



RETHINKING SENTENCING: THE PLIGHT OF TEENAGE INFANTICIDE OFFENDERS IN UGANDA

11.05.2022

Infanticide under Uganda's Penal Code Act (Cap.120),1950 is defined as "when a woman unlawfully causes the death of her child who is under 12 months old but at the time of causing the death, her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to the child..."[1]

This week's success story is of a 16-year-old girl from Nebbi district who was defiled by a man significantly older than her. This man fled after he advised the girl to abort and she refused because she feared the effect the procedure would have on her body. During her pregnancy, her stomach was not protruding and therefore, her parents were not able to tell that she had been a victim of statutory rape.

On one Monday, she went into labour while she prepared for school. As she was alone, she gave birth unassisted and tended to the baby the best way she knew how and left the child on the veranda at her parents' residence. When she arrived at school, she was apprehensive about her child's survival and returned home. She found an angry mob of people accusing her of neglect because a pig had mauled the baby's feet.

The baby was rushed to Angal Missionary Hospital, but due to over-bleeding, passed away.

It is during that time that the Local Councillor 1(LC1) was called to intervene and she was later charged with infanticide. When her probation officer noticed she was young, he contacted the FIDA offices in Nebbi district which advised the police that prison was not the best place to hold the girl in custody since she was unwell. The legal officer proposed that the girl gets medical attention. The Police heeded to our call and sent the girl to the hospital for medical attention and later on to the Sexual and Gender-Based (SGBV) shelter which is run by our partners ActionAid Uganda. This presented the girl with an opportunity to stay in a safe place as the trial commenced.

During her trial she was sentenced to 50 hours of community service as opposed to spending 3 years in prison. Her sentence was mitigated because she was a primary 7 candidate and a victim of statutory rape. Prior to her resettlement in the community we had a community sensitization on addressing issues of sexual violence and the stigma many young girls face and private counselling sessions with her family since her father was not willing to welcome her home or even take her back to school. Resultantly, she has now registered for the second term at school and is settling in. The Police also pledged their support to search for the perpetrator.

Uganda Police Force notes that "...suspicions of child deaths are often associated with significant social and domestic issues for parents, and among those is a previous history of sexual violence, as was the case with this 16-year-old girl."

We would like to thank the Police, the Legal Aid team in Nebbi as well ActionAid for their swift response in ensuring that this young girl received justice.

If you are experiencing cases similar to this, please reach out to us on our toll free line: **0800 111 511** or **FIDAUGANDA.ORG**.

[1] Section 213 of The Penal Code Act (Cap.120) 1950, [Uganda] Available at:https://ulii.org/akn/ug/act/ord/1950/12/eng@2014-05-09#chp_XX_sec_213 (Accessed on 09/05/2022)



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