

GNB UGANDA POLICY BRIEF ON ENDING CHILD MARRIAGE

January 2024



GIRLS NOT BRIDES UGANDA

The Ugandan Partnership to End Child Marriage



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A young girl in a white t-shirt and green skirt is speaking into a microphone. She is holding a small gift box. In the background, there is a poster with a woman's face and the text 'World Vision'. Other people are seated around a table in the foreground, some looking at documents.

TABLE OF CONTENTS

1.0 INTRODUCTION.

2.0 GLOBAL LEGAL FRAMEWORK

2.1 THE NATIONAL LEGAL AND POLICY FRAMEWORK ON ENDING CHILD MARRIAGE

3.0 POLICY RECOMMENDATIONS 6

3.1 Advocacy wider calls for further policy amendment

3.2 Policy Recommendations for Prevention

3.3 Policy Recommendations for Protection

3.4 Policy Recommendations for Restoration



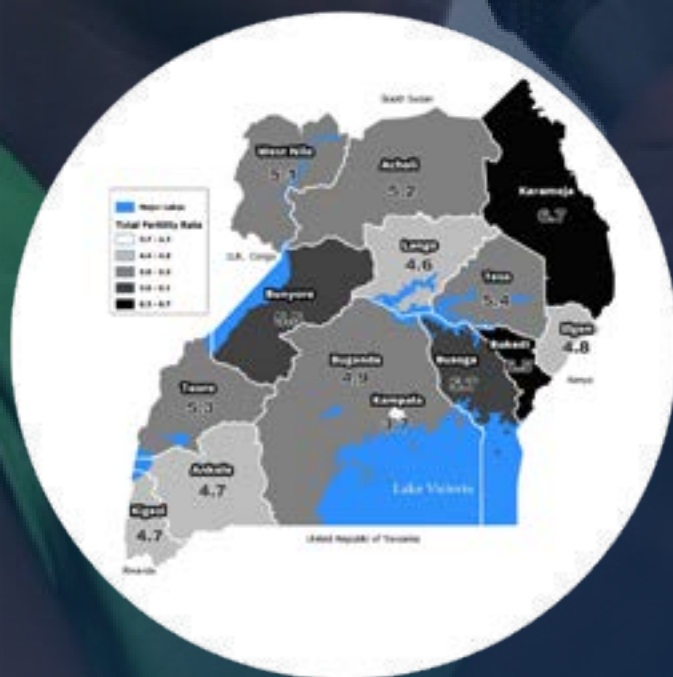
1.0 INTRODUCTION.

There are currently 650 million child brides in the world, including newly married underage girls and women who were married in their childhood (UNICEF, 2021). As a result of the COVID-19 pandemic, up to 10 million more girls are at risk of becoming child brides (WHO, 2021). Child marriage includes any legal or customary union involving a boy or girl below the age of 18. This definition is based on Article 1 of the Convention on the Rights of the Child (CRC), which defines a child as “any human being below the age of 18 years”. The Universal Declaration of Human Rights states that men and women of ‘full age’ have the right to marry (Article 16.1) and that marriage shall be entered into only with the, “...free and full consent of the intending spouses” (Article 16.2). The Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) further elaborates that the marriage of a child will have no legal effect (Article 16.2).

In Bangladesh, according to the Child Marriage Restraint Act, 2017, ‘Child marriage means a marriage to which either or both of the contracting parties are minors’;

while ‘minor’ means, in case of marriage, a person who, if a male, has not completed 21 (twenty-one) years of age, and if a female, has not completed 18 (eighteen) years of age. Child marriage is a major threat to the survival, health, and well-being of children. Child marriage is a violation of basic human rights which places children, especially girls, at an increased risk of physical, sexual and psychological, and economic violence throughout their lives. While both girls and boys are subject to child marriage, girls are three times more vulnerable due to cultural norms and traditions and gender-based discrimination.

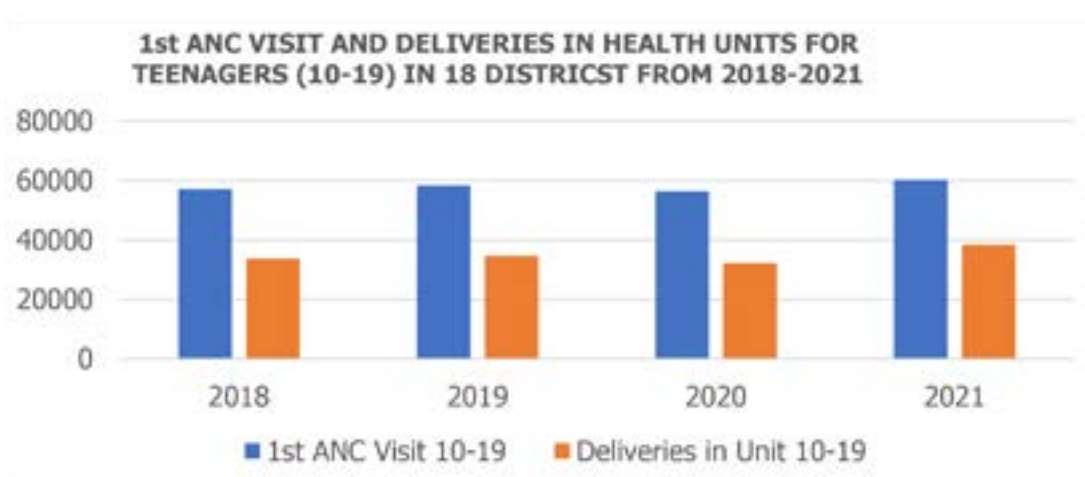
According to the 2017 State of the World’s Children report, Uganda was ranked 16th in the world, with regard to child marriages (UNICEF, 2017). While both boys and girls experience child marriage, girls are ten times more likely to end in child marriage than boys. Specifically, the 2016 Uganda Demographic and Health Survey (UDHS) show that 19.9 percent of the girls aged 15-19 years were in union compared to only 1.9 percent for boys in the same age cohort (UBOS and ICF, 2018).



Source:

Uganda Bureau of Statistics (2021)

The same report shows that 43 percent of women aged 25-49 years were married before age 18, compared to only 10 percent of men in the same age category. Relatedly, the median age at first sexual intercourse for women is lower than that for men. In particular, the median age at first sexual intercourse for women aged 25-49 years was estimated at 16.9 years compared to 18.7 years for men in the same age cohort (UBOS and ICF, 2018). This trend got worse due to the COVID19 pandemic induced measures such as lockdown and school closures as evident in the number of ANC visits from 2018 to 2021 shown below in selected districts.



Source:

Author's computations from DHIS data

2.0 GLOBAL LEGAL FRAMEWORK

The Universal Declaration of Human Rights (UDHR) was the first international instrument to articulate the world's commitment to end and prevent child marriage and protect children from harmful traditional practices. Article 16 stipulates that the free and full consent of intended adult spouses is integral to a legally acceptable marriage, as well as equal rights during the marriage and its dissolution.¹⁰ The Convention on the Consent to Marriage, Minimum Age for Marriage, and Registration of Marriage (1962) contains further provisions

asserting that child marriage is a violation of children's rights. The Convention on the Rights of the Child (CRC) calls for the abolition of all traditional practices that are prejudicial to a child's health; the CRC's positions on the Best Interest Principle¹² – the rights to freedom of expression, education, and protection from all forms of abuse – are all directly breached by the practice of child marriage.

The CEDAW and the CRC are mutually reinforcing conventions that forbid child The

The CEDAW and the CRC are mutually reinforcing conventions that forbid child marriage in international law. This is exemplified in CEDAW's General Recommendation No. 31 and CRC General Comment No. 18 on harmful traditional practices. The CRC holds the minimum age for marriage to be 18 years; CEDAW's General Recommendation No. 21 on equality in marriage and family relations includes comprehensive guidelines to ensure national legislation and policies to translate international standards into national legislation.¹³ The UN General Assembly's resolution on Ending Child, Early and Forced Marriage¹⁴ further reinforces the need to eliminate child marriage, outlining a raft of measures that member states must undertake to end this form of violence. Most recently, the Agenda 2030 which outlines global development priorities for the next fifteen years specifically refers to and commits to ending child marriage under Target 5.3: Eliminate all harmful practices, such as child, early, and forced marriage.

2.1 THE NATIONAL LEGAL AND POLICY FRAMEWORK ON ENDING CHILD MARRIAGE

The 2016 Children’s Act and Article 31 of Amended Uganda Constitution set the minimum legal age for men and women at 18; while the Civil Marriages Act of 1904 sets minimum age at 21 but allows for marriage at 18 with legal parental consent.

Reducing teenage pregnancies and child marriage also features as a key intervention under the Third National Development Plan 2020/21 – 2024/25 (NDP III). The NDP III Human Capital Development Programme Implementation Action Plan (2020) details various interventions regarding the reduction of teenage pregnancy rates. The NDPII proposes establishment of the Community (Parish) Pregnancy Prevention Committees and supporting them to create awareness on the negative implications of child marriages, teenage pregnancies, school dropout and youth unemployment on development. It also proposes the development and implementation of a comprehensive set of interventions to reduce teenage pregnancies, with a special focus on hot spot districts. The NDPIII also calls for provision of age-appropriate quality Sexual Reproductive Health (SRH) information and services to all age groups as part of the Minimum Health Care Package.

3.0 POLICY RECOMMENDATIONS

The policy recommendations are meant to address four main facets which we believe are integral in ending child marriage. These are i) enacting policy amendments; ii) ensuring prevention of child marriage; iii) offering protection to boys and girls and iv) restoration.

3.1 Advocacy wider calls for further policy amendment

- Parliament of Uganda should legislate amendments to the Customary marriage registration act, The Hindu Marriage and Divorce Act (1961) and the Marriage and Divorce Act of Moheemadans in line with the Constitutional Court ruling that nullified provisions in those acts which were promoting child marriage. To affect the ruling of the constitutional court, it is pertinent that parliament amends and expunges those clauses from the Acts.
- District Local Governments and structures should be supported financially and technically to come up with ordinances, bye laws and action plans on ending child marriage.
- The government should budget for child marriage prevention mechanisms in its annual National Budget Framework Papers and the Medium-Term Expenditure Framework. These interventions should also be included in the District Development Plans (DDPs).

3.2 Policy Recommendations for Prevention

a) Ensure that national strategies and plans to end child marriage are resourced and adopt a cross-sectoral approach, engaging the education, health, civil registration, justice, and protection sectors. The National Strategy to End Child Marriage and Teenage Pregnancies should be costed and aligned to indicators in the Human Capital Development (HCD) Program Implementation Action Plan.

b) Invest in compulsory primary and secondary education. Such investments should focus on i) removing barriers – especially for girls; ii) ensuring school environments are inclusive, safe, and child friendly and iii) implementing the government policy of having a secondary and primary school per sub county so as to reduce the distance to school.

c) Design, implement and scale-up national awareness-raising campaigns that are sensitive to specific cultural and social values: change the harmful traditions and practices that cause child marriage. The joint national campaign to end child marriage by the First Lady, Prime Minister and Vice President should be reinvigorated and run for a longer time. Equally, the non-state actors should also run advocacy campaigns on raising awareness about child marriage.

d) Support income generation and economic development opportunities through the provision of microfinance, training, cash and non-cash incentives, subsidies, loans, and scholarships

for vulnerable families and for adolescents, especially girls.

e) Create supportive services for girls and young women at risk, such as girls' clubs, vocational training, and livelihood activities that empower them and improve their life chances.

f) Recognize the heightened risk of child marriage in emergencies and fragile contexts to ensure action to prevent and respond to these risks from the outset of the humanitarian response. Prevention of child marriage should be integrated into the development of the nexus approach and development approach in refugee response.

g) Involve the religious and cultural leaders as the agents of change to stop child marriage. 60% of primary schools and 40% of secondary schools are owned by religious institutions and they can be credible allies in the fight against child marriage.

h) Popularizing the national toll-free Helpline numbers: 109 and 999.

3.3 Policy Recommendations for Protection

1. Establish child protection mechanisms to identify the warning signs, address the risks and provide support to survivors of child marriage. The Community (Parish) Pregnancy Prevention Committees proposed in the third National Development Plan (NDPIII) and the parasocial workers proposed in the National Child Policy should be operationalized to support child protection interventions.
2. Support girls who are already married by providing them with options for schooling, SRHR-sexual and reproductive health services (including HIV prevention), livelihoods skills and recourse from violence in the home.
3. Promote free and late birth registration, particularly in rural areas; ensure the registration process is simple and accessible – and part of the overall civil registration and vital statistics system.
4. The Government should make provisions with regard to establishing an independent fund for shelter and protection homes, rescue, rehabilitation, legal aid, medical treatment, psychosocial counselling, etc. for the survivors of child marriage.

3.4 Policy Recommendations for Restoration

1. Integrate and enforce life skills in education programming. Due to strong evidence on the high number of children dropping out of school, teenage pregnancy, and child marriage, Ministry of Education and Sports and its partners should provide for integration of life skills training not only into formal education but also establish programs to skill and absorb learners who drop out of school
2. Provide vital social protection services – such as social transfers and access, support, and care services – targeting the most vulnerable households.
3. Routinely monitor interventions to prevent and respond to violence against all children and adolescents with the strong participation of civil society, communities, and children.