

# Disrupting Harm

**Evidence from 13 countries on the context, threats, and children's perspectives of online child sexual exploitation and abuse.**

Detailed Analysis of Access to Justice and Legal Remedies in Uganda  
Interviews with Children and Caregivers

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This report is a summary of preliminary data collected for this research project. The perspectives contained herein represent the individuals interviewed and surveyed. Support from the Fund to End Violence Against Children does not constitute endorsement.

## Introduction

*Disrupting Harm: evidence to understand online child sexual exploitation and abuse (OCSEA)*, is a unique and collaborative research partnership between ECPAT International, INTERPOL, and UNICEF Office of Research – Innocenti. Leveraging their specific expertise, each partner sheds light on separate but interconnected areas: context, threats and children’s perspectives on online child sexual exploitation.

- Context by ECPAT International through portraying laws & policies in action;
- Threat by INTERPOL through the collection of crime and other data;
- Children’s voices by UNICEF Office of Research - Innocenti through surveys with children and their caregivers.

The countries of focus in Southern and Eastern Africa region are: Ethiopia, Kenya, Mozambique, Namibia, South Africa, Tanzania, and Uganda. The countries of focus in the Southeast Asian region are: Cambodia, Indonesia, Malaysia, Philippines, Thailand, and Vietnam.

Research took place between 2019 and 2021. Up to nine separate research activities were undertaken in each country by the three project partners. Preliminary analysis for each activity was first conducted before the results across all the nine activities were consolidated into each national country report. These can be found [here](#).

This report presents findings from the child-caregiver component of the Disrupting Harm study for Uganda. The study sample included six OCSEA victims and three of their caregivers or guardians (see Table 1). All study participants lived in slum areas in and around Uganda’s capital city of Kampala. All interviews took place directly in the homes of participants, except for one guardian whose interview took place at the office of the NGO partner for this study, UYDEL. All participants were connected with NGOs such as UYDEL. Perhaps for this reason, most of the OCSEA victims presented as empowered individuals who were aware of their rights that had been violated as an OCSEA victim. Many spoke confidently and passionately about their experience, due to the empowerment and support they received from these local organisations. The six victims had all been referred to the NGO by local leaders and community peer educators for psychosocial support and economic empowerment. However, such assistance appears to have come after, and be practically unrelated to, their attempt to access justice, and victims offered no indication that they received assistance from this or any other NGO during their attempt to pursue justice. Hence, they were not necessarily aware of their rights during the crime or during the process of reporting.

As a result of COVID-19 movement restrictions, the initial design would have seen international project research consultants hired for the project visiting each country to complete interviews. As a result of COVID-19, international travel was severely restricted and regional and national consultants were engaged in a greater capacity to work with the overall research consultants. This meant that in Uganda, a female Zimbabwean national completed the research rather than the white male U.S. national who was originally contracted for this work. Reflections on the process suggest that this resulted in stronger data from the field activities for a few reasons. While still a foreigner, as an African the field researcher did not attract the kind of novel attention that a white person (known locally as a *muzungu*) likely would have gained and which might have compromised the ability to carry out private interviews. In addition, through the course of planning for interviews with participants, the field researcher learned that several of the perpetrators of OCSEA were white males. This could

have opened up the possibility of secondary trauma, while also constraining the ability of interviewees to speak freely.

## Access to the Justice System and Reporting the Crime

### Children's decisions on reporting abuse

#### The decision to disclose the crime

All OCSEA victims interviewed for this study indicated that they made the decision to go to the police, because they knew what happened to them was wrong and they wanted justice. None indicated that their decision was influenced by the opportunity to seek compensation, in part because they were unaware that this was an option. A few participants said they did not feel comfortable disclosing what happened to their parents or caregivers. In two cases, the participants who are now of majority age requested that the study not interview their caregiver because they did not want their parent to know about their case.

The decision to report the OCSEA crime to the authorities happened in the following ways. In most cases, the young person told either a peer or their parent about their abuse, who then encouraged them to go to the local authorities to report the crime.

*"I decided on my own and talked to my mom and my mom decided that we should go to police and get justice" (RA4-UG-01-A).*

*"What forced me to go to police was the situation my child was going through. Her nude photos were everywhere. She was mentally unstable. At first my intention was to take her to the police so they could punish her for misbehaving, then ask to look for the perpetrator because I as a mother, I could not do anything. But [I thought] the police could be of help" (RA4-UG-01-B).*

*"I had a friend, she was my neighbour. When I told her what happened, she advised me to go and report to police. So I went to the police station and reported the case and when I got there they filed my case and asked me for the contact of the perpetrator whom they called and he refused to turn up" (RA4-UG-02-A).*

*"Since I found out about [the crime against her daughter] late, I could not confidently go and report to the police so I decided to go and start from the community level so that I can get people to give me advice about it. I did not feel bad that I did not report to the police" (RA4-UG-03-B).*

#### The process of reporting the crime

According to participants, the process of reporting their case was as follows. First, they were expected to go tell their local community leader, called a local councillor. The local leader is considered to be a local political leader.

As far as reporting local crimes, reporting to the Local councillor first is a strict requirement. While there are no specific reporting obligations regarding OCSEA cases in Uganda, ECPAT's legal analysis notes that: *"it is mandatory for certain professionals to report matters affecting the well-being of children under their charge.*

*These persons include medical practitioners, social workers, teachers and local councillors.*<sup>1</sup> The legal analysis also found that while it is not mandatory, *“any person who knows about a child at risk of sexual abuse or in need of care and protection has the duty to report to a designated child protection organisation or authority.”*<sup>2</sup>

As one participant put it: *“[The local leader] has a role to immediately respond and help anyone or the children who run and report to him any issue in his community”* (RA4-UG-06-A). Two of the six participants in this study went to the police first, and in both cases the police told them to first go back to discuss with their local councillor.

Once victims reported their cases to the local councillor, leaders would then issue the victims a formal referral form that victims could take with them to the police station.

Several of the victims said that the local councillors asked them for money before they could help them. This amount was between 3,000-5,000 Ugandan Shillings. Respondents did not characterise this money as a bribe but rather a fee to cover the leader’s expenses such as transport and materials. However, in some cases it did impact whether the local leader would provide assistance or not. In one case, RA4-UG-06-A, the local councillor did not issue the referral and the case effectively ended before making it to the police. In another case, however, the victim said she told the local councillor she was unable to pay, and he issued her the referral form anyway.

In one case, RA4-UG-04-A, the victim explained her interactions with local authorities in her decision to pursue justice in the following way. She said because of the encouragement of a friend she decided to report the experience to the police, *“because I wanted justice depending on what had happened to me.”* When she arrived at the police station and reported the crime, *“the police told me that I first go and report to my residence chairman as cases first start from there.”* By chairman she was referring to the local leader. She explained that the role of the local leader is *“to attend to people with problems and refer them for help in his locality. When I reported [my case] to him, he listened to me and gave me a referral letter to police...[But] he did not help me that much”* she added. This was also noted by two caregivers who attempted to support their children in reporting the crimes:

*“Usually, police want a letter from the local leader before they proceed with any case [...] If you do not have that letter, everything becomes difficult”* (RA4-UG-06-B);

*“At first she went there alone and came back and told me that the local Leader had requested for some money for the stamp. The local leader asked for 3,000 Uganda shillings and on hearing this, I decided to go back with her to the local Leader to find out the details because I really wanted her to get help”* (RA4-UG-06-B).

Once victims received their referral slip, they could then bring the form with them to the police - but this protocol was not consistently applied. In the case of RA4-UG-06-A, the victim and her mother went to the local leader to report the crime, but then no follow-up happened. The victim’s mother explained:

<sup>1</sup> Republic of Uganda. (2016). [The Children Act \[as amended by the Children \(Amendment\) Act No. 17 of 2016\]](#), Section 42A(3).

<sup>2</sup> Republic of Uganda. (2016). [The Children Act \[as amended by the Children \(Amendment\) Act No. 17 of 2016\]](#), Section 42A(1).

*“[The local leader] told us to write what had happened to the child in detail so that we can go to the probation officer, then to police and then later proceed to court. That was his explanation ... [but] the case just ended there. I felt so bad. The young girl did not get justice for what happened to her. She was tortured emotionally” (RA4-UG-06-B).*

The mother added that she felt much more could have been done, that the local authorities should have taken the case *“up to court and arrested the abuser”* (RA4-UG-06-B).

### Children’s feelings about first encounters with the police

Children consistently characterised their encounters with most local officials and police in negative, and even painful, terms. With few exceptions, they said that the local authorities, including police and local councillors, did not take their case seriously, that they were insensitive and that they were not genuinely motivated to help the victims pursue justice. The following themes illustrate these points.

#### **Local authorities were not sensitive to gendered considerations of the crime**

All victims in this sample were female, and all indicated they would have preferred to disclose their abuse to women. However, most did not have this option. All local councillors were male and most police officers were too. Victims said this made them uncomfortable and reluctant, but they also suggested that they had no choice but to report to these individuals if they wanted justice: *“I had to report to him [local councillor] so that I get the help,”* said one participant. *“He told me that I should narrate the story to him very well. He said “I will look into your case and tell you more later ... He gave me the opportunity to talk to him, but he did not work on my issue very well.’ [...] I wanted a female ... so that I could express myself clearly ... I felt so bad because I knew that a male [would not get moved] by my story, but if it was a female, she would have helped me”* (RA4-UG-03-A).

Other respondents shared this sentiment:

*“I feared to approach him [local councillor] and tell him everything I was feeling in my heart because he was a man [...] He didn’t seem to understand what I was saying. He did not expect such things from me but for real I was experiencing everything that I was telling him [...] That is why I am saying that if the local leader was a female, she could have understood what I was saying”* (RA4-UG-03-A);

*“You know I had no choice [on who to report to]. He was the only leader in my community. I was not comfortable because I was explaining my issue/problem to a man”* (RA4-UG-06-A).

The issue of gender was present at the police station, too. Four of the six victims said they specifically requested to speak with a female police officer at the police station because they felt it would have made it easier to explain their situation. However, just one indicated that she had a real choice in deciding which gender of police officer they were assigned. Whether or not they got to speak with a woman was largely seen as a product of chance, dependent on who was in the police office at the same time as the OCSEA victim. In one case, a victim was assigned a woman, and in another case the victim was assigned both a man and a woman. In a third case, the female officer was not in the office, so the victim had to decide between reporting her case to a man or coming back another day:

*“I wanted to talk to a female police officer, but they told me she was not around, and they told me to come back another day since the female police officer had gone somewhere else out of office. So I just talked to the ones I found there since I had no choice” (RA4-UG-01-A)*

### **Police demanded bribes to document their case, which victims were unable to pay**

At the local level, one of the biggest impediments in the pursuit of justice was corruption on the part of police officers. In all six cases, the police demanded bribes from the victims in order to register cases to pursue justice. None of the children were able to pay. As a result, five of the six did not proceed beyond the reporting phase. In just one case, described later in this report, the OCSEA complaint made it through the court system.

In interviews, not all participants put a monetary figure on the bribe the police were demanding to process their cases. However, RA4-UG-01-B said this was 50,000 Ugandan shillings, while RA4-UG-05-A said the amount “started at” 20,000 Uganda shillings.

The issue of bribes both angered and saddened OCSEA victims and caregivers interviewed for this study. They said it made them feel like the police were not on their side in the pursuit of justice. On a societal level, because all participants were from impoverished households, that the police required bribes made them feel like the poor were not entitled to justice:

*“The problem was money. We did not have money. If we had money, [the police] would have helped us to get justice [...] What hurt me most was going to the police and the officer in charge asked me for money to file the case. They sent me home many days, asking me for money. The whole process was distressing. Whenever they would see me at the police station, the police officer would say, ‘Have you come with the money for the file? If not, go back and look for it.’ This really stressed me because I am a single mother. I have to look for money to feed my children, so I had to give up” (RA4-UG-01-B);*

*“[The police] were very unprofessional. They were talking rudely, they were very bitter, they were not giving me time. The moment I told them that I do not have money for fuel they lost interest in my case and became angry at me. they only blamed me and concentrated on their other obligations” (RA4-UG-02-A);*

*“The police officers who gave me time explained to me, but they were like – ‘we cannot help you without giving us anything.’ That is it, for them they want a bribe. Even if the case is big, you have to first pay them. But for me, I wanted justice as a girl” (RA4-UG-05-A).*

In the case of RA4-UG-02-A, the victim suspected that the perpetrator had also bribed the police to not seriously pursue the case and do only a minimum amount of follow-up investigation:

*“Actually, I was very sad, I was nervous.... that’s what I can say...After reaching [the police station], I told them what I had come for. They just asked me ‘Do you have money?’ At the time I did not have money. They told me that I should give them money to file my case and I told them that I did not have money. They then called the person I was reporting to them and he did not come. But what I think is that he [the perpetrator] gave them money [i.e., a bribe]. The police officers then told me to go back home and that they would call me later after talking to him” (RA4-UG-02-A).*

In summary, the police ask for bribes from girls to open a case, but they may also receive bribes from perpetrators to not follow up on the case. The limited sample size prevents any type of generalisability about these dynamics, but what does seem clear is that perverse financial incentives impacted whether or not police would choose to pursue a case. This convergence of factors explains why victims were unable to access justice.

### OCSEA victims felt the police did not take their case seriously

Victims indicated their cases were not taken seriously by the police. They said this happened for a few reasons – because they were children, because they or their parent could not pay the bribe, because they were adolescent girls and/or because police and local officials did not have a good understanding of what OCSEA was. One victim said that when she entered the police station with her mother, *“At first I was comfortable but later I got discouraged and disappointed because they did not render the help I wanted. I left feeling very bad and came back home...[They told me and my mother] ‘how should we help you?’ And I told them what happened to me but still they did not help, they told me they were busy”* (RA4-UG-01-A).

Respondents also indicated that the police did not want to deal with a case involving a child and did not take it seriously. Participants suspected part of this was that a young person from a poor family may be unable to pay bribes:

*“At first they did not give me attention, they could not help me to get justice as I had hoped before. They did not give me a chance to properly explain my problem to them”* (RA4-UG-01-A);

*“Police did not do their duties ... I was really hurt when I went and reported my case to them and they did not help me. They did not take action. I felt bad. [...] When I told them my problem, they were blaming me, asking me why I would do such a thing and that why did I behave like that”* (RA4-UG-02-A);

*“When I reached the police station, they blamed me as a parent saying that why would I let my child get spoilt, but as parent I wanted help from the police and not to judge me. I needed their help but the officer told me ‘Give me fuel’ and I asked them ‘which fuel?’ Then she told me, ‘You don’t know what fuel is? Where do you come from?’ And I told her that I do not have money now, and she told me ‘go home and come back tomorrow with fuel.’ What she wanted was money yet I did not have it at that time. I still went ahead and blamed my child for her misconduct online; however, she needed justice. I went back [to the police station] the following day and explained to the police officer everything about the case but she told me that she was busy with a lot of work on her table and would handle my case later. They told me to go with the child and show evidence. I got tired and left her office. What I realised was that they wanted me to give up. As a parent I went ahead and counselled my child to cope hoping that if all goes well, she would be better”* (RA4-UG-01-B).

Some local leaders and police also delayed the process significantly. For example, they told some victims that they were planning to do follow up, or to come back at another time, but then police never followed up. The grind of repeatedly approaching the police without progress resulted in most of the participants eventually giving up: *“The police were tossing me around. They were telling me to go and come again. So I reached a point where I gave up”* (RA4-UG-04-A).



One parent, RA4-UG-01-B, explained that every time she visited the police it meant paying money out of her pocket for transportation. For a poor family this was a hardship and took away money to pay for food for the family. Another said that each time she came looking for the officer to follow up with the case, he was not around and she became discouraged:

*"[The police officer] was like 'I have no time now, you will come back later' but the moment I go back, I do not find him there ... When we went to meet him, he was not there. We could not locate him. Whenever we would look for him, people would tell us that he is not around"* (RA4-UG-03-A).

### Re-traumatization and further abuse

As described above, the process of reporting crimes to local councillors and then the police was fairly uniform. However, this process was not victim centred. It could require victims to recount their traumatic experiences of abuse over and over again. In short, a victim who first told a friend about the crime may then tell the parent. Together they may go to the police to report the crime, only to be referred back to the local councillor, where they tell their story again. If the local councillor didn't understand what OCSEA was, the victim may be asked to explain it to him and why it was a crime. Once they receive the referral slip from the local councillor, the victim would then be obliged to go once again to the police station to file a formal complaint – the victims would then be turned away unless they could pay a bribe, or the police or local leader may chastise them or their caregiver and tell them it was their fault:

*"I was feeling uncomfortable [with sharing with the local leader] because I had already shared my story before at the police. I was feeling bad"* (RA4-UG-04-A);

*"It was disgusting I should say but the local leader kept on insisting that the child should share what happened to her. He kept on insisting and wanted to know what happened exactly since he did not know that OCSEA existed. He kept on asking how a person can be abused sexually online using a smartphone"* (RA4-UG-06-B);

*"It was hard for me seeing the girl repeatedly narrating what had happened to her to the local leader several times [...] The girl was psychologically tortured. She was tormented as everyone was asking her to tell them what she had gone through, this was very traumatizing"* (RA4-UG-06-B).

In two cases, victims suggested that during the course of reporting their OCSEA crime, they experienced unwanted sexual advances that were initiated by local officials or police:

*"So if you go to report, they see you as a child who is useless, who has nothing to do there and they undermine you. Some police officers make sexual advances since they know that you have no case to report [because they are children and don't have money] and you are just wasting [their] time"* (RA4-UG-01-A).

In the case of RA4-UG-06-A, disclosing to the leader was very negative. The girl said she had no choice if she wanted to pursue justice because *"I had no one else to discuss with."* She noted that the local leader asked for 5,000 Uganda shillings. But *"I had no money,"* she said. She then said the local leader started *"asking for sexual favours from me."* The victim continued:

*“I would get the courage to go and report but this time I can go and report to police because I believe that the local leader will not help me. He will do the things he did to me like asking for money from me and also luring me to have sex with him which is bad [...] I felt very bad about it because it is related to what I had come to report to him and needed justice. I was abused...again he wanted to abuse me in the same way” (RA4-UG-06-A).*

When asked if the local leader issued the OCSEA referral letter that she had requested, the victim replied *“No, he did not give it to me”* (RA4-UG-06-A).

Across interviews it was clear that the system and most of the criminal justice actors were not oriented toward the pursuit of justice of OCSEA victims who reported their crimes. And in some cases, these actors may make the experience of reporting measurably worse. Instead, the incentives of the police, and sometimes the local councillors, were aligned with their own economic interests, using their power as adults in positions of authority to demand money from victims of OCSEA in order to proceed with their case. By engaging in these forms of coercion and control, along with further exploitation and re-traumatization, criminal justice actors are violating the national laws of their country, such as the Children’s Act, which requires local leaders to report crimes against children. As a result, OCSEA victims did not receive the types of protection that they are entitled to by law.

## Participation in the Justice Process

### Children’s feelings about interactions with lawyers and judges

#### Only one of the six victims met with a lawyer

Only one participant, RA4-UG-05-A, indicated that she met with a lawyer and/or a judge, and even this case was not straightforward. The victim did not end up getting a referral letter from the local leader, and she also was unable to pay the bribe that the police asked of her. However, for reasons that were not made fully clear during the interview, she was able to meet with a lawyer by way of a referral from a police officer. She explained her relief in having the opportunity to meet with a lawyer, when all other local authorities seemed to have failed her:

*“At my first meeting with the lawyer, I had almost lost hope. Because every person that I approached earlier never gave me time or hope. So I thought maybe this one will not give me much attention and time or she will ask me to pay her. But I still expressed myself to her and she told me that we have a lot to do. She asked me, ‘Do you have the perpetrator?’ and I told her ‘yes, I have the evidence. And she asked me ‘Are you ready to stand against him?’ I told her ‘Yes’” (RA4-UG-05-A).*

The victim then noted that the lawyer asked her how much she could pay for her legal services: *“Just know here in Uganda you have to pay for everything...They don’t care whether you are a child or not. And I wanted to get justice because that thing [OCSEA] is widespread. Girls face that thing a lot”* (RA4-UG-05-A). She said the lawyer asked for 200,000 Ugandan shillings, which she paid in order to have a lawyer as the case proceeded.

When the case went to court, the victim said she met in front of a judge, who was male, where she once again had to recount her trauma. *“I felt uncomfortable but I still wanted justice so I had to give in. I had to tell him everything from the beginning up to the end.”* She said she felt *“somehow uncomfortable”* speaking with the

male judge but that she had no choice if she wanted to pursue justice, as she was not able to choose the judge for herself. *“I just found him there waiting for me, so I had to endure”* (RA4-UG-05-A).

### **The five victims who did not see a lawyer lamented the lack of options for legal advocacy**

In interviews, each of the five victims who did not see a lawyer indicated that they would have preferred legal representation and that ideally this individual would have been female. Participants said the police did not explain to them their rights or provide guidance about their legal options. As one caregiver put it, *“[The police] did not tell me anything. They never bothered”* (RA4-UG-01-B). None of the five said they either knew how to be in touch with a lawyer or could afford one: *“If I had a lawyer, I would have gotten justice because the lawyer could work on my issue. Those people can understand”* (RA4-UG-03-A). To the question about how she felt about not being given an opportunity to have a lawyer support her, the same participant replied *“I felt bad. I felt lonely. I felt like I did not have anyone to help me by that time. Even I was thinking about other bad things in my life. I was very helpless”* (RA4-UG-03-A).

In addition, no respondents indicated that local leaders or police suggested that girls should get lawyers, though they would have preferred this to have happened:

*“I would have loved to have a lawyer”* (RA4-UG-06-A);

*“[The police] did not give any lawyer...it would have been good and it was the role of the police to give me a lawyer but they did not help”* (RA4-UG-01-A).

### **Hardest part of talking with criminal justice actors for children**

As illustrated in the sections above, the hardest part of talking with criminal justice actors was that the system, as well as the actors operating within that system, were not aligned with or incentivised by helping OCSEA victims in the pursuit of justice.

Most OCSEA victims and their caregivers never got to meet any criminal justice professionals other than the police. The interviews showed that encounters with police were highly problematic, leading to feelings of shame, stigma and in particular frustration when realising that the justice process would not be taken further.

Victims and their parents expressed disappointment, frustration and dismay, because they felt that the police officers were not interested to help the victims of OCSEA in any part of the justice process. OCSEA victims said that police looked down on them because they were children and because they were from poor families, which police took to mean that children could not pay the bribe the police asked for to process their cases.

Even if cases had proceeded without bribes and exploitation, children indicated that the process was not victim-centred whatsoever. Between the local councillors and the police, if children were to report their case of OCSEA, they were required to recount their traumatic experiences on numerous occasions.

Even the lone OCSEA case that met with a judge and lawyer, RA4-UG-05-A, appeared to be the product of chance rather than evidence of a judicial system working as it was intended.

## Children's feelings about what was done by different criminal justice professionals to make the process easier for them and to help them participate in the process

Overall, victims characterised their experience with criminal justice professionals as negative, evidenced by the fact that just one case actually proceeded through the justice system, that just one got legal counsel and that local authorities often retraumatized OCSEA victims. However, within their unsuccessful and often painful experiences, there were a couple of factors that appeared to bring victims some relief.

The first factor was having a female officer at the police station. While the presence of a female officer in the sample appeared to be a product of chance, the two participants said that this made them feel more comfortable to disclose their abuse:

*"Since I chose a female police officer, I felt comfortable speaking with her about my case [...] When I talked to the female police officer, she gave me some time because I used to go back frequently like every day. She used to tell me. She said 'You go back home and come back tomorrow.' She helped and found me a lawyer"* (RA4-UG-05-A);

*"When I started to talk [at the police station], they listened to my case and assigned me a female police officer. [...] I felt happy because she was a woman and I am a girl. So I knew that she would understand me and the situation I went through very well. [...] At first, she was showing that she is serious but later she started ignoring us"* (RA4-UG-04-A).

The second factor that appeared to potentially be advantageous for victims in their pursuit of justice was that both local leaders and the police appeared to be in close geographic proximity. In particular, the local leader made some victims feel more comfortable to share their experience, because it was someone who may know the individual already. As one participant explained: *"I did not go to the police because I was fearing that place, but I went to the local leader in our community"* (RA4-UG-03-A). The participant emphasised that her local leader made her feel comfortable to speak privately. She said she was able to meet the local councillor in the front garden of his house. She characterised this as *"a good place because it has a compound with flowers, grass and trees."* She said that the compound was a good place for someone to meet a local leader because it was private enough and out of earshot of neighbours. She noted that it was a positive because *"he gave a chance to talk to him and I got the courage share my story to him,"* adding however, that *"he did not help with my case"* (RA4-UG-03-A).

Similarly, one caregiver felt that the local leader did a good job by referring her daughter to a local NGO for assistance: *"At first, I was feeling bad but after talking to him, I was impressed with the advice he gave me of referring my child to UYDEL where she managed to cope"* (RA4-UG-04-B). However, the interview participant did not describe any referral from the NGO to subsequent legal services to seek justice.

In short, there were some aspects of the justice process that worked well for some participants but these appeared to be largely accidental or anecdotal. By and large, children's experiences of seeking justice were defined by a lack of a systemic response, and by an approach that was not aligned with the best interests of the child. The formal process with which to handle OCSEA cases was not present from the moment that children disclosed crimes to local authorities.

## Compensation

### Children's awareness on their right to compensation

According to ECPAT's legal analysis, Uganda's Constitution guarantees *"any person who claims that a fundamental or other right or freedom guaranteed under this Constitution has been infringed or threatened, is entitled to apply to a competent court for redress which may include compensation."*<sup>3</sup> The Constitution also states that compensation should be awarded to victims of wrongs in criminal cases.<sup>4</sup>

Of the six victims, none stated that they were aware that children had a right to compensation. They did not receive any indication from the local authorities on this issue. One participant, RA4-UG-05-A, did receive payment from the perpetrator. While this appears to have been mediated through the court proceedings, it was not a formal compensation order by the court following a conviction of the perpetrator. Rather, it was an (out-of-court) settlement with the perpetrator to end the legal proceedings. The Computer Misuse Act sets forth the possibility of a court to order an offender to pay compensation to the victim, with the *'amount of compensation [...] fixed by the court, taking into consideration the loss suffered by the victim.'*<sup>5</sup> However, the approach to "compensation", as described in the case above, is not consistent with what is foreseen by this act, which states that compensation shall be ordered in addition to the punishment of the offender.

All other participants, however, said that they would have been interested in their right to compensation if they were aware of the possibility.

When asked whether or not they knew that child victims of OCSEA could ask for compensation as part of seeking justice for the crimes committed against them, one participant said, *"I do not know about compensation because I have never received that opportunity or chance to hear about it"* (RA4-UG-02-A). During the interview, she went on to say that if she had known that compensation was a possibility, she would have sought to pursue it. Another of the girls expressed a similar feeling, noting that if she would have known about it: *"I would have the courage to go and claim for compensation since I would have full knowledge about it"* (RA4-UG-06-A).

### Children's experiences of seeking compensation

There was only one experience of a participant obtaining a payment from a perpetrator. Nevertheless, the payment came from the perpetrator in order to not go forward with the case and hence was not a proper case of compensation. According to the victim, this was not ideal, because while they did receive compensation for their case, she did not feel like justice was fully achieved. While she received money, she worried it would be seen as more of a payoff than holding the perpetrator accountable for his crime.

The victim's case was put in front of the judge. She explained:

*"[The lawyer] helped me yes, but still she told me that, 'If you do not have evidence against the perpetrator, we will just tell him to pay you and dismiss the case. You must have evidence.' But I told them 'No, I want justice as a girl' [...] I tried to talk with the perpetrator but he was like, 'You want to*

<sup>3</sup> Republic of Uganda. (1995). [The Constitution of the Republic of Uganda](#), Article 50.

<sup>4</sup> Republic of Uganda. (1995). [The Constitution of the Republic of Uganda](#), Article 126 (2)(c).

<sup>5</sup> Republic of Uganda. (2011). [The Computer Misuse Act No. 2 of 2011](#), Section 27.

*sue me or do you want money?’ But I told him that it is a must and he must pay for the damage” (RA4-UG-05-A).*

The victim added that the judge helped her to seek compensation, even if the amount received, 300,000 Uganda shillings, *“was not the right amount that the judge asked for.”*

Overall, the victim indicated that the experience of seeking compensation was not what she was hoping for. By receiving money from the perpetrator, she worried that it left the wrong impression of her motives for pursuing the case in the first place. *“It was really hard for me, because I had this feeling that maybe these people might think that I wanted money from them.”* At the same time, she said that if she had to do it all over again, she would still want to seek compensation: *“I think that when you reach the court levels, I believe it is a law that someone has to pay for the damage” (RA4-UG-05-A).*

## Successes

Of the six cases, none offer a scenario where the system operated as effectively as it should. The closest case was RA4-UG-05-A, because this proceeded through the legal system to the point where the victim received some level of “compensation”, but this occurred without a trial or conviction and was rather a way to let the perpetrator go with the help of a payment than to ensure a proper justice process.

There were a couple of factors that did not give the victim a strong likelihood of success, even compared to other cases in this sample. In particular, the local leader refused to process the victim’s request because she did not have money. The police also initially refused to help her because she could not pay the 20,000 Ugandan shilling bribe they were asking of her. Even when she eventually received counsel from a lawyer, the lawyer did not appear to stay with the case because of her inability to pay. In addition, the victim had to recount her traumatizing OCSEA experience on multiple occasions and to multiple actors – including to the local leader, police, lawyers and the judge. Many of these actors were male.

Despite all of these obstacles listed above, there were some successful factors that helped advance the case too. In particular, she was able to select a female police officer to speak with: *“Since I chose a female police officer, I felt comfortable speaking with her about my case.”* While the police did not appear to play an active role in the case, the female officer referred the victim to a lawyer who was a woman.

Even though the lawyer did not take on the case due to lack of funds, she appeared to convince the victim that because the victim had evidence of the crime, the case could proceed to court: *“She did not tell me a lot of stuff but she asked me, ‘How do you want me to help you?’ But still she told me the rules to follow before the case is heard.”* The victim added,

*“She gave me the opportunity but still she didn’t have a lot of time for me, so I had to put in a lot of effort [...] She helped me, yes, but still she told me that, ‘If you do not have evidence against the perpetrator, we will just tell him to pay you and dismiss the case. You must have evidence.’” But I told them, ‘No, I want justice as a girl’” (RA4-UG-05-A).*

When it came time to meet the judge, a man, she said, *“I felt uncomfortable but I still wanted justice, so I had to give in. I had to tell him everything from the beginning up to the end.”* She continued, *“I felt somehow uncomfortable but still I had to tell him because I wanted justice. since I was not given an opportunity to choose*

*a judge. I just found him there waiting for me. So I had to endure.*” The judge eventually helped the victim receive compensation or a settlement from the perpetrator that totalled 300,000 Uganda shillings. The victim said this was not the amount the judge had asked for. And while it was better than no payment at all, she worried that others would think that the compensation she received was her intention at the outset, rather than the pursuit of justice.

Throughout the proceedings, which took eight months in total, the victim said it was her mother who was the most supportive person to her throughout the process.

To be clear, the experience of RA4-UG-05-A should not be considered a success. It was ‘successful’ in the fact that the victim received some type of compensation, but justice was not achieved. Rather than upholding Ugandan law, the compensation was as a pay-out by the perpetrator to end the legal process and avoid punishment. There were many unsuccessful aspects of this case that left the victim feeling traumatized and wholly unsatisfied with her experience of seeking justice.

## Recommendations

Main changes suggested by children to make it easier/better for children to participate in criminal cases against their abusers

### Develop child-friendly systems to better respond to cases of OCSEA

On a general basis, the information gathered from the interviews provided a picture of a system, and the individuals within that system, that completely lacked any proper mechanism or process to enable OCSEA victims to safely report their victimization or access justice.

The children and young people interviewed in this study recommended creating an environment to allow young people to feel more comfortable to report their abuse and discuss their experience without recrimination, judgment, or secondary traumatization. Their ideas included creating children’s spaces at police stations, allowing children to choose the gender of the police officer they would speak with and training authorities to more sensitively respond to children at all levels:

*“My appeal is that if children have situations that they are going through, there must be specific people handling their cases no matter the place - whether at the police, the local leader or the judge must be there to handle specifically children’s cases [...] If a child goes to report their cases, there should be a private room for children and there is a person who hears children’s cases” (RA4-UG-05-A);*

*“Me as a person I am looking at the existing children’s offices, which are not helpful to people at all. We need a number of people who are professionals and they are capable and willing to serve the children in the available safe spaces where children can freely interact and interview children in a friendly manner. There is a need to train professional people to handle children’s cases” (RA4-UG-02-A);*

*“First of all I would have picked a female lawyer to work on my case properly” (RA4-UG-03-A).*

### Specialised training for local leaders to better respond to OCSEA cases

Local leaders are based in the communities where children live. As such, they are the individuals that are charged with dealing with emerging issues and responding accordingly, as stipulated in The Children’s Act.<sup>6</sup>

The children and young people interviewed for this study reported mixed results when it came to their experiences with the local leaders. Their experiences with how local leaders had reacted to the crimes they had been subjected to ranged from advocacy to apathy to exploitation and abuse. It is also noteworthy that all local leaders that victims met were men. No participant commented that they consulted with, for example, a female leader or a children/women’s desk, etc. Victims recognised that local leaders play a central role in responding to OCSEA and that they could be more effective in their work with proper training, following up on cases they referred to the police and so on:

*“I did not have any major challenge with the local leader but I just feared to go there because we were staying in the same village with the local leader and he knew me very well and I feared to go there and open up” (RA4-UG-04-A);*

*“In most cases, the local leader ends at issuing referral letters to police. What I recommend is that they should not limit themselves to only that, because they are the ones on the ground, and they know the community people very well. The community people voted them as their representatives. Therefore, he should have followed up my case until I get justice” (RA4-UG-04-A);*

*“The changes I would like to see is that local leaders should be trained to be professionals and listen to everyone’s issue without judging them even if the person is young, old, brown, tall, Muslim, Christian, etc. They should be served equally so that people can feel free to report and also know their rights. This can encourage many people to have courage and report whichever happens to him or her” (RA4-UG-03-A).*

### **Reform the police response so that it is motivated by justice and not incentivised by bribes**

Respondents in this study, including young people and caregivers, spoke passionately about the need to reform the police response. At the moment, the police response is driven by perverse incentives and bribes. All six cases in this study came from households that were from impoverished areas of Kampala. Children and caregivers were aligned in their distress when they learned that they would have to pay money to have the police investigate their case. As such, participants recommended different types of reforms to the police so that their interests could be aligned with victims in the pursuit of justice:

*“What I think is that the police should take action to help all the girls who go through the same situation since we are many girls who go through sexual abuse online. They should not be negligent because the children do not have money for bribes. They usually mind about money instead of justice. They should seek justice first instead of money” (RA4-UG-04-A);*

*“I suggest that the government puts much emphasis on law enforcement agencies just that if someone reports a case about sexual exploitation, they should follow up that case seriously. In fact, for such cases, the lawyer should be for free of charge” (RA4-UG-04-A);*

<sup>6</sup> Republic of Uganda. (2016). [The Children Act \[as amended by the Children \(Amendment\) Act No. 17 of 2016\]](#), Section 42A(3).



*“Police should also give time to children and listen to them. Police concentrate only on people with money leaving out children. They concentrate on the adults which makes the children fear reporting any case. But if they handle and listen to children very well, this would encourage them to report the perpetrators and they get justice. The police like people who have money, they only help those who give them money. That is what they want. The police see us children as people who are useless and not important. The police want a bribe first for the cases to be recorded and followed up” (RA4-UG-01-A);*

*“What I would tell these people is that the police officers in the different community police posts have not been of any help to the people in their communities. There should be a change among these police officers. They should be trained to act professionally. How can they charge a child money yet the child is a minor and needs serious attention and help?” (RA4-UG-02-A).*

A caregiver offered a similar recommendation:

*“I advise police not to put money first. Because people go to the police to get help but unfortunately the police put money first. The issue of asking for money from clients should be put aside and they should look at the case presented to them by the victim. Unfortunately, the police look at money and favour only those people with money. Those with money are given attention and those without money are not considered [...] They should help the community people - people are badly off. They should not segregate that this one belongs to this wealthy family, this one is rich. No. They should treat all of us equally. They should sensitize them about the process of getting justice” (RA4-UG-01-B).*

### **Punish those who commit OCSEA crimes**

Victims and their caregivers also recommended punishing the perpetrators of OCSEA crimes. None of the perpetrators in this study appeared to have received any form of sanction or punishment for the criminal acts they committed and the trauma and abuse they imparted on their victims. Participants recommended raising awareness that OCSEA is a crime and that those who perpetrate these crimes against children should be punished. One parent noted the following:

*“As a parent, when you bring them here, I would advise them to put in more efforts in strengthening the laws to protect children since they are the future generation. They should lay interventions right from the local communities where the children come from. They should strengthen the laws and punish those who abuse children and violate children’s rights” (RA4-UG-03-B).*

Similarly, one of the young interview participants put it in the following way:

*“Government should set up strict laws against those who abuse children sexually. They should serve very heavy punishments. You know what is bad is that the majority of those that abuse children go scot-free. Others are imprisoned for a very short period of time and they are discharged yet this haunts the victim for a very long period of time” (RA4-UG-04-A).*

In summary, the interviewed victims and their caregivers advocated for systemic reform of the process of dealing with OCSEA cases, one which is child and gender-sensitive and fundamentally changes the way that local officials, including local leaders and police, deal with OCSEA cases.

### Main changes suggested by children to make it easier for children to seek compensation

Participants did not pursue compensation because they did not know about it. Perhaps for this reason, when it came to making it easier for children to receive compensation, the main suggestion offered by participants was to raise awareness on this issue:

*“Police are not helpful at all; however, it will be hard to ask for compensation from the perpetrator when they do not understand what compensation is all about. The police should do massive awareness about compensation, this will encourage children to report” (RA4-UG-01-A);*

*“The police should work closely with NGOs and CSOs which promote children’s rights, especially those who are exploited online. There should be massive awareness about compensation through media, spot messages, television, radio talk shows so that community members and children are aware. There should be information and materials printed and distributed to different places especially at the police stations so that when one visits the police station, you read and learn more about it from the posters displayed” (RA4-UG-02-A);*

*“I recommend that they should make advocacy messages on TV, Radio and distribute posters with rights of children in different communities” (RA4-UG-04-A);*

*“There is a need for close collaboration and partnership with other organisations in Uganda to sensitize and create massive awareness about compensation for children so that their situations are solved properly” (RA4-UG-06-A).*