

**AN EXAMINATION OF THE CAUSES OF DEFILEMENT AND ITS IMPACT ON THE
LIFE OF THE GIRL CHILD.**

**A CASE STUDY OF SOROTI SUB COUNTY IN EASTERN UGANDA
(IN LIGHT OF SECTION 129 OF THE PENAL CODE ACT CAP 120)**

BY:

ATEBO DEMITA

LLB/38224/123/DU

**A DISSERTATION SUBMITTED IN PARTIAL FULLFILLMENT OF THE
REQUIREMENTS FOR THE AWARD OF A BACHELORS
DEGREE IN LAW OF KAMPALA INTERNATIONAL
UNIVERSITY**

AUGUST, 2016

DECLARATION

This dissertation is my original] work and has not been presented for a degree or any other academic award in any institution of learning.

NAME: ATEBO DEMITA

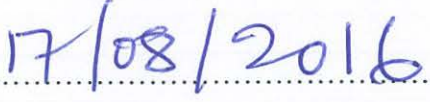
DATE.....17/08/2016.....

SIGNATURE..........

APPROVAL

I confirm that the work reported in this dissertation was carried out under my supervision.

SIGNATURE.....

DATES.....

NAME OF SUPERVISOR: MR. BUKENYA SILVESTER

DEDICATION

I dedicate this dissertation to my parents, colleagues, and my supervisor who endured daily sacrifices while I was carrying out my work.

ACKNOWLEDGEMENT

I would like to thank the following for their contribution in having this work completed.

Specifically, I owe a special debt of thanks to my family members especially my mother and father, for their continuous moral and financial support they rendered to me.

I acknowledge also my course mates, Aber Patricia, Kisada Dan and the entire staff of school of law.

Finally I am indebted to my supervisor Mr. Bukenya Silvester who recommended sources, cheerfully tolerated an ever ending series of arcane and sometimes inane questions. Whatever error an oversight remain in this manuscript are entirely my own but I freely acknowledge that I could not come this far without their help.

Above all, I wish to thank the Lord Almighty, without whose inspiration and guidance, I would neither have tackled nor accomplished this dissertation and my degree at large

ABBREVIATIONS AND ACRONYMS

ACRWC - African Charter on Rights and Welfare of a Child

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

CID - Criminal Investigation Department

CRC - Convention on the Rights of the Child

CSA - Child Sexual Abuse

FIDA - Uganda Federation of Women Lawyers

HAR - Hope After Rape

ICESCR- International Covenant of Economic, Social and Cultural Rights.

PCA – Penal Code Act Cap 120

ICCPR- International Covenant on Civil and Political Rights

ECOSOC-Economic and Social council-United Nations

NGOs - Non Governmental Organizations

STDs - Sexually Transmitted Diseases

UNCRC - United Nations convention on the Rights of the child

UNICEF - United Nations International Children’s Emergency Fund

WHO - World Health Organization

TABLE OF CONTENT

APPROVAL	ii
DEDICATION	iii
ACKNOWLEDGEMENT	iv
ABBREVIATIONS AND ACRONYMS	v
TABLE OF CONTENTS	vi
ABSTRACT	x

CHAPTER ONE INTRODUCTION

1.1. Background to the study	1
1.2. Statement of the Problem	5
1.3. Purpose of the study	5
1.4. Objectives of the study	5
1.4.1. General objectives.....	5
1.4.2. Specific objectives.....	5
1.4.3. Research questions	6
1.5. Scope of the study.....	6
1.5.1. Geographical scope.....	6
1.5.2. Time scope.....	6
1.5.3. Content scope	6
1.5.4. Historical scope.....	6
1.5.5. Chapterization.....	6
1.6. Significance of the Study.....	7
1.7 Definition of key terms.....	8
1.8. Conceptual Frame work.....	9

CHAPTER TWO

LITERATURE REVIEW

2.1. Causes of girl child defilement	10
2.2. Impact of defilement.....	13
2.3. Prevention of Girl Child defilement.....	15
2.4. Ways to help victims.....	18
2.5. The concept of girl- child defilement	19
2.6. Defilement law in Uganda	20
2.6.1 .The Constitution of Uganda (1995).....	23
2.6.2 Children’s Act (2004)	24

CHAPTER THREE

RESEARCH METHODOLOGY

3.0. Introduction	26
3.1. Research design.....	26
3.2. Area of study	26
3.3. Study population.....	26
3.4 Data collection.....	26
3.4.1. Research Questionnaire	28
3.4.2 Interview.....	28
3.4.3 Written sources	28
3.5 Ethical considerations.....	28
3.6 Possible limitations of the study	28
3.7 Possible solutions	28

CHAPTER FOUR

DATA ANALYSIS AND RESEARCH FINDINGS

4.0. Introduction	29
4.1 Background information on respondents.....	29
4.1.1 Age of children being defiled	29
4.1.4 Parents response on defilers	30
4.2. Causes of defilement.....	31
4.3 Effects of defilement on the girl child	32
4.4. Why defilement cases persist?	33

CHAPTER FIVE:

DISCUSSION AND RECOMMENDATIONS

5.0 Introduction	35
5.1 Discussion	35
5.2 Recommendations.....	36
5.3. Police	38
5.4. Judiciary.....	38
5.5. Legislature	38
5.5.1 Existing laws in relation to defilement.....	38
5.5.2 Defilement law.....	39
5.6. Non Governmental Organizations, (NGOs)	39
5.7. Girl Child.....	40
5.8. Parents	41
5.9. Community	41
5.10. Government	41

CHAPTER SIX

CONCLUSION

REFERENCES	46
.APPENDIX A.....	48
BACKGROUND.....	48
SECTION B.....	50
SECTION C.....	52
STRATEGIES/RECOMENDATIONS.....	52

ABSTRACT

This study was about defilement and the general objective was to examine the impact of defilement on the life of a girl child in Uganda with specific reference to soroti district, Eastern Uganda. Information was obtained through asking or inquiring from concerned people especially police, victims themselves, parents or guardians and NGOs that handle cases of defilement in uganda. The findings of the study show the significance of defilement. The researcher used different data collection tools to get the research findings especially on those who commit defilement on the girl children. The research concludes by giving recommendations to the responsible persons for controlling the increased spread of defilement all over the region especially the Government bodies, the judicial system, parents, NGO's and victims themselves.

CHAPTER ONE

INTRODUCTION

This chapter provides an introduction to the study. It aims at bringing out the research problem and clarify its settings. It therefore discusses the background to the study, the statement of the problem and the significance of the study

1.1. Background to the study

Sexual abuse against children is a global problem and in recent years, there has been increasing concern throughout different countries regarding the incidence of child abuse and the suffering that children experience. The incidence of child defilement is recognized internationally as the most severe violation of human rights and the most serious form of child abuse and exploitation. It bears long-term and even life threatening effects on a child's physical, psychological, spiritual and emotional development.

Sexual abuse of children is a human rights violation affecting all age groups within the childhood period of 7-17. The effects of this phenomenon on young lives are very devastating and have both short and long term consequences. The prevalence of sexual abuse in Uganda particularly Soroti District has been difficult to determine for various reasons. Estimates of its extent have widely varied as a result of different definitions of the term and the sensitive nature of the phenomenon accompanied by the shame and stigma experienced by victims makes it disincentive to report its occurrence (Saewyc et al, 2003). WHO estimates that about 223 million children (150 million girls and 73 million boys) have experienced forced sexual intercourse globally.

According to (UNICEF, 2014), it estimated that 16 million adolescents between 15-19 years give birth each year. Globally there is an estimated 40% of women aged 20-24 years who got married before they reached 18 years of age which age groups are twice as likely to die during pregnancy or child birth as women in their twenties (UNFPA 2015). Marriage of young girls is most common in sub-Saharan Africa whereby in Niger and Bangladesh, 80% and 72% of 20-24 year old women were married before age of 18 years respectively.

Findings from United Nations suggest that sexual abuse within schools is also a wide spread but largely unrecognized problem in many countries. The closed nature of the school environment means that children can be at great risk of sexual abuse in schools Leach et al(2003), revealed

in their study that about 27% of the female respondents had been propositioned by their school teachers.

Another study conducted in 2013 found out that 10% of the girls studied had been victims of sexual black mail by teachers over class grades and 20% of rape cases had been perpetrated by school mates. The study concluded that having raped girls or had part in a collective rape, this has affected their school performance due to stigma and psychological trauma leading to forgetfulness.

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

In Uganda, an average of 10,000 children is reportedly defiled each year in the country where the juvenile population is constitutes 57% of the total 41 million people (ANPPCAN 2009). Particularly girls increased pressure on families to engage in monetized economies, separation of parents from children, poverty disputes between rich and poor, urbanization, lack support, double standards of morality for men and women, poor governance and inadequate legal system who fail to protect children from acts of defilement at all, which contributes to the persistence of inequality and exploitation Fay Chung, (1988), conflict natural disasters and the migration of parents in search of employment. These trends also occur to the effect of the girl children making them vulnerable to the abuse exposed to them.

The Uganda police annual statistical report of 2016 indicates that defilement ranks high on their crime chart. This means that there is need for government to put in more effort in order to address the problem of defilement. There is need for reforms and transformation of economic, social- cultural, and political in order' to realize the significant decrease in the crime in Uganda, however cases of defilement still maintain an upward trend (A police report 2016).

Girl child defilement or abuse and exploitation are on the increase in many parts of the-world. In Uganda, although several policies and strategies have been put in place to improve the situation of children between 1995 to date, the girl child still holds a disadvantaged position. The girl child needs are neglected right from child hood as she gets relatively less food, education and health assistance than the boys.

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

In Uganda, like many other developing societies, child sexual abuse (CSA) is on the rise at very alarming rates. For example, the Uganda Police in 2016 recorded 6759 cases of defilement countrywide making this alarmingly high considering that most sexual abuse cases are never reported. In the same year, the Uganda Bureau of Statistics demographic health survey reported that 90,000 children in Uganda suffered from child abuses such as early marriages, ruptured sexual organs, had STDs including HIV/AIDS, were child mothers, children with a low self esteem and innumerable school dropouts.

Therefore with no doubts the above posses new effects, more so in areas of education, health care delivery given the youthful population of 62% under the age of 15 years being defiled and contracted sexually transmitted diseases exposes them to stigma, isolation from the society and shame to be socialized with other community members.

Some of these young girls get problems in child birth complication which may result into operations, death and others which affects their lives as future mothers and due to lack of financial support as the community or family abandons them, they may end up in activities of prostitution, begging for help in which most of them get engaged into forceful sex activities exposing them to many more challenges. The Uganda Demographic health survey report 2016 also stated that 2.8% of girls give birth to their children with complications of over bleeding

during and after birth and some suffered long lasting illness and disabilities, Obstetric fistula and infertility together with damage of reproductive parts of a girl child affected their ways of living in the community and families.

Estimates of two million children are enslaved in the global commercial sex trade. Many of these children are either sold into prostitution to pay off family debts or forcibly recruited on the street to work in brothels, where they are required to have sex with as many as 30 men each day. Some prostituted children are just 5 years old. Often, child sex to travel from a richer country to one that is less developed, or they may be travelers within their own countries or region. Some child sex tourists (preferential abusers and pedophiles) target children specifically, but most do not usually have a sexual preference for children; they are situational abusers who unscrupulously take advantage of a situation in which children are made available to them. This showed that poverty is among the factors that cause children engagement in sex to cater for family debts as revealed in the study chapter four gives a narrative of the issues that respondents think are the factors or causes of increased levels of defilement in Uganda today.

Majority children on the streets in soroti district are used by dishonest adults to get money from the passers-by. These shameless adults are usually the children's parents or relatives who sacrifice their own blood in exchange for money. They wake up very early in the morning to look for strategic areas where they can position babies to beg. The children are exposed to all forms of health problems including catching cough, malnutrition, and jigger infestation among others. The children are at a risk of being knocked by cars and vulgarly abused by the commuters. They suffer emotional stress and physical injuries in order to feed their parents' who should be the ones to provide for the children. Female street children face particular problems. They are trafficked, exploited, sexually abused and latter disposed off when they have outlived their usefulness.

Uganda has up to date accommodated traditions and customary practices that are child unfriendly. As much as culture is important and needs to be presented there are certain negative customary practices that provide a platform for child sexual abuse. Inhuman cultural practices such as female genital mutilation, harmful circumcision rituals, early marriages and bride price are common in many districts of Eastern Uganda. Despite the fact that the constitution nulls all customary practices that conflict with its provisions Article 1 of the 1995 constitution provides

that the constitution is the supreme law of the land and any law that is inconsistent with it will be rendered null and void, however such customs are still practiced and the perpetrators are often left to go scot-free.

1.2. Statement of the Problem

The statistics from January to 2016 indicate a general hike in crime rates in soroti district, and Eastern region with 9,565 cases being recorded, 2,564 are under investigation, 2,445 appeared in court and 2,621 suspects have been charged, while 408 convictions have been secured and 2,423 suspects are awaiting trial. In the same period, 635 suspected defilement cases were registered of which, 219 went to court, 416 cases are pending, while only 19 convictions have been secured. In cases taken to court, 217 suspects were adults and 98 juveniles. This is all due to police inability to sensitize the community on the dangers of the crime, parents not reporting the cases and sometimes when reported, they withdraw cases from courts.

The researcher is trying to assess the impact on the girl child lives and to assess the strategies to curb the phenomenon over the past six years, the trend has just escalated in 2010 a total of 14,300 children were defiled where 11,923 defilement cases were recorded. Similarly, the police reported, 7,844 defilement cases down from 13,929 in 2010 they reported 9565 children abused

1.3. Purpose of the study

The purpose of the study was to investigate the causes and effects of defilement on the girls and find ways intended of changing the way these girls are treated. This was to help to reduce the problems that girls face in soroti district.

1.4. Objectives of the study

1.4.1. General objectives

The broad objective of the study is to find out whether defilement has caused an impact effect on the lives of girl children in soroti district in light of **Section 129 of the penal code Act Cap 120** laws of Uganda.

1.4.2. Specific objectives

To find out the causes of defilement on the lives of the girl child in Soroti Sub county.

To examine the extent to which social, economic and cultural factors may be the cause of girl child defilement in Soroti Sub County.

To assess the impact of defilement on the lives of girl children in Soroti Sub County and to establish strategies that can be put in place to improve on the control of girl child defilement in Soroti Sub County.

To examine the extent to which the law can be effective in curbing this crime.

1.4.3. Research questions

What are the causes of defilement in Soroti Sub County?

To what extent has social, economic and cultural factors been the causers of defilement in Soroti Sub county?

Assess the impact of defilement on the lives of girl children in Soroti Sub County.

Examine the strategies that can be put in place to improve on the control of girl child defilement in Soroti Sub County?

1.5. Scope of the study

1.5.1. Geographical scope

This study is carried out in Soroti Sub County Soroti district located in eastern part of Uganda in Teso region.

1.5.2. Time scope

The study is covered in a period of two months from Jan -Feb 2016

1.5.3. Content scope

The study is based on how defilement has impacted on the lives of girl children

1.5.4. Historical Scope

This study covers the trend of defilement cases in Soroti District from 1990-2016 in light of Section 129 of the penal code Act Cap 120 laws of Uganda.

1.5.5 Chapterisation

Chapter one provides an introduction to the study. It aims at bringing out the research problem and clarify its settings. It therefore discusses the background to the study, the statement of the problem and the significance of the study.

Chapter two reviews the literature related to defilement. It discusses various contributions which have been done by different scholars concerning causes and effects of girl child defilement or Child Sexual Abuse in relation to the law and statues regulating this crime.

Chapter three described the techniques of research which was being used in collecting data during the study, Research design, area of the study, study population. It also indicated the sampling procedure and selection, sample size, data collection instruments, validity and reliability of research instruments. Lastly it described data analysis, ethical considerations and limitations of the study.

Chapter four presents the findings of the study. The analysis and discussion of the findings are based on the collected data and reviewed literature. The chapter gives the opinions of the respondents, on the causes of defilement, the effects of defilement on the life of a girl child, strategies taken to tackle on defilement cases and the roles of agents concerned with cases of defilement. The findings are presented by interpretation of the following and the objectives of the study.

Chapter five presents a discussion of the main findings of the study and recommendations. These are thought to be of great importance to child rights activists, policy makers and all stakeholders involved in the control of the girl child defilement programs and for performance improvement.

Chapter six presents a conclusion to the topic of study and the areas of further research

1.6. Significance of the Study

The study is to contribute an understanding of dynamics and complexities on the increasing number of girl-child defilement as the commonest sexual abuse inflicted on the girl child in soroti district and hence deterring the potential criminals from committing the same crime due to the heavy punishment imposed on the offenders

The study also compliments other studies about defilement and its associated impact carried out by various authors in Uganda and fills in certain gaps which are uncovered. It is anticipated to be of use to a wide range of stakeholders who include Government, politicians, youths, policy makers, local authorities, local communities, children, girl-child, women activists, nongovernmental organizations, and researchers.

In addition, the findings of the study will help the local community authorities in soroti district, police and judiciary and government agencies to appreciate the need to improve on the culture of stopping child sex abuse. The findings of the study are also to contribute an additional knowledge on the phenomenal complexities of child sexual abuse, and defilement. This makes it easier for the policy formulation regarding girl child defilement in Soroti and Uganda at large.

Finally the finding of the study will stimulate a desire for further research into the dynamics that explain the institutional impact of defilement of a girl child in soroti district.

1.7 Definition of key terms

According to Uganda Federation of Women Lawyers FIDA (2006) report child sexual abuse is defined as the involvement of a child in sexual activity that he or she does not fully comprehend; is unable to give informed consent to; for which the child is not developmentally prepared and cannot give consent; or that violate the laws or social taboos of society. It further goes on to say that child sexual abuse is the act between the child and an adult or another child who by age or development in a relationship of responsibility trust or power, the activity being intended to gratify or satisfy the sexual need of the other person. The report further mentions what the other conceived acts of child sexual abuse would entail and these include the inducement or coercion of the child to engage into any unlawful sexual activity, the exploitative use of a child to practice prostitution which is an offence under S.139 of the penal code Act Cap 120 or other indecent practices of similar nature. The exploitative use of the child to practice and enjoy by way of viewing pornographic materials and performances is also emphasized.

According to Lorraine and Andrew (2005), the definitions of child sexual abuse must be comprehensive to give broad understanding of the issue. To them, there are issues such as contract child sexual abuse and non-contact child sexual abuse that need understanding critically. Contact child sexual abuse according to them involves any form of physical sexual contact

during the commission of a sexually abusive act, intimate or non-intimate, ranging from non-genital and genital touching to vaginal or anal sexual intercourse, non-contact child sexual abuses involve sexually abusive acts that may range from exhibitionism to being (a non-contact) agent in the use of children in pornography or prostitution.

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

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

According to the penal code Act Cap 120 S.129 defilement means a person performing a sexual act with another person who is below the age of 18 years.

The research defines "a child" according to Article 257 as a person or human being under the age of 18 years as according.

1.8. Conceptual Frame work

This research looks at defilement as a result of various social and psychological factors for example broken marriages, poor Government systems, Suicidal thoughts, Drug abuse and Stigma. It also looks at defilement as a result of cultural practices in Soroti and Uganda at large. The research critically analyses the above factors in relation to Section 129 of the penal code Act Cap 120 laws of Uganda and the effect of defilement on victims.

CHAPTER TWO

LITERATURE REVIEW

2.0. Introduction

This chapter reviews the literature related to defilement. It discusses various contributions which have been done by different scholars concerning causes and effects of girl child defilement in relation to Section 129 of the penal code Act Cap 120 and statues regulating this crime

Children in all situations are prone to sexual abuse. Both boys and girls can be sexually abused. However certain categories of children are especially at risk including the following: Orphans. Child domestic workers, children living in slums, disabled children, children on streets children in conflict areas child headed households and children living with stepparents among others.

2.1. Causes of girl child defilement

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

According to UNICEF; at the world summit for children in 1990, Children suffer immensely as casualties of violence of all forms. They are forced to abandon their homes and their roots as children of no hope. Sometimes they are disabled by the cruelty of the society as victims of neglect with no food, shelter, clothing education and medical care. Many times children are cruelly abused and exploited both at National and international level which force them to move out to the defilers.

According to UNICEF, (2015) some parents are known to marry off their young girls to older men in order to obtain money to meet educational fees for their male siblings and 'for other purposes which is also the case in Soroti district. In pastoral communities, early marriages are common where parents marry off their young girls in exchange for livestock. These exchanges, 'of cattle for girls and women, forms an integral part of the local economy.

According to Kaleniera and Sameji (1998), In the East and Southern Africa Region, early marriage is closely associated with a society's concept of children and the situation of any given child. In Uganda and Kenya, for example, cultural practices such as initiation ceremonies and the view that the onset of puberty is the cutoff point between childhood and woman hood, means that adolescents are not defined as children in many cultural practices. This is also the basis for early marriage In women challenging violence experiences from eastern and southern Africa, the major obstacle in curbing domestic violence are the police, the legal systems, the courts, customary law and the press due to the corruption tendency they are often bribed by the perpetrator C, Robina Gureme, (1994) all of which facilitate the defilement issues from escalating.

According to Manidah Tebajjukira (2009), alcohol consumption sometimes results to abuses in that children in the process end up being affected or injured and in some cases the violence leads to death or even severe brain damage due to torture. According to a study on defilement carried out in Uganda, 42% of the respondents said that the leading causes of sexual abuse in Uganda are alcoholism. Since alcohol reduces one's ability to make sensible moral judgment and corrupts ones sense of reasoning and decision making. This results in irresponsibility which in long run affects the children and women at large.

According to the research carried out by the Uganda Law Reform Commission (2006), 34%o cases of sexual abuse was linked to poverty. In addition to the investigations carried out in Naguru Remand homes for children in Kampala, it was found that parent's separation and lack of finance lead them to poverty since the parents could not support the children financially.

According to Permalink (2013), poverty has a hand in the escalation of cases of defilement. One thing is that parents set traps for people with potential to compensate them handsomely for defiling their daughters. In some areas young girls go after older men who they feel can give them gifts and money. So, as long as these issues continue to be swept under the carpet, the scourge cannot be defeated conclusively.

The causes of defilement in soroti district range from socio-cultural, economic and political. According to Luswata, (1990) he says that absolute poverty in the majority of households in

Uganda, this can also step up the factors leading to increased defilement. This is because parents and the girl children are looking for material gains in order to survive.

In many societies girl child defilement occur though most of the case are not reported to concerned authorities, girls are exposed to more of the cultural, social and economic constraints than boys. Cultural norms against reporting defilement abuses make it even more difficult to assess accurately the abuses (Delano, 1998).

In most of the African societies, children are a source of wealth and girls are means of obtaining money, cows and many other things. And so since the highest proportion of bride price goes to girl's parents, then these girl children are married off by their parents when they are still young to old men who defile them, due to their parents need for material gains.

In the traditional Africa, defilement existed, but like in Buganda virginity of the girl was of great value. So if a man defiled a girl before she got married, then he would be fined a goat, one cow and two backcloths which he would give to the father of the girl.

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

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

In a report by Action for Development (Acfode), blamed the increase in defilement cases in the Uganda on high levels of poverty. It was further revealed that, boda boda cyclists, taxi drivers and video hall operators exploit the situation to defilement.

Literature revealed that, the most common form of pornographic acts among children is watching blue movies (51%) followed by watching nude photographs. The study further concludes that children engage in pornography for their own entertainment rather than commercial gain. 64% of the children who were engaged in prostitution also watch blue movies. Pornography affects the moral development of children and exposing children to it is an offence.

According to the penal code act cap 120 laws of Uganda any person dealing in obscene publications and pornographic materials commits an offence. It provides that Any person who for purposes of trade, distribution, public exhibition, makes, produces or has in his possession obscene writings, drawings, prints, paints, printed matter, pictures, posters, emblems, photographs, cinematography films, or any other objects tending to corrupt morals is guilty of a misdemeanor.”

Child marriages are an example of a cultural practice that was appropriate in earlier societies but is less functional today. The lag between the circumstances and the attitudes is seen in the problem of defilement in Uganda. The law has criminalized sexual contact with minors, and indeed it is currently a capital offence, while community attitudes in some areas are less critical of this behavior as it was historically not problematic. Uganda is in a transition point on this issue. The solution may be to work with communities to show the harm done by this practice while at the same time re- visiting the law in order to make it less punitive so that communities will be more likely to convict offenders.

The 1995 Constitution of the Republic of Uganda as well as the Uganda Federation of Women Lawyers (FIDA) report of 2016 clearly acknowledge the media as a key partner in creating awareness on human as well as children’s rights. This can be done through news bulletins, feature stories, documentaries and paid for advertisements among others.

2.2. Impact of defilement

Denial of fundamental rights as the most critical consequence of sexual abuse to girl children according to the convention on the elimination of all forms of discrimination (CEDW), adopted in 1979 and the convention on the rights of the child (CRC) and adopted in 1989, they affirm the principles of fundamental rights and freedoms of every human being and these are guided by a

broad concept of human rights that stretches beyond civil and political rights to the core issues of economic survival , health and education that affect the quality of daily life for most children.

Child marriages result in the girl child experiencing traumatic or forced sex with her husband. No consensual sex is commonly referred to as rape. The sexual acts are not a one off event and persist. Thus child marriages result in the girl being repeatedly sexually abused over a long period of time until they reach 18 years, the minimum urge for marriage under the ACRWC and the CRC. The girl child is exposed to easily sexual activity and child bearing that have an impact on their health that causing maternal mortality (Armstrong; et al, 1995).

Child marriage is also regarded as a form of gender-based violence against girls will. Need to acknowledge that this practice will ultimately compromise the development of the girl child and can result in early pregnancies, increasing the chances of maternal mortality, (Tshabalala-Msiman, 2009).

According to Uganda law reform commission (2006) report, these children tend to engage in alcohol and drug abuses in that although it is illegal for one under the age of 18 years to purchase, posses and consume alcohol drugs, many girls as a result of sexual violence or other reasons at home and around the society tend to engage in drug abuse which makes them vulnerable to various problems of cancer, serious crimes and death. As they choose to take drugs as a way to forget all the violence practiced against them but also end up suffering their consequences.

Girls who are defiled undergo serious mental and physical trauma that require them to undergo specialized treatment, adding that this can only be done if the matter is reported to relevant authorities Mooba,(2013). Mooba adds that defilement exposes girls to sexually transmitted infections such as HIV and also leads to unplanned and early pregnancies which she noted leaves the victims emotionally disturbed for life.

Child sexual abuse has a host of negative physical and psychological repercussion on the victims. These include reproductive health problems, anxiety, disordered eating behaviors, sexual dysfunction; substance abuse may be more likely to engage in truancy and prostitution later in life compounding their long term risk of sexually transmitted diseases and pregnancy

involvement Bensley et al, (1999). There has been a recognized need to end child sexual abuse problems in the world.

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

According to Uganda law reform commission (2010) research indicates that girl children are defiled by persons in authority. The study showed that many children are defiled by persons who are having authority over them. The abuse of victims is made easier by the relationship or position of trust or authority the offender has in relation to the child. It found out among the offenders as teachers, domestic servants, employers, guardians and wardens. In addition to the above girl children are defiled by their biological father, uncles, grandfathers, neighbor's boda boda riders, house boys and shamba boys and it has become the order of the day (CRESS, 2004).

2.3. Prevention of Girl Child defilement in soroti.

The response of the international community to sexual abuse of children does not have a long history and it is only recently that it has been recognized as a significant social problem. The hesitancy of international law to address child sexual abuse has been attributed to the dichotomy between the private and public spheres. International law is primarily concerned with the public sphere whilst domestic law deals with the private sphere (Levesque, 1999).

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

ameliorating the damage inflicted by abuse, and reducing the subsequent reverberations of that damage.

According to Lucy, (2001), offenders' accountability or community protection mechanisms that are for instance used in the United States are good strategies because, about 60 percent of cases confirmed during investigation are referred for prosecution. The rates are higher for cases investigated and referred by police than cases referred from child protection authorities, on average, more than half of those cases result in prosecution. Majority of the cases where charges are filed result in conviction mostly by plea.

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

At the national level, there are a number of strategies that have been put in place to prevent girl child defilement ranging from the legal, political to cultural means among others. They occur at national and community level. For example, section 123(1) of the Penal Code Act of Uganda spells out clearly that, the maximum penalty for defilement is death. And the punishment for attempted defilement is life imprisonment. As the law stands today, defilement is a capital offence punishable by death in Uganda.

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

Parents should stop allowing or sending their girls at late hours like at night alone when there is no one to move with them and girls should learn to move in groups of the same sex" (16 year girl victim Pamba).

“I think girls should improve on their dressing code. And also parents should not entrust their daughters to anybody especially men” (student Soroti S.S).

“Parents and the girls should be in close contact so that girls can open up to their parents on issues that affect them emotionally” (student Light S.S).

To add to the above, generally parents have the prime responsibility for ensuring that their children grow into secure and productivity members of society. This includes meetings of their basic physical needs of shelter, food, care in illnesses and protecting the child from danger like defilement. Reaching out to girls so that they learn how to avoid men who can easily defile them, poverty reduction the government in partnership with other stakeholders like development partners should fight poverty by creating income generating activities, so that both the girls and their families are not compromised. Parliament should pass Domestic Relation, Bill and Sexual offence Bill as reported in (2010, FIDA Uganda).

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

Reach out girls to learn how to avoid men by sensitizing them right from grass roots plus the community, movement should fight poverty which is a key to defilement, members of parliament should also pass domestic relation bill and sexual offence bill” (Social worker HAR). The only solution is by government having the will to support and pass sexual offences bill” (Program Information officer ANPPCAN).

“There is need to have practical laws, the laws should be in line with the norms and customs of our societies and let the law be implemented” (Counselor ANPPCAN 2015). ‘The government should enact strict laws, then teachers, NGOs, should go to village schools and talk to the girl children, counsel them and guide them on early sex” (Female police officer Soroti).

Reduce the girl consent age to 16 years. This is because by 16 years a girl is not in school she is mature and can have sex especially those in villages, Reduce the consent age of the girl to 16 years. These girls by that age I normally see them provoking men. So they seem to want sex” (elderly man, Opiyai).

“The offenders should be punished by either death sentence or castrating them period”“Kill the offenders so that others can learn from them. Now my 12 year daughter was defiled by a university student and he ran away but I wish him death only”“The offenders should be fired, killed on spot so that selfish men stop playing with our children” (Female parent Nakatunya).

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

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

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

2.4. Ways to help victims

The key informants were asked to give ways in which defiled girls can be assisted after such an incidence of defilement. And they suggested ways included among medical assistance to help minimize contraction of STDs, reporting percent was second in the ascending order. This will also requires complete cooperation of victim, her parents and police or any other institution interested in the case if any results are to be yielded. Other proposals were arresting defilers, followed by counseling guidance given to the victims.

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

2.5. The concept of girl- child defilement.

The UN summit wrote that any understanding of child sexual abuse is incomplete without consideration of the child's perspective. Understanding the child context of abuse reinforces the adult logic of the vulnerability, damage affecting and therefore amelioration of the situation. It further points out that the sexual abuse accommodation syndrome addresses the vulnerability and the reality of sexual assaults of the child. The syndrome encompasses five elements that include:

Secrecy: if the child feels she will not be understood or will be blamed then she is compelled to conceal her experience of sexual assault.

Helplessness: if a child has no confidence to believe that her report will not be rejected the abuse will go unnoticed fully.

Entrapment and Accommodation: if the child thinks that it will be very hard to validate her report about her experiences, she becomes a victim of both the primary and secondary damaging effects of abuse, delayed, unconvincing disclosure. He further points out that the first categories are preconditions to the occurrence of sexual abuse, and the last three categories are sequential contingencies, which take on increasing variability and complexity.

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

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

Delano, (1998) compiled a report of studies done in different countries. For example, a study carried out in Kenya revealed that 50 percent of the girls admit receiving of the form of money,

ornaments and clothes when they engage in sex for the first time. Young girls frequently report that their early sexual experiences were coerced. In a study in South Africa 0 percent of girls report that their first sexual intercourse was forced in rural Malawi, 55 percent of adolescent girls surveyed report that they were often forced to have sex.

These girls get the threat of social stigma which prevents young girls from speaking out about sexual abuse. In Zimbabwe, rape cases are sometimes settled out of court when perpetrator either pays compensation to the girl's father or pays pride price and marries the girl avoid bring up public attention and shape to the girl and family. A study in rural population of South Africa found out that 51 percent of children between 6 months and 5 years of age receiving medical treatment for sexual abuse have been abused by a neighbor, an acquaintance, a lodger or stranger. Studies conducted in Zimbabwe found out that half of reported rape cases involve girls less than 15 years of age and that girls are most vulnerable to sexual abuse by male relatives, neighbors and school teachers.

2.6. Defilement law in Uganda

Ugandan defilement law considers boys and girls below 18 years to be minors (children) under Section 129 of the penal code Act Cap 120, and penalizes males of any age who engage in any sexual intercourse with girls below 18years. Nevertheless, it is rarely implemented in practice.

Defilement is a very big threat to the well being of children in Uganda. According to the crime statistics report 2016 , defilement is the most rampant form of child and sexual abuse and the highest crime committed in Uganda . Defilement is illegal under the laws of Uganda and its penalty is 7 years imprisonment as stipulated under Section.129 of the penal code Act Cap 120

The statistics also reported that 17,385 children were defiled in 2016. The above statistics reveal that the problem of defilement is unacceptably high and should be dealt with as urgently as possible to save millions of children. In 2007, reported Defilement cases were 12,230 compared to 17,385 in 2016 and 8,354 of the Defilement cases were reported in the rural areas, compared to 3,876 cases in urban areas. The victims in soroti district are mostly Pupils or Students during holidays, dependants in homes, and destitute on the streets. Occurrences are mostly through enticements and tricks.

This study had a critical analysis of the practices that led to this increased number of defilement cases in Uganda especially in urban areas like Kampala. It also clearly noted that not all the cases are reported to authorities showing that the challenge might be much higher than currently reported/ shown in the reports.

According to S.129 of the penal code Act Cap 120 laws in Uganda, Defilement is a criminal offence; that involves capital punishment as stated below:

- 1) Any person who performs a sexual act with another person who is below the age of eighteen Years, commits a felony known as defilement and is on conviction liable to life imprisonment
- 2) Any person who performs a sexual act with another person who is below the age of eighteen years in any of the circumstances specified in subsection (4) commits a felony called aggravated defilement and is, on conviction by the High Court liable to suffer death.

This is further explained that the circumstances referred to in subsection (3) of the Penal code Act are as follows-

- (a) Where the persons against whom the offence is committed is below the age of fourteen years;
- (b) Where the offender is infected with the Human Immunodeficiency Virus (HIV);
- (c) Where the offender is a parent or guardian of or a person in authority over, the person whom the offence is committed;
- (d) Where the victim of the offence is a person with disability; or
- (e) Where the offender is a serial offender.

There is also provision for compensation to victims of defilement; Section 129 B of the Penal Code Act 120 states that:

- (1) Where a person is convicted of defilement or aggravated defilement, the court may, in addition to any sentence impose on the offender, order that the victim of the offence be paid compensation by the offender for any physical, sexual and psychological harm caused to the victim by the offence.

(2) The amount of compensation shall be determined by the court and the court shall take into account the extent of harm suffered by the victim of the offence, the degree of force used by the offender and the medical and other expenses incurred by the victim as a result of the offence.”

Despite the fact that the law has criminalized sexual contact with minors, and indeed it is currently a capital offence, community attitudes like child neglect and lack of enough basic needs for the children in some families in soroti district are less critical of this behavior as it was historically not problematic.

Ugandan defilement law considers boys and girls below 18 years to be minors, and penalizes males of any age who engage in any sexual intercourse with girls below 18 years.

CASE: Safari Innocent V Uganda, the appellant was convicted of defilement of a girl under 18 years. The victim was taken for medical examination and the doctor estimated her age to be between 13 and 14 years. The accused appealed against conviction on the following grounds:

- The prosecution failed to prove that the complainant was under 18 years.
- It was not shown that it was the applicant who defiled the complainant.

The Supreme Court held inter alia that:

The complainant’s own evidence, the evidence of her father and the medical evidence left no doubt that she was under the age of 18 years at the material time. The essential by the doctor was that the complainant appeared to be 13 and 14 years did not weaken the prosecution evidence in that regard. Her father’s evidence was that she was 15 years when she was defiled must be correct...even if she was 13 or 14 as the doctor estimated, she was still under 18 years old nonetheless and, therefore, under 18 years for purpose of the offence of defilement under section 123 (1) of the penal code Act Cap 120.

Conclusion: in a charge of defilement the prosecution’s duty is to prove that the victim was less than 18 years at the time of sexual intercourse. It needs not to prove the exact age of the victim.

In Nakholi V Republic (1967) it was held that consent to sexual intercourse affords no defence to a man on a charge of carnal knowledge of a girl under the age of consent.

In *Uganda V Rurahukayo* John cited with approval the case of *Uganda V Enoch Bampabura*” where it was held that it was no defense to a charge of defilement that the Victim was of marriageable age or that she consented”.

Further cited with approval was *Uganda V Joseph Mulindwa* (1975) wherein it was inter aim held: ‘consent is irrelevant in cases of defilement. (An underage girl) is presumed to be incapable of consenting to sexual intercourse.

The Uganda police crimes report 2016 as aired out on NTV news at nine o’clock reported that defilement was the second highest committed crime in Uganda in the year 2016 this shows that the crime is increasing in Uganda.

2.6.1 .The Constitution of Uganda (1995)

According to Article 2 of the 1995 Constitution of Uganda, the Constitution is the supreme law of the land and defines the social norms for the care and protection of children and supersedes all traditional practices which are in conflict with the rights of the children.

Chapter 4 of the Constitution guarantees human rights and freedoms and Article 34 of the 1995 Constitution specifies children’s rights and specifically addresses the issues of child care and protection.

The Constitutional provisions state age of marriage as eighteen years and above under Article 31 of the 1995 constitution and Section 129 of the Penal code Act Cap 120 penalizes defilement of persons under the age of eighteen years of age and section 129B provides for payment of compensation to victims of defilement.

The essential ingredients for a successful prosecution for defilement have been defined by various court rulings. In *Agaya Robert V Uganda*, it is well stated that in order to constitute the offence of defilement, the following must be provided:

- Sexual intercourse
- Victim’s age below 18 years
- The accused is the culprit.

It is the law that an accused should never be called upon to prove his innocence it is also trite law that an accused person should be convicted on the strength of the case established by the prosecution but not on the weakness of his defense.

Men and women of the age of 18 years and above have the right to marry and form a family and are entitled to equal rights in marriage, during marriage and at its dissolution. The essence of the law on defilement is the need to protect young girls from early sexual activity and abuses. Proof that the girl is under the age of 15 years is thus essential for conviction of defilement.

It is unfortunate to note that research results revealed that defilement cases still do happen in Uganda today at an increasing rate despite the fact that laws are clearly stipulated in law books and enforced by the law enforcement bodies or agencies. This study found out the reasons contributing factors, conditions that have led to increased occurrence of the vice in society include among others poverty, the urban lifestyle, media and technology but still as stated by the law sex with a criminal Appeal NO.1812000, Court of Appeal a girl below 18years whether the girl consents or not amounts to defilement a crime that is punishable under law and conviction by the High Court is liable to suffer death as prescribed under S. 129(3) of the penal code Act.

2.6.2. Children's Act (2004)

The law is clear on the definition of a child in Uganda as a person below the age of 18 years. There is some controversy over age 18 among the general populace which needs to be resolved through sensitization and education programmes for adults and children. There is need to establish a norm of care and protection of all children.

CASE: Tumuhairwe Vincent v Uganda, the court of Appeal held inter alia that the fact that an accused did not know the victim in a defilement case was under 18years of age is no defense. There is no need to prove the exact age of a victim:

In Uganda v Lwasa Sempijja, it was held that in defilement the prosecution need not to prove the exact age of the victim rather it must be proved that the girl was at the time of intercourse under the age of 15years.

In the case of Uganda V Arukor (criminal session case No.8) of 2011[2013] UGHCCRD 85 (1 Nov 2013). In this case both counsel admitted by consent medical evidence contained in PF3 that

showed the victim was two years and a half, there was penetration and the hymen had been broken 24hours prior to the examination that took place.

Girls in particular, are forced to assume adult roles prematurely. The government of Uganda enacted the principal law that deals with children's affairs and their protection under the law. The Children's Statute is a milestone in child care and protection because it makes both care and protection legally enforceable.

CHAPTER THREE

RESEARCH METHODOLOGY

3.0. Introduction

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

3.1. Research design

The study was based on the descriptive design in order to provide adequate and detailed information about the problem under investigation and this was to help the researcher collect relevant information related to the study. Both qualitative and quantitative research methods were used in the data collection from the selected respondents in the sub-county to give their views and concerns about how defilement has impacted the lives of girl children.

3.2. Area of study

The study was carried out in Soroti Sub County parishes of Amen, Opuyo, and Acetgwen in Soroti district. The division was chosen because offices of a number of civil society organizations that deal with many social problems and defilement cases were found within the division and easy access to the police, the African for prevention and protection against child abuse and Neglect (ANPPCAN), local council, parents and girl children and in addition defilement cases are common in this place.

3.3. Study population

The study targeted the population of the victims of defilement who were girls below the age of 18 years in soroti, parents or guardians of victims, the police, local councils and any other persons or organizations responsible for the child defilement cases in order to find out their views on the impact of defilement on the life of girl children from the total population of male being 38 and female being 62 giving the total population of 100.

3.4 Data collection

The researcher used a questionnaire as a major tool for data collection. A questionnaire was formulated and designed in a structured self administered questionnaire fashion. Additional data was also collected from the Newspapers on reported cases of defilement by the Inspector

General of Police, CPS in Soroti district in March 2016 and other information from the, magazines, journals, law books regarding the topic under study during the study period. This research was preferred because it is essential and enabled the study to come up with facts, figures, opinions and detailed information.

3.4.1. Research Questionnaire

This guided the researcher and also ensured that time was effectively used to cover the intended question and to avoid making mistakes or forgetting to gather data showed certain vital questions. However, other tools like interviews and observation were used but at a low level. The questionnaire was formulated following the research questions and objectives of the study for consistence and generation of relevant data

3.4.2 Interview

This was used to collect data from respondents who can read and write face to face conversation was used and structured interviews were used whereby a researcher was to have guiding questions.

3.4.3 Written sources

The researcher studied written documents like textbooks, magazines, internet, reading materials or written documents which helped to fill in gaps that other scholars left unattended to.

3.5 Ethical considerations

The study was to ensure that the respondents give relevant information out of their willingness such that they do not decline in anticipation of the research study .It was upon this level that the researcher upheld aspects of confidentiality and used information as specified by the respondents in details.

3.6 Possible limitations of the study

Lack of proper cooperation from the respondents during the process of data collection affected the study due to negative attitudes for the information to be collected from them.

Time constraints as most of the respondents for example the parents and elders with relevant information had much work to do at their homes and places of work hence having less time to attend to the researcher.

Lack of funding affected the study as the researcher privately sponsored herself for rent, food, and transport to distant places to meet the respondents

Fitting a suitable time schedule to be used for interviews for both the researcher and the respondents was not easy leading to one party not turning up at a scheduled time as the respondents tend to move to carry out certain activity

3.7 Possible solutions

The researcher followed the respondents until it was convenient for them to meet and discuss hence the researcher patiently waited in order to get good results.

Informing the respondents for maximum cooperation by presenting the introductory letter so as to inquire acceptance from them.

The researcher fixed the time in order to collect appropriate data as required in the topic of study.

CHAPTER FOUR

DATA ANALYSIS AND RESEARCH FINDINGS

4.0. Introduction

This chapter presents the findings of the study. The analysis and discussion of the findings are based on the collected data and reviewed literature. The chapter gives the opinions of the respondents, on the causes of defilement, the effects of defilement on the life of a girl child, strategies taken to tackle on defilement cases and the roles of agents concerned with cases of defilement.

4.1. Background information about respondents

An estimate of two million children is enslaved in the global commercial sex trade. Many of these children are either sold in to prostitution to pay off family debts or forcibly recruited on the streets to work in brothels, where they are required to have sex with many men each day.

4.1.1 Age of children being defined

The girl children victims in the research were aged between 7-17 years though there were cases of girls defiled between the ages of 2-6 years and in this case it was their parents who were responsible. For example I witnessed a case of girl child being defiled 4 years and this was aggravated defilement where a girl is below 14 years of age as provided for under Section 129 (3) and (4) of the penal code Act Cap 120.

In the case of Uganda V Arukor (criminal session case No.8) of 2011[2013] UGHCCRD 85 (1 Nov 2013). In this case both counsel admitted by consent medical evidence contained in PF3 that showed the victim was two years and a half, there was penetration and the hymen had been broken 24hours prior to the examination that took place.

“My paternal uncle came at home when my parents were at work place, we welcomed him entered the house, sent my elder bother to the shop entered our bed room then he allied me and he defiled me and threatened to kill me if I confess to anybody and my parents will also kill me hence I had to keep quiet (18 year old victim in Opiyai village in Soroti sub county). Hence a need for the parents to leave there children with someone responsible for the safety of their children.

“A boy from our neighbor came home, had a phone in his hands and told me to go and he shows me the games on the phone which I did. Then he gave me the pone to play games. He had money

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

This is in agreement with Blumen (1994), who says that most children are abused by a parent or cohabite. Those incidents not involving a parent or cohabite are generally committed by a custodian such as foster parent, baby sister, relative or friend. These individuals are drawn from all sections of society, but the vast majority is from the poorest section where deprivation and stress are most prevalent hence a need for the government to give support to such people by sensitizing them to take up positions in money regulating activities like small businesses in order to provide their children with the basic needs of life.

4.2. Causes of defilement

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

This finding is supported by studies which was carried out by FIDA Uganda (2015), report on Child Sexual abuse found out that poverty and loss of parents are some of the major causes of defilement and children recognized that consent to sex could be “a survival tool” in economic hardships. This shows that many of these girls are defiled by older men because sex is the source of their income or financial support.

Culturally, defilement is taken as a private matter in a family. This means that the spread of such information is limited and defilement negotiations are done by few elders from family. They negotiate to marry off the girl to the man who defiles her and compensate the family of the girl

especially the father. It is only after negotiations have failed that the family of the victim take the matter to the police yet evidence would have been killed.

This is also supported from findings by Ntozi's report of (1992), who found out in her study that, traditionally' matters to do with sex were handled with sensitivity and to talk about sex in public was a taboo in Uganda. The responsibility of passing sex information was given to aunties, uncles and other family members especially female relatives of the girl's mother.

According to the police officers, LC officers and NGO officials gave causes of defilement as: "I attribute cause of defilement as idleness, Drugs, war, drunkards, mental instability, poverty, parent neglect of their responsibility, too much freedom to the children etc" CID Mr. Ocen Moses (Police Officer Opuyo police post, in Soroti District).

"Parents want material gains from their young daughters due to poverty, use of drugs, alcoholism, some men want young girls because they believe that they are still of sexual satisfaction than older women" (LCI chairman Pamba).

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

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

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

4.3 Effects of defilement on the girl child

The key informants were asked the effects that defilement brings upon the lives of girl children and they mentioned early pregnancy which leads to abortion, HIV/AIDS or death, prostitution which is a criminal offence under S.139 of the penal code Act Cap 120 psychology, trauma,

dropping out of school and poor academic performance and suicidal tendencies which is also a criminal offence under Section 210 of the penal code Act Cap 120.

This is supported by research that was carried out by Human Rights Watch (2015), and discovered that, Sexual violence has a profoundly destabilizing effect on the education of girl children. Rape survivors interviewed reported that they were facing difficulties in concentrating on their work after the assaults. Some girls reported losing interest in school, others transferred to new schools while others dropped out of school completely. Parents informed Human Rights Watch that their abused children became depressed, disruptive and anxious.

4.4. Why defilement cases persist?

This presents the findings on the issues of girl child defilement persistence soroti district and it indicates that lack of sensitization, lack of counseling and proper guidance, parent neglect or broken families, peer pressure, culture neglect or influence of western culture, poverty and ignorance were highlighted as some of the reasons for the persistence of defilement. Below are some of the responses from key informants indicating why defilement has persisted in Soroti Sub County.

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

“The Leader the role model of promiscuity and also the government lacks the will and commitment with issues of sex and children at large” (FIDA, 2014).

“There is ignorance of the law on defilement lack of cooperation from the family of the victim, religion and cultural bylaws which put the age of marriage of women to 16-14 years (volunteer ANPPCAN), Poor law enforcement, drug addictions, corruption by police officers,LC officials, courts and negative cultural norms and practice towards the Law of defilement and the girl child” (Information officer ANPPCAN).

“Poverty, influence of western culture on our society, plenty of films like blue movies, peer pressure, lack of education” (police officer cps Soroti) Parents are not counseling of their children, there is too much poverty, lack of sensitization and guidance” (police officer Soroti). The above is supported by UNICEF report (2014) many adult males seek out young girls for sex

CHAPTER FIVE:

DISCUSSION AND RECOMMENDATIONS

5.0 Introduction

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

5.1 Discussion

Over the whole world, defilement is increasingly becoming a key problem in the lives of the vulnerable girls and in Uganda at large due to the factors contributing to its escalation in the region of Soroti sub County. Therefore this research has been based on the impact of defilement on the life of girl child in Soroti Sub County, Soroti district. It revealed the background of defilement and the life of girl child globally as related to the topic of the study and its objectives. Therefore the researcher found out from the research carried out that the following below are some of the causes of defilement, its impact on the life of girl child and strategies of curbing defilement in soroti district.

The socio-economic and cultural factors are the causes of girl child defilement. The study revealed that African traditional culture favor boys than girls and boys are portrayed as bread Winners of the homes. Girls are taught to respect and be submissive to men making them Vulnerable to acts of defilement.

Parents marry off their young daughters before they are 18 years because they want bride price or even when a girl is defiled parents prefer compensation than Prosecution of the offender in courts of law. Limited logistical support is another cause in form of transport cost to follow up the case presenting of witnesses, and other necessary financial support needed for police officers, NGO officials, support staff of courts of law.

The unwillingness of parents and victims to cooperate with legal institutions like police, NGOs, follow up of cases in courts of law, the inconsistency in the age of the girl child, intimidation from family members of the offender, sometimes even from people from higher authority and ignorance of the law is another barrier for the control of defilement in soroti district.

There is need for the establishment of new strategies to improve on the control of girl child defilement in soroti district as another specific objective and the research reveals that, the age of consent of the girl be reduced to 16 years, legislature to amend the law, enact tougher laws and which are applicable to the defilers.

The fight corruption from government institutions, police investigation and court process should be faster, the community should be a watch dog to wrong doers by reporting them to authorities, NGOs should sensitize the public more, create income generating activities to fight poverty, girls should improve on their dressing codes, avoid men and their gifts, parents should provide necessities to their daughters, and guide them.

Results of the study also reveal that Uganda has laws in place that criminalize defilement as provided for under Section 129 of the penal code Act Cap 120 however the citizens practices have over the years led to increased cases of defilement cases in Uganda and soroti district in particular because having a good law that is not translated in to good practice or even guard the children against defilement is a very big waste since the biggest percentage as shown in the fourth chapter of this dissertation showed that poverty, mass media, urban life style and technology are the major causes of the increased cases of defilement in soroti district.

In most communities in soroti district, Children are vulnerable to practices like opting to settle defilement cases locally at home without involving the law puts most girl children at a greater risk of being defiled again and again especially by the rich who can pay for their way out, give poor parents money so that they keep quiet about it.

Literature reviews also that poverty is to blame. In a report by Action for Development (Acfode) reported in the Daily Monitor 26th August 2005, blamed the increase in defilement cases in Uganda on high level of poverty and this has given boda boda cyclists, taxi drivers and video hall operators opportunity to exploit the situation to defile students in soroti district, therefore government needs to look beyond just having defilement laws in place but also work towards eradicating the aggravating factors so that this crime is curbed down.

5.2 Recommendations

A number of recommendations are made regarding the topic of study, the conclusion and lessons learnt from the study in soroti district.

The recommendations have been based on the findings of the study and aimed at Girl Child defilement impact on the lives of the girl children and more effective to all concerned institutions.

These recommendations benefit the Government, Judiciary, police, Legislature, Community based organizations and Non Governmental Organizations interested in controlling Girl Child defilement in Soroti sub County and elsewhere in Uganda.

Respondents were asked what roles different agents should play in soroti district in controlling girl child defilement and they responded differently according to the agent. This question was directed to key informants and they gave multiple answers regarding the topic of study. Judiciary should not delay defilement cases, should pass heavy punishment to offenders, simplify the law to the public, while legislature has the responsibility of amending the law, consider the child abuse sex bill, reduce consent age of the girl to 16 years, and enact tough and practical laws.

The police in soroti district should carry out their duty of investigations thoroughly well without any interference, arrest offenders and should avoid corruption tendencies.

The parents or guardians in soroti district have the obligation of providing necessities to their daughters, talk to their children on sex issues, and guide them for example girls should always move in groups if possible, avoid moving at night, dress decently, refuse gifts from men, be patient until 18years of age.

NGOS especially those concerned with handling child sexual sensitization of all stakeholders in need of counseling, sponsor income generating activities, lobbying from the government on child issues and the community should be watch dogs to report them. It should be a collective responsibility to improve quality of work of the police fighting corruption from institution and judiciary should simplify the laws to the public, reduce on the period the cases stay in courts, parents advocating for financial support and resource facilitation, training of officials concerned on defilement and government support in soroti district.

In brief, the general public was aware of defilement as an evil and the effects which it is associated with, much as the hosts of institution have arisen to counter this issue, it is still uncontrollably on the rise. Reports from NGOs handling children, police reports, print media,

radios and televisions also show that defilement is on the rise. Corruption is cited as the main hindrance and being high on the general crime list nationally has prompted offenders to carry on with their ill-trade defilement in Uganda and soroti in particular.

5.3. Police

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

5.4. Judiciary

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

5.5. Legislature

Members of parliament should enact strict laws that are strong and which are applicable. More so some laws should be amended for example defilement law, children's Act Cap 59. They should pass laws which are applicable and acceptable by the society and implementers. However, there is the issue of implementation of the law(s) even when new laws are enacted, still implementation of issues remain a challenge and a weakness hence more emphasis should be put on the implementation and enforcement process.

5.5.1 Existing laws in relation to defilement

Article 257 of the 1995 constitution of the Republic of Uganda defines a child as any one below the age of 18years and further states the age of marriage as eighteen years and above under

Article 31. The Penal Code Act, Section 129 penalizes defilement of persons under the age of eighteen years and Section 129B provides for payment of compensation to victims of defilement. The respondents showed knowledge about defilement as stated by law. This shows that at least there is understanding of defilement as the law puts it though this has not led to end of practicing the same crime in society.

There is need to increase information flow especially among those that do not know how to read English so that they also get to know what the law provisions are , this is expected to reduce the incidence of defilement cases in Uganda and more especially in Kampala district.

The government should come up with popular versions specifying what the defilement law states which is easy to understand or simplified versions.

5.5.2. Defilement law

The defilement law is not as popular among the public as revealed by responses that were got though it was revealed that all respondents were unaware of the fact that defilement is criminalized according to Section 129B of the penal code Act Cap 120 laws of Uganda and anybody who has sex with a child below 18years of age commits an offence. This can be implemented or improved upon by sensitizing the public about defilement as a criminal offence that involves capital punishment and hence adequately protecting victims and stopping cases of defilement.

5.6. Non Governmental Organizations, (NGOs)

NGO's should put more emphasis on the prevention of girl child defilement should depend more on programs directed at girl Children mostly than adults. Such programs may include education of about normal sexual development in order to encourage them not to deviate sexually before attaining the age of majority (18 years) as provided for under Article 31 of the 1995 constitution of Uganda.

In addition, it is important for the NGO's to begin sensitizing the public and all concerned stakeholders to seek non-blaming, supportive responses from adults. This will help these girls to be more confident when disclosing what happened to them. Nonetheless, NGO's should embark on the campaign to law enforcers like police and judiciary when investigating the case to try and

not be judgmental but neutral, More so, NGO's should put in more effort by lobbying legislators to act applicable laws.

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

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

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

5.7. Girl Child

Since most victims of defilement in soroti district are girls, then programs geared to girl child defilement should be predominantly on them and they should be engaged in counseling, sensitization, safety and protection of their lives.

They should know their rights, should empower them and what they should do in case of a potential abuser. Girls should not accept male gifts and should avoid being with male visitors, friends whether relatives, strangers. Girls should learn to report the offenders earlier to their parents/guardians, whether defiled or signs of committing the act! Crime so that it can be stopped before it is committed.

5.8. Parents

Parents in soroti district should be more vigilant in fighting against defilement. This should be done by parents taking and doing their responsibilities of providing the necessities to their children, be free with them, share with them emotional issues, be friendly to them, guide them, should stop child neglect. Parents should also learn to work harder in income generating activities in order to liberate themselves and their children from poverty.

Parents in soroti district should still cooperate with police and other parties like NGOs in case a girl child has been defiled by giving proper and right evidence, report cases to police, follow them up to the end that is courts of law for justice of the girl child.

Parents in soroti district should stop settling defilement cases with the offenders for material gains because it is a betrayal of their girls or daughters. But still criminals or perpetrators are always bailed out instead of being prosecuted in courts of law.

5.9. Community

The community level especially at Local councils level (LCI5) in soroti district, should stop handling defilement cases in soroti district since they do it illegally therefore they should forward and report cases to police because it is a criminal offence which is tried only by high court.

The Community should also stop condemning the defiled girls and their parents but give them support so that law breakers or criminals can be punished according to the law. The community should also be active in fighting against girl child defilement in soroti district by condemning the act and the offender, then attend and support sensitization programs.

5.10. Government

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

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

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

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

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

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

Persons interviewing victims in soroti district should be with sensitivity and skill. All these skills can be learnt through special training. There is need for the questions which should be asked the girl (victim) and answered to depend on the age of the child, development level and the ability to articulate. The interview should be conducted at the child's pace in order for her to disclose. The researcher does not recommend the lowering of the consent age from 18 to 16 years as suggested by some respondents but the consent age of 18, in steady it should be tightened. This is because at 16 years a girl is not yet mature to make an informed decision which is sensitive like sexual affairs hence the challenge of the age with regard to social culture definition needs to be tackled by more sensitization campaigns.

Paradoxically the researcher does not recommend the settling of defilement cases outside court in soroti district because the perpetrator will not feel the pain and might not repent if the case is handled like that. More so, the people who would be perpetrators will take advantage to defile girls because of the opportunity to settle the case outside court.

CHAPTER SIX

CONCLUSION

From the findings of the study, it revealed that most girls are defiled between the age of 2-17 years. In the case of Uganda V Arukor (criminal session case No.8) of 2011[2013] UGHCCRD 85 (1 Nov 2013). In this case both counsel admitted by consent medical evidence contained in PF3 that showed the victim was two years and a half, there was penetration and the hymen had been broken 24hours prior to the examination that took place.

Defilers cut across all status which includes teachers, relatives, biological and step fathers, clergy, boda boda riders, taxi drivers, domestic employees, university students, fellow students and many other categories. Most people are aware of the law on defilement and its punishments as provided for under Section 129 of the Penal code Act Cap 120 penalizes defilement of persons under the age of eighteen years of age and section 129B provides for payment of compensation to victims of defilement.

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

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

Many people are not aware of the services offered by ANPPCAN and HAR, services like legal aid, counseling and medication. This makes it difficult for people to get such services hence it is a big challenge to convince them to utilize these opportunities of legal instruments for the control of girl child defilement aid implemented.

In conclusion, for collective action of government, communities, churches, media, private NGOs on girl child defilement problem, there is need for collaboration of all the parties involved in the protection of the lives of the girl children in the community and the country at large to eliminate the cases of defilement. This is because the challenges is that no single strategy or organization can tackle defilement be it law, awareness campaigns and other strategy that can solve the issue in isolation with others. Hence there is need to apply The Four-Four Factor Traumagenics theory to address this alarming crime.

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

Research should be carried to find out why people prefer settling defilement cases at village, family levels and even those that report to police withdraw files and the same applies to courts of law therefore there is need to find out why defilement law is not strongly implemented and supported, by most of stakeholders in soroti district.

REFERENCES

- Centre for domestic violence prevention 2003 *the problem of defilement* ANNPCAN Uganda chapter vol 6 No 3 September 2004.
- ULRC (2000), *A study on rape, defilement and other sexual offences*, Uganda law reform commission
- ANPPCAN Uganda chapter volume 6, No3 September 2004
- ANPPCAN (2005). ANPPCAN Uganda annual report, 2004: Kampala, Uganda.
- Clare, M. (2003). 'Good Enough Parenting' When Government is 'the Parent', Children Australia, Vol 28 (4), 19-34
- DC: APA Murder UK (2007). 'Child sexual abuse: prevalence causes and risks' retrieved from [www.murderuk. Com\) psychology/Sexabuse.htm](http://www.murderuk.com/psychology/Sexabuse.htm).
- Hardiker P. Exton K. and Barker M. (1997). *A Framework for Analyzing Services, in Childhood matters, washinton*.
- Hope after rape (2000). *A Baseline Survey of Child Sexual Abuse in Mukono District, Uganda*.
- <http://WWW.un.org/av/photo/203235.jpg>
- <http://WWW.un.org/av/photo/subjects/images/153528.jpg>.
- Karnulegeya, B. (2006). 'Sexual abuse of children remains the biggest challenge', Child Link Magazine 11(2).
- Kathleen, CF. (1988). *Child Sexual Abuse; an Interdisciplinary Manual for Diagnosis Case management and treatment*, Macmillan.
- Kemp, A. (1998). *Abuse in the family: An introduction*. Brooks/Cole publisher Pacific Grove, U.S.A
- Levesque, R.J.R. (1999). 'Sexual abuse of children a human rights perspective'. Indiana University Press, Indiana.
- Lola, D. (1998). 'Sexual abuse and violence in Sub-Saharan Africa', retrieved from [http: /www.advocatesforyouth.org/publications/factsheet/fssxabus .htm](http://www.advocatesforyouth.org/publications/factsheet/fssxabus.htm) November 2015

Loraine and Andrew D. (2005). *Sexual abuse of young children in Southern Africa*; A journal of child and adolescent mental health Matters: Report of the National Commission of Inquiry into the Prevention of Child Abuse

Mimer, J.S.C (1998). *Individual and family characteristics associated with child physical and sexual abuse* in P.I.K. Ticket and C.J. Schellenbach (Eds). *Violence against Children in the Family and Community*. (Pp 141-170) Washington.

Nanteza, P. (2006). *Uganda: Child sexual abuse on the rise*, 'The Monitor Newspaper' November 13, 2006.

Stomiorken et al (2007) *early marriages avoid the moral baggage associated with premarital sex and pregnancy*.

T. Van Banning et al, (2004), Article (I) of CRC, *Human rights instruments*.

The State of the World's Refugees (2006). *Human displacement in the new Millennium*

Townsend, L. (2000). *The sexual abuse of young children in Africa*, Dawes, A. New York:

Uganda Law Reform Commission (2005). *Domestic violence in Uganda*. (<http://www.ulrc.go.ug>)

UN 1996.

UNICEF *Humanitarian Situation Report* November 2005. UNICEF Humanitarian Action Uganda chapter.

UNICEF, ANPPCAN and et al, *Analysis of the situation of sexual exploitation of children in the World Health Organization* (1999). Report of the consultation on child abuse and prevention Geneva World Press.

APPENDIX A

QUESTIONNAIRE GUIDE FOR THE RESPONDENTS

I am ATEBO DEMITA, an undergraduate student pursuing a degree course in bachelors of Law, and I am carrying out the research. The research will be submitted in partial fulfillment of the requirements for the award of a degree of Law of Kampala International University.

The purpose of the questionnaire is to solicit your view and information in respect to the research topic below.

Examining the impacts of defilement on the livelihood of a girl child. A case study of Soroti sub county, Soroti district.

Kindly spare your valuable time and respond to the following questions about the impacts of defilement on the livelihood of girl child. The purpose of the study is to gain the clear understanding of how defilement has affected the lives of girl children.

Please I would like to assure you that your contribution and information will be treated with utmost confidentiality it deserves.

Thanks in anticipation.

SECTION A

BACKGROUND INFORMATION

- | | | | |
|-------------------|----------------------|-------------|----------------------|
| 1. Age | <input type="text"/> | | |
| 2. Sex (a) male | <input type="text"/> | (b) Female | <input type="text"/> |
| 3. Marital status | <input type="text"/> | | |
| (a) Single | <input type="text"/> | (b) Married | <input type="text"/> |

(c) Divorced ☐

(d) Widowed ☐

4. Level of education

() Primary level ☐

(b) 0 -level ☐

(c)A -level ☐

(d) Diploma ☐

(e) Degree ☐

(f)Others

specify.....

.....

5. Main occupation

(a) An Advocate ☐

(b)Administrator ☐

© Police officer ☐

(d) Counselor ☐

(e) LCI official ☐

(Others

specify.....

.....

SECTION B

FACTORS RESPONSIBLE FOR GIRL CHILD DEFILEMENT IN SOROTI SUB-COUNTY

I. Who are the girl child defilers?

- | | |
|-------------------------------|--------------------------|
| (a) Fathers | <input type="checkbox"/> |
| (b) Step fathers | <input type="checkbox"/> |
| (c) Relatives | <input type="checkbox"/> |
| (d) Teachers | <input type="checkbox"/> |
| (e) Fellow children | <input type="checkbox"/> |
| (f) Pastors | <input type="checkbox"/> |
| (g) Domestic employees | <input type="checkbox"/> |
| (h) Drug addicts/Drunkards | <input type="checkbox"/> |
| (I) Taxi - drivers/conductors | <input type="checkbox"/> |
| 0) Boda - boda riders | <input type="checkbox"/> |

(k) Others,
specify.....
.....

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

.....
.....
.....
.....

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

.....
.....
.....
.....

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

.....
.....
.....
.....

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

(a) Yes ☐ (b) No ☐

If yes, how has it been a facilitator?

.....
.....
.....
.....

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

.....
.....
.....
.....

SECTION C

STRATEGIES/RECOMMENDATIONS

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

.....

.....

.....

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

.....

.....

.....

.....

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

.....

.....

.....

.....

(a)Judiciary.....

.....

.....

.....

(b)Legislature.....

.....

.....

.....

(c)Police.....

.....

.....
.....

(d)Parents.....
.....
.....
.....

(e)Girl
child.....
.....
.....

(g)NGOs.....
.....
.....
.....

(g)Community.....
.....
.....
.....

4. How do you think the defiled girls should be helped to overcome emotional, Psychological
trauma and
stigma.....
.....
.....

THANK YOU