



ADMISSIBILITY OF EVIDENCE PRESENTED BY CHILDREN IN SEX ABUSE
PROSECUTIONS IN UGANDA: THE CASE FOR REFORMS

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ABSTRACT

Presently, the statutory provisions of Uganda prevent the courts from convicting accused persons based on the evidence of a single child witness even when the evidence of the witness is satisfactory in all material respects. This dilemma is more pronounced in cases of child sexual offending because there is rarely any corroborative evidence in these cases. The goal of this paper is to explore the relevant legal loopholes in the trial of child sex offenders and to sustain the argument that, the high incidence of child sexual offending, unmatched by appropriate redress in the form of conviction warrants a departure from the current norm. The paper also seeks to demonstrate that the constitutional obligation of Uganda and the practice of other jurisdictions are seemingly instructive of the need for such reconsideration. The paper concludes that the much needed reform of the legal system will seemingly be effective if the current statutory provisions on caution are expressly abolished and replaced with provisions that further common sense as opposed to a mechanical application of the cautionary rule.

Keywords: Admissibility, Evidence, Sex Offences, Child Sexual Abuse, Uganda.