



UGANDA

ECPAT

COUNTRY OVERVIEW

*A report on the scale, scope and context of
the sexual exploitation of children*

APRIL, 2019



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This publication was written by:

Badru Bukenya, Rosalind Fennell and Chloé Baur

With assistance from:

Rogers Kasirye, Anna Nabulya, Mutaawe Rogers, Mark Kavenagh and Andrea Varrella

Design and layout by:

Manida Naebklang

This report was developed as a collaboration between UYDEL, ECPAT France and ECPAT International.



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ECPAT International

328/1 Phaya Thai Road, Ratchathewi,
Bangkok, 10400 Thailand

Tel: +662 215 3388 | www.ecpat.org | info@ecpat.org

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Preface

Recent years have seen unprecedented progress towards embedding the child's right to protection from sexual exploitation more deeply into the global agenda, no more so than the global mandate to eliminate the sexual exploitation of children (SEC) enshrined in the Sustainable Development Goals (SDGs) adopted by world leaders in 2015. ECPAT Country Overviews on SEC provide an effective tool for advocacy at all levels as well as for monitoring, including on government commitments made in the SDGs to end violence against children in all its different forms by 2030.

ECPAT Country Overviews are first and foremost, a desk review exercise that gather and present all the existing publicly available information into a comprehensive summary of all forms of SEC in a country. They do not contain any new primary data. They also provide an assessment of achievements and challenges in implementing counteractions - including the participation of children themselves - to eliminate SEC.

ECPAT Country Overviews also suggest concrete priority actions urgently needed to proactively advance the national fight against SEC and enable the monitoring of the implementation of international instruments on child rights related to sexual exploitation that have been ratified by the State. Furthermore, the ECPAT Country Overviews provide well-organised information and research, which can be used in preparing Alternative Reports and Additional Submissions to the Committee on the Rights of the Child and the Human Rights Council.

During the process, drafts are shared with ECPAT members, relevant local organisations, and experts working on the ground who review the content and supplement the information with other local sources and analysis. ECPAT International greatly relies on the contributions of all those involved in producing these reports and would like to express its profound appreciation for their invaluable inputs.

At a Glance

Uganda is a landlocked country located in East Africa with a population of approximately 41.5 million people of which 22.8 million are children. The country has one of the world's youngest populations. Uganda currently hosts the third largest refugee population in the world, two-thirds of which are children. Displacement is one of the factors leading to children's vulnerability to sexual exploitation. Other circumstances associated with heightened risks for children are poverty, gender inequalities and lack of adequate education due to school drop-out and pressure to financially support the family.

In terms of exploitation in prostitution, victims are mostly girls and transactions are often not monetary but perceived as pathways towards more formal relationships such as 'sugar daddy' arrangements through which the men provide for basic survival needs in exchange for sex. Boys and girls also actively engage in their own exploitation in order to have access to material goods they would not be able to afford otherwise.

In recent years, there has been an increase in Internet access and mobile cell phone subscriptions in Uganda. Although data on the actual number of child victims and the volume of child sexual abuse materials generated and shared in the country are not available, media reports, anecdotal evidence as well as some research on child sexual abuse online, show that Ugandan children are at risk of online child sexual exploitation and indicate the need for continued awareness-raising activities on the issue.

Uganda continues to be a source, transit and destination country for children subject to trafficking for sexual purposes, including through early and forced marriage and for the production of child sexual abuse material. The risk of sexual exploitation of children in travel and tourism is very important, especially in light of expanding tourism in Africa and the significant proportion of

travel and tourism in Uganda taking place through orphanage voluntourism programmes.

Although the legal age of marriage is 18 years of age, Uganda continues to have one of the highest rates of child, early and forced marriage in the world.

Uganda has ratified a number of international and regional instruments aimed at combating the sexual exploitation of children. However, it is worth noting that the country has yet to ratify the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (signed in 2000) and has not made any action in reference to the African Union Convention on Cyber Security. The national legislation is not fully in compliance with international standards and gaps persist to comprehensively address the sexual exploitation of children in a harmonized manner across multiple pieces of legislation.

Uganda has a robust national-level legal, policy, and research framework to address sexual exploitation of children and the key drivers of children's vulnerability. A specific National Action Plan on Child Sexual Abuse and Exploitation has been drafted and it is due to be finalised and approved by the end of 2019.

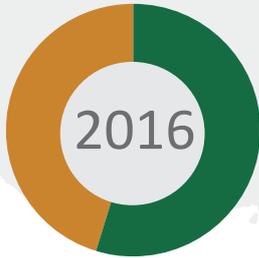
The efforts of civil society in preventing and raising awareness on sexual exploitation of children and related phenomena are praiseworthy. A number of projects focus on issues like child, early and forced marriage, and child online safety.

In terms of child-sensitive justice, although guidelines on how to reduce the risk of secondary victimisation for children exist, loopholes in laws that allow child victims' identities to be disclosed put children at risk.

POPULATION

SOURCE: UNICEF State of the World's Children Report 2016

Children under 18 years



54.97%

INTERNET ACCESS

SOURCE: ITU Statistics 2018: Uganda Country Profile

Have internet access

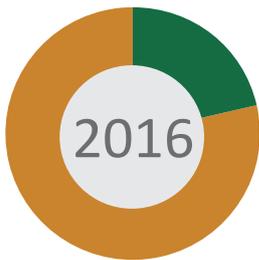


23.71%

POVERTY RATE

SOURCE: Poverty & Equity Data Portal: World Bank

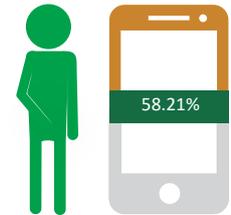
Living under the national poverty line



21.4%
8.9 million

MOBILE PHONE USERS

SOURCE: ITU Statistics 2018: Uganda Country Profile



58.21%

58.21 mobile phone subscriptions per 100 inhabitants

CHILDREN'S RIGHTS UNDER THE LAW

	Boys	Girls
Age of consent for sex	18	N/A
Minimum age for marriage	18-21*	18-21*
Legal working age	14^	14^
Compulsory age of schooling	12'	12'

* Different pieces of legislation, which are not harmonized. Few exceptions apply

^ With a few exceptions

' 7 years of compulsory primary education (age group: 6-12)

Introduction

COUNTRY OVERVIEW AND SPECIFIC VULNERABILITIES LEADING TO THE SEXUAL EXPLOITATION OF CHILDREN

Uganda is a landlocked country located in East Africa, surrounded by South Sudan to the north, the Democratic Republic of the Congo (DRC) to the west, Kenya to the east, and Rwanda and Tanzania to its south. Of Uganda's population of approximately 41.5 million people, the majority (around 77%) resides in rural areas.¹ Kampala, the capital city, hosts an estimated 1.5 million residents.² With over 22.8 million Ugandans under the age of 18 and at least 1.2 million Ugandans born each year, the country has one of the world's youngest populations.³

Several key issues inform children's vulnerability to sexual exploitation in Uganda. Protracted conflicts in neighbouring countries, namely the DRC and South Sudan, have resulted in large numbers of refugees flowing into Uganda including over a million from South Sudan.⁴ In 2017, arrivals from South Sudan and the DRC brought the total number of refugees in Uganda to 1.4 million,

representing a 44% increase from 2016.⁵ Uganda currently hosts the third largest refugee population globally,⁶ and is home to one of the world's largest refugee settlements, Bidi Bidi.⁷ Amongst the refugee hosting models in the world, Uganda administers one of the most progressive, endowing refugees with rights and access to services that they often do not have in other contexts.⁸ Refugees in Uganda enjoy relative freedom of movement, along with access to primary education, healthcare and other basic social services. They are also granted the right to work and to own a business.⁹ However, despite these generous policies, reliable livelihoods, affordable food and opportunities within Uganda's refugee settlements remain limited.¹⁰ There is increasing fear that many children, unable to find employment to provide for their basic needs, may return to South Sudan to join the fighting.¹¹ In addition, shortfalls in funding hinder the country's capacity to deliver critical aid and basic services to support refugees.¹² Without considerable increases in support from wealthier countries, Uganda's open approach to hosting refugees may not be sustainable, placing thousands of children at risk.¹³

- 1 UNICEF. (2017). *The State of the World's Children 2017: Children in a Digital World*. 176.; World Bank. (2018). Rural population (% of total population).
- 2 Kampala Capital City Authority. (2017, April). *National Population and Housing census 2014: Area Specific Profiles*. 3.
- 3 UNICEF. (2017). *The State of the World's Children 2017: Children in a Digital World*. 176.; UNFPA Uganda. (2017, November). *Uganda's Youth Population: Quick Facts*.
- 4 UNCHR. *Global Trends: (2017). Forced Displacement in 2017*. 14.; UNHCR. (2017, May 8). *More than One Million Children Have Fled Escalating Violence in South Sudan*.
- 5 UNCHR. *Global Trends: (2017). Forced Displacement in 2017*. 17.
- 6 International Rescue Committee. (2019). *Uganda Crisis Briefing*.
- 7 Robinson, Catherine. (2018, February 27). *Children Face New Perils in Ugandan Refugee Settlements*. UNHCR.
- 8 Amnesty International. (2017, June 19). *8 Things You Need to Know about Refugees in Uganda*.
- 9 *Ibid.*
- 10 Wint, Carina. (2017, August 17). *1 Million South Sudanese Refugee Children in Uganda: Charity Fears Children May Return Home to Fight*. World Vision.
- 11 *Ibid.*
- 12 *Ibid.*
- 13 Amnesty International. (2017, June 19). *8 Things You Need to Know about Refugees in Uganda*.

UGANDA CURRENTLY HOSTS THE THIRD LARGEST REFUGEE POPULATION GLOBALLY



TWO-THIRDS OF UGANDA'S TOTAL REFUGEE POPULATION IS COMPRISED OF CHILDREN

Two-thirds of Uganda's total refugee population is comprised of children.¹⁴ Although many children have escaped with their families, nearly 10% of Uganda's child refugees are unaccompanied and/or separated.¹⁵ Children who are unaccompanied or separated from their families face especially high risks of exploitation, lacking this first line of protection.¹⁶

Displacement is not the only circumstances making children in Uganda vulnerable to sexual exploitation. Ugandan children who are poor and lack adequate education experience higher vulnerability to sexual exploitation.¹⁷ This certainly includes the approximately 10,000 children in Uganda who are in street situations (latest estimates from 2015).¹⁸ 38% of 6-17 year olds in Uganda live in poverty, of these 18% live in

extreme poverty.¹⁹ As children grow older, they often drop out of school under pressure to work to support their families.²⁰ Many girls cannot continue school

because they cannot afford sanitary towels once they begin menstruating and/or due to the stigma surrounding menstruation.²¹ Despite relatively high rates of primary school enrollment, secondary school dropout rates remain high,²² particularly among the poorest 20% of Uganda's population, among whom less than one in ten secondary-age children attend school.²³

Children in the rural north are particularly deprived of their rights, in comparison with those leaving in urban areas.²⁴ The Karamoja region for instance has persistently remained the poorest and most underdeveloped area in the country. The Adolescent Girls Vulnerability Index (AGI), developed by UNICEF and the Population Council, suggests that girls in Karamoja experience the highest levels of social and economic vulnerability.²⁵ Over half of adolescent girls (aged 10-19) in Karamoja are vulnerable at the individual, household and community levels.²⁶ Nearly 90% of girls aged 10-14 in Karamoja are two years behind in their education or have never been to school.²⁷ Lack of education and poverty are both risk factors for girls' becoming pregnant as well as associated outcomes of teenage pregnancy as girls who become pregnant are often barred from attending school and/or may be forced to marry.²⁸ Schools often do not allow pregnant girls or young mothers

38% OF 6-17 YEAR OLDS IN UGANDA LIVE IN POVERTY OF THESE 18% LIVE IN EXTREME POVERTY

14 UNCHR. Global Trends: (2017). Forced Displacement in 2017. 49.

15 *Ibid.*

16 *Ibid.* 7.

17 UNICEF. (2015). Situational Analysis of Children in Uganda- Summary. 16.

18 UNICEF. (2015). Situational Analysis of Children in Uganda- Summary. 15.; Human Rights Watch. (2014, July 16). Uganda: Homeless Children Face Violence, Exploitation.; Human Rights Watch. (2014). "Where do you want us to go?": Abuses against Street Children in Uganda.

19 *Ibid.* 4.

20 *Ibid.* 12.

21 Save the Children Uganda. (2018, November 26). "Together we can end child marriage."

22 UNICEF. (2015). Situational Analysis of Children in Uganda- Summary. 2.

23 *Ibid.* 11.

24 *Ibid.* 4

25 UNICEF and Population Council. (2017). The Adolescent Girls Vulnerability Index: Guiding Strategic Investment in Uganda.. xiii.

26 *Ibid.*

27 *Ibid.*

28 The World Bank Group- Global Partnership for Education. (2016, October 13). Fighting for girls' education in Northern Uganda.

to continue attending classes. An estimated 23% of girls drop out of school due to pregnancy.²⁹ Among girls aged 15-19 in Uganda who become pregnant, 45% have no education and 34% are among the poorest fifth of the population.³⁰

Regardless of the specific circumstances of discontinuing their education, educating girls is often deprioritised in Uganda, which increases vulnerabilities to child, early and forced marriage (CEFM) and other forms of sexual exploitation.^{31,32} One report indicated 35% of girls had dropped out of school due to CEFM.³³

Gender inequalities have strong impacts on the lives of adolescent girls, who continue to experience multiple vulnerabilities at the individual, household and community levels.³⁴ Unemployment rates are higher among young women as they encounter more difficulties finding paid work than young men, further exposing them to higher risks of poverty and sexual exploitation.³⁵ Evaluation findings from the PEVUS Project³⁶ implemented by UYDEL and Plan International Uganda indicated that the lack of livelihood skills and economic disempowerment drive and sustain sexual exploitation among girls and young women in the urban slums.³⁷ Similar findings were made in the five Central Uganda districts where UYDEL implemented the DREAMs initiative.³⁸ In many cases, a girl or young woman had become pregnant and then been abandoned by the father. They had then perceived transactional sex as their only recourse to obtain enough money to provide for themselves and their child or children.³⁹ Interventions in the DREAMs initiative addressing gender inequalities (livelihoods training, sexual

and reproductive health and rights, access to early childhood development) showed efficient in reducing vulnerability to such sexual exploitation, with the proportion of girls under 18 surviving on sex work reduced from 77% at baseline to 6.2% at end-line, a difference of 71 percentage points.⁴⁰

Gender inequalities also have an impact on children with diverse sexual orientation, gender identity and expression in Uganda. Despite the annulment of the Anti-Homosexuality Act in 2014 (originally passed in 2013 and known as the “Kill the Gays” bill), the increased visibility of the LGBT community and activists generally, has also brought to light the extent of the threats of violence and exploitation that LGBT people encounter.⁴¹ Currently, there is no robust data about the risk of sexual exploitation for LGBT children and youth, however, homophobic and transphobic harassment, discrimination, and violence, including from authorities, puts them at risk and severely impedes their ability to report sexual exploitation and seek help.⁴²

In 2018, UNICEF and the Ministry of Gender, Labour and Social Development (MoGLSD) released the findings of Uganda’s first national Violence Against Children study.⁴³ The study indicated the prevalence of both child sexual and non-sexual abuse, depicting an environment in which sexual violence is often perceived as permissible. Three quarters of young adults had experienced some form of violence during childhood, with at least one in three experiencing two or more forms of violence (sexual, physical, or emotional) during childhood.⁴⁴ The study reported that 35% of Ugandan females and 17% of males

29 *Ibid.*

30 UNICEF. (2015). Situational Analysis of Children in Uganda- Summary. 11.

31 VSO. (2016). ‘From the ground up’ A report on the challenges and opportunities for girls’ education in Karamoja region, Uganda.

32 ECPAT International. (2015). Unrecognised Sexual Abuse and Exploitation of Children in Child, Early and Forced Marriage.

33 VSO. (2016). ‘From the ground up’ A report on the challenges and opportunities for girls’ education in Karamoja region, Uganda.

34 UNICEF. (2015). Situational Analysis of Children in Uganda- Summary.

35 UNFPA. (2017, October). World’s Apart in Uganda: Inequalities in Women’s Health, Education and Economic Empowerment. 6

36 Partnership for Empowerment of Vulnerable girls/ young women in the urban slums of Kampala city (PEVUS)

37 Uganda Youth Development Link (UYDEL), Plan International Uganda. (2017, September). Partnership for Empowerment of Vulnerable girls/ young women in the urban slums of Kampala city (PEVUS)- End of project evaluation.

38 Uganda Youth Development Link (UYDEL). Determined. Resilient. Empowered. AIDS-Free. Mentored. Safe. (D.R.E.A.M.S) project.

39 Uganda Youth Development Link (UYDEL). Evaluation of Determined. Resilient. Empowered. AIDS-Free. Mentored. Safe. (D.R.E.A.M.S.) Project. 15-16.

40 *Ibid.*

41 Stacke, Sarah and Naughton, Jake. (2018, February 9). East Africa’s Queer Community Searches for a Home of its Own. National Geographic

42 Network of African National Human Rights Institutions. (2017). SOGIE & Human Rights UHRC Staff Training of Trainers. 16-19.; Naughton, Jake. (2017, December 12). For Uganda’s LGBTQ+ Community, Visibility Brings Violence. Them.; Youth Coalition. (2017, June 7). YC Member Delivers HRC Statement on the Protection of LGBTI Rights Defenders.

43 Ministry of Gender, Labour and Social Development. (2018, August). Uganda Violence Against Children Survey

44 *Ibid.* 53

had been sexually abused.⁴⁵ The study also found that for approximately 25% of girls and boys who experienced sexual abuse in childhood, the first incident of sexual abuse occurred at or before age 13.⁴⁶ Both boys and girls experienced violence in a range of settings, including in the street, in their homes and in school.⁴⁷ For example, corporal punishment continues to be commonly practiced in schools despite legal prohibitions of the practice.⁴⁸ Girls also face high risk of sexual

exploitation and abuse in schools, making staying at home or getting married safer alternatives.⁴⁹ These findings suggest that these intertwined factors including lack of education, poverty, teenage pregnancy and gender inequalities reduce girls' likelihood of accessing sustainable income generating opportunities and increase their vulnerability to sexual exploitation.

45 *Ibid.* xiv

46 *Ibid.* 15

47 *Ibid.* li, 74

48 UNICEF. (2015). *Situational Analysis of Children in Uganda- Summary*. 11

49 VSO. (2016). 'From the ground up' A report on the challenges and opportunities for girls'education in Karamoja region, Uganda.

Context for Sexual Exploitation of Children in Uganda

EXPLOITATION OF CHILDREN IN PROSTITUTION⁵⁰

Article 2 (b) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC) defines 'child prostitution' as "the use of a child in sexual activities for remuneration or any other form of consideration".⁵¹

Despite no comprehensive and updated estimate on the number of children being exploited in prostitution, media reports and anecdotal evidence, strongly suggest that this form of sexual exploitation presents a considerable threat to children in Uganda.⁵²

Many children are sexually exploited by older adults, particularly girls. Often, in rural Uganda, the transaction may not be monetary, but may present girls with a perceived pathway towards a more formal relationship such as marriage or a 'sugar daddy' arrangement through which the

man will provide for their basic survival needs to the child in exchange for sex.⁵³ In the medium to longer-term, these more formal relationships do not typically continue, and the girls involved are often left with increased vulnerability factors (e.g. pregnant or having had a child, contracting HIV, family rejection, etc.). These relationships in urban areas tend to be more immediately transactional, although not always seeing cash change hands, and are more temporary. Although not as prevalent as girls' relationships with 'sugar daddies', some boys are likewise exploited by 'sugar mummies'.⁵⁴ Both boys and girls have also reported actively engaging in their own exploitation not only for survival but due to the pressure and expectation to have access to material goods and afford to look fashionable.⁵⁵ The 2015 National Violence Against Children Study stated that of females ages 18-24 who had sex before age 18, 15% reported exchanging sex for material support during childhood.⁵⁶ Nearly 1 in 5 girls and 1 in 7 boys in the survey reported that they had previously exchanged sex for material support or other form of help in the year preceding the survey.⁵⁷

50 ECPAT prefers the term 'exploitation of children in prostitution' instead of 'child prostitution' in line with the recently widely adopted Terminology Guidelines. Interagency Working Group on Sexual Exploitation of Children. (2016, January 28). *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse*. 30. Bangkok: ECPAT International.

51 UN General Assembly. (2000, May 25). Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. (A/RES/54/263). Art. 2(b).

52 Walker, David et al. (2014, November). *Sexual Exploitation of Adolescent Girls in Uganda: The Drivers, Consequences and Responses to the 'Sugar Daddy' Phenomenon*. 5. Overseas Development Institute.; Kafuko, Agatha, Tusasiirwe, Sharlotte, and Opobo, Timothy. (2015). *A Study of Community-Based Child Protection Mechanisms in a Fishing Community in Central Uganda*. v-vi. AfriChild.; Kasirye, Rogers and Lunkuse, Joanitah. (2017, February). *Adolescent Girls and Young Women in Rural Uganda: Building Resilience among Adolescent Girls and Young Women Engaging in Transactional Sex in Rural Uganda*. 7.; Achan, Jacky. (2018, November 20). *Safe spaces helping sexually abused teenage girls survive trauma*. *New Vision*

53 Walker, David et al. (2014, November). *Sexual Exploitation of Adolescent Girls in Uganda: The Drivers, Consequences and Responses to the 'Sugar Daddy' Phenomenon*. 1. Overseas Development Institute

54 *Ibid.* 3.

55 *Ibid.* 4.

56 Ministry of Gender, Labour and Social Development. (2018, August). *Uganda Violence Against Children Survey*

57 *Ibid.* 14.

15%

OF FEMALES AGED 18-24 WHO HAD SEX BEFORE AGE 18 REPORTED EXCHANGING SEX FOR MATERIAL SUPPORT DURING CHILDHOOD

An AfriChild study illustrates how child neglect contributes to vulnerability to sexual exploitation in prostitution for girls in a fishing community in Kiyindi in central Uganda.⁵⁸ Parents were frequently unable to provide their children with basic necessities (e.g. food, shelter, clothes, school) or pay their school fees. For some parents, all these necessities were not priorities, while for other parents, poverty was a major factor limiting their ability to meet these basic needs.⁵⁹ In either circumstance, children were often left to fend for themselves and/or pushed to engage in prostitution.⁶⁰ Offenders were frequently identified as rich businessmen and fishermen, and *boda boda* (motorcycle) riders.⁶¹ According to UYDEL database of 610 participants (152 males and 458 females) from the REPERES project, among young people concerned by sexual exploitation, 59% reported having engaged in prostitution to cover their basic needs as they did not receive support from family, while 9% mentioned covering the needs of their family.⁶²

Other studies throughout the country examining the exploitation of children in prostitution have also highlighted the extent to which children, girls in particular, engage in survival sex and experience multiple episodes of sexual violence and trauma throughout their childhood and into adulthood. Several reports indicate that girls as young as 10 years old are sexually exploited in prostitution.⁶³ Youth engagement in prostitution was also shown to be associated with high HIV prevalence, alcohol use, previous experiences of sexual violence and orphan status.⁶⁴

The impact of these dominant push and pull factors highlights the importance of greater linkages between child protection and anti-poverty interventions in addressing SEC in Uganda, especially in more remote areas.

ONLINE CHILD SEXUAL EXPLOITATION (OCSE)

Online child sexual exploitation (OCSE) can include child sexual abuse/exploitation material (CSAM/CSEM),⁶⁵ live streaming of child sexual abuse, online grooming of children for sexual purposes, sexual extortion of children and various CSAM/CSEM-related conducts (production, distribution, downloading).⁶⁶ Article 2 (c) of the OPSC defines 'child pornography' as "any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes".⁶⁷

58 Kafuko, Agatha, Tusasiirwe, Sharlotte, and Opobo, Timothy. (2015). A Study of Community-Based Child Protection Mechanisms in a Fishing Community in Central Uganda. iv. AfriChild

59 *Ibid.*

60 *Ibid.* v.

61 *Ibid.* v-vi.

62 Project data. The REPERES project (2015-2018) implemented by UYDEL in Uganda under financing of the French Development Agency under the coordination of ECPAT France included rehabilitation and reintegration services for children and young persons exposed / at risk of sexual exploitation.

63 Kasirye, Rogers and Lunkuse, Joanitah. (2017, February). Adolescent Girls and Young Women in Rural Uganda: Building Resilience among Adolescent Girls and Young Women Engaging in Transactional Sex in Rural Uganda. 7. Uganda Youth Development Link (UYDEL); ECPAT France. (2016). RAW: Testimonies. No More, No Less. Children Surviving Prostitution. 33

64 Monica H. Swahn, Rachel Culbreth, Laura F. Salazar, Rogers Kasirye, and Janet Seeley. (2016). Prevalence of HIV and Associated Risks of Sex Work among Youth in the Slums of Kampala. Hindawi Publishing Corporation AIDS Research and Treatment Volume 2016, Article ID 5360180.

65 ECPAT prefers the terms 'child sexual exploitation material' or 'child sexual abuse material', but in a legal context still uses 'child pornography' in line with the recently widely adopted Terminology Guidelines, 40

66 ECPAT. (n.d.). Issues we work on. Bangkok: ECPAT International.

67 OPSC, Article 2(c).

Increases in children's vulnerability to sexual exploitation have accompanied the rapid global expansion of Internet usage.⁶⁸ Not only are parents and other caretakers often unaware or unequipped to mitigate children's risk, but offenders continue to employ more sophisticated methods to exploit children and have easier access to CSAM/CSEM online.⁶⁹ In nearly every part of the world, offenders are increasingly using the Internet as their preferred medium for disseminating CSAM/CSEM and grooming children with the aim of exploiting them.⁷⁰

In many African countries, access to the Internet has expanded extremely rapidly, bringing huge opportunities to the population, but also increasing the opportunities for offenders to misuse technology to access potential child victims. Between 2010 and 2015, the number of mobile cellular subscriptions jumped 70% in Africa and currently nearly half of those residing on the continent have at least one mobile phone contract.⁷¹ Uganda aligns with these trends, in 2017, there were approximately 58 mobile cell phone subscriptions per 100 inhabitants across the country.⁷² In 2017, 23.7% of residents of Uganda had access to the Internet.⁷³ Recently, media outlets have reported on the risks children face online in Uganda, and argued for more stringent laws against online child sexual exploitation and abuse.⁷⁴ Notably, however, the 2018 Violence Against Children National Study did not include measurement of OCSE.⁷⁵

With support from the British government and other partners from the United Kingdom, Uganda has implemented a number of initiatives to raise awareness of the risks to children online and to increase reporting of online sexual abuse and exploitation.⁷⁶ Notably, in 2015, the Government of Uganda and Internet Watch Foundation, a British

foundation, launched a portal for Ugandan citizens to report child sexual abuse materials/ child sexual exploitation materials (CSAM/CSEM). Additionally, in 2016, UNICEF undertook a study on child sexual abuse, including online abuse, in Uganda.⁷⁷ The study indicates large regional variations and urban-rural divide regarding the access and use of Internet.⁷⁸ Urban centres such as Kampala appeared to be at the greater risk of Internet-related harm. Some stakeholders however believe children in rural area to be just as vulnerable to OCSE as children from urban area, due to a lack of law enforcement, high poverty rates and the relative newness of the Internet, meaning less ability to develop coping strategies.⁷⁹ The study also reports that, in Uganda, 6% of 18-34 years old own smartphones, compared to 2% of 35+ year olds, showing a wide generational gap.⁸⁰ This large digital divide between children and adults results in parents being unaware of what children are using the Internet for, or what the risks involved are.⁸¹ The study also noted that children can easily access pornography and that images of children are shared without permission, yet, sexting had not been reported so far.⁸² The report says that cases of CSAM and trafficking have been identified by police and that platforms like Facebook are used to identify child victims for exploitation.⁸³ The actual number of child victims and volume of CSAMs generated cannot be easily established due to the hidden nature of the crime.⁸⁴ Cases of 'sexual extortion' were also reported, in which the perpetrator, after pictures or videos were taken, would demand money, threatening to share the images.⁸⁵ Another stark finding in the report was that children do not report what occurs online. The report recommended the adoption of legislation imposing mandatory reporting obligations for Internet service providers in regards to CSAM/CSEM.⁸⁶

68 EUROPOL. (2018). Internet Organised Crime Threat Assessment (IOCTA) 2018. 31-35

69 *Ibid.* 32-33

70 *Ibid.* 31-34

71 UNICEF. (2017). The State of the World's Children 2017: Children in a Digital World. 50

72 International Telecommunications Union (ITU). (2018). Mobile-cellular subscriptions

73 International Telecommunications Union (ITU). (2018). Individuals using the Internet (% of population).

74 Vicky Wandawa. (2016, April 2). More Ugandan children facing online sexual abuse. New Vision.

75 Ministry of Gender, Labour and Social Development. (2018, August). Uganda Violence Against Children Survey. 77

76 British High Commission Kampala. (2016, November 28). UK and Uganda fight online child sexual abuse

77 Centre for Justice and Crime Prevention. (2016, August). Uganda Child Online Protection Scoping Study

78 *Ibid.* 52

79 *Ibid.* 58

80 *Ibid.* 53.

81 *Ibid.* 54.

82 *Ibid.* 57

83 *Ibid.* 57

84 *Ibid.* 55

85 *Ibid.* 56

86 Okoth, Cecilia and Nyangoma, Christine. (2017, June 21). Report pins ISPs on child sexual abuse. New Vision

The National Information Technology Authority Uganda (NITA-U) has been active in promoting safer Internet access for children and has conducted multiple activities in recent years to advocate for increased safeguards on the Internet and reporting mechanisms.⁸⁷ The Uganda Child Helpline (UCHL), a member of the National Working Group to Prevent and Respond to Online Child Sexual Abuse and Exploitation in Uganda, among other activities and services, works to raise awareness about online child sexual abuse in schools and in Internet cafes.⁸⁸ The UCHL 2016

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annual report indicated that as a result of school outreach activities, compared to 713 reports of sexual abuse, the helpline had received 5 reports of online child sexual abuse, one of which entailed sexual exploitation, and one of extortion and blackmail, while three involved victims of online CSEM/CSAM.⁸⁹ This disparity likely suggests considerable underreporting of OCSE and indicates the need for continued awareness and educational activities on this issue.

SALE AND TRAFFICKING OF CHILDREN FOR SEXUAL PURPOSES

The Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol), defines ‘trafficking in persons’ as “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat

or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”.⁹⁰

In case of child victims, Article 3 (c) of the Protocol specifies that “the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered ‘trafficking in persons’ even if it does not involve any of the means stipulated in Article 3 (a)”⁹¹ In other words, the Protocol recognises that children can never be willing participants to their own exploitation.

For its part, the OPSC deals with the ‘sale of children’, defined as “any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration”.⁹² Both concepts are often used in conjunction and without any clear distinction. However, despite a certain overlap, ‘sale of children’ is not identical to ‘trafficking’. The ‘sale of children’ always involves some form of commercial transaction, which trafficking in children does not require, but does not necessarily include the purpose of exploiting a child (e.g. sale of children for illegal adoption). Therefore, ‘sale of children’ is not necessarily related to sexual abuse and sexual or other forms of exploitation. Lastly, the ‘sale of children’ can take place without physically moving the child out of his/her social environment, whereas trafficking inherently depends on the movement of the child.⁹³

87 National Information Technology Authority Uganda (NITA-U). (2018, February 6). Creating a Safer Internet Space for Children

88 The Uganda Child Helpline Service. (2016). The Uganda Child Helpline Service. 15

89 *Ibid.* 11

90 UN General Assembly. (2000, November 15). United Nations Convention against Transnational Organized Crime, Annex 2: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol). Res. 55/25 of 15. Art. 3 (a).

91 *Ibid.*, Article 3 (c).

92 OPSC, Article 2 (b)

93 ECPAT International. (2016, January 28). *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse*. 58. Bangkok: ECPAT International

Uganda is a source, transit, and destination country for children subjected to trafficking for sexual purposes. The U.S. Department of State 2018 Trafficking in Persons Report indicates that traffickers exploit both girls and boys in prostitution.⁹⁴ Children are also trafficked to be exploited through early and forced marriages and in the production of CSAM/CSEM.⁹⁵ The government has identified that push and pull factors for human trafficking include unemployment, poverty, poor educational systems, demand for cheap labour and sexual services, and inadequate migration policies and laws.⁹⁶ High numbers of orphaned children, unregulated borders and inadequate implementation of child affairs-related legal and policy frameworks are also among the key contributing factors.⁹⁷ The Ugandan Police Force 2017 Annual Crime Report cited 154 cases of child victims of trafficking (down from 200 in 2016), however, it is unclear how many of these cases were related to trafficking for sexual purposes specifically.⁹⁸

Traffickers target girls and women aged 13-24 years for domestic sex trafficking to be exploited in the vicinity of sports tournaments and road construction projects. Ugandan boys and girls comprise the majority of child victims of internal trafficking within Uganda; however, traffickers exploit children from nearby countries as well. Victims of trafficking within Uganda include children from the DRC, Rwanda, Burundi, Kenya, Tanzania, and South Sudan.⁹⁹ South Sudanese children in refugee settlements in northern Uganda are particularly vulnerable to traffickers. In 2017, officials from the Prime Minister's office were alleged to have been complicit in the movement and sexual exploitation of vulnerable populations from refugee settlements in Uganda to South Sudan, and the government is investigating

these allegations.¹⁰⁰ Additional allegations were made public through media reports that a number of police officers had also been complicit in the trafficking of child refugees for sexual purposes.¹⁰¹ In the drafting of this report, no information were found regarding the outcomes of these investigations.

According to Uganda's Coordination Office to Combat Trafficking in Persons, traffickers have become increasingly organized and some have established regional trafficking networks.¹⁰² Trafficking offenders often include relatives or friends of victims or individuals who falsely claim to be wealthy women or labour recruiters offering vulnerable Ugandans well-paid employment in the country's metropolitan centres or abroad.¹⁰³ Reports have indicated young women being lured with false promises of employment abroad and subsequently exploited in prostitution. Young Ugandan women have been reported to have been trafficked for sexual purposes and exploited in prostitution in the Gulf Arab States, Egypt, Turkey, Algeria, Iraq, Iran, and China.¹⁰⁴ Media reports suggest that many of these victims are transported to Kenya before being moved further abroad.¹⁰⁵ How many girls have been similarly trafficked abroad is unclear but it is likely that they are also vulnerable to this form of exploitation. The Ugandan Police Force annual report documented 11 cases of child victims in transnational trafficking incidents in 2017 but does not list them as cases of sexual exploitation. It only documents 2 cases of children being sexually exploited through domestic trafficking.¹⁰⁶ It is probable that the numbers of children being trafficked for sexual purposes domestically and transnationally are far greater than those cases being reported.

94 United States Department of State. (2018). 2018 Trafficking in Persons Report: Uganda

95 Ministry of Internal Affairs. (2015). National Action Plan for Prevention of Trafficking in Persons in Uganda. 2

96 *Ibid.*

97 *Ibid.*

98 Uganda Police Force. (2017). Annual Crime Report 2017. 22

99 United States Department of State. (2018). 2018 Trafficking in Persons Report: Uganda

100 *Ibid.*

101 *Ibid.*

102 *Ibid.*

103 *Ibid.*

104 *Ibid.*

105 Masaba, Simon. (2018, July 30). 50 girls, women trafficked daily- Police. New Vision

106 Ministry of Internal Affairs. (2015). National Action Plan for Prevention of Trafficking in Persons in Uganda. 27-28.

SEXUAL EXPLOITATION OF CHILDREN IN TRAVEL AND TOURISM (SECTT)

The sexual exploitation of children in travel and tourism (SECTT) is defined as any “acts of sexual exploitation embedded in a context of travel, tourism, or both”.¹⁰⁷ The UNWTO Framework Convention on Tourism Ethics recognises that the exploitation of children conflicts with the fundamental aims of tourism and should be strongly combated with the cooperation of all the States concerned.¹⁰⁸

The sexual exploitation of children in travel and tourism (SECTT) encompasses a broad spectrum of exploitation of children, including in prostitution, for the production of online child abuse material and in the sale and trafficking of children in all its forms. Moreover, various travel products put children at risk of exploitation, such as voluntourism, orphanage tourism or mega-events. In Africa, the increased vulnerability for children that accompanies expanding tourism is of particular concern. The UN World Tourism Organization (UNWTO) estimates that tourism in the African continent has more than tripled in the last two decades and the number of arrivals is forecasted to more than double again by 2030.¹⁰⁹ Uganda, specifically, aims to become a ranking world tourism destination by drawing in visitors to its environmental attractions.¹¹⁰ Already in 2011, the tourism sector in Uganda experienced the highest growth rate in Africa.¹¹¹

Like other countries with high levels of poverty and children separated from their families, a significant proportion of travel and tourism in Uganda has

taken place through orphanage voluntourism programmes. Through these programmes, mostly Western foreigners visit orphanages for short periods of time and are often permitted unsupervised access to the vulnerable children that live there.¹¹² Volunteers often have no previous experience in childcare or teaching and are typically not required to undergo background checks.¹¹³ Over the past three decades, the number of children in orphanages in Uganda

UGANDA SPECIFICALLY AIMS TO BECOME A RANKING WORLD TOURISM DESTINATION BY DRAWING IN VISITORS TO ITS ENVIRONMENTAL ATTRACTIONS



has increased exponentially from approximately 1,000 in the 1990s to 50,000 currently.^{114,115} Some operate without a licence approved by the Ugandan Approved Home Regulations.¹¹⁶

As voluntourism has grown in popularity, the orphanage industry has also boomed as foreigners often pay thousands of dollars to volunteer with orphaned children. This boom has been accompanied by the growing concern that many of these orphanages are primarily income generating institutions that operate with little regulation, and put children at risk of sexual exploitation and other harms.¹¹⁷

107 ECPAT International, Defence for Children, Ministry of Foreign Affairs of the Netherlands. (2016, May). *Offenders on the Move: Global Study on Sexual Exploitation of Children in Travel and Tourism (hereinafter Global study on SECTT)*. Bangkok: ECPAT International

108 UN General Assembly. (11-16 September 2017). Consideration, approval or adoption of the UNWTO Framework Convention on Tourism Ethics. UN Doc. A/RES/707(XXII). Art. 5 (3).

109 UN World Tourism Organization. (2018). *UNWTO Tourism Highlights- 2018 Edition*. 5.; UN World Tourism Organization. (2011). *Tourism towards 2030: Global Overview*. 18

110 Lugaaju, Godfrey. (2017, October 15). Uganda could be top destination in Africa. *Daily Monitor*

111 ECPAT International.(2011). Executive summary: Country Monitoring Report Uganda. 1

112 Nianian, Helen. (2017, November 23). No hugs, no one to talk to: How Ugandan orphanages are harming a generation. *The Guardian*.

113 *Ibid.*

114 *Ibid.*

115 Cheney, K & Smith Rotabi, K. (2014). Addicted to orphans: How the global orphan industrial complex jeopardizes local child protection systems. In C Harker et al. (eds.) *Conflict, violence and peace: Geographies of children and young people*.

116 Riley, Mark. (2016, May 16). Volunteers are fueling the growth of orphanages in Uganda. They need to stop. *The Guardian*

117 Nianian, Helen. (2017, November 23). No hugs, no one to talk to: How Ugandan orphanages are harming a generation. *The Guardian*;

While orphanages may present an important intervention in some legitimate cases, they often do not resolve the issues that initially led to the separation of a child from their family. In some cases the free resources they provide (e.g. education, food, and clothing), may even motivate parents to separate their children from their family to access.¹¹⁸

A Guardian investigative article found that 150 missions trips were planned to visit Uganda in 2016, and that orphanage visits typically represented the most meaningful component of the trip.¹¹⁹ The report found that on average each mission trip included 12 participants, each contributing USD 3,000.¹²⁰ This would amount to USD 5 million spent on mission trips alone in Uganda. On the other hand, closing an orphanage of 30 children, addressing the core causes of separation, and supporting their families for at least a year would cost only USD 12,000.¹²¹

CHILD, EARLY AND FORCED MARRIAGE (CEFM)

The Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse (Luxembourg Guidelines) define 'child marriage' as "a

marriage in which at least one of the parties is a child. It also refers to the act of marrying off children, usually young girls, with or without their consent".¹²² Some forms of child marriage are related to commercial sexual exploitation of children, in cases where child marriage is linked to forced child labour, slavery and bondage, servitude or payment of a dowry.¹²³

Child, early and forced marriage in Uganda, as elsewhere, is associated with lower educational attainment, high sexual and reproductive health risks, lower wealth and myriad of additional negative outcomes.¹²⁴ Despite significant reductions in the incidence of CEFM in Uganda over the past two decades, the country continues to have one of the highest rates of CEFM in the world.¹²⁵

Although legally, the minimum age for marriage for all children in Uganda is 18 years of age, the reality is much different for a large proportion of girls there. Approximately 10% of women aged 20-24 reported they were married by age 15 and 40% were married by age 18 in 2016 (latest available estimates).¹²⁶ In parts of Northern Uganda, up to nearly 70% of girls are married before 18.¹²⁷ In the East African Community, only South Sudan has higher overall rates of CEFM.¹²⁸



UGANDA CONTINUES TO HAVE ONE OF THE HIGHEST RATES OF CHILD, EARLY AND FORCE MARRIED IN THE WORLD

118 Australian Council for International Development (2016). Position Paper: Residential Care and Orphanages in International Development. Australia: ACFID.

119 Riley, Mark. (2016, May 16). Volunteers are fueling the growth of orphanages in Uganda. They need to stop. *The Guardian*

120 *Ibid.*

121 *Ibid.*

122 Terminology Guidelines, 63

123 ECPAT International and Plan International. (2015), Thematic Report. Unrecognized Sexual Abuse and Exploitation of Children in Child, Early and Forced Marriage. Bangkok: ECPAT International

124 Male, Chata and Wodon, Quenton. (2016). Basic Project of Child Marriage in Uganda. Health, Nutrition and Population Knowledge Brief. World Bank: Washington, DC. 1

125 *Ibid.* 3.

126 UNICEF. (2017). The State of the World's Children 2017: Children in a Digital World. 184

127 Save the Children Uganda. (2018, November). One girl every minute is at risk of child marriage in Uganda, warns Save the Children

128 *Ibid.*

The intersections of poverty, education, traditional norms, and CEFM have produced a cycle in which poverty, and low educational attainment increase the likelihood of girls marrying early, while at the same time, marrying early increases the likelihood of low educational attainment and remaining in poverty.¹²⁹

In many families, cultural traditions dictate that girls are the lowest priority for care and education is not viewed as necessary for their domestic futures as wives.¹³⁰ In the greater North area of Uganda, less than half of girls can read and write and only one in eight children have completed primary school.¹³¹ Many parents who cannot afford to send their girls to school or wish to gain financial security force them to marry early.¹³² Girls are often exchanged for bride price of between 1 and 5 goats, for example, in the mountainous sub-counties inhabited primarily by Bakonjo communities of Kabarole, Karangura, Kabonero,

and Kateebwa.¹³³ The practice of exchanging bride price incentivizes parents to marry off their daughters, with younger girls and girls with less education attracting higher bride prices for the family.¹³⁴ This is attributed in part due to the belief that girls who attend school are more likely to be 'promiscuous' and 'corrupted'.¹³⁵ UNFPA reported in 2017 that "ninety per cent of adolescent pregnancies occur to girls who are married before 18 and who have little or no say in decisions about when or whether to become pregnant."¹³⁶ Girls in refugee settlements are also particularly vulnerable to CEFM, as many do not have a strong family-based safety net to protect them or provide for their basic needs. Marriage often appears to present the only potential pathway for security and livelihood.¹³⁷

A Save the Children global briefing recently reported that if all girls finished secondary school, at least one million child marriages could be prevented in Uganda by 2030.¹³⁸ The World Bank has reported that delaying a girl's marriage can increase her earnings by 14% as an adult. The economic impact of CEFM is so significant, not just for one girl but for the entire country, that ending CEFM in Uganda would boost the economy by USD 2.4 million and increase living standards for all citizens.¹³⁹

129 The World Bank Group- Global Partnership for Education. (2016, October 13). Fighting for girls' education in Northern Uganda.; ECPAT International, Plan International. (2015). Thematic Report: Unrecognised Sexual Abuse and Exploitation of Children in Child, Early and Forced Marriage. 38

130 Save the Children Uganda. (2018, November 26). "Together we can end child marriage."

131 Save the Children Uganda. (2018, November). One girl every minute is at risk of child marriage in Uganda, warns Save the Children

132 The World Bank Group- Global Partnership for Education. (2016, October 13). Fighting for girls' education in Northern Uganda.; Girls not Brides. (2019). Child Marriage around the World: Uganda

133 Joy for Children Uganda. Child, Early and Forced Marriage in Uganda. 4.; Joy for Children Uganda. (n.d.) Child, Early and Forced Marriage in Uganda. OHCHR

134 Girls not Brides. (2019). Child Marriage around the World: Uganda.; The World Bank Group- Global Partnership for Education. (2016, October 13). Fighting for girls' education in Northern Uganda.

135 The World Bank Group- Global Partnership for Education. (2016, October 13). Fighting for girls' education in Northern Uganda.

136 UNFPA. (2017, October). World's Apart in Uganda: Inequalities in Women's Health, Education and Economic Empowerment. 3.

137 World Vision Uganda. (2019), June 28). Thwarting child marriage in refugee settlements.

138 Save the Children Uganda. (2018, November). One girl every minute is at risk of child marriage in Uganda, warns Save the Children

139 *Ibid.*

International, Regional and National Commitments and Legislation on SEC

Status of ratification of relevant international and regional instruments, reporting to human rights bodies and engagement with the special procedures of the Human Rights Council

International Instruments		Date of ratification/accession
Convention on the Rights of the Child - 1989		17 August 1990
Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC) - 2000		30 November 2001
ILO Convention on the Worst Forms of Child Labour - 1999 (No. 182)		21 June 2001
UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children – 2000 (supplementing the UN Convention against Transnational Organized Crime)		The protocol was signed on 12 December 2000 but is not yet ratified
Regional Instruments		Date of ratification/accession
AU Convention on Cyber Security - 2014		Uganda has not signed nor ratified this Convention as of November 2018
African Charter on the Rights and Welfare of the Child - 1990		17 August 1994
Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa -2005		22 July 2010
ICGLR Protocol on the Prevention and Suppression of Sexual Violence against Women and Children -2008		The Protocol is included in the Pact on Security, Stability and Development in the Great Lakes region, adopted on December 2006 and entered into force in June 2008
Human Rights Bodies	Date of latest submitted report	Comments
Committee on the Rights of the Child (CRC review)	2 August 2003	Combined third to fifth reports overdue since 2011
Committee on the Rights of the Child (OPSC review)	16 August 2007	
Human Rights Council – Working Group on the Universal Periodic Review	3 October 2016	Uganda will be under review for the 3 rd cycle of the UPR during the 40 th session (October – November 2021)

INTERNATIONAL AND REGIONAL COMMITMENTS

International commitments	
Commitment	Start date
Sustainable Development Goals	2016
WePROTECT	2014
Regional commitments	
Commitment	Start date
2040 Agenda for Children	2016
African Union Campaign to End Child Marriage	16 June 2015
International Conference on the Great Lakes Region	2000

Uganda has demonstrated commitment to sustainable development and the realization of the 2030 Agenda through its second and current National Development Plan (NDP II) (2015/2016 to 2019/2020).¹⁴⁰ The preparation of the NDP II coincided with the inter-governmental negotiations on the 2030 Agenda in 2015. The Government of Uganda integrated the SDGs framework into the Plan, resulting in a 69% alignment between the NDP II and the SDGs at the strategic level.¹⁴¹ Targets 5.2 and 16.2 more specifically are covered in this plan.^{142,143} Uganda was also among the 22 countries that submitted a Voluntary National Review (VNR) on the implementation of the SDGs in 2016, which unfortunately contains scant information on SEC.¹⁴⁴

Uganda is a member of the WePROTECT Global Alliance, an international movement dedicated to national and global action to end the sexual exploitation of children online.¹⁴⁵ Uganda has worked to fulfill its commitment to establishing and developing a national response to online child sexual exploitation, guided by the WePROTECT Model National Response.¹⁴⁶ Following this model Uganda announced during the 2014 WePROTECT Summit the creation of a new Internet hotline,

the IWF Portal, to be run with the support of the Internet Watch Foundation, to report CSAM/ CSEM.¹⁴⁷ The portal was launched the following year.¹⁴⁸

In July 2016, the Global Partnership to End Violence against Children and its associated Fund were launched to support actions that prevent OCSE.¹⁴⁹ In partnership with the WePROTECT Global Alliance, a grant from the Fund was awarded to UNICEF Uganda in 2016 to address online child sexual exploitation and abuse in line with the WePROTECT Model National Response. In late 2016, UNICEF Uganda and the Ministry of Internal Affairs, hosted the National Working Group on Online Child Sexual Exploitation and Abuse. It included the participation of the NITA-U and the Uganda Communications Commission, who play a critical role in strengthening Uganda's efforts to prevent and respond to OCSE as part of the project.¹⁵⁰ The Working Group has been tasked to initiate strategies to prevent the grooming of children for sexual exploitation and monitor the implementation of concrete responses to this crime.¹⁵¹ It also raises awareness towards the promotion of child online safety.¹⁵²

140 Sustainable Development Goals Knowledge Platform. (2016). Review Report on Uganda's Readiness for the Implementation of Agenda 2030.

141 Republic of Uganda- Office of the Prime Minister. SDGs.

142 Target 5.2: "Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation"; Target 16.2: "End abuse, exploitation, trafficking and all forms of violence against and torture of children".

143 Republic of Uganda. (2016, July 1). Review Report on Uganda's Readiness for the Implementation of Agenda 2030

144 *Ibid.*

145 WePROTECT Global Alliance. Our Mission and Strategy.

146 WeProtect Global Alliance. (2014). Statement of Action by Governments to Tackle Online CSE: Abu Dhabi WeProtect Summit 16-17 November 2015

147 WePROTECT Global Alliance. (2014, December). Statement of action: WePROTECT Summit 10-11 Dec 2014.

148 Internet Watch Foundation. (2015, September 9). Uganda launches Portal with IWF.

149 End Violence Against Children. (2018, February). FIRST ROUND OF GRANTEES: Six-month report February 2018

150 *Ibid.*

151 Uganda Law Reform Commission. (2016, December). Draft issues paper on grooming for sexual conduct. 10

152 NITA Uganda. (2017, February 7). Promoting Child Online Safety.

In November 2016, the African Committee of Experts on the Rights and Welfare of the Child adopted the 2040 Agenda for Children, which outlines ten goals (aspirations), as a supplement to the African Union Agenda 2063.¹⁵³ One of the aspirations is the protection of children against violence, exploitation, neglect and abuse (Aspiration 7). In accordance to the 2040 Agenda, Uganda aligned its national plans with its commitments and obligations under the Agenda, through the NPA II and the National Action Plan for Child Well-Being 2016-2021.¹⁵⁴

Uganda is a member of the International Conference on the Great Lakes Region since its establishment in 2000¹⁵⁵ and therefore complies with its Protocol on the Prevention and Suppression of Sexual Violence against Women and Children and commits within this framework to prevent and fight sexual exploitation, and provide assistance to victims.¹⁵⁶ A conference was held in Kampala in December 2017 to assess the progress of member states towards implementation of the instruments on sexual and gender-based violence and agree on workable strategies to effectively implement them.¹⁵⁷ Participants discussed, among other things, the viability of establishing special courts and court procedures for sexual and gender-based violence cases and were sensitized on emerging regional issues and commitments such as commitments made at the AU on CEFM.¹⁵⁸

NATIONAL LEGISLATION

Ratified treaties do not automatically have force in Ugandan law, and the OPSC has not been directly

incorporated into national law. As such, the OPSC serves primarily as a source of interpretive guidance for Ugandan legislation.¹⁵⁹

Exploitation of children in prostitution

Several laws criminalise the sexual exploitation of children in Uganda. A general provision of the National Constitution of 1995 states that “[n]o person shall be held in slavery or servitude”,¹⁶⁰ and that children should be protected from social or economic exploitation and shall not be employed in or required to perform work that is likely to be hazardous or to interfere with their education or to be harmful to their health or development.¹⁶¹ However, ‘children’ here refers to all persons under the age of 16,¹⁶² which is not in accordance with the Convention on the Rights of the Child.¹⁶³ The Prevention of Trafficking in Persons Act (2009) (PTPA) criminalises introducing or matching any person to another for purposes of sexual exploitation.¹⁶⁴ This offence is punishable by imprisonment of five years and/or a fine of approximately USD 650. However, there is no distinction between children and adults. This provision is also only partially in line with the OPSC, as it does not include the offence of “obtaining” a child for exploitation in prostitution.¹⁶⁵

Prostitution is prohibited under the Penal Code consolidated in 2000. Section 138 defines a prostitute as someone who habitually holds himself or herself out as available for sexual intercourse or other sexual gratification for monetary or other material gain.¹⁶⁶ Engaging in prostitution is an offence punishable by seven years imprisonment. This section is not specifically protective of child victims of sexual exploitation, as

153 Refworld. (2016). AGENDA 2040, Africa’s Agenda for children: Fostering an Africa Fit for Children

154 Uganda Children Portal. (2017, August). National Action Plan for Child Well-Being 2016-2021

155 International Conference on the Great lake Region. (2019). Background

156 International Conference on the Great Lakes Region. (2006, November). *Protocol on the Prevention and Suppression of Sexual Violence against Women and Children*

157 International Nuremberg Principles Academy. (2007). Conference on Strategies of Implementation of International Conference on the Great Lakes Region Instruments on Sexual and Gender Based Violence.

158 International Conference on the Great Lake Region – Regional Training Facility. (2017, October 29). *Regional conference on Strategies for Implementation of the ICGLR instruments on Sexual and Gender Based Violence (SGBV) in the Great Lakes Region, Commonwealth Resort Munyonyo, Kampala, Uganda 1st -3 rd December 2017* [Press Release].

159 CRIN. Status of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in National Law. 2.

160 Constitution of the Republic of Uganda. (1995). Article 25 (1).

161 *Ibid.* Article 34 (4).

162 *Ibid.* Article 34 (5).

163 UN General Assembly. (1989). *Convention on the Rights of the Child.* (A/RES/44/25). Article 1.

164 *The Prevention of Trafficking in Persons Act.* (2009). Section 8 (e)

165 UN General Assembly. (2000, May). *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.* (A/RES/54/263). Article 3(1)(b).

166 *Penal Code Act.* (1950). Section 138.

it sets no difference between adults and children. It punishes children who engage in prostitution, which does not align with international standards. The Penal Code does not criminalize the act of obtaining a child for prostitution, but exhaustively defines and criminalises the act of procuring.¹⁶⁷ However, this article only refers to the procurement of women or girls, leaving men and boys unprotected. Additionally, a person cannot be convicted of this offence upon the evidence of only one witness, unless that witness is corroborated by additional evidence.¹⁶⁸ This requirement makes any conviction difficult to obtain and potentially undermines victims' ability to obtain justice.

The Children Act, as amended in 2016, is the most important legal instrument for child protection in Uganda and fills some critical gaps related to offences against children. Prostitution is prohibited under Section 8 as a form of harmful or hazardous employment.¹⁶⁹ Section 8(A) more specifically prohibits the sexual exploitation of children, including the use of children in prostitution or other unlawful sexual practices. However, although this legislation is specific to children, penalties are identical to those established in the Penal Code, which did not distinguish between child and adult victims. Another shortcoming of the new law is that "obtaining" a child for prostitution is not listed as a punishable offence, a significant loophole that could impede the prosecution of child sex offenders.

Uganda's legal instruments regarding the exploitation of children in prostitution therefore do not fully comply with international standards. A Sexual Offence Bill has, at the time of the writing of this report, been withdrawn from Parliament for redrafting.^{170,171} Clause 14 of the first draft of the Bill defined and criminalised sexual exploitation in prostitution. Penalties were increased and it specified that the victim of exploitation in prostitution "shall not be penalized for practicing or engaging in prostitution".¹⁷² Although this clause was not specific to children, this new legislation,

if captured in the revised bill, would represent a major improvement, bringing Uganda's legislation more in line with international standards that have established that children exploited in prostitution should be recognized as victims. Clause 29 was specific to 'child prostitution' and provided a long definition including a list of acts constituting offences (e.g. inducing, procuring), but continued to omit the act of "obtaining" a child.¹⁷³ Despite the progress the Sexual Offence Bill would signal, there is still more legislative work to be done in this area to bring Ugandan legislation into full compliance with the OPSC.

Online child sexual exploitation (OCSE)

Specific criminal provisions related to OCSE were first prescribed in the Computer Misuse Act 2011.¹⁷⁴

The Act defines 'child pornography' as "pornographic material that depicts a child engaged in sexually suggestive or explicit conduct; a person appearing to be a child engaged in sexually suggestive or explicit conduct; or realistic images representing children engaged in sexually suggestive or explicit conduct".¹⁷⁵ This definition may therefore also cover digitally-generated child sexual abuse material ("realistic images"). However, it is markedly restrictive, as it does not include images of the sexual organs of a child, where such images are produced or used for primarily sexual purpose.¹⁷⁶

Under this Act, producing, offering or making available, distributing or transmitting, procuring, unlawfully possessing child sexual abuse material on a computer, or making pornographic materials available to a child, are all punishable by a fine not exceeding 1,950 USD or imprisonment not exceeding fifteen years, or both.¹⁷⁷ The Act therefore covers the offences listed in the OPSC, as well as the mere possession of CSAM/CSEM.¹⁷⁸ It is also important to note that it criminalises

167 *Ibid.* Section 131 (1).

168 *Ibid.* Section 131 (2).

169 The Children Act— as amended by the Children (Amendment) Act. (2016). Section 8.

170 The Sexual Offence Bill 2015. Bill no. 35.

171 Parliament of the Republic of Uganda. (2019, February 20). Sexual Offences Bill to re-tabled.

172 *Ibid.* Clause 14.

173 *Ibid.* Clause 29.

174 *The Computer Misuse Act.* (2011).

175 *Ibid.* Article 23 (3)

176 *Terminology Guidelines*, 29.

177 *Computer Misuse Act.* Section 23 (4).

178 "Producing, distributing, disseminating, importing, exporting, offering, selling or possessing for the above purposes child pornography as defined in article 2" *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.* (A/RES/54/263). Article 3(1)(c).

exposing children to pornographic materials¹⁷⁹ as such sexual content is often used in the process of grooming children. However, the Act applies only to offences committed via a computer, omitting other types of media and therefore not fully complying with the OPSC.¹⁸⁰

Finally, Section 24 of the Act also refers to online harassment, defined as the use of a computer “for making any request, suggestion or proposal which is obscene, lewd, lascivious or indecent”.¹⁸¹ This provision could be used to prosecute individuals who solicit children online for sexual purposes (‘grooming’).

The Prevention of Trafficking in Person Act (PTPA) also provides a general definition of ‘pornography’, as a purpose that makes trafficking illegal. ‘Pornography’ is described as “any representation, through publication, exhibition, cinematography, indecent show, information technology, or by whatever means, of a person engaged in real or simulated explicit sexual activities, or any representation of the sexual parts of a person for primarily sexual excitement”.¹⁸² This definition is more comprehensive as it can be applied to CSAM/CSEM in the form of audio or written materials, and is therefore compliant with the OPSC. However, it does not specifically focus on children.

The Anti-Pornography Act, adopted in 2014, although not distinguishing between pornographic materials involving adults and children, may enhance protection against online sexual exploitation.¹⁸³ Section 2 of the Act defines ‘pornography’ as in the PTPA and Section 14 prohibits and criminalises the production or participation in the production, the trafficking, publication, broadcasting, procurement, importation and exportation of child sexual abuse material.¹⁸⁴ Any person convicted of these crimes may be subject to a fine not exceeding USD 4,050 and/or imprisonment up to fifteen years. Although the article covers the broadcasting of CSAM/CSEM, it does not criminalise the possession of CSAM/

CSEM with or without the intent to distribute it, nor the intentional access and viewing of such materials.

The Anti-Pornography Act 2014 also established a Pornography Control Committee to monitor and enforce the law.¹⁸⁵ The committee’s mandate includes overseeing the systematic collection and destruction of pornographic materials.¹⁸⁶ The Act targets Internet service providers, specifying their duty to comply with the Committee directives and control pornography.¹⁸⁷ Although it is not specified in the law, the Committee has included in its definition of ‘pornography’, all messages of a sexual nature (including ‘sexting’).¹⁸⁸

Finally, the Sexual Offences Bill specifically addresses a few conducts related to CSAM/CSEM.¹⁸⁹ In Clause 30, the detailed list of offences included the possession of CSAM/CSEM with the intent to sell, hire, distribute or publicly exhibit it, but not the mere possession nor intentional consumption, access and viewing of such materials. Moreover, the article refers to “images” of children and does not cover CSAM/CSEM in the form of audio or written materials. The bill would set a minimum of six-year imprisonment as punishment for these violations. Clause 28 outlawed the supply or display of sexual content and material to a child, which was punishable by a minimum of ten years imprisonment.¹⁹⁰

Gaps persist in Uganda’s legal framework to comprehensively address OCSE. As described in this section, legislation is still needed to address the possession of CSAM/CSEM through a medium other than computers, access or intentional viewing of CSAM/CSEM, and new established trends in OCSE such as live streaming of child sexual abuse and sexual extortion. Moreover, there is a need to consolidate and mainstream provisions relating to OCSE in a single piece of legislation.

179 *Computer Misuse Act*. Section 23 (2)

180 The OPSC broadly refers to « whatever means ». *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*. (A/RES/54/263). Article 2(c).

181 *Computer Misuse Act*. Section 24

182 The Prevention of Trafficking in Persons Act. Section 2 (m).

183 *The Anti-Pornography Act*. (2014).

184 *Ibid.* Section 14.

185 *Ibid.* Sections 3 & 7.

186 *Ibid.* Section 7 (c).

187 Abdi Latif Dahir. (2017, September 6). Uganda’s government is obsessed with porn and policing morality. Quartz Africa.

188 *Ibid.*

189 Sexual Offence Bill 2015, Clause 30.

190 *Ibid.* Clause 28.

Sale and trafficking of children for sexual purposes

Before the enactment of the Prevention of Trafficking in Person Act, there was no strong specific legislation addressing trafficking in Uganda. A limited prohibition of trafficking is described in the Penal Code, under Section 131, which defines and prohibits the attempt or the procurement of any girl or woman for sexual purpose “either in Uganda or elsewhere”.¹⁹¹ To fill these gaps, the Prevention of Trafficking in Person Act broadened the scope of the prohibition of trafficking. In Section 3 (1), the Act states that any person who “recruits, transports, transfers, harbours or receives a person, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power, or of a position of vulnerability, or of the giving or receiving of payments, or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation commits an offence and is liable to imprisonment for fifteen years”.¹⁹² The same penalty applies for any person who “recruits, hires, maintains, confines, transports, transfers, harbours or receives a person or facilitates the aforementioned acts through force or other forms of coercion for the purpose of engaging that person in prostitution, pornography, sexual exploitation, forced labour, slavery, involuntary servitude, death bondage, forced or arranged marriage”.¹⁹³ This definition largely aligns with the one stipulated in the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol),¹⁹⁴ although Uganda has not yet officially ratified this instrument.

Moreover, the PTPA provides that, when the victim of trafficking is a child, the means are irrelevant, in conformity with the Palermo Protocol.¹⁹⁵ According to Section 4 (a), offences against children can be prosecuted as “aggravated trafficking in persons”, carrying the sentence of a life-term

imprisonment.¹⁹⁶ However, this sentencing mandate conflicts with the subsequent article specifically addressing the offence of “trafficking in children”, which sets the death penalty as the maximum punishment.¹⁹⁷ It appears unlikely, however, that such stringent penalties would be regularly applied.¹⁹⁸ In addition to criminalizing child trafficking, the Act also contains provisions for the protection of victims and the prevention of this crime.¹⁹⁹ Section 12 (1) prohibits the penalization of trafficking victims for any crime committed as a direct result of their trafficking. In 2016, the Children Act was amended and a definition of child trafficking was added in Section 1 (o). In some respects, it conflicts with the PTPA as it defines child sex trafficking to require force, fraud or other form of coercion, even if the victim is a child. This is inconsistent with international standards.²⁰⁰

Sexual exploitation of children in travel and tourism (SECTT)

There is a lack of a legal framework protecting children from SECTT in Uganda. Neither the Penal Code nor the PTPA provide any specific protections against SECTT. Likewise, the Uganda Tourism Act consolidates law relating to tourism and regulates the tourism sector but does not mention SECTT.²⁰¹ However, the Children Act does vaguely allude to SECTT. The Act defines the role of the National Children Authority, which includes “engaging in dialogue with all sections connected with tourism with a view to minimizing the opportunities for child abuse”.²⁰²

The PTPA also includes “sex tourism” in its definition of sexual exploitation, a component of the trafficking definition, and stipulates that it refers to “a program organized by travel and tourism - related establishments or individuals, which consists of tourism packages or activities, utilizing and offering escort and sexual services and practices offered for any persons as part of

191 *The Penal Code Act*. Section 131.

192 *The Prevention of Trafficking in Persons Act*. Section 3.

193 *Ibid.*

194 UN General Assembly. (2000, November 15). *United Nations Convention against Transnational Organized Crime, Annex 2: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol)*. Res. 55/25 of 15. Art. 3 (a).

195 *The Prevention of Trafficking in Persons Act*. Section 3 (3).

196 *Ibid.* Section 4

197 *Ibid.* Section 5

198 Uganda Youth Development Link (UYDEL). (2019). Personal Communication.

199 *Ibid.* Part III.

200 U.S. Department of State. (2016). *Trafficking in Persons Report*.

201 *Uganda Tourism Act*. (2008).

202 *The Children Act*. Section 9B(1)(o).

work recreation”.²⁰³ No hotels, tour operators or travel agencies based in Uganda have signed the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism – an international multi-stakeholder initiative spreading awareness and tools for the tourism industry to prevent the sexual exploitation of children.²⁰⁴

Child, early and forced marriages (CEFM)

As previously mentioned, the Constitution of Uganda sets the minimum age of marriage at 18 for both girls and boys.²⁰⁵ The same article requires the free consent of the man and woman to enter into marriage, therefore prohibiting forced marriage.²⁰⁶ Moreover, Section 33 (6) of the Constitution prohibits “laws, cultures, customs or traditions which are against the dignity, welfare or interest of women or which undermine their status”,²⁰⁷ which include early marriages. The Children Act protects children from child marriage,²⁰⁸ defined as “any union whether formal or informal involving any person below the age of 18 years for the purpose of living as husband and wife”.²⁰⁹

While these legal provisions provide protection from child marriage, they operate alongside concurrent Ugandan laws, which are more permissive. For example, the Customary Marriage (Registration) Act of 1973 sets the age of consent to marriage at 21, but allows the written consent of the parents or guardian to permit the marriage of minors,²¹⁰ though it also states that a customary marriage is void if the female party has not attained the age of 16 and the male party the age of 18.²¹¹ Therefore, a girl cannot marry under

the age of 16 and a boy under the age of 18, even if the parents/guardian have consented to the marriage. The Marriage Act of 1904 also sets 21 years as the age of consent and allows written consent of a guardian,²¹² although not specifying a minimum age under which a marriage should be void. The Marriage of Africans Act of 1904 is even vaguer as it allows marriage of minors under written consent of a parent or guardian without specifying the minimum age of marriage.²¹³ According to the Hindu Marriage and Divorce Act of 1961, “a marriage may be solemnised if the bridegroom has attained the age of 18 years and the bride the age of 16 years at the time of the marriage”.²¹⁴ An exception applies only for the bride, who can marry under 16, upon the consent of her guardian.²¹⁵

Such legal provisions do not comply with international standards, as set in the African Charter on the Rights and Welfare of the Child, which states that legislation shall specify the minimum age of marriage to be 18 years for both girls and boys.²¹⁶ Moreover, those above-mentioned laws are inconsistent with the Constitution and should be repealed.²¹⁷ However, these pieces of legislation are still in operation and hinder the effective enforcement of the more recent law requiring that both parties have reached age 18.²¹⁸ In order to reform and consolidate the laws governing marriage, a bill (The Marriage and Divorce Bill) was first tabled in Parliament in 2003, then reintroduced twice in 2009 and 2013, but has still not been adopted.²¹⁹ The Marriage and Divorce Bill sets the official minimum age of marriage to 18 years for both men and women, in line with the Constitution.²²⁰

203 *The Prevention of Trafficking in Persons Act*. Section 2 (o).

204 ECPAT. (n.d.). *The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism*: Signatories. Bangkok: ECPAT International.

205 *Constitution of the Republic of Uganda*, Section 31 (1).

206 *Ibid.* Section 31 (3).

207 *Ibid.* Section 33 (6).

208 *The Children Act*. Section 42 A.

209 *Ibid.* Section 1(k).

210 *The Customary Marriage (Registration) Act*. (1973). Section 32.

211 *Ibid.* Article 11

212 *The Marriage Act*. (1904). Section 17.

213 *The Marriage of Africans Act*. (1904), Section 5.

214 *The Hindu Marriage and Divorce Act*. (1961) Section 2.

215 *Ibid.* Section 2 (4)

216 African Union. (1990). *African Charter on the Rights and Welfare of the Child*. (CAB/LEG/153/Rev.2). Article 21 (2).

217 Constitution of the Republic of Uganda. Section 2.

218 UNICEF. (2015, June). *The National Strategy to End Child Marriage and Teenage Pregnancy – 2014/2015 – 2019/2020*”.

219 Uganda Women’s Network. (2013, April). *The Marriage and Divorce Bill: What is at stake?*

220 Uganda Women’s Network. (2017). *Facts in the Marriage Bill, 2017*.

Extraterritorial jurisdiction and extradition law

According to the Penal Code, criminal jurisdiction of the courts of Uganda “extends to every place within Uganda”.²²¹ Under the Penal Code, criminal jurisdiction is extended outside the territory of Uganda only in a few cases, for certain types of severe offences such as treason, terrorism, promotion of war etc.²²² Offenders who commit any part of an offence in Uganda may also be prosecuted before the courts.²²³ There are no general provisions that grant Uganda jurisdiction over offences committed outside the Ugandan territory when the offender or the victim is a national, citizen or resident of the country.

A specific provision does exist in case of trafficking offences. Under Section 19 of the PTPA, any citizen or permanent resident of Uganda may be prosecuted in Uganda for offences related to human trafficking committed outside Uganda.²²⁴ The same rule applies when the victim is a citizen of Uganda at the time of commission of the offence.²²⁵

The Sexual Offence Bill, currently in its first redaction, filled some critical gaps in existing legislation, as it contained a general provision stating that a citizen or resident of Uganda should be triable under the courts of Uganda if he/she commits an unlawful sexual act outside Uganda, in relation to another citizen or resident of Uganda.²²⁶ While this would mark some progress, the bill in its first redaction still did not include the sole nationality of the victim as an element for the establishment of jurisdiction.²²⁷

The Extradition Act of 1964 provides for some general rules when a “fugitive criminal”, defined as “any person accused or convicted of an extradition crime committed within the jurisdiction of any other country and who is in Uganda”,²²⁸ should²²⁹ or should not be surrendered.²³⁰ Offenders may be extradited only where an arrangement has been made with the requesting country.²³¹ The Ugandan Government has made a number of such arrangements that would cover offences under the OPSC.²³² The PTPA also states that a person accused of trafficking in persons is eligible for extradition.²³³

221 *The Penal Code Act*. Section 4.

222 *Ibid.* Section 4(2).

223 *Ibid.* Section 5

224 *Prevention of Trafficking in Person Act*. Section (1).

225 *Ibid.*, Section 19 (2)

226 The Sexual Offence Bill. Clause 39

227 CRIN. Status of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in National Law. 22.

228 *Extradition Act*. (1964). Section 1.

229 *Ibid.* Article 2

230 *Ibid.* Article 3

231 *Ibid.* Article 1

232 CRIN. Status of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in National Law. 23.

233 *Prevention of Trafficking in Person Act*. (2009). Section 20.

National Response to SEC

COORDINATION AND COOPERATION

Uganda has a robust national-level legal, policy, and research framework to address SEC and the key drivers of children's vulnerability. Many of the plans and policies have been formulated or updated in the past four years. For example, in June 2015, the Government of Uganda launched the African Union Campaign to End Child Marriage with its first National Strategy on Ending Child Marriage and Teenage Pregnancy (2014/2015 – 2019/2020).²³⁴ The campaign outlines approaches and interventions to end CEFM and teenage pregnancy in Uganda.²³⁵ It focuses on improving the legal and policy environment to protect children; changing community attitudes, knowledge, behaviours and social norms that drive child marriage; increasing access to quality protection; education and reproductive health services; and empowering girls and boys with comprehensive and appropriate information on life skills. The implementation of the child marriage strategy involves multiple partners and key actors at all levels (e.g. government agencies and institutions, CSOs, the private sector, religious and cultural institutions). The Ministry of Gender, Labour and Social Development (MoGLSD) is the overall coordinator for implementation of its activities.²³⁶ Formative research to guide implementation of this national strategy on CEFM was published in December 2015.²³⁷

Grounded in the 2015 Situation Analysis of Children in Uganda report, the National Child-Focused Policy Research Agenda 2016-2020 places heavy emphasis on the need for research to inform enhanced child protection systems and structures and interventions to reduce children's vulnerability.²³⁸

The National Child Participation Strategy 2017/18-2021/22, published in 2018, outlines Uganda's strategy to amplify children's voices in all areas of decision-making that will affect their lives and welfare.²³⁹ In November 2018, the MoGLSD released the National Multi-Sectoral Coordination Framework for Adolescent Girls 2017/2018-2021/2022, which followed the release of the Multi-Sectoral Communication for Development Strategy for Adolescent Girls the previous year in 2017.

The MoGLSD, with support from UYDEL, has drafted a National Action Plan on Child Sexual Abuse and Exploitation 2017/18-2023/24, which should be finalised and approved by the end of 2019.²⁴⁰ The action plan will outline strategies to address SEC through advocacy activities, capacity building within relevant institutions and mechanisms, economic capacity strengthening on the community level, and increased training and enforcement of existing laws.²⁴¹

234 Girls Not Bride. (2019). Child marriage around the world: Uganda.

235 UNICEF, Ministry of Gender, Labour and Social Development. (2015, June). The National Strategy to End Child Marriage and Teenage Pregnancy 2014/2015-2019.

236 *Ibid.*

237 UNICEF, Ministry of Gender, Labour and Social Development. (2015). Ending Child Marriage and Teenage Pregnancy in Uganda. A Formative Research to Guide the Implementation of the National Strategy on Ending Child Marriage and Teenage Pregnancy in Uganda.

238 UNICEF, National Council for Children. (2016). National Child-Focused Policy Research Agenda 2016-2020. 29-22.

239 UNICEF, Ministry of Gender, Labour and Social Development. (2017). National Child Participation Strategy 2017/18-2021/22.

240 Uganda Youth Development Link (UYDEL). (2019). Personal Communication.

241 *Ibid.*

Violence against children, especially girls, in the context of sexual abuse and exploitation is undoubtedly receiving the government's, and relevant stakeholders', attention. The following sections describe many of the campaigns, projects and activities that are being conducted to address SEC and the driving factors. However, local government bodies in partnership with local and international NGOs are responsible to carry many of these initiatives out. Under the 1997 Decentralization Policy, district and lower level local governments are responsible for implementing national policies, plans and programmes, but big variations exist in how this is done. Limited funding and human resources gaps continue to hinder the delivery of many of the child protection services outlined in these national policies. Additionally, there is a lack of systematic mechanisms to regularly monitor and evaluate the impact of ongoing implementation efforts at the national level. These issues will need to be addressed in order to scale up the progress that has been made so far to reduce children's vulnerability to sexual exploitation and other forms of violence and abuse.

PREVENTION MEASURES, AWARENESS-RAISING AND EDUCATION

The Uganda Youth and Adolescents Health Forum (UYAHF) is one of several organizations working to keep girls in school by addressing access to sanitary products and stigma surrounding menstruation. In the Central Region of Uganda, menstruation is referred to as 'ensonga', meaning 'the issue'.²⁴² In 2016, UYAHF, in collaboration with Public Health Ambassadors Uganda and with support from Virginia Gildersleeve International Fund and Wakiso District Education Department, launched the "Ensonga Campaign" project to change the way girls, boys, parents, teachers, and communities talk about menstruation.²⁴³

When the Ensonga Campaign was launched in two selected schools in the Wakiso District, Public Health Ambassadors Uganda and UYAHF partners conducted school outreach activities

at Nansana Church Primary School and Wakiso Secondary School. Through the project, the campaign has worked to empower adolescent girls to understand menstrual hygiene and health management with information, and provided them with access to reusable sanitary pads, established health clubs and installed sustainable WASH facilities.²⁴⁴ Girls and boys of different grade levels were included in the health clubs to act as advocates and mentors with technical guidance from Public Health Ambassadors Uganda and UYAH.²⁴⁵ The project has also increased awareness among boys, parents, teachers, and communities about their role in supporting menstrual hygiene management allowing girls to then "reach their full potential" by remaining in school.²⁴⁶ Boys received information on how to support girls throughout their menstruation cycle rather than to perpetuate the stigma around menstruation by harassing or isolating girls during their periods.²⁴⁷

Joy for Children – Uganda (JFCU) has led a number of projects to empower girls and end CEFM. JFCU operated the Girls Not Brides Empower Project in Karangura sub-county, Kabarole District, Western Uganda from 2013-2016. The project was motivated by local media reports of 20 girls between ages 13-16 dropping out of school as a result of being married. The pilot project was implemented in the Mahyoro and Kibyo primary schools where some of the girls had previously attended school, where it focused on public education and economic empowerment strategies to reduce CEFM.²⁴⁸ The project incorporated school outreach activities, the formation of Girls Not Brides clubs, community events communicating messages about ending CEFM, support for girls' education, and dissemination of educational materials. Through the project, girls also learned how to make reusable sanitary towels. Anecdotally, the project reported positive changes in teachers', parents', and girls' attitudes towards girls completing their education. This change in attitude was largely attributed to the distribution of goats, highlighting the economic drivers of CEFM.²⁴⁹ UYDEL works with children and youths aged 16-24 who are vulnerable to sexual exploitation and HIV (as well as those who are victims of sexual exploitation). It provides accommodation,

242 Mwesigye, Patrick. (2016, August 20). Menstruation Matters: Keeping More Girls in School!!!.

243 *Ibid.*

244 *Ibid.*

245 *Ibid.*

246 *Ibid.*

247 *Ibid.*

248 Joy for Children Uganda. (n.d.). Girls Not Brides Empower Project.

249 *Ibid.* 19.

psychosocial support and basic business and vocational knowledge and skills to children and youth vulnerable to sexual exploitation to enable them to participate in non-exploitative and sustainable income generating activities.²⁵⁰ Additionally, UYDEL continues to follow up with parents of vulnerable children engaged in income generating activities as a result of UYDEL training to ensure that they can maintain adequate living conditions and provide for their families, which also works to reduce their children's risk of sexual exploitation.²⁵¹ The project has reached over 1200 children between 2015 and 2017.²⁵²

The Internet Society Uganda in 2015 implemented a project: "Promoting Child Online Safety in Uganda".²⁵³ They undertook desk research on child online safety including current policy and regulatory frameworks in Uganda. They also conducted focus group discussions with parents and children in selected schools to further gauge their understanding of the topic.²⁵⁴ Findings from these discussions fed into development of an E-safety toolkit.²⁵⁵ Around 500 copies of the kit were printed and disseminated to all schools that participated in the research. The kit was also sent to the Ministry of ICT, the National Information Technology Authority Uganda. The kit has also been re-shared on partner sites - like the NITA and the UCC websites.²⁵⁶

CHILD PROTECTION, ACCESS TO JUSTICE AND RIGHT TO REMEDIES FOR CHILD VICTIMS OF SEXUAL EXPLOITATION

Uganda has made significant investments to build the capacity of its protection-related programmes, particularly within the Justice, Law and Order Sector (JLOS). Notably, in April 2016, the Ugandan Directorate of Public Prosecutions (DPP) and UNICEF launched a handbook for prosecutors and

other key actors in the criminal justice system. Following the launch of the handbook, DPP facilitated trainings in Arua, Fort Portal, Gulu, Jinja, Mbarara, Masaka, and Soroti for police and prosecutors, which focused on increased children's ability to access justice. Among other relevant topics, the trainings focused on "specialised responses for survivors of sexual and gender based violence", addressed the need for capacity building in the area of online child protection.²⁵⁷

Members of the JLOS have also been active in awareness and action campaigns to end violence against children. While meaningful progress continues to be made, more efforts are needed, particularly in the area of policy implementation within the JLOS as the Uganda Violence Against Children survey noted that a barrier to reporting continues to be law enforcement officers demanding payments in exchange for services.²⁵⁸ Another challenge remains that, while institutions such as Child and Family Protection Units, have been established within law enforcement forces and local levels, they often suffer from a "inadequate financial and human capacity," reducing their potential effectiveness.²⁵⁹ This is especially the case in remote areas of the country.²⁶⁰

Regarding protection programmes for vulnerable refugee children, for several years with the support of major international donors, Uganda has established child-friendly spaces (CFS). Child-friendly spaces are designated places where children "can be provided with a safe environment," and a one-stop center where they receive a range of support services that can help facilitate a sense of normalcy.²⁶¹ For example, in the Bidi Bidi refugee resettlement, Save the Children operates the Yangani CFS with funding from the European Union's Civil Protection and Humanitarian Aid arm, located near a school.²⁶² Yangani, one of 31 CFS that Save the Children has established in South Sudanese refugee-hosting

250 Uganda Youth Development Link (UYDEL). (2018). Personal Communication.

251 *Ibid.*

252 ECPAT France, Project reports

253 Internet Society. (2015, March 13). Promoting Child Online Safety in Uganda.

254 *Ibid.*

255 NITA Uganda. The Online E-Safety Educational Toolkit for Young People in Uganda.

256 Uganda Youth Development Link (UYDEL). (2019). Personal Communication.

257 Brassil, Nicola. (2018, June 6). DPP holds trainings on child friendly practices. The Justice, Law and Order Sector of the Republic of Uganda.

258 Ministry of Gender, Labour and Social Development. (2018, August). Uganda Violence Against Children Survey.15

259 UYDEL. (2019, January 22). Child Protection.

260 *Ibid.*

261 Nabanoba, Sylvia. (2017, September 28). Child-friendly spaces a one-stop centre for refugee children. Save the Children Uganda.

262 *Ibid.* Save the Children Uganda.

settlements as of September 2017, provides children with a protected space to play and engage in integrated programming that also includes other forms of recreation, education, health and psychosocial support.²⁶³

Similar safe spaces have also been established in other parts of the country for non-refugee children. Media reports have described safe spaces in Kamwenge, where many child victims of sexual abuse, mostly girls, are referred by police and receive medical care and psychosocial support in a protected environment. Staff at this center reportedly also assist victims in accessing justice and help them prepare to present themselves in court, including a number of girls exploited by men working on the construction of the Fort Portal-Kamwenge Road project.²⁶⁴ In response to the high number of reports of sexual exploitation and abuse perpetrated by men involved with this construction project, the World Bank ended its funding.²⁶⁵ The World Bank, with the Government of Uganda, funded the Emergency Child Protection Response programme and also collaborated with the International Justice Mission (IJM), World Vision, JFCU, BRAC, and local government to implement the Supporting Children's Opportunities through Protection and Empowerment (SCOPE), which started in December 2016 and operated until January 2019.²⁶⁶ Specifically, the projects objectives included enhancing response and violence prevention programmes for child survivors and at-risk children in the Kamwenge and Kabarole Districts. The project also aimed to support national and sub-national capacity for coordination and policy implementation.²⁶⁷ Through the project, JFCU, have also worked to make communities safer spaces for children, particularly those who have already been victims of sexual violence, by enhancing community level referrals and "sensitize[ing] locals on

gender and sex issues."²⁶⁸ World Vision provided child victims with emergency health care and psychosocial support, while BRAC led the delivery of violence against children and GBV prevention services in addition to livelihood support. As of September 2018, BRAC equipped at least 35 peer leaders with life skills training to support vulnerable youth and survivors in 35 Girls' Clubs. These Girls' Clubs reached over 285 child victims and vulnerable children in the communities.²⁶⁹ CFSs were established in health facilities where survivors would receive needed services. World Vision also trained 24 community psychosocial and GBV facilitators to identify child victims from the communities and refer them to appropriate resources.²⁷⁰

In the same project, the IJM worked with the JLOS to train court workers, police and probation officers on how to handle child sex abuse cases and conduct specialised investigations to improve accountability and improve the likelihood of convictions.²⁷¹ IJM and World Vision also trained 32 health workers and established CFSs to support 300 children. As a result of the SCOPE project, District Action Centers reported meaningful progress on cases that were reported to the Uganda Child Helpline 116. Through ongoing community engagement efforts, the project has facilitated Community Dialogues and hosted local government leadership and service providers on radio talk shows on their roles in preventing and responding to abuses.²⁷²

In other child protection efforts, UYDEL has worked to foster protective environments where children's rights are "promoted and protected by the relevant authorities", law enforcement officers and local leaders in particular.²⁷³ Through its child protection interventions in the Kampala, Mukono and Kalangala Districts, UYDEL has held training

263 *Ibid.*

264 Achan, Jacky. (2018, November 20). Safe spaces helping sexually abused teenage girls survive trauma. *New Vision*.

265 Mwesigwa, Alon. (2016, January 12). World Bank cancels funding for Uganda road amid sexual assault claims. *The Guardian*.

266 Achan, Jacky. (2018, November 20). Safe spaces helping sexually abused teenage girls survive trauma. *New Vision*.; Nampungu, Phiona. (2018, September 19). World Bank and the Government of Uganda continue with efforts to address GBV related ramifications of Uganda Transport Sector Development Project through the SCOPE project. Bank Information Center.

267 World Vision. (2017, August 20). Monitoring and Evaluation Assistant- SCOPE Project.

268 Achan, Jacky. (2018, November 20). Safe spaces helping sexually abused teenage girls survive trauma. *New Vision*.; *New Vision*. (2018, December 10). Rehabilitating abused girls. *New Vision*.; Nampungu, Phiona. (2018, September 19). World Bank and the Government of Uganda continue with efforts to address GBV related ramifications of Uganda Transport Sector Development Project through the SCOPE project. Bank Information Center.

269 Nampungu, Phiona. (2018, September 19). World Bank and the Government of Uganda continue with efforts to address GBV related ramifications of Uganda Transport Sector Development Project through the SCOPE project. Bank Information Center.

270 *Ibid.*

271 *Ibid.*

272 *Ibid.*

273 UYDEL. (2019, January 22). Child Protection.

workshops for approximately 180 law enforcement officers, 200 peer educators, 50 parents and 20 hotel, lodge and bar owners to build up understanding, skills and capacity to address child protection issues.²⁷⁴ In these interventions, UYDEL has also collaborated with police to provide direct support to child victims, including transportation to police stations and courthouses, evidence gathering, as well as medical care and assistance with reporting.²⁷⁵

The PEVUS project implemented by UYDEL and Plan International Uganda has increased the capacity of 240 duty bearers to prevent and protect children and young people from abuse and exploitation.²⁷⁶ Targeted duty bearers included the police, the health service providers, community development officers, probation and social welfare officers at the division levels, local councils at the community levels and employers particularly owners and managers of bars, lodges and hotels.²⁷⁷

National complaint mechanisms

Children and/or their representatives have the right to bring cases in Ugandan courts to challenge violations of children's rights.²⁷⁸ Although Ugandan Courts cannot directly enforce the CRC, the Children Act provides comprehensive protection of many children's rights.²⁷⁹ In most cases involving child victims of sexual or gender-based violence, including sexual exploitation, the initial report will be made to the community's Local Council, which refers the victim to legal recourse mechanisms through the police and criminal justice system, including the Child and Family Protection Units.²⁸⁰

Local Councils and Local Council Courts play an important role in Uganda's child justice system. The Local Government Act of 1997, amended in 2010, established Local Councils.²⁸¹ Section 11 of the Children Act requires members of

any community who become aware of, and have supporting evidence, of an infringement against a child's rights to report to the relevant Local Council. The Local Council is mandated to "summon the parties concerned and make a decision to remedy the situation" according to the child's best interests.²⁸² Under the Children Act, every local government council, whether at the village or district level, is obligated to safeguard and ensure the welfare of children within its jurisdiction and to designate a member of the council to serve as the Secretary for Children's Affairs. Among other responsibilities, local government councils also must provide assistance and accommodation to children in need because they have been lost or abandoned or are seeking refuge.²⁸³

Reports of violations of children's rights can also be made through the UCHL, which is mandated to facilitate reporting of child rights violations.²⁸⁴ The UCHL promotes coordination with the police and judiciary to administer justice. UCHL engages with community level partners in formal and informal structures to respond to reported cases. The majority of reports are made through phone calls, however, UCHL offers walk-in services to clients within the vicinity of national call centres who are reporting on child protection issues.²⁸⁵ The UCHL can also receive reports of cases to be forwarded to JLOS partners through its outreach activities that it conducts, for example, in schools and in Internet cafes. The UCHL also follows up on cases that are reported in the media.

Child-sensitive justice

Under Uganda's constitution, children are guaranteed the right to "protection from sexual abuse and the right to participation in matters affecting them."²⁸⁶ As a signatory to the CRC, Uganda has assumed the responsibility to

274 *Ibid.*

275 *Ibid.*

276 Uganda Youth Development Link (UYDEL), Plan International Uganda. (2017, September). Partnership for Empowerment of Vulnerable girls/ young women in the urban slums of Kampala city (PEVUS)- End of project evaluation.

277 *Ibid.*

278 CRIN. (2014). Access to Justice for Children: Uganda. 2.

279 *Ibid.*

280 The Government of Uganda, UNICEF. (2016). Prosecuting Child-related Cases in Uganda: A Handbook for Uganda Directorate of Public Prosecutions. 68.

281 *Ibid.*, 11.

282 *Ibid.*, 12.

283 Ministry of Gender, Labour and Social Development. (2017, November). National Child Participation Strategy, 2017/18-2021/22. 12.

284 Uganda Child Helpline Service. (2016). The Uganda Child Helpline Service Annual Report 2016. 13.

285 *Ibid.* 15.

286 Nabasitu, Daisy. (2018, September). Examining Measures Facilitating Participation of Female Child Victims in Prosecution of Sexual Abuse Cases in Uganda's Criminal Justice System. 3. Citing. The Republic of Uganda. (1995). Constitution of the Republic of Uganda. Article 34(7), Article 36.

promote children's rights through the adoption of legislation and best practices. Facilitating child victims' participation in the prosecution of cases of sexual exploitation and other sexual abuses committed against them is one way through which Uganda has worked to fulfill this obligation. The state has begun to adopt measures to overcome some of the challenges inherent in child victim's participation as witnesses in sexual exploitation cases.

In August 2016, the judiciary launched guidelines for the High Court in Kampala to receive evidence by audio-video link from child witnesses, particularly those who are victims of sexual and gender based violence to reduce the risk of secondary victimization.²⁸⁷ This measure involved the use of CCTV, opaque screens, and one-way mirrors that allow child victims to present testimony without viewing their offender.²⁸⁸ The use of these measures requires the prosecutor to obtain the court's consent. Such measures are critical to protecting child victims given that Uganda's legal system places a particularly large weight on oral testimony.²⁸⁹ Currently, Uganda's legal system has not adopted the use of electronically recorded evidence.²⁹⁰ This may be a next step to consider towards strengthening protections for child victims.

In compliance with UN guidelines, Uganda's courts restrict the public from attending trials involving child victims of sexual abuse.²⁹¹ However, loopholes in laws that allow the child victim's identity to be disclosed through the service of witness summons and examination continue to put children at risk and should be addressed.²⁹² Additionally, cross-examination as an instrument for assessing the credibility and accuracy in Uganda's legal system has been described as an "oppressive tool for intimidating and confusing children."²⁹³ In cases involving sexual abuse, the "rigorous" use of this practice is rooted in "cultural beliefs that women and children are promiscuous

and liars".²⁹⁴ According to these beliefs, women's and children's' evidence should be thoroughly challenged in the support of the offender.²⁹⁵

This approach places child victims at high risk of traumatization, producing inaccurate and inconsistent evidence, and hinders their participation in cases of sexual exploitation committed against them. Currently, this aspect of such trials have remained the least regulated, despite judges' ability to intervene in such questioning.²⁹⁶ Judges, as well as defense lawyers in particular, should undergo training on guiding and implementing child-sensitive questioning techniques that protect vulnerable children from hostile and intimidating questioning that does not safeguard their right to protection throughout the legal process. Additionally, cross-examination in trials involving child victims of sexual exploitation should be formally regulated to ensure the promotion of child victims' rights.

Uganda does not have a single, coherent legal aid system for children. However, a number of networks and initiatives have continued to work towards the establishment, dissemination and implementation of child-sensitive legal aid and justice procedures, particularly for the most vulnerable children who have experienced sexual exploitation and other forms of sexual abuse. The DPP handbook offers guidelines on developing and adopting child-friendly and gender-responsive measures throughout the handling of child-related cases.²⁹⁷ The handbook identifies gaps, challenges, and best practices for implementing a child-friendly criminal justice system. Among other recommendations, the handbook suggests appropriate terminology, techniques for questions and courtroom modifications for facilitating child-friendly trials.²⁹⁸

Similarly, the Uganda National Working Group of the Supporting Access to Justice for Children in East Africa supported the Legal Aid Service

287 Ladira, Lucy. (2016, August 19). Judiciary launches audio-visual guidelines. The Justice Law and Order Sector.

288 Nabasitu, Daisy. (2018, September). Examining Measures Facilitating Participation of Female Child Victims in Prosecution of Sexual Abuse Cases in Uganda's Criminal Justice System. 24.

289 *Ibid.*

290 *Ibid.* 28.

291 *Ibid.* 30

292 *Ibid.* 30.

293 *Ibid.* 31.

294 *Ibid.* 31.

295 *Ibid.* 31.

296 *Ibid.* 32.

297 UNICEF Uganda. (2016, April 27). Government launches child friendly justice handbook to protect rights of children in contact with the law.

298 The Government of Uganda, UNICEF. (2016). Prosecuting Child-related Cases in Uganda: A Handbook for Uganda Directorate of Public Prosecutions. 46.

Providers Network in the development of the Child-Friendly Legal Aid in Uganda manual in the hope of catalyzing the standardization of procedures and approaches adopted by stakeholders working with children.²⁹⁹ Throughout the development of the manual, the Legal Aid Service Providers Network conducted interviews with children in contact with the law as well as over sixty stakeholders working in the child justice sector. The manual highlights the importance of bringing child justice stakeholder practices in line with international and regional standards grounded in the principle of centering the best interests of the child and core tenants of the CRC.

Access to recovery and reintegration

NGOs and CSOs represent an essential source of recovery and reintegration services for children who have been sexually exploited or abused. For example, the Rehabilitation Centre for Victims of Domestic and Sexual Violence (RECESVID) provides girls and boys with psychosocial support and other support services.³⁰⁰ RECESVID staff conduct outreach activities to identify survivors through their Community Outreach Programme and also raises awareness through local radio stations. RECESVID uses play and creative arts within their recovery and rehabilitation programmes to provide them with an outlet to tell their stories and their aspirations for the future.

UYDEL has worked for the last 15 years as a unique organization in the area of identification, rehabilitation and reintegration of victims of sexual exploitation. UYDEL currently operates in the districts of Kampala, Wakiso, Mukono, Mubende, Mityana, Gomba, Sembabule, and Bukomansimbi. Through a number of projects, UYDEL offers child victims range of support services and activities to facilitate recovery and reintegration, including temporary shelter and health care.³⁰¹ UYDEL provides child victims with individual and group counseling sessions in addition to equipping them with information and strategies on how to reduce their risk of further victimization.

UYDEL intervenes as well in rural areas. Their Determined Resilient Empowered AIDS-Free Mentored Safe (DREAMS) project, a two-year CDC-PEPAR funded initiative targeted nearly 5,000 adolescent girls and young women ages 15-24 in five Central Uganda districts engaging in and/or affected by transactional sex. The project is based on a multi-layered model that, among other aims, addresses structural drivers of girls' vulnerability, including poverty, sexual violence, gender inequality, and inadequate education.³⁰² One of the key strategies of the DREAMS project was to strengthen girls' economic capacity in order to reduce their vulnerability to sexual exploitation. To this end, UYDEL provided girls with various types of available training, including in tailoring, hairdressing, financial management, and business start-up skills.³⁰³ The majority of the girls and young women who participated in the intervention reported using their learned skills to earn income, being currently employed, and enjoying more stable employment and earning more than the comparison group.³⁰⁴ The DREAMS 2018 evaluation found that there was a significant link between girls' and young women's economic empowerment through the project and changes in their lifestyles and circumstances that enabled them to reduce their risk of sexual exploitation.³⁰⁵ Recovery and reintegration requires tailored multi-sectorial interventions (health, safety, education, psychological support, legal assistance, vocational skills, political rights, social skills).³⁰⁶ Due to UYDEL's unique programmes that include a comprehensive Afro-centric psychosocial rehabilitation intervention (counselling, livelihood skills training, business skills, motivational enhancement therapy, and cognitive behavioural therapy), over 80% of the children and young persons who entered their programmes have successfully been reintegrated in society.³⁰⁷

Through its Girls at Risk Programme, Girl Child Network Uganda also provides support services to girls who have experienced sexual exploitation and various other forms of physical and sexual abuse, as well as girls who are at risk. The Girls at Risk Program offers individual and group counseling,

299 Legal Aid Services Providers Network. (2016). Child-Friendly Legal Aid in Uganda. 5.

300 Vision Reporter. (2011, June 8). Domestic violence bounces back on men. New Vision.

301 Uganda Youth Development Link (UYDEL). (2018). Personal Communication.

302 Bukenya, Badru. (2018, February). Evaluation of Determined. Resilient. Empowered. AIDS-Free. Mentored. Safe. (D.R.E.A.M.S.) Project. Uganda Youth Development Link. 1-3.

303 *Ibid.* 7.

304 *Ibid.* 7-8.

305 *Ibid.* 10-11.

306 Review of good practices of reintegration of young girls and women (16-24) in situation of sexual exploitation in the Eastern Africa region, UYDEL and ECPAT France, February 2014

307 *Ibid.*

emergency planning, referrals, and works with girls to access health and legal services. The programme has provided these rehabilitation and support services to over 3,000 girls throughout Uganda.³⁰⁸

Access to compensation

The DPP handbook highlights that in cases where a child has been the victim of sexual and gender-based violence, victims are entitled to compensation.³⁰⁹ Section 126 of the Trial on Indictments Act details that when an individual is convicted by the High Court of any offence that appears to have resulted in the material loss or personal injury of the victim, the court maintains the discretion to order the convicted individual to pay the victim compensation, as the court deems fair and reasonable, in addition to any other lawful punishment proscribed.³¹⁰ Courts are directed to consider reparations in cases where there is physical, psychological, physiological or other injury.³¹¹

Article 10 of the 2011 Kampala Declaration on Sexual and Gender-based Violence established a fund, which among other purposes, makes compensation available for victims of sexual and gender-based violence. The fund, managed by the African Development Bank, is mandatorily funded by Member States' contributions in addition to voluntary contributions of Cooperating and Development partners.³¹² Data on how many child victims of sexual exploitation have been able to access compensation from this fund or from offenders was not able to be found for this report. The issue of victim compensation outside of formal mechanisms is complicated and often fraught in ways that often deny victims justice. In some cases, the parents or other relatives of the exploited child may negotiate with the perpetrators to agree on a certain amount of money to be paid to the victim's family and the case will end. Organizations such as RESEVID works to educate communities that this form of compensation does not support child victims and that money cannot compensate for the harms committed.³¹³

308 Girl Child Network Uganda. (2018). The Girls at Risk Program.

309 The Government of Uganda, UNICEF. (2016). Prosecuting Child-related Cases in Uganda: A Handbook for Uganda Directorate of Public Prosecutions Ibid. 86.

310 *Ibid.*

311 *Ibid.*

312 *Ibid.*

313 Walter Leitner International Human Rights Clinic, Fordham Law School. (2015, May). A Handbook for Rape and Sexual Violence Cases: Best Practices of Community-Based Paralegal Programs and Non-Governmental Organization. 52.

Child, Victims and Survivor Participation

Government agencies, international and national NGOs and civil society groups continue to make efforts to promote and support child participation on a number of key issues affecting Ugandan youth, including sexual exploitation and other forms of sexual violence and related issues. In 2017, MoGLSD published the National Child Participation Strategy, 2017/18-2021/22 in partnership with Save the Children and UNICEF. The strategy, developed within the framework of the CRC, outlines pathways for children to participate in the decisions that affect them at national and local levels.³¹⁴ Over 250 children were consulted in focus groups sessions that informed the national strategy, including refugee children, street children, orphans, children in rural communities, those in remand centres, and children with disabilities.³¹⁵ The national strategy refers to the National Plan of Action against Sexual Abuse and Exploitation of Children and recognizes the responsibility of adults to protect children from sexual exploitation and other harms as one of the nine basic principles for child participation.³¹⁶

Resources and effort are being invested in programmes and projects that promote child and youth participation in addressing SEC and SEC-related issues. Save the Children Uganda supports several youth groups that advocate for change and creative solutions on issues affecting them. In northern Uganda, a number of groups have

launched a campaign to end child marriage there. These groups are supported through Save the Children's Youth Empowerment Programme with funding from Bulgari, an Italian jewelry company. Following a series of community consultations, interviews with local leaders, schools, local NGOs, health centers, and cultural and religious leaders, these groups identified CEFM has the most urgent issue that youth in the region continue to face, followed by school dropout, unemployment, gender-based violence, and alcoholism.³¹⁷

The youth groups campaigning for the end of CEFM also compiled the briefing paper, "Let Children be Children: The Case for Ending Child Marriage in Northern Uganda".³¹⁸ In their recommendations, the youth groups emphasized the need for increased efforts towards ensuring that information about laws protecting children are translated into local languages and effectively disseminated; supporting adolescent children's school attendance; ensuring budget support for efforts aimed at ending CEFM and teenage pregnancy at national and local levels; and supporting district probation officers, local law enforcement and councils to effectively manage child abuse cases.³¹⁹ In November 2018, those groups nominated youth advocate Stelah Sandra Adyero, age 19, to deliver a speech on the importance of ending CEFM and present these recommendations to the Honourable Florence

314 Ministry of Gender, Labour and Social Development. (2017, November). National Child Participation Strategy, 2017/18-2021/22. vii.

315 *Ibid.*

316 *Ibid.* 13, 15.

317 Save the Children Uganda. (2018, November 14). *One girl every minute is at risk of child marriage in Uganda, warns Save the Children.*

318 *Ibid.*

319 *Ibid.*

Nakiwala Kiyingi, Minister of State for Youth and Children's Affairs at a youth conference in Gulu.³²⁰ The Uganda Youth and Adolescent Health Forum (UYAHF) is a youth-lead and youth serving organization addressing the health and livelihood needs of young people in Uganda, and a member of the Girls not Brides partnership.³²¹ Through its Giving Young People Voice Choice and Control Project, UYAHF provides a platform to amplify young people's voices by participating and advocating for accountability and a supportive social policy and legal environment. The project facilitates opportunities and spaces for Ugandan youth to participate in policy decision-making processes on adolescent sexual and reproductive health and gender equality, for example, through the formulation of position papers that include recommendations for actions from government ministries and other key actors.³²²

In February 2018, UYAHF hosted a two-day capacity-building workshop for sexual and reproductive health youth networks including AfriYAN Uganda, Kampala Youth Advocacy Network, Girls Not Brides, and Uganda Youth Network. Working to build on the recently growing momentum in Uganda surrounding child's rights, youth advocacy, and sexual and reproductive health rights, UYAHF trained the attending youth on SMART Advocacy, effective coordination and enhancing communication and documentation, and designing effective advocacy strategies for their networks.³²³

Performing arts and creative outlets have provided many young people with a platform to campaign against sexual exploitation, increase awareness about SEC and promote child's rights. In July 2018, UYDEL hosted a youth festival that sought to create a space for girls to "share views, knowledge and skills on how they can identify ways to prevent sexual abuse and exploitation through poems, skits, and creative dance."³²⁴ UYDEL also organizes annual club competitions to produce change ambassadors who will engage in community-level advocacy and engage in trainings to fight sexual exploitation and abuse. The overall goal of the project is to develop and strengthen an integrated response to these issues that incorporates efforts by communities, the private sector and governance structures in Kampala and the Wakiso district.³²⁵

UYDEL prioritises facilitating the voices of survivors in advocacy efforts on a range of working groups focused on SEC. For example, in a project of the RISE Learning Network in collaboration with ECPAT France, UYDEL has coordinated a research led by survivors on their experience of reintegration (to be published in 2019) that will underpin a range of advocacy efforts.³²⁶

320 Save the Children Uganda. (2018, November 26). "Together we can end child marriage."

321 Girls not Brides. (2019). Uganda Youth and Adolescent Health Forum (UYAHF).

322 Uganda Youth and Adolescent Health Forum. (2019). Projects.; Sebugwaawo, Hassan and Mwesigye, Patrick. (2018, March 8). Youth organizations showcase best practices.

323 Mwesigye, Patrick, Mwesigwa, Praise, and Njukyi, Hassan. (2018, February 25). Youth Advocates train in SMART Advocacy.

324 Nabatanzi, Violet. (2018, July 10). Youths use dance and drama to fight sexual abuse Ibid. New Vision.

325 *Ibid.*

326 Uganda Youth Development Link (UYDEL). (2019). Personal Communication.

Recommendations for Action

International and regional legislation, commitments and coordination to ending SEC

- Ensure that local bodies responsible for implementation of legislation, commitments and actions plans related to the sexual exploitation of children receive adequate funding and support to increase their capacities;
- Emphasize the need to reduce refugee children's vulnerability to sexual exploitation in requests for additional funding from international community for refugee support.

National response to SEC's manifestations

- Criminalise the act of obtaining a child for exploitation in prostitution and adopt the Sexual Offence Bill in order to address current gaps in legislation;
- Consolidate provisions on online child sexual exploitation in one piece of legislation and extend the applicability of the provisions related to child sexual abuse materials to crimes conducted through means other than computers;
- Criminalise all forms of online child sexual exploitation including live streaming of child sexual abuse and sexual extortion;
- Harmonise legislation on child, early and forced marriage removing all exceptions to the legal age of marriage in customary laws;
- Criminalise the sexual exploitation of children in travel and tourism;
- Amend extraterritoriality provisions to make them applicable to all types of offences related to sexual exploitation of children;

- Promote and fund implementation of the National Plan of Action against Sexual Abuse and Exploitation of Children;
- Mainstream monitoring and evaluation of implementation of national plan of actions and strategies related to the sexual exploitation of children;
- Translate key legislation, policies and guidelines related to the sexual exploitation of children into local languages and increase community-level dissemination, awareness and enforcement;
- Include online child sexual exploitation in the next national Violence Against Children Survey.

Access to justice and right to remedies for child victims of sexual exploitation

- Scale up trainings and workshops for professionals within the Justice, Law and Order Sector on how to facilitate children's access to justice and remedies based on the handbook launched by the Ugandan Directorate of Public Prosecutions (DPP) and UNICEF;
- Promote the realization of child victim's rights to compensation and reparations, consider supporting key strategic court cases as examples (strategic litigation);
- Identify and adopt global and regional best practices to enhance child-friendly justice processes, particularly for child witness testimonies.
- Train Local Council and Local Council Court officials in appropriate mediation strategies and to discourage use of compensation payments.

Child, Victim and Survivor Participation

- Local leadership and coordinating bodies should promote children's inclusion in the planning, implementation and evaluation stages of anti-poverty and interventions related to sexual exploitation of children;
- Ensure that children, including child victims, are included in the drafting and implementation of national plan of actions that affect children and youth.

Research needs and agenda

- Specific research should be conducted on emerging issues related to online child sexual exploitation in Uganda and effective strategies to reduce risk of this crime;
- Effective strategies to reduce children's vulnerability to sexual exploitation of children in rural and remote areas should be further researched to provide a base of promising practices to be scaled up.

Acronyms

CDC	Centres for Disease Control and Prevention
CEFM	Child Early and Forced Marriage
CFS	Child-Friendly Spaces
CRC	Convention on the Rights of the Child
CSOs	Civil Society Organizations
DPP	Directorate of Public Prosecutions
DRC	Democratic Republic of the Congo
DREAMS	Determined Resilient Empowered AIDS-Free Mentored Safe
HIV	Human Immunodeficiency Virus
JFCU	Joy for Children Uganda
JLOS	Justice, Law and Order Sector
MoGLSD	Ministry of Gender, Labour and Social Development
NITA- U	National Information Authority Uganda
NPA	National Action Plan
OCSE	Online Child Sexual Exploitation
PEPFAR	President's Emergency Plan For AIDS Relief
PTPA	Prevention of Trafficking in Persons Act
RECESVID	Rehabilitation Centre for Victims of Domestic and Sexual Violence
SCOPE	Supporting Children's Opportunities through Protection and Empowerment
SECTT	Sexual Exploitation of Children in Travel and Tourism
UCHL	Uganda Child Helpline.
UYDEL	Uganda Youth Development Link
UN	United Nations
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Emergency Fund
UNWTO	United National World Tourism Organization
UYAHF	Uganda Youth and Adolescents Health Forum



328/1 Phaya Thai Road, Ratchathewi, Bangkok, 10400 THAILAND
Tel: +662 215 3388 | Email: info@ecpat.org
Website: www.ecpat.org