

**PROSTITUTION AND THE LAW IN UGANDA- A CASE STUDY
OF KABALAGALA PARISH- MAKINDYE DIVISION**

**BY
KARUNGI SARAH
LLD/41723/91/DU**

SUPERVISOR: MS BIRUNGI PHIONA

**A RESEARCH PAPER SUBMITTED TO THE FACULTY OF LAW
IN PARTIAL FULFILLMENT OF THE REQUIREMENTS
FOR THE AWARD OF A DIPLOMA IN LAW OF
KAMPALA INTERNATIONAL UNIVERSITY**

SEPTEMBER 2010

DECLARATION

I Karungi Sarah declare that this report on the “Prostitution and the Law in Uganda” is my original work and to the best of my knowledge has not been submitted to any academic institution or university.

Student: Karungi Sarah

Signed: Karungi Sarah

Date: 21st. 10. 2010

APPROVAL

This report on the “Prostitution and the Law in Uganda,” Case Study of Kabalagala Parish, Makindye Division has been supervised by me as the University Supervisor.

Supervisor: Ms Birungi Phiona

Signature: **Date:**

DEDICATION

I dedicate this piece of work, to my parents Mr and Mrs Assimwe Moses for their wonderful contribution in my academic career.

ACKNOWLEDGEMENT

Above all I owe my gratitude God for providing me with this opportunity to live and for making me what I am today.

My special gratitude goes to my supervisor Ms Birungi Phiona for her corrections and guidance, thanks for your patience and understanding, with special appreciation attached to all the lecturers in the Faculty of Law for imparting professionalism in me.

I also acknowledge my parents Mr. and Mrs Assimwe Moses and Chico Klassen for their great contribution in my academic career as well as my brothers Crion, Trion and my sisters Ninter and Aisha for their moral support.

To my dear classmates and friends, it was more than a reward pursuing my studies with you.

Finally, I greatly appreciate all my informants for their great contribution towards the accomplishment of this work.

May God bless you all

TABLE OF CONTENTS

DECLARATION	i
APPROVAL	ii
DEDICATION	iii
LIST OF ACRONYMS	vi
STATUTORY INSTRUMENTS.....	vii
ABSTRACT	viii
 CHAPTER ONE	 1
INTRODUCTION	1
1.0 General Introduction	1
1.1 Background of Prostitution.....	1
1.2 Background of the Study	2
1.3 Statement of the Problem.....	4
1.4 Objectives of the Study	4
1.4.1 General Objective	4
1.4.2 Specific Objectives	4
1.5 Research Assumptions.....	5
1.6 Research Questions.....	5
1.7 Literature Review	5
1.8 Scope of the Study	13
1.8.1 Geographical Scope	13
1.8.2 Content Scope.....	14
1.8.3 Time Scope	14
1.9 Significance of the Study	14
1.10 Methodology.....	14
 CHAPTER TWO	 16
THE LAW GOVERNING PROSTITUTION IN UGANDA RELATING TO INCIDENTS OF PROSTITUTION IN UGANDA	 16
2.0 Introduction.....	16
2.2 The Constitution of the Republic of Uganda (1995) Cap 4.....	16
2.3 The Penal Code Act 1995 Cap 120.....	17
2.4 The Universal Declaration of Human Rights (1948).....	19
 CHAPTER THREE	 21
ANALYSIS AND INTERPRETATION OF THE FINDINGS	21
Testimonials from Prostitutes	21
 CHAPTER FOUR	 29
CONCLUSION AND RECOMMENDATIONS	29
4.0 Conclusion	29
4.1 Recommendations.....	29
REFERENCES	31
APPENDIX (I):INTERVIEW GUIDE.....	34

LIST OF ACRONYMS

AIDS	Acquired Immune Deficiency Syndrome
CBOs	Community Based Organisations
CSEC	Comm'ercial Sexual Exploitation of Children
DISH	Delivery of Improved Services for Health
HIV	Human Immune Virus
ISP	Insieme Si Può
LMB	Lady Mermaid's Bureau
NGOs	Non Government Organisations
STDs	Sexually Transmitted Diseases
UK	United Kingdom
UNICEF	United Nations Immunisation for Children and Education Fund
UYDEL	Uganda Youth Development Link
WHO	World Health Organisation

STATUTORY INSTRUMENTS

The Constitution of the Republic of Uganda 1995

The Children Act 1997

The Penal Code Act 1995 Cap 120

The African Charter on the Rights of Children

The Universal Declaration of Human Rights 1948

Trafficking in Persons Bill 2005

ABSTRACT

The study is about prostitution and the law in Uganda and the area of intervention is located in Kabalagala Parish in Makindye Division in the suburban residential and characteristically slum area. People living in this area are in condition of abject poverty and consequently they have no possibility to afford the costs of basic needs, such as shelter, education, healthcare and food.

Prostitution was established to arise from Media influences, lack of career guidance, poverty, independence to work, work environment, survival, addiction and background of the prostitute and effort to curb prostitution are failing due to abuse of law of by the officers, ignoring measures that promote prostitution, but measures such as peer to peer education, supervisory support and media campaigns are under way.

It is concluded that, legalization of prostitution will help in ensuring that the business is conducted in safer way whereby the prostitutes would go through medical check-ups but the client would not have passed through the same tests, that would imply the prostitute is not safe either which implies that this approach is ineffective unless means to protect the prostitute too, are considered.

It was recommended that, authorities engage social sciences experts to find out the real causes of prostitution; a combination of programmes that expand income generating opportunities; continuous training in needs analysis; behavioral change programmes; slum development as well as further research and sensitization of law Enforcement agencies/ brothel owners about commercial sexual exploitation.

CHAPTER ONE

INTRODUCTION

.0 General Introduction

The paper was about “prostitution and the law in Uganda.” This chapter covered the background of the study, statement of the problem, purpose of the study, objectives, research questions, scope of the study, methodology and the significance of the study.

The study was carried out in Kabalagala Parish in Makindye Division.

.1 Background of Prostitution

According to Delply and Leonard,¹ sex work is sometimes taken as the “politically correct” term to use for prostitution. It has been used to make a distinction between paid and consensual relationships between sexual partners. It is a term that is employed to try and locate sex within the realm of work. Yet even with the naming done the category still suffers ambiguity and fluidity.

In Western criminology, the research and analysis of prostitution usually falls within public order issues. The legal status of prostitution varies from country to country, from being a legal activity considered a profession to being punishable by death.²

According to the *Trafficking in Persons Bill* Prostitution has the meaning conferred to it under the *Penal Code Act Cap 120 Chapter XIV* and includes any act, transition, scheme or design involving the use of a person by another, for sexual intercourse or lascivious conduct in exchange for money or any other consideration.³

Prostitution tends to be contentious in the communities in which it exists. The religiously inclined may be morally outraged by its presence, viewing it as a threat to the moral codes laid down in their scriptures. Others however, are merely curious or view it as a necessary evil. Radical feminists are opposed to prostitution, as they see it as a form of

¹ Delply and Leonard (2002), Delivery of Improved Services for Health – DISH (March 2002) Adolescent Friendly Domestic Labour worldwide.

² Carrabine, Eamonn; Iganski, Paul; Lee, Maggy; Plummer, Ken & South, Nigel. *Criminology - A Sociological Introduction*. London: Routledge, 2004.

³ The Trafficking in Persons Bill 2005, Interpretation 2 (1) (f)

exploitation of women and male dominance over women, and as a practice which is the result of the existing patriarchal societal order. More generally, governments have the duty of safeguarding public health and order. In this, the Wolfenden Committee Report (1957) which informed the debate in the UK stated what many consider to be the most appropriate principle for governments to observe. People who want prostitution to be legalized argue that prostitution is a consensual sex act between adults and a victimless crime, thus the government should not prohibit this practice.⁴

Legal themes tend to address four types of issue: victimhood including potential victimhood, ethics and morality, freedom of the individual, and general benefit or harm to society (including harm arising indirectly from matters connected to prostitution).⁵

.2 Background of the Study

The position of prostitution and the law varies widely worldwide, reflecting differing opinions on victimhood and exploitation, inequality, gender roles, gender equality, ethics and morality, freedom of choice, historical social norms, and social costs and benefits. The enforcement of the anti-prostitution laws also varies a lot from country to country, and from region to region. In many places there is a very big discrepancy between the laws which exist on the books and what occurs in practice. In areas where prostitution or the associated activities are illegal, prostitutes are commonly charged with crimes ranging from minor infractions such as loitering to more serious crimes like tax evasion. Their clients can also be charged with solicitation of prostitution.⁶

From an international point of view, prostitution according to Pateman,⁷ is addressed as one of the most contestable areas in the discussion of labor issues the world over. In nearly all countries of the world, prostitution does exist in one form or the other. Authors have indicated that in some countries like the United States up to \$40 million per day is

⁴ Jakobsson, Niklas and Andreas Kotsadam. "The Law and Economics of International Sex Slavery: Prostitution Laws and Trafficking for Sexual Exploitation," Working Papers in Economics 458, Göteborg University, Department of Economics, 2010.

⁵ Maxwell, S R. & Maxwell C. D, "*Examining the "criminal careers" of prostitutes within the nexus of drug use, drug selling, and other illicit activities*". Duke University Press, 2000.

⁶ Ibid

⁷ Pateman C., *The Sexual Contract*, Polity Press, Cambridge, 1988.

spent on prostitution. In Birmingham, a British city, up to 800 women are engaged in prostitution and one million people working in prostitution related businesses like massage parlors, saunas, escort agencies and on streets. But paradoxically in a country like United States, cities spend up to 7.5 m dollars yearly on prostitution control.⁸ These kinds of complex situations are important to unpack only if to try and understand why capitalism in its most liberal form as it is known today still views prostitution as double tragedy.

In Uganda, prostitution was complicated by the arrival of a Victorian middle class and religious morality that accompanies the entire colonial project. The workers who were moved from the rural areas were kept in the city without their families and at the same time single women were allowed the space to exist on the fringes of the city. These two conditions allowed for the existence of different kinds of sexual liaisons that have been variously described. To date Prostitution is gaining ground on Kampala's streets, in night clubs and around the city. That aside, it is not only destroying homes, it is blighting the future of young people and becoming a major facilitator of serious infections such as HIV/AIDS.⁹

In Kabalagala, just like any other area in Uganda, prostitution is at its peak. Contemporary Uganda has seen a rise in cost of living, but the city continues to be a place where various possibilities for work exist. These possibilities still exist within a work ethic that includes the subsuming of the confluence between work and sex. Against these perspectives, this paper looks at the different facets that can help to paint a picture with a context about the nature of prostitution in Kabalagala Parish. It is therefore upon this background and setting that the researcher carried out a rapid assessment of the prostitution in face of prevailing laws in Uganda, particularly Kabalagala Parish.

⁸ <http://www.bayswan.org/stats.html>

⁹ Kasirye Rogers Lugolobi, *Intervention to combat Commercial Sexual Exploitation of Children in Kawempe*, Kampala Uganda. 2002.

.3 Statement of the Problem

It is crucial to state that, despite the existing laws to stop prostitution in Uganda, the rate at which prostitution is still widely and increasingly practiced in Uganda raises global concern. A lot can be said about the disciplinary factions that make up the world of scholarship on prostitution whereby the history of prostitution and work is one that is marred with many contradictions and complexities. It is also tied in with the history of sexuality, social control and capitalist exchange relations, which increasingly do commodify everything.

Uganda has witnessed a widespread crackdown onto the morals of the young generation particularly the youths shuttering their urge to live and earn a descent living, but to trade their bodies for survival. The support directed to prostitution against the law continues to come from different corners of the world and has resulted into the conduct to be one of the dangerous crimes in the country, leaving the practitioners vulnerable. It is therefore imperative to point out that, there are loopholes in the law against prostitution in Uganda which calls for reviewing. The study therefore for this reason, noted that, prostitution is still of great concern in Uganda and the entire population of Makindye Division, Kabalagala Parish in particular which calls for concerned actors to come up with more comprehensive supportive amendments to step down the prostitution levels in the country.

1.4 Objectives of the Study

.4.1 General Objective

The ultimate objective of the study was to examine the effectiveness of the law regulating prostitution in Uganda to provide possible remedies that can be put into consideration while amending the existing laws.

.2 Specific Objectives

- i) To examine the circumstances that lead to prostitution and the legal action taken into consideration to prevent prostitution.
- ii) To find out the loopholes in the existing laws while handling prostitution cases.

- iii) To identify possible interventions to control prostitution in Uganda.

.5 Research Assumptions

- i) There are circumstances leading to prostitution in Uganda and there is legal action taken to prevent prostitution.
- ii) There are loopholes in the existing laws in controlling prostitution.
- iii) There are solutions that can be put into consideration to control prostitution.

1.6 Research Questions

- i) Are there circumstances that lead to prostitution in Uganda and is there any legal action taken?
- ii) Are there loopholes in the existing laws in preventing prostitution?
- iii) Are there any solutions that can be put into consideration to control prostitution?

.7 Literature Review

The literature review based on existing information from past authors and available research materials by other scholars on the same study to examine the circumstances leading to prostitution, loopholes in the existing laws and possible interventions to control prostitution. This information was reviewed in primary sources, textbooks, internet, journals, newspapers and Magazines among others.

Theoretically on as far as the body and sex work is concerned, sexuality the body and discourse analysis this study was anchored within a theoretical framework popularized by the work of Foucault¹⁰ on the sexuality and identity formation. It was linked to different theoretical formulations by feminists and sociologists who have written variously about prostitution such as Pateman (1988). Foucault's original contribution follows from the intellectual fallacy that was propounded through the 1960s by different psychoanalysts lead by Freud¹¹ who argued that sexuality is a product of some inner human quality that even goes back to our childhood and this is incited to produce the different behaviors that we engage in as adults.

¹⁰ Foucault, *The History of Sexuality*, Vol. 1, Harmondsworth, Penguin.1978.

¹¹ Freud. S, *Female Sexuality*, Standard Edition, Vol. 21, Hogarth, London. 1933.

The history of sexuality by Theweleit states that, sexuality was reconstructed around the image of the dominant male phallus. Variations in sexuality were deviations from the masculine sexuality and they needed to be redeemed and understood within the masculine perspective. Foucault's contribution to this debate was to deconstruct this popular belief and argued that sexualities are constantly produced, changed and modified and hence the nature of sexual discourse and experience also changes. An explicit example of this sexuality comes from Theweleit who writes that; If intercourse has always and everywhere felt, meant, and been the same, if a kiss is just a kiss, a sigh just a sigh, then it does not matter whether you are Roman or Barbarian, ancient or modern, 5 or 55, in love or just earning a living"¹²

However, circumstances that lead to prostitution include the following;

The UYDEL report provides that there are many factors attributed to the increasing acts of prostitution but the major one is linked to the opening up of the country to foreign values mainly brought up by media. In its July 2004 report, the Uganda Aids Commission said that the impressive economic and political developments, have opened the country to the outside world that could have much influence as far as HIV/AIDS is concerned.¹³ In the last few years, there has been increasing access to Internet, cable TV and mobile phones mostly in urban areas. Children are exposed to the world and influences far beyond their family, traditions and villages, the report read in part.¹⁴

Kivumbi and Mpabulungi also hold that, there is lack of guidance to the young generation especially in their career prospects leading to moral degenerations through peer influence. Children drop out of school the end result of which may be prostitution, homosexuality, early motherhood and many others. Adolescence is a critical stage in a person's life; it is a period in which physical, psychological and social changes take

¹² Theweleit *Male Fantasies* Vol.1: *Women, Floods, Bodies*, History, University of Minnesota, Minnesota.1987.

¹³ Emmanuel Kihaule, IPP Media, *Should Prostitution be Legalized*, 2007 84218-html

¹⁴ UYDEL (2001), *Choices for a healthy and safe life: Peer to Peer school learning activities*. Annual Project report, Kawempe Division, Kampala Uganda.

place.¹⁵ Adolescence is defined as the progression from secondary sexual characteristics (puberty) to sexual and reproductive maturity, the development of the adult mental process and adult identity and transformation from total socio-economic dependence to relative independence. It is a phase in which children become adults, when major decisions about roles in life are made and preparatory activities for adulthood undertaken.¹⁶

According to the Save the Children report, most of the children living in prostitution, slums and on streets come from poor families mainly headed by women who in most cases are widows or separated from their spouses/families¹⁷. Quite often, these families are characterized by inadequate incomes to provide for the needs of the children. Other children, especially girls live independently; they rent small rooms as individuals or groups. In most cases these children have inadequate information or tend to ignore advice. Save the Children UK (1999) in a study carried out in one slum of Kampala city noted that about 82% of the residents in slum areas live in single room houses where children experiment sex so early while trying to initiate into practice what they hear and see from adults.¹⁸ Livingstone also noted that children who do not know survival status of their parents are more likely to engage in work and prostitution.¹⁹

Peer influence according to Dr. Hussein Mursal is noted to be a need to supplement family and the desire for self-reliance have been the major pull factors for children and young adults to get to slums for prostitution and to the streets. Independence to work, good food, and freedom appear to be the push factors. Stigma and public attitude, arrest by law enforcement officers and assaults appear to be negative consequences of children running to the streets and slums. While there, they face a number of health and social

¹⁵ Rogers Kasirye, *Empowering Streets and Slum Young People to Prevent HIV/AIDS in Kawempe Division – Kampala City*; Uganda Youth Development Link (UYDEL), Changmai Thailand, UNESCO Conference March 1-5 2004.

¹⁶ Kivumbi G.W and L. Mpabulungi (1999) *A Needs Assessment for Adolescent Friendly Health Services (AFHS) in Mbale District*. UNICEF, Kampala Uganda.

¹⁷ Save the Children UK (February 2003). *Suffering in silence the plight of Kampala's children*, An operational study for Save the Children UK. Child participation pilot project in Central Division Kampala.

¹⁸ Ibid

¹⁹ Living stone Carol (July 2000) *Protecting Children online: An ECPAT guide*

hazards including early unwanted pregnancies and consequent crude abortions, birth complications, drug effects and risk HIV/AIDS infection. On the likes and benefits, majority young people share part of the street benefits amongst themselves and give part to their parents.²⁰

According to Gatens, in regard to background of the prostitute, he emphasized that, to locate this discourse within the discussion on sexuality and the female body, two schools of thought can be sketched out in the area of feminist scholarship about the body and sexuality. Some feminists have argued that women need to affirm and celebrate the capacity of the female body. This is the capacity to recreate as well as nurture human beings. This school of thought looks at the body more as a biological entity that is *a historical* in its characteristics and its capacities.²¹ Hence this school of thought sees people as essentially male or female and does not look at the power that constructs these body dichotomies. Another school of thought by Foucault, is one that refuses body dichotomies of male/female and claims a history for the body. Within this perspective, understanding the body and sexuality also takes into consideration the different ways in which the environment and other typical activities of the body vary historically and create its capacities, desires and actual material form.²²

The perspective of this, is that, the body of a domestic worker or housewife and the body of a female athlete do not have the same capacities and each has different capacities as well as desires and demands in order to accomplish its work. In this case the biological similarities cannot account for the specificity of these two bodies even though they are both female. This kind of formulation is important when studying prostitution so that we do not only compare sexual difference but also account for the ways in which typical spheres construct and recreate particular kinds of bodies to perform particular kinds of tasks. In this case therefore we do not see the body only as sexual but as sexual within a context.

²⁰ Dr. Hussein Mursal, *The PEAP and A world fit for children: Connections and Gaps* 2002.

²¹ Gatens, *Power, Bodies and Difference* in Barrett Michele and Phillips Anne in *Destabilizing Theory: Contemporary Feminist Debates*, Stanford University Press, Stanford, 1992.

²² Foucault, *Discipline and Punish*, Harmondsworth, Penguin, 1978.

Pateman's approach on the hand, historicizes the body is very useful in seeing the different ways in which power constructs bodies which implores humans to challenge *power* and not the *bodies* per se. It is also important to note that sexuality and the body are integrally connected to conceptions of femininity and masculinity and all these are constitutive of our individuality and sense of identity.²³

In understanding of sex work and identities, there is need to attend to the different notions of normalization that go on in Kabalagala which range from the social construction of the prostitute, the representation of the prostitute and also the ways in which prostitutes subvert the different social icons that society and sex as work inscribes on them.

Kasirye envisages that, prostitutes, street and slum people live more on social networks usually commanded by one of their colleagues who is strong or has more money, shelter or supplies drugs. More children have joined prostitution, streets and slums as a result of poverty. Girls are more seen in slums engaging in prostitution while boys are concentrated on the streets. Most of these young adults have a living relative who most likely share the child's benefits.²⁴

Giddens points out that, the more tradition (as a normalizing strategy) loses its ability to provide a secure and a stable sense of identity, the more individuals negotiate lifestyle choices and attach importance to these very choices. Concern with lifestyle when thrown into doubt makes the individual question those routinized habits of relevant kinds even those most closely integrated with self identity.²⁵ The sex worker travels and lives through different identities invoking different logics in different contexts. In some moments the prostitute has to emphasize her femininity and "availability" and yet in others she has to "wear" the identity of the "sophisticated woman". In different lifestyle choices that a person employs lies the instability of identity and therefore the frustration

²³Pateman, *The Sexual Contract*, Polity Press, Cambridge, 1988.

²⁴ Rogers Kasirye, *Empowering Streets and Slum Young People to Prevent HIV/AIDS in Kawempe Division – Kampala City*; Uganda Youth Development Link (UYDEL), Changmai Thailand, UNESCO Conference March 1-5 2004.

²⁵ Giddens, *Modernity and Self Identity*, Polity Press, Cambridge.1991

of that one who hopes and believes that a prostitute has a monolithic identity and therefore can be analyzed within the framework of the deviant.

In the UYDEL report, it was held that, friends among the young people affected by CSEC were playing a significant role in influencing, recruitment and locating sexual exploiters of children. Many of the friends are more like pimps who own rooms that act as lodges to meet the needs of customers. Children in this case experienced defilement, particularly those living on streets and those working as domestic workers are more vulnerable to sexual exploitation and abuse. Others stay with parents/ guardians who sell alcohol as the main economic activity and are forced into commercial sex at an early age, which creates a low self-esteem, lack of focus while as well as depression. Some of the children engage in other economic activities such as attending to bars, lodges, restaurants and food vending upon which the tendency for exposure to sexual behavior becomes high. Prostitution becomes prevalent both in homes as well as outside homes especially in bars, restaurants, lodges, students, hostels, markets shops and streets.²⁶

Causes of ineffectiveness of the law were reviewed as;

Abuse of uniform, where according to Maya Prabhu, on abuse of police uniform, it is noted that there is alienation from the law as one circumstance failing the control of prostitution and victimization being another. In Uganda, prostitution is illegal. He asserts that, in Uganda prostitution is illegal, which makes in theory makes all Hellen and the thousands of other sex workers in the country liable to arrest, trial as well as imprisonment. Hellen's one sex worker and a foreigner is based in the town of Kampala. She is made vulnerable because her work alienates her from the law and her work environment is more dangerous than most due to the fact that during her night-time streets and alleyways of Kampala, her short skirts and revealing blouses flag down cruising clients as well as attract unwanted, and all too frequently violent attention.²⁷ In her report to the Lady Mermaid's Bureau (LMB), an association of sex workers which

²⁶ UYDEL, *Better Families and Young People Annual Project report*, Kawempe Division Kampala Uganda, 2001.

²⁷ Exploiting the Police Uniform-htm Monday 17 May 2010,

advocates for their rights and protection, in last year (2009) alone, Hellen was coerced into sex seven times by a police officer who say – if you don't have money, give me sex. One Christine also recalls five separate occasions on which she was arrested and made to pay bribes to avoid the ordeals of forced sex and incarceration.²⁸

The police officers who have arrested suspected sex workers on the idle and disorderly charge within the last few years have clearly been targeting vulnerable people, knowing them to be unaware of police policy and their own rights, expecting them to be too intimidated not to yield to demands for cash or free. Corruption and the abuse of power are not new themes in Uganda but this is more of a direct, person-to-person victimisation of a vulnerable group of individuals by people who wear the badge of government-endorsed authority. In this regard, such circumstances trade down justice, when the law enforcers instead divert from their assigned duty and aim at benefiting from the prostitutes either directly through sex or through bribe.

Sanchez comments, on the regulation of prostitution as being problematic because standard labor regulations cannot be applied to prostitution. The typical relation between employer and employee where the employer is in a position of authority over the employee is in the case of prostitution viewed by many as contrary to the physical integrity of the prostitute. It is forbidden to order a person to have sex on a given moment at a given place. Many sex operators also do not want to pay social security contributions which comes with paid labor. Therefore many prostitutes in countries where prostitution is regulated are officially listed as independent contractors. Sex operators typically operate as facilitators only and do not interfere with the prostitutes.²⁹

Kihaule points out that, prostitution is illegal but measures to promote it have been left to prevail, and that one wonders if it should be legalized. '**50,000/- For a lover**' read posters are found almost all over Kampala city in Uganda. The posters are allegedly put by

²⁸ Ibid

²⁹ Sanchez, Lisa. (1999). "Sex, Law and the Paradox of Agency and Resistance in the Everyday Practices of Women in the "Evergreen" Sex Trade", in *Constitutive Criminology at Work*. Stuart Henry and Dragon Milovanovic (eds.). New York: State University of New York

prostitutes at night with the help of street children in their attempts to get 'customers but no one really seems bothered about the messages and finding a solution for them, until they wither and fall off on their own.³⁰ Kihaule further asserts that, although prostitution is still illegal in Uganda, there are all the signs to show that it is taking place in a full swing and this could be substantiated by such posters some of which include even phone numbers and physical addresses of where exactly to go and find the "lovers". Newspapers too have special pages for linking up men or women in need of life partners or lovers. Similarly, special websites have been created on the world wide website with beautiful pictures and contacts of men and women who are desperately in need of lovers. It is obvious that all this does not go unnoticed by the authorities because most of the time such prostitutes include their physical addresses and phone numbers as to where to get them.

Through use of former and current street, slum, prostitute youth is key player if the empowerment and intervention is to be accepted and succeed. That is why there is need to train peer educators through peer to peer network to rescue young people that are already exposed to moral degenerations.³¹

Peer pressure and lack employable skills appear to be significant factors inducing many to exchange their bodies for money and other gifts, therefore vocational skills training would be more important to be integrated in youth focused services and activities.³²

Regular supervisory support to keep volunteers action alive and improve performance through multi-skill training received by volunteers strengthens sustainability of volunteers work in the community.³³

³⁰ Emmanuel Kihaule, IPP Media, Should Prostitution be Legalized, 2007 84218-html

³¹ Living stone Carol (July 2000) Protecting Children online: An ECPAT guide

³² ILO (November 2002) A future without Child Labour: IPEC action to combat Child Domestic Labour worldwide.

³³ Kyadondo David (April 2002) *Commercial Sexual Exploitation of Children UNO/ILO Initiative to end Child Labour, a study of Good Practices on Interventions in Uganda* Volume 4. Kampala Uganda.

According to Wakweya, the social and cultural area, should mainly be driven to include;³⁴

- a) Use of media campaigns and Information and education materials in all languages;
- b) Promotion of behavioural change sessions to increase and improve life skills among children both in and out of school. Strengthening of Indigenous NGOS and CBOs that promote cultured youthful behavior.
- c) Improved education and advocacy through introduction of school sexual education in the curriculum in addition to other efforts in schools by NGOS.
- d) Increased access to youth friendly services.

Politically Wakweya proposes that these should include;

- a) Policy formulation and regular review of policies in many sectors like education, health gender, labour etc spearheaded by Uganda AIDS Commission involving all stakeholders.
- b) Targeting other special groups like the army, police and prisons staff and promoting HIV/AIDS programmes to address the situation.
- c) Networking with other international agencies and donor countries such as WHO, UNICEF and World Bank for support to attract large sums of money to control poverty as way forward to reduce prostitution.

.8 Scope of the Study

.8.1 Geographical Scope

The study was carried out in Kabalagala Parish which is part of the Parishes in Makindye Division. It lies along the Kansanga – Ggaba road and Nsambya – Muyenga Road. The Parish has a population of approximately 12, 300 inhabitants according to the Insieme Si Può (ISP) Africa Project Proposal³⁵ but the population is reported to be increasing due to prostitution that is widely practiced in the area. The greater part of the population belongs to the ethnic group of Baganda, originally of the south of Uganda, but the number of

³⁴ Wakhweya Angella et al, *Situation Analysis of orphans in Uganda: orphans and their households, caring for the future*, February 2000.

³⁵ <http://www.bayswan.org/stats.html>

persons coming from other ethnic groups of the north -like Acholi, Lango and Lugbar- is increasing.

8.2 Content Scope

The study was be restricted to loopholes in the existing laws while handling prostitution to identify the circumstances that lead to prostitution and the legal action taken in order to suggest possible interventions to control prostitution in Uganda.

8.3 Time Scope

The study covered a period' of three months due the work plan that is expected to be followed. It was carried out from June 2010 to August 2010.

1.9 Significance of the Study

It is expected that the study will be of a considerable contribution to the awareness on the loopholes of the law governing prostitution to concerned practitioners on issues pertaining moral degeneration.

The study is expected to contribute towards improvement on the law governing prostitution in order to improve morals in regard to a descent living and earning and will be a way forward to provide proper and appropriate immediate solutions to causes of prostitution.

The study is expected to provide a foundation for the future research which will help to narrow down the existing gaps on prostitution and law.

The study will be significant to the researcher in fulfilling one of the requirements for award of a Diploma in Laws.

1.10 Methodology

The following techniques were employed by the researcher while trying to collect data for this topic.

This study employed use of interview with several people namely Prostitute advocates, Prostitutes and some policemen from Kabalagala Police Post were consulted. The Interview method was used in a face-to-face conversation and discussion with the respondents and was directly carried out by the researcher who labored to see that the method appeared impressive and free from suspicion.

The researcher also relied on secondary sources of data by use of already existing literature in form of textbooks, periodic reports, publications, magazines and other related documents to obtain the necessary data. The researcher visited libraries like the Law Development Center library, Ministry of Gender, Ethics and Integrity, Uganda Christian University Library and Kampala International University Library.

The researcher also relied on observation method to acquire information, which could not be obtained through interviews and questionnaires. The researcher made personal observation in the community of Kabalagala, and in the homes of some respondents who were mentioned to be prostitutes.

CHAPTER TWO

THE LAW GOVERNING PROSTITUTION IN UGANDA RELATING TO INCIDENTS OF PROSTITUTION IN UGANDA

2..0 Introduction

Although prostitution is illegal, prostitution has mushroomed on the streets of Uganda's major towns in recent years and the ministry of ethics estimates that numbers of prostitutes now run to thousands. A person convicted of prostitution in the Ugandan courts is sentenced to six months' imprisonment but there is no record of any conviction in the country's history because police say they find it difficult to prove the charges.³⁶

2.1 Trafficking in Persons Bill (2005) Interpretation 3

According to the Trafficking in Persons Bill,³⁷ It shall be unlawful for any person, natural or juridical, to maintain or hire a person to engage in prostitution or pornography. According to Trafficking in Persons Bill³⁸ To adopt or facilitate the adoption of person for the purpose of prostitution, pornography, sexual exploitation, forced labour, slavery, involuntary servitude or debt bondage.

The purpose of this bill is to protect people placed under the care of others, from manipulation and being forced into such acts as named above.

2.2 The Constitution of the Republic of Uganda (1995) Cap 4

It is the duty of the government to control prostitution, prostitution being a term employed to try and locate sex within the realm of work. Yet in regard to Constitution of the Republic of Uganda³⁹ it is the duty of the government to provide for the right of persons to work under satisfactory, safe and health conditions. However, with

³⁶ Dr. Tumwesigye Elioda (2003) Fountain Youth Survival kit for schools. A teacher's handbook on HIV/AIDS prevention in schools.

³⁷ 2005 Interpretation 3. (1) (e)

³⁸ Trafficking in Persons Bill 2005, Interpretation 3 (1) (f)

³⁹ 1995 Cap 4 Article 40 (1)

prostitution, no health conditions are maintained, young girls mainly school dropouts have engaged in prostitution and have contracted STDs whereas others have acquired HIV/AIDS.

Under Article 33 (1)⁴⁰ women shall be accorded with full and equal dignity of the person with men. Here the law provides for equal dignity but when prostitutes are being tracked down for penalizing, no measures are put in place to penalize the buyers (male counterparts). This implies that the law in this way does not give equal treatment to the parties engaged in sex trade.

The Constitution accords every Ugandan a right to a clean and health environment.⁴¹ But contrary to this due to poverty people end up living in shacks, slums and brothels its due to this condition that children have turned out prostitutes because they tend to sleep with adults in the same room, who due to lack of space, carry out their marital obligations in their presence and thus they end up copying the same habits because they have been exposed to sexual experiences.

2.3 The Penal Code Act 1995 Cap 120

In view of Article 40 (2) "Every person in Uganda has the right to practice his or her profession and to carry on any lawful occupation, trade or business". This implies that whatever profession is being carried out should be lawful but prostitution is illegal in Uganda, according to the Penal Act 1995 which provides that, "*Any person who practices or engages in prostitution commits an offence and is liable to imprisonment for seven years*"⁴² but despite this provision, it has been left to prevail and yet even those responsible for enforcing the law unlawfully use the prostitutes for bribe as a way of pardoning them from penalty, this has however increased level of prostitution because law enforcers have failed to fulfill their duties. In view of article 33 (2) the state shall provide the facilities and opportunities necessary to enhance the welfare of women to enable them to realize their full potential and advancement.

⁴⁰ The 1995 Constitution of the Republic of Uganda Article 33 (1) (2)

⁴¹ Article 38 Constitution of the Republic of Uganda 1995.

⁴² Chapter XIV Section 139

But women have not been able to access and exploit the different opportunities that can enhance their advancement due to their marginalized position, when they are seen to drop out of school when priority is given to boys in case of shortages of family families. In this regard they end up unemployed and the only quick mean for some of them, is to engage in sexual trade for survival on the other side some male youths who have not been able to secure good employment also end up trading their bodies to sugar mummies who pay them to have sex with them.

According to the **Penal Code Act**⁴³ in regard to immorality, Chapter XIV provide that

- 1) Every person who knowingly lives wholly or in part on the earnings of prostitution and every person who in any place solicits or importunes for immoral purposes commits an offence and is liable to imprisonment for seven years.
- 2) Where a person is proved to live with or to be habitually in the company of a prostitute or is proved to have exercised control, direction or influence over the movements of a prostitute in such a manner as to show that he or she is aiding, abetting or compelling his or her prostitution with any other person, or generally, that person shall, unless he or she shall satisfy the court to the contrary, be deemed to be knowingly living on the earnings of prostitution.

The purpose of this law is to ensure that all those that have taken part in prostitution or aided prostitution have to be charged.

Section 137⁴⁴ also provides for brothels, upon which any person who keeps a house, room, set of rooms or place of any kind for purposes of prostitution commits an offence and is liable to imprisonment for seven years.

The purpose of this law is to stop owners of houses, rooms among others from hiring their houses for prostitution purposes or else they be charged and imprisoned for seven years.

However, on the other hand, the police knows of places acting as brothels but less effort has been dedicated to arresting the owner's of such places.

⁴³ Chapter XIV Section 136 (1) and (2)

⁴⁴ Penal Code Act 1995 Cap 120

Despite these provisions men who engage in the buying of prostitutes are left to walk away freely by the police and instead it is the women who are detained at the police cells and yet the law criminalizes those found in company of a prostitute. On other occasions the women are also freed by the police without trial.

This implies signifies the difficulty in penalizing the prostitute without the exhibit (the man) because the women can practice prostitution on their own without men coming in to buy them. This therefore calls for more stringent measures on the authority that releases the suspects before they are tried.

2.4 The Universal Declaration of Human Rights (1948)

In regard to the Universal Declaration of Human Rights Article 1948 in Article 25, everyone has a right to security in the event of unemployment, sickness, disability, widowhood, old age and other lack of live-hood in circumstances beyond his control.

This purpose of this law is to secure provision of basic necessities to the citizens who are unemployed and disabled but because Uganda is a poor country, whose nationals have not been insured for such eventualities, people have to find their means of survival in case they fall under any of the mentioned category. This situation pushes some people to prostitution because there are no means of survival.

2.5 The Children Act 1997

Children who are denied their right to education, in most cases end up being wasted others join the streets, others prostitution becomes their means of survival and yet in the Children Act a child in Uganda has a right to be educated and be guided,⁴⁵ implying that as children, they should be in school to be educated and guided as required of the parents and guardians. But contrary to this the guardians give them away to work as housemaids, where they end up being abused sexually and due to this early abuse sexually, the children become reckless and end up in prostitution. But if adequate care and education were provided, then it would be less likely that children would join prostitution and for this matter children need not be separated from their families or the persons entitled to bring them up against the will of their families or of those persons, except in accordance

⁴⁵ Children Act Section 5 (1)

with the law. The purpose of this law is to protect children from being exploited by those who take them away from their parents. But young girls that drop out of school are being used abused and taken to work as house girls, bar maids thus expose them to circumstances that can lead to prostitution.

CHAPTER THREE

ANALYSIS AND INTERPRETATION OF THE FINDINGS

Testimonials from Prostitutes

Even with all the different ways the researcher viewed the location of Kabalagala, they did take off quite a bit of time to record some of the issues of prostitution in Kabalagala. One of the opening statements made in this study by Joseline⁴⁶ showed how for long Kabalagala has been a place where sex work was seen as an acceptable mode of occupation.

Every variety of sexual relationships is found in Kabalagala, from relatively durable concubinage to blatant prostitution for cash payment. Kabalagala is always full of goodtime girls who hang around beer bars namely Sherry's, Capital Pub, Hakuna Matata and Punchline waiting to be bought drinks.⁴⁷

The quotation is accompanied with some detailed accounts of the ways in which different women and men were involved in sex work in Kabalagala. Most of these issues have not changed drastically but there are certainly a few changes that have happened. One elderly woman in Kabalagala who accepted a short interview about the changes that she saw in the area mentioned that;

Today the high class men do not come here for sex. In our days all the African men who were big shots in Government would have a girl in Kabalagala. We had the Baziba who were very beautiful and very "clean" women and the men liked them a lot. But when the bazungu(whites) went at independence then the high-class men stayed up so they could drink from those bars where the bazungu used to go.⁴⁸

⁴⁶ Jesca Sex Worker (Sherry's pub) in Kabalagala.

⁴⁷ Lynda a prostitute met at Punchline

⁴⁸ Joseline Owner of one buildings (Sherry's pub) in Kabalagala.

In regard to age as a demographic factor it was submitted that age was a defining factor in prostitution. In the short survey of the 21 respondents in Kabalagala it was submitted that most of them were below 30 years of age (80%), about 38% were below 20 years of age. This is an important factor because one recognizes that there are many young women who are involved in sex trade. The 10 respondents who offered life histories also had an average age of about 18 years. It was submitted that the issue of age was important in the construction of the self-identity of the sex workers. One of the respondents Namwebe, had the following to say;⁴⁹

As young girls if you have dropped out of school or your family does not have money to pay for your school fees, sometimes you find that you have no choice but to quickly find something that you can do while you are young. I did start off as a housegirl but all the boys in the family I was working for - even their father wanted to sleep with me and they were only paying me 10,000/= per month. I met a young woman who was staying near our shop and I noticed that she was always very smart and yet she was always at home through out the morning. So one day I asked her if she could help me to find a better job but she just laughed and said I should just wash her clothes. I did this for sometime and I found she had very nice trousers and shoes and I asked her again and one night she told me we should go together. That first night I earned 25,000/= shillings and I was fascinated by the idea that I could actually double my salary in a night. I realized I had to use this body before I grow old!

According to Namukasa, age for the women was seen as part of the critical points for a person who intends to be a sex worker. Indeed the women said that in some instances one has to look younger than what one is - because “*men like young women... we do not even mention that one has ever had a baby otherwise the man may think that wagwaamu da (you are already spent)*”⁵⁰

It was submitted by Namwebe, that the narrative of age in this scheme of the prostitute's identity seems to be one that is organized with contradictions and divergent choices in

⁴⁹ Namwebe is a sex worker who conducts her business at Punchline

⁵⁰ Namukasa sex worker at Mamamia

that it depends on one's choice. For those looking for an experienced woman, age becomes a lucrative identity and yet for those who are out to explore the young and innocent, age loses its value. In this way it was submitted that it is important to recognize the role of age on the level of self and representative identity. Age offers a discursive space for the articulation and reproduction of different identities for the prostitute in which dominant definitions of feminine presented are made explicit and sometimes contested.

In the researcher's opinion, western education was also one of the invasions of colonialism it was supposed to be the civilization delivering modernity. The subjectivity of which works by universalizing values embedded in the English and, represents the colonized as the inferior and uncivilized whereby the educated person is one that can talk authoritatively and therefore accesses different kinds of spaces and can mobilize different identities. As a laborer, the higher one is educated the better wages one can get and the better off one is. For the prostitute, the knowledge of the English language was not only a marker of success but a reaffirmation of the identity of a sophisticated sex worker but also has a gateway to success in the trade. Most of the women interviewed in this study said they had limited education. The meaning being that they had gone to school for a few years and did not speak very good English. The majority of the women in Kabalagala reported that they had attended only primary school. They made up to 57% of the respondents in Kabalagala. There were a few women who had never attended any school. Education was an important factor because many of them cited the "end of being at school" as a very decisive factor in their becoming sex workers. Below are some quotations from different women on education and how it shaped their lives;

Yes, I used to go to Bwala Primary School and stopped in P.6 said Jennifer.. Things became very expensive and my parents could not afford school fees. I stayed at home for four years and I got a boy friend who made me pregnant and then she refused to take responsibility of the baby... I suffered and struggled until I gave birth. My child is now seven years and

*she goes to school.*⁵¹

*I used to go to school up to primary five but I found school boring and I was aging (she was getting to 13 years) so I dropped out said Namwebe.*⁵²

*Yes I have ever attended school and I am still in school in one of the schools in Kampala. (she refused to mention the school and the class). But I had to drop out because my parents could not pay, but because I know I cannot be on the streets all my life I go to school and I pay for myself.*⁵³

*I stopped in senior one, my father passed away when I was still very young and my mother got married to another man who helped to pay the school fees, he also died when I was in senior one and my mother become sickly so I had to stop school so that my sisters and brothers could continue.*⁵⁴

The quotations above point to the different ways in which education was very instrumental in influencing these respondents' decisions to opt for sex work. This was coupled with the reality that their parents were not able to pay and cater for their daily needs during the times when they dropped out of school. Women also talked about the importance of education in sex work. As one of the women put it;

*According to Jesca, if you are educated there are chances of getting a good man. Those girls who know a lot of English easily get men. That is why some of the girls come from Kansanga to work with us here because they know that if they "add" their English to sex work they can make a lot of money on the streets. That is why there is a lot of competition now.*⁵⁵

⁵¹ Jennifer, a prostitute in Sherry's

⁵² Namwebe sex worker at Punchline

⁵³ Julian both a student and sex worker

⁵⁴ Nakintu sex worker at friends' corner.

⁵⁵ Jesca Sex Worker (Sherry's pub) in Kabalagala.

Fulfilling a client's needs did not just entail having a good body but also being able to communicate in a way that ensures the camouflaging of the identity of the illiterate street girl. The women mentioned that sometimes men are attracted to women because they can speak "good" English. One of the women brought out the perspective that one can deny her identity as a prostitute and therefore be able to negotiate a higher fee if she can portray herself as *a good girl who "does not do these things for money" but just has a small problem*.⁵⁶ Again one notices the mobility and fluidity of identities in sex work intertwined the discursive strategy of being an educated person. The women involved have learnt to *live* these multiple identities as everyday strategies of their investment in sex work. Education was therefore related more to the representative identity that the prostitute mobilizes. While age is a marker of self identity as shown in the previous section, education was an icon, a defining factor, that gets thrown into the body market place through the employment of language and speech. Indeed in the whole schemata of the use of English one sees the ways in which language is a fundamental site for identity construction and therefore is a potent instrument for cultural control but in this case for entering the post colonial body market. The English language here displaces the native languages

For the sex workers who worked in Kabalagala, some of them worked from their homes but others had makeshift brothels, which they worked in. One of them described the ways in which the brothels worked;

According to Joseline, she emphasized that, *someone who is an official on the L.C in this area owns the house. So he takes care of any law enforcers who may want to disturb us. We pay him some five thousand shillings per day and he gives you a room where you meet your customers. I come here from around 10:00 am in the morning and sometimes I go on until the evening. The owner provides a bed, some water and soap. Business is good here and one just has to decide how long you are ready to work each day*.⁵⁷

⁵⁶ Nakintu sex worker at friends' corner.

⁵⁷ Joseline Owner of one buildings (Sherry's pub) in Kabalagala.

Another kind of brothel, which the respondents mentioned, is the “lodge”. These have proliferated the Kikubamutwe urban space with most of them depending the “short time” customers who are ready to pay the rate that will have been charged for a full night’s accommodation. These do serve a more upper class clientele, who may be middle class males who would want to go to a decent place away from the eyes of the public. It was mentioned in the group discussions that some of these places are located in decent neighborhoods, which do not have any inscriptions of sex work on them.

It was submitted that, for the sex worker, the space where the trade is carried out is not only a visual construct but also a space that enables alternative lifestyles. The sex workers in this study came from different parts of the country. The geographical spread for example for the respondents in Kabalagala showed that about 38% were from the western parts of Uganda and another 38% from the southern, about 20% from the central districts and 5% from the Eastern parts of the country. For the respondents from the south some of them mentioned that they came from as far as Rwanda. It is important to note that it was not only girls from the central region, where Kampala is located who were represented in this trade. Some of them noted that some men even go on to ask them where they come from before they can buy their services. The women noted that these were usually men who looking for women from specific tribes because of the imaginations they held about the sexual prowess of certain ethnic groups. In a group discussion the women mentioned that the Banyarwanda and the Banyankole were seen as women with better bodies than most of the other girls.

Respondents in Kabalagala noted that currently the ethnic mix is mostly Ugandan and as one respondent mentioned, there were many more people from different East African countries in Kabalagala in the sixties and early seventies. They noted that the eighties and beyond were marked with political upheavals and economic hardships and therefore it was mostly women from within the country who migrated to Kabalagala.

The Banyarwanda, Barundi and the women from Zaire usually opt to stay in places like Kasanga. This is because here the community does not care a lot about the girls and most

*of the people in the slums around work in bars where these girls go so they do not want to antagonize them. After all they are the ones who make business boom. When some of the women from these neighboring countries come to Kampala, they hire a room and they stay there for about one or two months and they live in group of four or five afterwards they go back to their countries. These girls speak many languages like French, English, Germany and very good Kiswahili so the white men like them a lot.*⁵⁸

*Some respondents also mentioned that they go to towns upcountry or outside Uganda. However, they were quick to add that they only do this if they know they will make money from other towns. However, one of our respondents felt that most towns in Uganda are not "good for business". She mentioned that in most places there are local women and they usually charge very little money compared to the Kampala based women. A few of the respondents mentioned that there are women who sometimes travel outside Uganda. They mentioned that a few women go to Kenya but of recent they felt the market in Kenya had gone down.*⁵⁹

Our key respondent for the Sherry Pub had a story to tell us about her trip to Dubai. *I saved money for a ticket and pocket money to go to Dubai for about eight months. A woman who had been to Dubai before convinced me to think of going to Dubai. She explained that, they got visas and she bought her ticket and went. In Dubai she started off in a small hotel where she stayed with the woman. But she did not like the life in Dubai at all. She emphasized that, they were going out with mostly Pakistan and Indian men who were very low class workers who only managed to give them a few dinars (Dubai currency) equivalent to about 6000 Uganda shillings. According to her, this was so disappointing because in Kampala that is money paid by taxi conductors and here she does not go out with such men! It was so difficult even to make enough money for one to survive in Dubai, she confirmed because men preferred prostitutes from Russia since they were white women. She also attested that, the Arabs were also very queer men who would buy you and only have anal sex. Yet she was not used to that and it was very*

⁵⁸ Mwebe bouncer at one of the pubs in Kabalagala.

⁵⁹ Julian Sex Worker

uncomfortable. After two weeks she became desperate and wanted to move on. The other disappointing thing was that the women they found in Dubai sold their passports to some black market people and they were very hostile and intimidated her to give them her passport. However, when she refused they wanted to beat me and like that, she had to change her hotel on realizing it was getting more dangerous, she booked her flight and came back to Uganda. *I think in Uganda I am better off*, she retorted.

CHAPTER FOUR

CONCLUSION AND RECOMMENDATIONS

4.0 Conclusion

Debates are still hot on legalization of prostitution but, by the law attempting to legalize prostitution would not stop street prostitution because most prostitutes would not like to register and undergo medical check ups, as law would require it. Even according to the findings of by the Coalition Against Trafficking in Women International (CATW), legalization of prostitution does not protect women either. Studies have shown that prostitution establishments did little to protect the prostitutes regardless of whether they were legal or illegal, because the only time they protect anyone is to protect the customers. This is because the mandatory health tests are on the prostitutes alone but not their customers and thus expose the prostitutes to health risks including contracting HIV. On the other hand, legalizing prostitution as argued in studies, would ensure that the business is conducted in a safer way whereby the prostitutes would go through medical check-ups and that they would also pay taxes to the government.

However, the increasing incidents of prostitution are clear evidence that this approach is ineffective as it is like containing smoke while leaving the fire burning underneath. It is obvious that prostitution can't be contained without blocking its ever widening market.

4.1 Recommendations

From review of literature and information acquired from study respondents;

If possible, the authorities should engage social sciences experts to find out the real causes of prostitution and their probable solutions because 'customers' include married people. Without this, prostitution will be here to stay despite its being against the law and morals.

A combination of programmes that expand income generating opportunities need to be developed both in the short and long term. Prostitutes should be called upon through their

advocating organization be placed in vocational training courses and given parallel forms of support for involvement in entrepreneurial activities.

Continuous training needs analysis should be undertaken for prostitutes so as to determine appropriate skills to be imparted for productive work.

Behavioral Change Programmes should be continued to discourage and eliminate risky behaviors in the communities, in form of live drama performances, through audio and visual materials, recreation activities targeting both community members and the prostitutes.

Slum development, congestion and overcrowding should be discouraged by city planners. The ultimate aim should be to promote housing and settlement patterns that reduce the risk of sexuality, sex abuse and child commercial sex common in slum dwelling units.

Further research employing both quantitative and qualitative methodology should be undertaken to arrive at a more accurate estimation of the magnitude of the problem and to study features of the problem that cannot be captured through rapid assessment methodologies.

Police officials reported and found guilty of victimizing prostitutes to benefit directly or indirectly should be penalized to discourage such actions of office abuse.

There is need to sensitize law Enforcement agencies/ brothel owners about commercial sexual exploitation particularly of children and risk behaviors involved in commercial sex work. Focusing on the enforcement of the existing legal instruments that provide for protection of the rights of children including protection against Worst Forms of Sexual Abuse.

There is need for more efforts to mobilize more drugs treatment and condoms because they are on a high demand yet they are not enough, this will increase on the flow of services and hence able to enhance their health situations.

REFERENCES

- Carrabine, Eamonn; Iganski, Paul; Lee, Maggy; Plummer, Ken & South, Nigel. *Criminology - A Sociological Introduction*. London: Routledge, 2004.
- Connell, *Gender and Power: Society, the Person and Sexual Politics*, Stanford University Press, California. 1987.
- Delpy and Leonard, *Delivery of Improved Services for Health – DISH* (March 2002) Adolescent Friendly Domestic Labour worldwide, 2002.
- Dr. Hussein Mursal, The PEAP and A world fit for children: Connections and Gaps 2002.
- Dr. Tumwesigye Elioda, *Fountain Youth Survival kit for schools*. A teacher's handbook on HIV/AIDS prevention in schools, 2003.
- Foucault, *The History of Sexuality*, Vol. 1, Harmondworth, Penguin.1978.
- Freud. S, *Female Sexuality*, Standard Edition, Vol. 21, Hogarth, London. 1933.
- Gatens, *Power, Bodies and Difference" in Barrett Michele and Phillips Anne in Destabilizing Theory: Contemporary Feminist Debates*, Stanford University Press, Stanford, 1992.
- Gaway Rose, A survey on Child Prostitution in Uganda, SAP Project, 1997.
- Giddens, *Modernity and Self Identity*, Polity Press, Cambridge.1991
- ILO (November 2002) A future without Child Labour: IPEC action to combat Child Domestic Labour worldwide.
- Jakobsson, Niklas and Andreas Kotsadam. "The Law and Economics of International Sex Slavery: Prostitution Laws and Trafficking for Sexual Exploitation," Working Papers in Economics 458, Göteborg University, Department of Economics,2010.
- Kasirye Rogers Lugolobi, *Intervention to combat Commercial Sexual Exploitation of Children in Kawempe*, Kampala Uganda. 2002

Kivumbi G.W and L. Mpabulungi, *A Needs Assessment for Adolescent Friendly Health Services (AFHS) in Mbale District*. UNICEF, Kampala Uganda. 1999.

Kyadondo David (April 2002) *Commercial Sexual Exploitation of Children UNO/ILO Initiative to end Child Labour, a study of Good Practices on Interventions in Uganda* Volume 4. Kampala Uganda.

Living stone Carol, *Protecting Children online: An ECPAT guide*, 2000.

Maxwell, S R. & Maxwell C. D, "Examining the "criminal careers" of prostitutes within the nexus of drug use, drug selling, and other illicit activities". Duke University Press, 2000.

Pateman C., *The Sexual Contract*, Polity Press, Cambridge, 1988.

Rogers Kasirye, *Empowering Streets and Slum Young People to Prevent HIV/AIDS in Kawempe Division – Kampala City*; Uganda Youth Development Link (UYDEL), Changmai Thailand, UNESCO Conference March 1-5 2004.

Sanchez, Lisa. (1999). "Sex, Law and the Paradox of Agency and Resistance in the Everyday Practices of Women in the "Evergreen" Sex Trade", in *Constitutive Criminology at Work*. Stuart Henry and Dragon Milovanovic (eds.). New York: State University of New York.

Save the Children UK (February 2003). *Suffering in silence the plight of Kampala's children*, An operational study for Save the Children UK. Child participation pilot project in Central Division Kampala.

Theweleit *Male Fantasies 'Vol.1: Women, Floods, Bodies, History*, University of Minnesota, Minnesota.1987.

UYDEL (2001), *Choices for a healthy and safe life: Peer to Peer school learning activities*. Annual Project report, Kawempe Division, Kampala Uganda.

Wakhweya Angella et al, *Situation Analysis of orphans in Uganda: orphans and their households, caring for the future*, February 2000.

Internet

Emmanuel Kihaule, IPP Media, Should Prostitution be Legalized, 2007 84218-html

<http://www.bayswan.org/stats.html>

Exploiting the Police Uniform-htm Monday 17 May 2010.

APPENDIX (I)

INTERVIEW GUIDE

IDENTIFYING INFORMATION

A) Karungi Sarah Interviewing Date: ^{6th} 08-2010

B) Interview number 1 - 30

C) Survey Interview

D) Despite the existence of the law of prostitution in Uganda, prostitution is still widely and increasingly practiced and this has led to increased moral degeneration and breach of the law. It is for this purpose that there is a realized to find a way forward to the amendment of existing laws to promote and improve on the morals of the people by fighting prostitution in Uganda.

Guiding areas

- Prostitution and how is prevented
- The law governing prostitution
- Loopholes of the law governing prostitution
- Possible interventions to control growing prostitution