

## *Original Paper*

# Child Marriage Practices: A “Cultural Siege” Against Girls in the Indigenous Communities in Northern Uganda

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### ***Abstract***

*The study examined the impact of child marriage on the education attainment and welfare of girls in Northern Uganda. Two indigenous communities, Tepeth and Matheniko were used as case study. The study employed case study design, while qualitative approach (face-to-face interview) was used in data collection. 25 key informants participated in the study that includes 15 females and 10 males. The study was guided by the Radical Feminist Theory. The theory, argues that patriarchy is the primary cause of women oppression because patriarchy gives men advantage over women in the society and puts men in an advantage position to determine the future of women. The study findings reveal that two main factors: poverty and cultural practice of cementing alliances are responsible for child marriage in Northern Uganda. In addition, the study found that child marriage breaches different aspects of human/ children's rights, such as the right to education, healthcare, and protection from physical and sexual abuse among others. The study concluded that child marriage is a practice that has long lasting negative impact on the welfare of the affected individuals and by extension the development of the communities where it is practiced. Consequently, the study made recommendations on possible solutions and strategies to eradicate the practice.*

### ***Keywords***

*child marriage, cultural practice, education, poverty, welfare*

## **1. Introduction**

According to Demographic and Health Surveys (DHS), child marriage is most common in the world's poorest countries. The highest rates are in sub-Saharan Africa and South Asia, as well as parts of Latin

America and the Caribbean (ICRW, 2006). The practice of child marriage transcends religion, ethnicity and nationality, as the practice is evident in every region of the world. According to UNICEF (2018), the rate of child marriage has dropped over the past 40 years. An earlier report by UNICEF in 2011 indicates that 20% of young women in 39 countries had married by the time they were 18 and in an additional 20 countries at least 10% married before age 15. In 2015, UNICEF reported that Uganda is among the countries with the highest rate of early and forced marriage in Africa, despite the fact that the country's constitution stipulates 18 years as the minimum age for conjugal relationship.

The statistics from the Uganda Demographic and Health Survey (UDHS) in 2015 revealed that 46 per cent of girls in Uganda marry before they reach 18 years. This implies that one out of every four girls in Uganda is most likely to be married off before attaining the age of 18 years. The same report revealed that over 15 per cent of married women between the ages of 20-49 were married by the age of 15, and 49 per cent were married at the age of 18 years. A separate report by the Population Secretariat of Uganda in 2015, shows that out of 1.2 million pregnancies recorded annually in Uganda, 25 per cent of them are teenage pregnancies. This means more-than 300,000 teenage pregnancies, which account for the bulk of unwanted pregnancies that often end up in abortion or unintended births. In 2015, Ugandan Demographic and Health Surveys (UDHS) report found that, for women ages 20-49, the median age at first intercourse was 16.6; the median age at first marriage was 17.8; and the median age at first birth was 18.7. Similarly, a 2015 report by UNICEF titled "The National Strategy to End Child Marriage and Teenage Pregnancy (NSCM&TP)" stated that there is high rate of child marriage and teenage pregnancy in Uganda; however, the prevalence is higher in Northern Uganda with about 59%.

The above statistics presents a gloomy picture of childhood in Uganda, particularly for girls. In view of the above, the study investigated child marriage practices in Northern Uganda, using two indigenous communities; Tipeth and Matheniko as case study. The study sort to address the following questions: what are the key drivers of child marriage in Northern Uganda? and what are the impacts of child marriage on education attainment and welfare of girls in Northern Uganda?

## 2. Theoretical Framework

The study was guided by the Radical Feminist Theory, which emerged in the 18th century as a pivotal confrontation to patriarchy. The theory appraises patriarchy as the fundamental instrument of women subjugation in the society (Pilcher & Imelda, 2008, p. 50). It contends that patriarchy facilitates the subordination of women, and encourage women being exploited by men (Brownmiller, 2013). The theory claims that the society is consciously structured in a manner whereby men are rewarded with the entitlement to rule and dominate over women, and thus diminish the position and value of women in the society (Walby, 1990, p. 7). Consequently, men are placed at advantage position as the ruling class both in private and public spheres, while women are relegated to a disadvantaged position as the subject class (Bryson, 1999, p. 15).

According to Sikweyiya et al. (2020) patriarchy is a form of "wheel band" that withholds women from

attaining self-actualization. In the views of (Pilcher & Imelda, 2008, p. 51), the solution to this anomaly will be an overhaul of the patriarchal structures that are evident in our societies. Walby (1990) argues that patriarchy is preeminence in any analysis regarding gender inequality. She identified certain patriarchal structures that undermine women and facilitate male dominance over them, which include: paid work relations within the household, patriarchal culture, sexuality, male violence towards women and the state. Walby argues that each of these structures affects one another, but also they are relatively autonomous. According to Haralambos and Holborn (2008, p. 110), the interrelationship of the patriarchal structures in a particular society explains their detrimental impact on women empowerment and development in the society.

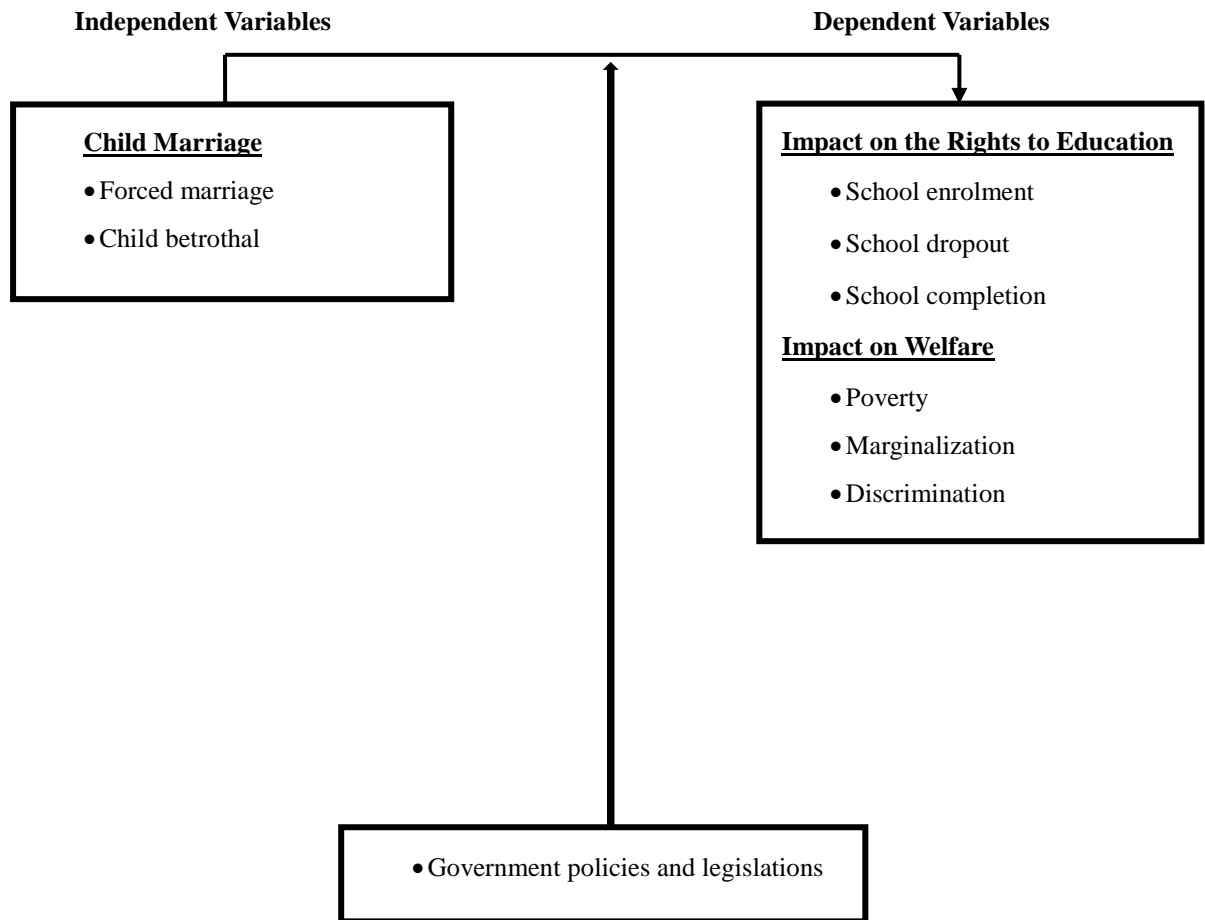
The African society and culture are patriarchal in nature. Apparently, more value is placed on men, and the society is usually tailored to favor men, mostly because of the perception that men are the custodians of culture and the gatekeepers of the family lineage. The above assumption has been the premise for relegating women in Africa over centuries. For example, in Northern Uganda child marriage is a cultural practice that have been in existence as far back as the origin of the region and has continued to exist till date. The practice affects both boys and girls but, it has a disproportionate effect on girls. The reason being that wealth is partly measured by household size, which includes the number of wives and children that a man has. Consequently, young girls are given out in marriage to elderly suitors as part of the cultural practices of the region.

The greater implication of child marriage in Northern Uganda can be seen from the grievous impact it has on education attainment, particularly girl's education. From the available government statistics, education attainment is generally low in Northern Uganda when compared to other regions in the country, however there is a huge disparity in the ratio of male to female child education in the region. The family and society at large places more value on the male-child getting an education than the female-child. In homes where there is poverty with limited financial resources, the female child is usually compelled to withdraw from school prematurely in favor of the male child. Such unjust decision is usually premised on prejudice, that the male child is economically more beneficial to the family at the long term, in that they are heir to the family. In addition, girls are stereotyped in terms of academic strength, thereby given the male child undue advantage over the female child (Odaga & Heneveld, 1995, p. 22).

Apart from being shortchanged in educational opportunities, the female child does not have equal opportunity with the male child in other issues such as inheritance. As the prime beneficiaries of family assets, the male child is favored in human capital investment decisions. The primary training given to a female child in Northern Uganda is largely hinged on how to be a mother and housewife, taking care of domestic chaos, while the male child is trained to be family head and breadwinner of their respective homes. As a result, boys are educated to acquire wealth and to manage their homes, while girls are trained to be submissive mothers and housekeepers (Were, 1991, p. 2). Therefore, gender roles assigned to the female child by the family and society, are geared more towards marriage and motherhood than

attainment of self-development and success in life.

**Figure 1: Conceptual framework**



### 3. Review of Related Literature

Child marriage is an issue that has attracted much attention in recent years because of the far-reaching negative impacts it can have on individuals, families, and communities. The practice is widely acknowledged to be a harmful socio-cultural practice that is both a cause and an outcome of human rights violations (Davis, Postles, & Rosa, 2013). It undermines the victims' rights to autonomy, to live a life free from violence and coercion, and to attain an education. Besides, it permits sexual exploitation and places the victim's (mostly girls) at various degrees of health risk. Above all, children of adolescent mothers' start life at a disadvantage, thus perpetuating a cycle of poverty and relative deprivation (Maswikwa, 2015). Over the course of the 20th century, the social and legal status of the child evolved considerably. Consequently, there have been evolution of specific international treaties on the rights of the child.

The idea to grant special protection to children in form of rights started in the 19th century in France

and spread to the United States, where the Progressive Movement challenged courts' reluctance to interfere in family matters (The Law Library of Congress, 2007). The agitations led to child welfare reforms with laws passed to regulate child labor and later came the adoption of the Convention on the Rights of the Child (CRC) in 1989, which provided statutory rights for children all over the world, though the implementation of the CRC has remained questionable in most countries of the world. In addition to the CRC, in the years 2014 and 2015 the international community took a number of steps to address child marriage. These include the United Nations General Assembly (UNGA) resolutions on child, early and forced marriage (CEFM), as well as panel discussions at the Human Rights Council (HRC) on child marriage. More so, capturing "the elimination of child marriage" as part of gender empowerment goals of the Sustainable Development Goals (SDGs) was an effort towards putting an end to the practice of child marriage. At the national and regional levels, there have been important gains. Many national legislations have outlawed child marriage, while the African Union through the adoption of the African Charter on The Rights and Welfare of the Child (ACRWC) provided for the protection of the African child, including protection from abuse and forced marriage. Despite numerous policies and legislations against child marriage, the practice continues to exist in different parts of the world.

One of the major challenges of addressing child marriage practice has been the dilemma of having a unified benchmark to determine who is a child, as there are various conceptualizations of a child by different national legislations. The word 'child' has been linguistically, sociologically, constitutionally and religiously defined and conceptualized by various experts and statutory institutions (Bhattacharya, 2004). A child is defined as an infant or a young person between his birth and maturity (puberty) or somebody within the statutory age specification as not responsible for his/ her actions (Calves, 1999). The English Children Act of 1958 defined a child as a person who has not reached the age of 18 or who has not satisfied the educational age requirement of 16 years according to 1944 Education Act. The Convention on the rights of Children (CRC) defined a child as a person below the age of 18 years. In line with the CRC, the African Charter on the Rights and Welfare of the Child (ACRWC) considers a child as a person below the age of 18 years. However, conceptualization of the term "child" is somewhat influenced by situations and circumstances. For instance, under labor Act, a person under the age of 16 years is a child, whereas under law of armed conflict, a child is a person below the age of 15 years.

The variations in determining the actual age of a child presents a dilemma to the overall understanding, conceptualization and efforts against child marriage. National legislations defining a child are often guided by religious and cultural beliefs and thus making the concept of a child an issue that is relative. The 2005 Constitution of the Republic of Uganda defined a child as a person below the age of 18 years and outlawed child marriage practices within its borders. However, a UNICEF report in 2017 indicates that 10% of girls in Uganda marry before they attain the age of 15 years, while 40% marry at the age of 18 years. Overall, the country is ranked 16<sup>th</sup> among the countries with the highest rate of child marriage

cases in the world (Garsbo, 2018).

#### 4. Methodology

The study was conducted in the indigenous communities of Tepeth and Matheniko in Northern Uganda. A case study design was adopted since the study focus was to describe in details, individual, family, group, and community experiences on child marriage. The study utilized qualitative approach, whereby interview was used to elicit data from the respondents. The study population was 59,161, which is the population of Tepeth and Matheniko according to Uganda Bureau of Statistics, 2017. The sample size was 25 key informants that comprises of: Community Leaders and Elders, Local Council (LC) Members, Community Women Leaders and Youths. Purposive sampling method was used to determine the study participants, mainly for two reasons. First, due to the nature of the study, which requires the respondents to be well knowledgeable of the subject under investigation. Second, most of the respondents are illiterate and unable to reasonably fill out a questionnaire.

#### 5. Findings and Discussions

The key findings of the study were that child marriage practice is still in existence in Tepeth and Matheniko and the practice is sustained mainly by poverty and cultural believe. It was deduced from the respondents that most members of the community on a personal level do not subscribe to the practice, but feel obligated to the practice due to cultural legacy and economic benefits. When asked to *identify the causes of child marriage in their community*, one of the respondents had this to say:

*When parents cannot take care of their family members, who are usually large, they have to marry off the girls at an early age as a way of transferring the girl's responsibilities to her husband. When a girl is married off, the parents will save one mouth to feed, clothe and shelter (Local chief, Tepeth).*

From the above response, the respondent suggests that poverty is a factor that is contributing to child marriage in the communities of Tepeth and Matheniko. Parents marry off their daughters at an early stage to reduce the financial burden of feeding and providing for their household. Similarly, another respondent said that:

*Child marriage is an ancient tradition that fosters peace within our community. We believe that when we intermarry, it brings peace because everybody in the community will be related to each other. Based on this reason, parents arrange marriages for their children when they are young, because if they are allowed to grow old before marrying, they may choose to marry from other communities or parts of the country. In order to insure that they marry within our community, we marry them off when they are young. Child marriage is an age long tradition here in our community, if you inquire, most people in the community will testify that it is a good thing in terms of maintaining peace among our people (Local chief, Matheniko).*

The above response suggests that child marriage is a cultural practice that is used to consolidate family bond and relationship. Among the people of Tepeth and Methaniko, the practice is believed to foster

peaceful coexistence among community members. Invariably, girls are used to conserve peace in these communities. Another respondent stated that:

*[...] when some of these girls see other pregnant girls being given soya-flour, cooking oil and bed sheet from the health center, they are tempted to marry and get pregnant, so as to enjoy similar benefits (Local Council I Member, Matheniko).*

The above response suggests that some girls choose to marry due to the entitlements that is associated with child birth. The gift that is presented to mothers after delivery at the health center is suggested to be an incentive for girls to marry early. In as much as this may be true, it may not be wrong to say that perhaps the girls in this category are driven by poverty.

When the respondents were asked to explain *the impacts of child marriage on education attainment and welfare of girls in their community*, one of the respondents explained thus:

*There is always a problem going back to school when girls are married off early. From what I have seen in our community, most of the girls don't continue with their education ones they marry. [...] but, there are many benefits of marrying at an early age. One of them is that the girl will have her own family. Also, she will gain protection, because marriage offers a woman some sort of social protection, at the same time she will earn respect from community members because she is someone's wife. Then, the girl's family will also benefit because they will receive gifts in form of pride price, which include cows and other animals. In this case, it brings wealth to the family of the girl and even clan members benefit from bride price. Another thing is that child marriage benefits community, because it fosters population growth. When girls marry at a young age, they tend to have more children than when they marry as adult. The community benefits by having a population that will take over from the older generation (Community Leader, Matheniko).*

The above response confirmed that child marriage affects education of girls, usually when girls marry they discontinue with their education to face family life. However, the respondent added that there are some benefits of child marriage to both the girl's family and the community at large. Whether the said benefits are reasonable enough to justify the practice was not established. Besides the above, another respondent had this to say:

*Child marriage disrupts girl's education and render them handicapped in life. In my opinion child marriage is caused by greed. It is only greedy parents and community elders that marry off their daughters or young girls in exchange for money and animals. When these girls are married off, they only face hardship and suffering. The only thing these girls get from child marriage is constant abuse by their spouse and in-laws (Youth Leader, Tepeth).*

Similar to the above response, the respondent confirmed that child marriage affects the education of girls in his community. However, the respondent disagree with the former on the issue that there some benefits associated with child marriage. The respondent maintained that child marriage offers no benefits to the girls, instead the practice promotes hardship and abuse of the victims (girls).

*Normally when a girl is married off, she will stop going to school and face family life. I was 14 years*

*when my father gave me out in marriage, then I stopped school to go and live with my husband and her mother. The fact that I did not go to school affected me a lot because I wanted to be a teacher, but today I am surviving by farming in my backyard, life is very tough for me and my family. My dreams in life changed immediately I got married and I don't wish my children to face similar situation (Women Leader, Tepeth).*

Similar to the former responses, the respondent reiterated the fact that child marriage practice is anti-education. The victims are usually faced with numerous difficulties in their marriage and life as the practice perpetuates a circle of poverty. Overall, there are two main factors influencing and sustaining child marriage practice in Tepeth and Matheniko, which are poverty and cultural practice of cementing alliances.

**Poverty:** The study revealed that poverty is a major driver of child marriage in Tepeth and Matheniko. Most respondents across the different categories cited poverty as a major cause of child marriage. It was found that parents marry off their daughters to secure financial security, whereby bride price is a motivation for parents to give their daughters away in marriage at a very young age. Parents or guardians choose to collect pride price rather than to continue paying their daughter's school fees—especially given that a younger bride earns the family a higher bride price. Poor parents therefore, believe that early marriage holds greater and immediate financial potentials for the family than their daughter pursuing education. This finding is in line with Malhotra (2010), which highlighted poverty as one of the major causes of child marriage in the developing world.

**Cultural Practice of Cementing Alliances:** As the reasons behind child marriage vary from one culture to another, for the people of Tepeth and Matheniko, one of the most cited reasons for the continued existence of child marriage is culture. Many of the respondents pointed out that children are betrothed even before they are born, mainly for purposes of cementing strategic alliances and relationships between families or communities. Although, child betrothal may have reduced elsewhere due to social changes in the society, yet the practice is still preeminent in Tepeth and Matheniko. The main reason for the continued practice of child betrothal is that families and communities perceive intermarriage as an instrument of sustaining peaceful relationship with other families, clan or communities, thereby favoring child betrothal even though it is not in the best interest of the child. Thus, the girl child is traded to maintain peaceful coexistence among families and clans in Tepeth and Matheniko. This finding corresponds with the report by the International Centre for Research on Women (2007, p. 98), which cited 'cementing alliances among the major drivers of child marriage in India and Ethiopia.

## 6. Conclusions

The study concluded that child marriage is a harmful cultural practice that presents negative consequences girls education and welfare in Northern Uganda. It violates the fundamental rights to education, healthcare, personal development and best interest of the child. On the other hand, there are



several benefits from entering marriage later in life. It gives girls the opportunity to earn education and make better choices in life. Apparently, higher education attracts a higher income, better health and empowerment for females and invariably combat poverty in the society. Given its obvious negative consequences, child marriage should not only be outlawed on paper, necessary mechanisms should be put in place by the government of Uganda and other governments to abolish the practice and secure a better future for girls all over the world.

## 7. Recommendations

- i Although child marriage is prohibited in Uganda, the practice continues to exist partly due to lack of awareness in some communities that such practice is criminalized by law. Therefore, the study recommends that the government of Uganda should initiate a public awareness campaign on human rights, children's rights, women's rights and access to justice. The program should focus on educating/informing Ugandans particularly the elderly people in the rural communities and religious leaders of the negative impact of child marriage on the human rights of the victims, as well as the criminal consequences of supporting or partaking in child marriage. Furthermore, law enforcement agents should be empowered to take necessary legal action in situations where there is a breach. Given the magnitude of the practice in Uganda and the grave consequences associated with it, the government of Uganda can establish a special court that will be responsible to prosecute child marriage cases and whereby strong penalties will be awarded to violators as a deterrence to others.
- ii Given that poverty is a major driver of child marriage, the government should take drastic approach in fighting poverty, particularly in indigenous communities. The study recommends that the government should establish vocational training centers in rural communities, that will offer skills acquisition training, such as tailoring, hair dressing, shoe making and other skills, as a way of addressing unemployment and poverty in the rural communities. In addition, the government should launch a soft loan scheme for peasant farmers in the indigenous communities in Uganda and a means to bridge the wealth disparities between the indigenous communities and other communities in Uganda. Accessing the said loan should not require rigid collateral security from the applicants.
- iii Furthermore, the government should invest in education in the indigenous communities. Education should be made attractive to both the pupil and their parents in these communities. Making education attractive in this context will entail providing free education and study materials: school uniform, school bag, sandals, books and other writing materials and at-least a meal at school. Another way of doing this will be for the government, through the district council to establish a reward package for parents whose child/children are enrolled in school. For example, a goat or cow can be given as a reward to each parent(s) whose child/children did not miss school for an entire school term or year. That alone will be enough encouragement and incentive for parents to ensure that their children attend school regularly. It will also make up for the resources that the children would have provided to the family if they had left school to work in the farm. The overall idea is that if the number of educated

people are improved in these communities, it will definitely reduce the poverty level in these communities and as well change their orientation about child marriage.

- iv Also, the government of Uganda should enact a policy making ‘pre-marriage registration’ a mandatory requirement before any marriage can be conducted - both traditional and faith based marriages. In light of the above, the study recommends that the government should establish “Marriage Registration Department” in all the districts in Uganda. The Marriage Registration Department should further be decentralized to be an arm of the LCI and LCII across the country. In this case, part of the LC’s responsibility will be ‘pre-marriage registration’, while the LC officials will be empowered to monitor and report any marriage conducted within their jurisdiction without due registration and approval.
- v Finally, the study recommends that the government of Uganda should establish a ‘Complaint and Special Prosecutor Office’ in every district in Uganda that will be handling cases of abuse, exploitation and violence against women.

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