 percent of parents defined defilement, as sex with a girl who is a minor, and 8 percent as sex of an adult with a young girl for satisfaction. However the victims defined it as forced sex with a girl 13 percent, sex before marriage and girls' sex before marriage 15 percent and girls between 7-12 years did not know the definition of defilement at all represented by 5 percent.

But some key informants defined aggravated defilement as defiling a girl under 17years with intent to kill especially when one know he is HIV positive.

Respondents were asked to define defilement and below are some of their answers;

*“Defilement is having unlawful sexual intercourse with a girl under 18years with or without her consent. It is a kind of invasion on her rights to sexual self determination” (Consoler HAR).*

*“Aggravated defilement is when an adult person involves a young girl below 14 years into sexual act by either a parent or a guardian and a person who is HIV positive” (Information officer ANPPCAN).*

*“Defilement is having unlawful sexual intercourse with a girl under 18 years, either with her consent or without her consent”* (Female police officer Ntinda).

The above quotations are supported by the penal code Act of Uganda chapter 120 which defines defilement as having sexual intercourse with any girl under the age of eighteen years.

#### **4.3.3 Years on which girls are defiled**

**Table 4.3 All Respondents on the years of Defiled Girls**

<b>Age of victims</b>	<b>Frequency</b>	<b>Percent (%)</b>
0-4 years	7	7
5-9 years	21	21
10-14years	34	34
15-17 years	38	38
<b>Total</b>	<b>N = 100</b>	<b>100</b>

Table 4.3 above shows how respondents answered the question of which age are girls normally defiled at. However, from the findings defilement does not have any categorical age at which girls are defiled. But from the table we note the common age of girls at which they are defiled is between 15 and 17 years with 38 percent, 10 to 14 years with 34 percent as well as 5-9 years with 21 percent and 0-4 years 7 percent.

The findings is supported by a police report released in 2007 which showed that the majority of victims of defilement 11,999 were in the age of 9-17 years, while 231 were in the age group of 0-8 years.

#### **4.3.4 Legal institutions that address defilement cases**

**Table 4.4: Identified institutions which handle defilement**

<b>Institution</b>	<b>Frequency</b>	<b>Percent (%)</b>
NGO's (ANPPCAN, HAR, FIDA etc)	26	30
The constitution of Uganda	4	5
Law enforcers(Police and Courts)	21	25
Penal code	30	35
LC1	4	5
<b>Total</b>	<b>N = 85</b>	<b>100</b>

From the table 4.4 above, key informants and parents were asked to name the legal institutions that handle defilement cases and they were given as 35 percent penal code act, 5 percent constitution of Uganda, 25 percent law enforcers police and courts of law, NGOs 30 percent, and LC1 with 5 percent respectively. This implies that the public is aware of illegal frame available.

#### ***4.3.5 How regular are Defilement Cases Received?***

**Table 4.5: Incidence of cases**

<b><i>Main occupation</i></b>	<b>Incidence of defilement cases</b>			<b>Total</b>
	Very often	Quite often	Rarely	
Director		1		1
Police officer	1	5	1	6
Counsellor	1			1
Social worker	2	2		4
LC 1 official			1	1
Program officer		5		5
Lawyer	2	2		4
Volunteer		2		2
<b>Total</b>	<b>5</b>	<b>17</b>	<b>2</b>	<b>24</b>

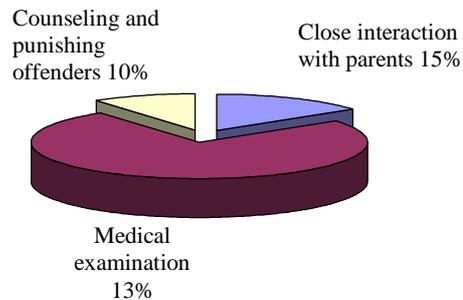
In the table 4.5 above key informants were asked how often they received girl child defilement cases. The research discovered that cases were reported and received usually by police, the two NGOs that is Hope After rape and ANPPCAN and then the LC. This is evident that there is vigilance among community members including children, parents, community volunteers to report cases of abused children to service providers.

#### ***4.3.6: Immediate actions for a defilement case***

To informants, the immediate actions on knowing about a defilement case was to take the matter to police for apprehending the offender, medical examination of victim, protecting the girl by LC 1 and police and opening a case file as investigations begin and counselling. Also the defiled girl is taken immediately for medical examination, informing the police and informing the parent/guardian about the incident, if not aware.

#### 4.3.7. The Actions Normally Taken on Defilement

**Figure 4.2: Actions after a defilement case**



In figure 4.2 above findings show that 75 percent of the victims are taken for medical examination 13 percent counselling and guidance and 15 percent as close interaction with parents.

Some of responses from key informants about action taken after receiving a defilement case;

*“After reporting the case to police and recording or opening up a file the police gives the victim form 3(PF3) which is taken for a police surgeon for medical examination of the victim. Then after returning the form or results the police continues with its investigation of the case so that the offender can be taken to court for prosecution (Police Officer Kira Road).*

*“The suspect is apprehended to police the cell and the victim has to be taken for medical examination by a police surgeon to prove whether the girl has been defiled” (Female police officer Kira Road).*

*“If the caretaker has not yet reported the case to police, we do it ourselves, take the victim to the police surgeon, seek medical treatment, provide initial counseling, refer the case for legal attention and then later we begin to provide on going counseling”. (Counselor HAR).*

*“We take various actions like medical treatment to the victim, then report to police, offering psycho-social support, follow up the case in courts of law” (Lawyer ANPPCAN).*

*“We follow up a case sometimes because police is always reluctant to act. But police officers act when HAR official make a follow up on such cases”*  
(social worker HAR)

The research found out that, NGOs (HAR and ANPPCAN) when they receive defilement cases. They recommend and advise parent to take the defiled girl for medical examination, follow up the case to police, counsel the victim and ANPPCAN with partner FIDA can provide legal services if need arise. While the LCs they give social support by writing a letter sending the victim to police and sometimes counselling.

The police officials’ elaborated more on the process of a defilement case. When they get a case, it is registered in the book. The victim/with her parents are given a police form PF3 to take to the police surgeon for medical examination. The doctor examines victim whether she was defiled, are the bruises on her virginal, blood stains, sperms either on her knickers on any other as discovered, determine her age either by looking at her birth certificate if it is available or by using inspecting her dental formula. If it is discovered that the girl was defiled then the police goes a head to apprehend the offender, interrogate him by making a statement. The file is given to OC CID which later a lone is forwarded to the resident state attorney for advice either to continue with the case to courts of law or drop it due to insufficient evidence.

#### ***4.3.8 Peoples perception of police actions on defilement***

**Table 4.6: Opinion of respondents towards police actions (parents and victims)**

<b>Reason</b>	<b>Frequency</b>	<b>Percent (%)</b>
Satisfied	31	37
Corruption	18	21
Intimidation	14	16
Police was too slow/file got lost	22	26
<b>Total</b>	<b>N=85</b>	<b>100</b>

From table 4.6 above, parents and victims were asked whether they were satisfied with police investigation and whether the offenders were punished according to the law. Some respondents said yes while others said no. From the findings the majority of respondents said that they were

dissatisfied with police work due to corruption of police officers by 21 percent, intimidation/ suspects run away from police custody 16 percent, defilement files get lost from police stations and police is too slow with 26 percent. Generally there is public out cry of the institution of police force due to high rates of corruption by police officers. This had hindered many cases to take off and parents of the victims to loose interest in cases.

#### 4.3.9 Prosecution of defilement offenders

**Figure 4.3 Prosecution of abuses**

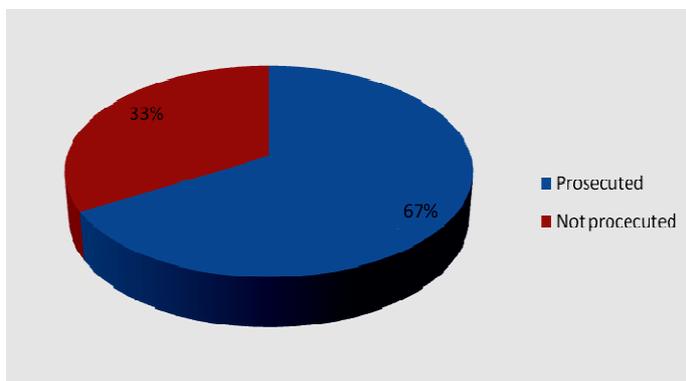


Figure 4.3 above shows the findings on whether the suspects/abusers were prosecuted. This was a question for key informants. However 67 percent of respondents said abusers were prosecuted and 33 percent said that abusers were not prosecuted. All police officers said abusers are normally prosecuted but informants from NGOs and LC officials disagreed. However, all police officers interviewed in the research confirmed that all cases taken to police are prosecuted. A case can be pending due to more investigation still taking place, or can be dropped if there is insufficient evidence. Key informant responses on whether the defilement abusers are prosecuted or not as below;

*“Yes and No, because sometimes they do, however to a larger extent, corruption has eroded the morals of the legal institution to the extent of setting free the offenders suspected” (Counsellor HAR).*

*“No, this is because of the law and even most magistrates and judges are males so they are biased on the law of defilement” (Lawyer FIDA).*

The above implies that there is need to include women on the people counselling interviewing, investigating, prosecuting in order to give the girl child confidence since it is the man defiled her.

#### 4.3.10 Defilement cases settled at LCI yet it is illegal

**Table 4.7: Why defilement cases are still settled at LC1**

<b>Reason</b>	<b>Frequency</b>	<b>Percent (%)</b>
Pretence of LC1	5	9
Authority/power	19	35
Corruption	13	24
Ignorance	6	11
Material gains/compensations	8	14
Avoid prolonged disputes	4	7
<b>Total</b>	<b>N = 55</b>	<b>100</b>

From the table above key informants were asked very many cases are still settled at LC1 level yet it is illegal and from findings it was indicated that LC1 chairmen handle defilement cases, yet there aware that, they are doing it illegally, because of pretence by these officials. The study discovered that, corruption of LC officials, ignorance of the law by aggrieved parties, LC officials think that they have the power and authority in their capacity and position. Parents of victims want material gains from families of suspects due to poverty and lastly to avoid prolonged disputes. Hence defilement cases end up being settled at LC level yet it is illegal in the Uganda laws. The illegality of settling a defilement case at local council level (LCs) it is still being done and key informants when they were interviewed had this to say;

*“those LC people are pretenders, they think they have moral authority to handle such cases yet they know that it is illegal because it is a capital offence which can only be tried by high court; but they are even corrupt in their services”* (counsellor HAR).

*“Ignorance, corruption financial gains of victim parents, powers of LC1 and people don not trust the justice system and so they prefer alternative dispute resolution ”* (information officer ANPPCAN).

*“Parents of the victim prefer compensation, pressure from relatives to settle the matter amicably and to avoid prolonged disputes”* (Police Officer).

*First it is Ignorance of the law, materialistic gains from both the LC officials and the family of the victims. Both the families sometimes are your residents and my voters so why not help them to settle cases peacefully”* (Chairman Kezironi zone Bukoto).

*“Socialization, culture which is male dominated patriarchy society; most of the LC chairpersons are men so they have to defend their fellow men. Lastly legal systems are inefficient leading people to redress from LCs” (Layer FIDA).*

The above findings imply that, despite of the LC officials being corrupt; people still use their services to get redness. This because of the inefficiency of our legal systems like judiciary, police and other structures as need may arise. There is need to restructure these institutions for better results LCs inclusive.

#### **4.3.11. Poor reporting of defilement cases to police**

**Table 4.8: Why cases are not reported to police**

<b>Reason</b>	<b>Frequency</b>	<b>Percent (%)</b>
Lost confidence in police	13	24
Corruption of police	15	27
Case takes to long in courts	10	18
Avoid embarrassment of their children/relatives	9	16
Ignorance	3	6
Material gains	5	9
<b>Total</b>	<b>N = 55</b>	<b>100</b>

From table 4.8 above key informants were asked why many defilement cases are not reported to police. And from the findings respondents said that, people have lost confidence in police with 24 percent, corruption of police officers with 27 percent cases take to long in courts of law with in 18 percent hence people loose interest in cases. They went a head to say that people a void embarrassment of their children (victims) and relatives in case of a family member is involved. Some people are ignorant with 6 percent about the law and where to go, who can help them leading to not reporting lastly material gains with 9 percent where the parents of the victim see defilement as an opportunity to get riches from the family of the offender hence no need of reporting. Some of the key informants were quoted on above issue as below;

*“People have lost confidence in police since most suspects is released before they are taken to court. Besides it takes to long for a case to be heard in courts of law which is also demoralizing” (counsellor HAR).*

*“To avoid embarrassment to the victim and her family plus that of the offender which they go through during court proceedings, where the child/victim is supposed to*

*narrate what happened the day she was defiled which is traumatising to remember the bad moments” (counsellor ANPPCAN).*

*“ Some fear to expose their children to the public and it makes relatives shameful, they are, they are after getting riches either by compensation or through early marriage” (Police Officer Ntinda).*

The above can be supported by (Asiimwe 2001) who said that people do not report defilement cases because they are ignorant and they do not know where to go, they are ignorant about the law.

#### **4.3.12. Institutional performance in the control of defilement**

With a 40 percent score, the judiciary and Non-Government Organisations were commended for their efforts in controlling defilement through ensuring justice in defilement cases counselling and sensitization, while the Police 15 percent and parents trailed with 5 percent. However, all respondents agreed that NGOs concerned with girl child defilement had played a significant role in curbing the problem. Amongst individual organisations, ANPPCAN, Hope After Rape were the most utilised. Other organisations included FIDA Uganda, Friends with Children, Concern of the Girl Child and others.

#### **4.3.13. Legal Punishments of defilement**

**Table 4.9: Main occupation and punishment for defilement**

<b>Main Occupation</b>	<b>Life imprisonment</b>	<b>Execution</b>	<b>Imprisonment for 7 years</b>	<b>Total</b>
<b>Director</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>3</b>
Police officers	4	3	5	12
Counsellors	6	4	7	17
Social workers	5	4	2	11
LC 1 officials		1	1	2
Information officer	3	2	1	8
Lawyers	2	2	2	6
Volunteers	1	1	2	4
<b>Total</b>	<b>22</b>	<b>18</b>	<b>21</b>	<b>61</b>

From the table 4.9 above, key informants were asked the legal punishment for defilement if someone/abuser is found guilty in courts of law. From the findings, life imprisonment with a frequency 22, execution as 18 and 21 as imprisonment for 7 years. However, key informants

added on that most offenders do not get the above punishments, in most cases if the abuser is convicted normally courts passes lighter punishments like between 1-3 years instead of the punishments above in the table. Some of key informant gave punishment for aggravated defilement as death if found guilty. And this defilement of a girl below 14 years and the abuser is HIV positive or is a relative/guardian of the victim parents also had he knowledge of the punishment of defilement. This is an indicator that most people know and understand the implication of defilement. Key informants and parents were asked about the punishment of defilement and it was given as below;

*“If the offender is guilty of the offence then he is liable to suffer death under section 123(1) of the penal code or imprisonment for not less than 7 years”*  
(Counselor HAR).

*“Aggravated defilement is death at is between the ages of 0-14 years while 15-17 years that is simple defilement it can be either death or life imprisonment if found guilty”* (Lawyer FIDA Uganda).

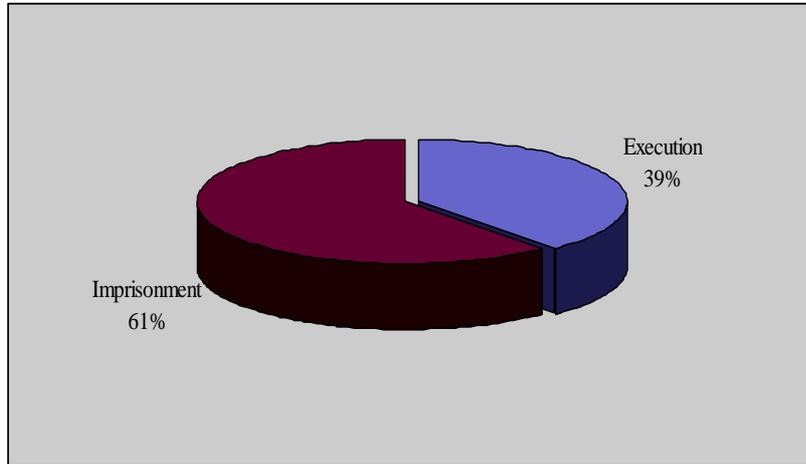
*“Life imprisonment in case of defilement or death in case of aggravated defilement”*  
(Information Officer ANPPCAN).

*“Life imprisonment, 7 years imprisonment or suffer death in case it is aggravated defilement of a child below 14 years and even the perpetrator is HIV positive”* (Female police CID Kira Road).

According to the above, it means that people are aware of the defilement and the punishments that come with the offence.

#### 4.3.14. Suggested punishments for defilement by parents and victims

**Figure 4.4: Suggested punishments to defilers**



In figure 4.4 above, respondents especially parents and victim suggested ways which defilers should be punished and this was especially from parents who said culprits should be castrated, imprisoned for life or put on firing squad executed, So that the rest should learn from them. While the children suggested imprisonment forgiveness of suspects, compensation to their parents on the money spent at the police and other costs. Parents and victims were asked to suggest punishments for defilers and below are some of their responses;

*“I support Hon Miria Matembe proposal, that men who defile our daughters should be castrated. I strongly support it because if it is done so then many will learn but it is only and only castration of men that can solve the problem of defilement. It is too bad and we are tired of men who are defiling our daughters”* (Female parent Bukoto).

*“I do not entertain stupidity, if a man defiles a girl, I suggest he should face firing squad at spot. It hurts for a man to defile your daughter, why?”* (Mal parent Bukoto).

*“Girl child defilers should be punished by life imprisonment and at times if the defilement is serious, the defiler should be hanged or set on the fire”* (17 year victim).

*“Imprisonment and let him pay all the money that my mother has spent. My mother said that, the man defiled me gave police officers money and they released him. Yet us we used transport to go to both police and hospital”* (12 year victim Kamwokya).

*“A man who defile your daughter is completely nothing but a fool, let him be sterilised of his manhood and we see how he will do it again or even how others will commit the same offence”* (Female parent Semwogerere Zone Bukoto).

In addition to the above, it shows that the public does not take defilement lightly; this is based on the suggested punishments to perpetrators. This means there is need to implement the laws available appropriately so that all offenders are punished in a way that would be defiler can fear to commit crime.

#### **4.3.15. Common Legal framework challenges**

**Table 4.10: Legal framework operation challenges**

<b>Challenge</b>	<b>Frequency</b>	<b>Percent (%)</b>
Victim defend suspects	19	35
Long process of court	7	12
Parents may be unwilling to continue with the case	9	18
Facilitation to follow up the case	7	12
Destroyed evidence	13	23
<b>Total</b>	<b>N=55</b>	<b>100</b>

Table 4.10 above, key informants highlighted the legal challenges that hinder the control and operation of defilement. Most respondents of 35 percent mentioned that the victims often defended the suspects and hence obtaining the legal facts that warrant prosecution was impossible. Long procedures of courts of 1a with 12 percent, parents sometimes may be unwilling to continue with the case with 18 percent while 12 percent was given as facilitation to follow up the case this applies to police, parents, NGOs and other stakeholders and 23 percent as corruption of police.

**4.3.16: Legal challenges faced in handling and controlling girl child defilement**

**Table 4.11: Identified legal challenges**

Legal challenges						
Delayed prosecution	Victim defend suspects	Child abusers run away	Parents may be unwilling to with the case proceed	Facilitation to follow up the case	Corruption of police	Age of the girl/scanty evidence
2	1	3	1	2	4	1
5	2	2	2	1	3	3
2	1		2	1	2	1
3	2			4	4	1
2	2		4			3
1		2	1		5	1
1	1		2	3	4	2
2		2		2	5	3
18	9	9	12	13	24	15

Table 4.11 above shows the legal challenges faced in the control of girl child defilement. People do not report defilement cases to Police because they feared exposing their daughters, husbands and relatives, to the public as they could be stigmatised. Those who confessed having reported matters to LCs, were all aware of its illegality but claimed that parents preferred compensation from the offenders and that laws were also either weak or poorly implemented.

The NGOs consented that one of the legal challenges they face was police taking long to apprehend suspects, producing them in court and sometimes they even set them free minus prosecution. Police keeps on saying that they are still investigating hence complainants end up losing interest in the case due to high transport and other costs.

For the police force one of the legal challenges they face, they raised the issue of few doctors to examine victims. This means the process take a long time some time to be completed. And if the doctor is not available on the day the crime was committed it is most likely that evidence is going to be destroyed like if the victim had blood stains, bruises on her private parts, semen. More so if victim go to visit the doctor and he is not around or fail to see them because he is busy, chances are many that, they will not come back.

Bribery and corruption were raised by respondents as some of the key issues that affect the legal justice process. As we all know when corrupted or bribed then one can not make a proper investigation, prosecution, or even right decision. Even if it is in the judicial system there can not be a fair hearing hence justice cannot take place. Corruption and uncooperative victims were the major legal challenges hindering the control of girl child defilement, determination of the age of the girl, disappearance of files from the police stations. Other challenges included lack of facilitation for processing the cases; parents may be unwilling to process the case as some require compensation from offenders and the obscurity of concepts in laws. The laws are stated in terms that are hardly palatable to the layman.

The victims and their parents are sometimes unwilling to proceed with the case either by protecting the offender or because of the reasons. Victims sometimes can go on hiding so that the offender is not prosecuted since she is the prime witness in the case and she might be interested in getting married to the offender hence cannot afford to lose her man. Parents and victims keep on changing in their statement, they are not consistent especially on the age issue first a girl can claim 16 years but end up saying and her parents that she is 18 years.

The study also found that since defilement is a capital offence and only the high court can hear it. This means too many cases have to be compiled are at the backlog do not have the chance to be heard. This is because magistrate courts do not handle defilement cases, yet, the study in all its findings defilement took a centre stage and ranked the highest in all the forms of child abuse and even police release reports on general crimes committed it ranks highest and this implies that many suspects are in prison both the innocent ones and the offenders/perpetrators.

Politicians, high ranking UPDF soldiers, senior police officers and other people in various authority positions use their offices to interfere with both police investigation and court process. Hence get issues like a file getting lost either from police or court, judges and police officers handling the case absenting themselves from proceedings. Sometimes cases are dismissed from court on the basis of producing enough evidence. Below are some of the responses from key informants on the legal challenges they face in handling defilement cases;

*“We as politicians we find a problem of advising people to go to police, because defilement is a capital offence and has tough punishments say death penalty or 7 years imprisonment. And both families that of the victim and the offender are our supporters/voters” ( LCI Chairman Kezironi Zone Bukoto).*

*“For the police for and judicial systems are male dominated hence have a bias on such cases. It is hard for them to pronounce a death sentence to their fellow men and do not have the feelings as a female would have got in such a scenario leading to delay of cases in court” (Lawyer ANPPCAN).*

*“There is always Collusion between victims, parents, relatives/guardians and offenders to settle the matter out of court. Hence victim in most cases do not get fair justice” (Volunteer ANPPCAN)*

*“Political interference, our politicians are the number ones in defending criminals in this country. We get calls from them that we close files, advise complaints to drop cases, release suspects which is a frustrating experience” (Police Officer Kira Road).*

*“Defilers parents claim that the law tends to favour girl child. Boys are not considered yet sometimes both the girl and the boy are of the same age. Even sometimes these girls seduce, and agree with the defiler before the offence is committed but girls never arrested on tried” (Police Office Ntinda).*

*“Police taking long to apprehend suspects, producing them to court and some times perpetrators are set free before they reach court” (Social worker HAR).*

*“It takes too long for a defilement case to be heard in courts of law which also demoralizing” (Counselor HAR).*

*“Witnesses can fail to give in statements to police, there is also interference with the scene by aggrieved party and even sometimes try to settle the matter before it reaches police or court”  
(Female Police Officer Kira Road).*

The Uganda Law Commission Report (2000) highlights a range of the constraints that hinder effective prevention of child sexual abuse and these include ineffective reporting, inadequate investigation, and the delays in prosecution of sexual abuse cases as well as passing convictions. The report highlights and points out that unlike other criminal offences, sexual offences are

rarely reported, and where it is done, the reporting is done to the families and relatives of the victims and not the police. Such cases of sexual abuses only reach the police after the parties have failed to negotiate a settlement (UNICEF, ANPPCAN 2001).

#### ***4.3.17 Gaps in the control of girl child defilement***

The gaps cited in the existing laws of controlling girl child defilement included; cultural neglect for girl in that most cultures deem the boys as the bread winner and thus of more importance than the girl who is rendered as home keeper and mother.

It is further highlighted that in defilement cases, girls are always left free even if they were the initiators of the act, and might of the same age with the offender. Respondents therefore deemed it necessary for the laws to approach the boy and girl equally such that the rightful offender(s) is apprehended with out favour.

In least order of respect, the laws on defilement were pronounced weak which prompted respondents to ask for enacting of tougher and practical laws. However, the weaknesses within these laws were not clearly highlighted. It was also reported that marriage laws (especially cultural laws) are not reconciled with the age of consent and thus minors are married off. The long process of court procedure where witnesses have to move for a long time following cases which take years hence complainants lose interest in the case.

#### 4.4 Social Culture Practice and Economic Factors that affect Defilement

##### 4.4.1: Who defile the girl-child?

Figure 4.5: Girl child's response on who the defilers are

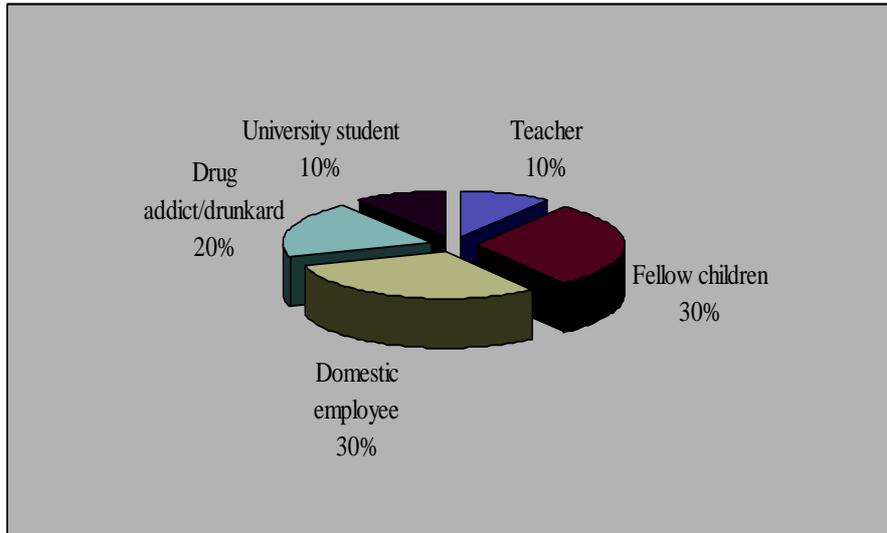


Figure 4.5 revealed children's confession that domestic employees and peers counted as the highest defilers each counting at 30 percent, followed by 20 percent of drug addicts and drunkards while 10 percent university students and teachers and 30 percent fellow children. This means that most reported incidences depend on the man in the closest vicinity. Victims responses on who defiled them and they are as below;

*“My paternal uncle came at home when my parents were at work place, we welcomed him entered the house, sent my elder brother to the shop entered our bed room then he called me and he defiled me and threatened to kill me should I confess to anybody and my parents will also kill me hence I had to keep quiet (16 year old victim Ntinda).*

*“A boy from our neighbour came home, he had a phone in his hands and told me I go and he shows me games on the phone which I did. Then he gave me the phone to play games. He had money in his hand told me he was going to buy for me sweets. He took me to their house, removed my knickers and defiled me. After he left me in their house crying and ran away” (12 year old victim Kira Road).*

*“I was defiled twice, first by my aunt’s domestic employee and secondly by a pastor who was a family friend at parents home. Pastor used to support our family financially because my parents were poor. He requested my mother I go with him which we did he bought for me things it was coming at night taking me back me he defiled me from his vehicle” (17 year old victim Bukoto).*

*“A telephone operator near my mother’s saloon in the market defiled me. He called me when my mother had sent me to pour water outside, gave me soda from his shop. When I was taking soda he begun removing my trousers jean, then knickers and defiled me. Blood came out I cried then my mother came and market vendors. He was beaten  
And we went to police” (7 year victim Wandegeya).*

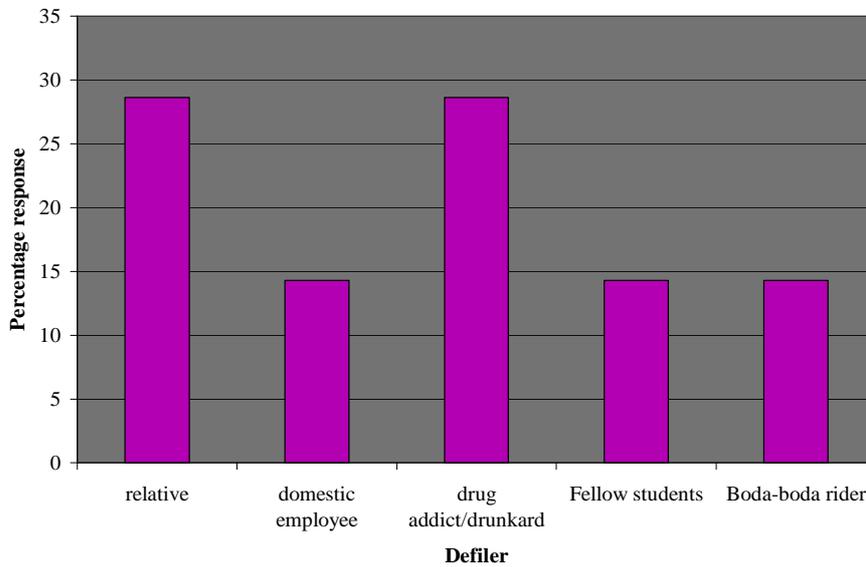
*“Our social studies teacher told me to take books to his house he came following me, when I entered his house to put there books he defiled me” (12 year old girl Kamwokya).*

*“My step father came at home at night when my mother was not yet back from work. I was with my young sister who is his daughter but was a baby found us sleeping and he came tour bedroom on my bed defiled me and threatened to kill me if I told my mother or any body. And he promised to give me money and many more good things” (15 year old victim Ntinda).*

The above experiences from victims imply that, perpetrators who defile girls cut across individuals, and status. This is because girls are defiled by different categories of people and in most cases known to them, who is also trusted. For example step fathers, clergy, cousins, and people with authority over them and strangers.

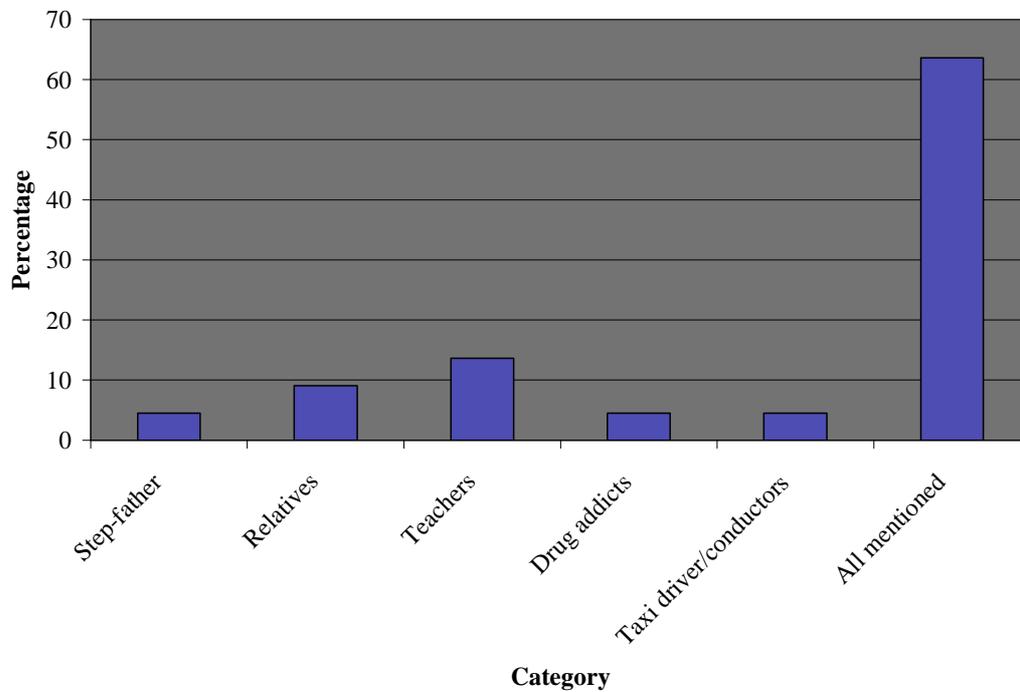
#### 4.4.2: Parents responses on defilers

**Figure 4.6: Parents' response on who defiled their children**



#### 4.4.3 Key informant response on girl-child defilers

**Figure 4.7: Informants' response on defilers**



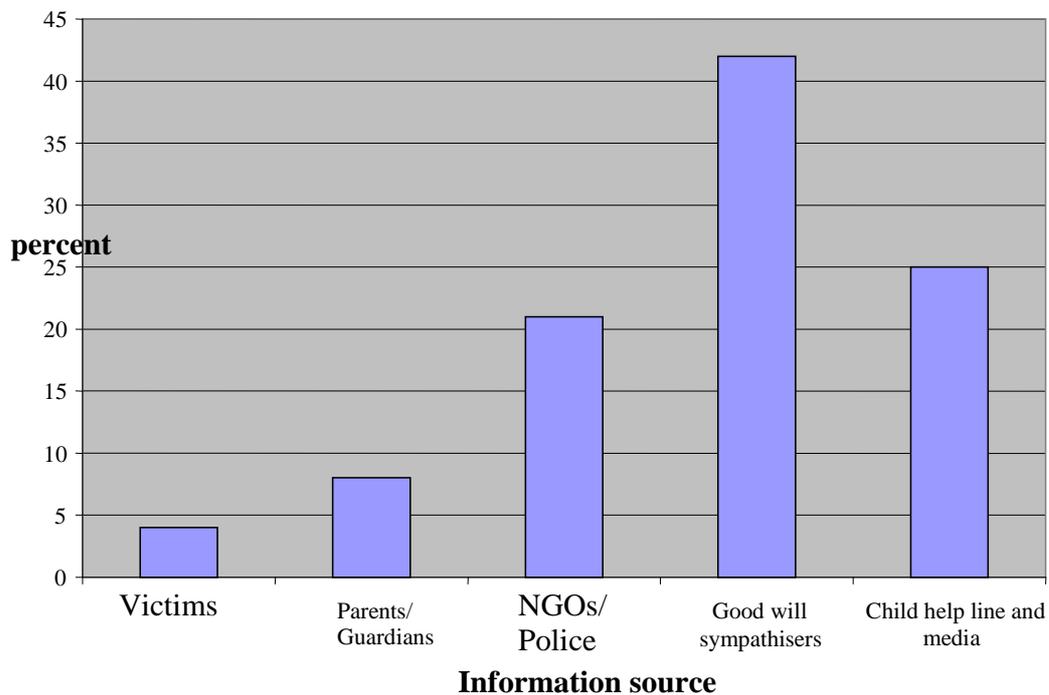
In the two figures above, 4.6 and 4.7 of both the parents and key informants on who defile the girl-child both graphs show some and other categories and were given as relatives, drunkards/drug abusers, domestic employees, taxi drivers/conductor, Boda boda, fellow students and teachers.

*“Defilers are too many and cut across age society and status for example teachers, boda bodas, relatives, tax drivers/conductors, students, drug addicts, alcoholics, domestic employees, pastors, people in authority positions, and many others”* (program information officer ANPPCAN).

*“Many children are defiled by relatives for example if my husband defiles our daughter, it will be difficult for me to report him to police even if it is another woman it is very hard because the shame is too much. However other categories of defilers also include boda bodas, taxi drivers, teachers”* (Female parent Kamwokya).

This is in agreement with Blumen that 1994, who say that most children are abused by a parent or cohabite. Those incidents not involving a parent or cohabite are generally committed by a custodian such as foster parent, baby sister, relative or friend. These individuals are drawn from all sections of society, but the vast majority are from the poorest section where deprivation and stress are most prevalent.

**Figure 4.8: Sources on child defilement cases**



In the figure 4.8 above, respondents were asked how did they get defilement information, and the researcher found out that information is got from various sources from people with good will who are sympathisers with 44 percent, the media and child help line with 25 percent, parents/guardians 16 percent, victims 4 percent and other common sources as the figure that shows. Respondents also said that they get information of defilement from other service providers say partner organizations for example when ANPPCAN get a defilement case it sends the girl to HAR for counselling then ANPPCAN and FIDA take on the legal and other support services while LC social support. That is how most defilement cases get to be known and reported to police and other concerned institutions like NGOs. Although a great number of respondents especially parents discovered about defilement of their daughters (victims), neighbours, fellow pupils of the victims, some victims could tell their parents, some parents discovered themselves either by the girl being pregnant or when seeing a girl walking with pain between her legs.

#### 4.4.6 Causes of defilement

**Table 4.12: Causes**

<b>Cause</b>	<b>Frequency</b>	<b>Percent (%)</b>
Drug abuse/alcoholism	18	21
Over-crowded homes	5	6
Moral decay in society/Peer influence	37	43
Poverty	10	12
Broken families/lack of parental guidance	5	6
Weak laws/un practical	5	6
Poor performance/enforcement of legal institutions	5	6
<b>Total</b>	<b>N = 85</b>	<b>100</b>

From the above table 4.12, Key informants and parents were asked the causes of defilement and the commonest causes of defilement mentioned were moral decay/peer influence 43 percent, lack of parental guidance/broken families 6 percent, need for money due to poverty 12 percent, drug abuse/alcoholism 21 percent, over crowded homes 6 percent especially the urban poor and those deep in the villages, weak laws/un practical laws 6 percent and poor performance/enforcement of legal institutions. The causes of defilement and child sexual abuse there are variables are cultural practices, socio-economic status, social factors and exposure to pornographic information weak laws, political reasons.

This finding is supported by a study which was carried out by FIDA Uganda (2001), on Child Sexual abuse found out poverty and loss of present are some of the major causes of defilement and children recognized that consent to sex could be “a survival tool” in economic hardships. This shows that many of these girls are defiled by older men because sex is the source of their income or financial support.

Culturally, defilement is taken as a private matter in a family. This means that the spread of such information is limited and defilement negotiations are done by few elders from family. They negotiate to marry off the girl to the man who defiled her and compensate the family of the girl especially the father. It is only after negotiations have failed that the family of the victim take the matter to the police yet evidence would have been killed.

This is also supported from findings by Ntozi 1992, who found out in her study that, traditionally matters to do with sex were handled with sensitivity and to talk about sex in public was a taboo in Uganda. The responsibility of passing sex information was given to aunties, uncles and other family members especially female relatives of the girl's mother. Key informants that are the police officers, LC officers and NGO officials gave causes of defilement as:

*“I attribute cause of defilement as idleness, Drugs, war, drunkards, mental instability, poverty, parent neglect of their responsibility, too much freedom to the children etc” (Police Officer, Ntinda).*

*“Parents want material gains from their young daughters, poverty, use of drugs, alcoholism, some men want young girls because they believe that they are still fresh and can give them sexual satisfaction than older women” ( LCI chairman Ssemwogere, Bukoto).*

*“Civil wars, peer influence, poor parenting skills, pornography, broken families, low self esteem, poor living conditions, alcohol, drug abuse and others” (HAR Counselor).*

*“Economic reasons, drugs, parents not providing care and support to their children. Parents/guardians leave children alone at home making them vulnerable to sexual abusers” (Social Worker ANPPCAN).*

The above can be supported by a report from South Western region from Daily Monitor 28 May 2009, which the police spokesperson attributed increased cases of defilement to alcoholism, drug abuse, and mental instability. Majority of these defiles are housekeepers. In addition to the above given causes, it implies that causes of girl child defilement are multiple and complex in nature. They can be environmental, social-cultural, economic, individual, family and others.

#### 4.4.7 Effects of defilement on the girl-child

**Table 4.13: Effects**

<b>Effects</b>	<b>Frequency</b>	<b>Percent (%)</b>
Early pregnancy/Abortion	5	9
HIV/AIDS/Death	9	17
Prostitution/Active sex	7	13
Psychological damage and trauma	27	48
Dropping out of school/poor academic performance	7	13
<b>Total</b>	<b>N=55</b>	<b>100</b>

Table 4.14 above shows findings on the effects of defilement. Key informants were asked what effects does defilement bring and were mentioned as early pregnancy/abortion, HIV/AIDS/Death, prostitution, psychology, trauma, dropping out of school and poor academic performance. Key informants were asked effects caused by defilement and below are some of their responses;

*“Early pregnancy leads to dropping out of school by the girl yet a man or her fellow student in this case a boy will remain studying. This means we will still get semi illiterate mothers, unwanted pregnancies leading to unwanted babies, dangerous abortion which put danger to the lives of these girls of dying or even get/contracting diseases”* (Chairman Ssemogerere Zone, Bukoto)

*“Contracting STDs, HIV/AIDS and they get unwanted pregnancies, physical body damage, dropping out of school, suicidal tendencies, poor academic performance, prostitution, drug abuse and many signs of depressive anxiety disorders”* (Counsellor HAR).

*“The girls get stigmatized, loss of confidence in men around them, loss of interest in sex, education loss and death”* (Police officer Kira road).

*“HIV infectious, trauma/madness, failure to conceive, abortion rate is high, death rate at giving birth by these young girls, and many others”* (Counselor HAR).

This is supported by research that was carried out by Human Rights Watch (2001), and it discovered that, Sexual violence has profoundly destabilizing effect on the education of girl children. Rape survivors interviewed reported that they were facing difficulties in concentrating on their work after the assaults. Some girls reported losing interest in school. Others transferred

to new schools while others dropped out of school completely. Parents informed Human Rights Watch that their abused children became depressed, disruptive and anxious.

#### 4.4.8: Services offered to defilement victims by NGOs, Police and LCs

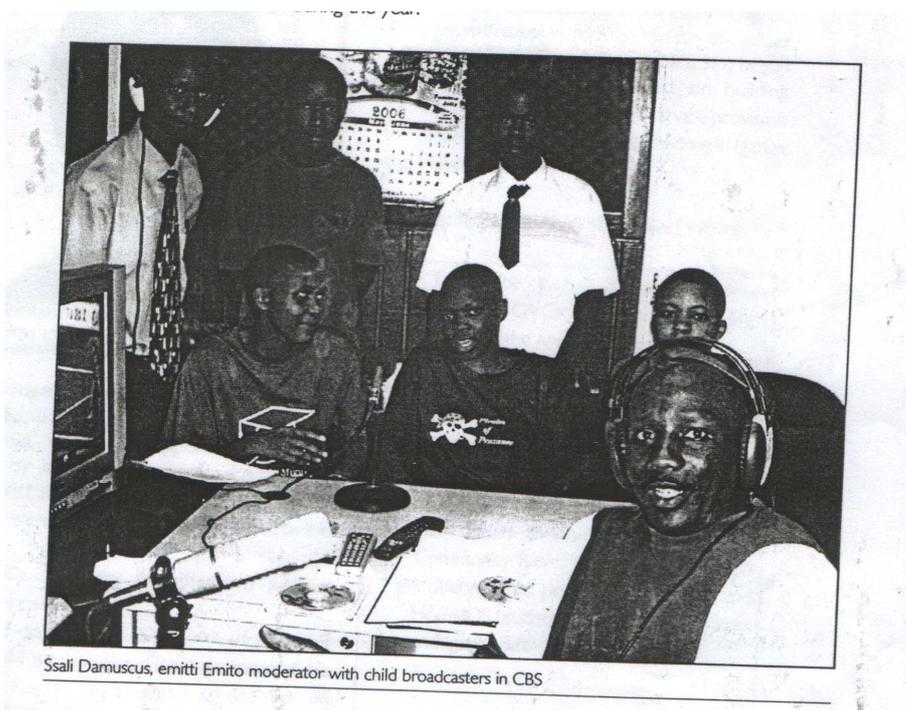
**Table 4.14 Services**

Main occupation	Services offered			Total
	Counselling and guidance	Legal Treatment	Medical Treatment	
Director	2	1	1	4
Police officer	2	5	4	11
Counsellor	6	3	3	12
Social worker	4	2	5	11
LC 1 official	2			2
Program officer	2	2	5	9
Lawyer	2	4	3	9
Volunteer	1	1	1	3
<b>Total</b>	<b>21</b>	<b>18</b>	<b>22</b>	<b>61</b>

From the table 4.14 above indicates that, the police has the major role to investigate the cases and then if it has concluded its investigation then the suspect should be taken to courts of law for prosecution the other services offered by police counselling of the victim directly and sensitization of the public through the print media, magazines radio and television talk shows on how to save guard girls, what to do if a girl is defiled, where to report and it put emphasis on cooperation between police and the public. While NGOs follow up cases to police up to courts of law.

Both HAR and ANPPCAN participate in a number of radio and TV talk shows which are hosted free of charge by various broadcast media houses. And they tackle various topical issues concerning children including the problem of sexual abuse, like the on going process to reform the laws on sexual offences against children. So members of these organizations have appeared on NBS TV, WBS TV, TOP TV, Record TV and on radios CBS, capital FM, Radio One, Mama FM, KFM, Impact FM. All this intended to sensitize the public and advocacy of children rights. This is also in agreement with HAR executive summary of the Organizations annual report of 2003. Key informants gave services their organisations offer as;

*“The media is appreciated and recognised as one of the key partner in the fight against child abuse. It mobilizes, advocate and sensitize the public on the rights of children. Hence ANPPCAN and HAR use and has maintained their relationship with the media. For example ANPPCAN sponsor a radio program “Emiti Emito” which is a phone in live program on Central Broadcasting Services (CBS) which is aired throughout the year every Sunday at 9:45 a.m. This program is for the children to express themselves. And also adults are given a chance in order to get balanced views” (Information officer ANPPCAN).*



The above picture shows children having a live talk show on CBS FM station. They were discussing issues concerning children. Members from institutions were asked what services they offer to defiled girls and below are some of their responses;

*“Under Advocacy, HAR has taken effort to raise awareness of children and women rights through, radio and television talk shows, publication of IEC materials and lobbying policy makers to advocate for children and women rights”. “We normally offer medical treatment to the victim, reporting to police, offering psycho social support follow up the case in courts of law” (Program information officer ANPPCAN).*

*“Our services especially with the victim is treated with confidentiality however, we offer services like counseling of the defiled child, provide*

*medical examination and treatment then legal aspects” (Social Workers ANPPCAN).*

*“We offer legal services like taking the statements, arresting the suspect, counseling and guidance through media, magazines, radio and television talk shows” (CID female police officer Kira Road).*

*“We make social follow up. This involves he follow up of referred cases, organization on home visits, providing support for court cases and linking up with probation officers at district level” (Counselor HAR).*

The services offered to victims were preceded with guidance and counseling, followed by medical services. While the sponsorships of academics up to university was least provided. However, all the services offered by police, NGO,s, Local Councils are important to the public at large. The social service departments and the police share concerns of the child’s protection. However, police is in the best position to deal with the criminal aspect. This calls for cooperation between the social service departments, police and other institutions.

#### **4.4.9 Why Defilement has persisted**

**Table 4.15: Persistence of child defilement cases**

<b>Reason</b>	<b>Frequency</b>	<b>Percent (%)</b>
Lack of sensitisation, counselling and guidance	12	22
Parents neglect/broken families	12	22
Peer pressure	5	9
Culture neglect/influence of western culture	12	22
Poverty	12	22
Ignorance	2	3
<b>Total</b>	<b>N=55</b>	<b>100</b>

In the table 4.15 above it presents findings on the issue of girl child defilement persistence and it indicates that lack of sensitization, counselling and proper guidance 22 percent, parent neglect/ broken families 22 percent, peer pressure 9 percent, culture neglect/influence of western culture 22 percent, poverty 22 percent and ignorance 3 percent were highlighted as some of the reasons for persistence of defilement. Below are some of the responses from key informants indicating why defilement has persisted in Uganda;

*“There is this myths about HIV/AIDS by men, child exposure to pornography, peer pressure, poor parenting skills and broken families, the problem of age of girls and others” (Counselor HAR).*

*“The Leaders re the role model of promiscuity and also the government lacks the will and commitment with issues of sex and children at large” (Lawyer FIDA).*

*“There is ignorance of the law on defilement lack of cooperation from the family of the victim, religion and cultural bylaws which put the age of marriage of women to 16-14 years” (volunteer ANPPCAN).*

*“Poor law enforcement, drug addictions, corruption by police officers, LC officials, courts and negative cultural norms and practice towards the law of defilement and the girl child” (Information officer ANPPCAN).*

*“Poverty, influence of western culture on our society, plenty of films like blue movies, peer pressure, lack of education” (police officer Ntinda).*

*“Parents are not counseling of their children, there is too much poverty, lack of sensitization and guidance” (police officer Ntinda).*

The above is supported by UNICEF report (2001) many adult males seek out young girls for sex and/or marriage in the belief that they are free from HIV. And that they are easy to please and control on the basis that they lack the means of cause trouble in case the relationship does not work out. These are all beliefs and practices which have increased the incidence of early marriage and sexual exploitation of under-age girls.

#### 4.4.10 Community Programmes done by NGOs, police and LCS on girl child defilement

**Table 4.16: Community programs concerning girl child defilement**

Occupation	Community programs concerning girl child defilement		Total responses
	Yes	No	Frequency
Director	1		1
Police officer	11		11
Counsellor	2		2
Social worker	2	5	7
LC 1 official		2	2
Program officer	9		9
Lawyer	3	1	4
Volunteer	2		2
<b>Total</b>	<b>30</b>	<b>8</b>	<b>38</b>

In the table above key informants were asked how often they received girl child defilement cases. The research discovered that cases were reported and received quite often to police, the two NGOs that is Hope After rape and ANPPCAN and then the LC. This is evident that there is now vigilance among community members including children, parents, community volunteers to report cases of abused children to service providers.

The Non Governmental Organizations (NGOs) in this case HAR and ANPPCAN have established and organized community programmes on child abuse and issues of girl child defilement have been tackled. Programmes include workshops and seminars, training of counsellors, forming of children clubs. The study found out that, the community is becoming more and more active which is encouraging and with the support of NGOs. Community programs that key informants gave which are provided by their institutions include;

*“Community is very positive because they have realised CSA exists in their communities so they are willing to participate and help those affected voluntarily. Training community ‘Duty bearers’ to raise their awareness and to disseminate knowledge on child sexual abuse and what should be done in case defilement occurs and advise family of the victim on what should be done” (Director HAR).*

*“We normally implement and initiate community mobilization in various districts against child sexual abuse and what should be done in case*

*defilement occurs and advice family of the victim on what should be done.*  
(Director HAR).

*“We teach Sexual abuse campaign through raising public awareness about its dangers and adverse effects. It involves sensitization of children (the potential in the communities as well as lobbying government at district levels to put in place by laws and mechanisms to protect children from sexual abuse. The awareness is mainly done using radio and television programs”.* (Social Worker ANPPCAN).

*“We always put Cinemas and Films for people to watch and teach them the danger of defilement and putting posters decamping”* (Police officer Kira Road).

The above information, indicate that, NGO’s are doing a wonderful job. This is because of their awareness campaign of defilement to girls, community, schools, police and other institutions. However, there is a lot that needs to be done to address the problem of defilement by changing some of the strategies that concentrate to girl children to those that involve adults more. Also legal institutions should be involved like the police, judiciary and other institutions that may be of help.

#### ***4.4.11: The economic challenges faced by key informants when handling defilement cases***

**Table 4.17: Economic challenges**

<b>Challenge</b>	<b>Frequency</b>	<b>Percent (%)</b>
Transport costs	12	22
Little funding	3	6
Corruption	15	27
Lack of logistical support	3	6
Poverty	22	39
<b>Total</b>	<b>N=55</b>	<b>100</b>

From table 4.17 key informants were asked the economic challenges they face when performing their duties, from the findings, it was discovered that they are faced with many economic challenges and these include; transport costs to follow up cases 22 percent, little funding to carry out different activities concerning their work 6 percent, corruption by police officers 27 percent, lack of logistical support 6 percent, and poverty of victims and their families 39 percent. The

economic challenges faced by key informants when performing their work, below are some of their responses;

*“Most children who are defiled are from poor families, the urban poor, those from villages, orphans, needy children and many others” (Counsellor ANPPCAN).*

*“Am telling you police is too corrupt, some judicial staffs are also, corrupt, the whole process is full of bribing hence justice can not prevail in such situation especially for the poor people” (Information Officer ANPPCAN).*

The above is supported by research which was done by UNICEF/ ANPPCAN 2001 that large numbers of the population are chronically disadvantaged economically and have little access to alternative sources of livelihoods. The demand of survival of this group can precipitate sex trade. Poverty stricken families send their children to towns to look for employment but since they are illiterate, they are unable to secure well paying employment which in turn leads to incidences of sexual abuse and exploitation.

**4.4.12: The social - culture challenges faced by key formants in defilement cases**

**Table 4.18 Social cultural challenges**

<b>Challenge</b>	<b>Frequency</b>	<b>Percent (%)</b>
Defilers run away and victims	10	18
Religious beliefs	7	12
Early marriages/Bride price	22	40
Culture norms	10	18
Language barrier	3	6
Lack of cooperation	3	6
<b>Total</b>	<b>N=55</b>	<b>100</b>

Table 4.18 above indicate responses from key informants on social cultural challenges they face in handling girl/child defilement and they include; defilers runaway 18 percent, religious beliefs like Moslems who marry young girls 12 percent, early marriages for bride price due to poverty 40 percent, traditional norms and practices 18 percent which treat girls and women as subordinates and they are not supposed to disclose or talk about sex issues in public, language barrier 6 percent especially between police officer and parents of the victim with the community

at large, lack of cooperation between parents, police and victims 6 percent. Key informants responses on the social-cultural challenges faced in handling defilement cases and they are as below;

*“Some parents say it is normal for a girl to get married before 18 years. Saying that girls have to get married and give birth when she is still young”* (Social worker HAR).

*“It has not been easy to effect positive change in most communities where cultural practices condone the sexual exploitation of children. In some communities the definition of a child does not necessarily agree with the legal provisions. Due to the fact that sex is taboo many cases of sexual abuse of children go unreported for fear of stigmatisation”* (Police Officer Kira Road).

The above is supported by a research that was carried out in the East and Southern Africa Region, early marriage is closely associated with a society’s concept of children and the situation of any given child. In Uganda and Kenya, for example, cultural practices such as initiation ceremonies and the view that the onset of puberty is the cut-off point between childhood and womanhood, means that adolescents are not defined as children in many cultural practices. This is also the basis for early marriage (Kalemera and Sameji 1998).

UNICEF 2001, carried out a research and it found out that in Kenya some parents are known to marry off their young girls to older men in order to obtain money to meet educational fees for their for male siblings and for other purposes. In pastoral communities, early marriages are common where parents marry off their young girls in exchange for livestock. These exchanges, of cattle for girls and women, form an integral part of the local economy.

#### **4.5 Intervention/Strategies to counter girl-child defilement**

##### ***4.5.1 Strategies to improve on the control of defilement***

Amongst children, the most supported remedy to curb incidences of defilement was ensuring that girls move in groups 42 percent, followed by girls being open to their parents/guardians about emotional issues. Table 4.5 highlights all mentioned measures including avoiding moving at night and improving on the girls’ dress code as these increase vulnerability to exposure to such and other crimes/incidences.

#### 4.5.2 Girl children suggestions on prevention of defilement

**Table 4.19: Prevention of defilement**

<b>Remedy</b>	<b>Frequency</b>	<b>Percent (%)</b>
Girls should move in groups	6	40
Stop moving at night	3	20
Girls should be open to parents about emotional issues	4	27
Girls should improve on their dress code	2	13
<b>Total</b>	<b>N=15</b>	<b>100</b>

From table 4.19 above, victims suggested ways of how to prevent girls from being defiled they include; girl should move in groups if possible with 40 percent, young girls should stop moving at night with 20 percent while 27 percent girls should be open to their parents about emotional issues plus all other issues concerning their lives for advice and girls should dress more decently with 13 percent. Below are some of the responses from victims/abused girls on how to prevent defilement;

*“Our parents should stop allowing or sending their girls at late hours like at night alone and girls should learn to move in groups of the same sex”* (16 year girl victim Ntinda).

*“I think girls should improve on their dressing code. And also parents should not entrust their daughters to anybody especially men”* (15 year girl victim Bukoto).

*“Parents and the girls should be in close contact so that girls can open up to their parents on issues that affect them emotionally”* (17 year old girl victim Kamwokya).

To add to the above, generally parents have the prime responsibility for ensuring that their children grow into secure and productivity members of society. This includes meetings of their basic physical needs of shelter, food, care in illnesses and protecting the child from danger like defilement.

#### 4.5.3 Parents and key informants suggestions on solutions to curb down defilement

**Table 4.20: Proposed Solutions**

<b>Solution</b>	<b>Frequency</b>	<b>Percent (%)</b>
Execution	34	40
enact strict laws	26	30
Sensitise communities about the dangers of defilement	17	20
life imprisonment	8	10
<b>Total</b>	<b>N=85</b>	<b>100</b>

Table 4.20, reveals the parents' and key informant's responses to curb down on defilement. Execution 40 percent and enacting strict laws with 30 percent were mostly mentioned while life imprisonment 10 percent and sensitization of the community with 20 percent. This implies that the law available is Ok but the challenge is implementation. Hence the government should make the law practical to all stake holders. Parents and Key informants suggested solutions which can help in curbing down defilement as indicated below;

*“Reach out to girls so that they learn how to avoid men who can easily defile them, poverty reduction the government in partnership with other stakeholders like development partners should fight poverty by creating income generating activities, so that both the girls and their families are not compromised. Parliament should pass Domestic Relation, Bill and Sexual offence Bill” (Lawyer FIDA Uganda).*

*“Reinforce the existing laws, support the structures in place like police, judiciary, LCs, so that they can do and perform their duties effectively.” (Counselor HAR).*

*Reach out girls to learn how to avoid men by sensitizing them right from grass roots plus the community, government should fight poverty which is a key to defilement, members of parliament should also pass domestic relation bill and sexual offence bill” (Social worker HAR).*

*The only solution is by government having the will to support and pass sexual offences bill” (Program Information officer ANPPCAN).*

*“There is need to have practical laws, the laws should be in line with the norms and customs of our societies and let the law be implemented” (Counselor ANPPCAN).*

*“The government should enact strict laws, then teachers, NGOs, should go to villages/schools and talk to the girl children, counsel them and guide them on early sex” (Female police officer Kira Road).*

*“Reduce the girl consent age to 16 years. This is because by 16 if a girl is not in school she is mature and can have sex especially those in villages” (Male police officer Ntinda).*

*“Reduce the consent age of the girl to 16 years. These girls by that age I normally see them provoking men. So they seem to want sex” (Chairman LCI Semwogerere Zone Bukoto).*

*“The offenders should be punished by either death sentence or castrating them period” (Female parent Kamwokya).*

*“Kill the offenders so that others can learn from them. Now my 12 year daughter was defiled by a university student and he ran away but I wish him death only” (Female parent Bukoto).*

*“The offenders should be fired, killed on spot so that selfish men stop playing with our children” (Male parent)*

*“Counsel the girls, girls should learn to ask their needs from their parents but not men and parents we have a challenge of teaching our children good morals that have decayed” (Female parent Bukoto).*

*“Should Report those who abuse our children to police, seek medical treatment, check for HIV test, counsel the victim, the offender should be arrested and prosecuted straight away when evidence is not yet destroyed” (Male parent Ntinda).*

There is need for Government to have the political will if defilement of the girl is to be brought. This because different solutions will be suggested and laws will be enacted put putting them in practice is the challenge of Government and law enforcers.

#### **4.5.4 Ways to help Victims**

**Table 4.21: Ways in which defiled girls can be helped**

<b>Ways</b>	<b>Frequency</b>	<b>Percent (%)</b>
Report to police	14	25
Seek medical assistance for the victim	25	41
Arrest defilers	8	17
Counselling and guidance to the girl child	8	17
<b>Total</b>	<b>N=55</b>	<b>100</b>

Table 4.21 above, key informants were asked to give ways in which defiled victims can be assisted after such an incidence. And they suggested ways included among others seeking medical assistance to help minimise contraction of STDs 41 percent, reporting to Police 25 percent was second in the ascending order. This will also requires complete cooperation of the victim, her parents and police or any other institution interested in the case if any results are to be yielded. Other proposals were arresting defilers 17 percent, followed by counselling and guidance to the victim 17 percent.

To safeguard the girl child's right against defilement repetitive counselling coupled with training in life skills for physical self defence against defilers. And to improve girl child on the defilement law, it was suggested that with stakeholder participation, amends be made to make it more practical since respondents claimed that the laws were weak. Counselling by NGOs at school and village levels by the concerned institutions was also suggested. This was to raise awareness of the girls about the dangers of defilement, ways to avoid it and immediate actions in case it happens. It was also raised that the age of consent be reduced to 16 since by this time girls seem to behave maturely in all stages of life.

#### 4.5.5 Recommended ways for actors to counter defilement

**Table 4.22: Remedies for different actors to curb down defilement**

Actor	Remedy	Frequency	Percent (%)
Community	Advise girls to quit moving at night	20	37
	Report defilement cases to police	35	63
NGOs	Promote counselling and sensitisation programs	37	68
	Sponsor income generating activities	18	32
Girl child	Should not move alone at night	14	24
	Should share room/bed with any male being	10	19
	Should be open to their parents	10	19
	Avoid risky behaviour/poor dressing code	21	38
Parents	Counsel and guide children	31	57
	Provide necessities to their daughters	18	33
	Report defilement cases early enough	6	10
Police	Carry out investigations thoroughly well	16	29
	Stop being corrupt	18	33
	Arrest all perpetrators	21	38
Legislature	Amend the law to include punishment for girls	35	63
	Enact tough and practical laws	20	37
	Reduce consent age to 16		
Judiciary	Give heavy punishments	18	32
	Explain the laws to people/simplify the law	14	26
	Should not delay defilement court cases	9	16
	Process cases fast enough	14	26

#### Multiple answers

In table 4:23 above respondents were asked what roles should different agents play in the controlling girl child defilement and they responded differently according to the agent. This was question directed to key informants and they gave multiple answers as shown in the table above. Judiciary should not delay defilement cases, should pass heavy punishment to offenders, simplify the law to the public, while legislature has the responsibility of amending the law, consider the child abuse sex bill, reduce consent age of the girl to 16 years, and enact tough and practical laws. To police, it is its duty to carry out investigations thoroughly well without any interference, arrest offenders and should avoid corruption tendencies.

The parents/guardians have the obligation of providing necessities to their daughters, talk to their children on sex issues, and guide them. For example girl child, girls should always move in

groups if possible avoid moving at night, dress decently refuse gifts from men, to be patient up 18 years of age. NGOs especially those concerned with handling child sexual abuse, more sensitization of all stake holders, in needed, counselling, sponsor income generating activities, lobby government on child issues, and the community should be watch dogs for wrong doers and report them. It should be a collective responsibility. To improve quality of work of the police by fighting corruption from the institution and judiciary it should simplify the law to the public, reduce on the period the cases stay in courts, parents advocated for financial and resource facilitation, training of officials concerned with defilement and government support were advocated.

In short, the general public was aware of defilement as an evil and the effects with which it is associated. Much as a host of institutions have arisen to counter this issue, it is still uncontrollably on the rise. Reports from NGOs handling children, police reports, print media, radio and television all show that defilement is on the rise. Corruption is cited as the main hindrance and being high on the general crime list nationally has prompted offenders to carry on with their ill-trade, defilement.

## **CHAPTER FIVE**

### **DISCUSSION, CONCLUSIONS AND RECOMMENDATIONS**

#### **5.0 Introduction**

This chapter presents a discussion of the main findings of the study. It also presents conclusions, recommendations and proposed areas of further research. These are thought to be of great importance to child rights activists, policy makers and all stakeholders involved in the control of girl child defilement programs and for performance improvement.

#### **5.1 DISCUSSION**

Among the specific objectives one was to find out and analyze how the legal framework operates in controlling girl child defilement. The study found out that the legal framework identified include penal code Act cap 120, children act chapter 59, constitution of republic of Uganda article 34 on children rights. Respondents were aware of defilement as the law puts it as having sex with a young girl below the age of 18 years. Some of them also knew about aggravated defilement, which is sex with a young girl below the age of 14 years and the person committed the crime is HIV positive. The punishments that respondent revealed for both defilement and aggravated defilement, were 7 years imprisonment, life imprisonment and death penalty respectively.

Respondents went on identifying institutions concerned or handling such cases of defilement and gave them as police force, judiciary. Local councils especially LCI, Non Government Organizations (NGOs) and listed them as Hope After Rape (HAR) African Network for the prevention and protection against Child Abuse and Neglect (ANPPCAN) Uganda chapter, FIDA Uganda and others. Respondents also revealed that the law is weak, court process takes a long time and police investigations are inconclusive, few police surgeons are available. This is in the line with the literature reviewed.

From the research findings, laws can be amended but the problems are with the issue of implementation. The present law would have done impact on defilement but now implementation is handled is of great concern to the activities and the general public at large. Bailing out criminals or suspects is a disturbing concern presenting suspects are released before

investigations are still going on, they interfere with evidence, sometimes they run a way or intimidation the families of the victims so as they drop the case. The issue of medical examination of defiled girls is also problematic. First there are few surgeon doctors, victims go late for check up for example after evidence has been destroyed, the issue of age who determines the girls age. Parents can give a different one.

The socio-economic and cultural factors may be a barrier in controlling girl child defilement. The study revealed that African traditional culture favor boys than girls and boys are portrayed as bread winners of the homes. Girls are taught to respect and be submissive to men making them vulnerable to acts of defilement. Parents marry off their young daughters before they are 18 years because they want bride price or even when a girl is defiled parents prefer compensation than prosecution of the offender in courts of law. Limited Logistical support is another barrier in form of transport cost, to follow up the case presenting of witnesses, and other necessary financial support needed for police officers, NGO officials, support staff of courts of law.

The unwillingness of parents and victims to cooperate with legal institutions like police, NGOs follow up cases, and courts of law. Age of the girl, is also not consistent, intimidation from family members of the offender, sometimes even from people from higher authority, ignorance of the law is another barrier. Establishing new strategies that can be put in place to improve on the control of girl child defilement was another specific objective. And the research revealed that, the age of consent of the girl be reduced to 16 years, legislature to amend the law, enact tougher laws and which are applicable to the implementer. Fight corruption from government institutions, police investigation and court process should be faster, the community should be a watch dog to wrong doers by reporting them, to authorities, NGOs sensitize public more, create income generating activities to fight poverty, girls improve on the dressing codes, avoid men and their gifts, parent provide necessities to their daughters, and guide them.

## **5.2 Conclusion**

From the findings of the study, it revealed that most girls are defiled between the age of 12-17 years, and others at 0-9 years. Defilers cut across all statuses which include teachers, relatives, both biological and step fathers, clergy, boda boda riders, taxi drivers, domestic employees, university students, fellow students and many other categories. Most people are aware of the law on defilement and its punishments.

Findings revealed that, NGOs concerned with the fight of girl child defilement were doing a tremendous job and the judiciary is trying compared to other institutions. NGOs which were identified were HAR, ANPPCAN and FIDA Uganda. However, the judiciary was recommended for its work and the police force despite the weaknesses identified. The study found out that corruption, poverty, uncooperation, ignorance, culture favors boys compared to girls, lack of financial support, long process of court proceedings and police investigation make it the whole issue a problem, unpractical laws.

The causes of defilement were given as drug abuse, alcoholism, poverty, parents neglect, poor dressing code of girls, and neglect of culture, broken families, peer pressure, influence of western culture and many others. The study also revealed and shows that defilement is on increase every year despite the control measures in place. HAR and ANPPCAN have tried to counsel girls, advocate for rights of girls, sexual offence bill, and sensitize the public on defilement and sexual abuses in general through radios, FMS television stations, print media, school clubs, training of counselors, police officers and magistrates. They provide social, psychological and legal support to their clients. Though LCI still have a challenge of not sending defilement cases to police in fear of losing their voters, or bias.

Many people are not aware of the services offered by ANPPCAN and HAR, services like legal aid, counseling and medication. This makes it difficult for people to get such services, yet they are free of charge but people don't believe that such can happen hence it is a big challenge to convince them to utilize these opportunities of legal instruments. The control of girl child

defilement, if revised, amended and implemented, then can bring a change and combat girl child defilement.

In conclusion, there is need for collective action of government, communities, churches, media, private sector and NGO's on girl child defilement problem. This is because that, the challenges is that no single strategy or organization can tackle defilement be it law, awareness campaigns and other strategy that can solve the issue in isolation with others. Hence there is need to apply The Four-Four Factor Traumagenic theory to address this alarming crime.

### **5.3 Recommendations**

The recommendations have been based on the findings of the study and aimed at Girl Child Defilement control measures more effective to all concerned institutions. These recommendations will benefit the Government, Judiciary police, Legislature, community based organizations and Non Governmental Organizations interested in controlling Girl Child defilement in Kampala district and elsewhere.

#### **5.3.1 Police**

The study recommends that, the Ugandan police force should be facilitated and motivated as they are doing their work. This should be in-form of salary increase, logistical support so that they can easily follow up defilement cases since they would have got transport to go on the ground where the offence would have been committed, hence getting first hand information and evidence to back up the cases. Police surgeons are inadequate in number to conduct examination of defiled girls hence more trained surgeons are needed at least to every sub county. There is need for more and massive sensitization by police to the public that defilement is a crime, and fight against corruption in police for better results.

#### **5.3.2 Judiciary**

Children's courts should be encouraged and set up at the lowest levels. Courts of law should pronounce and give strong punishments to girl child defilers than giving simple punishments, and all courts should be able to handle defilement cases. The victims (girls) should not be asked or questions in court strong and vulgar language that intimidate them and make them emotional, nervous. In other words they should be treated as children hence the defendant if he is to get a lawyer must be of the knowledge of handling children.

### ***5.3.3 Legislature***

Members of parliament should enact strict laws that are strong and which are applicable. More so some laws should be amended for example defilement law, children's rights. They should pass laws which are applicable and acceptable to the society and implementers. However, there is the issue of implementation of the law(s). Even if new laws come up, still implementation of issues remain a challenge and a weakness hence more emphasis should be put on the implementation and enforcement process.

### ***5.3.4 Non Governmental Organizations, (NGOs)***

NGO's should put more emphasis on the prevention of girl child defilement should depend more on programs directed at adults mostly than girls Children. Such programs may include education of about normal sexual development in order to encourage them not to deviate sexually.

In addition, it is important for the NGO's to begin sensitizing the public and all concerned stakeholders to seek non-blaming, supportive responses from adults. This will help these girls to be more confident when disclosing what happened to them. Nonetheless, NGO's should embark on the campaign to law enforcers like police and judiciary when investigating the case to try and not be judgmental but neutral. There is no need of commenting or even blaming the defiled girl. More so, NGO's should put in more effort by lobbying legislators to act applicable laws. The laws should be in such a way that can prevent defilement to take place, practical to judiciary and law enforcers. Remand periods of perpetrator before they are prosecuted should be made a law and short, so that quick justice is sought.

NGOs should put in much more effort for the plight of girl child. More sensitization programs should be put in place for all the stakeholders especially girl child, community, police, judiciary, legislature and other concerned parties. Sensitization should be through mass media, cinemas, songs, drama, etc. NGOs should also advocate for strict adherence to laws on children especially the girl child. In addition they should always identify the challenges they face and they should revise means on how to over come such issues.

NGOs should continue providing counseling services to the girls and their parents rehabilitate the girls. In addition where possible should follow up girl child defilement cases together with

the parents of the victims. NGOs and other parties that are girl child activists should extend and increase the legal services they provide to the people. This is so because police has few personnel and the few available lack enough resources to carry out their duties adequately. In addition NGOs being one of the major tool or organ in the fight of girl child defilement, government should give financial support to improve on their services.

NGOs should also if possible train people especially parents and the community at large life skills, start for communities with income generating activities, help simplify defilement laws and children's laws to the public especially at the grassroots.

### ***5.3.5 Girl Child***

Since most victims of defilement are girls, then programs geared to girl child defilement should be predominantly on them and they should be engaged in counseling, sensitization, safety and protection of their lives. They should know their rights, should empower them and what they should do in case of a potential abuser. Girls should not accept male gifts and should avoid being with male visitors, friends whether relatives, strangers. Girls should learn to report the offenders earlier to their parents/guardians, whether defiled or signs of committing the act/ crime so that it can be stopped before it is committed.

### ***5.3.6 Parents***

They should be more vigilant in fighting against defilement. This should be done by parents taking and doing their responsibilities of providing the necessities to their children, be free with them, share with them emotional issues, be friendly to them, guide them, should stop child neglect. Parents should also learn to work harder in income generating activities in order to liberate themselves and their children from poverty. Parents still, they should cooperate with police and other parties like NGOs in case a girl child has been defiled by giving proper and right evidence, report cases to police, follow them up to the end that is courts of law for justice of the girl child. Parents should stop settling defilement cases with the offenders for material gains because it is a betrayal of their girls/daughters. But still criminals or perpetrators are always bailed out instead of being prosecuted in courts of law.

### ***5.3.7 Community***

For community level especially at Local councils level (LCIs), should stop handling defilement cases since they do it illegally. Hence forward and report them to police because it is a criminal offence which is tried only by high court. The Community should also stop condemning the defiled girls and their parents but give them support so that law breakers/abusers can be punished according to the law. The community should also be active in fighting against girl child defilement by condemning the act and the offender, then attend and support sensitization programs.

### ***5.3.8 Government***

It is the government's responsibility to protect and preserve the girl child rights. This is because the 1995. Constitution of Uganda gives children their rights hence the government should guarantee them emotional and issues. This can be so by government having the will to implement and support the law, for example by not interfering with police investigations and court proceedings. That is by carrying out massive campaign and sensitization on defilement from the top up to the grassroots involving all stakeholders not forgetting the girl child who is the direct victim.

Police, the government should increase salaries of police officers so as to carry out their work of investigation and prosecution professionally. Logistical support is also lacking in these institutions for example police officers lack transport to go and investigate defilement cases where the crime could have been committed and other necessary equipments which hinders concrete and fair investigation or even incomplete.

Police still have few police surgeons, for example like 3 in Kampala who examine defiled girls medically, this take along time just in case a girl is defiled and the surgeon is not there for example has gone in court to testify on a certain defilement case, even when the surgeon is around he can not handle all cases because they are too many. This leads to other victims going minus medical examination hence killing evidence yet it is the key in a defilement case and leading to some people losing interest in the cases. Therefore the government should train more police surgeons and deploy them in different areas take them nearer to the people and also more

trained female police officers who handle defilement cases and they should be taught about children rights since some of them do not know them.

Judiciary, the government should motivate judicial staff and increase salaries of judges, magistrates and their support staff, by providing logistical support. This may partially make court cases move faster which are delayed for many years, due to lack of morale and motivation when executing their judicial work professionally. This will fasten judicial work and efficiency hence reduction in bulkiness of cases.

The government should revise ways and means of giving mandate to magistrate courts to handle defilement cases. As per now it is only the high court which handles defilement cases, since this is a criminal offence. The government should have the will to implement and support of defilement law against the girl child. Empower the girl-child stop interfering with police investigations and court proceedings. This is especially from top government official and politicians hence a big challenge and a weakness hindering the fight and control of girl child defilement.

Poverty, the government should fight more on the issue of poverty which is hitting most of Ugandans by training the income generating activities that need small capital but can bail/relieve them from poverty. This can be done by working and liaising with NGOs dealing in such activities. This will help in stopping parents settling and being compromised in defilement cases of their daughters for material gains from the offenders and their families.

The fight against corruption should be emphasized and fought in government institutions. This is because it is among the major hindrances for efficiency and effectiveness in carrying out their responsibilities. Hence people should have confidence again from these institutions like police, judiciary and others. The researcher suggests that interview of a girl child should be jointly undertaken by a woman police officer with a social worker, psychologist; psychiatrist or pediatrician. The purpose of these professionals is that they are skilled and know the techniques and good knowledge of the normal development patterns of children.

Persons interviewing victims should be with sensitive. All these skills can be learnt through special training. There is need for the questions which should be asked the girl (victim) and answered to depend on the age of the child, development level and the ability to articulate. The interview should be conducted at the child's pace in order for her to disclose. The researcher does not recommend the lowering of the consent age from 18 to 16 years as suggested by some respondents but the consent age of 18, in steady it should be tightened. This is because at 16 years a girl is not yet mature to make an informed decision which is sensitive like sexual affairs. Hence the challenge of the age with regard to social culture definition needs to be tackled by more sensitization campaigns using and approach of bottom to top approach. Paradoxically the researcher does not recommend the settling of defilement cases outside court. This is because the perpetrator will not feel the pain and might not repent is the case is handled like that. More so, the people who would be perpetrators will take advantage to defile girls because of the opportunity to settle the case out side court.

#### **5.4 Areas for Further Research**

Research should be carried out intensively on incest and find out whether the offenders are punished according to the law for both incest and defilement, and if not then why. Also research should be conducted on under-reporting of girl child defilement to police, and other institutions, organizations that provide legal services which are even free.

Research should be carried to find out why people prefer settling defilement cases at village, family levels and even those that are reported to police withdraw file closed and the same applies to courts of law. Also there is need to find out why defilement law is not strongly implemented and supported, by most of stakeholders.

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## APPENDICES

### APPENDIX I

**MAKERERE**



**UNIVERSITY**

P. O. Box 7062 Kampala Uganda  
Email: sociology@ss.mak.ac.ug  
Website: www.makerere.ac.ug

Phone: +256-414-540650  
Fax: +256-414-533396  
Cables: "MAKUNIKA" Kampala

#### DEPARTMENT OF SOCIOLOGY

5<sup>th</sup> November, 2008

The Director  
African Network for the Prevention and Protection against Child Abuse and Neglect  
(ANPPCAN)  
Kampala

Dear Sir/Madam,

**Re: NANSASI GRACE, 2005/HD14/3656/u**

This is to introduce Ms. **NANSASI GRACE, 2005/HD14/3656/u**, a registered postgraduate student in the Department of Sociology, Faculty of Social Sciences, Makerere University.

Ms. Nansasi is carrying out a study entitled: Assessing the Challenges in the Control of Girl-Child Defilement: A Study of Two NGOs in Kampala.

She is doing the study to collect information to enable her write a dissertation as partial fulfillment for the award of the Master of Arts Degree in Sociology of Makerere University.

The study results are expected to inform the policy makers in planning for Children. As her supervisor, I would therefore, appreciate any form of assistance that can be given to her especially accessibility to important and relevant information and respondents

Yours Sincerely,

Dr. Mathias Ssamula  
Senior Lecturer & Supervisor of the Student

cc. MA. Coordinator

## APPENDIX II

**MAKERERE**



**UNIVERSITY**

P. O. Box 7062 Kampala Uganda  
Email: sociology@ss.mak.ac.ug  
Website: www.makerere.ac.ug

Phone: +256-414-540650  
Fax: +256-414-533396  
Cables: "MAKUNIKA" Kampala

### DEPARTMENT OF SOCIOLOGY

5<sup>th</sup> November, 2008

The Director  
Hope after Rape  
Kampala

Dear Sir/Madam,

**Re: NANSASI GRACE, 2005/HD14/3656/u**

This is to introduce Ms. **NANSASI GRACE, 2005/HD14/3656/U**, a registered postgraduate student in the Department of Sociology, Faculty of Social Sciences, Makerere University.

Ms. Nansasi is carrying out a study entitled: *Assessing the Challenges in the Control of Girl-Child Defilement: A Study of Two NGOs in Kampala.*

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Yours Sincerely,

Dr. Mathias Ssamula  
Senior Lecturer & Supervisor of the Student

cc. MA. Coordinator

### APPENDIX III

**MAKERERE**



**UNIVERSITY**

P. O. Box 7062 Kampala Uganda  
Email: sociology@ss.mak.ac.ug  
Website: www.makerere.ac.ug

Phone: +256-414-540650  
Fax: +256-414-533396  
Cables: "MAKUNIKA" Kampala

#### DEPARTMENT OF SOCIOLOGY

5<sup>th</sup> November, 2008

**To: Whom It May Concern**

Dear Sir/Madam,

**Re: NANSASI GRACE, 2005/HD14/3656/u**

This is to introduce Ms. **NANSASI GRACE, 2005/HD14/3656/U**, a registered postgraduate student in the Department of Sociology, Faculty of Social Sciences, Makerere University.

Ms. Nansasi is carrying out a study entitled: Assessing the Challenges in the Control of Girl-Child Defilement: A Study of Two NGOs in Kampala.

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Yours Sincerely,

Dr. Mathias Ssamula  
Senior Lecturer & Supervisor of the Student

cc. MA. Coordinator



**CRIME BY CRIME STATISTICS – PFI-2007 (Police crime report 2007) APPENDIX V**

	PENAL CODE OFFENCES	CASES					PERSONS TAKEN TO COURT										SENTENCES				Fined	On Prob				
							Persons Arrested					Persons	Convicted				Acquit	Awaiting	Death	Imprisonment						
			Non criminal	Pending under inquiry	Taken	With	Male		Female		Male		Female		Discharge	Trial				Male			Female			
							No offence Defected	To court	Adults	Juvl	Adult		Juvl	Adults						Juvl			Adults	Juvl	Adults	Juvl
1	Death other than shooting		-	948	782		1,003	32	115	3																
2	After killing other than shooting	372	-	192	180		178	4	24	1		10	1	1	-	16	118	-	13	-	-	-	-	-	1	
3	Death shooting	220	-	187	53		62	4	3	1		1	-	-	-	1	58	-	-	-	-	-	-	-	-	
4	Att. Killing by Shooting	123		72	33		34	-	-	-		3	-	-	-	1	30	-	3	-	-	-	-	-	-	
5	Att. Suicide		-	74	34		28	1	3	-		9	-	2	-	3	18		7		-	1	-	1		
6	Rape	598	-	341	258		283	14	-	-		1	-	-	-	10	268	-	-	-	-	-	-	-	1	
7	Defilement	12230		8,171	4,059	22	3348	748	-	1	-	22	1	-	-	107	3985	-	19	1	-	-	-	-	2	
8	Indecent Assault	503		180	383	15	358	22	18	-	-	72	2	5	-	73	244	-	54	2	6	-	2	5		
9	Incest	32	19	25	7	2	8	-	2	-	-	4	-	1	-	4	1	-	4	-	1	-	-	-	-	
10	Unnatural Offences	37	19	9	28	3	28	2	-	-	-	3	-	-	-	3	22	-	2	-	-	-	-	-	-	
11	Aggravated Robbery	1443	385	1,164	278	3	528	7	4	-	-	6	-	-	-	25	508	-	4	-	-	-	-	-	-	
12	Simple Robbery	4223	2,188	3,398	827	77	1,075	12	22	-	1	87	1	1	-	158	833	-	72	3	1	-	13	6		
13	Burglary & Theft	4,552	1,876	3,021	1,531	396	1,752	78	41	-		423	17	12	-	381	1,038	-	332	7	11	-	18	25		
14	H/Breaking & Theft	1866	677	1,203	752	210	804	39	25	-	1	219	8	10	-	178	456	-	207	-	7	-	10	18		
15	Shop breaking & Theft	1242	575	752	490	110	650	34	5	-	-	137	15	-	-	117	420	-	151	9	1	-	5	7		

**APPENDIX VI**  
**INTERVIEW GUIDE FOR KEY INFORMANTS**

**TO BE FILLED BY INFORMANTS**

**Research Topic: Assessing the challenges in the control of girl child defilement,  
The case of two NGOs in Kampala**

Dear respondent:

- You have been chosen to participate in this study
- This study is purely academic
- The information you will give is confidential
- You are requested to tell the truth
- Respond by ticking in the box provided and filling the blank spaces given

**SECTION A**  
**BACKGROUND INFORMATION**

1. Age

2. Sex (a) male  (b) Female

3. Marital status (a) single  (b) Married  (c) Divorced

(d) Widowed

4. Level of education

(a) Primary level

(b) O level

© A level

(d) Diploma

(e) Degree

(f) Others specify.....

5. Main occupation

(a) Social worker

(b) Administrator

© Police officer

(d) Counselor

(e) LCI official

(f) Others specify .....

**SECTION B**

**LEGAL FRAME WORK**

1. Who is a girl child .....

2. What do you understand by defilement?.....

3. What is the punishment for defilement? .....

4. What is aggravated defilement?.....

5. What is the punishment for aggravated defilement.....

6. List any legal framework that you know in controlling girl child defilement

.....  
.....

7. How often do you receive girl child defilement cases?

(a) Very often

(b) Quite often

© Rarely

8. How do you get to know about girl child defilement cases?.....

.....

9. What is the action normally taken after the report?.....

.....

10. How do you handle girl child defilement cases?.....

.....

11. Is the number of girl child defilement increasing or decreasing?

(a) Yes  (b) No

12. How many defilement cases have you recorded in the last five years?

Year	2003	2004	2005	2006	2007
Number					

13. Do fathers/step farmers/relatives get punished for both defilement and incest?

(a) Yes  (b) No

If No, why is it so?.....

.....

14. Do defilement offenders get punished according to the law?

(a) Yes  (b) No

If no, why and what happens next?.....

.....

15. Do you know that it is illegal for an LC official to settle a defilement case?

(a) Yes  (b) No

16. If yes, then why is it that many cases are still settled at L C 1 level?

.....  
.....

17. What legal challenges do you face in handling and controlling girl child defilement?

.....  
.....

18. What gaps do you think are there in the existing law controlling girl child defilement?.....

.....

19. From your experience, why is it that people do not report defilement cases to police and other relevant or legal institutions?

.....  
.....

### SECTION C

#### SOCIAL ECONOMIC AND CULTURAL FACTORS

1. Who are the girl child defilers?

(a) Fathers

(b) Step fathers

(c) Relatives

(d) Teachers

(e) Fellow children

(f) Pastors

(g) Domestic employees

(h) Drug addicts/Drunkards

(i) Taxi - drivers/conductors

(j) Boda - boda riders

(k) Others, specify .....

2. What is the most common age of girls that are defiled?.....

.....

3. In your own view, what are the causes of defilement?.....

.....

.....

4. Why do you think girl child defilement has persisted?.....

.....

.....

5. Do you think the social cultural norms have facilitated girl child defilement?

(a) Yes  (b) No

If yes, how has it been a facilitator?.....

.....

6. What do you think are the effects of girl child defilement?.....

.....

7. What services do your organization offer to the defiled girls.....

.....

8. For what period of time do you offer these services to the girls?.....

.....

9. Do you involve their parents/guardians in rehabilitating these children?

(a) Yes  (b) No

10. Do you have any community programmes concerning girl child defilement?

(a) Yes  (b) No

If yes, what are the programmes that are done at community level?.....

.....  
.....

11. What is the community/parents attitude towards girl child defilement community programmes?

.....  
.....

12. Do you think you have made any impact concerning girl child defilement to both the girls and the community? (a) Yes  (b) No

(a) If yes, what shows that you have achieved it?

.....

(b) If No, where is the problem?.....

.....

13. What social, economic and cultural challenges you face as you provide services to the girls and the community at large?

.....  
.....

14. Apart from your organization, do you know of any other organizations that takes care of defiled girls (a) Yes  (b) No

If yes, list them.....

.....

**SECTION D**  
**STRATEGIES/RECOMMENDATIONS**

1. What do you think should be done to improve on girl child defilement law?

.....  
.....

2. In your own view, how can the girl child be helped to safe guard her rights?

.....  
.....

3 What role should the following agents play in controlling girl child defilement?

(a) Judiciary.....

.....

(b) Legislature.....

.....

© Police.....

.....

(d) Parents.....

.....

(e) Girl child.....

.....

(f) NGOs.....

.....

(g)Community.....

.....

4. How do you think the defiled girls should be helped to over come emotional,  
psychological trauma and stigma?.....

.....

**THANK YOU**

**APPENDIX VII**  
**INTERVIEW GUIDE FOR PARENTS**  
**TO BE FILLED BY THE PARENTS**

**Research Topic: Assessing the challenges in the control of girl child defilement:  
A case of two NGOs in Kampala**

Dear respondent:

- You have been chosen to participate in this study
- This study is purely academic
- The information you will give is confidential
- You are requested to tell the truth
- Respond by ticking in the box provided and filling the blank spaces given

**SECTION A - BACK GROUND INFORMATION**

1. Age.....

2. Sex            (a) Male  (b) Female

3. Level of education

(a) Never gone to school

(b) Primary level

(c) Secondary level

(d) Tertiary institution

(e) University

(f) Others specify.....

4. What is your occupation?

(a) Teacher

(b) Peasant

© Shopkeeper

(d) Others specify.....

5. What is your marital status?

(a) Married

(b) Divorced/Separated

(d) Widow

(e) Others specify.....

6. Nature of the family (a) Monogamous  (b) Polygamous

7. How many children do you have in your family.....

8. How many are girls?.....

9. Are they in schools? Yes  NO

10. If yes how many are in school? .....

11. And if no what do they do?

(a) Nothing

(b) House-girl

© Married

(d) Shop-keeper

(e) Others Specify.....

**SECTION B**  
**LEGAL FRAMEWORK**

1. Who is a girl child?.....  
.....

2. What is defilement?.....  
.....

3. Do you know the punishment for defilement? Yes  No.

4. What is the punishment for defilement?.....

5. Have you ever heard of aggravated defilement? Yes  No

If yes, state the punishment.....

6. If yes, did you report the matter to the police? Yes  No

7 Were you helped? Yes  No

8. If you did not report the case to the police which other authorities did you report to

(a) ANPPCAN

(b) Hope after rape

© LCI

(d) Others specify .....

9. How did they help you and your child?

(a) Take the case to the police

(b) Take the child to the hospital

(c) Counseling

(d) Settled the matter with the offender

(e) Others specify .....

10. Were you satisfied with the police investigation? Yes  No

If no what could be the problem?

- (a) Bribe
- (b) Police not interested
- © Intimidated me
- (d) File got lost from police
- (e) Others specify.....

11. Was the defiler punished according to the law? Yes  No

If no, Why? .....

12. Which of the following, do you think has tried to perform its duty in controlling girl child defilement?

- (a) Legislature
- (b) Judiciary
- (c) Police
- (d) Parents/Guardians
- (e) NGOs
- (f) Environment

12. Do you have children and family courts in your area? Yes  No

**SECTION C**

**SOCIAL ECONOMIC AND CULTURAL FACTORS**

1. How did you find that you girl child was defiled?

(a) She told me

(b) Discovered it myself

(c) From her sister/brother/brothers

(d) Any other specify.....

2. What was your reaction after your discovery?

.....

3. Who defiled the girl?

(a) Father

(b) Step father

(c) Relative

(d) Domestic employee

(e) Pastor/clergy

(f) Drug addict/drun kard

(g) Others specify.....

4. What do you think are the causes of defilement?

(a) Drug abuse/Alcoholism

(b) Over crowded homes

- © Moral decay in society
- (d) Parent neglect
- (e)Poverty
- (f) Broken families
- (g) Poor dressing codes
- (h) Weak laws
- (i) Poor performance of legal institutions

(j) Others specify .....

5. Why do you think some of the defilement cases are not reported?.....  
 .....

6. Do you think the current NGO's dealing defilement/rape have helped to curb down the problem to the girl child?.....  
 .....

**SECTION D**

1. What do you think should be done to bring down the incidence of girl child defilement?.....  
 .....

2. In your own view, how should the defiled girls be helped?  
 .....

3. What immediate action is the girl child supposed to take when defiled?  
 .....

4. What do you think should be done for both the judicial system and police in order to improve on their quality of work?

.....  
.....

5. In which ways do you think defilers can be best punished?

.....  
.....

**THANK YOU**

## APPENDIX VIII

### TO BE FILLED BY THE GIRL CHILD

Research topic: **Assessing the challenges the control of Girl Child Defilement: The case of two NGO's in Kampala**

Dear respondent:

- You have been chosen to participate in this study
- This study is purely academic
- The information you will give is confidential
- You are requested to tell the truth
- Respond by ticking in the box provided and filling the blank spaces given

### SECTION A

#### BACKGROUND INFORMATION

1. Age..... Date .....
2. Sex (a) male  (b) Female
3. Nature of family (a) Monogamous  (b) polygamous
4. How many children are you in the family?
  - (a) One
  - (b) Two
  - (c) Three
  - (d) Four
  - (e) More than five
5. What is your fathers/mother's /Guardian's occupation?
  - (a) Peasant
  - (b) Shopkeeper
  - (c) Teacher
  - (d) Others specify.....

6. Do you go to school? (a) Yes  No

7. Whom do you stay with?

(a) Parents

(b) Relatives

(c) Guardians

### SECTION B

#### LEGAL FRAMEWORK OF GIRL CHILD CONTROL

1. Do you know anything about defilement? Yes  No

2. What do you understand by defilement?

a) Sex before 10 year or age

b) Sex before 18 years of age

c) Sex before marriage

d) Fellow students

e) Others specify.....

3. How did you get to know about defilement?

(a) Media

(b) Parents

(c) Teachers

(d) Fellow students

(e) Others specify .....

4. Have you ever been defiled? Yes  No

5. Did you report the case to police? Yes  No

6. If no, where did you report?

(a) ANPPCAN

(b) Hope After Rape

© LCI

(d) Others specify.....

7. What is the punishment for defilement?.....

.....

8. Was the offender punished? Yes  No

If no why?

(a) Paid my parents

(b) Bribed police

(c) Intimidated my parents

(d) Ran away

(e) I don't know

(f) Others specify.....

### SECTION C

#### SOCIAL ECONOMIC & CULTURAL FACTORS

1. At what age were you defiled?

(a) 5 and below

(b) 6 – 10

(c) 11 – 15

(d) 16 – 18

(2) Who defiled you?

(a) Father

(b) Step father

(c) Relative

d) Teacher

(e) Fellow children

(f) Pastor/clergy

(g) Domestic employee

(h) Drug addict/drun kard

(i) Drunkard

(j) Taxi driver/conductor

(k) Boda boda riders

(l) Others specify.....

3. Were you offered gifts? Yes  No

4. If yes, which gifts were you offered?

(a) Money

(b) Sweets

© Cell phone

(d) Cloths/shoes

(e) School fees

(f) Transport/lift

(g) Food/eats/drinks

(h) Others specify.....

5. Why did go to Hope after Rape/ANPPCAN?.....  
.....

6. What kind of assistance from Hope after rape/ANPPCAN

(a) By counseling

(b) Following up the case to police

(c) Medical care

(d) Others specify.....

#### **SECTION D**

#### **STRATEGIES TO IMPROVE ON GIRL CHILD DEFILEMENT**

1. What do you think can be done to prevent girls from being defiled?  
.....  
.....

2. Suggest ways in which defiled girls can be helped. ....  
.....  
.....

3. How would you like girl child defilers/offenders be punished? ....  
.....  
.....

**THANK YOU**