

**CHALLENGES FACED IN HANDLING CASES OF CHILD SEXUAL  
ABUSE: A CASE STUDY OF LUUKA DISTRICT**

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**REG. NO: 19/U/0595**

**A DISSERTATION SUBMITTED TO THE  
DEPARTMENT OF SOCIAL WORK AND SOCIAL ADMINISTRATION  
FOR THE AWARD OF A DEGREE OF BACHELOR OF SOCIAL WORK AND  
SOCIAL ADMINISTRATION OF MAKERERE UNIVERSITY**

**DECEMBER 2022**

## DECLARATION


I, Balita Amos Musasizi, declare that this is my original work to the best of my knowledge, and has not been submitted to any other university or institution of higher learning for the award of any academic qualification.

Signature .....  ..... Date: .....  .....

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## APPROVAL

This research work has been submitted with the approval of my supervisor.

Signature .....  ..... Date: 22/12/2022 .....

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Supervisor

## **DEDICATION**

This dissertation is dedicated to my lovely parents Pr. Swaga Moses Balita and Mrs. Miria Joy Balita who prayed, encouraged, supported, and sacrificed everything for me to ensure that this comes to accomplishment. Most importantly, I dedicate this piece of work to the lord Jesus Christ who started a good work in me and has surely performed it to the end (Philippians 1: 6), all glory to his name.

## **ACKNOWLEDGEMENT**

The accomplishment of this dissertation was made possible with support from Luuka district Probation and Social welfare officer Ms. Kwegemya Mwajuma, the District Magistrate, His worship Yunusu Ndiwalanha, lawyers from Naita Co & Advocates, the Uganda police SGBV and CID officers, the LC1 members and parents of the child survivors of sexual abuse. I dearly thank you all for your cooperation and the time you accorded me when I approached you.

Special gratitude goes to my supervisor Professor Eddy J. Walakira for his sincere guidance and time he invested in me to make sure that I produce quality work. I must commend he was really of great help to me. I extend my heart felt regards to him.

My appreciation also goes to my parents Swaga Moses & Miria Joy and all my siblings Mercy, Joseph, Solomon, David, and Junior plus Kiyunga end time message church for supporting me with continuous prayers, financial and emotional support throughout my education journey, may God richly bless you all.

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## **LIST OF ABBREVIATIONS**

ACPF	African Child Policy Forum
ACRWC	African Charter on Rights and Welfare of a Child
AIDS	Acquired Immuno Deficiency Syndrome
ANPPCAN	African Network for the Prevention and Protection against Child Abuse and Neglect
CID	Criminal Investigation Department
HIV	Human Immuno Deficiency Virus
LC	Local Council
RSA	Resident State Attorney
SGBV	Sexual Gender Based Violence
U.S.	United States
UBOS	Uganda Bureau of Statistics
UNCRC	United Nations Convention on the Rights of the Child
WHO	World Health Organization
ICESCR	International Covenant of Economic Social and Cultural Rights

## **ABSTRACT**

The study examined the challenges parents of child survivors of sexual abuse face while reporting defilement cases in Luuka district, explored hardships officers face in collecting evidence and examined problems faced in handling defilement cases through the court system. The study applied a cross sectional research design and it utilized a purely qualitative research approach. Data was collected from 8 participants who included two parents of child survivors of defilement, a probation officer, SGBV police detective, advocate, magistrate and two LC1 members. These participants were selected purposively. Data was collected through in-depth interviews using in-depth interview guides. Among the research findings, the difficulties parents of child survivors of defilement faced while reporting cases include; lack of proof, long distances to police and courts, lengthy periods at the police, shame, inaccessible medical facilities and high hospital costs, community threats, threats from the perpetrator, poor case management by police, police bribery and demand for funds from families to purchase stationery at police. The hardships officers faced in collecting evidence and these included among others bribe tendencies by police, hesitance by community members to provide evidence, failure of parents to avail important documents like birth certificates, concealment of the offender by the community, police phobia, transportation difficulties, absence of a trial magistrate and a resident states attorney's office in the district. In addition, others reported included failure of victims to open up, insufficient stationery, ineffective coordination with the probation office and inadequate financial assistance to police. The problems faced in handling defilement cases through the court system included compromising of witnesses, transparency issues, natural occurrences, inadequate preparation of witnesses, inconclusive evidence, failure of witnesses to appear in court, protracted legal proceedings, failure of defilement cases to reach the judgement stage and offenders going unpunished by court. The study recommends a multifaceted approach and combined effort between government, police, and judiciary to ensure effective handling of defilement cases within the community in order to bring forth justice for victims.

## **CHAPTER ONE: INTRODUCTION**

### **1.0 Introduction**

This section includes the background information, the issue statement, the general and specific objectives, the research questions, the significance of the study, the study justification, the study scope and the theoretical framework for the study.

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

The World Health Organization [WHO] (2022) provided evidence that all forms of violence against those who are younger than 18 years old, whether perpetrated by parents or other caregivers, classmates, romantic partners, or strangers, constitute violence against minors. Furthermore, it revealed that up to one billion children between the ages of 2 and 17 worldwide may have been victims of physical, sexual, or emotional abuse or neglect in the previous 12 months.

A study done by Wihbey (2011) revealed that 7.9% of men and 19.7% of women experienced sexual abuse before the age of 18, while rates in the United States were 7.5% for males and 25.3 for females. Geographically, Africa had the greatest prevalence rate of child sexual abuse (34.4%), while Europe had the lowest (9.2%). The prevalence rates in America and Asia ranged from 10.1% to 23.9%. The study also found out that South Africa had the greatest prevalence rates for males (60.9%) and women (43.7%), while Jordan had the second-highest prevalence rates for men (27%). Tanzania was next (25%) after that, while rates between 10% and 20% were reported for men in Israel (15.7%), Spain (13.4%), Australia (13%) and Costa Rica (12.8%), while rates in the other nations are below 10%. Additionally, seven nations reported prevalence rates of 20% for women, including Australia (37.8%), Costa Rica (32.2%), Tanzania (31.0%), Israel (30.7%), Sweden (28.1%), the United States (25.3%), and Switzerland (24.2%).

According to the African Child Policy Forum ([ACPF], 2019), before the age of 15, 30–40% of adolescent girls in several African nations experience sexual violence. It also found out that between 9 and 17 percent of males and between 22 and 38 percent of girls experience sexual abuse as children in Kenya, Malawi, Tanzania, Swaziland, and Zimbabwe. In Malawi, over 22% of women claimed to have been a victim of child sexual abuse, 39.4% of the children in Ghana who responded to the survey said they had been victims of indecent assault, and 18%

said they had been defiled. According to data from South Africa, 1 in 3 males and females are at danger of sexual abuse before the age of 17, and the percentage of girls who have suffered sexual assault before the age of 18 varies from 15.6 in Kenya to 33 in Zimbabwe and 35 in Uganda.

The Uganda Police Annual Crime Report (2020) revealed that a total of 14,134 incidents of defilement were reported to police, up from 13,613 cases in 2019 and a growth of 3.8%. Of the 14,134 cases of defilement reported in 2020, 10,413 were simple defilement and 3,721 were aggravated defilement. The report further stated that a total of 5,058 cases were still under investigation by the end of 2020, and 5,741 cases were brought to court, out of which 794 cases received convictions, 22 cases were acquitted, 168 cases were dismissed, and 4,761 cases were still pending in court. In addition, 5,943 defilement suspects were arrested and charged to court during the review period, out of whom 845 were found guilty, while 4,907 were still awaiting trial and there were 14,230 victims in total who were defiled in 2020, and 1,4080 of them were female adults and adolescents (imbeciles).

Uganda Bureau of Statistics ([UBOS], 2020) also underlined that defilement was the most prevalent serious crime in 2019 accounting for more than half of all serious crimes. It further revealed that there were 17,1812 defilement offences in 2015, 17,395 in 2016, 14,985 in 2017, 15,366 in 2018, and 13,613 in 2019, with a 11.4% annual percentage change between 2018 and 2019. This agency also reported that in 2017, 14,985 defilement instances were reported, of which 4,651 were prosecuted, 15,366 cases were reported in 2018, of which 5,585 were prosecuted, and 13,613 cases were reported in 2019, of which 5,732 were prosecuted. In addition, this abstract revealed that 1200 men and 7 women were found guilty of defiling others, while 800 men and 7 women were held without bail making it a total of 2,014 prisoners accounting for 3.4 %.

In addition, Save the Children International (2019) shockingly reported that one in four girls and one in ten boys in Uganda between the ages of 13 and 17 have been sexually assaulted in the previous year. However, only a small percentage of incidents are reported to the police, and even then, of the hundreds of child molestation cases documented in 2017, only 32% resulted in arrests. It further revealed that around one in four child rape or defilement cases filed with the director of public prosecution are dismissed for lack of proof.

## **1.2 Statement of the problem**

The difficulties in managing defilement cases in Luuka district were the main focus of this study. Defilement instances are common in Uganda and are primarily affecting young girls according to studies like the Uganda Police Annual Crime Report (2020) and Save the Children International (2019). Affected families have successfully reported some of these incidents, while others haven't been reported because of mysterious reasons. On the cases that have been reported, some have already been prosecuted, others are currently being looked into, and some have already been thrown out by the court. So, dismissing charges results in the criminals' continued impunity, but the rights of the child defilement survivors have been violated and justice has not been served. Therefore, the goal of this study is to identify the difficulties encountered when handling defilement cases so that it is clear what affected families go through when reporting, what officers go through when gathering evidence, and what issues arise when handling defilement cases through the legal system. The results of this study will be crucial in assisting in bettering the reporting and management of defilement instances.

## **1.3 Study objectives**

### **1.3.1 General objective**

1. To examine the challenges faced in handling defilement cases, to contribute towards an improved understanding of handling of sexual abuse cases involving children in Luuka district.

### **1.3.2 Specific objectives**

1. To establish the difficulties parents of child survivors of sexual abuse encounter while reporting defilement cases in Luuka district.
2. To explore the hardships officers face while collecting evidence in Luuka district.
3. To examine the problems faced in handling defilement cases through the court system in Luuka district.

## **1.4 Research questions**

The research questions for this study were as follows;

1. What difficulties do parents of child sexual abuse survivors encounter while reporting defilement cases in Luuka district?
2. What hardships do officers face in collecting evidence on cases of defilement in Luuka district?
3. What problems are faced in handling defilement cases through the court system in Luuka district?

## **1.5 Significance of the study**

This research will assist in partially completing the requirements for the Makerere University bachelor's degree that I'm pursuing in social work and social administration.

Findings will also help the public understand why some defilement situations are not handled properly by the police and staff in charge of such instances, and this will discourage people from blaming them.

## **1.6 Justification of the study**

In Uganda, defilement cases are widespread but handling such cases is challenging just as evidenced by studies such as Save the children international (2019), Nasasi (2010), Phiri (2015), Bunusu (2011), UBOS (2020) and the Uganda police annual crime report (2020). Therefore, due to this, this study examined the various challenges faced in handling child sexual abuse cases and in turn it contributed to data on difficulties parents of child survivors of sexual abuse face while reporting, problems faced in handling defilement cases through the court system and hardships officers face in collecting evidence on such cases since these were areas with limited literature. Therefore, the findings of this study have a contribution towards successful prosecution of defilement cases.

## **1.7 Scope of the study**

The study was conducted in Luuka district, Busoga region and it focused on the periods between 2019 and 2021. Furthermore, only qualitative approaches were applied by the study and it was restricted to the key actors in handling child sexual abuse issues and these included parents of child survivors of sexual abuse, LC members, probation officers, magistrates, and

advocates. In addition, the study mainly examined the hardships faced by officers in collecting evidence, difficulties parents of child survivors of sexual abuse encounter while reporting defilement cases and explored the problems faced in handling defilement cases through the court system.

## **1.8 Theoretical framework**

The precondition theory of child sexual abuse developed by Finkelhor (1984) served as the foundation for this study. A four-factor model of the preconditions of child sexual abuse was presented by Finkelhor (1984), as cited in Mwangi, Ndungo, and Masiga (2018). His paradigm placed a strong emphasis on the internal defences, self-talk, and observations that sex offenders made about their surroundings. He further claimed that once these barriers are lessened, mistaken thinking can result in actions that are due to the absence of normal internal barriers. The self-talk is concerned with allowing offenders to break through barriers that had prevented them from acting out their feelings about perceptions of injustice, loneliness, and other stressors.

Four underlying elements that might be utilized to explain the occurrence of child sexual abuse are suggested by Finkelhor (1984), as quoted by Mwangi et al. (2018). These theories are based on the following assertions: first, emotional congruence, which states that having sex with children is emotionally satisfying to the offender; second, sexual arousal, which states that men who violate children are sexually aroused by the child they violate; third, blockage, which states that men have sex with children because they are unable to satiate their sexual needs in socially acceptable ways; and fourth, disinhibition, which states that these men become dispirited. He added that the fourth factor aims to illustrate why a person's sexual interest in children emerges as a sexual deviance, whereas the first three factors attempt to explain why people develop sexual interest in children.

Furthermore, Mwangi et al. (2018) reveals that Finkelhor's theory emphasizes the prerequisites that must be met before sexual abuse of a child can happen. The first is that the perpetrator must be motivated to sexually abuse the child, which includes emotional congruence, sexual desire, and blockage—three of the four elements listed above. The second prerequisite, which is linked to the disinhibition component, focuses on overcoming internal inhibitions, like those caused by alcohol, impulsive behaviour, psychosis, extreme stress, and social or sexual interest in minors, among other things. The third one focuses on overcoming environmental restraints

or circumstances that raise the likelihood of offense, such as maternal absence or illness, a lack of maternal attachment, a family's social isolation, and possibly a lack of parental supervision.

The last prerequisite has to do with how the abuser gets beyond a child's defences against the treatment, such as by utilizing presents, desensitizing them to sex, creating emotional dependence, or using threats or physical force.

In conclusion, the aforementioned notion is helpful to the framework of tackling the challenges faced in handling cases of defilement and it makes it clear that, it is the perpetrator who is responsible for child sexual abuse when it occurs. Additionally, sexually abused children seek a non-blaming supportive response from adults. This is because it may be their perception of the likelihood that it is what they will find that will decide their willingness to disclose what happened to them.



## **CHAPTER TWO: LITERATURE REVIEW**

### **2.0 Introduction**

This section deals with the analysis of existing literature on the subject with the objective of revealing contributions and gaps.

### **2.1 Child sexual abuse**

According to World Health Organization ([WHO], 1999), child sexual abuse is defined as the involvement of a child in a sexual activity that he or she does not fully comprehend; is unable to give informed consent to; for which the child is not developmentally prepared and cannot give consent; or that violate the laws or social taboos of society. It further reveals that child sexual abuse is the act between the child and an adult or another child who by age or development in a relationship of responsibility trust or power, the activity being intended to gratify or satisfy the sexual needs of the other person. The report further mentions what the other conceived acts of child sexual abuse would entail, and these include the inducement or coercion of the child to engage into any unlawful sexual activity, the exploitative use of a child to practice prostitution or other indecent practices of similar nature, and the exploitative use of the child to practice and enjoy by way of viewing pornographic materials and performances.

According to Lorraine and Andrew (2005), the definitions of child sexual abuse must be comprehensive to give broad understanding when they address two issues: narrowness and broadness of definitions. To them, there are issues such as contract child sexual abuse and noncontract child sexual abuse that needs understanding critically. Contact child sexual abuse according to them involves any form of physical sexual contact during the commission of a sexually abusive act, intimate or non-intimate, ranging from non-genital and genital touching to vaginal or anal sexual intercourse, while non-contact child sexual abuses involve sexually abusive acts that may range from exhibitionism to being (a non-contact) agent in the use of children in pornography or prostitution (Lorraine & Andrew 2005; Milner 1998).

Kemp (1998) gave a comprehensive definition of the concept child sexual abuse, which applies to an environment of modern child sexual abuse examination and analysis. He stated that it is the involvement of dependent, developmentally immature children and adolescents in sexual activities that they do not fully comprehend, and to which, they are unable to give informed consent or that violate the social taboos of family roles.

Defilement on the other hand is a behaviour that exposes a child below 18 years of age to sexual content or which the child is used to obtain sexual stimulation and gratification. The proof of sexual intercourse must be carnal evidence indicating that the penis of the person penetrated the complainant's vagina, however, slightly. Also, medical examination report verifying the physical evidence such as the presence of blood, sperms in the vagina or bruises on the walls and margins of vagina may also be permitted as evidence (ANPPCAN 2007).

Roland and Summit (1983) revealed that any understanding of child sexual abuse is incomplete without consideration of the child's perspective. Understanding the child's context of abuse reinforces the adult logic of the vulnerability, damaging effects and therefore amelioration of the situation. It further points out that the sexual abuse accommodation syndrome addresses the vulnerability and the reality of sexual assault of the child. The syndrome encompasses five elements that include: Secrecy: if the child feels she will not be understood or will be blamed then she is compelled to conceal her experience of sexual assault. Helplessness: if a child has no confidence to believe that her report will not be rejected the abuse will go unnoticed fully. Entrapment and accommodation: if the child, thinks that it will be very hard to validate her report about her experiences, she becomes a victim of both the primary and secondary damaging effects of abuse, delayed, unconvincing disclosure. He further points out that the first categories are preconditions to the occurrence of sexual abuse, and the last three categories are sequential contingencies, which take on increasing variability and complexity.

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

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

## **2.2 Legal Framework on Protection of the Girl Child against Defilement**

### **2.2.1 The International law (Child Rights)**

Uganda ratified the United Nations Convention on the Rights of the Child (UNCRC) in 1989. This purpose of this convention was protection of the rights of a child. It provided articles related to girl child defilement. These included the right to life, the protection of a child without a family, freedom from abuse and neglect freedom of identity. freedom from sexual abuse, freedom from sale, trafficking, and abduction. These are contained in article 6, 7, 8, 19, 34, 35 and 36.

### **2.2.2 The African Charter**

The African charter, on the rights and welfare of child article 27 states that state parties shall undertake to protect the child from all forms of sexual abuse and exploitation, they shall undertake measures to prevent the inducement, coercion, or encouragement of a child to engage in any sexual activity. Uganda is one of the countries that ratified this convention. Events that happen within families are usually not subject to international law. International law respects family autonomy as articulated in the International Covenant of Economic Social and Cultural Rights (ICESCR). However, child sexual abuse facilitated in the family under the guise of culture is now prohibited under international law by the UNCRC and the African Charter on Rights and Welfare of the Child (ACRWC).

Under article 19 of the UNCRC, the child is protected from abuse whilst in the care of parents, guardians or others who care for the child and the state is required to take all appropriate legal, administrative, social, and educational measures to protect the child. Sexual exploitation of children is also prohibited. At the regional level, ACRWC expressly prohibits child sexual abuse and exploitation. It compels states to amongst the same grounds articulated in the CRC to protect children against sexual abuse by school authorities.

ACRWC is applicable to all children under the age of 18 years regardless of national ages of majority. It seeks to eliminate the possibility of sexual abuse of children within marriages by establishing 18 years as the minimum age of marriage. To reinforce this, states are obliged to make registration of all marriage compulsory in an official register. Child marriages are to be prohibited by enacting the necessary legal measures that sets a minimum age of marriage at 18 years.

### **2.2.3 The Constitution for the Republic of Uganda**

While a whole chapter four of the Constitution of Uganda (1995) provides for the observance of human rights of all individuals, only a single article 34 specifically provides for children's rights. Among the rights mentioned, there are no specific provisions for protection rights of the girl child against situations that lead to girl defilement as spelt out in the UNCRC.

It is apparent that the 1995 constitution of the republic of Uganda provides no specific provision to protect the girl child in times of armed conflict as it was seen in northern Uganda. However, article 34 provides for a legal framework under which are the children's human rights. Policies and law have been enacted in support of realizing and protecting rights of children in general or specific situations, such laws formulated include the children Act chapter 59 and the laws under the penal code cap 120.

### **2.2.4 The Children Act Chapter 59**

The children Act of Uganda provides the principles which guide in the design of protection of rights strategies of children in situations of domestic dispute and where legal action is required. And these are based on three core values of the UNCRC 1989; These are "the best interest of the child", "survival and development of the child" and participation of children". Based on these, any decision that is made that affects the child's life while dealing with other persons, state, a court, a local authority is to be decided with the following consideration (a) the wishes and feelings of the child concerned, considering his or her age and understanding (b) the child's physical, emotional and educational needs and (c) the likely effects of any changes in the child's circumstances. Those considerations are a good pointer that Uganda recognizes and appreciates children's right to protection against defilement or protection physically and emotionally.

When the act out-laws harmful customary practices that are detrimental to the child's health, it becomes useful to the cause of the study but in conflict situation the customary practices continued become worse and relegate the girl child to sexual encounters of early marriages. As it stands however, it is incomplete because it does not give the scope of the social customary practices.

### **2.2.5 The Penal code cap 120**

The Penal Code Act cap 120 is an offence creating act in Uganda and has a long history that is traced in the colonial era in the early 1950's. When one examines the offences therein it will be appreciated that any violation of the following protection rights is offensive, and the offences are punishable. They include the right to life, freedom from illicit transfer, abuse and neglect, child labour, sexual exploitation, freedom from slave, trafficking, and abduction freedom from other forms of exploitation and to abuse, rape and defilement against children irrespective of what environment they are committed under. All are a clear provision for enforcing and protecting the rights of all children irrespective of situation. However, the area that has hindered the protection of the girl child from defilement and what needs to be urgently addressed is the lack of up-to-date data on the practice.

### **2.3 Causes of defilement**

There are several factors that contribute to defilement in our different societies, they are as discussed below;

According to Jewkes et al. (2010), defilement can be caused by a number of factors, including the girls' desire for sex, sex experimentation, peer pressure, anger directed at or as punishment for the girl, and boredom-related difficulties. These are all motivations for adults to defile young girls, increasing the number of instances since females have things that drive them to do the act.

Young girls being exposed to sexually explicit media is another reason for defilement. This is due to Kanyanya et al. (2007) who discovered a correlation between preoccupation with thoughts of sex and sexual defilement offenses and sexually explicit materials. This indicates that defiling behaviour arises from the desire to put into reality what is observed in the explicit texts and as a result, many females are defiled.

Another element that contributes to defilement is poverty. This is due to Kaye (2008) who observed that general economic conditions force kids to engage in sex trade for many of them in order to sustain themselves and their parents. Beninger (2013) made a similar argument, claiming that some teenage females engage in transactional sex as a result of financial pressure in order to pay for school fees, acquire money to spend, or to get excellent grades. There are

more instances of defilement in the society as a result of all these problems caused by the difficult economic condition at home.

Male defilement of female minors may also be encouraged by the presence of virginity examinations in some societies. This is due to Tamale's (2014) claim that many teenage girls voluntarily submit themselves to virginity tests in South Africa and Zimbabwe in an effort to win public acceptance, satisfy desires for communal affiliation, and for reasons of the dignity and pride associated with it. However, because they are young, innocent girls who are unaware of the ramifications of such tests, such virginity exams expose such young women to defilement by older males in society. Thus, the number of defilement instances in society is rising.

Some young girls are also defiled as a result of some men's misconception that sleeping with young virgin females may treat HIV. This is due to the fact that Bajaj (2008) highlighted in her research of Zambian society that defilement of virgins is a typical occurrence because some older men think that having unsafe or unprotected sex with a virgin can cure HIV. This idea has resulted in the contamination of several young women, which has also accelerated the disease's spread, so, damaging the promising futures of several young girls.

Finally, the problem of conflict and war in society also increases the likelihood that adult male soldiers will engage in indiscriminate sexual acts with young female children. This is because Blunt (2000) gave a historical explanation of how young female British nationals were defiled during the Indian Mutiny. It's important to note that prolonged exposure to conflict can have an impact on people's sexual integrity. This is because women and girls are more likely to experience sexual abuse as a result of war and conflict since reports of girls and women being raped and defiled by rebel fighters are frequent. Consequently, the likelihood of sexual assault against women and girls increases during times of war.

Therefore, it is well recognized that there is a heightened risk of sexual assault of women and girls during times of conflict (Muhwezi et.al., 2011). As a result, because this sex is not even protected, young girls are exposed to several diseases including syphilis, gonorrhoea and many more.

#### **2.4 Consequences of defilement on the survivors**

Defilement has several negative effects on the survivors, many of which are long-lasting and significant for the victims, even throughout the course of their whole lives. However, these

outcomes or impacts differ from victim to victim based on a wide range of variables. Bejide (2014) lists these characteristics as the age of the victim at the time of the defilement, the abuser's disposition toward the victim, and the response of those with whom the victim chose to discuss his experiences. All of these will cause the effects of defilement to differ for each survivor.

It is crucial to remember that defilement has a significant psychological impact on survivors and that this impacts them greatly. One of these outcomes is traumatic sexualization, which is the process through which a child's sexuality, including desires for sex and attitudes about sex, is moulded in a way that is both interpersonally dysfunctional and developmentally unsuitable as a result of being sexually abused (Finkelhor and Browne, 1985). As a result of the act being done without their will and having a significant influence on their physical size, the youngster becomes completely disorganized.

Furthermore, not only does defilement cause dread and worry, it also causes disgust (Seidman, 2013). This occurs on the side of the survivors because they are worried and terrified about what can happen to them as a result of the act. They are also repulsed by glances at the person who defiled them or persons of the same gender as that person, who caused their lives to become disorganized. Bejide (2014) claims that other consequences of defilement include things like sadness, disassociation, animosity, aggression, harmed relationships, low self-esteem, sexual dysfunctions, sleep disturbances, suicidal thoughts and actions, and drug misuse. Therefore, the defiling act has negative psychological and emotional impacts on the young females who are abused (Beninger, 2013). As a result, defilement survivors experience negative psychological repercussions for a long time after the offense was done, and some are discovered to have mental issues, physical symptoms, and disruptions in instinctual processes (Morhe and Morhe, 2013).

Defilement has detrimental effects on the survivors' health as well. This is due to the fact that it causes harmful long-term health effects including HIV/AIDS (Morhe and Morhe, 2013) and sexually transmitted illnesses like syphilis (Beninger, 2013). Thus, many kids find it unpleasant to go about their daily lives. Furthermore, it causes unintended pregnancies. This is because Morhe and Morhe (2013) noted that some females who are defiled become pregnant and are also susceptible to long-term health issues linked to early parenthood. Consequently, many young girls' ambitions were crushed.

Defilement has a significant impact on girls' capacity to engage in school, which directly impacts their access to an education. This is due to conditions like pregnancy, which are associated with defilement and also perpetuate gender inequality and discrimination, especially when they go unreported and unpunished (Beninger, 2013). Since they disrupt the survivors' overall welfare, these are all negative outcomes. Defiling young girls also has far-reaching repercussions and tragic ramifications on families and entire communities (Nnadi, 2012). This is due to the fact that it causes the victims and their family great mental and financial anguish, as mentioned by (Kanyanya et al, 2007). Consequently, Morhe and Morhe (2013) claim that these economic losses and hardships are often associated with teenagers' pregnancy and attendant complications making defilement a very bad experience within the affected families.

Distrust among the survivors is another effect of defilement. Due to the issue of betrayal, which entails youngsters learning that a person they essentially depended on has done them a lot of hurt and sorrow (Finkelhor and Browne, 1985). This hinders children's entire development since it causes them to grow up disliking some individuals. It also results in the survivors' disempowerment, which is another repercussion. Due to the fact that the kid who was defiled is frequently viewed as a predatory figure, causing a trail of pain and devastation, this component entails making the victim impotent wherein a victim's will, wants, and feeling of effectiveness are continuously violated (Finkelhor and Browne, 1985). (Seidman, 2013). As a result, defilement is both awful and extremely limiting since it tampers with a child's dignity.

Additionally, it creates shame, especially for defilement survivors. It's crucial to understand that stigma may relate to negative connotations like badness, shame, and guilt that are sent to the defiled kid around the events she went through during defilement and are later assimilated into the child's self-image. The abuser may be the source of these implications, or other members of the victim's family or community may reinforce them through their actions or words (Finkelhor and Browne, 1985). Because of how others perceive her as a wasted human being, the youngster has an extremely poor self-perception.

Finally, defilement also results in the murder of survivors. This is because O'Brien (2011) used the example of a US soldier who was assigned to Kosovo as a member of the American peacekeeping force and who raped and killed a 10-year-old girl. Therefore, due to the desire by abusers to avoid the repercussions of their actions, the defiling act may end up costing the survivors their lives. As a result, it is an act that is wholly unacceptable to mankind and that everyone should refrain from.



## **2.5 Challenges faced in handling cases of defilement**

### **2.5.1 Difficulties parents of child survivors of sexual abuse face while reporting**

Parents to child survivors of sexual abuse face a number of challenges while reporting, this is due to the fact that Nansasi (2010) underlines issues such as loss of trust in the police due to corruption, cases taking a long time to be handled by the police, the fear of embarrassing their children or relatives, ignorance of the law, which makes it difficult for them to know where to go and report, and being persuaded by financial gain in some cases. All of these issues create a significant obstacle for those impacted when they attempt to report defilement incidents.

Research conducted by Phiri (2015) also revealed many difficulties that these parents face as they report incidences of defilement and these were identified to include intimidation of female guardians by police officers who were supposed to help them was a problem because they sometimes force them to negotiate these cases. It also underlined negative comments from police officers that intimidate them to withdraw the case as another. Other factors included an increase in police corruption whereby they ask for money first so as to work on these families, unfavourable environment at police stations, intimidation of female guardians by police officers who were supposed to help them and long distances from home to the police stations which hindered those people from effectively reporting cases.

### **2.5.2 Hardships officers face in collecting evidence**

Bishumba (2020) revealed the community's culture of silence as a hardship faced by officers. This is because in doing this, it protects the culprit rather than the victim and thus makes gathering evidence difficult. This is so since impoverished families with a suspect supporting the young mother and her family continue to compel communities to keep quiet about such severe situations out of fear of reprisals. Consequently, this presents a difficulty to those conducting the investigation since some crucial information will be omitted, making the management of such instances challenging. He additionally reported that they face a hardship of limited knowledge on how to preserve evidence when it's still fresh since it can easily be compromised or contaminated. Hence making cases hard to prosecute due to lack of pure evidence.

A study conducted by Phiri (2015) also underlined a number of difficulties, including a lack of forensic equipment (equipment for operations) that presents a challenge while evidence is being sought, a transportation issue that forces police officers to pay for their own

transportation of victims to hospitals, long distances between hospitals and police stations that delay officers' ability to investigate reported cases, and a lack of office space that restricts confidentiality and privacy. Prosecutors find it challenging to efficiently gather the necessary evidence because of all these challenges highlighted above and therefore make it hard for officers to effectively work on defilement cases. The study further revealed that inadequate storage facilities is also a challenge here. This is because in this we refer to facilities where evidence is kept since he reported that safe places in which evidence can be kept are insufficient resulting into some evidence being destroyed by rain or fire and when this happens it becomes difficult for a case to be effectively handled without evidence making it a challenge to the officers.

Nansasi (2010) also reveals that finding evidence might be difficult when there is a language barrier, lack of collaboration or defilers who flee on the side of officers. This is because in times where languages do not connect, it is impossible to acquire genuine proof, and even when the defiler flees, it is challenging to gather evidence against him. Therefore, this makes managing defilement situations incredibly challenging.

Bunusu (2011) additionally reported that Prosecutors from the police are also challenged by conflicting medical findings from the original hospital that examined a kid and that of the police doctor. Therefore, as a result of this conflict, some information is omitted, restricting the collection of evidence, and somewhere down the line the youngster isn't aided, posing a problem. He also revealed that children who miss developmental milestones provide a hurdle. This is due to the fact that in his research in Kenya, prosecutors there remarked that it posed a significant issue since youngsters of this age could not provide a cohesive narrative of the events. This makes it difficult to gather evidence since it leaves out important components of the case.

In addition, he reported that while managing child sexual abuse cases, the investigating officers have their work made more difficult by parents' lack of cooperation. This is due to the fact that some parents are compromised and do not want to proceed with the case, while others arrive and inform the authorities that they would want to resolve the issue amicably. This makes it difficult for the authorities since they have to go looking for them. Consequently, making them have difficulty in gathering evidence.

He further revealed that late case reporting makes it difficult for investigators and prosecutors to gather forensic evidence, which results in inadequately resolved cases and a barrier is also presented by the destruction of evidence as parents report these issues. This is due to the fact that they wash the child's clothing after the incident, rendering some details untraceable and making it difficult for the police to gather proof on the matter. This study further underlined the issue of children being unable to record a thorough statement as another difficulty. This is because some kids are unable to speak up and describe what truly happened, which makes it difficult for the investigators to gather evidence.

Police and legal services are also limited by inadequate transport and resources required for effective forensic investigations, untrained prosecutors, and doctors that are not keen to give expert opinion in court (Chomba et al. 2010). Therefore, these are challenges to them because they can't adequately access the evidence due to limitations in transport and other aspects.

Another issue is police corruption, which arises from the fact that officers often demand payment before intervening and in most cases, are unwilling to help the victim, which presents a problem. This is due to the fact that they demand money, humiliate the victims during the interrogation process, refuse to conduct an investigation and also fail to gather and present physical evidence in court, refuse to make an arrest, and in some cases, even refuse to register the complaints at all (Sampson and Hart, 2013). It is challenging to efficiently access the necessary evidence because of all of this.

They also struggle with not having the necessary abilities to record statements. According to the Independent (2020), a recent investigation of police stations in the Kampala Metropolitan Police Region indicated that numerous police investigators lack the necessary abilities to record testimonies. It went on to reference the Uganda CID directorate spokesman, who said that their teams had discovered that certain statements taken down by investigators left out important information from victims and suspects, which frequently had an impact on how cases were prosecuted. In light of this, gathering evidence has become more difficult.

### **2.5.3 Problems faced in handling defilement cases through the court system**

Some of the challenges faced in handling defilement cases through the court system are revealed in a study done by Nansasi (2010) and she reported that some victims tend to defend suspects hence limiting court to obtain legal facts that warrant prosecution, she also noted that long court procedures also present a challenge since some affected people may give up, parents

un willingness to continue with the case is another highlighted challenge since it makes it hard to continue with the case in court, limited facilitation to follow up the case while in court is also a challenge here since the case may not be adequately handled due to lack of facilitation and destruction of evidence that makes court proceedings in effective is also a problem. This is because judgement cannot be made on a defilement case without it having evidence.

Khalil et al. (2021) also revealed that prosecutors work under various pressures that upset the equilibrium of justice making it a challenge to effectively gather evidence. This is because it makes it had for them to be free and impartial. Talking about these pressures, some come from bar members, complainants, accused, the high ups and politicians especially in famous criminal cases in which safety of a prosecutor is at risk. Hence a challenge to them as they handle cases in court. This study also underlined that the poor attitude of police that's not cooperative also presents a challenge. This is due to the fact that police don't come to the prosecution office to effectively handle their piece of work and when the piece of work is returned to the investigation offices for removal of defects in the investigation, police doesn't remove them properly and doesn't conduct investigation seriously nor bother to collect valuable evidence to the place of occurrence. This therefore presents a big challenge because accused persons take benefit of the defective investigation of police and can run away from justice.

Failure of witnesses to name the offender in court also presents a challenge. This majorly occurs when the abuser is an unidentified stranger, the abuse occurs in the dark, and no police officers conduct an identification parade (Bunusu,2011). This presents another difficulty since the offender is probably going to deny, preventing justice from being served. He also mentions another difficulty of witnesses' absence from court hearings. This makes defilement cases to be moved to other dates since no one is available to fill in the gap when the time for witnessing arrives. He further reported that inability of children to testify in court is another challenge prosecutors face. This makes the case vague since the one offended doesn't want to give evidence of the situation making prosecutors unable to help since it all starts with the child hence a challenge.

Literature review also indicates that prosecutors face a challenge when they are overwhelmed with very many cases. This is because they are required to perform dual kinds of duties like scrutinizing the challan and prosecuting criminal trials in courts yet they are outnumbered. (Khalil et al., 2021; Bunusu, 2011). This makes them tired and therefore handling few cases. According to Khalil et al. (2021), certain prosecutors lack the jurisdiction to withdraw a challan

and attend the crime site, which creates an issue. This is forces them to rely on oral evidence rather than objective or circumstantial evidence since they are unable to access crime sites to get first-hand information, making case management extremely challenging.

Additionally, Bunusu (2011) revealed that in ability of vulnerable witnesses to give consistent testimonies in court is also a challenge faced by lawyers most especially. This makes it hard for them to effectively handle the cases since something will always be lacking in the case hence making some cases to remain pending. He also reported that poor defilement case investigation is still another issue faced. This is due to the fact that police perform a poor job of investigating instances involving child sexual abuse. Several explanations were given for this, including a lack of expertise in conducting child sexual abuse investigations as compared to general investigations. As a result, handling cases in the legal system becomes a hurdle.

## **2.6 Gaps emerging from literature**

A comprehensive perusal and review of available literature reveals gaps and scenarios that are not sufficiently addressed and my present study aims at generating further understanding of challenges faced in handling defilement cases.

Most of the studies such as Phiri (2015) and Bunusu (2011) cover some challenges in handling defilement cases but they are not specific to Uganda as a country presenting a geographical gap.

Most of the literature reviewed such as Phiri (2015), Nansasi (2010), Bunusu (2011) and Khalil et al. (2021) were done in other areas and is therefore not specific to Luuka district still presenting a geographical gap.

Studies such as Khalil et al. (2021) utilized only the quantitative research methodology presenting a methodological gap so my study intends to make use of the qualitative approach to fill this gap.

Additionally, studies done by Nansasi (2010) and Bunusu (2011) utilized a mixed methods research approach to investigate around this matter, which was more of quantitative, therefore my study will fill this gap by applying an entirely qualitative approach.

## **CHAPTER THREE: RESEARCH METHODOLOGY**

### **3.0 Introduction**

This section contains details on methodology that will be used to collect and analyse data for the study. Firstly, the overall research design is described, the study area and sampling procedures. This section also contains methods of data collection proposed for the study, data management and analysis plus ethical considerations and the study limitations.

### **3.1 Research design**

The study adopted a cross sectional research design but it is important to note that Kothari (2004) defines a research design as the arrangement of conditions for collection and analysis of data in a manner that aims to combine relevance to research purpose with economy in procedure. Therefore, the cross-sectional research design involves collecting data from many different individuals at a single point in time. Therefore, this design helped me to collect data about challenges faced in handling defilement cases at a single point in time from the key actors in handling issues concerning children within the district.

#### **3.1.1 Research approach**

The study adopted a qualitative research approach. According to Bhandari (2020), Qualitative research involves collecting and analysing non-numerical data to understand concepts, opinions, or experiences. Therefore, it helped me to gather in depth insights into the problem and it helped me generate new ideas in my research.

#### **3.1.2 Study area**

The study was conducted in Luuka district, which is bordered by Buyende district in the north, Kaliro district to the northeast, Iganga district to the southeast, Mayuge district to the south, Jinja district to the southwest and Kamuli district to the northwest. It majorly paid attention to three levels, one was the district level which had the probation office and the district sexual and gender-based violence police desk. Second was the court level where major emphasis was put on the magistrate's office and the advocates department and the last was the community level where the local council members and parents of child survivors of sexual abuse were put into consideration.

### **3.1.3 Study population**

The study population comprised parents of child survivors of sexual abuse, various personnel such as the probation and social welfare officer, magistrate, advocates, SGBV police detectives, CID officers and LCI members. This is because they were the key actors in handling issues concerning children within the district.

### **3.1.4 Sampling strategy**

The study population was purposively selected. It's important to note that purposive sampling is a type of non-probability sampling technique in which a sample is selected based on the researcher's judgement on who is considered knowledgeable about the study. Therefore, this sampling strategy was used for this study because I considered these people knowledgeable about my study that I conducted.

### **3.1.5 Sample size determination**

The total sample size comprised 8 participants who were selected from different levels. Under the community level, two parents of child survivors of sexual abuse were selected and they were located by the help of the LCI chairperson of Village A in Budhabangula parish. This is because we were conducting a certain project related to child abuse in that community and the LCI brought them to my attention. Therefore, this was an opportunity I took on because information about such people is kept confidential and its only on rare occasions that it's let out. So that's why I selected these parents from that local council.

Furthermore, from the community level, two LC members were selected, that is the LCI chairperson and the secretary in charge of children. I located these by the help of the community members within their various villages and I selected them because their efforts towards fighting against child sexual abuse were highly commended by the community. Then from the court level, an advocate and a magistrate were selected.

Others within the sample were from the district level and here, the district probation officer was selected because any issues regarding children couldn't be handled without her guidance. Lastly, I considered the police at the district level and here, the district SGBV police detective was selected because she was the one that handled all SGBV cases reported to police in the district. The final sample fully depended on the principle of saturation and it was important to my study because Sanders et al. (2017) underlined that saturation is used as a criterion for

discontinuing data collection or analysis. Therefore, when I reached a point where no new data was being gathered and the interviews were producing only previously discovered data, that signalled me to end data collection. This principle therefore helped me to get the final sample.

### 3.1.5.1 Summary of the study sample

The table below summarizes the study sample;

**Table 1.4: Summary of sample size**

<b>PARTICIPANT</b>	<b>NUMBER OF PARTICIPANTS</b>
Magistrate	1
Advocate	1
SGBV police detective	1
Senior probation officer	1
Parents of child survivors of sexual abuse	2
LC members	2
<b>TOTAL</b>	<b>8</b>

### 3.1.6 Data Collection Methods and instruments

#### 3.1.6.1 Data collection methods

Data was collected through in-depth interviews. According to Boynce and Neale (2006) in depth interviews involve conducting intensive individual interviews with a small number of people to explore their perspectives on a particular idea, program, or situation. Therefore, they were used to get detailed information about the challenges faced in handling cases of defilement in an in-depth way and this helped to give a more complete picture of the difficulties encountered by those who report and even those who handle the cases since all these are involved while a defilement case is being handled.

#### 3.1.6.2 Data collection tools

An in-depth interview guide was the principal tool used to collect data. Boynce and Neale (2006) explain that an In-depth interview guide lists questions or issues to be explored during



the interview and an informed consent form. Therefore, this tool guided me on what questions to ask my participants in Luuka district.

### **3.2 Data quality control**

This was to ensure that the data collected was reliable and valid.

#### **3.2.1 Validity and reliability of the instruments**

Noble and Smith (2015) elaborate on validity as the precision in which findings accurately reflect the data. They further highlight that reliability is the consistency of the analytical procedures, including accounting for personal and research method biases that may have influenced the findings.

Furthermore, De sermeno (2014) revealed that although reliability and validity are treated differently in quantitative studies, these terms are not viewed separately in qualitative research. Instead, a terminology that encompasses both such as credibility, transferability and trustworthiness is used.

Unlike quantitative researchers who apply statistical methods for establishing validity and reliability of research findings, qualitative researchers aim to design and incorporate methodological strategies to ensure the trustworthiness of the findings (Noble & Smith,2015).

Therefore, in order to achieve validity and reliability of my study plus the instruments used, the study employed strategies such as triangulation. It is important to note that triangulation is a method used by qualitative researchers to check and establish validity in their studies by analysing a research question from multiple perspectives. These perspectives can come from data triangulation that involves using different sources to increase validity and investigator triangulation which involves using several investigators in the analysis process (De sermeno, 2014).

Borrowing from Noble and Smith (2015), I also carried out a respondent validation which included inviting participants to comment on the interview transcript and whether the final themes and concepts created adequately reflect the phenomena being investigated.

### **3.3 Data analysis and management**

The collected data was analysed using thematic analysis. Thematic analysis is a method of identifying, analysing and interpreting patterns of meanings (themes) within qualitative data (Clarke & Braun, 2017). Additionally, the study adopted Braun and Clarke (2006) six phase framework for doing a thematic analysis and they include Becoming familiar with the data as the first step which included transcribing data, reading and re reading, noting down initial codes. The second step was generating initial codes and this involved coding interesting features of data a systematic fashion across the data set, collating data relevant to each code.

The third step was searching for themes and this involved collating codes into potential themes, gathering all data relevant to each potential theme. The fourth step was reviewing the themes and this included checking if the themes work in relation to the coded extracts and the entire data set, coming up with a thematic map. The fifth step was defining the themes and this involved refining specifics of each theme, generation of clear names for each theme. and the last step was generating a write-up which was the final opportunity for analysis selecting appropriate extracts and discussion of analysis. Thematic analysis is therefore not only a method for describing data but also involves interpretation in process of selecting codes and constructing themes (Kiger and Varpio ,2020).

### **3.4 Ethical considerations**

Bhandari (2021) defines ethical considerations as a set of principles that guide research designs and practices. They were as follows; before I went to the field, I was cleared by the department of Social Work and Social administration and a letter introducing me to the community was given to me. I was also permitted by the local leadership from the study area and this made me to successfully conduct my study.

Furthermore, I gained informed consent from my participants and in this I ensured that confidentiality is respected to all my participants in that any information shared was not disclosed anyhow. Still under informed consent, I ensured there that there was voluntary participation meaning people participated in my study willingly without being forced and before recording I first asked for my participant's permission.

### **3.5 Limitations of the study**

There were difficulties in gaining consent from the participants but it was solved by carefully approaching them with respect, order and a consent form handed to them.

There were risks of contracting COVID -19 and Ebola in the field during data collection but this was solved by constant wearing of a mask and maintaining all the standard operating procedures.

## **CHAPTER FOUR: PRESENTATION OF FINDINGS**

### **4.0 Introduction**

This chapter presents the results of the study that looked into the difficulties faced in handling defilement cases in the Luuka district. It presents, interprets, and discusses data on the three specific objectives, which were aimed at establishing the challenges faced by parents of the child survivors of sexual abuse while reporting defilement cases, examining the challenges officers face when gathering evidence, and exploring the challenges encountered when handling defilement cases through the legal system. Therefore, the first subsection of this chapter presents an assessment of sexual abuse problem. In the second subsection, I present the difficulties parents of the child survivors encounter while reporting child sexual abuse cases. Then the third section presents the hardships officers face in collecting evidence and the last section presents the problems faced on handling child sexual abuse cases through the court system.

### **4.1 Assessment of the child sexual abuse**

#### **4.1.1 Magnitude of the problem**

Findings revealed that defilement is a common problem but few cases of such a kind are reported by community members. Evidence can be obtained from what the magistrate explained. He revealed that defilement is the most committed offence in the district but just a few cases are reported since rest are settled in village.

It is the commonest offence committed and I want to tell you that I am the person who handles sexual offences in Busoga east and Luuka statistically in Iganga we are one of the leading and I want to tell you that it's just a few which are reported but in terms of numbers many cases they keep in villages, people settle one on one so longer as the other party can pay some money inform of compensation , they will always finish their troubles in the village so it's a few which are reported to the authority but still numbers are many (Magistrate).

#### **4.1.2 Category of girls most affected by defilement**

Findings revealed that defilement occurs to girls of 12 years to 17 years because during this age and the reason for this was that they develop interest in moving with boys and as they do so they are taken advantage of by these boys. Just as the secretary in charge of minors elaborates,

What I understand most is that defilement happens to girls of 12 to 17 years because at this stage these girls develop interest in moving around with boys. So, in the process of hanging out around boys, a defilement incident can happen (Chairman LC1).

The study also discovered that girls of this age are defiled because of the different changes they experience on their bodies. For example, weight gain which makes them look like adults. This can be seen in what the secretary in charge of children said.

Now, the age bracket that I see is from the age of 12 to 17 years because at this age, these girls gain a lot of weight making one think that they are mature (Secretary in charge of children).

Findings also indicate that most of the girls who are defiled are in primary school and ordinary level. For example, the SGBV police detective revealed that most of these girls are from class of primary four to primary six.

Here in Busoga region, the most frequent cases we receive are girls in P.4, P.5 and P.6 and in most cases after being assaulted, they drop out of school because they are brain washed (SGBV Police detective).

In addition, the secretary in charge of children revealed that child survivors of sexual abuse also originate from classes of senior one to senior three and the reason he gave was that at this education level, these girls start to gain attraction towards men due to being in adolescence.

Now in terms of schooling, they tend to be in senior one, senior two. This is so because these girls have reached a stage whereby, they can easily get attracted to men as result of being adolescents (Secretary in charge of children).

The study further found out that most of the children who are sexually abused are found within families that have an element of domestic violence. This means such violence makes children prone to sexual abuse. This finding can be supported with what the probation officer revealed.

Most of these children are within families that have an element of domestic violence and this aspect greatly exposes them to defilement (Senior probation officer).

#### **4.1.3 Reasons for defilement**

The study revealed some of the circumstances under which girls are defiled and they are discussed below;

##### **a) Presence of sugar cane shambas**

Findings revealed that sugar cane has played a vital role in creating safe havens for the defilers. This is because they give room the defilers to take advantage of young girls as they go to do various activities like fetching water and playing. The magistrate had this to say about this finding,

Luuka is one of the leading districts in growing sugar cane and many girls have been defiled within sugar cane plantations. This is because as these children are going to fetch water or to school, the defilers take advantage of the large shambas of cane to feast on them since they act as shelter or a cover for them to engage in the crime (Magistrate).

#### **b) Night errands to shops and markets**

The study also found out that the reason as to why most girls are defiled is that they are sent to shops at night to buy food items and even sent to sell commodities such as pancakes in the market. Therefore, as they are returning home, they fall victim of defilers. The probation officer clearly spelt out this issue during the interview,

In Luuka, we have trading centres and towns. Therefore, parents send their children in the evening to go and sale some tomatoes like hawkers which is risky. In the due course, sugarcane cutters convenience these young girls and promise to buy them items like chapati in exchange for sex (Senior probation officer).

Similarly, the secretary in charge for children revealed the same issue as regards sending children for night errands.

Another aspect is sending girls to the market to sale things like pancakes and groundnuts during the night. So, by the time they retire from the market, they happen to meet dangerous people on their way back and in most cases such people are drug abusers. Therefore, such people take advantage of them (Chairman LC1).

#### **c) Admiration for material things**

This was also another circumstance that forced girls into sex. This is because they desire to receive petty items like smearing oil, shoes, and the like from men. Just as the SGBV police detective reveals.

One of the things I can say is that these girls have the urge to receive material things like clothes and in the process, they are deceived by the perpetrators who ask for sex as a form of payment (SGBV Police detective).

#### **d) Admiration spirit in men**

Findings revealed this as another reason as to why defilement happens. This is because a mother of a child survivor of sexual abuse revealed that perpetrators always admire certain body parts such as the girl's bums, the breasts which later entice them into the act of defilement.

The spirit of admiration within men is a cause. Let's take an example of my daughter, I think the boy that defiled her admired her big bum and because of that, it enticed him to molest her (Parent of child survivor).

This finding is in line with one of the guiding theory's prerequisites which stated that a perpetrator must first be motivated in order to sexually abuse a child. According to Finkelhor (1984), as cited in Mwangi, Ndungo, and Masiga (2018), this prerequisite involved emotional congruence, sexual desire, and blockage. Therefore, within this finding, the perpetrator defiled the minor because he was motivated by certain parts of girl's body like her bums which made him to desire sex.

**e) Bad peer influence**

Findings also revealed bad peer influence as a major occurrence that leads to defilement. This is because such bad friends mislead young innocent girls into sexual acts since they desire to try out things that other peers are doing. Just as the senior probation officer reveals

Sometimes it is peer influence. For example, I had a case of a 13-year-old girl who was defiled and later got pregnant. When I deeply interviewed her, I realized it was peer influence since she told me that she wanted to try out things that her friends were doing (Senior probation officer).

**4.2 Difficulties parents of child survivors of defilement face while reporting**

The study identified a number of difficulties encountered by the parents of child survivors of sexual abuse while reporting defilement cases. They have been categorized as individual, institutional, and societal.

**4.2.1 Individual difficulties**

**a) Lack of proof**

The absence of proof concerning all that occurred is a barrier to the parents as indicated by the findings, since it prevents them from establishing the guilt of the offender.

As an illustration, the chairman LCI stated that witnesses may be reluctant to provide a testimony as a result of this issue.

The problems they encounter while trying to report include lack of evidence. Police asks them for it but the people who were on the scene fear to give evidence to them (Chairman LC1).

Therefore, the issue of parents having no evidence has made many perpetrators to go unpunished since there are no ways in which these parents can report when there is nothing to show for it. Therefore, this makes them sit back and just look on.

### **b) Long distances**

Long distances to the police were another issue that was noted. Findings indicated that this was due to the fact very few villages had police stations. Therefore, these parents had to travel a long distance to get to the nearest police station and some even lacked other transportation options. As an illustration, the SGBV police detective described this in her narrative.

To me I would say they face challenge of moving long distances to police because not all villages have a police station nearby. Then you may find that they have gotten a problem but they don't have means of transport to reach police (SGBV Police detective).

This finding shows that most parents of child survivors of sexual abuse have difficulty in reporting because of the long distances to the police station and this was also reported by other researchers such as Phiri (2015) whose participants during his study pointed out long distances as a challenge in reporting since the police stations were far from their respective homes.

Studies such as Mwemba et.al. (2011) also attest to this finding, since this study revealed that geographical factors such as long distances between relevant institutions such as police and courts present a challenge and according to the study, most parents resorted to informal mechanisms of settlement in order to save them the trouble of walking long distances.

### **c) Fear that the case will take time**

The study findings also revealed that some families struggle with the obstacle of worrying that the cases would take a long time to be solved and so this is a hurdle they encounter. The attorney can substantiate this.

They think that it will take time for the case to be worked on when they report it to the relevant authorities (Advocate).

### **d) Lengthy periods at the police**

Parents of the child survivors of sexual abuse also recounted spending lengthy hours waiting at the police station from dawn to evening without even food and not being able to see the officers they hoped to meet. This greatly inconvenienced them.

The major problem we faced was that we could reach police and sit for long almost the whole day and used to come back very late at home. Then there are times we would go to police and find the SGBV officer absent, then when we could get a chance to meet her, she would be attending to other people. Therefore, this made us wait for long (Parents of child survivors).



#### **e) Trouble in obtaining satisfaction from the police investigation**

Another challenge experienced by parents as they report defilement cases is frustration by police in relation to lack of transparency during investigation. Participants pointed out reasons, such as not being called to court.

For instance, a victim's mother complained that the police asked her for money, she wasn't called to testify and was also denied access to the perpetrator.

Me personally as a mother, I did not get satisfied with the police investigation. We expected to be called to go to court when the boy was being sentenced which they did not do. Of recent a policeman came and assured us that the boy was in prison, but whenever he met us, he asked us for money. So, I wasn't satisfied with that investigation because everything wasn't clear. We as parents, we have never seen the boy at police, even when we asked them, they would say that they don't have such a name in their books. They also asked for thirty thousand to come to the scene yet they had motorcycles that they ride around so for us no (Parents of child survivors).

#### **f) Shame**

The study also revealed that the biggest problem faced by most parents is embarrassment from their village neighbours. This is due to the fact that the locals are aware that this family has a daughter who was defiled. So, these parents refrain from speaking and even fail to report for fear of such disgrace. This is thoroughly explained by the advocate.

This person fears to get shamed and he keeps it as a secret so that people don't ruin the daughter's chances for marriage in the future. This is because men do not want girls who have been defiled and that's why most of the parents just keep quiet (Advocate).

These findings therefore indicate that parents of child survivors of child sexual abuse are individually challenged by shame since it makes them keep silent due to fear of being mocked by the community, they also have worries about how long the case will take to be solved and even have difficulty in obtaining satisfaction from police investigations because of not calling them to court. The other challenges identified were long distances and lack of evidence. Therefore, these individual difficulties pause a great blockage in the parents' bid to seek justice for their defiled daughters.

### **4.2.2 Societal difficulties**

#### **a) Inaccessible medical facilities and high hospital costs**

Findings revealed that one of the difficulties parents face while reporting is that health centres are far away, and even when they do manage to get there, they are unable to pay the hospital

expenses, thus creating a hurdle to them and this makes them choose to sit back. This is verifiable by the magistrate's opinion.

Some of the health centres are very far and parents cannot afford them. The doctors are not even supposed to get money but they inevitably want money yet the parents cannot afford to pay. Therefore, some decide to sit back than to go through the hustle of moving 20km from boarder districts such as Bukooma, Bukoova, Ikumbya to Buyende, Kamuli, Jinja or Kiyunga where there is a health facility (Magistrate).

#### **b) Community threats**

This was another challenge that parents were noted to face while reporting defilement cases. This is because the secretary in charge of children said that the community threatens to use mob justice in order to save a village member's son and they can put blame on the parents, alleging that they were the ones who allowed their daughter to get into that situation.

They face a challenge of threats from the community since if they report, the community may carry out mob justice because it is someone's son in the village. These village members can threaten these parents saying "hee-hee let us see you daring to arrest anyone" and they also claim that it's the parents who always send their kids for errands late (Secretary in charge of children).

#### **c) Existence of a relative or close friend as an offender**

Findings also indicated that parents have a difficult time reporting situations where the victim and the criminal share a relationship because they are afraid that someone close to them would be harmed. What the chairman LCI mentioned has further information about this discovery.

You can find that the person who defiled is a family member or is related to the girl. So, they fear that they will imprison their very own (Chairman LC1).

#### **d) Threats from the perpetrator**

Additionally, the study revealed that some parents face a backlash from offenders in their effort to report. This may be evident in situations when they are confronted by the possibility that the offender, who is regarded as a tough individual, may be freed from jail, and damage their family after being arrested. This conclusion is supported by the LCI's perspective.

They also face a difficulty of the offender being a difficult person. For example, when he comes out of prison, he can kill or damage this family (Chairman LC1).

#### **e) Existence of a neighbour or fellow villager as a perpetrator**

The study also ascertained that majority of parents struggle to report when the offender lives next door or is in the same community as them. Some participants' opinions can attest to this conclusion. For instance; the secretary in charge of children mentioned that some families experience issues in reporting when it turns out that the neighbour's son was the one who molested their daughter. As a result, they often worry about how their neighbours and the wider community will react, which makes this a challenge.

The challenge they face while reporting is that sometimes they are village mates and some even worry about how it will look when they imprison a neighbour's son. This makes them fear because community members may start eyeing their sons as well. In turn parents fail to assist their defiled daughter because of that (Secretary in charge of children).

A comparable example comes from the SGBV police detective's explanation that a culprit being a neighbour's son makes it difficult for these parents to disclose anything because they fear to be despised.

Some of these people tend to say, "so and so is my neighbour, how can I report their son." Therefore, they keep quiet because they fear to be hated (SGBV Police detective).

These findings imply that society has a great influence in the way parents of child survivors of sexual abuse report defilement cases because it presents them with various difficulties while reporting. For example; threats, the perpetrator being a village mate, in accessible hospitals. This therefore means that society presents great hinderances to families as they try to report cases of child sexual abuse.

#### **4.2.2 Institutional difficulties**

##### **a) Poor case management**

Poor management of case parents report by police was another difficulty that was identified. This was a problem to the parents because findings revealed that police made the cases disappear in instances where one side had money which made these families fail to ultimately receive justice. To this, the advocate had the following to say:

They can also be challenged in instances where the police mishandle the case and make it to disappear most especially if there is a side that has money. This is because the police look at the side with money rather than the victim who was affected (Advocate).

## **b) Police bribery**

The study also discovered that families struggle with the aspect of police collecting money in exchange for justice. For instance, the secretary in charge of children reported that although families may desire to report crimes and seek justice, they face difficulties due to police settling cases for bribes and releasing offenders on the pretext of innocence.

Now another issue is that this parent may want to report the case and get justice, but the police take bribe from the offender and later set him free claiming that he was innocent. (Secretary in charge of children).

Studies such as Phiri (2015) also reported the same and in this study, it was referred to as corruption. It was a major challenge parents faced in reporting cases because the male guardians in this study said police even refused to arrest the offenders because of failure to receive bribe and therefore due to this, most parents were forced to settle these cases amicably with in their village instead of reporting.

## **c) Demand for funds to purchase stationery**

Findings also revealed that another difficulty parents encounter while reporting was police asking them for money to purchase files and other stationery, this aggravated them because they even lacked the funds. In what she described; the senior probation officer went into further detail regarding this.

Sometimes police get exhausted of police forms and stationery and they ask the one who has come to report to assist in photocopying and buying. Therefore, these parents fear to report since police will ask for money which they don't have (Senior probation officer).

Basing on these findings, parents to the child survivors of sexual abuse face a lot of hinderances in reporting majorly from institutions such as the police which takes bribes, mishandles cases, and asks them to buy stationery. Therefore, to remove such a blockage, the police need to check on their service delivery to the people who come to report and it should also be facilitated well to avoid asking for favours from the reporters.

## **4.3 Hardships officers who handle defilement cases face in collecting evidence**

As per the findings, police face a number of hardships as they gather evidence on defilement cases and as they deal with them. These challenges are categorized as individual, institutional, and societal.

### **4.3.1 Individual hardships**

#### **a) Bribery tendencies by police**

The study revealed that officers face bribery challenges as they work to gather evidence on defilement cases. This is because it lures them to handle the evidence inappropriately, which causes cases to vanish. For instance, the secretary in charge of children during the interview stated that these policemen convince themselves that they can't miss such a large sum of money in the case because they are taking this case to court.

The major problem they face is bribery because they can't miss all that money in bid to forward a reported case to court. Therefore, they find ways in which they can make the evidence disappear (Secretary in charge of children).

A study done by Sampson and Hart (2013) agrees with this finding and it referred the bribery challenge to police corruption and revealed that its major problem that officers face as they are trying to collect evidence. This is because they ask for money before intervening in the case and refuse to conduct investigation due to desire of receiving some money. Therefore, the issue of bribery is a common challenge that impedes the way officers collect evidence.

### **4.2.3 Societal hardships**

#### **a) Hesitance by community members to provide evidence**

Findings also revealed that officers have a difficult time gathering evidence on defilement cases because community members are not always upfront with them. For instance, the senior probation officer stated that an element of this entails individuals being afraid to tell the truth because they don't want to be despised. She added that this aspect of not being upfront also appears when it's a relative who has defiled for the first time and doesn't always do it.

Community members are not open enough and so they fear to reveal the truth for fear of hatred most especially if it's a relative and he has done it for the first time and is not a perpetual offender. (Senior probation officer).

#### **b) Getting only the boy or girl during investigations**

Findings also demonstrated that when they find the female alone and the boy elopes or vice versa, officers are challenged as they gather evidence since it makes it hard to get reliable proof. An example is the claim made by the parents of child survivors of sexual abuse who said that if authorities only find the girl who was defiled and fail to arrest the boy, gathering evidence may become difficult.

Getting only the girl who was defiled and failing to arrest the boy can bring issues as police collects evidence since it makes them miss out important traces concerning the case (Parents of child survivors).

**c) Taking sides**

The study revealed that when authorities arrive on the scene, they may have trouble gathering evidence since witnesses often side with either the defiler or the girl who was defiled. As a result, disagreements about who is to blame for the defiling may even cause evidence to vanish. According to the parents for instance, police encounter difficulties in collecting evidence when they arrive on the scene and some people take sides with the boy and others with the girl. They further revealed that some even claim that the boy was framed, while others claim that the boy truly defiled. Therefore, evidence is often destroyed as a result of such conclusions and disagreements.

Finding people at the scene and they take sides with the boy or the girl and may be some claim that the boy was framed presents a problem to police since such conclusions and disagreements disturb police. (Parents of child survivors).

**d) Failure of parents to avail important documents about the victim**

The study also revealed that when parents refuse to provide authorities with crucial records about the victim, such as baptismal certificates and birth certificates, it becomes hard for officers to gather evidence on defilement cases since it becomes difficult to establish the victim's age. For instance, the SGBV police detective discussed the problem of parents who don't preserve documents.

We face a problem when parents fail to keep records of the victims. For example, a matter is reported at police and a parent comes and claims that her daughter is 15 years old but proving that is very difficult because this parent doesn't have the daughter's birth certificate, baptism card or child immunization card where such information is found (SGBV Police detective).

**e) Lack of awareness on how best to handle victims**

Findings revealed that the aspect of caregivers such as parents, having limited knowledge on how to handle the victims after the defilement incident is also a challenge for police. This is because they bring victims to police after they have already showered, changed into clean clothes which causes evidence to be washed away.

The SGBV police detective has further information about this problem and ties it to the police's distance from the scene and cases that aren't reported right after.

Lack of awareness by people dealing with victims is also a challenge. Now, because parents stay far from police, it makes the matter not to be reported immediately and by the time they come, the victim has already bathed and changed clothes. Therefore, this makes evidence to be washed away (SGBV Police detective).

#### **f) Deceit among community people**

The study indicated that the refusal of people to disclose the truth presents additional difficulty to police as they work to gather evidence in defilement cases because it makes the truth about the case to disappear. The secretary in charge of children made this point very plain throughout the interview.

People do not want to talk the truth and this makes evidence disappear (Secretary in charge of children).

A study done by Bishumba (2020) agrees to this finding. This is because it termed such dishonesty and failure to reveal truth as the culture of silence among community members. He underlined that it presents a problem to the officers trying to collect evidence since families just keep quiet because they are financially supported by the offender. Therefore, this act of dishonesty is very common when it comes to such cases and makes the right information about the case to vanish.

#### **g) Failure of the community to cooperate with police**

Findings also show that the police encounter difficulties while trying to apprehend a criminal once the victim's community refuses to cooperate with their request, claiming ignorance of the desecration. The secretary in charge of the children outlined this explicitly and added that the community may even applaud the defiler and warn the police and scare them not to arrest anyone.

Another challenge is that community may block police and even praise the offender. It can also claim that it's not a new thing for someone to be defiled hence making police fail in whatever it's carrying out (Secretary in charge of children).

#### **h) Concealment of offenders by the community**

Findings indicated that police often face challenges while gathering evidence on defilement cases in instances where the community hides the boy who perpetrated the act of defilement, making it difficult to get evidence. For instance, the child-related secretary expanded on this in the interview.

The community can also hide the boy for a period making it hard to gather evidence. (Secretary in charge of children).

### **i) Police phobia in the community**

The study also revealed that police have a very tough time gathering evidence since community members feared it and were afraid to witness on such crimes.

This is due to the chairman LCI's account that when the police seek for witnesses on the ground, the community members all remain silent out of fear of being interrogated extensively or even detained.

The major problem is that when they reach the community to collect evidence, people run away because they fear police and when police ask for witnesses, they all keep quiet. This is because they feel they don't have guts to go to court or police to be witnesses due to fear of arrest or over questioning (Chairman LC1).

These findings therefore show that society greatly affects the police in the process of collecting evidence since it causes hardships such as blocking of police, people fearing to witness, fear of police, concealing offenders, people being dishonest and parents failing to avail important documents about the victim. This means a lot of community policing has to be done to ensure that these defilement cases are properly investigated on by the police without any difficulties.

#### **4.2.4 Institutional hardships**

##### **a) Transportation difficulties**

The study also discovered that the absence of suitable transportation mechanisms is a concern for the section responsible for gathering evidence. The senior probation officer discussed this and stated that if the defilement sector is not given access to transportation, they would eventually turn to the person who has reported for assistance.

A transport challenge is faced by police since it's sector which deals with defilement is not provided with appropriate transport means. This makes them resort to the person who reported to support them with facilitation (Senior probation officer).

Studies such as Phiri (2015) reported a similar challenge of transport. This is due to the fact that in the findings of this study the Zambia police victim support unit struggled with transport difficulties and this made many cases to go unprosecuted and participants complained about its performance. This study further reported that these police officers even failed to visit scenes of crime in the shortest time possible and this led to loss of evidence. A participant from this study further revealed that due to lack of transport, police is unable to rush to the incidence scenes making perpetrators to run away and therefore this consequently leads to evidence loss.



A study done by Chomba et al. (2010) also agrees with this finding since it revealed that the police are limited by inadequate transport to carry out effective investigations and therefore making evidence collection to be hampered in the process.

**b) Absence of a trial magistrate in the district**

The study discovered that the absence of a trial magistrate presents a barrier for officers trying to handle defilement cases because it makes it challenging to bring criminals before a judge in a timely manner and according to findings, he only sits in Iganga.

This is confirmed by the police investigator from SGBV.

If it comes to Luuka as a district, although defilement cases are rampant, we don't have a trial magistrate within the district and we only find him in Iganga (SGBV Police detective).

She continued by stating that the absence of a trial magistrate in the district causes victims to wait longer for justice because parents must travel long distances to appear before the magistrate, and occasionally, they are unable to do so. This results in cases being postponed, which wears people out.

Delayed justice is another challenge. Like I told you earlier, some of these complainants are from distant places and we do not have a trial magistrate with in. Take an example of someone moving from Nawampiti and Bukoova to Iganga for a hearing and maybe they don't find the magistrate in office, then the matter is adjourned two to three times. This makes people to get tired due to the repeated long distances and lack of money (SGBV Police detective).

**c) Absence of a Resident State Attorney's office in the district**

The study also found out that officers in Luuka face a difficulty of not having a resident state attorney in the district which makes suspects to be over-retained in jail. For instance, according to the SGBV police detective, this difficulty of not having the RSA office has made many suspects to be over-kept in prison because they have to look for this office in Iganga but the roads leading to Iganga from Luuka are poor and they lack the necessary transportation to get there.

Another challenge is that we don't have the Resident State Attorney's office in Luuka. So, the cases reported are taken to Iganga for perusal and roads are bad. Sometimes we don't have means of transport to reach that destination and this leads to over detention of suspects in prison (SGBV Police detective).

#### **d) Failure of victims to open up**

This was another difficulty the study found to affect police in its attempt to gather evidence. The fact that victims take so long to open up makes the officers get overburdened and this causes them to overlook crucial signs in this case. In an interview with the SGBV police investigator, she made note of the fact that these victims may require a lot of time to open up and often hesitate to do so out of shame or concern for being associated with their lover.

Sometimes the victims need a lot of time to open up whereby there is need to give them time and exercise patience. This is due to fear that they will get ashamed and also fear to pin the boy (SGBV Police detective).

#### **e) Insufficient stationery**

Findings also indicate that police face difficulties when they have insufficient stationery. This is due to the fact that they require a lot of stationery and so they ultimately turn to the reporter for assistance, which might reflect poorly on the reporter. For instance, during an interview with her, the SGBV police detective revealed that while stationery may seem like a little issue, it actually is a major one since they require files and must pay money for manilla paper to outfit the files.

Insufficient stationery is another problem we face. This one I must be open; it may look a minor issue but it is a challenge. This is because we can't leave files hanging. Therefore, we reach to the extent of requesting the reporter to buy us a manilla paper of seven hundred shillings for the file to look neat. This is due to the fact that we don't have enough stationery. Sometimes the parents to these survivors look and misinterpret it as eating their money (SGBV Police detective).

#### **f) Ineffective coordination with the probation office**

Findings indicate that officers struggle with a strained working relationship between the police and the probation offices. Therefore, the fact that they must work on these cases in tandem with the probation office presents them with a lot of difficulties. The SGBV police detective made it apparent that this is an issue for them since the office of probation is not close to police. For instance; when you alert them that there is a defilement case, they take their time.

In Luuka, we have a problem of poor coordination with the probation officer. This is because cases involving juvenile offenders exist but the office of probation is not so close with police. When we inform them of a juvenile offender being at police, they take their time yet they are supposed to be fully involved so as to prepare a report before the offender appears in court. Therefore, the working relationship is so poor (SGBV Police detective).

### **g) Inadequate financial assistance to officers**

Findings also indicate that lack of adequate resources for conducting investigations and gathering evidence presents a problem to police. For instance, the magistrate stated this during the interview and revealed that gathering evidence takes a lot of facilitation, but there is no money forcing officers to do desk-top investigations and refrain from visiting crime scenes, as he explains.

They carry out thorough investigation but since there are no facilitations in terms of finances, they resort to desktop investigations whereby they sit in a small room and start concocting finds because that's the best they can afford. Therefore, they just sit there and pretend to be carrying out investigations and they don't visit scenes of crime not because they don't want but because one detective is handling over fifty cases without a single penny. That's why you hear issues of them asking for transport in order to come to the crime scene (Magistrate).

These institutional hardships therefore show that officers face number of problems ranging from transport, limited facilitation, victims taking time to open up among others. But most importantly among these hardships, the absence of a Resident State Attorney's office and a trial magistrate in the district greatly affects the way officers collect evidence because it makes them reluctant. This is due to the fact that the relevant officers that superintend investigations are far away. Therefore, government should put all measure to ensure that the district has these offices on ground to avoid lags and reluctance.

## **4.4 Problems faced in handling defilement cases through the court system**

The study found out various problems encountered in handling cases through the court system and they have been categorized as societal and institutional.

### **4.4.1 Societal problems**

#### **a) Compromises**

The study findings revealed that compromises have an impact on the viability of defilement cases and the majority of compromises towards witnesses are carried out by the families of the perpetrators. For instance, the magistrate reported that as a result of trials taking so long, offenders are often given bail and they go back and bribe witnesses. This makes them not to show up for the second hearing, which results in the case being dismissed.

Compromising witness is a problem in court. It comes as a result of cases taking long in court and in the due process perpetrators are granted bail. When they go back, they compromise witnesses and make them fail to turn up in court during the next hearing. Therefore, as a

judicial officer I remain with no option but to dismiss the case due to nonappearance of the complainant or witnesses in that matter (Magistrate).

A study done by Phiri (2015) revealed a similar circumstance whereby a participant from his study pointed out an issue about cases being bargained outside court, he explained that some matters brought to court are bargained by the perpetrator and the victims outside court making it difficult for court to proceed with the matter since witness will no longer come to court because they have bargained with them. Therefore, this shows an element of compromise.

#### **b) Transparency issues**

Findings also indicated that when openness is lacking, defilement cases are more likely to be poorly prosecuted. This is because money may have been demanded in form of a bribe, among other things and therefore, a successful prosecution may be hampered. For instance; if the perpetrator requests the parents of the victim to resolve the conflict amicably so as to put an end to it presents a problem in court just as the advocate explains;

Lack of transparency on the side of the offender presents a problem. This is because he talks to the victim's parents and entices them to negotiate so as to finish the matter. Therefore, in the end cases are not successfully prosecuted (Advocate).

The secretary in charge of children also brought up another issue in line with the lack of transparency, saying that if someone doesn't have money to offer, their case won't be prosecuted as required.

Where money is, it softens everything. This means that if you don't have any money to offer, your case won't be prosecuted as the law demands and this fits in the Luganda saying of "aliina sente y'afumiita elindazzi" (Secretary in charge of children).

A study done by Nansasi (2010) agrees to this finding since most of the respondents in that study raised bribery and corruption as a key issue that affects the legal justice process and the study further explained that when one is bribed, it hinders proper prosecution, decisions, and fair hearing.

#### **c) Natural occurrences**

The study also revealed that natural factors have an impact on how defilement cases are prosecuted. The SGBV police detective, for instance, stated that events beyond human control, such as the passing away of witnesses and their relocation to other places, might have an impact on successful prosecution. Therefore, when they occur it presents hurdles in handling cases through the justice system.

Natural occurrences present a challenge in handling such cases in court. For example, passing on of witnesses and their relocation to other places (SGBV Police detective).

Therefore, findings reveal that the community has a great impact on the way court handles defilement cases since as earlier identified within the community, witnesses are compromised, and even people in the community are not transparent meaning there exists bribery of witness and all. This means court has to come on ground to sensitize community about the importance of witnessing in court because it will help wipe out all the wrong doers in the community.

#### **4.4.2 Institutional problems**

##### **a) Inadequate preparation of witnesses**

Findings also indicated that if witnesses are not well prepared for court hearings, it may have an impact on how the case will be heard.

For instance, the SGBV police detective noted that these witnesses must be brought through the proceedings to prevent them from forgetting what happened since cases in court go on for long.

Failure to prepare witnesses well for court proceedings is also a problem since sometimes cases take long in court and these witnesses forget. Therefore, if they do not take them through what is needed, it becomes a challenge (SGBV Police detective).

##### **b) Inconclusive evidence**

The study findings revealed that inconsistent evidence presented in court hinders cases from proceeding favourably since the judge will have nothing to base his or her decision on. This was attested to by the parents of a child survivor of sexual abuse.

When evidence is not clear, it can hinder defilement cases from going on well in court. (Parents of child survivor).

##### **c) Failure of witnesses to appear in court**

The findings also demonstrate that cases are not successfully prosecuted in court when witnesses fail to appear. This is because the senior probation officer emphasized that their refusal to show up is a result of them losing interest in the case, which makes it more difficult for the case to be heard successfully.

Failure of witnesses to appear due to loss of interest in the case is a problem. This is because it brings serious difficulties during court sessions on such cases (Senior probation officer).

#### **d) Protracted legal proceedings**

Findings revealed that another problem faced while handling defilement cases through the court system is these cases delaying in court. Participants pointed out various reasons as to why such cases take long. One of the reasons given was the judiciary being incapacitated. For example, the SGBV police detective said that cases delay in court because the number of court officials is limited and they don't have funds making cases delay in court.

The number of the court officials is very minimal and they also have limited funds. This means the judiciary is in capacitated and cannot effectively handle defilement cases (SGBV Police detective).

Similarly, the magistrate revealed that the reason as to why many cases drag out in court is because there is a shortage of funding for support services such as summoning witnesses and conducting investigations yet support services are necessary for everything, including getting things done correctly in court.

Due to lack of funds, the system drags. This is because a high court judge will not chair a criminal session of aggravated defilement when there are no funds. These funds are in form of money for summoning of witnesses since these witnesses must be summoned and given transport to court. Therefore, if you are a third world country like Uganda with no funds, you have to wait until budget allocations are made so as to be in position to execute (Magistrate).

A study carried out by Nansasi (2010) also revealed that long court procedures present a challenge as cases are being handled through the court system since it makes some affected people such as the parents to give up on the case. This means much has to be done to prevent cases from dragging out in court. Therefore, such a finding from this study agrees with other studies.

#### **e) Failure of defilement cases to reach the judgement stage**

Findings also reveal that one of the problems faced while handling defilement cases through the court system is that some defilement cases do not reach the judgement stage hence presenting issues in the court system. This is because of reasons such as poverty. For example, the magistrate said that it makes these people to settle the case among themselves with in the village. Therefore, making the case fail to reach court presenting a challenge because such a case doesn't make it to the judgement stage.

Those people are poor. Therefore, they end up sorting each other from the village thereby making the case unable to see temple of justice. (Magistrate).

The other reason was the offender and victim's families coming into consensus so as to avoid certain problems. For example, the lawyer said they do so in order to avoid wrangles and hatred from people.

The offender and victim can reach a consensus and decide to negotiate in order to avoid wrangles and hatred in the community (Advocate).

Another interesting reason was political interference. This is because a participant revealed that most cases do not reach the judgment stage because the politicians in the area interfere with case investigation and claim that the people involved are their voters. Therefore, this makes police fail to send the offenders to court.

In Luuka, one thing I can point out is interference from political leaders since they claim that the people involved in the case are their voters. Therefore, we fail as police because of their interference (SGBV Police detective).

#### **f) Unpunished offenders**

Findings evidenced that another problem faced as defilement cases are being handled through the justice system is the issue of perpetrators going unpunished. Some of the participants pointed out reasons as to why this happens. One of the reasons presented was Police loss and failure to provide evidence. The magistrate explained this further saying that offenders are left to go unpunished because police has failed to bring evidence against the perpetrator and so as a magistrate, he is forced to look into the plight of the accused and acquaint him, just as he elaborates more.

We dismiss the case because the police and prosecution has failed to bring evidence against the perpetrator. So, if there is any doubt in the evidence brought, the general principle of the law tells me to settle that doubt in favour of the accused person by letting him go scotch free. Don't forget this person is against the state and that's why the case will read Uganda vs that person so, when I talk about the state, I mean judicial officers, police, prisons, and the prosecutors since all these are paid by the state. This shows that all the coercive means belong to the state. Therefore, as a magistrate, I am under obligation to look into the plight of the accused person as well because the state has all what it takes to collect evidence and make sure he gets a conviction. If it fails with all that coercive machinery, I let him go (Magistrate).

These findings therefore show that the justice system faces a number of institutional obstacles during the process of handling cases and the major ones identified were witnesses not appearing in court, presence of unclear evidence among others. This means that court tries to all it can to handle these cases but are limited by the people concerned not showing interest and lacking proof.

## **CHAPTER FIVE**

### **DISCUSSION, CONCLUSIONS AND RECOMMENDATIONS**

#### **5.0 Introduction**

This chapter presents a summary of the study findings. It also presents conclusions, recommendations, and proposed areas for further research.

#### **5.1 Summary of findings**

##### **5.1.1 Assessment of the child sexual abuse**

Findings revealed that defilement is a common problem within the society but community members report few of those cases. This is because most of them are settled amicably with in the community. The age category of children mostly defiled was 12 -17 years and the following were the reasons pointed out for the defilement of such an age group; girls of this age were reported to develop interest in moving around with boys and during that, they are defiled. Then another reason was that at that age, they tend to gain a lot of weight making them look like adults hence making men take advantage of them. The study further revealed that most defiled children are in primary and secondary (O-level) and majorly originate from homes that have an element of domestic violence. The study also found that the sugar cane shambas haven't put many girls at risk of defilement since they were reported to provide a safe haven for perpetrators to defile girls.

Other causes of defilement identified were admiration of material things such as clothes, shoes by young girls making men as for sex in return. Bad peer influence and sending children for errands at night were also reported as circumstances that made many girls to be defiled. Then lastly was the spirit of admiration in men whereby they defiled girls because of being enticed by girl's body parts like the bums and this finding was in line with one of the guiding theory's necessities for defilement to happen. This necessity required an offender to be motivated first for him to sexually abuse a girl just like Finkelhor (1984), as cited in Mwangi, Ndungo, and Masiga (2018) revealed.



### **5.1.2 Difficulties parents of the child survivors face while reporting defilement cases**

The difficulties parents to survivors of child sexual abuse encounter while reporting defilement cases are as discussed below and they are categorized as individual, societal and institutional.

#### **5.1.2.1 Individual difficulties**

Under the individual difficulties, the study revealed that parents of the child survivors of sexual abuse face individual difficulties and these hamper their spirit of reporting. They included lack of proof by families and this made it difficult for them to report because they had nothing to show to police as regards the perpetrator. Another issue identified was long distances whereby the police stations were very far and so could not access them well and according to findings, it made many parents to settle cases outside knowledge of police.

These parents were also afraid that cases will take long to be prosecuted and so some decided to sit back because of this. They were further challenged by sitting for long hours at police unattended to and did not have meals all day and this was an inconvenience them. Other parents were challenged by shame and it made them unable to report because of fear to be ridiculed in the community. Findings also revealed that parents of child survivors of defilement were troubled with obtaining satisfaction from the police investigation and the major reasons given for this were failure to call them to court, asking them for money and also being denied a chance to see the perpetrator.

#### **5.1.2.2 Societal difficulties**

Findings reveal that parents faced a number of societal hardships during reporting, meaning society played a great role in influencing the reporting mechanisms of these parents for example, inaccessible medicals facilities and high hospital costs, this presented a challenge to them because the health centres were very far and this made them unable to take their daughters for medical examination, even when they made it there, the hospital bills were high. Community threats was another difficulty since community members threatened to harm parents who endeavoured to report through mob justice and ridicule.

Parents were also reported to face scenarios where the offender is a relative or friend to the victim and when most families reached this point, they developed a soft heart due to fear of hurting their very own. Findings also revealed that parents were threatened by the offender and

this came in instances where the perpetrator was considered a difficult person, so this made parents fear to report because of fear to be harmed by the offender after he is released from prison. Another scenario that challenged parents was where the perpetrator was a neighbour or village mate. This greatly presented problems in reporting because these parents feared to be looked at badly in the community. These findings implied that society had great influence towards the way defilement cases are reported to the authorities.

### **5.1.2.3 Institutional difficulties**

Findings revealed that the major institution that paused difficulties to parents in their bid to report was police, this is because most of the difficulties in this section rotated around it. For example, poor case management by police and the explanation given was that they need money before they could do anything. Another was the issue of police demanding for bribes for in exchange for a proper service, this greatly blocked parents from reporting since they had nothing to offer to police. The other difficulty identified was police requesting parents for funds to purchase stationery like manilla paper, this was a great hurdle because these families did not have such funds to offer to police.

### **5.1.3 Hardships officers who handle defilement cases face in collecting evidence**

These hardships were also categorized as individual, institutional, and societal. They are as discussed below.

#### **5.1.3.1 Societal hardships**

Findings revealed that officers face a number of difficulties which originate from the community during the course of collecting evidence on defilement cases. They include the following; officers were reported to face a challenge by hesitance by community members to give evidence which made it difficult for them to collect evidence from scenes of crime. The other was a scenario where a boy or girl alone was present during investigation. This therefore presented a challenge to them because in such cases, important information was missed.

Officers also faced a challenge of some community members siding with victim or perpetrator and this confused evidence about the case. They also faced a difficulty when parents of child survivors of defilement failed to avail important documents such as birth certificates to police. This made it hard to prove the age of the victim during investigation. The other difficulty

identified was community hindering police from arresting the offender and even concealing him away from police, this made collection of evidence difficult.

### **5.1.3.2 Institutional hardships**

The study found out that officers face a lot of institutional hardships in the course of collecting evidence and these included transport issues that made them unable to visit scenes of crime and this made them miss out important information about the case. Insufficient resources in terms of stationery and money to aid investigations and other duties, Ineffective coordination between police and the probation office whereby it always took time to respond. Additionally, the issue of witnesses taking long to open up also gave officers hard time when trying to record statements from the victims and the reason given for this was fear by victims to disclose their lovers and so this made police to miss out important information about the case.

### **5.1.3.3 Individual hardships**

The major individual hardship officers are faced were bribery tendencies because it lured them into failing to arrest offenders and to miss manage evidence This tendency made many cases to go unattended to.

## **5.1.4 Problems faced in handling defilement cases through the court system**

The study revealed a number of problems faced in handling defilement cases through the court system and they were categorized as societal and institutional problems.

### **5.1.4.1 Societal problems**

Findings revealed that a number of societal problems are experienced while handling cases through the court system and one was offenders compromising witnesses and this was due to adjournment of cases, this would make offenders negotiate with the witness using money and when time for court came, witnesses failed to appear. Findings also revealed transparency issues as another problem and it involved negotiation between the offender and victim to settle case outside court. Additionally, Natural occurrences such as relocation of witnesses and their death were also challenges because cases were made to end prematurely due absence of concerned people. Therefore, this showed that community has a great influence on the way defilement cases are handled through the court system.

#### **5.1.4.2 Institutional problems**

Findings revealed that the some of the challenges faced in handling cases through the court system are institutional in nature and they included Inadequate preparation of witnesses by the court and police team which made witnesses forget what to say in court. Inconclusive evidence was another because it made it hard to judge the case. Additionally, witnesses' failure to appear court was another problem identified by the study because it made cases to be dismissed from court. Findings also revealed that handling cases through the court system was challenged by long court proceedings which made some witnesses and families give up on the case, the reason given for the long court proceedings was limited facilitation and few judges.

The study further found out that failure of defilement cases to reach the judgment stage also presented a challenge in handling defilement cases through court and the reason given for their failure was political interference whereby politicians blocked cases from proceeding, claiming that the parties involved were their voters. Findings further revealed that the issue of offenders going unpunished was a challenge faced handling defilement cases in the court and the major reason given was police failure to provide over whelming evidence against the offender.

#### **5.2 Conclusion**

In conclusion, the study revealed that truly there are various challenges faced in the handling of defilement cases and these were majorly faced by parents of the child survivors of sexual abuse while reporting these cases for example long distances, fear to get ashamed, community threats and lack of proof among others. Furthermore, these challenges were also faced by officers during the course of collecting evidence for example community hiding perpetrators, limited resources, bribery tendencies and community taking sides with either the victim or the perpetrator and so on. Lastly, they were also seen in the court system for example failure of witnesses to appear, long court proceedings and unclear evidence among others.

Therefore, due to existence of such, there is need for a multifaceted approach to enable parents of the child survivors of sexual abuse to report cases with ease and get justice and also ensure that evidence acquired is stored perfectly to help in proper court proceedings when it reaches time for handling such cases through the court system. This means parents of survivors, the probation office, LC committees, police, and courts need to team up and ensure that prosecution of defilement cases is a success.

## **5.3 Recommendations**

### **5.3.1 Recommendations to government**

The government should ensure that police is properly facilitated in terms of transport and stationery to carry out investigations well, this will ensure that defilement cases are handled perfectly.

The government should fully equip the departments responsible for defilement in order to effectively help the families that come to report. For example, the SGBV desk at police, the CID department, and the probation office.

The government should put in place life skills trainings for children in order to show them how they can manage themselves and their lives better so as to go about the challenges that may force them to get defiled.

The government should empower families in order to curb the issue of poverty. This is because it is poverty that has made their children prone to sexual exploitation and this will in turn reduce on defilement cases in the country.

### **5.3.2 Recommendations to Police**

The Police should teach people in the community to learn to give evidence or to be witnesses on such crimes since it can help deal with the wrong doers in the various villages but in addition also teach them how best to report these cases and what procedures are followed.

The police should put more detectives on the ground and at police to carry out investigations and properly facilitating them to execute their duties diligently in an uncompromising manner this will greatly improve on service delivery and having quality output.

The police should train detectives on how to best handle sexual offences. This will save cases from being mishandled and hence passing through courts in a proper way.

The police should carry out community policing in which it tells the community what they are supposed to do when it comes to protecting a boy child or girl child as regards defilement. Therefore, it should be a collective effort to fight and report crime against children.

### **5.3.3 Recommendations to the Judiciary**

The judiciary should retrain the judges and magistrates to be flexible, not to detach themselves from the realities and to be part and parcel of the communities where the victims come from and they should be told to embrace a human heart although of course but without disregarding the law but by sensitizing the public about sexual offences such that when they sit in the court hall, they and the people are all at equal footing and all know the predicament they are in, the fatality of the offence and the damage it can cause to the society.

The judiciary should sensitize people about the importance of witnessing in court and also inform them not to fear court. This can greatly improve prosecution of defilement cases.

The judiciary should ensure that there is quick hearing of defilement cases such that people don't lose morale and fair justice must be ensured.

The judiciary through the office of the director of public prosecutions should ensure to establish the RSA's office and also install a trial magistrate with in Luuka district to ease prosecution of defilement cases in the district.

### **5.4 Areas for further research**

Intensive research should be conducted around boy child defilement. This is because most of the studies that have been conducted in the country concentrate on girl child defilement. If it's found to exist, further investigation needs to be done to find out if the perpetrators of this act are brought to book and whether such cases are reported to the authorities.

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## APPENDICES

### Appendix I: In depth interview guide for Parents

Dear Participant, my name is Balita Amos Musasizi. I am an undergraduate student pursuing a bachelor's degree of social work and social administration at Makerere university. I am conducting research on the challenges faced in handling cases of defilement in Luuka district and I would appreciate if you could share your experiences and whatever you are certain of concerning what I am investigating. Your participation is purely voluntary and you reserve a right to withdraw any time without any explanations and even when you consent to take part, you are free to decline to respond to certain questions you are unhappy with. This study is purely academic and confidential, you will not be victimized in any way and the information shared shall be secured well.

### BACKGROUND INFORMATION

**Date of interview**..... **Time**.....

**Venue of interview**.....

**Parent talked to**

**(a) Father**

**Name**.....

**(b) Mother**

**Name**.....

### SECTION A

#### Difficulties affected families encounter while reporting defilement cases

1. What do you understand by defilement?
2. How big is the problem in the community you live in?
3. What category of girls do you think are most affected by defilement in your area? Probe for age, schooling status, marital status of parents, religion, gender.
4. Under what circumstances was your daughter defiled?
5. How did you assist your daughter after the incident?
6. At what point did you report to the authorities? Probe the time duration such as hours, days, weeks, months; and the reasons for the time taken to report the case.

7. How easy or hard was it to report the case? Probe for enabling and disabling factors
8. What motivated you to report the case? If not, what made you fear to report?
9. What procedures involved in reporting cases of defilement are you certain of?
10. What challenges do you face while reporting defilement cases as a parent of a child that was defiled?
11. How satisfied were you with the police investigation?
12. How far did the police go with applying the law to the offender?
13. What in your opinion should be done to prevent defilement of children?
14. In which ways should the victims be best managed or handled?
15. What services do they need?

## **SECTION B**

### **Hardships officers in charge of handling defilement cases face in collecting evidence**

1. What do you think makes some of the offenders of defilement reported at the police station not to be charged?
2. What exactly does police do when they receive a case of defilement, most especially to the survivors of defilement? Specify how they assist them.
3. What challenges do you think officers face in collecting evidence on defilement cases and as they handle them?
4. How best do you think we can improve the service delivery to people who come to report cases on defilement?

## **SECTION C**

### **Problems faced in handling defilement cases through the court system**

1. What do you think makes defilement cases not to reach court?
2. What brings about the long court procedures on cases of defilement?
3. What factors can affect successful prosecution of defilement cases through the court system?
4. What makes some perpetrators of defilement go scotch free?
5. What in your view can be done to improve the prosecution of defilement cases so that parents from affected families get proper justice for their defiled children?

## **Appendix II: In depth interview guide for CID officers and SGBV officers**

Dear Participant, my name is Balita Amos Musasizi. I am an undergraduate student pursuing a bachelor's degree of social work and social administration at Makerere university. I am conducting research on the challenges faced in handling cases of defilement in Luuka district and I would appreciate if you could share your experiences and whatever you are certain of concerning what I am investigating. Your participation is purely voluntary and you reserve a right to withdraw any time without any explanations and even when you consent to take part, you are free to decline to respond to certain questions you are unhappy with. This study is purely academic and confidential, you will not be victimized in any way and the information shared shall be secured well.

### **BACKGROUND INFORMATION**

**Date of interview**..... **Time**.....

**Position of officer**.....

**Venue of interview**.....

### **SECTION A**

#### **Difficulties affected families encounter while reporting defilement cases**

1. What do you understand by defilement?
2. How big is the problem of defilement in the community?
3. What category of girls do you think are most affected by defilement in your area?  
Probe for age, schooling status, marital status of parents, religion, gender.
4. Under what circumstances are girls defiled?
5. How do parents assist their daughters after the defilement incident?
6. At what point do you think affected families report to the authorities? Probe the time duration such as hours, days, weeks, months; and the reasons for the time taken to report the case.
7. How easy or hard is it for affected families to report the defilement cases? Probe for enabling and disabling factors.

8. What do you think motivates affected families to report cases of defilement? If not, what makes them fear to report?
9. What procedures involved in reporting cases of defilement do you think affected families are aware of?
10. What challenges do you think affected families face while reporting defilement cases?
11. What is your opinion about the affected family's satisfaction with the police investigation as regards the defilement cases they report?
12. How far do you as police go with applying the law to the offender?
13. What in your opinion should be done to prevent defilement of children?
14. In which ways should the victims be best managed or handled?
15. What services do they need?

## **SECTION B**

### **Hardships officers in charge of handling defilement cases face in collecting evidence**

1. What makes some offenders of defilement reported to the police station not to be charged?
2. What exactly do you do when you receive a case of defilement, most especially to the survivors of defilement? Specify how you assist them.
3. What challenges do you face in collecting evidence on defilement cases and as you handle them?
4. How best can you preserve the evidence acquired?
5. How best do you think we can improve the service delivery to people who come to report cases on defilement?

## **SECTION C**

### **Problems faced in handling defilement cases through the court system**

1. What do you think makes defilement cases not to reach court?
2. What brings about the long court procedures on cases of defilement?
3. What factors can affect successful prosecution of defilement cases through the court system?
4. What makes some perpetrators of defilement go scotch free?
5. What in your view can be done to improve the prosecution of defilement cases?



**Appendix III: In depth interview guide for Magistrate, Probation officer and Lawyers**

Dear Participant, my name is Balita Amos Musasizi. I am an undergraduate student pursuing a bachelor’s degree of social work and social administration at Makerere university. I am conducting research on the challenges faced in handling cases of defilement in Luuka district and I would appreciate if you could share your experiences and whatever you are certain of concerning what I am investigating. Your participation is purely voluntary and you reserve a right to withdraw any time without any explanations and even when you consent to take part, you are free to decline to respond to certain questions you are unhappy with. This study is purely academic and confidential, you will not be victimized in any way and the information shared shall be secured well.

**BACKGROUND INFORMATION**

**Date of interview**..... **Time**.....

**Position of interviewee**.....

**Venue of interview**.....

**SECTION A**

**Difficulties affected families encounter while reporting defilement cases**

1. What do you understand by defilement?
2. How big is the problem of defilement in the community?
3. What category of girls do you think are most affected by defilement in your area? Probe for age, schooling status, marital status of parents, religion, gender.
4. Under what circumstances are girls defiled?
5. How do parents assist their daughters after the defilement incident?
6. At what point do you think affected families report to the authorities? Probe the time duration such as hours, days, weeks, months; and the reasons for the time taken to report the case.
7. How easy or hard is it for affected families to report the defilement cases? Probe for enabling and disabling factors.
8. What do you think motivates affected families to report cases of defilement? If not, what makes them fear to report?

9. What procedures involved in reporting cases of defilement do you think affected families are aware of?
10. What challenges do you think affected families face while reporting defilement cases?
11. What is your opinion about the affected family's satisfaction with the police investigation as regards the defilement cases they report?
12. How far do you think police goes with applying the law to the offender?
13. What in your opinion should be done to prevent defilement of children?
14. In which ways should the victims be best managed or handled?
15. What services do they need?

## **SECTION B**

### **Hardships officers in charge of handling defilement cases face in collecting evidence**

1. What do you think makes some offenders of defilement reported to the police station not to be charged?
2. What things do you know that police do when they receive a case of defilement, most especially to the survivors of defilement? Specify how they assist them.
3. What challenges do you think are faced in collecting evidence on defilement cases?
4. How best can defilement evidence acquired be preserved well?
5. How best do you think we can improve the service delivery to people who come to report cases on defilement?

## **SECTION C**

### **Problems faced in handling defilement cases through the court system**

1. How often do you handle cases of defilement in court?
2. Why do you think defilement cases do not reach court?
3. What brings about the long court procedures on cases of defilement?
4. What factors affect successful prosecution of defilement cases through the court system?
5. What makes some perpetrators of defilement go scotch free?
6. What in your view can be done to improve the prosecution of defilement cases?

**Appendix IV: In-depth interview guide for LC members**

(Secretary in charge of children and LCI)

Dear Participant, my name is Balita Amos Musasizi. I am an undergraduate student pursuing a bachelor’s degree of social work and social administration at Makerere university. I am conducting research on the challenges faced in handling cases of defilement in Luuka district and I would appreciate if you could share your experiences and whatever you are certain of concerning what I am investigating. Your participation is purely voluntary and you reserve a right to withdraw any time without any explanations and even when you consent to take part, you are free to decline to respond to certain questions you are unhappy with. This study is purely academic and confidential, you will not be victimized in any way and the information shared shall be secured well.

**BACKGROUND INFORMATION**

**Date of interview**..... **Time**.....

**Position**.....

**Venue of interview**.....

**SECTION A**

**Difficulties affected families encounter while reporting defilement cases**

1. What do you understand by defilement?
2. How big is the problem of defilement in the community?
3. What category of girls do you think are most affected by defilement in your area? Probe for age, schooling status, marital status of parents, religion, gender.
4. Under what circumstances are girls defiled?
5. How do parents assist their daughters after the defilement incident?
6. At what point do you think affected families report to the authorities? Probe the time duration such as hours, days, weeks, months; and the reasons for the time taken to report the case.

7. How easy or hard is it for affected families to report the defilement cases? Probe for enabling and disabling factors.
8. What do you think motivates affected families to report cases of defilement? If not, what makes them fear to report?
9. What procedures involved in reporting cases of defilement do you think affected families are aware of?
10. What challenges do you think affected families face while reporting defilement cases?
11. What is your opinion about the affected family's satisfaction with the police investigation as regards the defilement cases they report?
12. How far do you think police goes with applying the law to the offender?
13. What in your opinion should be done to prevent defilement of children?
14. In which ways should the victims be best managed or handled?
15. What services do they need?

## **SECTION B**

### **Hardships officers in charge of handling defilement cases face in collecting evidence**

1. What do you think makes some offenders of defilement reported to the police station not to be charged?
2. What things do you know that police do when they receive a case of defilement, most especially to the survivors of defilement? Specify how they assist them.
3. What challenges do you think are faced in collecting evidence on defilement cases?
4. How best can defilement evidence acquired be preserved well?
5. How best do you think we can improve the service delivery to people who come to report cases on defilement?

## **SECTION C**

### **Problems faced in handling defilement cases through the court system**

1. Why do you think defilement cases do not reach court?
2. What brings about the long court procedures on cases of defilement?
3. What factors affect successful prosecution of defilement cases through the court system?
4. What makes some perpetrators of defilement go scotch free?

5. What in your view can be done to improve the prosecution of defilement cases?

**Appendix V: Informed consent letter**

**TITLE OF STUDY**

Challenges faced in handling cases of child sexual abuse: A case study of Luuka district.

**PRINCIPAL INVESTIGATOR**

BALITA AMOS MUSASIZI

REG NO: 19/U/0595

STUD NO: 1900700595

[amosbalita45@gmail.com](mailto:amosbalita45@gmail.com)

0760069275/ 0703046565

MAKERERE UNIVERSITY

DEPARTMENT OF SOCIAL WORK AND SOCIAL ADMINISTRATION

P.O.BOX 7062 KAMPALA

**PURPOSE OF STUDY**

You are being asked to take part in a research study. Before you decide to participate in this study, it is important that you understand why the research is being done and what it will involve. Please read the following information carefully. Please consult me in case there is anything that is not clear or if you need more information.

The purpose of this study is to examine the challenges faced in handling cases of defilement in Luuka district and in this it will help to explain the difficulties affected families encounter while reporting defilement cases, it will also explore the hardships officers who handle defilement cases face in collecting evidence and examine the problems faced in handling defilement cases through the court system.

## **STUDYPROCEDURES**

The study will use in depth interviews and one will last about a half an hour [30 minutes] depending on how the discussion will go and as the session is ongoing, an audio recording will be taken using a phone for purposes of capturing all information. Note should be taken that all recorded information will be for academic purposes only, you don't have to fear or worry about anything.

## **RISKS**

Please be reminded that you may decline to answer any or all questions and you may terminate your involvement at any time if you choose.

## **BENEFITS**

There will be no direct benefit to you for your participation in this study. However, we hope that the information obtained from this study may increase awareness about the challenges faced in handling cases of defilement and in turn policy makers plus government will pick interest and the affected families as well as officers and personnel that help in handling cases on defilement will be helped accordingly. Additionally, the results of the study will make society understand the reasons as to why some defilement cases are not handled well by officers and personnel responsible for defilement cases and this will stop blame apportioning towards them.

## **CONFIDENTIALITY**

For the purposes of this research study, your comments will not be anonymous but every effort will be made to preserve your confidentiality including the following:

- I will assign a code name to you and this will be used on all research notes and documents.
- I will also ensure to keep the notes, interview transcriptions, and any other identifying information about you in a locked file cabinet in my personal possession.

- Your data will be kept confidential except in cases where I am legally obligated to report specific incidents. These incidents include, but may not be limited to, incidents of abuse and suicide risk.

**CONTACT INFORMATION**

If you have questions at any time about this study, or you experience adverse effects as the result of participating in this study, you may contact me using the contact information provided on the first page.

**VOLUNTARY PARTICIPATION**

Your participation in this study is voluntary. It is up to you to decide whether or not to take part in this study. If you decide to take part in this study, you will sign a consent form. After you sign the consent form, you are still free to withdraw at any time and without giving a reason.

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**CONSENT**

I have read and I understand the provided information and have had the opportunity to ask questions. I understand that my participation is voluntary and that I am free to withdraw at any time, without giving a reason and without cost. I understand that I will be given a copy of this consent form. I voluntarily agree to take part in this study.

Participant's title.....

Signature \_\_\_\_\_ Date \_\_\_\_\_

Investigator's signature \_\_\_\_\_ Date \_\_\_\_\_

**Appendix VI: Research cover letter from the Department**

**MAKERERE UNIVERSITY**

P.O. Box 7062,  
Kampala, Uganda  
Cables: MAKUNIKA



Tel: 256-41-534114  
E-mail [swsa@ss.mak.ac.ug](mailto:swsa@ss.mak.ac.ug)

**DEPARTMENT OF SOCIAL WORK AND SOCIAL ADMINISTRATION**

Tuesday 05<sup>th</sup> July, 2022.

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Dear Sir/Madam,

**Re: Undergraduate Research**

Topic .....

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This is to introduce Mr./Miss/Mrs. Balita Amos.....  
Who would like to carry out research in your area as part of the requirements  
of the Social Work and Social Administration course.

I am requesting you to give him/her the necessary assistance to enable  
him/her accomplish his/her research.

Your cooperation in this regard will be highly appreciated.

Yours faithfully,

Dr. Laban Musinguzi Kashaija,  
Lecturer in-charge of  
Research and Dissertation.

