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Child Prostitution in Uganda: Which Way for Intervention?

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Dedication

*To my children whose psychological development I risked to pursue a
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Abbreviations

AIDS	Acquired Immuno Deficient Syndrome
ANPPCAN	The African Network for the Prevention and Protection Against Child Abuse and Neglect
CEDAW	The Convention on the Elimination of all Forms of Discrimination Against Women
DCCP	Department of Child Care and Protection
ECPAT	End Child Prostitution in Asian Tourism
FIDA	Association of Women Lawyers
FOCA	Friends for Children Association
FPU	Family Protection Unit
HAR	Hope After Rape
HIV	Human Immuno Virus
HPI	Human Poverty Index
ILO	International Labour Organization
IPEC	International Programme on the Elimination of Child Labour
LC	Local Council or Local Committee
NCC	The National Council for Children
NGO	Non Governmental Organization
NPA	National Plan of Action for Children
RHECI	Reproductive Health Care Initiatives
SAP	Slum Aid Project
STD	Sexually Transmitted Diseases
UCRNN	Uganda Child Rights NGO Network
UPE	Universal Primary Education
UNCRC	UN Convention on the Rights of the Child
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
UNPAC	Uganda National Programme for Action for Children

1.0 Chapter one: Introduction

1.1 Introduction and Justification

Child prostitution is just beginning to be addressed in Uganda. It was not directly addressed in 1990, when Uganda decided to amend the laws pertaining to sexual abuse with the view of making the punishment for such crimes more stringent in the hope that it would reduce the commission of such offences. This oversight was probably because the magnitude of the problem was unclear. However, increasing incidences of child prostitution are being reported in the Ugandan press and by other sources on sexual abuse and child labour. This cannot help but have serious effects on the development of these children. Furthermore, these reports also point out that not only is child prostitution affecting the girl child (as originally was the case) but male children too are increasingly involved.

Sexual exploitation of children (both boys and girls) includes child prostitution, defilement, pornography, incest, trafficking, abduction and debt bondage. Girl children may also be subject to forced early marriage, while the practice in some Muslim communities of marrying adopted children is becoming common (Ministry of Labour, 1998, Uganda Law Reform Commission, 1998, Slum Aid Project, 1996 and the STD/AIDS Control Programme, 1999). Of the forms of sexual exploitation of children, child prostitution is one of those that have been considered by the International Labour Organization as the “worst forms of child labour”.

The exact number of children in prostitution in Uganda is not known but there is a significant number. This is unsurprising, since even in the case of child labour more generally, it is very difficult to know the exact number of children who are at the greatest risk of being involved. Even the Ministry of Labour admits that there are little or no data on working children, and that:

[t]he abuse of child labour depends in part, on the invisibility of the victims because employers often enclose their working children in isolation, as is the case with house-girls and commercial sex workers (Ministry of Labour, 1998:28).

Investigations have shown that child prostitution has reached lamentable proportions in Uganda. Reports by the Ministry of Labour and of a workshop held in Mukono have documented the existence of child prostitution (Ministry of Labour, 1998). The press has also reported the existence of male prostitutes among whom are children (The Monitor, 10 September 2000). According to a study by the Ministry of Health, 31.5% of Kampala sex workers are aged between 15-19 years (STD/AIDS Control Programme, 1999:20).

Unfortunately, society is often interested in big numbers and what is clearly visible, such as street children. Where numbers are not known or few are involved and the practice is less visible (i.e. prostitution, which is done in secret), the issues tend to be swept under the carpet. This is especially worrying because child prostitution is considered to be one of the worst forms of child labour, and one that the country agrees should be eliminated. This makes it imperative that Uganda directly addresses the problem of child prostitution, since children's well-being is important to ensure sustainable development for Uganda.

Studies have shown that sexual exploitation of girl children may result in unwanted pregnancies or unwanted children who cannot be maintained by their "child mothers" for economic and social reasons in addition to not wanting to be identified with the children. Other consequences include abortion, forced marriage, damage of the reproductive system and sexually transmitted infections, including HIV/AIDS. Some of these consequences are fatal (Law Reform Commission, 1998: 106 –107). Those that are not may still lead to trauma, psychological disorder, change in the child's morals, and sexual disorientation, isolation by the community, separation from family and dropping out of school. The above consequently affect children's health, education, dignity and all other factors related to their wellbeing. This is an infringement on their rights, which consequently affects their level of productivity as future human resource for the country.

The government of Uganda has taken a number of steps to protect its children. Because Uganda has committed itself to protecting the rights of children by ratifying the UNCRC, it has the duty to ensure that to the best of its ability the rights of the children are protected.

Uganda has acted upon this commitment by putting in place laws to protect and ensure children's rights. In addition, there are a number of institutions and interventions meant to protect children from all forms of exploitation and to secure protection of their rights. A number of non- governmental organisations operating in Uganda provide support in the area of childcare and protection.

Uganda has also adopted the 1989 Plan of Action of the World Summit for Children and followed this up with a number of developments meant to impact on the situation and well-being of children. For example, Uganda has made more stringent the punishment for sexual offences against children (Penal Code Amendment, 1990). Employment of children in exploitative and hazardous work is also prohibited, both in the Constitution and in the Children Statute (which governs issues concerning children, especially as required by the UNCRC, and provides for, among other things, care, protection, maintenance and local authority support of children). The Department of Child-Care and Protection in the Ministry of Gender, Labour and Social Development has the mandate to look after/promote the welfare of the most vulnerable children in particular, and other children in general. In these ways, Uganda has shown that it is indeed committed to the international instruments on children that it ratified.

However, even with all the commitment shown, the problem of child prostitution persists. This implies that the law alone is not an adequate avenue to address the problem of child prostitution. The persistence of child prostitution also suggests that the other interventions are as yet inadequate to address this problem. More needs to be done in order to work out the best ways to get sexually exploited children out of the situation.

This paper examines why, despite the interventions, child prostitution in Uganda persists, and in the process questions how far Uganda's commitment really goes. A look at the assumptions that form the basis for these interventions is useful to understand their relevance and practicality in relation to the forms and causes of child prostitution. It aims at providing

input for policy-making concerning child prostitution as one of the most intolerable forms of child labour.

1.2 Objectives

The general objective of this study is to contribute to a better understanding of the problem of child prostitution in Uganda by investigating the forms and causes of child prostitution and the legal and non-legal approaches to interventions and the underlying assumptions of these interventions. It examines how realistic and relevant these approaches are through analysis of the underlying assumptions in relation to the root causes of the phenomenon. Where necessary and possible it suggests more relevant, realistic and practical approaches to prevent and combat the problem, and to rescue and rehabilitate children involved.

Four specific objectives guide the study. These are:

- to analyze the forms and causes of child prostitution in Uganda;
- to examine the national legal framework on child prostitution and its consistency with international and regional legal instruments such as the Convention on the Rights of the Child, the ILO Convention 182, the Convention on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, and the Convention on the Elimination of all Forms of Discrimination Against Women;
- to examine the existing attempts at intervention in the area of child prostitution by government and non-government agencies, and what assumptions about child prostitution underly these interventions. Consideration will be taken of the gender differentials in the approach of these interventions.
- on the basis of the above, to suggest more relevant, realistic and practical approaches to the problem.

1.3 Research questions and hypotheses

The main research questions addressed by the study are:

- What are the forms and causes of child prostitution in Uganda?

- What attempts at intervention in the area of child prostitution are government and non-government agencies making?
- What is the legal framework for matters concerning child prostitution?
- How do law enforcement agencies handle child prostitution?
- What rescue, rehabilitation and prevention activities exist and what is their mode of operation?
- What assumptions underly these interventions?
- Why has child prostitution prevailed despite the interventions?

The study will be guided by the following hypotheses:

- Child prostitution takes many different forms, and has many different causes.
- The legal framework is inadequate as a basis for the protection of children from involvement in prostitution and sexual exploitation, and hazardous labor inconsistent with the Convention of the Rights of the Child Article 34 and 32, and ILO Convention 182.
- Many existing interventions are based on inaccurate assumptions about the forms and causes of child prostitution, including the differentiated nature of the problem.

1.4 Research methodology and sources

The study analyses the forms and causes of child prostitution in Uganda by studying reports on prostitution, sexual abuse and child labour. An analysis of the legal framework is done comparing the consistency of the National legislation and International instruments such as the UNCRC, the ILO Convention 182 of 1999 and CEDAW. Implementation of the law at the national level has also been studied. The study also analyses existing social, economic, psychological and/or other interventions put in place by government or non-governmental agencies. These assumptions are mainly deduced from the approaches applied by the interventions. The study is based on secondary data from records, working documents, newspaper articles and other publications, official and private reports and electronic media. Use of primary data is limited due to lack of time and resources.

Documents used are mainly reports by government institutions, NGOs and workshop reports. The predominant use of grey materials is due to lack of published materials from Uganda on the subject. Some published general documents were used, some of which contain socio-economic indicators on Uganda and on prostitution/sexual exploitation of children in other countries.

1.5 Scope and limitations of the study

The study focuses on child prostitution in Uganda and interventions to combat the problem. It should be noted here that a child is a social construct and that the definition of a child varies from society to society, based on for example gender or age. In many African societies childhood is considered to cease the moment certain rituals are performed on, or by the person in question, e.g. circumcision, female genital mutilation or marriage. In some societies, a girl ceases to be a child as soon she starts menstruating. In Uganda, legally, a child is any person below the age of eighteen years but one can enter employment at the age of sixteen years (Children Statute, 1996). This study adopts the age limit of eighteen years, which in Uganda is also the legal age of consent to sexual intercourse.

The study has looked into the approaches by the following government institutions; the National Council for children, the Ministry of Gender, Labour and Social Services and the Family protection Unit (FPU) of the Police. UNICEF an international governmental organization has also been studied. Non-governmental agencies that have been studied are, Save the Children Fund (UK), African Network for Prevention and Protection against Child Abuse and Neglect (ANPPCAN), Uganda Child Rights NGO Network (UCRNN), Association of Women Lawyers (FIDA), Slum Aid Project, Reproductive Health Care Initiatives (RHECI), Friends of Children (FOCA) and Hope After Rape.

Limitations of the study included among others the inadequacy of data on the subject. There is serious shortage of information and research on child prostitution in Uganda. This may be because it is a sensitive subject. Considering that in the African context sexual matters are

not discussed publicly, it is considered taboo. In addition, prostitution in Uganda is illegal. Therefore prostitutes do not easily confide in researchers because they are suspected of spying for the police, and the prostitutes have to keep the secrets of their trade which researchers can publicise. The little existing information available is not specifically on children. In most cases, if at all, children's issues were addressed together with those of adults.

A comprehensive analysis of interventions for children requires that the voices of the children be heard, as provided by the UNCRC, on "child participation (Article 12 (1) and (2)). That should have been the case in this study. Unfortunately, this was not possible due to the absence of records or accounts of such voices, and to limits to financial and time resources available for this study.

1.6 Uganda's background

A description of Uganda's social economic environment and history facilitates understanding and appreciation of the findings on child prostitution.

History

Uganda became independent of British colonial rule in 1962. Between Uganda's independence in 1962 and 1986, national leadership changed seven times. Most of the changes in leadership were through violence. This, in addition to loss of life has had a negative impact on Uganda's economy. Since President Museveni took over leadership in 1986, there has been no change of leadership though there was a presidential election in 1996. The President introduced a new form of democracy in Uganda, which has devolved political power to the communities (Ministry of Finance and Economic Planning, 1995:2, National Council for Children, 1994:9).

Government structure

Uganda's 45 districts are further divided into counties, sub-counties, parishes and villages. The political system is decentralized into Local Councils and Committees (LCs). There are

five levels of locally elected representatives; the lowest level being the village while the highest is the district. One member of the LC at all levels is responsible for children's affairs. This person is known as the Secretary for Children's Affairs (National Council for Children, 1994:8)

Economy

Most Ugandans are cultivators. Farming is labour intensive, with women providing 60- 80% of the labour for cash crops sold in local markets and food crops for home consumption (Topouzis in National Council for Children, 1994:11). Agriculture and agriculturally related activities and domestic work are the main forms of employment open to women, adolescents and children. The impact of structural adjustment on jobs, particularly retrenchment and termination of employment for civil servants has been associated with many hardships and even increased crime (National Council for Children, 1994:11).

Poverty

Most Ugandan households suffer from poverty. Between 1989-1993, national data showed that 55% of Ugandan households were poor, spending less than US 24 per month (Ministry of Planning and Economic Development, 1995:68). Poverty levels in Uganda vary between rural and urban areas with 57% of the rural population known to be absolutely poor and 38% of the urban population. These cannot afford enough to eat. According to the Human Development Report, 39.3% of Ugandans as measured by the Human Poverty Index (HPI) are human poor. Human poverty focuses on deprivation (UNDP, 1998: 17). Drought, poor soils, insecurity, AIDS and low levels of education contribute to such poverty. Household poverty can also be a result of loss of means of raising income such as displacement, retrenchment and demobilization. It can also come due to excess demand for meager resources as in large families with many children in school and polygamous unions. Lack of access to land, whether because of gender inequities in property rights, land fragmentation through inheritance or high population density that causes land scarcity can also cause poverty. Illiteracy, wars, cost sharing also cause poverty. Lack of income creates economic dependency on handouts, borrowing or begging from the extended family, donors and others.

Society

By the time of the population census in 1991, the majority of the population, 88.7 percent, lived in rural areas while 12.30% lived in urban. The growth rate in the rural areas has been decreasing since 1969 while the urban population growth rate has been increasing. The rural population grew by 2.6% between 1969-1980 and 2.1% during the period 1980 to 1991. The urban population on the other hand grew at an increasing rate from 3.8% in 1969-80 and to 6.4% during the period 1980 to 1991 (Ministry of Finance and Economic Planning, 1995:41). The high growth is mainly due to rural-urban migration.

Much as Uganda government has been applauded for its gender responsiveness, men are still considered heads of households in a majority of families. Male dominance and lack of voice of women characterize decision-making in many families for women, adolescents and children. They participate in generating income but have no say in use. This coupled with the fact that women and girls neither inherit or own land results in their lack of access to credit (National Council for Children, 1994: 115). Most women and girls have user rights to land but do not own it except some few who buy land and only if it is not grabbed.

Most societies in Uganda cherish the extended families based on the clan system (Ministry of Finance and Economic Planning, 1995:9). This goes with mutual obligations such as parents bringing up children in the extended family and children supporting their parents in old age and providing labour. While the extended family may live together, the term also encompasses those relatives who live in different geographic locations but maintain close emotional ties, contribute economic support and visit frequently. Children are largely valued because they help build the clan. Children often go to stay with aunts and uncles or grandparents. They belong to the clan and sharing and fostering children strengthens the kinship ties. If parents die, relatives take in children. They also sometimes go to live with relatives near a good school to get better education (National Council for Children, 1994: 117).

However, stresses such as large scale dislocations during calamities such as war, insurgency, cattle raids, droughts or famines put pressure on the family system leading to bad or inadequate parenting. This often leads to lack of support for basic needs of children, including not only food and shelter but also love, nurturing and protection (National Council for Children, 1994:117).

Approximately one out of every nine Ugandan children is an orphan. AIDS plays a big role in the number of orphans. Traditional patterns of orphan care through kinship and child fostering are being stretched and sometimes over-stretched by these numbers. Increasingly, much as the extended families try, they are having difficulty in coping with the financial and nutritional demands of care of orphans (National Council for Children 1994:137). In consequence, when one or both parents are missing or dead, their remaining children are less likely to receive the same quality of care as a child who is living with both biological parents (Muyinda and Barton in National Council for Children 1994:137).

Nearly 80% of those infected with HIV are in the economically productive and reproductive age that is between 15 and 45 years. This means the serious loss of breadwinners and parents in families (STD/AIDS Control Programme, 1993 in National Council for Children, 1994: 11). Children are left on their own. By the time of the Population Census of 1991, 29% of households were female headed. The number of single female parents was higher than that of male single parents. Due to loss of labour and income of one adult spouse, the economic standing of the households declined. Because women in Uganda have less education, fewer legal rights and less access to support services, female headed households can become entrenched in poverty (Topouzis, 1994 in National Council for Children, 1994:117).

Security

Violence and misfortune hit Uganda from the mid-1960s for two decades. From 1986 onwards, large scale cattle raiding has continued to plague the North and Northeast while rebel activities persist in the northern and western parts of the country. War and cattle raids affect children's education and thus their economic standing. They also cause death,

displacement, famine and poverty. A number of children have been abducted due to such wars (National Council for Children 1994:8).

Social services

By 1986, educational, health and other infrastructure were in ruins, often pillaged, sometimes destroyed and generally neglected. Resources are not distributed equally between geographical areas in Uganda. There are fewer health facilities in the rural areas than urban. Worse still, the facilities in the rural areas have fewer staff and of lower cadres. These facilities are expected to treat simple cases and refer serious cases to hospitals mainly based in urban areas. However, in practice referrals are problematic because of lack of ambulances. Also due to poor road networks, private transport is rare and expensive and therefore unaffordable for most of the people living in the rural areas (National Council for Children, 1994:98).

The quality of education in Uganda is affected by a widespread lack of trained teachers. By 1992 the percentage of untrained teachers was 49%. Most trained teachers leave teaching for better paying jobs. The curriculum is considered inappropriate, and inadequately supported by teaching materials. School facilities ran down due to armed conflict, poor construction and lack of maintenance. There is also a rural/urban imbalance; the majority of teachers are found in the urban and peri-urban schools (National Council for Children 1994:79).

Access to education is affected by high educational costs and household poverty; gender inequities; low literacy among parents that is associated with low perceived value for education; and poor distribution of schools. Students live far from schools. Insecurity also disrupts education by displacing families, causing poverty and frightening teachers.

Children, especially girls, are expected to do domestic work that is sometimes too much to let them study after school. This sometimes prevents them from attending school. Brewing and selling of alcohol is mainly an activity by girls though to a certain extent boys do it too. Children who sell alcohol don't go to school and learn drinking early (National Council for

Children, 1994:133). Fishing and animal grazing interferes most with boy's education, and often result in poor performance (National Council for Children, 1994:81).

Gender

The proportion of girls in school at all levels is lower than that of boys. Parents tend to assign girls more domestic work. In case of little money, boys' fees are paid before girls'. Most females leave school due to lack of fees. Girls are sometimes forced into early marriage. Pregnancy usually results in school drop out, as they are not allowed to enroll in the same school after delivery. 15% of those who left school after starting secondary education did so due to pregnancy (Ministry of Finance and Economic Planning, 1995:24). About 67% of girls have had one pregnancy by the age of 18. The community looks at pregnant girls as an insult, yet boys who have impregnated them are praised. Some of these girls end up marrying through force. Others stay with relatives because their parents reject them (National Council for Children, 1994:117).

It is upon this background that child prostitution in Uganda is examined. Uganda's children who grow up in such environments may be vulnerable to sexual exploitation.

2.0 Chapter Two: Theoretical Framework

In order to conceptualize child prostitution, some theories and terms used are explained in this section. Concepts defined include: child prostitution, child labour, exploitation and power. These, in addition to other concepts such as gender, children's agency and participation are further looked into from the perspective of theoretical approaches. Theoretical key solutions to the problem of child prostitution are also addressed.

2.1 Key Concepts

There are many reasons why a child might engage in child labour, and there are many circumstances through which the conditions under which they work could become exploitative. Some of these conditions are more likely than others to create a demand for child prostitution, and to drag children into it. To begin to understand the dynamics of these situations, one needs to understand the agents and forces involved: the child, the nature of prostitution, child labour, exploitation, and power.

Child

Childhood can be defined in several ways. One way is on the basis of some series of biological and psychological attributes (see Boyden 1990:184). Another definition is based on models of "middle-class children who do go to school, play, live in increasing private families and are assumed to be helpless and not able to carry out adult tasks" (Ennew 1994:11). A third is to define the difference between adult and child on the basis of the social and cultural diversity in which they live. Definitions based on the middle-class child (which are often used as the basis for international legislation; see Ennew, 1994:11) -- are problematic because they ignore the needs of other, more vulnerable groups of children. Such definitions are based on an idealized global/western model that ignores local and cultural contexts that determine the period and the nature of childhood. Taking Britain and Peru as examples:

in the former it is illegal to leave infants and small children in charge of juveniles under the age of 14 years. In the latter, on the other hand, the national census records

a significant group of 6 to 14 year olds who are heads of households and as such are the principal bread winners in the family, sometimes the sole person in charge of care of younger siblings. (Boyden, 1985 cited in Boyden, 1990:198)

In Uganda there are varying perceptions of childhood that arise out of cultural and religious practices. Among some tribal groups, one is considered to be an adult after undergoing the cultural practices of circumcision, female genital mutilation or marriage. In others, the beginning of menstruation marks the end of childhood. Social perception of children and the age of employment cause parents/guardians or other people to recruit children into the sex trade with the view that they are old enough to provide income for the family in any form of labour. None of these definitions of the end of childhood are considered valid by all groups in the nation, and all can occur before the legal age of adulthood, which is 18 years.

Prostitution

Prostitution has always been attached to some form of gain, especially economic. It is defined as the act of receiving rewards in exchange for provision of sexual pleasures.

It involves a contract worked out on market principles, for finite agreed sexual acts, whether the bargain is sealed in cash or kind. It involves a buyer and a seller and thus reduces the complex individual mix of identity and sexuality to a commodity” (Ennew, 1986: 65).

Prostitution is also referred to as the institution of controlling or using an individual's sexuality for profit or gain, which is a more acceptable definition regarding child prostitution. However, since children, in most cases do not consent to prostitution, or when they consent it is out of persuasion or duress, the above definitions of child prostitution are not entirely fitting.

A more adequate definition of child prostitution is that by the Optional Protocol to the Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography. It is “the use of a child in sexual activities for remuneration or any other form of consideration” (Art.2 (b)). The definition brings out the fact that children in prostitution are not criminals/deviants but are exploited by adults.

Child Labour

There are a number of views on child labour that usually exclude “child work” done by children in the home towards the welfare of the family. Child labour is sometimes regarded as paid or unpaid work outside the home performed by children under the age of 15 or 16 years. It is also sometimes referred to as paid work by very young children working for too long (12-16) hours a day, work for little pay, work in hazardous conditions and work under slave-like arrangements in manufacturing industries (for all views referred to, see Boyden et al, 1998:243). This view is linked to the western industrialised countries and considers work in the home to be desirable and non-exploitative and therefore as “child work” but not “child labour”. This however is faulty because some forms of work in the home take long hours, are not paid, may be harmful to children’s development and sometimes deny them a chance to education.

Another view of child labour refers to those forms of work which impede the healthy physical, mental or emotional development of children or which interfere with their education. This view implies that not only paid work in manufacturing industries can be detrimental to children’s development but also other forms of work, for example in the home. Because of the conflicting views, the ILO adopted a more specific stance to child labour in the ILO Convention 182 of 1999, the Convention on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

The Convention bans four categories of child labour that no government should be willing to tolerate. These are modern slavery, debt bondage and similar practices, including forced or compulsory recruitment of children for use in armed conflict; sex work including pornography and prostitution, illicit activities, in particular drug trafficking; and any other work that by its nature is likely to harm the health, safety and morals of children (Art.3). The Convention defines the child as any person below the age of eighteen years (Art.2). It is upon this background that prostitution is a form of child labour, and it is exploitative.

Exploitation

Exploitation is a term most frequently applied to relations between people or groups of people in which one group or individual is structurally in a position enabling them to take advantage of others. Exploitation always has some connotation of unfairness (Outhwaite, 1998:218-219). In this context, sexual exploitation of children is an unfair sexual relationship between an adult and a child.

Any act committed by an adult designed to stimulate a child sexually or any act in which the child is used for sexual stimulation of an adult – either the perpetrator or another adult (Swift, 1978 in Ennew, 1986:41) is sexual exploitation.

Adults are in a position to take advantage over children because of age, wealth, patriarchy and gender, which create unequal power relations. Adults do not only take advantage of children for remuneration that arises out of children's sexual activity but also because children do not have the power to demand higher pay for sexual services offered. It is therefore to the economic advantage of the adult to hire a child prostitute rather than an adult one. Exploitation also arises out of the desire for a young girl's virginity, which is cherished, and out of the fear of HIV/AIDS, which to many is easily contracted through sexual relations with adults. While trying to protect themselves from HIV/AIDS, such adults do not take into consideration the possibility of them infecting the children they sexually relate with. On the other hand, children (because of age, gender and other vulnerabilities) do not have the power to resist adult sexual advances.

Power

Power is securing compliance from others by means of violence, force, manipulation, authority or persuasion. Sexual exploitation of children may involve the violent use of force as in abduction and trafficking or manipulation and persuasion by people in authority over, or in control of the child. Power may also arise out of the dominating position of adults over children or male over female, while control over resources too gives adults power over children. Parents/guardians, have authority over children that give them power to enforce rules and influence children's lives. Employers, pimps and intermediaries for child prostitutes wield power over children since the children need paid work and therefore adhere

to their demands. However, power is not unlimited. For example, an employer can exploit a child as long as the child stays in that employment.

2.2 Theoretical Approaches

Child labour in general and prostitution in particular by many has been blamed on poverty.

Such poverty has mainly been blamed on overpopulation resulting in pressure on land.

Poverty may arise as a result of pressure on land forcing parents or whole families to migrate in search of paid work in urban centres or other countries. In order to live in a fairly "acceptable" life, every member of the household has to make a contribution to meet the needs of food, shelter and other necessities of life. Due to lack of skills they get employed in a semi-organised work place or street which involves a partial or complete separation from family supervision and guidance, and an end to conditions of "work" which previously kept most children away from hazard, abuse, exploitation and inappropriate influences (Black, 1995:4).

The above argument is linked to the Malthusian thinking that population pressure in developing countries causes pressure on land resulting in poverty. However, poverty is not necessarily caused by pressure on land. Poverty may also be in the context of lack of income or assets to generate income, physical weakness, mal-nutrition, sickness and disability, physical or social isolation due to peripheral location or access to goods and services or ignorance and illiteracy. And yet due to inadequate education, which in a family may be passed from one generation to another, there is lack of skills to get into meaningful employment (National Council for Children, 1994:167). Structural adjustment policies take part of the blame. Civil service reforms have led to people being laid off from jobs thus losing their source of livelihood. On the other hand costs of social services have to be partly met by individuals causing more strain to family income (National Council for Children, 1994:91). Survival strategies of families, as well as children themselves in such situations include child labour, even prostitution.

Other factors, such as poor soils and poor climatic situations, do cause poverty and children's vulnerability to sexual exploitation. The poor do not have as much power as the rich regarding control of resources. Consequently they often occupy less productive areas.

Coupled with archaic tools for production increases their poverty. The majority of poor people live in rural areas. It is also in these rural areas where fewer social services are located. There are fewer hospitals and education facilities compared to the number of people who use them and in relation to the distances they have to travel to get to these services. The roads are no better and communication including transport is unreliable. In an attempt to find a better way of life, some rural populations migrate to the urban areas with the hope of getting employment. Unskilled jobs are hard to get or may not provide enough income hence children are pushed into providing for the family making them vulnerable to sexual exploitation. Others send their children to urban areas to live with and work for relatives or friends. Such children too may end up being sexually exploited. However, it is important to note that not all poor people become prostitutes and not all prostitutes are poor. This therefore implies that poverty alone does not provide an adequate explanation for prostitution. Other factors other than poverty do influence children's entry into the sex trade.

Power is the major driving force behind child prostitution. Adults have power over children as care takers or as controllers of resources. Decisions regarding consumption and production patterns in a household may determine whether or not a child will get into prostitution. Power over children may also arise due to a protective relationship between children and adults such as pimps, security agents or adults who are able to find them customers. On the other hand, because adults can provide employment to children this gives them power and control over children.

Sexual exploitation is one form of exploitation among others, taking place in the schemata of power relationships along with those in the labor market, in the family, in education and politics as well as many others (Ennew, 1986: 1).

It is because of the unequal power relations involved that child prostitution is exploitation. Child prostitution usually constitutes a form of coercion and violence against children, and amounts to forced labour and a contemporary form of slavery. It is tantamount to exploitation and victimisation of the child because it undermines the child's development. Of course not all child prostitutes, especially teenagers, have been forced. Some surveys (Gray et al, 1996) have revealed that, while there is a high degree of coercion involved in the commercial sexual exploitation of girls, prostitution involving boys rarely tends to be

coercive. Girls are sold and trafficked, incarcerated in brothels, raped, deceived and abused. Boys involved in commercial sex, especially those in sex tourism, are more likely to do so out of persuasion and need, or through peer pressure, and the links with clients are more casually made (e.g. on streets, beaches or in bars). The majority of children, however, do not voluntarily enter into prostitution. Persuasion or deception from adults, threats, and exploitation by adults seeking advantage from children gets them involved in it.

It is often assumed that children cannot get into prostitution while living under the care of their parents unless such children are deviants. It is also assumed that only strangers can force children to get into prostitution, especially by taking them and hiding them away from their families. As Ennew, (1986: 66) put it,

Stereotypes of child prostitutes usually conform to an idea of precocity and seduction, in which unbridled child sexuality acts to corrupt an adult. Or it can assume the image of chattel slavery, in which traffic in children steals them away from parents and keeps them in chains to cater for uncontrolled adult sexuality.

However, the child's family may not necessarily be a safe haven for children. The Ministry of Labour - Uganda (1998:28 and 42) revealed that children are sent into the trade by their parents too. This is mainly due to paternalism, an attitude and set of practices that suggest provident fostering care for ones subordinates. It results in meddling in the lives of the subordinates and alludes to gross inequalities in access to and exercise of power (Marshall, 1998:483). Parents/ guardians because of their position over children assume knowledge of children's needs and knowledge of how best these needs can be met. This may be through encouraging them to get into prostitution or other forms of child labour that expose them to sexual exploitation. Because of the power they wield over children, the children can only comply. Sexual exploitation of children is therefore both by strangers and parents/ guardians.

Gender, class, age and race play important power roles in prostitution by children. Just as children find it difficult to say no to adults, girls may find it more difficult to say no to adult men, while it may even be more difficult for a black child to say no to a white adult.

Likewise class differences probably provide the basis of the most insidious forms of

manipulation at all ages. In all the above situations, the girl child is always in a more vulnerable position. The girl child is more vulnerable than the boy is because of the gender inequalities in society.

Gender relations are social relations, referring to the ways in which the social categories of men and women, male and female, relate over the whole range of social organisation, not just to interactions between individual men and women in the sphere of personal relationship, or in terms of biological reproduction. In all aspects of social activity, including access to resources for production, rewards or remuneration for work, distribution of consumption, income or goods, exercise of authority, power, and participation in cultural and religious activity, gender is important in establishing people's behaviour and the outcome of any social interaction (Pearson, 1992:292).

The way relationships are organised in a society determines who has more access to the above aspects of social activity. In many societies the female gender is deprived from access to resources for production, is less rewarded for work, and has little say concerning the distribution of consumption, income or goods, exercise of authority and power, and participation in cultural and religious activity.

Neera (1995:28) points out that, "the price of girlhood is vulnerability". Right from childhood, girls are trained to be mothers. They should be responsible, hardworking and serving the household and its male. They are trained to be meek submissive and dependent on the male. From childhood, society imparts knowledge on the girl to accept a lower status, by eating less and sometimes last and having less education.

This female personality subversion and dependence on the male identity accounts for the sense of powerlessness among girls even more so than among women. "It affects their self esteem, self-awareness and life options" (Neera, 1995:17).

This in turn makes girls more vulnerable to sexual exploitation than boys who are trained to be independent, competent, objective assertive and self-confident. Boys are trained for leadership while girls are trained for subordination.

A girl's socialisation is geared towards making her materially worthy for the marriage market. However, with recent developments where bride price is reducing, probably due to poverty and little attachment to the institution of marriage, girls can easily be lured into

prostitution since they are trained to meet emotional needs of men. This has much to do with their sexuality.

Children are often taken to be “innocent”, “pure” and sometimes referred to as little angels. This signifies the idea of femininity and childhood where there is defence against the advances in the awareness of the sexual life of children. However, children’s sexuality is acknowledged by separating the sexes in schools and preventing practices such as masturbation. According to Ennew, (1986:15), such actions are statements that it is a public problem and the rationale for the development of innumerable institutions and discursive practices. It is a system of controlling children’s sexuality by attempting to keep them ignorant or portraying their innocence in an attempt to keep away adults from sexually exploiting them. However, children do have knowledge of sexual activity and where this is demonstrated by the child, then the child is considered deviant. It is important to note that the exclusion of children from knowledge of sex and lack of power makes them vulnerable to adult sexual exploitation. Because children know what the sexual act involves and yet lack adequate knowledge of the consequences, adults who exploit them sexually easily manipulate them. “The combination of innocence and powerlessness makes both boys and girls sexy” (Ennew, 1994:51).

According to the theory of interpretative innovation, children create and participate in their own unique peer cultures by creatively taking part or appropriating information from the adult world to address their own peer concerns. Children do not simply internalise society and culture, but are actively contributing to cultural production and change. Children, by their very participation in society, are also constrained by the existing social structure and by societal reproduction. The societies and cultures of which they are members therefore affect children and their childhood. These societies and cultures have in turn been shaped by and affected by processes of historical change (Corsaro, 1997:18). Children are able to form their own views from society’s actions. Their ability to form views, however, depends on their evolving capacities where an older child may use his/her agency more than a younger one. Because they have knowledge of sexual activity, and for the benefits that may arise from it

and the extent to which they are able to internalise and use such knowledge, children may participate in prostitution even though the act is still exploitative. The children's own knowledge, peer group influence and circumstances such as need, in some cases drive children into such actions. An older child in need may enter the sex trade knowing that it is a survival strategy though not acceptable by society. Younger children may join the trade because others are doing it or because they have been told it is beneficial. And yet it is exploitative because the children do not have informed knowledge on the consequences of their actions.

On the other hand, children who are coerced into prostitution do use their agency to resist it though sometimes unsuccessfully. Some fight back while others run away from the person exploiting them. Because of their agency, they are also able to leave forms of employment they consider exploitative or less paying and go into another including prostitution. It should also be noted here that children's employment choices are limited because of the policy of non-employment of children. Children do make decisions concerning their lives but not all decisions made by children are good for them.

2.3 Theoretical keys to solutions to the problem

The law provides power, a structure and a framework on which society works and seeks to protect children. Law can be both an instrument of change as well as an instrument of oppression. Legislation on sexual offences is intended to protect children from sexual abuse, as is the case with the law on defilement. Children are deemed incapable of consenting to sexual intercourse. Persons who sexually abuse children are liable to punishment as a deterrent to such practice. On the other hand, legislation on prostitution in Uganda provides for punishment of the person who lives on the proceeds of prostitution. According to the Children Statute (Statute 6 1996) children are responsible for their crimes at the age of twelve. Therefore child prostitutes of twelve years and above could be liable to punishment for their actions. It is thus quite probable that the same law that is intended to protect children may be used to oppress them as well.

Prostitution in Uganda for a long time has been defined as a female domain based on the assumption that it is women who provide sexual pleasures to men and that it is tagged to economic need of women. Approaches to the problem have mostly been based on this assumption. Most policies focus on normative and prescriptive versions of female and male relationships. This makes it essential to understand the nature of prostitution and the assumptions interventions to combat the problem use. Without focusing on social relations that produce and perpetuate this situation, it will be difficult to adequately address this problem. For example, a female child is disadvantaged on two fronts, as a child and as a girl. Girls are victimised on account of their gender. Such victimisation is more often than not unintended but a result of socialisation. Discrimination may not be consciously practised but comes as a result of socialisation and culture.

Custom, law and practice continue to perpetuate girls' inequality making girls a lesser presence in theory and practice of childhood. Often in the same country, a girl is considered a minor on the basis of one law but adult according to another. The confusion is compounded by different age limits in each piece of legislation (Neera, 1995:1-2).

The Convention on the Rights of the Child provides, as one of the general guiding principles, equality and non-discrimination of children. Because of culture and socialisation, some provisions in laws and method of implementation are discriminative. For example where prostitution is considered women's domain, and in case of arrest, the girl child is easily picked in contrast to a boy child prostitute. The discrimination is even worse because the child prostitute is considered a criminal while the adult client is left free. While laws should be consistent to the UNCRC, consideration should be taken of other human rights instruments whose provisions give more strength to the Convention on the Rights of the Child. Some of these do address gender issues directly, such as the Convention on the Elimination of all Forms of Discrimination against Women.

Another guiding principle that should be applied in all matters concerning children is "the best interest of the child". In most cases issues are acted upon from the adult's perspective of the child's best interest. Decision-makers and authorities substitute their decisions for the child's provided they are based on considerations of the best interest of the child. In many

cases it is assumed that children cannot decide what is in their best interest. Neera (1995:vii) says, “childhood is politically mute, a veil of action that needs to be lifted if corrective action is to occur”. However, at different stages in their lives, children require different degrees of protection, provision, prevention and participation, depending on their evolving capacities. The best interest of the child should be considered together with evolving capacities of the child. In all issues that concern them, children should always participate, in which case children would be given the opportunity to exercise their rights as required by the Convention.

Participation implies joint ownership of a decision-making process and the active involvement of all parties. Many children have demonstrated their ability to take part in decision-making processes by taking responsibility for themselves and others, and contributing usefully to family and community life. This is demonstrated by the fact that some children are heads of households and others provide support to both their parents and siblings. For children to participate in decisions that affect them, the benefits can be far reaching for them and the society as a whole. Programmes intended to prevent and combat child prostitution, and to rescue and rehabilitate children should tap the involvement of children. The approach of such interventions therefore should be child focused. However, this does not necessarily mean that the child’s wishes will be final, but that they should be taken seriously.

The child-focused approach is a major aspect of moving beyond children’s needs and addressing children’s rights and the structural issues that lead to child prostitution. Child prostitution tends to have multiple causes therefore requires multiple approaches to address the problem. This will address the root causes of the problem other than addressing children’s needs in isolation. The approach analyses the main problems affecting children, their causes and effects. This helps to identify the common issues of the problem and the sectoral concerns. This kind of approach to child prostitution would require an environment where children in the trade can come from time to time and through such interaction may open up to social workers who will then know how to help these children. Children may not

be able to relate their plight as soon as they come to such centres. With constant interaction with other children in similar circumstances they come to realise that there are other children in the same situation as they are and that some may have been through worse experiences (Theis, 1996:12).

The Convention emphasizes the well-being of children in the administration of juvenile justice (Art.40). It also stresses recovery, rehabilitation and reintegration of child victims of exploitation and abuse (Art.39). Such recovery, rehabilitation and reintegration must take place in an environment that fosters the health, self-respect and dignity of the child. Such measures should be available without discrimination to any child and should consider the best interest of the child. Legal interventions concerning child prostitutes that arrest the children and put them in adult prisons cannot in any way provide for their rehabilitation and reintegration into the society. Separate remand homes for children have also been found wanting due to lack of facilities and qualified human resource to meet children's needs. Other institutions that provide services to child prostitutes or former child prostitutes may too not reach the expected standard as provided by the Convention. Providing them with necessary support and funding should strengthen agencies implementing such programs.

In addition, prostitution impacts on children differently depending on their age, their sex and the nature of the act. There is need therefore to differentiate between prostitution by the boy and girl child and prostitution by older children e.g. of 17 years and those of 12 years, and between children trafficked and confined in brothels and those who "willfully" trade sex in a relatively free environment. Such children get into prostitution with varying degrees as to the nature of the problem. The extents to which these children need rehabilitation also differ. At the same time, methods of rescuing them have to be varied.

Availability of laws alone is not a tool to preventing and combating child prostitution. According to Sen's entitlement theory, the set of alternative bundles of commodities that a person can establish command over, is that person's entitlement. One's entitlement depends on the endowments that person has that is what one originally has and what one can acquire

through exchange (Dreze and Sen, 1989:9-10). In the case of laws, children's endowment is the right they have to care and protection and the knowledge of the legal system which they or their caretakers can use to claim their entitlement. Entitlement failure then arises out of ignorance of the law, which is poorly disseminated, and the difficult legal language used. It may also be due to the elaborate and expensive procedure one has to take to get redress. When people fail to apply the law, it is easy to conclude that there are no available laws to address the problem. However, in some cases the laws may be available but people do not have access to the law due to ignorance of the law, the complex nature of the law, distance from legal services, elaborate and expensive procedures required. Legislation in Uganda does not directly address the issue of child prostitution but it is implied by international and regional instruments that Uganda is party to. The issue of child prostitution can be approached by the use of these instruments even when national legislation does not provide for them. The fact that this is not done is an entitlement failure. National, regional and international legislation should be accessible to the people who need to use them, including the children, if they are to be relevant.

Unless a child grows up in an enabling environment which caters for all dimensions essential for developing into a healthy, fully functioning adult, he or she will be vulnerable to or at risk from sexual exploitation (Belsey, 1996). Unfortunately, children live in environments characterised by extreme poverty, lack of educational opportunities, dysfunctional families, substance abuse, domestic violence and abuse. Children are also more likely to be potential victims of their environments because of their vulnerability in terms of their psychosocial and cognitive development. While children may be in these contexts, they do not have the mental, emotional and social maturity to deal with their circumstances (Lin Lim, 1998:174). These various perspectives should influence the legal stance of national governments towards child prostitution. Muntarbhorn recommends using the terms "child victims of prostitution" rather than "child prostitutes" and "recovery and integration" rather than "rehabilitation" to emphasise that children should not be held responsible or discriminated against and stigmatised.

2.4 Conclusion

The above framework provides an understanding of the different dimensions in which child prostitution occurs and those that can be applied to find solutions to the problem. Child prostitution can be understood from a number of theoretical dimensions that interplay to explain the problem. These include poverty, power, conflict situations, gender relations, coercion and violence. Poverty arises out of lack of income, assets, education and skills. It may also be due to poor soils and climatic conditions or unemployment and the negative impacts of structural adjustment policies. Situations of armed conflict result in separation of families and sometimes death of parents or guardians. These create vulnerability for families and consequently the children in those families. These coupled with power relations between adults and children as a result of differences in age, race, class and gender make children vulnerable to sexual exploitation. In all the above situations, younger children are more vulnerable than older ones while the girl child is more vulnerable than the boy is. This signifies the complexity of the problem and thus the need for a multidimensional approach.

On the other hand there are a number of theoretical arguments that explain solutions to the problem and actions that can be taken. Interventions to combat child prostitution and rescue victims of child prostitution need to take into consideration the complexity of the problem as is indicated by the varied theoretical approaches. Interventions should also approach the solutions from a child rights perspective keeping in mind the general guiding principles of the UNCRC. Children's resilience can also be an important tool to finding solutions to the problem, hence the need to tap children's group dynamics are relevant as well as children's participation. Much as the social interventions should be strong, there is also need for adequate legal provision and such legislation should be accessible to the people who need to use them. Interventions based on this framework would address the problem more effectively.

3.0 Chapter three: Forms and Causes of child Prostitution

3.1 Introduction

Of recent child prostitution in Uganda has become a complex phenomenon with various forms and varied reasons for children's entry into the trade. It is important that these forms and causes are analyzed in order to get to the root of the problem. Such knowledge is relevant because factors considered causes of child prostitution also reflect the attitude people have on child prostitutes. It is with these attitudes that interventions to combat the problem are designed. These would therefore enable easy conceptualization of the assumptions that these approaches use for intervention. It is also important to have a clear picture of the various forms and causes of child prostitution in order to suggest more relevant, realistic and practical approaches to it.

3.2 Forms

Child prostitution is often perceived to involve mainly older children, and mainly females. However, reports on Uganda indicate that both male and female children are involved and that their age limit seems to be decreasing. A study carried out in 1998 showed that the boys ranged between the ages of 15 and above (Slum Aid Project, 1998:12). The girls are reported to be younger. According to the Ugandan newspaper, the New Vision of 26 September 2000, the girls are as young as fourteen years, while the Ministry of Labour reports even younger child prostitutes of ages 12- 14 (Ministry of Labour, 1998:46). The phenomenon takes various forms, some of which are forced while others are perceived as "voluntary".

The most noticeable forms are where child commercial sex workers stand on the streets in urban areas or hang out in bars. An AIDS surveillance study carried out in 1998 among street prostitutes in Kampala found in a population of 162 sex workers, that 31 % of the prostitutes were children aged between 15 - 19 years (STD/AIDS Control Programme,

1999:20). The practice was also reported to be common in other urban areas by the Ministry of Labour (1998:30-46) and Slum Aid Project (1998:7).

Apart from petty trade and odd jobs, street children offer sexual services as a means of survival. Sexual services are offered to older male street children for protection, and to other men who provide them with accommodation for the night. In the Girl child survey (Pg.30) on street children, 5 children out of 47 were reported to be in prostitution as survival strategies. Ouma (1997:42) presents the same fact that children, both boys and girls who live on the streets, offer sexual services in exchange for money to buy food, for shelter and other benefits. Some are reported to provide sexual service to policemen after being threatened with arrest. It is also reported that other children (boys), security enforcement officers and members of the public sexually harass both male and female children. However, harassment for girls seems to be more common and more often than not goes as far as sexual intercourse (Girl child survey: 26). Because the children are aware that prostitution is illegal and that street life is unacceptable by society, they do not report such harassment.

Parents and guardians are reported to offer their children to relatives, friends or acquaintances who take the children to town for prostitution. This is done sometimes on the pretext that the children are being taken to school or with the hope that the children are going to work in hotels or as domestic servants. Such parents involve in negotiating employment and salary for their children and some receive the children's earnings (Ministry of Labour, 1998:28). Some parents encourage and appreciate the prostitution of their children. A parent of a child prostitute was reported to say this in response to a question on her attitude to what the child does. "My daughter was wise, so I can not stop her. That is how she gets money/income to support us" (Girl child survey: 31).

Employers in bars and hotels may force child workers to provide sex to customers, even though at the time of their recruitment that was not one of the terms of employment. After gaining independence from the people who brought them to town, some children continue to survive on the same trade. As reported by the Ministry of Labour, "girls employed in bars

sell themselves for sex as a primary or secondary source of income, or income is received by their employers who brought them from rural areas". Some of the girls brought into towns on the pretext that they are going to work as housemaids end up working in bars. These girls are instigated to participate in prostitution. A Ministry of Labour report reveals that 75% of all the "bar girls" in Malaba and Busia are aged below 18 years. "Most girls come to these places when they are 12 -14 years, and all bar girls engage in commercial sex as their primary or secondary source of income and livelihood" (Ministry of Labour, 1998:46).

Male members of families where children work as domestic servants have been reported to sometimes sexually exploit children, especially girls (Mwaka & Tumushabe, 1996 in Ministry of Labour 1998:47). This is said to be existing in most of the urban areas. In war areas of Uganda rebels abduct children and force them into sex. Abducted girls are forced into sexual relationships with army commanders and to junior soldiers who display bravery and obedience to the commanders (Muhumuza, 1996:7). Abduction and trafficking of children to cities or other countries has occasionally been reported by the press, but with little evidence. However, rebels who abduct children have been reported to sell them to people from neighbouring countries where the rebels have camps. These can be grouped under sexual slavery and trafficking.

In addition to trafficking, tourism related sexual exploitation is reported though there are inadequate data to support this. The New Vision of 31 July 2000 reported an increase in trafficking of women and girls from Africa to the Middle East. The paper reported that there is speculation by political analysts that Acholi women (including girls) abducted by the Lord's Resistance Army could have ended up in Middle East brothels. The paper also reports that house girls are tricked with promises of better jobs or better pay in other countries such as Belgium, Canada, Dubai, Germany, Japan, Thailand, Turkey and United Arab Emirates, among others. When they reach their destinations their passports are taken away and they are forced into prostitution. When the New Vision interviewed the Minister of State for Internal Affairs, Sarah Kiyingi, she said it was difficult for government officials to know or take action against the perpetrators because of the nature of their activities. Neither can

government offer protection to the girls because most of them never even know that they will be turned into sex workers and therefore give different reasons for travelling when applying for passports (New Vision, 31 July 2000). A study on sexual exploitation of children in armed conflict confirms that kidnapping and trafficking of children is one of the weapons of war (Kadjar, 1996:7).

The various forms of child prostitution can be placed under three major categories. These arise out of need or desperation (e.g. lack of fees or death of parents); due to child labour such as employment in bars, as domestic servants and unpaid work in the home; and as a result of forceful means such as abduction, trafficking and harassment of street children.

3.3 Causes of child prostitution

Since the forms of child prostitution are many, the different forms may be expected to have different causes. The causes of child prostitution outlined below are not the only ones, but include the most important ones found until to date. They fall under the supply side i.e. factors that push children into prostitution and the demand side, that is factors that cause adults to desire sexual intercourse with children.

Supply side

1. Poverty and needs

A number of factors have been said to cause child prostitution. The major factor is said to be poverty. "In the Uganda context, poverty is defined as lack of access to basic necessities of life such as food, shelter, clothing and others like education and health" (Ministry of Planning and Economic Development, 1997:). It is also defined as people living below the absolute poverty line of US\$ 24 per month (Ministry of Planning and Economic Development, 1995:68). Uganda's poor include small holder farmers in the country side, the unemployed in urban areas, the illiterate, uneducated beggars, orphans, street children and a special category of vulnerable poor such as the landless, pastoralists, settlers in drought prone

areas and victims of natural disasters. Disasters including earthquakes (natural), lack of food security, family evictions (even by government) from houses or land designated for other purposes and civil wars also bring about poverty. While lack of resources can make bad family relationships worse, there are many very poor families that stick together in spite of their circumstances (Ennew, 1994:19-20). It is indeed true to say that poverty is a major cause of child prostitution but it is not the only reason why children are in prostitution. It is also true that not all people in poverty situations have their children in prostitution. Otherwise, considering the level of poverty in Uganda, there would be many more child prostitutes.

Another cause of poverty is the negative impact of difficult economic conditions, including the effects of structural adjustment policies. Many people have lost their jobs or are experiencing slumps in their businesses due to the economic situation. Problems such as inadequate/expensive accommodation in urban areas have led people to look for the cheapest means of survival. These conditions have led to mushrooming of slums in the areas that are supposed to be uninhabited. These slums are congested, environmentally degraded and survival through petty trade, sale of local brew and unskilled labour is competitive, bringing in little income. In order to survive, many people including children have turned into prostitution (Slum Aid Project, 1998:6-7).

Children go into child labour voluntarily or involuntarily because of expected benefits for themselves or their employers and their parents/guardians. Some children are attracted by town life and possibilities of getting quick money from petty trade, either abandon school completely or treat their studies as secondary compared to earning money. In Malaba, in Tororo District, children are involved in smuggling because they stand lower risks of arrests by anti smuggling authorities. On the other hand, children get employed so that they can obtain what other children in the neighbourhood and the ones they see on television have. Such children are not necessarily from poor families but want to have more than their parents can provide or what their parents don't consider necessities. It can therefore be agreed that

not all-poor people become prostitutes and not all prostitutes are poor. Peer groups influence some children, which can be a very strong driving force.

Another form of economic activity that draws children into sex trade is the out of home employment in border towns of Busia, Malaba, and in Kenya. Such children get involved in cross border trade as personal business or employment by traders who may be their parents/guardians or some other persons known to the children. These children eventually often get involved in commercial sex (Ministry of Labour 1998:28). Children who live and work at the fish landing sites trade themselves for sex to both men and women. Older women lure adolescent boys of 15-16 years into such relationships. Rich fishermen bring these boys to fishing landing sites (Slum Aid Project, 1998:15). In Arua district, it is reported that customers for waragi (local gin), marua and kwete (local beers) sometimes entice the girls who brew and sell into sex (Ministry of Labour, 1998: 42).

2. Family breakdown and abandonment of children

Reports state that some children start work after the death of their parents/guardians. Others start after separation of their parents due to family violence, while others start as early as ten years if they were born out of wedlock, belong to female headed households or were children of prostitutes (Ministry of Labour 1998:34, Slum Aid Project, 1998:12). While it is true that some child prostitutes do come from such background, it does not follow that only such children are vulnerable to prostitution. Some child prostitutes do come from mother-headed families but many do not. Many single mothers do not lose their children to prostitution. The same is true of children of prostitutes.

A majority of children are destitute due to the AIDS scourge, which often causes the death of both parents. Destitution of children also arises out of armed conflict situations that cause death of parents. In order to provide for themselves and their siblings, children in such poverty situations develop survival strategies in form of paid work, and sometimes prostitution. In a Ministry of Labour report (1998:32), it is noted that in Rakai district, most hit by AIDS, there are child headed households and child alone families. The children

involve in petty trade, especially boys, and sometimes prostitution for girls. Family breakdown through death, separation or domestic violence is the cause of children's vulnerability. Such vulnerability, coupled with the breakdown of the kinship care system, exposes children to all kinds of labour including exploitative ones and prostitution is no exception. The girl child is more vulnerable because there are fewer job opportunities for her and most jobs considered "girl's jobs" expose them to sexual abuse.

Inadequate/unfair distribution of social services which force people to migrate to areas where these are more accessible. In Uganda the best social services are located in and around urban areas. Moreover, with structural adjustment, the quality of social services in the rural areas has even dropped further. This forces people to migrate to urban areas. Because of the high cost of living in the urban area and the fact that they have to adjust to a new way of living, people develop a number of survival strategies including getting children employed.

Apart from parental demise, there is also child abandonment due to family crises and wars (Ministry of Labour, 1998: 34). Conflict has a definite impact on child prostitution. War disrupts life and creates poverty situations that make children vulnerable to sexual exploitation. Children may enter the sex trade for survival. According to Kadjar (1996:4-6), children in armed conflict offer themselves to military men for protection for themselves and their families. They also do so for food and other favors. There are many children who go to the streets to "work" because of armed conflicts. These are child refugees, displaced children, children suffering from war related handicaps, or those orphaned or separated from their parents by war. In most cases, children as well as adults migrate from war areas to avoid abduction or killing by rebels.

When abducted, girls are often raped and used as sexual slaves. In northern Uganda Senior Lord's Resistance Army commanders share the abducted girls among themselves. Others are given to soldiers of lower ranks as incentive, and reward for jobs well done. Abducted boys are also ordered to sexually assault the recently abducted girls. Male children are also

sometimes forced to perform anal sex and to have sexual relationship with older female commanders who are shunned by their counterparts. (Kadjar, 1996).

3. The educational system

Deficiencies in the educational system, especially at the primary and secondary levels, are a problem in Uganda. According to the Poverty Eradication Plan (1997), Uganda's education system is characterised by high private cost and very mixed quality with relatively high drop out rates. Today, the government provides free tuition for primary education for four children per family. However, costs such as uniform, exercise and textbooks, and other costs that arise are still not affordable by some parents. For example more than 50% of the children in Tororo district aged 6 - 12 years in 1995 were not in school because of lack of money by their parents. 15 % of the boys and 21% of the girls were engaged in economic activities (Ministry of Labour, 1998: 25). High education costs may mean that girls have to leave school, get employed or marry so that their male siblings can get income to continue with education. Because of such difficulties, some children have been reported to get into prostitution in order to meet their needs e.g. school fees and other necessities for themselves and their siblings. Some are reported to support their parents from their earnings. In some instances, children enter the commercial sex trade because it is the best alternative of employment available to them. In a study by Bakwesegha in 1982, it was reported that a good number of schoolgirls got into prostitution to raise school fees. Some were school dropouts who were willing to abandon the trade the moment they got secure decent jobs (Bakwesegha, 1982:43).

In addition, primary education does not specifically equip its graduates with practical skills to raise rural incomes and reduce poverty. The quality of teaching is equally sub-standard with 30% of the teachers untrained (Min. of Planning and Economic Development, 1997). The infrastructure in many rural schools is poor. Children have to carry chairs to school or sit on the ground. Others do not have enough classrooms and therefore classrooms are either shared or classes are conducted in Church buildings or under trees. Both parents and children

do not appreciate this kind of education and would rather have their children into income-generating activities where they develop skills as well as receive income.

Unfortunately for the girls, in addition to all the other factors that play against them, there is also the policy of expulsion of pregnant girls from school with no further chance to return to school. They are regarded as bad role models and this is a major route to poverty for women. Early pregnancy creates added pressure for girls to accept undesirable forms of work, including prostitution, or low paid jobs under poor conditions such as often exist in the domestic service. This is because they have to support themselves and their children. In many cases there is little or no support from the parents of the girls. This is unfair to the girl child because even when the father of the expected baby is a school child, he has the opportunity to continue his education while the girl does not (National Council for Children, 1994:82).

4. Cultural aspects and patriarchy

Negative cultural attitudes, beliefs and practices too have a big role to play, especially in the prostitution of girl children. There is the unfair division of labour based on gender whereby girls are easily employed as domestic servants, babysitters and barmaids. This is sometimes done at the expense of their education and the income received from their labour is used to pay for the education of their male siblings. Such jobs not only exploit their childhood but also expose them to sexual exploitation. Some of these imbalances are brought about by ignorance/insensitivity about gender issues, where the girl holds a lower position in society than the boy does.

In Uganda children are expected to help with farm work and household chores both in subsistence and commercial agriculture. In Kabarole, due to labour shortage, children are employed to work in tea farms as tea pickers. In Imve Tobacco Co-operative Society in Arua district, 74% of the children were girls who reported that their parents/guardians expected them to work for a pay outside the home or to work free at the family tobacco garden. Children, especially boys from pastoral societies, are also victims of cultural exploitation. In

some instances working children's pay is hijacked by their parents/guardians/relatives (Ministry of Labour, 1998:28). Because of such exposure to exploitation or to providing free labour at home, those children at times run away to urban areas where they can get paid employment.

Demand side

1. Cheap services

Children, sometimes because of desperation do not demand high pay for their sexual services. Even if they did, they may not have the power to insist that the adult pays them that amount. They can be easily shunned. Pimps who negotiate the pay with the customer also exploit children. Children can also be paid by offering accommodation or food, yet others deceive them and do not pay. Such deceptions are becoming difficult when dealing with adult prostitutes because they often demand pay on spot and the money is left behind with a colleague. Adults therefore prefer younger children because they are cheaper and easy to manipulate (Slum Aid Project, 1998:2).

2. Cultural beliefs and superstition.

There is a widespread belief among some customers that sex with virgins rejuvenates them. It is also believed that a barren woman may have children if she has sexual intercourse with a young person. Because of these cultural beliefs, adults exploit children in attempts to meet their desires to perform better in sexual relations and in order to have children. On the other hand, having sexual intercourse with a younger person is thought to be more exciting because they are young and active (Law Reform Commission, 1998:37&125, Ministry of Finance and Economic Development, 1995:146).

3. AIDS

Due to the AIDS epidemic adult customers for sex are seeking out young partners in the belief that they constitute less of a risk for HIV infection. This is based on the belief that they can protect themselves from the threat of HIV/AIDS by selecting children and they can

be cleansed from illness (Law Reform Commission, 1998:125, Ratter, 1998:7). This study does not discuss in detail the effects of sexual exploitation on children but it is common knowledge that it leads to sexually transmitted diseases including HIV/AIDS, in addition to psychological trauma. The search for younger children for sex is therefore not only sexual exploitation of children, it is also spreading the impact of HIV/AIDS to the younger generation thus reducing the so-called window of hope. Sexual exploitation of children destroys future human resources creating a negative impact on sustainable development.

3.4 Conclusion

Although as already noted the available information on child prostitution is meagre, there is enough basis to conclude that the forms of child prostitution are various. They range from street to employment-related prostitution and luring through deceit, peer group influence and coercion. There is also sexual slavery and trafficking and to a certain extent sex tourism. In most of these, some form of coercion does exist.

It is also evident that there are many different causes of child prostitution. These are the supply side and the demand side. On the demand side, poverty seems to be the main influencing factor, not just income poverty but also poverty arising out of other vulnerabilities such as family breakdown. Other vulnerabilities arise out of conflict situations and the negative impact of structural adjustment. Lack or inadequacy of social services has a role to play. However, it is also clear that not all children living in poverty situations get into prostitution. If that were so, in Uganda where 39.3 percent of the population were considered to be poor in 1996 according to the Human Poverty Index (HPI) (UNDP, 1998:17), the number of child prostitutes would be overwhelming. Other factors do contribute to child prostitution.

Socio-cultural practices that lead to gender discrimination do cause child prostitution. With patriarchy, where children belong to the head of the family, who is usually male, children do not have say on matters concerning their livelihood and well-being. Their parents or

guardians make decisions concerning them (Semafulu Sanyu et al, 1995:48). Children are perceived as a source of family labour. This extends to offering children to work for relatives and friends in urban areas where they are either directly forced into commercial sex or indirectly through harassment and mistreatment. Little value attached to education is an important factor. In all these situations, the girl child is more vulnerable than the boy is. The matter is made worse by the value attached to girls. In many cases, girls are perceived as passerbys in the family hence little importance is attached to their education (National Council for Children, 1994:115). Training in household chores is given more value in the development of a girl child. Even where they have access to education, any financial crisis normally leads to girls dropping out of schools because they can be used to raise income through marriage or other domestic service. Still in the education system, they are discriminated against leading to high drop out rates and increased poverty for them in future.

The demand side of child prostitution arises out of the desire for virginity, fear of HIV/AIDS and the cultural belief that men's manhood is reactivated if one has sexual intercourse with a young girl. Another important factor is the fact that children, because of their age, do not have the capacity to insist on higher pay like adult prostitutes would. This means one spends less on a child prostitute.

Because of the many different forms and causes of child prostitution in Uganda, combating child prostitution would require that policies do not apply a single approach to addressing the problem. There is need for a multidimensional approach and a concerted effort of all policy departments and other actors dealing with any area of child development and welfare. Policies on poverty, provision of social services such as health and education, elimination of armed conflict and laws need to be adequately addressed. Such policies should be gender sensitive. Governments but also the public should adhere to the Convention. This needs to be done by government creating awareness on the provisions of the Convention and on children's rights.

The next chapter provides the basis for exploring to what extent interventions in child prostitution in Uganda conform to the above sketched requirements.

4.0 Chapter Four: Interventions

4.1 Introduction

The UNCRC calls for integrated, cross-sectoral strategies both to prevent and to remedy the situation of the commercial sexual exploitation of children. Uganda has put in place legal and social measures to combat sexual exploitation of children, but to what extent they have been useful is yet to be determined. The legal provisions and the enforcement of the law on sexual offences, specifically focusing on the law of child prostitution are analyzed in this chapter. Their consistency with the UNCRC and the Children Statute, 1996 (Uganda) is also considered. Controversies from provisions in other laws such as labour and marriage laws are also examined. The approach used by social interventions by the government of Uganda and non-governmental organisations has been studied and the assumptions that form the basis of these interventions analysed.

4.2 The legal framework

In Uganda attempts have been made to protect children from sexual abuse. A person who has sexual intercourse with a child below 18 years commits an offence irrespective of whether the child consented or not (Penal Code Sec.123 (1)&(2)). This is because a child is deemed incapable of consenting to sexual intercourse. The age of consent to sexual intercourse is eighteen years (Section 123 (1)). Such sexual offences against children are normally termed defilement and indecent assault.

On the other hand, prostitution is a criminal offence. "Every person who knowingly lives wholly or in part on the earnings of prostitution and every person who in any place solicits or importunes for immoral purposes is guilty of an offence and is liable to imprisonment for seven years" (Penal Code (amendment) 1990, Sec. 131 (1)). Children are responsible for their crimes at twelve years: "The minimum age of criminal responsibility shall be twelve years" (Children Statute, 1996, Sec. 89). Since prostitution is an offence and children are

responsible for their crimes at twelve years, it means that child prostitutes are liable to punishment for their crime. This is confusing because the law that protects children from sexual abuse is the same law that makes them liable to punishment for sexual acts where there is economic gain. This assumption arises out of the fact that there is no special provision for children in the law on prostitution. No mention is made of what is done to the clients of child prostitutes.

The law creates more confusion by permitting sexual intercourse with a married girl below the age of 18. The Marriage of Africans Act provides that a girl can marry at 16 years (Sec. 10a) and a boy at 18 years (Sec.10b). Under the Marriage and Divorce of Mohammedans Act, Muslims marry according to the Muslim marriage laws (Sec.3), where a girl can marry at puberty (Law Reform Commission, 1998:34). There is presumption of consent to sexual intercourse on marriage. One wonders how a married child and a child victim of prostitution can consent to sexual intercourse while another who is defiled is considered incapable of such consent. As rightly stated by the title of section on sexual offences, "Offences against Morality", the law seems to be controlling children's sexuality (especially female children) other than protecting their rights.

Uganda has the duty to protect the rights of children in Uganda, including those in prostitution. The Convention and Uganda's Children Statute provide for protection of children from sexual exploitation and from exploitative labour, which both cover child prostitution. Moreover, protection of children's rights is not only the duty of the state. Parents and guardians, but also of every member of the society share it. Clients of child prostitutes are adults who have the duty to protect the rights of children and should therefore be punished for sexually exploiting the children they are supposed to protect. The law should more clearly state its position on children in prostitution. This would enable concerned parties including children who are in a position to take appropriate action to report exploitation of the prostitution of children.

In Uganda a child is any person below the age of 18 years (Children Statute, 1996: Art 3). This is in line with the UNCRC (Art. 1). However, for purposes of employment, children are defined as persons below the age of 16 years (Constitution, 1995, Art.34 (1) (5)). In the same article, the Constitution prohibits social and economic exploitation of children as well as employment of children in “work that is likely to be hazardous to their health or physical, mental, spiritual, moral or social development”. This too is provided in the Children Statute (Art.9), and is in line with the Convention. However, from the findings it is evident that some forms of employment expose children to prostitution. Findings show that children are employed in hotels, restaurants and bars, some are involved in cross border trade or the fishing industry while others are domestic servants. Some of these somehow find themselves in the sex trade. Children who help with domestic work have also been found to get into the sex trade because of discontentment for work without pay that forces them to leave home to look for paid work thus getting exposed to sexual exploitation. Some of these children are below the age of 16 years.

Child work, whether paid or unpaid often exposes children to sexual exploitation. Yet the law allows child work, which is helping with family chores and not child labour, that is paid work. Children are legally denied the opportunity for employment below 16 years. It is inevitable that some children work because they have to support themselves and their siblings. Then they get employed illegally. There are no mechanisms to monitor employment or non-employment of children making the legislation inadequate to address the problem. It is not enough to provide laws and yet fail to put in mechanisms to ensure their implementation. It is also unrealistic to make such laws yet not provide any means to cater for children in need e.g. those who have no family support.

While looking at child labour, the article most considered in the UNCRC is Article 32 for working children, which deals with economic exploitation. However, articles about health (Art.24), justice (Art.40), education (Art.28) and families (Art.5) have implications for child prostitutes as well as children in other forms of employment. Child prostitution is not just exploitative labour but has adverse health effects on the affected children and yet these

children face further injustice in the legal system. They are also do not have equal opportunity to education like other children, partly because of the nature of their work and because of stigma. And yet most times social provisioning provides for children as if they are in normal families with parental care and protection. Articles 12 and 15 for participation in society and article 2 for equality of all children are equally important and should not be kept out when making considerations on child prostitution. Improper legislation on this subject means failure on the part of Uganda to meet the provisions of all the relevant articles, including the best interest of the child.

4.3 Treatment of child prostitutes by law enforcement agencies

The Children Statute does provide for special treatment of children arrested for criminal offences. They are presumed innocent till proved guilty, and should not be questioned or tried in the absence of a legal guardian (these are parents/guardians or Probation and Social Welfare Officers) (Children Statute Sec.40 (1-9)). Child prostitutes are denied such treatment (Slum Aid Project, 1998:12). Children do not have the capacity to consent to sexual intercourse so they do not commit any criminal offence when they are in prostitution. However, there are no guidelines on how to handle children in prostitution. They are treated like criminals by law enforcement agencies and are tried and charged in absence of legal guardians. They are charged for being idle and disorderly. Records on prostitution were lacking except for persons referred to as “being idle and disorderly” (these include prostitutes) (Slum Aid Project, 1998:12). This is because it is hard to prove in court, that someone who is standing along a street or near a night-club is planning to engage in prostitution. It is equally hard to prove that money changed hands for the purpose of sex or to charge clients of child prostitutes with defilement or indecent assault. Slum Aid Project (1998:12) reports that “at the police station, the girls are in most cases released on humanitarian grounds after they plead that they are looking for means of survival and meant no harm. Some police officers hasten to add that since government has not taken a clear stand on this problem, the police can do nothing”. However, the police also concluded that they, the police only intervene if the prostitutes are disrupting peace!

Press reports and Slum Aid Project study found that the local defence forces and the police harass children in prostitution. They have to pay a fee to avoid harassment. The report says this is mainly done to a category of girls who hire small rooms in which they receive clients during the day and retire to their homes at night (Slum Aid Project, 1998:14). Ouma, (1998: 42) made similar observations that the children have to bribe the officers with sexual favours in order to avoid arrest. One wonders how children's rights are to be protected if the same people who are supposed to ensure their protection abuse them.

Secretaries for Children's Affairs in every community are responsible for reporting child abuse. They are well placed to identify child victims of prostitution in society. However, considering the secret nature of prostitution, lack of guidelines by the Children Statute and the UNCRC, they are less likely to report child prostitution. In a society where prostitution is considered criminal and where institutions seem to control female sexuality, child prostitutes are more likely to be treated as deviants rather than abused children in need of care and protection.

The problem of prostitution in Uganda is the condemnation of only one half of the parties that is in this case, the girls who are usually the most disadvantaged members of the society. It is usually the girls who are arrested while the other half, who are mostly middle class as well as men, tend to be ignored. Prostitution is an offence that cannot be committed by one person. While the children are innocent because they lack the capacity to consent to the act, the law should deal with the clients of these children appropriately.

4.4 NGO legal work

The inappropriate action by law enforcement agents has attracted the interest of NGOs in this area. The Uganda Association of Women Lawyers (FIDA) is one such NGO whose purpose is to sensitise and protect children in addition to other vulnerable groups. Its activities include legal representation of children and getting them involved in child rights clubs. They also counsel families where child abuse and neglect has been reported to them (Ratter,

1998:16). However, with prostitution being legally and socially unacceptable, and considering that some children are forced to it and sometimes confined, it is unlikely that FIDA gets to know about such children. Neither will the victims lodge complaints to FIDA because of the stigma attached to the practice. On the other hand, the offenders are not likely to be caught in the act of sexually abusing the child since in most cases it is a private and secret arrangement. Unless the law specifically provides for protection of children in prostitution and society, and children being made aware of such protection together with their other rights, reporting of child prostitution will continue to be minimal thus preventing adequate action.

4.5 Social interventions

There are a number of policies and institutions that deal with children issues in Uganda. Few of them directly address the problem of child prostitution while others broadly handle child-related matters that indirectly touch on child prostitution. Among those listed in the section explaining the scope of the study, some have been looked at in-depth while others (such as the National Council for Children, UNICEF, and Save the Children (UK)) are only briefly mentioned. This arose out of lack of information on these institutions. It does not mean that the institutions studied are the only ones dealing with child related matters. Others were either not closely related to the topic of study or information on them was not accessed.

4.5.1 Social interventions by government agencies

When Uganda ratified the UNCRC, it followed up by drawing a National Programme for Action for Children (UNPAC), which was adopted in 1992. This program identifies areas that need action and outlines goals and strategies needed to respond effectively. The National Council for Children (NCC) was inaugurated in 1993 and its role is co-ordination and liaison, advocacy, resource mobilisation, support to district and sub-county plans of action for children and to monitor the implementation of UNPAC goals and activities. The National Plan of Action for Children's (NPA) activities is carried out within government and NGO

structures. The NCC is the overall government body responsible for matters concerning children (United Nations, 1996:5-6).

A Department of Child Care and Protection (DCCP) was created in the Ministry of Gender, Labour and Social Development to ensure implementation of the Children Statute and to improve the welfare of children. In addition, its other purposes are to develop national social welfare for children's rights, to improve parentage and to ensure standards of care for children in approved homes. It is involved in liaison with child welfare agencies, supervision of probationers, court reports for children in need of care and protection and inspection of children's homes. It is also responsible for supervision of children under care order, sensitisation and training on the Children Statute, after care arrangements, training and resettlement of children, court inquiries and reports on delinquents. Other activities include family counselling, planning for provision of services for children in the districts, sensitisation and training on children's rights and intervention where children have been remanded (Odongkara, 1999:1).

Through the Department research on the situation of children especially in relation to child labour and juvenile justice, have been carried out. The institution of Secretaries for Children's Affairs at all levels of the local Council was also initiated. There is increased reporting of child abuse and neglect, availability of child rights advocates/trainers/paralegals and public awareness of child rights through sensitisation. The department has also trained trainers on the Children Statute. They train people on the content and application of the Statute (Odongkara, 1999:6-15). However, this broad approach by the department limits it from meeting the needs of child prostitutes directly whose existence in the trade is of a varied and complex nature requiring special attention.

Another government department that deals with children's issues is the Family Protection Unit (FPU) of the police. The department was set up to assist and protect sexually abused children, counsel victims of sexual abuse and address and handle their issues. They also investigate and apprehend abusers and ensure that abusers are prosecuted. The department

organises seminars on child protection and prevention of crime on children, self-defence skills for children and sensitisation of parents on children's problems and needs. It is reported that there have been some achievements through the work of the FPU. Children have become aware of the dangers around them and child abuse is said to have reduced. Children are also reported to be co-operating in crime reporting (Ratter, 1999:14). However, the extent to which child prostitution has been addressed is not indicated. This is because it is treated as a criminal offence and is handled by another department. It should also be noted that most of the child prostitutes or sexually exploited children are "invisible", under the control of adults who have power over them. Because of their invisibility, no one will report such abuse on this category of children. Where they are visible, the children consider themselves criminals, therefore cannot report sexual abuse. Special attention is required to rescue children from prostitution.

4.5.2 International governmental organisation

UNICEF, an international governmental organisation that offers financial and logistical support to child related projects is one of the samples for this study. Unfortunately adequate data was not available on it. However, it has supported a number of researches on children and the documentation of the country report on the implementation of the UNCRC. It also offers support to an organisation in northern Uganda that provides psychosocial rehabilitation to former child war abductees (Barton & Mutiti, 1998:iv).

4.5.3 Social interventions by non-governmental agencies

Save the Children Fund (SCF) has done research on children especially in relation to juvenile justice. It is also implementing a programme on juvenile justice reform. A pilot project has begun in four districts. This involves operational action, research and documentation, publication and dissemination of experience. It also involves training, advocacy and support of remand homes, which it has been doing since 1995. In the remand homes the NGO ensure

expeditious handling of children's cases. It also brings to the attention of relevant government bodies issues concerning children (Kakama, 1999:5).

The African Network for Prevention and Protection of Children against Abuse and Neglect (ANPPCAN) is a regional NGO. Its activities are lobbying, research, sensitisation and networking. It has organised a number of sensitisation seminars and formed child rights clubs. It is also the brain behind the formation of Uganda Child Rights NGO Network (UCRNN) a local NGO that co-ordinates all the activities of NGOs dealing with children issues. The organisation also has weekly activities on creation of awareness of child abuse. It carries out constant research, writes reports on children issues and make yearly situation analyses. However, it has noted that there is still a weak information system and therefore some occurrences of abuse go unreported (Ratter, 1998:17). Child prostitution is a form of abuse that can easily go unreported as abuse.

Uganda Child Rights NGO Network (UCRNN) is a network to monitor and report progress in implementing instruments on rights and welfare of children. It organises information sharing among member NGOs and collective action in safeguarding the rights of children. Its activities are co-ordination of NGOs to participate in the reporting progress of national government to the UN Committee, conducting awareness workshops, writing reports highlighting attitudes towards children and their rights, developing relevant training materials and conducting training of trainers and children workshops. It also conducts training on the UNCRC. There are challenges experienced in networking and it is reported that information is not yet shared as was intended (Ratter, 1998:17).

Slum Aid Project (SAP) is the one non-governmental organisation that deals specifically with prostitution. Its main concern is child prostitution though to an extent it also offers services to adult female prostitutes. Some of the objectives of the organisation are to facilitate communication and sensitisation of the society about the girl child's needs, potential problems and campaign for their positive portrayal in slum communities. Other objectives are to lobby and advocate for law reform in order to improve and enforce women's rights and

to carry out research on issues that affect the girl child. Its also aims at networking with local and international organisations, government departments and other relevant bodies interested in children and women issues and raising literacy levels in slum communities (Slum Aid Project, 1998:4-5, Ratter, 1998:14).

The activities of the organisation include, empowering the girl child sex worker by initiating and promoting income generating activities, offering counselling services, carrying out HIV/AIDS campaigns and offering educational services to combat illiteracy. The NGO also conducts awareness raising seminars on issues such as gender, child abuse, family life education, environment and drug abuse. It organises the children into drama and sports groups, carries out research on the girl child in general and child prostitutes in particular. Its activities started with getting close to the child sexual worker communities before introducing the purpose of the NGO. The NGO provides counselling services, vocational training such as hair dressing, tailoring and providing health services and information. It also sensitises the communities and follows child commercial sexual workers who left the project (Slum Aid Project, 1998:29, Ratter, 1998:14-15)

SAP has so far assisted 65 girl commercial sex workers. As of 1998, all the children trained in tailoring were working while some of those trained in hair dressing were not (Slum Aid Project, 1998:32; Ratter 1998:14). The girls are given group loans. Some of the girls chose to sell second hand clothes, however this has had some setbacks because the number of people involved in the trade is big thus reducing the market. SAP has not yet been able to find market or alternative business for these girls. Other problems include difficulty in operating loans due to group differences and failure to recover the loans, which would later be used to support others. It was realised late that individual loans are easier to recover. It was not mentioned and therefore it is not clear whether all the children supported by the project do not go back into prostitution. However, it is reported that some do migrate to other areas after securing loans (Slum Aid Project, 1998:15). While recognising the dedication of those who work in SAP it should be noted that this approach reaches only small numbers of children and thus is ineffective in combating all prostitution. However, the lessons learned

from their work may be valuable in the planning of similar efforts on a larger scale. This particular approach also focuses more on the girl child probably because of the old age assumption that prostitution is women's domain. Less emphasis is put on the vulnerability of boy children to sexual exploitation yet this too is increasingly occurring.

The Reproductive Health Care Initiative (RHECI) informs children of the negative aspects of prostitution and economically empowers them so as to remove them from the trade or to stop them from getting into it. Through its tailoring school, 50 girls have been trained in tailoring, loaned sewing machines and referred for loans from FINCA loaning scheme. The girls are also assisted in marketing their products. RHECI aims at empowering children who live in the slums to take responsible reproductive health decisions and ensure slum children's participation in recreational activities. It provides counselling and has created a network with a local clinic for reproductive health counselling and provision of condoms. Due to the power in peer group influence the NGO also uses peer group counsellors. Reproductive health services to help the children avoid unwanted pregnancies and sexually transmitted infections (Ratter, 1998:14). However, children may not be in a position to effect decisions over condom use because of the power adults has over them. Adult men reportedly are not interested in using condoms (National Council for Children, 1998:128; Ministry of Finance and Economic Planning, 1995:146). Children who are forced into prostitution may even lack access to these condoms. The children play a number of games too. The children also watch reproductive health and general education films and any other films of their choice that are considered fit for them to watch.

The Friends for Children Association (FOCA) was founded in 1980, after the 1979 war, because it was realised that there were a number of children who were on the streets who needed rehabilitation order to be integrated into communities. The NGO runs children's homes and its activities include counselling, resettlement, medical assistance, and recreation such as sports. They also offer vocational skill training and promote income-generating activities. In their involvement with children they have realised that working with children requires patience. They have however had some difficulties in their work. It is reported that

some children are addicted to drugs and others to sex (Ratter 1998:16; FOCA, 1996:27).

There is no clinical evidence of “addiction to sex”. It may be true that some people enjoy sex more than others, however, such findings indicate people’s prejudices of child prostitutes and may provide explanation as to why they are treated as deviants.

Hope After Rape (HAR) was formed with the objective of providing psychosocial support to survivors of rape, conducting research on sexual abuse, establishing strategies for prevention of sexual abuse and creating awareness of psychological effects of sexual abuse. Its activities included counselling of victims of sexual abuse, networking and collaboration with other NGOs and government agencies involved in activities related to sexual abuse. It also conducts research and awareness raising campaigns. Because of low national awareness on psychological effects of sexual abuse, sexual abuse is not taken seriously and this is one of the major problems the organisation faces with the community. This reduces their ability to offer support to many affected children. Many children themselves are not aware of what sexual abuse is and some people offer children gifts for sex and to the children this is not considered abuse (Ratter, 1998:20).

4.6 Conclusion

From the findings it is clear that the legal framework on laws relating to sexual intercourse in Uganda, including that on prostitution leaves loopholes that results in abuse of the rights of child victims of prostitution. While the law permits spouses married to children to sexual intercourse with them, it punishes people who have sexual relations with children such people are not married to. On the other hand, law is silent on the prostitution of children but provides a blanket law on the illegality of prostitution. Even where the Children Statute provides for special treatment of children on criminal issues it does not indicate that children should be excluded from the regular treatment of some criminal offences such as prostitution. Much as there is need for the law on prostitution to specifically indicate that children in prostitution are not criminals because they lack the capacity to consent to sexual intercourse, there is also need to reform marriage laws to avoid confusion on legislation pertaining to sexual offenses.

The law enforcement agents have not utilized the provisions of the international and regional instruments Uganda has ratified, as well as the Children Statute of Uganda. This may be because of inability to interpret these provisions and yet there is lack of guidelines on child prostitution in Uganda. It is important that the Children Statute provides such guidelines to save child prostitutes from further abuse of their rights. The rest of the public should also know more about the law in order to help such children by reporting such offences against children.

Children must be actively encouraged to seek help, and actively sought out and assisted. Their ability to report abuse is determined in part by the mode of entry and the degree of power wielded over them. This can only be possible if children's capabilities are enhanced. Children should be educated on their rights and also made to know that prostitution is abuse of their rights and they should report whoever puts them to it.

Neither the law, nor social interventions address the issue of clients of child prostitutes. These are adults who are responsible for the protection of children. The law should punish such persons for defilement, while social interventions should sensitize the community on children's right. Pimps, parents and other adults who gain from children's prostitution should also be dealt with seriously under the law.

The law is discriminative. Children in prostitution are arrested and punished while their adult clients are left free. In most cases child prostitutes who are arrested are female, probably because they are easier to notice. It is the duty of government to protect children from abuse and the fact that children are in prostitution implies they need care and protection. The government of Uganda needs to do more to protect children's rights and to ensure their wellbeing. Commitment should be expressed in ways that affect children's physical situations, and not only on paper. Child prostitutes may be few, but no matter what their numbers are, they are children and should have the same rights as any other child in Uganda.

The law regulating employment/non-employment of children is also inadequate. Much as it prohibits paid work, children need to work and are proud of their independence and contribution they make to their own, and their families upkeep. My findings indicate that both paid and unpaid work can in certain circumstances expose children to exploitative and hazardous forms of labour. It is more important those who really need to work are given the legal right to work and the protections that implies. Job opportunities created for children could actually rescue them from exploitation. Mechanisms should be put in place to protect children from exploitation.

The current interventions seem to consider children to be helpless victims who cannot do anything on their own. Agencies tend to decide what the children need and make provisions without consulting the children and finding out what their needs are. Some of these projects put children in unrealistic ways of life and making them more dependent than they should be.

Many projects that try to rescue children have an attitude of pity, rather than empathy and do not think of the consequences for the children or their families (Ennew, 1994:11).

Vulnerable children do need help but such help should be provided with the participation of the children and in the context of the lives they lead. Children need to be nurtured into independent adults who will be able to fit into their communities. Their participation is important not only to provide workable solutions to the problem but also for sustainability of the projects. Some of these children are already supporting their parents and siblings therefore have a purpose in life. It is realistic that they participate in projects from the beginning and get involved in the day to day running of the project. They should be encouraged and facilitated to analyze their situation, decide what the priority problems are and suggest solutions.

It would also seem that the interventions assume that children are in the sex trade for economic reasons. This is why some of the NGOs offer the children income-generating activities. Child prostitutes are not only composed of children affected by income poverty but also other poverty situations, such as displacement and loss of parents. Some of these

need homes, love, protection and counseling more than the income they get through prostitution. The need for such income only arises because they are trying to make a home for themselves. Other children get into prostitution in order to be able to afford luxurious goods they see on television and with other children. This is relative income poverty, but such children need direction and not income generating activities. Some of the NGOs provide counseling. A lot of emphasis is put on female children, yet there is evidence of male child prostitutes. There is a need to focus on boy children as well as to have approaches that provide for differences in age of the children involved because their vulnerability and the impact of the trade on them vary.

Interventions address children as a homogenous group. Prostitution impacts on children differently depending on the sex, age and the mode of entry into the trade, and the girl children suffer more traumas than boys do because of the extent of their involvement and the effects of the acts on them. Interventions aimed at younger children may need to focus more on psychological effects than those aimed at older ones. Because the mode of entry plays a big role (the level of coercion is especially significant here) approaches should aim at supporting children each according to their need. Girl children may need a different approach from that of boy children while older children may be treated in a separate manner from younger ones.

Some NGOs however, realized the need to be treat child prostitutes specially. Some have used the approach of getting close to the children first and of working at night. These have been successful in providing support to some child sex workers. However, as seen in section 3 on the forms of child prostitution, some children are held as sex slaves and other are hidden in other forms of employment while at the same time providing the service of prostitution. These "hidden" children may never be reached through such approaches. It is therefore important that more practical approaches be sought to effectively address the problem of child prostitution.

1. The first part of the document is a letter from the President of the United States to the Congress, dated January 3, 1862.

2. The second part is a report from the Secretary of the Treasury, dated January 3, 1862.

3. The third part is a report from the Secretary of the Interior, dated January 3, 1862.

4. The fourth part is a report from the Secretary of the Navy, dated January 3, 1862.

5. The fifth part is a report from the Secretary of the War, dated January 3, 1862.

6. The sixth part is a report from the Secretary of the State, dated January 3, 1862.

7. The seventh part is a report from the Secretary of the Army, dated January 3, 1862.

8. The eighth part is a report from the Secretary of the Navy, dated January 3, 1862.

9. The ninth part is a report from the Secretary of the War, dated January 3, 1862.

10. The tenth part is a report from the Secretary of the State, dated January 3, 1862.

11. The eleventh part is a report from the Secretary of the Army, dated January 3, 1862.

12. The twelfth part is a report from the Secretary of the Navy, dated January 3, 1862.

13. The thirteenth part is a report from the Secretary of the War, dated January 3, 1862.

14. The fourteenth part is a report from the Secretary of the State, dated January 3, 1862.

15. The fifteenth part is a report from the Secretary of the Army, dated January 3, 1862.

16. The sixteenth part is a report from the Secretary of the Navy, dated January 3, 1862.

17. The seventeenth part is a report from the Secretary of the War, dated January 3, 1862.

18. The eighteenth part is a report from the Secretary of the State, dated January 3, 1862.

5.0 Chapter Five: Conclusion and recommendations

5.1 Conclusion

This research is based on the scarce information available on child prostitution in Uganda. It was not an easy task to collect and put together the existing information. However, that information clearly shows that child prostitution exists in Uganda. This section will explore whether the hypotheses of this study were right or wrong.

The findings of this study show that child prostitution in Uganda is a complex phenomenon with different forms, and various modes of entry. Dire economic circumstances may pressure children to enter prostitution. Other factors that may influence entry are coercion, peer group influence and deception. Consequently interventions to address the problem need to apply varied approaches.

This study also reveals problems in society's responses to child prostitution. The legal framework has been found wanting. It does not offer adequate protection from involvement in prostitution. The law is not clear about how children in prostitution are protected neither does it offer any guidelines for law enforcement agents and users of the law. Even laws on child labour that are supposed to protect children from exploitative labour do not have mechanisms to ensure this and end up driving some children who need to work into such exploitative labour as prostitution. This is inconsistent with the purpose of ILO Convention 182 because it does not protect children from exploitative labour.

The way prostitution is handled in Uganda is discriminatory and therefore inconsistent with CEDAW. CEDAW provides for equal rights of women and men, yet this is not reflected in the legislation on prostitution as well as in its implementation. Persons arrested for prostitution in Uganda are mostly female as reflected in the findings. More often than not, customers of these child prostitutes are men whom the law does not deal with any way.

Other interventions have not been completely helpful either, often because they are based on inaccurate assumptions about the forms and causes of child prostitution. This is inconsistent with the purpose of the UNCRC that is to protect the rights of all children.

Government, NGOs, teachers, and parents/guardians should strengthen children's capabilities to access all their rights. It is clear that child prostitution affects the well-being of children in various ways. It affects their health, education as well as their physical, social, economic, mental and moral development. This in turn has a negative impact on the development of the nation. Whatever their numbers are, the most important fact is that child prostitutes are children whose rights have to be protected just like the rest of the children in Uganda. Whatever affects their lives affects a certain number and category of people in the society.

5.2 Recommendations

A number of countries have used interventions to prevent, rescue, rehabilitate and combat child prostitution that have been used with some success. In relation to the findings on child prostitution in Uganda, some suggestions can be made for Uganda based on some of these interventions, in order to come up with realistic, practical and lasting solutions to the problems at hand. Other recommendations arise out of the Agenda for Action against the Commercial Exploitation of Children. A multi-pronged approach is suggested.

Legal

The law should play its protective role more clearly. This should be achieved, among others, through enhancing uniformity of laws on sexual relations and their implementation. Criminal responsibility should be established of customers, pimps and other intermediaries of child prostitutes, while all sexual acts with children below 18 years should be criminal irrespective of whether the child consented or is a prostitute. This should adequately cover both male and female children.

Child labour laws need reform as well. Government should ensure that children are not recruited in forms of employment harmful to their health and development by putting in place appropriate mechanisms for monitoring child labour.

There is a need to create adequate awareness of children's rights among law enforcement agencies, children and the general public. In addition to strengthening dissemination of the UNCRC, there is a need specifically to disseminate laws on prostitution and child labour. Children's as well as the general public's knowledge of the law will enhance their capabilities to access the law and contribute to its implementation.

Child prostitution exists not only at local and national level but also at the international level. National laws alone cannot address the problem, because of trafficking of children across international borders. Therefore, there should be co-ordination and co-operation at local, national, regional and international levels, for prevention of children being lured, coerced and trafficked into commercial sexual exploitation.

Social

The National Council for Children should be strengthened to oversee a concerted effort by all the relevant government bodies and child-relevant NGOs to offer workable solutions to child prostitution based on some of these recommendations. Success of interventions needs to be measurable. Therefore, there should be continuous monitoring and evaluation of programmes.

Interventions should seek the participation of children and involve them from the onset in any programme that affects them. Children should be consulted because they enter into prostitution in different ways and for different reasons. The impact prostitution has on them also differs depending on their age, sex, and experiences while in the trade, and of course for the fact that children are individuals and have different ambitions for life.

Drop in centres would be very important for the participation of child victims of prostitution in interventions addressing their problem. These are safe havens where children in prostitution can go to from time to time for accommodation, health needs, and food and where they run to in time of crisis. They should not be forced to stay when they are not willing. Through drop-in centres, qualified social workers can begin the process of getting information from them as well as counselling them to leave the trade, and they can be offered legal aid and psychosocial support for rehabilitation. Because of the trauma that arises out of the trade, children rescued from prostitution need to be rehabilitated so that they can fit into society again. The children should be provided with other options in life. A similar approach has been useful in the Philippines where counselling, tutoring and locating families is done. Where reconciliation is not possible, children are put in for adoption/fostering (Lim, 1998: 204). There may be a need to provide for foster families with resources to cater for the children.

Temporary shelter and access to education for girls most vulnerable to trafficking was initiated in Thailand by an NGO supported by the International Programme on the Elimination of Child Labour (IPEC) (Lim 1998:202). IPEC provides support to countries in developing their capacity to appraise the nature and extent of child labour, identify priority target groups, and formulate and implement policies and programmes which aim at eliminating child labour (Lim 1998:198). This kind of intervention would be useful for Uganda too, however, at the moment Uganda is implementing the Universal Primary Education (UPE) Programme where four children in a family are exempted from paying tuition fee for primary education. It is important to note here that in families where there are more than four children, girl children are sometimes discriminated. For girls at risk to sexual exploitation, education would be an appropriate avenue.

Former child prostitutes who have undergone rehabilitation can be used to influence their peers to prevent them from getting into prostitution. This has worked, again in Thailand where former child prostitutes hang around the railway station to warn other children about

people who deceive them into prostitution. In Uganda this could be done too at appropriate venues, such as bus and taxi parks.

Programmes meant to assist child prostitutes and to combat child prostitution should not limit themselves to child prostitutes but should also reach out to their families and/or communities. The programmes should pay attention to causes of child prostitution. In the Philippines, many programmes focus on communities, such as slum areas, military complexes, poor villages and tourist destinations. They also actively involve parents, families and local authorities (Lim, 1998:203). Training in gender sensitive communication, both in families and other communities, and promoting the value of children as human beings are some of the methods used to change societal attitudes (Lim, 1998: 204). There is also training to resist acts that lead to child prostitution. For reintegration, it is very important to remove the societal stigmatisation of child prostitutes. Uganda can apply all of these approaches.

Action concerning child prostitution is not only for international and national government agencies and NGOs but also for parents, families, the business sector and the community. According to the Convention on the Rights of the Child, all persons are responsible for protection of children's rights and welfare. Co-operation between the public and private sector is critical because both state and non-state actors are potentially the guardians as well as the exploiters of children. Society should develop attitudes and practices responsive to child rights.

Approaches such as media campaigns for legal reforms, education and information, applied by End Child Prostitution in Asian Tourism (ECPAT) have been successful in Sri Lanka and the Philippines (Lim, 1998:198). Such are useful tools for advocacy as well as for creating awareness of the problem for purposes of prevention. Production of reading materials that prevent children from being lured into prostitution, stories and drama have also been used in Thailand (Lim 1998:202). Considering the number of illiterate people in Uganda, stories and drama are useful for meeting their information needs.

There is serious need to improve the knowledge base on many aspects impacts of child prostitution in Uganda. This can only be done through research.

All these suggested actions have financial implications and government may not be in a position to meet all of them on its own. However, if all the organisations joined together under one umbrella to fight child prostitution, the resources put together would probably do much more than when each organisation is doing its own thing. It is also possible to solicit for external assistance from organisations such as the United Nations. Since it is a duty of the government to protect children's rights, it has to ensure it cultivates the political will and resources to combat, and prevent child prostitution as well as to rescue and rehabilitate child victims of prostitution.

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