

# Uganda: early marriage as a form of sexual violence

by Noah Gottschalk

**Evidence is mounting that early marriage is a form of sexual and gender-based violence (SGBV) with detrimental physical, social and economic effects. Policymakers need to focus on the complex interactions between education, early marriage and sexual violence.**

Uganda currently hosts at least 230,000 refugees, the vast majority of them southern Sudanese. With very few exceptions, only refugees living within designated settlements are officially recognised and offered protection and assistance. Refugees receive seeds, tools and small plots of land on which to grow their own food, which government and UNHCR officials expect will supplement or replace rations, with any surplus sold to earn money to meet basic needs including the

cost of schooling. Refugees adopt a lifestyle similar to Uganda's rural poor but with several crucial differences. Years of cultivating the same land – without the possibility of crop rotation – have reduced soil fertility and yields. Moreover, refugees are generally unable to take their products to market and thus depend on Ugandan middlemen who buy cheaply from individual households and sell goods in urban markets for significant profits.

Early marriage is often seen as a survival strategy by those unable to move from these isolated settlements, forced to depend on subsistence farming and trapped in poverty. Some girls hope to enjoy greater economic security if married. For their parents the brideprice can be an important financial asset. Many parents also view early marriage as the best – and often only – means of safeguarding their daughters from the high levels of SGBV prevailing in Uganda's refugee settlements. Officials often ascribe early marriage to cultural preferences but it is clear from talking with refugees themselves that motivations of economic and physical security, often linked to basic survival, are more important determinants.



*A Sudanese refugee family living in a traditional hut in Rhino Camp, Arua, Uganda.*

Some parents explain that before they were displaced early marriage was closely related to income levels: those with greater means got married later. In Uganda, however, early marriage is typically arranged as a hasty response to sexual relationships. Many girls end up getting married at a significantly younger age than was traditionally the norm. Given the protracted nature of displacement, especially amongst southern Sudanese, this is now happening to a second generation.

Extreme poverty, harassment and threats of sexual violence often prevent girls from attending school, causing them to be increasingly vulnerable to SGBV in and around their homes and fields. With no other economic opportunities and no effective means of protecting girls from assault and rape, parents and young women themselves often see little alternative to early marriage. This in itself, however, can represent a form of violence, leading to ill-health from early child-bearing and continued impoverishment exacerbated by denial of educational opportunities.

Gender imbalances pervade refugee schools in Uganda: the higher the school level, the greater the disparity. Girls face many obstacles to enrolment and achievement: the gendered division of household labour, the popular perception that sending girls to school is less likely to benefit the family, and the teasing and sexual harassment that girls commonly face at home, in the community and even at school.

Family members and neighbours frequently regard a few years of primary school as sufficient for girls and deride – and harass – those who seek to continue to secondary school. At school, girls report sexual harassment from other students, teachers, men living near schools and even from men who come to the school grounds specifically to look for young girls. It is common to find children of many ages studying in the same class; girls of 12 may find themselves studying alongside 17-19 year old young men.

Recent cuts in international funding for education, particularly at secondary level, have made matters worse. Many girls who previously received scholarships have returned home where they report harassment by neighbours and pressure from family friends seeking to marry them. In refugee settlements girls who have been forced to drop out of school for financial reasons often have little or no immediate prospects of returning. Most parents interviewed believe that once girls stop studying they should marry, regardless of their age, and it is often easier for parents to marry them off rather than trying to raise money for school fees. Moreover, the desire for financial stability and physical protection leads many girls to pursue marriages soon after leaving school. Once married, few girls return to school even if it becomes economically viable. Girls married before the age of 18 often become trapped in abusive or neglectful relationships or are abandoned by husbands.

Early marriages in refugee settlements are most commonly a result of pre-marital sex between young people, at least one of whom is a minor. Under Ugandan law, sexual intercourse – both consensual and non-consensual – with a girl under the age of 18 is a criminal act,

regardless of the age of the male involved. The Ugandan legal system has a huge back-log of ‘defilement’ cases. Most cases are resolved out of court through payment to the girl’s family. Boys whose families are unwilling or unable to pay may spend long periods in prison. ‘Defilement’ is usually detected when girls become pregnant and the usual response is either a hastily-arranged marriage or the payment of a fee for ‘spoiling’ the girl and blighting her marriage prospects. As boys who are unable or unwilling to pay either the dowry or the fee may be ostracised, assaulted or even murdered, they often see little alternative but to leave the settlement. Although parents often bring their daughters back home when boys depart, some girls remain with in-laws who often mistreat them or blame them for their son’s imprisonment or flight. Even those who return to their parents are often looked down upon and subjected to abuse.

Alcohol plays a major role in exacerbating domestic and sexual violence. Money spent on drinking results in less money to pay school fees, often leading parents to pursue bride price though early marriage either to pay for household expenses, school fees for male children or more alcohol. Furthermore, chronic drunkenness is directly related to elevated levels of sexual violence including incest and rape.

NGOs and UNHCR are working to sensitise communities on these issues. Without economic alternatives or genuine physical security, however, thousands of young refugees in Uganda will continue to be subjected to early marriage and its associated sexual violence. To tackle these problems, the international community, host government and refugee communities must work together to:

- recognise that early marriage is both a cause of and a response to reduced livelihood options
- reform Uganda’s defilement laws to decriminalise consensual sexual relationships between minors
- provide alternatives to marriage as a survival strategy

- eliminate the hostility that girls often encounter in their attempts to pursue even rudimentary education
  - enforce zero tolerance of sexual harassment in schools by students, teachers and administrators
  - train senior male and female teachers to provide sexual education and counselling to students and parents
  - encourage girls to return to school once they have given birth
  - rethink current policies that force pregnant girls to leave school but allow the boys responsible to continue their education without punishment
  - implement locally-developed restrictions on hours of permitted alcohol sale and consumption
  - provide SGBV programmes that specifically target boys' needs and experiences.
- If even a few of these recommendations were acted upon there could be a significant reduction

in levels of violence and exploitation and more young refugees would be enabled to escape the cycle of poverty and violence that denies them full enjoyment of their human rights.

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