



Civil Society Written Submission on Child Marriage to the UN CRC on Uganda for the 100th Pre-session

Report submitted by: **Girls Not Brides Uganda: The
Ugandan Partnership to End Child Marriage
(GNBU)**

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EXECUTIVE SUMMARY

This is a Girls Not Brides Ugandan National Partnership (GNBU) written submission on child marriage in Uganda to the UN CRC on Uganda for the 100th PreSession. The report was compiled through nationwide member consultations.

The report notes that while Uganda has legal frameworks to address child marriage, the prosecution of defilement cases does not take into consideration the best interests of the girl who has been defiled and impregnated as a result. There is a disconnect between policy formulation and implementation, and the mismatch in the legal framework on the minimum age of marriage makes the prosecution of child marriage cases difficult, especially in the absence of a centralised birth registry for children.

Significant barriers such as unsafe/unwelcoming learning environments continue to inhibit the enrolment and retention of girls in school at all levels. Failure to provide meals for learners at school drives child marriages as girls drop out of school due to hunger and are married off underage, while guidelines to support the re-entry of child mothers in school remain largely unimplemented.

It is recommended that the Government of Uganda invest in girls' education, including the re-entry of child mothers into schools; harmonise existing laws to establish the minimum age of marriage to 18 years without exceptions; commit financial resources to the second National Strategy to end Child Marriage, including commissioning a midterm evaluation of the strategy; prioritise funding to the Ministry of Gender Labour and Social Development; and promote adolescent health and sexuality education.



1.0 INTRODUCTION AND BACKGROUND

1.1 About Girls Not Brides: The Ugandan National Partnership to End Child Marriage

Girls Not Brides Uganda National Partnership (GNBU) is an alliance of 144 member organisations working to end child marriage in Uganda. GNBU was founded in 2013 and is a member of Girls Not Brides: The Global Partnership to End Child Marriage (GNB), which has 1,400 civil society member organisations from over 100 worldwide. GNBU members bring child marriage to subnational, national, and global attention, building an understanding of what it will take to end child marriage through advocacy for progressive laws, policies, and programs, including community-based interventions and institutional capacity strengthening. GNBU members who endorsed the report are included in Annex 1.

1.2 The Situation of Child Marriage in Uganda

In Uganda, 5.1 million girls are married before the age of 18 and 1.3 million before the age of 15¹. Uganda ranks 20th in countries with the highest prevalence of child marriage and 15th in countries with the highest burden of child marriage².

2.0 METHODOLOGY USED FOR THE REPORT

Comprehensive secondary data research on child marriage was conducted, including peer-reviewed articles, published reports, and other grey literature on child marriage in Uganda. This research was complemented by nationwide consultation with GNBU member organisations. A consultative workshop in Kampala in August 2024 gathered the views of GNBU members on key priorities and rationale for ending child marriage, actionable recommendations and questions for the Government of Uganda (Annex 2). Additional views informed the report from an online survey targeting GNBU members and civil society more broadly (Annex 3). Responses were received from grassroots organisations, national civil society organisations, and international non-government organisations. A draft report was prepared, discussed and validated by GNBU members in a virtual meeting in September 2024.

3.0 ANALYSIS BASED ON CLUSTERS

3.1 General Principles (Article 2; Article 3)

Prosecution of defilement cases does not consider the best interests of the girl child.

Uganda has robust legal instruments to address child marriage. However, while defilement attracts a prison sentence under the Penal Code Act, the prosecution of defilement cases does not consider the best interest of the girl who has been defiled and (in some cases) impregnated. The law is silent on the essential services such as healthcare services and financial support that should be provided to the girl in such instances. This deters parents from reporting cases of their defiled children to

¹ UNICEF Uganda Country Profile 2023. https://data.unicef.org/wp-content/uploads/cp/child-marriage/Child-marriage-profile_UGA.pdf

² Girls Not Brides Child Marriage Atlas. <https://www.girlsnotbrides.org/learning-resources/child-marriage-atlas/atlas/>

the authorities because they prefer that the perpetrator takes responsibility for the defiled child and the baby when born. Lumping child marriage with other forms of sexual abuse reflects a critical oversight, particularly in terms of the impact child marriage has on the life course of the survivor. Child marriage is associated with early, poorly spaced, repeated pregnancy and childbirth, with pregnancy-related deaths being the leading cause of mortality for girls between 15 and 19 years of age³.

Contradictions in the legal minimum age of marriage

Article 31 of the 1995 Constitution of the Republic of Uganda and the Penal Code Act (CAP 120) 2007 set 18 years as the minimum age of marriage. Article 33 of the constitution prohibits laws, cultures, customs or traditions that are against the dignity, welfare or interest of women or that undermine their status⁴. However, the various legal frameworks for marriage in Uganda contradict one another. The Marriage Act (1904) for civil marriages sets the legal age of marriage as 21 years, but marriage can take place with parental consent at 18 years. The Customary Marriage Act 1973 sets the minimum age of marriage at 16 for girls and 18 for boys. Even after nullifying some contradictory laws, such as the Marriage and Divorce of Mohammedans Act 1906, child marriage is persistent in the country. This mismatch in the legal framework on the minimum age of marriage fails the requirement to protect all children from child marriage. As a result, perpetrators of child marriage may hide behind legal provisions to avoid prosecution.

3.2 Civil Rights and Freedoms (Article 7)

In Uganda, all children are required by law to be registered at birth in the health centre, but this is not effectively enforced, especially in rural areas where some births do not take place in the health centres. The absence of a comprehensive, centralised birth registry makes it challenging to prosecute child marriage cases, as it becomes difficult to establish the child's age reliably⁵.

3.3 Violence Against Children (Article 19)

The disconnect between policy formulation and implementation

Policies and accountability mechanisms on gender-based violence are crucial for creating a safe environment for girls. However, Uganda's efforts to implement existing policies are wanting. For example, despite the Prohibition of Female Genital Mutilation (FGM) Act, 2010⁶, FGM is still practiced among the Sabinu ethnic group of northeastern Uganda. FGM – a severe form of violence against girls and women in itself – is considered an initiation rite to womanhood and is, therefore, also fueling child marriage. Secondly, many girls, especially in urban areas, are involved in petty trade activities such as hawking, where many have been subjected to sexual abuse by their

³ Trends in Maternal Mortality: 2000 to 2017: Estimates by WHO, UNICEF, UNFPA, World Bank Group and UN Population Division. Geneva; 2019.

⁴ The 1995 Constitution of the Republic of Uganda.

⁵ See Paragraph 27 of the Concluding Observations of the Fortieth session of the UN CRC https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2F%2FUGA%2FCO%2F2&Lang=en

⁶ FGM Act, 2010. <https://ulii.org/akn/ug/act/2010/5/eng@2010-04-09>



supposed customers. This occurs despite the existence of the National Action Plan on the Elimination of the Worst Forms of Child Labour (2020/2021–2024/2025)⁷. Similarly, despite the existence of the National Strategic Plan on Violence against Children in Schools (2015-2020)⁸, corporal punishments are still reported in schools across the country, causing learners to quit school⁹. Many girls get married off after dropping out of school¹⁰.

The National Strategy to End Child Marriage and Teenage Pregnancy is not costed.

In June 2015, Uganda launched the first National Strategy to End Child Marriages and Teenage Pregnancy (2015–2020)¹¹. The strategy envisioned creating a society free of violence against children by ending child marriage and teenage pregnancy. The strategy sought to strengthen child protection mechanisms, enforce relevant laws and regulations, and transform social and cultural norms that drive child marriage in the country¹². The mid-term review of the strategy reported that the government created opportunities for girls' education and skilling, strengthened reporting and response to child marriage and teenage pregnancy cases, raised awareness of the dangers of child marriage and teenage pregnancy, and created a conducive policy and regulatory environment to end child marriage. However, financial, strategic and policy gaps constrained efforts to implement the strategy, causing persistent cases of child marriage, which required a new approach to end child marriage and teenage pregnancy¹³. Against this background, the second National Strategy to End Child Marriage and Teenage Pregnancy (2022/2023-2026/2027)¹⁴ was developed. However, the strategy is not costed. Instead, the government relies on resources from civil society organisations to implement it.

3.4 Basic Health and Welfare (Article 24)

Adolescent Health and Sexuality Education Wanting

Uganda developed the National Sexuality Education Framework 2018¹⁵ to guide Comprehensive Sexuality Education (CSE). However, the government is reluctant to implement CSE because of

⁷ Uganda government launched action plan against child labour <https://www.ilo.org/resource/article/ugandas-national-plan-action-child-labour-will-strengthen-countrys>

⁸ Uganda National Strategic Plan on Violence against Children in Schools (2015-2020) <https://www.scribd.com/document/354778525/Uganda-National-Strategy-and-Action-Plan-on-Violence-against-children-in-school-VACIS>

⁹ Effects of corporal punishment on learners <https://uganda.savethechildren.net/news/we-must-end-corporal-punishment-once-and-all#:~:text=Corporal%20punishment%20has%20a%20huge%20negative%20impact%20on,about%2034%20percent%20children%20drop%20out%20of%20school>.

¹⁰ Malhotra A, Elnakib S. Evolution in the evidence base on child marriage: 2000-2019. 2021.

¹¹ UNICEF. Government launches Strategy to end Child Marriage and Teenage Pregnancy. <https://reliefweb.int/report/uganda/government-launches-national-strategy-end-child-marriage-and-teenage-pregnancy>

¹² Uganda National Strategy on Ending Child Marriage and Teenage Pregnancy 2014/2015 – 2019/2020.

¹³ Mid-term evaluation of the National Strategy on Ending Child Marriage and Teenage Pregnancy in Uganda 2014/2015–2019/2020. <https://www.unicef.org/uganda/reports/mid-term-evaluation-national-strategy-end-child-marriage-and-teenage-pregnancy-uganda>

¹⁴ Uganda National Strategy to End Child Marriage <https://www.unicef.org/uganda/media/13666/file/National>

¹⁵ Uganda Sexuality Education Framework <https://platform.who.int/docs/default-source/mca-documents/policy-documents/operational-guidance/uga-ad-17-01-operational-guidance-2018-eng-national-sexuality-education-framework.pdf>



the country's conservative and religious affiliation¹⁶. This is causing teenagers to have limited access to healthcare services contained in the framework, such as contraceptives. Restricted use of contraceptives by adolescents is one of the leading causes of teenage pregnancy and child marriage. Child marriage is associated with high neonatal, infant, and maternal morbidity and mortality¹⁷. Girls aged 15-19 are twice more likely to die during pregnancy and childbirth than women in their 20s¹⁸. In 2022, the government proposed combining various health-related policy documents into one Health Policy. While harmonisation of policies is good, given the scepticism about sexuality education, it is feared that essential strategies related to CSE will likely be lost in the harmonisation process. Yet, Uganda should comply with the Protocol to the African Charter on Human and Peoples' Rights on Women's Rights¹⁹. The Protocol obliges signatory member states, including Uganda, to provide women-centred and youth-friendly sexual and reproductive health services. In 2016, the government pledged to give girls free sanitary pads starting in the 2017/2018 financial year, but this promise has never been fulfilled. Meanwhile, the cost of menstrual hygiene products in Uganda remains high and unaffordable for the country's poor population, constraining the girls' dignity in enjoying their sexual and reproductive health and rights. Where are the pads for girls the government promised?

3.5 Education Activities (Article 28)

Unsafe learning environment for girls

Uganda has policies that seek to promote access to education for all. These include Universal Primary Education (UPE) and Universal Secondary Education (USE), where learners are supposed to get free primary and secondary education, respectively. Besides underfunding in UPE and USE-funded schools, which undermines the quality of education, significant barriers such as unsafe environments continue to inhibit the enrolment and retention of girls in school at all levels. Many schools lack separate restrooms and sanitary facilities such as water. This, coupled with poverty and harmful gender stereotypes/social norms that lead to the prioritisation of sons' education over daughters, contributes to girls dropping out of school. Girls are more likely to marry underage if they drop out of school and become pregnant²⁰.

Not feeding children at school drives child marriage

Uganda has a national nutrition action plan (2020-2025)²¹ that envisions well-nourished, healthy children under five, school-age children, and other vulnerable groups. However, the plan remains unimplemented, where schools are underfunded. The government allocates UGX 17,000 (USD 5) per learner under the Universal Primary Education (UPE) program and UGX 56,000 (USD 15)

¹⁶ Approval of the policy and guidelines on SRHR: Between disbelief and hope in Uganda. https://rutgers.international/wp-content/uploads/2021/08/RHRN-end-evaluation-report_31-March-2021.pdf. Pg 6-8

¹⁷ Ganchimeg T, Ota E, Morisaki N, Laopaiboon M, Lumbiganon P, Zhang J, et al. Pregnancy and childbirth outcomes among adolescent mothers: a World Health Organization multicountry study. *BJOG*. 2014;121(1):40–8.

¹⁸ UNFPA. Child Marriage And Teenage Pregnancy In Kampala, Uganda. 2020

¹⁹ General Comments on Article 14 (1) (d) and (e) of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa

²⁰ Otim J. Early Marriages in Uganda: A Comparative Assessment Of Determinants Across Regions. 2019.

<https://doi.org/10.21203/rs.2.15475/v1>

²¹ Uganda Nutrition Action Plan <https://faolex.fao.org/docs/pdf/uga212058.pdf>

per student enrolled under the Universal Secondary Education program annually in capitation grants, which is too low. The National Planning Authority called for an increase in the capitation grant for schools²². Instead, the government asked schools to feed learners amidst alarming levels of hunger for learners, causing absenteeism in schools²³. When learners drop out of school because of hunger due to lack of feeding at school, they are forced into marriage. Parents/caretakers consider them a source of wealth, and girls may seek marriage to escape poverty within their families²⁴.

Re-entry of child mothers in school policy lacks implementation provisions

Uganda developed the Revised Guidelines on Prevention and Management of Teenage Pregnancy in School Settings (2020)²⁵ to guide schools and assist adolescent mothers and pregnant girls in completing school cycles. However, the guidelines lack implementation provisions and are not legally binding to schools. Schools also lack the resources and the will to support the re-entry of girls into schools. It is estimated that 28% of school-aged girls in Uganda are engaged in sexual activity, resulting in 80.1% of them becoming pregnant, and 97% of those are discontinued from their studies²⁶. Girls who rejoin school also suffer stigma and discrimination from peers, teachers, and parents, causing them to abandon school and get married underage.

4.0 RECOMMENDATIONS

Invest in girls' education, including the re-entry of child mothers into schools

49% of women without education were married by age 18, compared to 16% of those with secondary or higher education²⁷. The government should invest in education, especially for girls, focusing on enrolment and retention in primary and secondary schools²⁸. It should build more schools, especially in remote areas, and proper sanitation facilities, including separate and private washrooms for girls, boys, and teachers. The government should also institute robust monitoring and evaluation mechanisms to enforce rules against stigma and discrimination in schools against former child brides and teenage mothers to ensure their re-entry to school.

Commit financial resources to the strategy to end child marriage

The government developed the second National Strategy to End Child Marriage and Teenage Pregnancy (2022-2026) (see footnote No.14). However, the strategy is not costed. The government

²² The Observer newspaper article. <http://bit.ly/4dSOakd>

²³ Government asks schools to feed learners https://www.newvision.co.ug/new_vision/news/1321283/govt-schools-feed-pupils-fail

²⁴ Walker D, Perezniето P, Perezniето, Bantebya G, Ochen E. Sexual Exploitation of Adolescent Girls in Uganda: The drivers, consequences and responses to the sugar daddy phenomenon. Overseas Development Institute. 2014

²⁵ Revised Guidelines on Prevention and Management of Teenage Pregnancy in School Settings, 2020. <https://www.ungei.org/sites/default/files/2021-02/Revised-Guidelines-Prevention-Management%20-Teenage-Pregnancy-School-Settings-Uganda-2020-eng.pdf>

²⁶ Uganda National Household Survey 2019/2020 https://www.ubos.org/wp-content/uploads/publications/09_2021UgandaNationalSurveyReport-2019-2020.pdf pg. 29

²⁷ Uganda demographic and health survey (2016)

²⁸ Malhotra, A., and Elnakib, S., 2021, "Evolution in the evidence base on child marriage: 2000-2019", UNFPA-UNICEF Global Programme to End Child Marriage.



should commit sufficient financial resources to implement the strategy, including commissioning its mid-term evaluation.

Prioritise funding the gender ministry

The Ministry of Gender, Labour, and Social Development, which houses the strategy to end child marriage, is one of the least funded ministries. The government should prioritise adequate funding for the ministry, including a separate vote to end child marriage programmes.

Promote comprehensive sexuality education.

The government should promote comprehensive sexuality education by integrating it into school curricula and community programs to ensure accessibility and affordability of women-centred and youth-friendly health services.

Develop public health interventions to tackle child marriage.

In Uganda, efforts to tackle child marriage and teenage pregnancy have primarily focused on addressing the problem as a cultural and socio-economic issue. The government should innovate and widen the scope of interventions by addressing child marriage as a public health issue. It should develop a public health communications strategy to raise awareness about the causes and consequences of child marriage, including using existing public health promotion structures, such as village health volunteers, who can ably explain the devastating health effects of child marriage, to inspire positive action to protect girls from child marriage.

Harmonise laws on minimum age of marriage

The government should harmonise existing laws to establish the minimum age of marriage as 18 years without exceptions, as stated in the UN CRC Concluding observation 29 (See footnote No.5). To consider the best interest of a child, the law should provide mechanisms for essential services such as healthcare services and financial support for the survivor, particularly for girls who have been impregnated as a result of child marriage.

Digitalise and roll out childbirth registration

The government should digitalise and make birth registration mandatory for all children at all health facilities, as stated in the UN CRC Concluding Observation 38 (see footnote No.5). Strengthen community health outreach programmes to reach children not born in health facilities, especially those born in rural/remote areas, to ensure their registration.



Annex 1: GNBU member organisations that endorsed the report

1. Action for Development of Grassroots Communities
2. Action for Girls Uganda
3. African Partners For Child Poverty
4. African Women and Youth Action For Development
5. Amani Initiative
6. Asante Africa Foundation Uganda
7. Bunyoro Choice Uganda
8. Center For Economic Social Cultural Rights in Africa
9. Change Lead Agency Social Support
10. Child Aid Uganda
11. Child Rights Empowerment and Development Organization
12. Community Focus International
13. Concern for the Girl Child
14. Dreams Rescue Foundation (DREF) Uganda
15. Dwelling Places
16. Education & Development Opportunity – Uganda
17. Family Harvest Foundation
18. Fountain of Life Uganda
19. Girls in Schools Initiative
20. Give Hope Uganda
21. Hope and Peace for Humanity, Uganda
22. Just Like My Child Foundation
23. Kisakye Educational Initiative for Girls
24. Mentoring and Empowerment Programme for Young Women
25. Plan for Hope Initiative Uganda
26. Raising Teenagers Uganda
27. Rhythm of Life Uganda
28. S.A.L.V.E International
29. Sabiny Transformation Initiative
30. SCOPE Foundation
31. See Them Grow
32. Strengthening Hope and Resilience Empowerment
33. Tackle
34. The Hunger Project - Uganda
35. Together Alive Health Initiative
36. Touch a Heart Uganda
37. Uganda Youth and Adolescents Health Forum
38. Women Efforts for Inclusive Development
39. Women's Love Initiative
40. World Vision International Uganda
41. Youth Chaperon Uganda
42. Youth in Action for Development Initiative

Annex 2: Agenda of the GNBU consultative workshop

GNBU UN CRC Report Consultative Workshop

Friday, August 30, 2024

Agenda

No.	Time	Activity	Facilitator
1	07.30-08.00	Arrival and registration	EDOOU staff
2	08.00-08.30	Introductions and expectations	All
3	08.30-08.45	Welcome Remarks	GNBU Co-Chair (National)
4	08.45-09.45	Introduction to UN CRC reporting mechanism	Brian Mutebi (consultant)
5	09.45-10.30	Questions and clarifications	Brian Mutebi (consultant)
6	10.30-11.00	Tea break	Hotel
7	11.00-12.00	Group work: Key Priorities and Rationale for Addressing Child Marriage in Uganda for UN CRC	Group work
8	12.00-12.45	Reporting back and plenary discussion	Brian Mutebi (consultant)
9	12.45-01.00	Healthy break	Volunteer
10	01.00-01.30	Group work: Specific recommendations/questions to the government of Uganda in the UN CRC report	Group work
11	01.30-02.00	Reporting back and plenary discussion	Brian Mutebi (consultant)
12	02.00-02.15	Closing remarks	Co-Chair (International)
13	02.15-02.30	Logistics	EDOOU staff
14	02.30 –	Lunch and departure	Hotel/All



Annex 3: Online survey template

Online Survey **Priorities of the Girls Not Brides Uganda: The Ugandan Partnership to End Child Marriage for the UN CRC Report**

Greetings from Education & Development Opportunity – Uganda (EDOU)!

Girls Not Brides: The Global Partnership to End Child Marriage (GNB) commissioned Girls Not Brides: The Ugandan Partnership to End Child Marriage (GNBU) to write a shadow report on child marriage for Uganda for the UN Committee on the Rights of a Child (UN CRC). EDOU was selected to lead the writing of the report.

EDOU convened a consultative workshop with GNBU representatives to inform the report. However, to ensure that every GNBU member and key stakeholder contributes to this report, we are using this online form to receive your input.

After gathering your views, we shall compile a draft report and hold a virtual report validation meeting. This will be another avenue for you to contribute to the report further so that the final product reflects our views. This should happen around mid-September. A final report will then be submitted to GNB and the UN CRC.

We are excited to have you contribute to this critical report and trust that your expertise and experience will enrich it. If you have any questions or need more information about this exercise, please contact Brian Mutebi at +256 701 378219 or bmutebi@edouganda.org.

Name of respondent | Title | Organisation | GNBU Region | Email | Telephone | Male/Female

Key Priorities and Rationale for Addressing Child Marriage in Uganda

As GNBU writes the shadow report on child marriage for Uganda for the UN CRC, what specific priorities for Uganda would you want the report to highlight?

(These could be policy gaps in text or practice, a particular law to amend, operationalise or adopt, etc. You may refer to Table 1 on pages 13-15 and page 21 in the GNB Toolkit)

Priority 1	Rationale for priority 1: Provide a brief explanation or justification why this priority is important. Include any statistics, reports, or lived experiences that support your choice.
Priority 2	Rationale for priority 2: Provide a brief explanation or justification why this priority is important. Include any statistics, reports, or lived experiences that support your choice.
Priority 3	Rationale for priority 3: Provide a brief explanation or justification why this priority is important. Include any statistics, reports, or lived experiences that support your choice.

Recommendations:

What specific recommendations/questions would you suggest the report highlight to the government of Uganda?

Report signatory

Would you want to be added as a signatory to the report?

Yes or No.

If Yes, please provide the name of your organisation and complete address.

Submit survey. Thank you.