

**THE LEGAL ANALYSIS OF VIOLENCE AND CHILD ABUSE IN UGANDA;**

**A case study of Karamoja region.**

**A DISSERTATION SUBMITTED IN PARTIAL FULFILLMENT OF THE  
REQUIREMENTS FOR THE AWARD OF THE DEGREE OF BACHELOR OF LAW  
OF KAMPALA INTERNATIONAL UNIVERSITY.**

**BY**

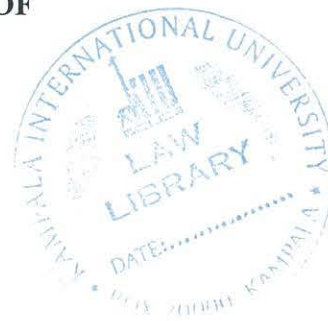
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**March 2011**



## DECLARATION

"I declare that this thesis is the work of Kaburu Teddy Muthengia alone, except where due acknowledgement is made in the text. It does not include materials for which any other university degree or diploma has been awarded."

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"I certify that I have supervised and read this study and that in my opinion, it conforms to acceptable standards of scholarly presentation and is fully adequate in scope and quality as a dissertation in partial fulfillment for the award of Degree of Bachelor of Laws of Kampala International University."

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## DEDICATION

To my parents Peter Kaburu Kamengere and Elizabeth Gathingia Kaburu.

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The Almighty God for it is by his mighty power that I have come this far.

## ABSTRACT

The rights of children have over a long period of time been neglected in Uganda by various institutions, individuals and also the government at large. This thesis thus creates awareness on the rights of children and brings to light the causes of their abuse and makes recommendations as to the solution of this phenomenon. It also analyses the extent to which children rights have been upheld in Uganda by critically examining the efficacy of the various legislations providing for the rights of children as well as the challenges inhibiting the realization and enforcement of these rights. The study was carried out in the Karamoja region of Uganda which is one of the most regions affected by this vice.

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## CHAPTER ONE

### INTRODUCTION

Child Abuse is the situation where a child's or children's rights are violated. Violence on the other hand involves instillation of fear; this may be through words or actions. It mainly involves oppression by parents, guardians, individuals, institutions or organizations. In Uganda however, the threat of violence and child abuse has mainly been practiced by parents and guardians. There are many factors and situations under which children are mistreated in Ugandan families taking all circles of life that is; socially, economically and politically.

For instance, in Uganda; divorce is a major factor. Some married couples stay in short lived marriages. When one partner parts the other, children are left at a higher risk of abuse. If for instance a man marries another woman, it is most likely that the step-mother who comes in will mistreat the children since she is not their biological mother. The end result of this is that the children grow without parental love which is one of their basic rights.

According to recent researches, step mothers and fathers have been major factors in abusing the rights of children; this may be through heavy punishments as a result of petty mistakes done unwillingly by the child. Day in day out we get reports from the media of cases whereby parents and guardians go to an extent of scalding children with hot iron bars as a form of punishment. Others reach the extent of starving their children for days and nights. This is very inhuman!

Child labour is another form of child abuse. A large number of children in Uganda don't go to schools; they are ever on the streets either begging or selling small commodities in order to

sustain their survival. If you happen to take a walk around the streets of Kampala, you would be stunningly shocked by the number of children hawkers and beggars who are now becoming a menace in the city. Unfortunately, most of these children are sent to the streets by their parents. I happened to interview a few boys and I learnt that most of them were from Northern Uganda and the reason why they were on the streets was because they come from poverty stricken families.

Another common form of child abuse in Uganda is the denial of child education. Education is the key in the realization of children rights in our society. It is of a major concern that violence and child abuse is more intensified in areas with a lot of uneducated people. In some communities, education is not a priority thus some children are neglected in the favour of others. For instance, in the Karamoja region of Uganda, the boy child is given the priority to study while the girl child helps in the house hold chores and in some cases are married off at a very tender age.

Loss of cultural values is also a factor that leads to the abuse of children's rights. Some adults and parents especially fathers and Uncles fall into sexual intercourse with their daughters and nieces. In the recent times, there has been a high prevalence of cases whereby young boys and girls are sexually abused by their elders, teachers inclusive. This leads to low self esteem of the victim and therefore the child grows up feeling so inferior in life because of the trauma resulting from sexual abuse.

Given all the above forms of child abuse, there is much that needs to be done in our communities to get rid of child abuse. It is everyone's duty to ensure that children are fully protected from any form of abuse. Communities should be sensitized on children rights; parents



and guardians should become responsible and have the children taken to schools and also take care of them by providing them with scholastic materials.

In the case of family issues, there should be respect in marriage in order to minimize on divorce cases. Adults and institutions should avoid employing minors and using them for sex and strict measures should be put in place for the law protecting the Rights of a child.

The government as a whole is also under an obligation to protect and take care of the parentless children by protecting their Rights as children from the ruthless society.

### **1.1 Background of the study**

Although the United Nations Convention on the Rights of the child (UNCRC) clearly articulates that it is the states responsibility to protect children from all forms of violence,<sup>1</sup> it is widely acknowledged that globally little of that obligation has been translated into practice.

In Uganda, the situation is not much different. Little is known about children's perspectives on the nature and extent of violence used against them. Less is known about who perpetrates the violence, where children most commonly experience it, and what children ought to be done about it.

The concept of protection of children means pursuing all activities aimed at ensuring respect and fulfillment of the children's rights as experienced in the CRC and other International Human Rights Instruments. The Government of Uganda ratified and domesticated the CRC by enacting a law for children. The rights of the child are therefore comprehensively addressed under Uganda's legal frame work.

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<sup>1</sup> Article 19 UNCRC

The primary responsibility for ensuring protection, upbringing and development of children belongs to their parents and families. Government and defacto authorities have a secondary and social responsibility to look after the children.

Consequently, many of the responses to violence and child abuse tend to be adhoc. It was in response to this situation that I was inspired to undertake this study.

## **1.2 Statement of the research paper**

Children are important beings in our society. Their present lives today determine their future and the welfare of our society in general. Therefore, any mistreatment or violation of a child's right means a blurred future to our society. There is thus an urgent need and obligation for everyone to protect children against any form of violence or mistreatment.

This research explores the various means which can be used or put in place to ensure that the children are protected by the law and that their rights are not violated.

## **1.3 Objectives of the study**

This study seeks to;

1. Analyse the impact of violence against children and the extent to which their rights are abused.
2. Make a specific inquiry of the cause of this vice and how it can be dealt with effectively.
3. Illustrate that educating the public through the mass media on the rights of children would be a positive step in addressing issues of child violence and abuses.

4. Make recommendations for a new course of action that will highlight and be aimed at the prevention of violence and child abuse.

#### **1.4 Scope of the study**

This research focuses on the various means that may be used to generate credible information that will enable the creation of effective interventions for the prevention of violence against children and abuse of their rights.

The study aims to understand how and why violence against children and abuse continues to occur, so that the information generated can be used to design programs, develop policies and inspire further similar research towards creating a meaningful response to the problem.

#### **1.5 Hypothesis**

This research is based on the following hypothesis; the review of the existing legislations in relation to the protection of children's rights and a review on the penalties imposed on offences related to child violence and abuse.

#### **1.6 Methodology of study**

This study is dominantly library-based research. This method involves perusal and excavation of literature on the subject. The method of data collection also includes questionnaires and key informant interviews. Information will also be obtained from courts, local authorities, probation and social welfare officers as well as other institutions involved in child care in Uganda. Together they offer varied approaches for engaging participants in sharing their personal experiences regarding violence and child abuse.

## 1.7 Literature Review

It is important to note that there has not been much literature published on violence and child abuse in Uganda. Available literature is on abuse of children rights in African context in general. However, a small number of studies have considered and taken interest on the rampant rate of abuse of children rights in Uganda.

For the purposes of this study, the acts of violence against children are organized under four broad forms;

1. Physical
2. Emotional
3. Sexual and,
4. Economic.

While this may oversimplify the reality of children's experience (most acts of violence are multifaceted), it does not facilitate a meaningful discussion and allows responses to become more specific.

The study assumes that most violence against children within the domestic realm is the consequence of children's low status in the social hierarchy of power. In other words, violence is inflicted on children mainly because they are minors and incapable of making proper judgment and not as a result of their actions. For example; an adult male who commits the same mistake as a child would not be beaten, but the child would. Thus, this study analyses violence within the context of this power-based, adult-child relationship.

In this study, children's best interests take precedence. Children participation is perceived as a crucial source of information; interviewers use child-centric consultation methods, and children's

input carries as much weight as that of adults. This study makes every effort to ensure that the children's voices are heard.

## **1.8 Overview of Chapters**

This work is divided into five chapters. Chapter one outlines the background to the study, problems that prompted the research and outlines the questions and the methodology to be used. Chapter two lays a foundation of the study by discussing the forms of violence and child abuse in Uganda, specifically the Karamoja region. Chapter three deals with the legal provisions of the rights of children according to various legislations in Uganda. Chapter four analyses the achievements and challenges faced by the government in the enforcement of children rights. Chapter five entails the conclusions drawn from the work and gives recommendations.

## **CHAPTER TWO**

### **AN OVERVIEW OF FORMS OF VIOLENCE AND CHILD ABUSE IN UGANDA**

#### **2.1 INTRODUCTION;**

According to the World Health Organization (WHO), as many as 40 million children globally under the age of 15 are victims of violence every year. Almost certainly, this statistic underestimates the problem. It is clear that violence against children is a serious problem and the cause of concern.

Children in Uganda especially girls are particularly vulnerable to various forms of violence both by virtue of their gender and because of the socio-economic and cultural conditions prevailing in their communities. Children experience violence in the classroom, at home and in the community and in times of conflict and crisis, are special targets of violence. In their communities, girls face physical, sexual and psychological violence and are harmed through inequalities in access to resources.

Ending violence in Uganda is one of the most pressing challenges. Comprehensive information on the magnitude of the problem, its causes and consequences is essential if we are to approach violence against children in Uganda from an informed perspective. The problem must be thoroughly understood, and the means of addressing it comprehensively analysed if the abuses are to be effectively tackled and ultimately stopped.

This research is aimed to capture the Ugandan children voices who have experienced violence and by doing so, enable them to reach policy-makers who can effect change on their

behalf. It is everyone's duty to take action to meet the challenge of ending violence against children. It is our duty to respond.

On average, eight out of every ten children surveyed in these reports are being physically abused by the people who they are supposed to trust most.

Violence against children is a fundamental violation of human rights and should be viewed as a crime. It is important for the societies to acknowledge that certain forms of violence such as defilement, incest and domestic slavery are experienced by young children.

The following questionnaire was submitted to some of the children across the district of Karamoja in order to collect comprehensive information on the cases of violence and child abuse in the region.

### **QUESTIONNAIRE:**

**TOPIC:** FORMS AND CAUSES OF VIOLENCE AND CHILD ABUSE IN THE KARAMOJA REGION OF UGANDA.

**AIM:** This questionnaire is aimed at getting first hand information from the victims of violence and child abuse in the Karamoja region.

This questionnaire was submitted to children both boys and girls below the age of 16 years. One of the major challenges experienced in administering this questionnaire was; language barrier since most children could hardly speak English. Another major problem encountered was that some children were not so

open and were not willing to give exhaustive information for fear of being punished by their parents and adults if they talked the truth. I however assured them that the information was confidential and that they would not be punished by anyone. I was also fortunate enough to get an interpreter in cases where the children could not talk in English or Swahili.

**Questions administered;**

- 1). what is your name, age and where do you come from?
- 2). Do you go to school? If (no) why?
- 3). Do you have parents? If (no), whom do you live with?
- 4). Have you ever faced any form of punishment be it; beating, forced to work, food denial, being abused e.t.c?
- 5). what was the reason of the above punishment and who punished you?
- 6). How did you feel about it? Did you report the matter to anybody and if (no), why?
- 7). Have you ever been sexually abused? E.g. forced into sex, somebody touching your private parts, being talked to in a vulgar language?
- 8). who sexually abused you? Did you report the matter? If (no) why?
- 9). Why do you think some of these people abused children and what would you like them to be done to so that they can stop abusing children?





**Sample response;**

**14 year old boy;**

“My name is Daniel Lokor, am 14 years old. I stay in Moroto with my mother and sisters. I stopped going to school last year since my mother could no longer afford to pay my school fees. Moreover, she said she needed me at home so that I can look after the goats and cattle and also help her to fetch firewood in the bush.”

**16 year old girl;**

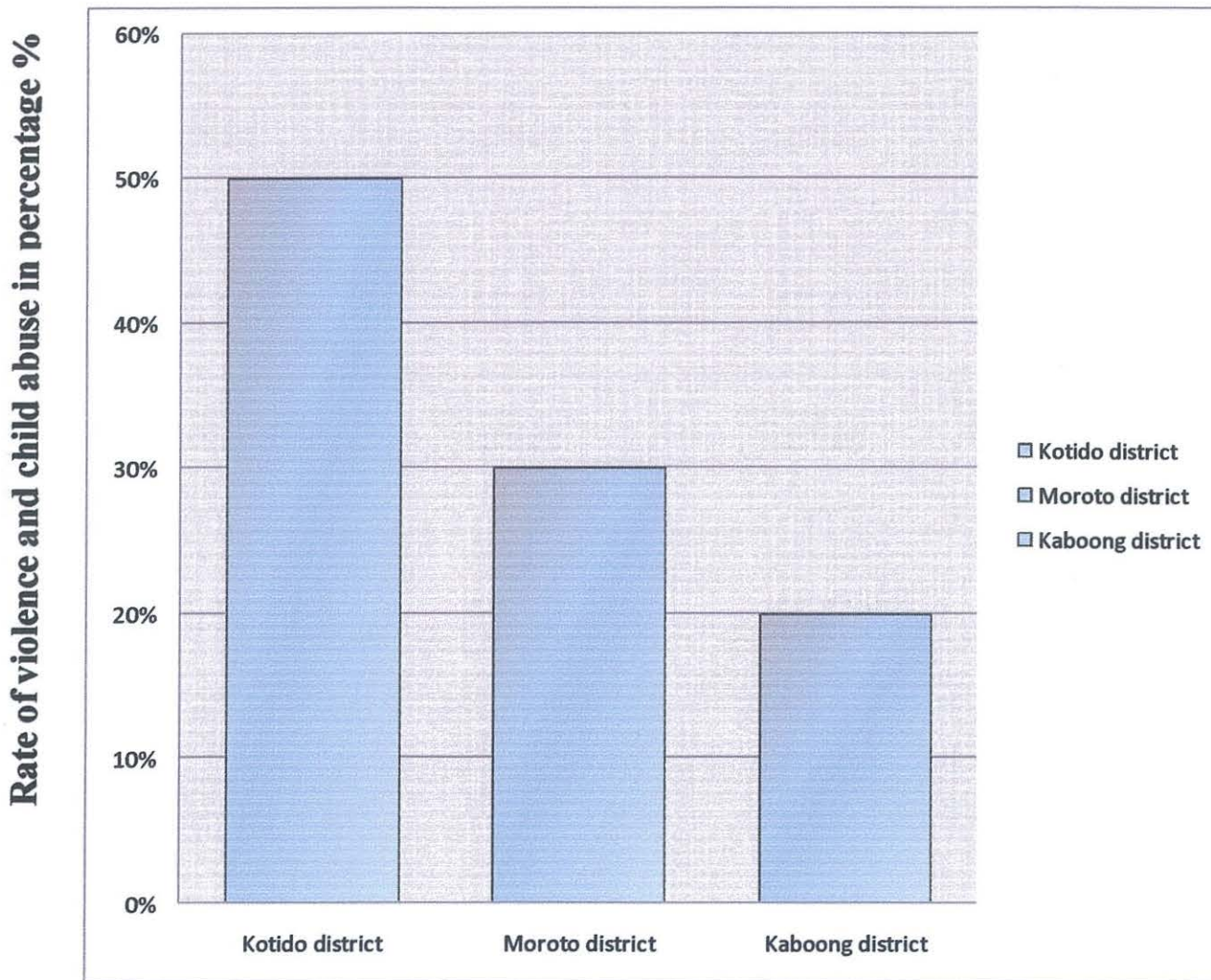
“I no longer go to school; I usually help my mother in selling local brew to her customers in the evenings. During the day, I stay at home cooking for my elder brothers who go to school. My parents refused to educate me since am a girl, they are planning to marry me off as soon as I reach 18 years, they say that this is our culture and it should be respected. Sometimes am sexually abused by drunkards as I serve them. I can't report them to my mother since they are her customers and she would be very angry with me.”

**Generally,** most of the children interviewed hardly saw the door of a classroom. Instead, they were forced to stay at home and help in household chores. In some isolated cases, some young boys were subjected to hard labour such as carrying huge sacks of charcoal for long distance. Some school girls were sexually abused by their male teachers in favour of good marks in class. Most of these cases went unreported since the victims felt that the perpetrators were right in what they were doing since they were adults and no one could punish them. Some

children were of the view that the perpetrators of violence and child abuse should be locked up behind bars and that some of them should be killed.

As represented in figure 1.1 below; the study revealed that Kotido districts leads in child abuse with 50% followed by Moroto district with 30% and lastly by Kaboong district with 20%.

**Figure.1.1 Prevalence of child abuse and in Kotido, Moroto and Kabong districts of Karamoja region.**



**Various Districts in the region**

## **2.2 Physical violence against children in the Karamoja region of Uganda.**

This section provides an overview of the survey results from Uganda. It synthesizes the main conclusions that were drawn in each of the districts of Karamoja region in the Northern part of Uganda about the nature, extent, causes, consequences and perpetrators of various forms of physical abuse committed against children in Uganda. The study examines physical abuse in schools, families and in the community. Physical abuse as it is documented in this report may consist of just one incident or it may happen repeatedly. In addition, physical abuse is acknowledged in this report as involving deliberate use of force against a child in such a way that the child is either injured or is at risk of being injured. The various forms of physical abuse in this research include; beating, hitting, burning, kicking, hard labour, putting hot or bitter foods or drinks in children's mouths, being locked up and being denied food.

## **2.3 Psychological violence against children in the Karamoja region.**

Psychological abuse is one of the most common forms of violence against children but it can go unnoticed as there is no physical evidence of its occurrence. Consequently, proving that psychological abuse has taken place is very difficult. There are various forms of psychological abuse documented in this report including; verbal threats ranging from abandonment to physical harm, insults and causing embarrassment in front of others; shouting or glaring, being made to use force against another person and being forced to witness a beating or worse, the killing of another.

Survey findings indicate that there is minimal psychological abuse below the age of five years. However, there is a significant prevalence of severe psychological abuse in this group in the Karamoja region of Uganda. More than ten percent of abuse in the form of witnessing the

severe beating of persons close to the victim and threats of physical harm are experienced by children in this age group.

Generally, psychological abuse is at its highest between the ages of 14 and 17 years. In this age group, the most prevalent forms of abuse are being threatened with abandonment of home as well as personal threats of physical harm. Respondents receiving threats of abandonment were reported at 67.5 percent in Kotido district, 53.7 percent in Moroto district and 61.8 percent in Koboong districts.

### **2.3.1 Psychological violence: perpetrators**

The study indicates that psychological abuses across the districts of Karamoja region in Uganda generally are committed by very close family members. Taking the lead in insulting their children across the region is Kotido district, followed by Moroto district. The most alarming result is from Koboong district where mothers are ranked as the leading perpetrators in almost all forms of psychological abuse.

Step mothers and other relatives also ranked highly as perpetrators of psychological abuse. Strangers less featured as perpetrators of psychological abuse. Both male and female teachers are ranked as the second highest perpetrators of embarrassing girls across the districts. Other than teachers, perpetrators outside the family are boyfriends, girlfriends and occasional sex partners. In Kotido and Moroto districts, 29 percent and 16 percent of respondents respectively indicate that they were forced to run away from home by their boyfriends or occasional male sex partners.

## **2.4 Sexual violence against children in Kotido, Moroto, Koboong and districts of Karamoja region.**

Sexual violence is the most common form of violence in Uganda. The main forms of child abuse and exploitation identified during the study included;

**Defilement;** this is the most commonly reported form of child abuse (85% of all reported cases of sexual abuse in the area in 2010). Many of the cases are not reported to police but handled locally in the community. Some cases are only reported to police when negotiations fail. Most community members do not consider sex among children with girls above 16 who consent as defilement.

**Early/ forced marriage;** this is very common amongst school girls. The majority of community members agreed that girls of 16 years and above are old enough to get married especially when they are not in school. Girls in this region are viewed as a source of wealth when they are married off since they attract dowry and bride price which is paid in form of cattle and other commodities.

**Abduction;** This practice is common in areas of armed conflicts where rebels abduct young girls and distribute them among commanders as wives. It is also practiced among some communities in Karamoja region as a process of acquiring a wife.

**Indecent assault of boys;** Sexual assault of boys by women exists but is very rarely reported as doing so is considered unmanly. Male victims shy off to report the incidents since they will feel inferior and face discrimination among their peers.

**Use of vulgar language;** Use of obscene language in the presence of children has been identified as a form of abuse which is very common among drunkards. Use of vulgar language

among children leads to low self esteem and is a major cause of child delinquency since the child may tend to be rebellious.

**Indecent touching/ fondling;** the practice of touching and fondling of children especially girls done with impunity but is never reported because it is thought to be normal by the perpetrators and abusers. Young girls who are victims of this form of assault hold back from reporting the incidents due to fear of severe punishments by their elders and perpetrators of the assault.

**Abusive cultural practice;** there are a number of cultural practices that tantamount to child sexual abuse but are looked at by the people concerned as valuable practice which should be preserved. These include among others like female genital mutilation (F.G.M).

#### **2.4.1. Pre-disposing factors to child sexual abuse.**

The following were identified as factors that put children at risk of abuse:

##### **(a) economic factors**

**Poverty;** the poor children are more vulnerable to sex through giving them money and other material things that they lack.

**Unemployment;** some unscrupulous employers demand sex from job seekers before giving them work. Secondly, some workplaces like bars young girls put on miniskirts that attract patrons thus leading to sexual assault.

**Poor / over- crowded housing;** children are exposed to sexual activity among adults because sharing the same rooms, thereafter they themselves try out what the adults do.

(b) **Social factors.**

**Lack of parental guidance;** children who stay alone or those who stay with grandparents who cannot provide adequate parental guidance and control are more at a risk of being abused.

**Peer influence;** some children are pressured into sexual activities by the peer groups who are already sexually active.

**Mistreatment by parents/ guardians;** some girls are pushed into eloping with men to escape the mistreatment at home.

**Gender roles;** some roles that are socially defined such as collecting water and firewood put girls at risk as they have to walk long distances to isolated places.

**Consumption of alcohol;** Men who are drunk are more likely to take young girls by force. Moreover, some abusers normally give their victims alcohol so as to comprise their level of self control.

**Political factors;** children are exposed to sex in areas of armed conflict through abduction and exploitation by soldiers who are normally taken to the front without their wives.

**Health factors;** some men prefer to have sex with young girls who they believe are free from HIV/AIDS while others do so due to the advice of traditional healers.

This section examines the age of the children who experience these sexual acts as well as the prevalence and the perpetrators. In addition, this section looks specifically at sexual trafficking and F.G.M. All the sexual acts discussed have happened to children and young girls and boys before the age of 18 years against their will.

Violence and child abuse in all its manifestations remains a critical concern in Uganda. Sexual violence is a profound human rights violation which has the potential to impact severely on the mental and physical health of the survivors both in the short term and long term. It is a pandemic that remains one of the least attended to in our society. With the increasing levels of human rights violation and impunity, particularly in times of armed conflict, there is dire need for a radical re-orientation of health care for survivors of sexual assault towards meeting their psychological, social and physical health needs in services that are staffed by appropriately trained providers. It is extremely important that the various stake holders working on the elimination of violence against children advocate for a fundamental shift in how legal and health service providers respond to survivors of sexual violence.

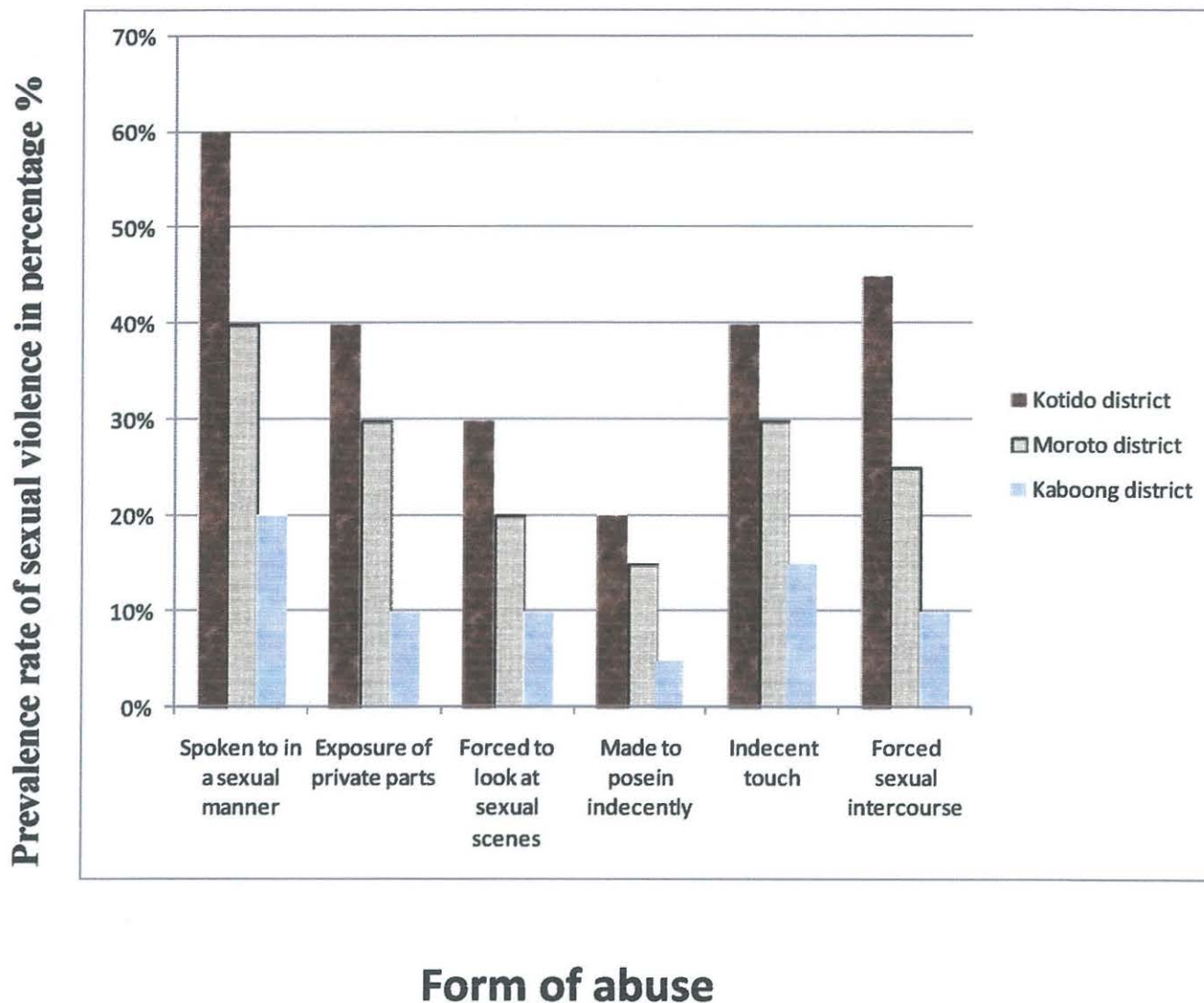
It is important to note that defilement, sexual assault and other sexual related violence in the Karamoja region of Uganda has been very prevalent, yet generally under-reported since many survivors do not go to the police or seek medical care due to the lack of access to police and medical services as well as complicated legal procedures in place.

A flawed legal definition of 'defilement' makes it difficult to estimate the real magnitude of the problem of sexual abuse of minors while poverty, poor living conditions, lack of access to food, lack of access to education and a lack of economic opportunities have made many children vulnerable to sexual exploitation. Exchanging sex for money, soap or favors has become normal and for many a necessary tool for survival. Perpetrators of sexual violence are mostly family members, strangers, L.R.A rebels or soldiers of the Uganda people's Defense forces (U.P.D.F).

As represented in the graph below, the study revealed that different forms of sexual abuse occur with differing frequencies.



**Figure 1.2 Prevalence rate of sexual abuse in Kotido, Moroto and Kaboong districts of Karamoja region**



The most prevalent form of sexual abuse is that of indecent touch, followed by the verbal one where mostly girls are spoken to in a sexual manner. One striking revelation is that defilement in

the form of forced sexual intercourse is the 3<sup>rd</sup> most prevalent type of abuse with Kotido district leading with 45 percent, followed by Moroto district with 25 percent and Koboong district with 10 percent.

In all the six forms of abuse studied, Kotido district stands out with the highest prevalence rates followed by Moroto district and Kaabong district as shown in figure 1.2.

#### **2.4.2 Karamoja Sexual Violence; Trends in reporting violence**

Most victims of sexual violence among those questioned (83.6 percent) did not report the incident to anyone. In the small number of cases where the incident was reported, the girls and boys usually told siblings, relatives or friends. In very few cases was the incident reported to the police.

Most of the respondents who reported the incident did so within one or a few days. Yet, only one fifth of the respondents believe that the incident was resolved satisfactorily as a result. More than one third (36.4 percent) even stated that they were punished after reporting the sexual crime committed against them.

“I was defiled when I was still a small girl by a stranger. My family put a great mental damage to me by telling me that I willingly went to him.” Loyer, aged 16 years.

## **2.5 Legal and Policy Frame Work**

Uganda has a solid national, regional and international legal and policy framework for the observance of human rights. With a universally acclaimed constitution 1995, Uganda has been hailed as being at the helm of promoting the respect for children rights. Furthermore, the Children's Act provides that it shall be unlawful to subject a child to social or customary practices that are harmful to the child's health.<sup>2</sup>

The government of Uganda has committed itself to several critical international legal instruments abuse. These also provide for an efficient and adequate framework for the prevention and fight against abuse and violence against children and the prosecution and punishment of the perpetrators. Among these are; the United Nations Charter (1945), the Universal Declaration of Human Rights (1948), the Rome Statute (2002) and the Convention on the Rights of the Child (CRC, 1990).

### **2.5.1 National Legal Framework**

The constitution of the Republic of Uganda (1995) is the supreme law of the land and provides the broad legal framework for the respect of human and property rights; the equality between men and women,<sup>3</sup> affirmative action to address any imbalances,<sup>4</sup> equal opportunities for men and women to realize their full potential<sup>5</sup> and the foundation for the establishment of institutions to oversee or otherwise regulate the observance of fundamental rights and principles.

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<sup>2</sup> Section 7 of the Children's Act Cap 16 Uganda

<sup>3</sup> Article 21, the 1995 Constitution of Uganda

<sup>4</sup> Article 28 Ibid

<sup>5</sup> Article 30 & 32 Ibid

Uganda has also domesticated most of its regional and international legal commitments through the Penal Code Act chapter 120 and the Children's statute (1996) that contains crucial provisions for the protection of children against all forms of physical or psychological abuse.

Within its present context, the constitution also provides for a legislative body to enact principle legislation as well as the judiciary to implement the enacted laws and ensure the administration of justice. Under its executive function, the constitution establishes rights promotion bodies such as the Ugandan Human Rights Commission (UHRC), the police, prisons, and directorate of Public Prosecution and Local government regime as key players in the enforcement and protection of legal and human rights in Uganda.

The national army, the Uganda People's Defense Forces (UPDF) is established to guarantee the security of Uganda's interior and external borders. For purposes of enforcing discipline in the armed forces, the police have standing orders and the U.P.D.F a code of conduct that contains provisions of military-civilian relations and disciplining of soldiers who cause injury/harm to civilians as non-combatants. The local government Act (1997), which is derived from the constitution, gives the local councils powers to enact by laws.

The UHRC was established under the 1995 constitution of Uganda,<sup>6</sup> and is charged among other responsibilities with the monitoring of government's compliance with international treaties and conventions which define obligation on human rights and recommend to parliament effective measures to promote human rights. The UHRC has a specific mandate to protect the rights of vulnerable persons, create public awareness about people's rights and their violations and also receive and forward child abuse cases to other jurisdiction for appropriate redress.

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<sup>6</sup> Article 51, 1995 Constitution, Uganda

## 2.6 Concluding Remarks;

“I thank you for this quiz because it has made me realize that we have our rights as children.” A young Karimojong boy (15 years old).

The findings of this research only begin to scratch the surface of the problems and issues surrounding violence perpetrated against children in the Karamoja region of Uganda. These are several areas of particular concern where follow up research and grassroots activities, such as education workshops or training seminars about the cost of violence might be needed. One major issue to come out of this study is problems relating to the perception and the attitude towards violence. Many of the children interviewed considered much of the abuse they suffered both physical and psychological to be appropriate or normal. Many of them even felt that the explanations given for their abuse were reasonable. Such attitudes may demonstrate a limited level of education about the consequences of such abuse. In addition, while sexual abuse was generally regarded as a violation of children rights, only a few of those interviewed reported it. In the few instances when they did overwhelmingly nothing happened to redress the violence. The problem might equally be due to the current reporting mechanism that actually discourages victims and witnesses.

The study revealed the presence of every type of violence against children at all the study sites of the three districts of Karamoja region. What remained consistent within the study is the dominance of the perpetrators. The children in the three districts are significantly physically and psychologically abused by their adults and elders. This fact together with the fact that many of the children stated that the abuse they suffered was acceptable, points a possible vicious perpetuating cycle in which the abused will become the abuser. Children who have been so battered physically and emotionally by other people that they come to believe they are worthless,

will be even less able to defend themselves against the physical and psychological assaults that they may await them as they get older: - -

## CHAPTER THREE:

### THE LEGAL PROVISIONS OF THE RIGHTS OF CHILDREN

#### 3.1 Introduction;

As it is stipulated under the Children's Act, a child is a person below the age of 18 years.<sup>7</sup> Just like any other person In Uganda, children are entitled to equal rights and justice. In respect to this, the Ugandan government has thus implemented laws that are aimed in the protection of children's rights. These include the Ugandan constitution, the Children's Act, the succession Act among others. However, despite these provisions, the enforceability of these rights is still a myth and as a result has led to their violation.

The *1995 Ugandan constitution* provides for the equality of all persons. Every child therefore, regardless of origin, birth, race, ethnic group or sex should be treated equally with others and must have a right to speak up and be heard. Ironically, a child in the uptown can access the full range of his or her rights whereas another child in upcountry lives deprived off even the most basic services as it is the case in Northern Uganda and more specifically, the Karamoja region where most children have been displaced from their homes.

#### 3.2 The right to protection from injury and harm;

All children have the right to have their basic needs met, not only for survival and for protection but also to develop their full potential to participate as members of society and grow up to caring and responsible citizens.

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<sup>7</sup> Section 2, Children's Act Cap 16, Uganda

Uganda is a signatory to various international conventions and has several measures in place designed to prevent abuses as well as to protect children affected with rights abuses and other rights violations. The 'best interest' of the child is one of the pillars of the CRC and of the African children's charter.<sup>8</sup> In all actions concerning children undertaken by person or authority, the best interest of the child shall be a primary consideration.

The CRC does not offer any definite statement of what is the 'best interest' of an individual child in a given situation. However, the CRC as a whole provides a frame of reference and how to balance the interests of the child with wider societal interests. The convention specifically spells out the rights of the child and sets the minimum standards that society should aspire to achieve. Uganda ratified the CRC in 1991 and is therefore obliged to translate these rights into reality through legislative and policy measures.

To this end, the rights of children are provided for in the 1995 Ugandan constitution<sup>9</sup> and the children Act. The constitution states that the rights, duties, declarations and guarantees relating to the fundamental and other human rights and freedoms specifically mentioned shall not be regarded as excluding others not specifically mentioned.<sup>10</sup> The constitution in principle has laid a foundation for review and reform of other laws to cater for protection of children against situations that are hazardous to their well being.

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<sup>8</sup> Article 3 of the CRC & article, African's Children's Charter

<sup>9</sup> Article 34

<sup>10</sup> Article 45



### 3.3 The right to education;

Education is crucial to the promotion of human rights; it is both a human right in itself and a requisite means to realizing other human rights. The exercise of the rights to education is instrumental for the enjoyment of many other human rights, such as the rights to work, health and political participation thus fighting against poverty. For instance, the right to receive a higher education on basis of capacity and the right to choose work can only be exercised in a meaningful way after a minimum level of education is reached. Similarly, in the ambit of civil and political rights, the freedom of information, the right to vote and the right to equal access to public service depend on a minimum level of education. Such rights provide the individual with more control over the course of his/her life, and in particular, control over the effect of the state's actions on an individual. In other words, exercising an empowerment right enables a person to experience the benefits of other rights.

The right to education can be looked at in two ways that is to say; every person is entitled to education as a basic human right; and an educated person is in a better position to understand, appreciate, exercise and protect his/her own rights and the rights of others. The constitution of Uganda and the United Nations legal documents that apply to Uganda all agree on the right to education.

Education is the right of all children, as well as a crucial factor facilitating the sustainable development of a nation. More so, a girl's education has a direct impact on reducing gender discrimination and inequality in society, and has a powerful influence on child and maternal survival. The constitution of the Republic of Uganda 1995 explicitly recognizes the right of all citizens to basic education.

International instruments providing for the right to education create general obligations for state parties. The normative content of the right to education should be viewed in terms of availability, accessibility, acceptability and adaptability. At the national level, Uganda has harmonized national laws and policies with international standards by providing for equality and non-discrimination and the rights of all persons to education. The right to education is expressly provided for in article 30 of the constitution of Uganda. The constitution further provides that a child is entitled to basic education which shall be the responsibility of the state and the parents of the child.<sup>11</sup> However, due to the increase of poverty in the Karamoja region, we find parents neglecting this duty and as a result, they end up sending their children to look for employment in the farms and in the urban areas instead of sending them to school. Such acts are an abuse of children rights and are contrary to the Children's Act and the Ugandan constitution which protects children against child labour. The government of Uganda launched the Universal Primary Education (UPE) in 1997 and the programme has been under implementation since then. The main objectives are to address inequality in the country and improve on the quality of life of its major beneficiaries; the children. However, this right to education of children cannot be realized if they are not protected from disruptions in their lives such as imprisonment of their parents.

### **3.4 The right to health;**

The parliament of Uganda has not yet enacted legislation giving effect to the right to health and other economic, social and cultural rights, which are laid out in the national objectives. Nevertheless, the government of Uganda has international obligations to respect,

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<sup>11</sup> Article 34(2), 1995 Constitution, Uganda

protect and fulfill the right to health which forms the basis for the enjoyment of the rights to life of all persons. The 1995 constitution explicitly provides for the promotion and protection of fundamental human rights and freedoms which are regarded as inherent and not provided by the state and have to be respected, upheld and promoted by all organs and agencies of government by all persons.

Children are entitled to the enjoyment of the highest attainable standard of health conducive to living in a life of dignity which is referred to as the right to health. The right to health contains both freedoms and entitlements. The entitlements include the right to a system of health protection which provides equality of opportunity to enjoy the highest attainable level of health.

Under the Children's Act, children are protected from unlawful practices that may be harmful to their health.<sup>12</sup> The section provides that, "it shall be unlawful to subject a child to social or customary practices that are harmful to the child's health. However, despite this provision, we find that some tribes in Uganda such as the Karamoja still practice female circumcision which is quite hazardous to the girls. Moreover, some cultures force young girls into early marriages which can be physically and emotionally harmful since it violates their rights to personal freedom and growth in addition.

### **3.5 Care, stability and love;**

According to the Children's Act, children have a right to be maintained.<sup>13</sup> The section provides that it is the duty of a parent, guardian or any person having custody of a child to

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<sup>12</sup> Section 7, Cap 16

<sup>13</sup> Section 5 Ibid

maintain that child and in particular, that duty gives a child the right to; education & guidance, immunization, adequate diet, clothing, shelter and medical attention.

The abuse of children's right to stay with their parents is on the increase in Uganda, where we find large numbers of children leaving their homes for the streets. This is mainly due to poverty and since their families cannot provide them with their basic needs, they seek refuge in the streets. Unfortunately, these children end up being street children, beggars and thieves. Some parents force their children to leave their homes and by so doing, they deprive these children the right to stay with them which is contrary to the Children's Act which provides that a child is entitled to live with his or her parents or guardians.<sup>14</sup>

The expression of the human rights for the children takes into account children needs, the needs that must be met for the children to have a happy and fulfilled childhood. They need all the things that will help them grow and develop. They need friends and family, love and laughter.

Under the Ugandan constitution, parents have a right and a duty to care for and bring up their children.<sup>15</sup> In addition, the Children's Act is of the requirement that any decision that affects the child must take cognizance of the child's best interest and welfare. The legal protection of rights infers that they are comprehensive and sufficient enough to ensure the survival and development of the child.

Mostly, it is the children of prisoners who are denied this right once their parents have been imprisoned. This contravenes the children's Act which provides for the children's right to

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<sup>14</sup> Section 4(1) Cap 16

<sup>15</sup> Article 3(4), 1995 Constitution, Uganda

stay with their parents.<sup>16</sup> Frequently, the children are left without a care-giving arrangement or an arrangement that is adequate and this causes further long-term damage to the development of the character and personality of the child. The quality of alternative care arrangements for the children may be worse, which only enhances the trauma of separation.

As noted above, the Uganda constitution outlines the duties and obligations of the state to act through its institutions to protect and prevent children from abuses. While the constitution has laid down the duties of the institutions in protecting children's rights, the enforcement and implementation is left to the state organs of which the judiciary is a part. Legislators have vested in judicial officers, the discretion to tailor sanctions appropriate to the seriousness of the offence and the culpability of the individual offender.

### **3.6 Concluding Remarks;**

Generally, it is every one's duty to ensure that children are protected. Any member of the community who has evidence that a child's rights are being infringed or that a parent, a guardian or any person having custody of a child is able to but refuses or neglects to provide the child with adequate food, shelter or clothing, medical care or education shall report the matter to the local government council of the area.<sup>17</sup>

International human rights standards, specifically the C.R.C emphasize the absolute necessity of respecting the child's best interests but these are not always easily established and therefore not respected. The convention covers all the rights that aim at the well being of the child. It is worth noting that while parents are mainly accountable for their children's well being;

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<sup>16</sup> Section 4, Cap 16

<sup>17</sup> Section 11, Ibid

the C.R.C reinforces the state's duty to ensure adequate care and protection of children in unusual circumstances.<sup>18</sup>

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<sup>18</sup> Article 18(1) CRC

## **CHAPTER FOUR**

### **4.1 Introduction**

Over the recent years, child abuse has been on the rise in Uganda. Various institutions both governmental and non-governmental organizations have established campaigns on the awareness of the rights of children with the aim of curing this vice. This chapter thus highlights some of the major steps that have been adopted.

As discussed in this chapter, the government though faced with a lot of shortcomings has managed to enforce children rights to a certain level.

### **4.2 Achievements by the government in the enforcement of Children Rights in Uganda**

However, despite the many critiques against the government in relation to the violation of children rights, the government though to a small extent has made efforts to ensure that children's rights are protected. For instance, in matters of children custody and care, we find some Non-government Organizations and some good Samaritans applying to court so that they can be allowed to take care and bring up children in accordance with the Children's Act which states that; where a competent authority determines in accordance with the laws and procedures applicable that it is in the best interest of the child to separate him or her parents or parent, the best substitute care available shall be provided for the child.<sup>19</sup>

This section mainly applies to circumstances where the parents are becoming too harsh or too cruel to the child or in cases to the child of orphaned children as it was stated in the case of

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<sup>19</sup> Section 4(2) Cap 16

*LAWRENCE IKEDA & BEATRICE IKEDA*,<sup>20</sup> where Kireju.J stated that “it is now trite law that the guiding principle in cases of guardianship is the welfare of the child.” In this case, the children were complete orphans as both their parents were dead. However, they had a bigger sister willing to take care of them. The judge held that he was satisfied that it is to the interest and for the welfare of the children that the court orders that the applicant is appointed legal guardian of the children until each one of them attains the age of the majority or until further order of this court.

As the law states; all children have a right to education, which the state and parents have a responsibility to provide. Positive development has been registered with respect to access to education. With the introduction of Universal Primary Education, more girls have enrolled in lower primary schools. Furthermore, the Child’s Rights Convention and the African charter on Rights and Welfare of child require children with disabilities be accorded effective access to education such that they can achieve the fullest possible social integration and individual development.<sup>21</sup> The constitution recognizes this right and obliges the state to take appropriate measures to ensure that persons with disabilities realize their full mental and physical potential.<sup>22</sup>

In matters of discrimination and inequality among children, positive moves have been undertaken so that children can be treated equally irrespective of sex, race or tribe. For instance, in current situations, the girl child is now accessing education contrary to the past where it was only the boy child who was educated whereas the girl child was married off. Furthermore, since

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<sup>20</sup> Misc. Cause 229/93

<sup>21</sup> Article 23 & Article 13 respectively

<sup>22</sup> Article 35(1), Constitution, Uganda



the coming of the 1995 Ugandan constitution, forced marriages were incriminated and as a result, the law enforcers have become very strict on this.

According to the *New Vision Newspaper*, police in Kotido district recently arrested a father who was found giving away his 16 years old daughter's hand in marriage. The man was arrested at his home where the formal hand-over ceremony of the girl who was then in primary six was taking place.

More over, Non-governmental institutions are coming up with private sectors to cater for the vulnerable groups such as the street children, orphans and disabled children. This has helped the children to realize their rights in the community.

Generally, we find that Uganda has affirmed its commitment to children's rights by enacting positive legislation and by trying to adhere to the ideals put forth by the constitution, the convention on the rights of the child and the African charter on the rights and welfare of the child. However, there is still much progress to be made in key areas like malnutrition, sexual abuse, exploitation, child labour and children living with H.I.V/AIDS. In February 2006, UNICEF in conjunction with the Ugandan government began a 5 year programme that will provide aid to children in various districts in the country.

In order to achieve the goal of protection of children rights, it is upon the duty of the state and the general public at large to work hand in hand to ensure that the laws protecting children's rights are enforced to their maximum since according to the constitution, which is the supreme law of the land, we all owe a duty to protect our children from exploitation.

### 4.3 Shortcomings faced by the government in the enforcement of Children Rights in

#### Uganda

In the enforcement of the Rights of children, the government is faced with various challenges which usually act as barriers in achieving its goals. One of the major challenges is with the little legislation in Uganda that relates to the protection of children rights.

Some of these laws are ambiguous and are not specific on their implications to the children. For instance, the issue of defilement in Uganda still remains pressing between various pieces of legislation that seek to regulate child development. Although the Ugandan constitution and the Children's statute define children as persons under the age of 18 and hold that children below this age lack the capacity to contract a marriage, the Customary and Regulation Decree allows a person who attains the age of 16 years to contract a marriage.<sup>23</sup> This apparent conflict in law creates enforcement difficulties.

Sexual violence is the most common form of violence in Uganda. Every now and then, we hear cases of defilement among children who are as young as 9 years. Sexual violence is in some cases caused by close relatives, parents and teachers of these children. Apparently, parents whose daughters have been defiled prefer negotiated settlement in form of payment, a practice that is supported by custom and culture.

In other cases, we find that children with disabilities are discriminated from their colleagues. This is more so in schools whereby these children are seen as an outcast and are not allowed to interact with others. Unfortunately, this discrimination is extended to our families where we find that the legitimate children are treated differently from the illegitimate children

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<sup>23</sup> Customary and Regulation Decree No.16 of 1973

especially when it comes to the distribution of family property. This is however contrary to the law of succession which provides that every child whether legitimate or illegitimate is entitled to a share in the family property. There can be nothing repugnant either to morality or injustice in a custom which allows an illegitimate child a share in his father's estate and confers upon a head of a clan a more or less unfettered discretion as to the mode of distribution of an intestate estate.<sup>24</sup>

The hindrance to the realization of the protection of children's rights is partially caused by officials who are head of children affairs. For instance, Districts employ District Probation and Social Probation and Social Welfare Officers who in most cases are community development assistants. They have other roles to play such as extension services, community mobilization, health and hygiene promotion, water and sanitation work and many more hence they cannot effectively focus on children affairs.

#### **4.4 Concluding Remarks;**

In order to achieve the objective of protection of children rights, it is upon the duty of the state and the general public at large to work hand in hand to ensure that the laws protecting children's rights are enforced to their maximum since according to the constitution; which is the supreme law of the land, we all owe a duty to protect our children from exploitation.

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<sup>24</sup> *Markokajuba v Kulanima Kabali* (1944) E.A.C.A 34

## **CHAPTER FIVE**

### **CONCLUSION AND RECOMMEDATIONS**

#### **5.0 Introduction**

The purpose of this study was to explore the legal analysis of violence and child abuse in the Karamoja region of Uganda. Therefore, this chapter presents a summary of the findings, conclusions and recommendations.

#### **5.1 Summary of Findings**

The findings of the research were organized in regard to the objectives of the study. First and foremost, the study identified the various rampant and common forms of child abuse that are common in the Karamoja region as reflected by various sources. The study covered age bracket from 17 and below. The results indicate that 90% of the respondents are victims of child abuse due to the lack of respect of children rights by abuse in the area.

#### **5.2 Recommendations**

Violence and child abuse is a complex problem which touches on all sections of the society and occurs more among deprived households. Victims of child abuse and violence especially sexual harassment encounter physical and mental torture due to raptures around the genitals and post traumatic stress. Such victims do not only require mental and psychological attention but also legal aid to enable them cope with the effects of such abuses. The following recommendations would therefore be useful in intervening in the issues regarding violence and child abuse.

Accelerate the law reform process to harmonize children legislation with the constitutional principles. Introduce public education and legal literacy campaigns relating to the convention and the international and national commitments on the elimination and discrimination against children.

Adopt an accessible complaints procedure to enforce constitutional guarantees; introduce literacy campaigns to make children especially in the rural area aware of their constitutional rights and of the means to enforce them; this can be developed in cooperation with children rights activists, aid programs to enable children demand the enforcement of their rights.

Strengthen efforts to address attitude about the roles of children in the society. To ensure that these efforts are effective, there is need to include education measures at all levels, the revision of school text books and curricula, awareness raising and public education campaigns directed at women and men to eradicate the stereotype attitude. The government must so undertake an assessment of the impact of these measures in order to identify short comings and to improve them accordingly.

There should be a high priority on comprehensive measures to address violence against children. This can be done through enactment of legislation on child violence as soon as possible to ensure that violence against children constitutes a criminal offence and that children victims have access to immediate means to redress and protection and that perpetrators are prosecuted and punished.

Take special measures to ensure child protection; introduce specific legislation with accessible procedures and compensation for victims and penalties for perpetrators.

Establishment of empowerment programmes to enable the children cope with the pressures of life early enough is needed. Life skills such as self awareness, having self esteem, assertiveness, peer resistance and decision making should be incorporated in the school curriculum right from the beginning. In case of schools, these skills should be introduced right from primary level.

The parent's positive participation in child upbringing and education would be enhanced through their economic empowerment. Provision of credit and their involvement in income generating activities would complement the efforts to provide meaningful life to the welfare of children.

The education system should give some specific attention to children rights, as they are more vulnerable to abuse. Parent- child relationship should be another area to be emphasized for these parents who are strict and resort to punishment must be helped to understand that punishment does not transform a person. As talking to the youths and understanding their problems makes a better person out of them.

A right based approach to programming should be adopted. Rights based programmes support the civil and political rights holders. The approach has the potential to increase impact and strengthen sustainability by addressing the underlying causes of violations of rights, bringing about policy and practice changes to make a sustained difference to the lives of individuals, both now and in the future. This is the best way in which partners and government can "do" development.

The obligation to provide equal rights and opportunities to all children is expressed in the non-discrimination clause the United Nations Convention on the Rights of the Child.<sup>25</sup> Child rights programming requires a particular focus on the most marginalized areas.

It is hoped that these recommendations will help a great deal in realizing the protection of children rights in our society.

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<sup>25</sup> Article 2 UNCRC

## BIBLIOGRAPHY

### BOOKS

1. Ayittey, GBN (2002) *The rule of law and Economic Development in Africa: New York: Transitional*
2. Berk, L (2005) *Infants and Children: Prenatal through middle childhood: 4<sup>th</sup> edition*, Needham Heights, MA
3. Golash, D (1996) *Punishment: An institution in search of a moral grounding: New York: Peter lang publishing, 11*

### JOURNAL ARTICLES

1. Michael, J. ' *In search of pathways to justice* ' (1992) British Columbia Law Review 147 at 147
2. Nsalasatta DS ' *Information on the Uganda Prison Service* ' (2003) 1 Uganda Living Law journal, 128-130
3. ' *Why it remains important to take children's rights seriously* ' (2007) 15 Inter. Journal of children's rights 5-23
4. Wood house, BB ' *Hatching the Egg. A child-centered perspective on parents 'Rights'* ' (1993) 14 Cardozo Law Review, 1774-1864

### DISSERTATIONS

1. 'Child Violence in Uganda' by Raising voices



2. 'The Human Rights of Children' by Amnesty International
3. 'Rights of Children' by Raising Voices

## REPORTS/PAPERS

1. Bloom B & Steinhart D (1993) *'why punish the children?'* San Francisco:
2. Davies E, et al *' Broken Bonds Understanding and addressing the needs of children with incarcerated parents'* (2008)
3. *' Priorities for research to advance economic, social and cultural rights in Africa'* (2005)
4. Human Rights Reporter 2001-2002
5. David Okemo, *'The rights of children'* The New Vision Kampala March 11, 2008

## INTERNATIONAL COVENANTS

1. African charter on the rights and welfare of the child, OAU DOC. CAB/LEG/24.9/49 (1990), entered into force Nov. 29, 1999
2. Draft guidelines; A Human Rights approach to poverty reduction strategies by OHCHR at 26
3. International covenant on civil and political rights (1966)
4. Optional protocol to the CRC on the sale of children, child prostitution and child pornography (19 August 2002)

5. The protocol on the African Charter on Human and People's Rights of women in Africa  
(11 July, 2003)
6. UN Convention on the Rights of the child
7. Universal Declaration on Human Rights

## **UGANDAN LEGISLATION**

1. The 1995 Constitution of the Republic of Uganda
2. The Community Service Act Chapter 115
3. The Criminal Procedure Act Chapter 116
4. The Children's Act Chapter 16
5. The Judicature Act Chapter 13
6. The Magistrate's Court Act Chapter 16
7. The Penal Code Act Chapter 120
8. The Probation Act Chapter 122
9. The Trial on Indictments Act Chapter 23

## **INTERNET SOURCES**

1. African charter on the rights and welfare of the child, OAC doc. CAB/LEG/24.9/49  
(1990) <http://www.africanunion.org.innopac.up.za/root/all/index.htm>
2. The Human Rights Watch Global Report on children <<http://www.hrw.org/children/Africa>

3. Ayittey GBN. The Rule of Law and Economic Development in Africa. (2002)  
<http://www.freeafrica.org/fearwes66.html>
4. The Daily Monitor Newspaper, [www.monitor.co.ug](http://www.monitor.co.ug)
5. Wells of Hope Ministries, a children welfare mission in Namugongo Uganda  
<http://www.wells of hope.org/newsletter.php>
6. Implementing Handbook for the convention on the rights of the child.  
<<http://www.adbii.org/3rdpartydrom/2002/06/01/1510.convention.rights.child>>

## Appendix 1

**Dear respondent,**

I am KABURU TED, a student at KAMPALA INTERNATIONAL UNIVERSITY, carrying out a research on the topic, “The Legal Analysis of Violence and Child Abuse in Uganda, a case study of Karamoja region. You have been randomly selected to participate in the study and you are therefore kindly requested to provide an appropriate answer where applicable.

**N/B:**

The answers provided will only be used for academic purposes and will be treated with utmost confidentiality.

### **RESPONDENTS BACK GROUND**

Name of Respondent.....

Age.....

Sex

1. Male..... 2. Female

Marital status

1. Married.... 2 Single.... 3. Divorced.... 4. Widowed....

1. What is your religion?

1. Catholic..... 2. Anglican..... 3. Pentecostal.... 4. Moslem.... 5) others....

(Specify).....

2. What do you do to earn a living? I. Business trader.... 2. Casual laborer....

3. Mechanic..... 4. Peasant..... 5. Others Specify.....

3. What is the, highest level of education you have attained?

a) None b) Primary c) Secondary d) Tertiary

4. How many people live in your household?.....

5. What are some of the causes of violence and child abuse in your area?.....

6. Who are the perpetrators of violence and child abuse in your area?.....

7. How are the victims of violence and child abuse helped?.....

8. What has the community leaders in your area done to stop violence and child abuse?.....

.....

9. What are some of the measures that you think government can take to stop violence and child abuse?

.....

.....

.....

## Appendix 2

### QUESTIONNAIRE FOR CHILDREN IN AND OUT OF SCHOOL

#### 1.0 RESPONDENTS BACKGROUND

1.1. Name of the Respondent .....

1.2 Age (in years).....

1.3 Sex                                      Male.....Female.....

1.4 What is your religious affiliation?

(a) Anglican   (b) Catholic   (c) Pentecostal   (d) Islam   (e) Others

#### SOCIO - CULTURAL

What problems do you find at home that affect your performance?

.....

.....

How do you overcome these problems?

.....

.....

How do your teachers and parents treat you?

.....

.....

What things do you miss at school while at home?

.....

.....

Do you have friends where you stay? Yes/No

.....

.....

Do they go to school? Yes/No

If they are not in school, why

.....

.....

What activities do you do at home?

Morning	afternoon

When you perform well at school what do your parents/guardians do for you?

.....  
.....

When you perform poorly what is done.

.....  
.....

Which cultural practices prejudice the rights of children?

.....  
.....

What should be done to children who are engaged in early marriages and pregnancies?

.....  
.....

Does marriage affect female participation in schooling in your area? If so please explain how

.....  
.....

**Thanks for your contribution towards the completion of my study.**

**THE END**

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