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SEX EDUCATION AND THE LAW: THE CONFLICT BETWEEN THE RIGHTS OF PARENTS AND THE RIGHTS AND INTERESTS OF THEIR CHILDREN

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SEX EDUCATION AND THE LAW: THE CONFLICT BETWEEN THE RIGHTS OF PARENTS AND THE RIGHTS AND INTERESTS OF THEIR CHILDREN

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ABSTRACT

Uganda's education sector largely recognizes abstinence-only sex education. This is because of the social conservatism derived from religious and cultural values. Unlike comprehensive sex education, abstinence-only sex education does not address other types of sexual and reproductive health education like birth control and abortion. The concept of sex is largely moralized and therefore open conversations about sex are often avoided in homes and society. Therefore, the question as to whether or not freedom of religion gives parents the right to object to sex education based on religious beliefs needs to be examined, and how that right conflicts with children's rights.

1.0 INTRODUCTION.

In 2016, the Ugandan government supported by Family Life Network¹ decreed a parliamentary ban on comprehensive sex education.² On May 17, 2018, the Minister of Education launched the National Sexuality Education Framework, whose cardinal principle is “God-fearing”. Many religious leaders and parents challenged the National Sexuality Education Framework on the ground that sexuality education was a premise strictly for the family.

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¹ This is a non-governmental organization, which was formed in January 2002, to work towards the restoration of family values and morals of the Ugandan society. <familylifenetworgug> accessed 20 May 2022

² Erin V. Moore, Jennifer S Hirsch, Esther Spindler, Fred Nalugoda, John S. Santali 'Debating Sex and Sovereignty: Uganda's New National Sexuality Policy' (19 June 2021) <Debating sex and sovereignty> accessed 19 May 2022

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It is important to note that the framework does not mention condom use or contraceptives. This may be because of the deliberate refusal of the government to embrace comprehensive sex education (CSE). The framework has never been implemented and actualized. Consequently, comprehensive sex education is mostly unavailable for the youth, who rely on their peers for basic knowledge on issues of sexuality.

In order to uphold the rights and interests of the youth, the Centre for Health, Human Rights and Development (CEHURD) sued the government for its failure to issue a policy on comprehensive sex education.³ The case came to be known as *CEHURD v Attorney General*.⁴ CEHURD contended that the Ministry of Education and Sport's ban on CSE, and their omission and delay to pass a policy on sexuality education was a violation of the right to access information contrary to Article 41 and the right to education contrary to Articles 30 and 34(2) of the Constitution of the Republic of Uganda.

Justice Lydia Mugambe ruled in favour of the applicants and held that the government's inordinate delay of over ten years to develop a comprehensive sex education policy in Uganda was a violation of the country's obligations under international law and local statutory laws. The court further instructed the government to develop a comprehensive sex education policy within two years. This decision is a landmark ruling, as it recognizes comprehensive sex education as one of the children's rights in Uganda.

The government still has not developed a framework for the teaching of comprehensive sex education. The COVID-19 pandemic may have been the cure that the doctor recommended for this reluctance. In Uganda, 644,955 teenage

³ *CEHURD v Attorney General and Family Life Network* [Miscellaneous Cause No. 309 of 2016]

⁴ *ibid*

pregnancies were recorded during the COVID-19 lockdown.⁵ Since March 2020, when the pandemic started, an estimated 354,736 teenage pregnancies were reported following the closure of all schools.⁶

An additional 290,219 pregnancies were reported between January and September 2021.⁷ These figures reveal the real pandemic that attacked teenage girls during the lockdown. During the lockdown, so many children were idle and movement was minimal.⁸ As a result, many of them engaged in sexual activities, which led to unwanted pregnancies. This explains the spike in the number of teenage pregnancies recorded.

A report on domestic violence in the context of COVID-19 by the Women of Uganda Network (WOUGNET) reveals that there were 10,280 cases of gender-based violence from January to April 2020.⁹ Of those, 43.2% were cases of defilement and 5.6% were cases of rape. The report further reveals that there is a fear that the unreported cases were much higher, especially in rural areas.

So, whether or not it is approved of or socially accepted, teenagers are going to engage in sexual activities. The earlier they are equipped with comprehensive sex education, the better. It is erroneously believed that comprehensive sex education may lead to promiscuity among children. One may argue that abstinence is still a part of the package because it is one of the choices available to any sexual being.

⁵ Martha Songa, 'Addressing teenage pregnancy during the COVID-19 pandemic' (The United Nations Population Fund-UNPFA, 15th October 2021) <[Addressing teenage pregnancies during covid-19](#)> accessed 21 May 2022

⁶ *ibid* n. 2

⁷ *ibid* n. 2

⁸ BMAU Briefing Paper (13/20), 'COVID-19 and Girl-child in Uganda. What are the emerging issues?' (July 2020) <[bmaubriefingpaper](#)> accessed 19 May 2022

⁹ <https://www.google.com/w_submiw1D9e9> accessed 3 June 2022

1.1 What is Comprehensive Sex Education?

It is a curriculum-based process of learning about the cognitive, emotional, social, interactive and physical aspects of sexuality.¹⁰ Sex education refers to a comprehensive course of action by the school, calculated to bring about the socially desirable attitudes, practices and personal conduct on the part of children and adults, that will best protect the individual as a human and the family as an institution.¹¹

Comprehensive sex education comprises education about sexuality, including reproduction and family planning. As noted above, Uganda does have sex education. However, it is not comprehensive, being rather restrictive and is surrounded by a lot of cultural and religious bias. Our sex education is abstinence-only. It is neither comprehensive nor liberal.

2.0 The Legal Framework Governing Comprehensive Sexuality Education

2.1 International Law

The right to comprehensive sex education is enshrined under the United Nations Convention on the Rights of the Child.¹² The government of Uganda ratified the United Nations Convention on the Rights of the Child in 1990.¹³ The Committee

¹⁰ 'Why Comprehensive Sexuality Education is Important,' (UNESCO Article, 15, February 2018) <unesco.org> accessed 19 May 2022

¹¹ De La Mar, Jeanette, The paper examines the ways in which schools are addressing a provision in the Educational Act that allows parents to withdraw their children from the sexuality education parts of health education <[A report by De La Mare, Jeanette](#)> accessed 18 May 2022.

¹² "Adolescents have the right to access adequate information essential for their health and development and for their ability to participate in society. It is the obligation of State parties to ensure that all adolescent girls and boys, both in and out of school, are provided with, and not denied, accurate and appropriate information on how to protect their health and development and practice healthy behaviors. This should include information on the use and abuse, of tobacco, alcohol and other substances, safe and respectful sexual behaviors, diet and physical activity".

¹³ UN Treaty Data Base, 'Convention on the Rights of the Child' (ratified on 17 August 1990) <[the government of Uganda ratifies the UNCRC](#)> accessed 21 May 2022.

on Economic, Social and Cultural Rights¹⁴ also interprets the right to health as an inclusive right extending not only to timely and appropriate health care but also to the underlying determinants of health, such as access to health-related education and information, including on sexual and reproductive health.¹⁵

The Committee on the Elimination of Discrimination against Women also provides for comprehensive sex education as a right.¹⁶ Article 25 of the United Nations Convention on the Rights of Persons with Disabilities recognizes that disabled persons are entitled to comprehensive sex education.¹⁷ The 1994 Program of Action of the International Conference on Population and Development calls on governments to provide sex education to promote the well-being of adolescents and specifies key features of such education.

2.1.1 The Conflict between Universalism and Cultural Relativism Through the Lens of Children’s Rights.

One of the major principles of international human rights is the principle of universality. The principle of universality of human rights means that human rights must be the same everywhere and for everyone. It is encompassed in Article 1 of the Universal Declaration of Human Rights, which states that “All human beings are born free and equal in dignity and rights”. The Convention on the Rights of the Child defines a child as “every human being below the age of 18” unless, under the law applicable to the child, the majority is attained earlier.¹⁸ This portrays a non-discriminatory application of the convention to all children.

¹⁴ Committee on Economic, Social and Cultural Rights, Article 12.1. General Comment No. 14 para 11.

¹⁵ The International Covenant on Economic, Social and Cultural Rights (ratified 21 January 1987) <[ratification status for Uganda](#)> accessed 20 May 2022.

¹⁶ General recommendation No.28 on the core obligations of State parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, ratified on 22nd July 1985, <[ratification status for Uganda](#)> accessed 20 May 2022.

¹⁷ Ratified on 25th September 2008, <[ratification status for Uganda](#)> accessed 20 May 2022.

¹⁸ Convention on the Rights of the Child, Article 1.

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The biggest challenge to the universality of children's rights is the question of cultural relativism. Children are born into different cultural, social, economic and political backgrounds. Their rights may vary from one place to another because rights are interpreted differently in every society. The question, which begs to be answered, is; should universal standards provide the legal framework for the implementation of children's rights?

Alternatively, is it much more realistic to consider the cultures into which children are born when implementing their rights? To be precise, should children's right to comprehensive sex education be guided by universalism without regard to the cultures existent in Uganda?

The answer to this controversy has always been the "best interests" principle,¹⁹ which is considered a guiding principle in children's affairs. The "best interests" principle as a legal interpretative rule,²⁰ creates ambiguity because in many circumstances when determining whether the best interests of the child are being met in a particular case, it will depend so much on who is interpreting those interests and also if children's views matter to that group of people.

This may create cultural domination by allowing the particular experience and perspectives of privileged groups within each society to parade as universal.²¹ When it comes to issues of comprehensive sex education, determining the best interests of the child becomes difficult. One of the arguments against it is that it is a tool of western imperialism.²² As I shall discuss later, parents argue that it is in the best interests of their children to exercise their cultural and religious rights and that CSE is alien to their culture.

¹⁹ Convention on the Rights of the Child, Article 3.

²⁰ The UN Committee on the CRC General Comment No 14 interprets the best interest principle as a 3-fold concept and one of them is the best interest principle as a Legal interpretative rule.

²¹ Iris Marion Young, 'Justice and Politics of Difference. Princeton: Princeton University Press,' (1990) <[www.jstor](http://www.jstor.org)> accessed 21 May 2022.

²² <<https://www.google.com%2FarticlZ1En9ySQjZgXS>>

From an unbiased perspective, both culture and universalism can be tools of domination. Much as the principle of universality may be out of touch with the reality of many children, culture may also subject children to certain corrosive practices. The two conflicting factors can be reconciled by directly including children in decision-making processes.

An example is the case of Bolivia, where children gave their input on the Code for Children and Adolescents in 2014.²³ Since the common concern is the protection of the children, then there should be a balance between culture and universality. Many scholars agree that whereas rights are culturally determined, the universality of human nature and rights serves as a check on the potential excesses of relativism²⁴.

2.2 The Law Applicable in Uganda

Article 41 of the Constitution provides that every citizen has a right of access to information in the possession of the state or any other organ or agency of the state, except where the release of the information is likely to prejudice the security and sovereignty of the state or interfere with the right to the privacy of another person.²⁵ Article 30 guarantees the right to education for all citizens, whereas Article 34(2) is to the effect that a child is entitled to basic education, which shall be the responsibility of the state and the parents of the child.

Most of the opposition to comprehensive sex education is based on religious affiliation.²⁶ It is, therefore, necessary to mention Article 7 of the constitution, which states that Uganda is a secular state and therefore it has no state religion.

²³ Ryerson, 'Facilitating Participation in International Child Protection' (5 October 2015) <[Facilitating Participation in International Child Protection](#)> accessed 21 May 2022.

²⁴ Jack Donnelly, 'Defining – Cultural Relativism' <[Jack Donnelly-Defining cultural relativism](#)> accessed 21 May 2022

²⁵ 1995 Constitution of the Republic of Uganda

²⁶ Ahimbisibwe P. 'Church rejects Sexuality education in their schools' (Nation Media, 12 January 2021) <[church rejects sexuality education in their schools](#)> accessed 20 May 2022. See also, <[church's protest delays bid for sexuality education in schools](#)> accessed 20 May 2022.

However, religion always determines policy-making decisions, as discussed herein.

Section 4(1) (c) of the Children (Amendment) Act²⁷ provides that every child shall have a right to access any information which a parent, guardian or another person in authority deems critical to the child's wellbeing. Section 4(1) (g) of the same act guarantees the child's right to safety, privacy, information and access to basic social services.²⁸

Section 4(1) of the Education (pre-primary, primary and post-primary) Act 2008²⁹ provides that the provision of education and training to the child shall be a joint responsibility of the state, the parent or guardian and other stakeholders. Section 4(2) of the Act further stipulates that basic education shall be provided and enjoyed as a right by all persons.³⁰

3.0 THE LEGAL IMPLICATIONS OF COMPREHENSIVE SEXUALITY EDUCATION

3.1 The Rights of Parents

Many parents in Uganda object to comprehensive sex education because it contradicts their constitutional freedom to practice their religion and the right to culture guaranteed under the Constitution of Uganda.³¹ This gives rise to the question as to whether parents can object to sex education on the ground that it violates their constitutional rights.

The Comprehensive Sexuality Education case³² (*CEHURD v AG*) did not address this issue because it was not raised by the respondents. The respondents instead

²⁷ Children (Amendment) Act Cap 59

²⁸ *ibid*

²⁹ Education (pre-primary, primary and post primary) Act 2008 accessible here <https://www.google.com/url?url=2FEducataw3zp_-hJGktY> p. 9

³⁰ *ibid*

³¹ The 1995 Constitution of the Republic of Uganda. Article 29(1) (c) and Article 37 respectively.

³² Miscellaneous Cause No. 309 of 2016

were concerned that sex education would expose their children to LGBTQ ideas and abortion. It is however necessary to discuss the rights of parents concerning comprehensive sex education.

In other jurisdictions, the courts have considered comprehensive sex education as a matter of public health, and not a violation of the right to practice one's religion. In the case of *Cornwell v State Board of Education*,³³ the parents of pupils attending Baltimore County, Maryland, sought to enjoin the State Board of Education by implementing the board's bylaw that provided for a comprehensive program of family life and sex education in every elementary and secondary school.

The court, while dismissing the petition held that:

"...the purpose and primary effect of the bylaw here is not to establish any religious dogma or precept, and...the bylaw does not directly and substantially involve the state in religious exercises or the favouring of religion or any particular religion. The by-law may be considered quite simply as a public health measure."

The court cited *Prince v Mass*³⁴ to illustrate that the state's interest in the health of its children outweighs claims based on religious freedom and the right to parental control.

Similarly, in *Hopkins v Hamden Hopkins Board of Education*,³⁵ the plaintiffs sought to obtain an injunction against the use of a printed curriculum by the state board of education in authorizing, and the local board of education in teaching, a health education course. The court ruled that there was no proof that the teaching of a mandatory sex education course would establish any religious concept or philosophy in the school system.

From the above cases, it can be implied that where state interest in comprehensive sex education is found to be necessary to outweigh religion, then

³³ *Cornwell v State Board of Education* (1969) U.S. District Court for the District of Maryland, 314 F. Supp. 340 (D. Md. 1969)

³⁴ 321 U.S 158 (1944)

³⁵ 289 A.2D 914, 29 Conn. Supp. 397

it is upheld. Comprehensive sex education is only acceptable where the state considers it a matter of public health. In Uganda's case, sex education is not yet a public health concern, and this may explain the government's omission to implement a policy on the subject.

Concerning culture, many traditions in Uganda consider sex before marriage a taboo. One of the most barbaric traditions was the one practised in Kigezi at Kisizi Falls.³⁶ Many of the girls who got pregnant before marriage were taken to Kisizi, and thrown over a cliff (Eibanga) at the falls because pre-marital sex was an abomination. This tradition has since died out due to the influence of missionary work during the colonial period.

3.2 The Rights of Children

As discussed above there are both international and municipal laws providing for children's rights to comprehensive sexuality education. The United Nations Declaration of the Rights of the Child (1959) states that, the best interests of the child shall be the guiding principle of those responsible for his or her education and guidance; that responsibility lies in the first place with the parents.

So then, is comprehensive sex education not in the "best interests" of the child?

It is important to recognize the power dynamics in a parent-child relationship, through the African lens. Traditionally, children are expected to be subject to parental authority. From a religious perspective, Ephesians 6:1 directs children to obey their parents. It is therefore hard to identify the best interests of a particular child. A Christian family may find that it is in their child's best interest that they do not acquire comprehensive sex education because of their religious beliefs.

³⁶ Daily Monitor, 'Kisizi falls: From the cursed place came a blessing' (Nation Media, 5 August 2021) <[Kisizi falls: From the cursed place came a blessing](#)> accessed 9 May 2022

On the other hand, an atheist family may find that it is also in their child's best interest that they acquire comprehensive sex education because it is a right they are entitled to. In my opinion, a child's best interest cannot be easily separated from their social background. Social background influences access to certain knowledge.

Many parents in Uganda have argued that sex education can only be given by the family.³⁷ However, several studies³⁸ have proven that most parents do not give any proper sex education to their children because they are either too shy or the topic is considered too sensitive. As a result, many young people resort to pornography to get their answers. The impacts of pornography are very much known; addiction, isolation, aggression, distorted beliefs and perceptions about relationships and sexuality.³⁹

Although many pornography sites are blocked in Uganda,⁴⁰ their consumption is at an all-time high.⁴¹ Among the youth in Uganda, 50 per cent are exposed to pornography by the age of 12.⁴² A research study reveals that male and female study participants (from Uganda and Ethiopia) aged 12-26 said they turned to pornography because they lacked adequate sex education and that it was easy to access pornography due to its ubiquitous presence.⁴³

Comprehensive sex education reduces the chances of teenage pregnancies, HIV/AIDs and abortion, as I shall discuss in my conclusion. When young people

³⁷ Nakisanze Segawa, 'Delayed Sexuality education Programme divides parents,' <[Delayed sexuality education programme divides parents](#)> (Global Press Journal, 12 July 2020) accessed 21 May 2022

³⁸ Bashaija E. 'Factors that Hinder Parents from the Communicating of Sexual Matters with Adolescents in Rwanda'. Rwanda Journal of Health Sciences Vol 2 No 2, 2013 at p. 13

³⁹ Maltz W and Maltz L, The Pornography Trap (2006) Page 65

⁴⁰ Pornography sites blocked (Nation Media, 5 December 2018) <[pornography sites blocked](#)> accessed 20 May 2022

⁴¹ Job Bwire, 'Ugandans consume more porn than News and Government Information' (Nation Media, 12 March 2019) <[Ugandans consume more porn than news](#)> accessed 20 May 2022

⁴² Kristen Cheney, Annah Kamusiime and Anteneh Mekonnen Yimer Feeling 'Blue': Pornography and Sex Education in Eastern Africa' <[Feeling 'Blue': Pornography and Sex Education in Eastern Africa](#)> accessed 20 May 2022

⁴³ *ibid* n. 10

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are equipped with basic knowledge about sexuality, they are more likely to make informed choices. This, in my opinion, may imply that comprehensive sex education is in the child's best interests. The real question therefore arises; who gets to decide what is objectively in the best interests of the child? This question was answered by the court in *Kjeldsen, Busk Madsen and Pedersen v Denmark*.⁴⁴

The background of the case was that Denmark introduced compulsory sex education in state primary schools as part of the national curriculum in 1970. It aimed to lower the increased prevalence of unwanted pregnancies. This was implemented through a Bill passed by Parliament (Act No. 235). The Minister of Education requested the Curriculum Committee to prepare a new guide on sex education. Two executive orders were consequently issued and the State Schools Act (Act No.313) was passed.

When the Bill went before the Danish Parliament, the Christian People's Party tabled an amendment to enable parents to ask that their children be exempted from sex education. The Amendment was rejected by 103 votes to 24. The applicants went to court, arguing that sex education raised moral questions that were not in conformity with their Christian convictions. While rejecting the application, the court ruled that a child's fundamental right to obtain a useful education in sexual matters was before the parents' claim that such education might infringe upon their right to respect their religious and philosophical convictions.

This could be applied in our jurisdiction, although challenges may arise in consideration of our cultural background.

⁴⁴ 1 EHRR 711

4.0 THE ROLE OF RELIGION IN THE STAGNATION OF COMPREHENSIVE SEX EDUCATION IN UGANDA.

I find it very difficult to conclude this article without elucidating the influence that religion has on Uganda's education sector. Many of the traditional schools are founded on religious values. This may explain why there is an interwoven similarity between our African culture and Christian values. Indeed, one wise colleague once asked; "*What is African culture if not colonial 'Christianisation'?*"

Religious values are deeply embedded in our norms, values and aspirations, ⁴⁵so much so, that when legislating certain laws, legislators tend to dwell so much on the biblical perspective. The government has been reluctant to roll out a clear plan for including comprehensive sex education in Uganda because of that. Recently, The New Vision quoted Rt. Rev James Williams Ssebagala (Mukono Diocese Bishop) says, "pregnant and breastfeeding girls should not come to our schools let them sort their issues at home, we cannot allow such immoral behaviour."⁴⁶

The first important point to note is that according to our laws, children cannot consent to sex and therefore any sexual activity with a minor amount to defilement.⁴⁷ The minors in question are victims of defilement, many of whom were abused by their relatives. So one then wonders, why would the church stigmatize victims of defilement instead of holding the abusers accountable? More importantly, it is clearer now than ever, that sexual abuse usually starts in childhood. Why shun comprehensive sex education? Children need it now more than ever because it is a form of empowerment to shield them from sexual predators.

⁴⁵ Solomon Mugenzi '*Seeking Understanding in Uganda,*' (2000) Available at <<https://www.jstor.org>> accessed on 26 May 2022

⁴⁶ Timothy Murungi, '*Why schools are adamant to allow pregnant learners,*' (New Vision, 20 January 2022) <<https://www.newvision.co.ug>> accessed 26 May 2022

⁴⁷ Section 129 of the Penal Code Act (Cap. 120) states that any person who performs a sexual act with another person who is below the age of eighteen years, commits a felony known as defilement and is on conviction liable to life imprisonment.

Article 7 of the Constitution guarantees the non-adoption of a state religion. The secularism of a state implies that there shall be no religious interference in policymaking decisions. The secularism in the 1995 Constitution seems to be an unheard voice in the desert. If the State did take secularism seriously, it would not look at comprehensive sex education from a religious perspective. After all, education is a matter of public health concern.

If COVID-19 did not teach us anything, then its effect on service provision for the population yet to explode will. Uganda has one of the youngest populations in the world.⁴⁸ This implies that over the coming years, a growing percentage of the population will be sexually active and of reproductive age.

5.0 CONCLUSION

Comprehensive sex education has an impact on the rates of sexual assault. Some research studies show that the States with the lowest rates of rape commonalities include the teaching of consent, coercion, dating violence, healthy relationships and refusal skills⁴⁹ in their curricula. These countries have included comprehensive sex education as a mandatory program in schools. In contrast, the states (like Uganda) with the highest rates of rape have no policies for comprehensive sex education.

In case they have any policies, they are generally limited to abstinence-only education. For instance, New Jersey has the most comprehensive sexual education laws in the United States of America and it was the first state to mandate sexual education programs.⁵⁰ New Jersey has been consistently

⁴⁸ International Youth Foundation, *‘Navigating Challenges: Charting Hope. A Cross-Sector Situational Analysis on Youth in Uganda’*, (2011) Vol. 1

⁴⁹ Herman, Brittney “*Sexual Education as a Form of Sexual Assault Prevention: A Survey of Sexual Education among States with the Highest and Lowest Rates of Rape*’ *BYU Education and Law Journal* (2020) Issue 1, Article 5

⁵⁰ David Matthau, *‘Why Sex Education in New Jersey is Still Leaving Students Unsatisfied’*, *NEW JERSEY* 101.5

recorded as the State with the lowest rates of rape compared to the others.⁵¹ Although the implementation of comprehensive sex education has been difficult in Africa, some countries have registered success.⁵²

An example is Senegal, which instead of using the words “comprehensive sexuality education”, adopted the term “Family Life Education”. Nigeria also adopted a successful curriculum; Family Life and HIV Education. The rigid resistance against CSE in many African countries is mainly because of the terms used. This explains why CSE has only been successful in countries where its name is repackaged to something more acceptable to the community, for example, “family life”.

In contrast, statistics show that rape is one of the prevalent offences in Uganda.⁵³ Rape increased substantially between 2005 and 2014, putting the rape rate for Uganda at 2.9 cases per 100000 populations.⁵⁴ Between 2015 and 2016, Gender-Based Violence cases increased by 4% (from 38,651 to 40,258 cases).⁵⁵ The report indicates that defilement cases rose by 34%, from 13,118 in 2015 to 17,567 in 2016. Rape increased from 1,419 to 1,572.⁵⁶

The figures skyrocketed during the COVID-19 pandemic. Six months before the pandemic, 17,702 women in Uganda reported for post-rape care.⁵⁷ During the pandemic, 22,013 women sought post-rape care.⁵⁸ This indicates a 24% increase in post-rape reports during the pandemic. Sexual violence has been institutionalized in Uganda. In 2019, 1531 women were raped.⁵⁹ Six hundred

⁵¹ Herman (n 1) 13

⁵² <[Comprehensive sexuality education in sub-Saharan Africa](#).> accessed 18 May 2022

⁵³ CEHURD, ‘*Sexual Violence in Uganda*’. (2020). Available at <www.cehurd.org> accessed 17 May 2022

⁵⁴ Knoema ‘*Uganda Rape rate, 2003-2021*’ (2021) Available at <<https://knoema.com>> accessed 26 May 2022

⁵⁵ The 2016 Uganda Police Force Annual Crime Report p. 19

⁵⁶ *ibid* at page 14

⁵⁷ Apondi R et al (2021). ‘*Gender-based violence shadows COVID-19: Increased sexual violence, HIV exposure and teen pregnancy among girls and women in Uganda.*’ 11th International AIDS Society Conference on HIV Science (IAS 2021)

⁵⁸ *Ibid*

⁵⁹ The 2019 Uganda Police Annual Crime Report at Page xxi of the Executive Summary

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eighty-eight suspects of rape were charged in Court, 20 were convicted, six were acquitted and 15 were discharged and 647 were still awaiting trial.⁶⁰ This trend continues, with fewer convictions being recorded for the bulk of rape cases. There is collective silence surrounding the victims of sexual violence in Uganda.

Law is an avenue through which the state addresses social ills. As of today, sexual violence is one of the most prevalent social ills in Uganda. The lawmakers of the country should consider enacting laws on comprehensive sex education. Sexuality education, as a transformative tool, can facilitate a long-term cultural change in attitudes towards sex, gender, and relationships. Education either functions as an instrument to bring about conformity or freedom.⁶¹

In our country, the sex education in place is designed to promote puritan ideas that have for centuries led to the subordination of women and girls. This has translated into different levels of sexual violence against women; from micro aggressions to violent crimes against women.

Should the government ignore the parents' concerns and uphold the best interests of their children? Sex education is a topic that has a lot of sentiment and cultural attitudes attached to it. The family, as a basic unit in society and the first educational institution in every child's life, plays a vital role in sex education. Parental concerns cannot be ignored. However, sex education to a large degree involves redirecting the attitudes and assumptions absorbed from one's family.⁶²

Parents have two choices; to accept and give their children a comprehensive understanding of sexuality, or to do nothing and invite extraneous influences from the company around their children. I think it is unsafe to let children

⁶⁰ The 2019 Uganda Police Annual Crime Report at p. 16

⁶¹ A quote from Paulo Freire's *Pedagogy of the Oppressed* at p. 73

⁶² SM Gruenbur, *'Parents' Problems in Sex Education,'* (1935) Vol. 3 No. 6, *Journal of Educational Sociology* pp. 323-332

“explore” on their own because then, they are more likely to engage in risky sexual behaviour.

Many of the fears around comprehensive sex education are ingrained in our parent’s upbringing. The moralization of sex in the past generations made it a topic that was never talked about. There was a lot of fear and shame around sexuality. The only way to harmonize the conflict is to understand that the only way parents can create a better world for their children is by unlearning and relearning their objectives and ideas around sexuality.

Parents must reflect deeply without bias about what they are taught and how it has affected them. This implies that they must first self-educate and then contemplate the need for a proper comprehensive sex education plan for their children. The reason for parents’ lack of discernment when it comes to topics on sexuality has been largely cultural rigidities and beliefs that lack scientific backup. However, an unbiased engagement would indeed prove the necessity of proper sex education.

To give young people a comprehensive sex education is to empower them because then, they are aware of all the effects of their decisions and can make informed choices. One can only have a choice when one knows their option. That is the power of education. Is education, education, if it does not influence our thinking and helps us unlearn and relearn?

“The paradox of education is precisely this- which one begins to become conscious, one begins to examine the society in which he is being educated. The purpose of education is to create in a person the ability to look at the world for himself; to make his own decisions, to say to himself this is black or this is white, and to decide for himself whether there is a God in heaven or not. To ask questions of the universe, and then learn to live with those questions, is the way he achieves his own identity.”-

James Baldwin⁶³

⁶³ Baldwin James, A Talk to Teachers (2008), Teachers’ College Record 110(14), pp 17-20.

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