

**CHILD MARRIAGE AND HUMAN RIGHTS IN MOROTO DISTRICT, UGANDA**

**BY**

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## **DECLARATION**

I, Margaret Iriama the undersigned, declare that this is my original work and has never been submitted for any award of degree or any other qualification in any university. For any material, which is not my original work, the authors have been acknowledged.

Signed: .....

Date: .....

## **APPROVAL**

This is to certify that this thesis has been submitted to the Directorate of Higher Degree and Research of Kampala International University with my approval as the candidate's thesis supervisor.

Signature:.....

Date.....

Chidiebere, C. Ogbonna, Ph.D.

## **DEDICATION**

I dedicate this thesis to my family members; Kuno Caroline Bena, Koli Sylvia, Koriang Irene for recognizing the value of my education and devoting a lot of effort to see that I achieved the best in my academic career.

## **ACKNOWLEDGEMENTS**

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## **LIST OF ABBREVIATIONS**

ACHPR:	African Charter on Human and Peoples' Rights
ACRWC:	African Charter on the Rights and Welfare of the Child
CRC:	Convention on the Rights of the Child
DHS:	Demographic and Health Surveys
FGM:	Female Genital Mutilation
GC:	General Comment
HIV:	Human Immunodeficiency Virus
ICRW:	International Center for Research on Women
LC:	Local Council
NSCM&TP:	National Strategy to End Child Marriage and Teenage Pregnancy
NGOs:	Non-governmental organizations
UDHR:	Universal Declaration of Human Rights
UDHS:	Ugandan Demographic and Health Survey
UNFPA:	United Nations Population Fund
UNGA:	United Nations General Assembly
UNICEF:	United Nations Children's Education Fund
SDGs:	Sustainable Development Goals

## ABSTRACT

The study examined the impact of child marriage on the human rights of children, using selected communities (Tepeth and Matheniko) in Moroto District, Uganda as case study. The study objectives were: to investigate the factors influencing child marriage in Tepeth and Matheniko; to examine the effects of child marriage on the human rights of the victims in Tepeth and Matheniko and to analyze the effects of child marriage on the well-being of the victims and the entire communities of Tepeth and Matheniko. The study employed case study design, while data was collected using qualitative approaches. Accordingly, the data collection methods were face-to-face interviews and focus group discussion (FGD), and 60 respondents participated in the study. Furthermore, two theories: Structural-Functional Theory of Social Change and Radical Feminist Theory guided the study. The first theory, Structural-Functional Theory of Social Change, holds that the society is best understood as a complex system with various interdependent parts that work together to promote solidarity and stability. The second theory Radical Feminist Theory, argues that patriarchy is the primary cause of women oppression. The theory contends that patriarchy is a factor that gives men advantage over women in the society - it puts men in a position to determine the future of women. The study findings revealed that the main factors influencing child marriage in Tepeth and Matheniko are poverty, cultural practice of cementing alliances and women's position in the society. 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 well-being of the affected individuals and the development of communities where it is practiced. Consequently, the study calls for the eradication of child marriage and thus, made recommendations on possible solutions and strategies to eradicate the practice.

# **CHAPTER ONE**

## **INTRODUCTION**

### **1.0 Introduction**

Child marriage is a global problem affecting millions of young people, particularly girls across the world. It is a human rights violation because in most cases it deprives those involved of education and proper healthcare services, the chance to learn skills and develop their personalities and thus, leaves them vulnerable. A growing body of evidence suggests that child marriage has negative impacts on the health, education, and the overall well-being of the victims. Empirical evidence shows that women who marry early are more likely than their peers to experience early dropout from school, lower earning potentials, earlier and more frequent childbearing and complications in pregnancy, higher maternal mortality, increased risk of HIV infection, and higher infant mortality (Singh and Samara, 1996). From a human rights perspective, many women who marry before age 18 do not have the opportunity to decide for themselves whether and when to marry and, in many cases, this single event shapes their entire adult lives. Despite all the negativities associated with the practice, child marriage continues to be widespread and socially accepted in many cultures.

### **1.1 Background of the study**

The background of the study presents the historical perspective, theoretical perspective, conceptual perspective and contextual perspective.

#### **1.1.1 Historical perspective**

Child marriage is a very old practice and was common around the world. Until the 20th century, the practice was the norm in most parts of the world. In the medieval era, the average life expectancy was around 50 years, so child marriage was considered an effective practice to increase population and ensure continuous human existence (Oishimaya, 2017). In ancient and medieval societies, it was common for girls to be betrothed at or even before puberty. According to Friedman (1980), “arranging and contracting the marriage of a young girl were the undisputed prerogatives of her father in ancient Israel.” Most girls were married before the age of 15, often

at the start of their puberty. In the middle ages, the accepted age of marriage was around puberty throughout the Jewish world (Lowenstein, 2002).

In Ancient Greece, early child marriage and motherhood for girls was encouraged, even boys were encouraged to marry in their teens. Thus, child marriages and teenage motherhood was typical in ancient Greece (Demand, 1994). In Ancient Rome, girls married above the age of 12 and boys above 14 (Dahl, 2010). In the middle ages, under English civil laws that were derived from Roman laws, marriages before the age of 16 were common. In Imperial China, child marriage was the norm (Saito, 1996).

Since human existence, religion has had a significant influence on marriage and the age at which marriage can be contracted. For example, Christian ecclesiastical law forbade marriage of a girl before the age of puberty (Burn, Tyrwhitt and Phillimore, 1824: 5), while Hindu Vedic scriptures mandated the age of a girl's marriage to be adulthood, which was defined as three years after the onset of puberty. In Judaism, the minimal girl age, for marriage, was 12 years and one day, 'na'arah', as mentioned in the ancient Talmud Mishnah books.

Within the Catholic Church, prior to the 1917 Code of Canon Law, the minimum age for a dissoluble betrothal (*sponsalia de futuro*) was 7 years. The minimum age for a valid marriage was puberty, or nominally 14 for males and 12 for females (Rock, 1907). The 1917 Code of Canon Law rose the minimum age for a valid marriage to 16 for males and 14 for females (Bachofen, 1920). The 1983 Code of Canon Law maintained the minimum age for a valid marriage at 16 for males and 14 for females (Catholic Church, 1999).

In addition, Islamic religion has permitted marriage of girls below the age of 10. This is because Sharia law relied in part on the life and practices of Muhammad, the Prophet, as described in part in Sahih Bukhari and Sahih Muslim. History suggests that Muhammad married Aisha, his third wife, when she was about 6 years and consummated the marriage when she was about 9 years (Spellberg, 19996). The marriageable age under Muslim religious law is the age when the guardians of the girl feel she has reached sexual maturity. Hence, such determination of sexual maturity is a matter of subjective judgment. However, based on Sharia, marrying a girl less than 13 years old is an acceptable practice for Muslims.

In Africa, the practice of child marriage has been in existence since time immemorial. The practice is considered as a way of consummating family relationship as well as ensuring continuity of family lineage. Thus, child marriage is an old tradition accepted in almost every tradition, religion and human context prior to the 20th century. It was in the 20th century that the practice began to be questioned, with the age of individuals' first marriage increased in many countries and most countries increased the minimum marriage age. Then, with the adoption of the Convention on the Rights of the Child (CRC) in November 1989 by the United Nations General Assembly (UNGA), many countries have set their minimum age of marriage at 18 years.

### **1.1.2 Theoretical perspective**

The study adopted two theories: Structural-Functional Theory of Social Change and Radical Feminist Theory.

**Structural-Functional Theory of Social Change:** The theory also known as functionalism holds that the society is best understood as a complex system with various interdependent parts that work together to promote solidarity and stability. Two theorists, Herbert Spencer and Robert Merton, were major contributors to this perspective. The theory argues that every social system has two aspects, a structural and a functional aspect. In this case, a structure is an arrangement/unit for the performance of functions, while a function is the consequent of the activities of structures. Consequently, all the structures are closely related to each other and all the functions are interrelated and interdependent. Change in one leads to changes in others and each structure serves its own function and at same time helps others to function. In this way, the entire social system functions and undergoes social change. Thus, a change in the marriage system from an arranged or forced child marriage system towards a love marriage system leads to changes in family system, joint family system, rate of marriage abuse and divorce and even religious and cultural beliefs and value systems.

**Radical Feminist Theory:** The theory emerged in the 18<sup>th</sup> century. The theory evaluates patriarchy as the fundamental cause of women's subjugation in the society (Pilcher and Imelda, 2008: 50). Susan Brownmiller, who is among the proponents of the theory, contends that patriarchy facilitates women's subordination and exploitation by men. Brownmiller argues further that women can only be liberated through debates of overhauling patriarchal structures

(Pilcher and Imelda, 2008: 51). The proponents of the theory blame the exploitation of women on men because they see the society to be patriarchal, where men dominate and rule at the expense of women (Walby, 1990: 7).

### **1.1.3 Conceptual perspective**

Child marriage, which is often times considered as forced marriage, is a life-changing reality for many of the world's girls. Children as young as eight or nine years are forced to trade their childhoods for a life that is characterized by isolation, violence and illness. Child marriage is a phenomenon rooted more in tradition, and one that spans across the globe, from Asia to Africa and the Americas. The number of girls who are married as child bride is astounding. According to UNICEF, in 2007 more-than 60 million girls, aged 20-24 worldwide had married before their 18<sup>th</sup> birthday (UNICEF, 2009). Among the factors considered, as the main reasons why child marriages are rampant in the developing world are poverty and tradition. Other contributing factors include gender inequality and insecurity. Some cultures, view girls as commodity for wealth making, they are used in exchange for goods such as cows or other items of monetary value, depending on the culture and specific country. Evidently, such practice has negatively affected the lives of millions of girl's world over.

Child marriage is associated with scientifically established adverse effects to the young female child's health. Empirical evidence suggests that pregnant girls below the age of 15 have five to seven times higher chances of dying during childbirth as compared to pregnant women in their twenties (UNICEF, 2009). Empirical findings show that child mothers are more vulnerable to diseases such as cervical cancer, obstetric fistula, sexually transmitted diseases and other health complications. Besides, infant mortality rate for children born by mother below 18 years stood at 60% higher than those born by mothers above 18 years (ibid). Child marriage usually deprives the female child of educational rights, leading to the loss of financial independence of the child in her future (UNICEF, 2009). Child brides are also susceptible to domestic violence, marital rapes and sexual abuse as they are not mature enough to protest and not independent enough to escape adverse situations in their conjugal life.

Child marriage refers to the formal or informal union or marriage entered by an individual below the age of 18 years (El Nagar, Bamkar and Tonnessen, 2017). This act has been a subject of

debates and controversies worldwide, and the practice has received wide condemnation by many. The practice of child marriage involves both young boys and girls; however, the frequency of child marriages involving girls below 18 has always been significantly more than those involving boys. Throughout history until the 20th century, child marriage was acceptable in many parts of the world. In this period, the average life expectancy was between 40 and 45 years, thus child marriage became imperative for faster reproduction (Oishimaya, 2017). Girls were usually married off as soon as they reached puberty or sometimes even prior to that. In the 20th century, however, as countries started developing, women started receiving education, voting and other rights and entered the workforce, their economic conditions improved, and there were massive improvements in average life expectancy due to advanced medical practices, the practice of child marriages began to be questioned. Many scholars and human rights advocates started to compare child marriage to slavery. Consequently, this practice drastically reduced in the developed countries of the world. However, in many other countries of the world, the practice of child marriages continues in spite of global protests and resistance against this practice.

Economic problems have been one of the primary factors that have forced parents to marry off their young girls. The system of bride-price prevailing in many countries, where parents of girls have to receive sums of money or expensive goods and ornaments from the in-laws' families have led them to consider the girl child as something to trade for material benefit. The "bride-price" most often propels parents to marry off their young daughters' to older man, often receiving money and other material items. Besides, in some societies, religious and social stigma exists regarding the marriageable age of girls, which compel parents to allow their girl child to be married young in order to overcome social stigma. For example, the notion of honor and morality is an important factor that triggers early marriages in many communities in Africa and beyond.

In cultures where virginity is considered extremely valuable and where it is a shame for the family, if the daughter is not a virgin before marriage, child marriage seem to be a way to elude such shame. In order to ensure that the virtue of the girl remains intact, they are often times given out in marriage at a young age. In other cases, parents trade their girls for security. In war zone areas of Northern Uganda, there are reported cases, where families marry their young girls to militia members in return for the security of the family, also there are report of similar cases in



Somalia. In addition, laws of some countries, especially the religious dictates also favors child marriage, which unfortunately has often predominated over the civil laws against child marriage.

Consequent upon numerous problems associated with it, child marriage has been made illegal in many countries across the world. In addition, the United Nations have recognized this practice as an act that violates basic human rights. Empirical evidence also suggests that many countries supporting child marriage have suffered from serious economic losses due to the impact on women's education and female workforce in such countries. However, most developed countries have abolished the practice and women enjoy equal opportunities as men. Thus, in developed countries, women no longer depend on men for survival and as such, they make free and well-informed personal decisions about their future. Thus, when a woman is educated and with a bright career, she will no longer be considered as a burden to her parents. Accordingly, she will be free to choose who to marry or not after attaining adulthood.

Though the incidence of child marriage has decreased in most parts of today's world, it is still highly prevalent in some developing nations like many countries of Africa, South, West and Southeast Asia, South America, and Oceania (Oishimaya, 2017). Nonetheless, awareness is also spreading to the developing world where female education is doing the job of empowering women to fight for their rights and to protest against child marriage.

Due to the negative impact of child marriage on the development and welfare of the child, this study considers the practice as a human rights' violation. Article 36 of the Convention on the Rights of the Child (CRC) provided the child with right to protection from all forms of exploitation prejudicial to any aspect of the child's welfare. Therefore, the article protects children from harmful practices, including the ones associated with child marriage. Furthermore, the Marriage Convention addressed the issue of age. Article II, of the Convention states that parties to the Convention shall take legislative action to specify a minimum age for marriage. It further states that no marriage shall be legally entered into by any person under the defined age, except where a competent authority has granted a dispensation as to age, for serious reasons, in the interest of the intending spouses. Apparently, the above section of the Marriage Convention is tricky; however, it was believed that states would rely on the benchmark provided by the CRC in determining the age of marriage in their national legislation. However, this has not been the case; instead, some states have implemented legislation that support marriages conducted earlier

than the age of 18 years. In the case of Uganda, the constitution prohibits any marriage below the age of 18 years, yet this unholy phenomenon continues to thrive, particularly among the pastoral communities.

#### **1.1.4 Contextual perspective**

Child marriage remains a visible and significant issue, with half of Ugandan women marrying before age 18, which is the legal age of marriage in Uganda. Contrary to the stipulated age of marriage in the Ugandan constitution, in 2006, more than half (53%) of women ages, 20–49 were married before the age of 18 (Green, Mukuria and Rubin, 2009). The reasons for early marriage are rooted in traditional and social norms, as well as factors such as women's disadvantaged status, poverty, and biases against girls' education. From the parents' perspective, early marriage offers protection against premarital pregnancy and provides lifelong security for their daughters.

According to the National Strategy to End Child Marriage and Teenage Pregnancy, child marriage is prevalent in Uganda. However, the rates are high in Northern Uganda 59%, followed by Western 58%, Eastern 52%, East Central 52%, West Nile 50% and Central 41% (Nabimanya, 2015). The above figures are an indication that the future of many children in Uganda, particularly girls' are deprived and instead replaced with motherhood. Unfortunately, these girls do not have a say in marriage and are prone to violence from their partners (husbands) and in-laws. In June 2018, the Ugandan government launched the National Strategy to End Child Marriage and Teenage Pregnancy; however, anecdote evidence suggests that the practice of child marriage continues to flourish unabated despite the physical damage and the persistent indignity it brings to young girls. In light of the above, the thesis focused on the effect of child marriage on the human rights of children in selected communities in Moroto district of Uganda.

#### **1.2 Statement of the problem**

The statistics from the Uganda Demographic and Health Survey (UDHS) in 2015 revealed the prevalence of child marriage in Uganda. The report shows that 46 percent 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 the age of 18 years. The same statistics, also 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 18 years. The above statistics presents a gloomy picture of childhood in Uganda, particularly for girls. Although, there is a common perception among many Ugandans that poverty is the major cause of child marriage, however this factor is yet to empirically establish as a common factor fuelling the practice of child marriage among every tribe and community in Uganda. In addition, a report by the Population Secretariat of Uganda in 2015 states that out of 1.2 million pregnancies recorded annually, 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 unintended births or abortion. In 2015, UNICEF report 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%. In view of the above, Moroto district being part of Northern Uganda is evidently one of the worst places to be a girl child. This is because any girl born in the district is most likely to be married off against her wish at an early age. Thus, this study deemed it necessary to examine the practice of child marriage in selected communities in Moroto District, focusing on the drivers, as well as the effects of the practice on the rights and well-being of children, and the overall development of the communities under study.

### **1.3 Purpose of the study**

The purpose of the study was to examine the impact of child marriage on the human rights of children in Tepeth and Matheniko, Moroto District, Uganda.

### **1.4 Research objectives**

- To investigate the factors influencing child marriage in Tepeth and Matheniko.
- To examine the effects of child marriage on the human rights of the victims in Tepeth and Matheniko.
- To analyze the effects of child marriage on the well-being of the victims and the entire communities of Tepeth and Matheniko.

### **1.5 Research questions**

- What are the factors influencing child marriage in Tepeth and Matheniko?

- What are the effects of child marriage on the human rights of the victims in Tepeth and Matheniko?
- What are the effects of child marriage on the well-being of victims and the entire communities of Tepeth and Matheniko?

## **1.6 Scope of the study**

The scope of the study will focus on three main areas: geographical scope, time scope and content scope.

### **1.6.1 Geographical scope**

The study was carried out in Tepeth and Matheniko communities in Moroto district Uganda. Moroto district is located in the Karamoja sub-region of Northern Uganda. The district is bordered by Kaabong district to the north, Kenya to the east, Amudat district to the south, Nakapiripirit district to the southwest, Napak district to the west, and Kotido district to the northwest. Moroto district is estimated to have a population of about 136,000 inhabitants according to Uganda Bureau of Statistics, 2017.

### **1.6.2 Time scope**

The study covered a period 10 years, beginning from 2007 to 2017. The researcher chose this period because national statistics reveals that there has been increase in the practice of child marriage in the study area within this period.

### **1.6.3 Content scope**

The study focused on the practice of child marriage in Tepeth and Matheniko in Moroto district, Uganda. Specifically, the study examined how the practice of child marriage affects the rights of children in these communities, particularly girls. The study focused on how child marriage affects children's rights of the girl child such as; right to education, healthcare, protecting from sexual abuse and exploitation, and protection against forceful separation from parents among others. These two communities were chose for the study due to the prevalence of child marriage in both communities.

## 1.7 Significance of the study

- The findings of the study will be useful to policy-makers, as well as government institutions such as the Ministry of Labor, Gender and Equity, Ministry of Health and National Council of Children in implementing policies and programmes that will tackle the prevalence of child marriage in Uganda.
- The study will give voice to the victims of child marriage in Tepeth and Matheniko in Moroto district.
- It will add knowledge to the existing and growing literature on child marriage.
- It will be a source of reference for future researchers working on the issue of child marriage particularly in Uganda.
- It helped the researcher to learn and gain experience on how to conduct field research and to fulfill the requirement for the award of Master of Arts Degree in Human Rights and Development Studies of Kampala International University.

## 1.8 Definition of terms

**Child marriage:** This refers to the formal or informal union or marriage entered by an individual below the age of 18 years (Hotchkiss et.al, 2016). Although in some countries, the age of maturity is below 18 years however, every country should benchmark its marriage age on the CRC.

**Early Marriage:** This is a term used to describe a legal or customary union involving a person below the age of 18 years (Yuksel-Kaptanoglu and Ergocmen, 2014). However, the Human Rights Council states that, an early marriage can also refer to marriages where both spouses are 18 or older but other factors make them unready to consent to marriage, such as their level of physical, emotional, sexual and psychosocial development, or a lack of information regarding the person's life options.

**Forced marriage:** Forced marriage is a practice in which a marriage takes place without the free consent of the individuals getting married, where pressure or abuse is used to 'force' one or both people to marry against their will (Thomas, 2009). It happens to people of all ages and gender and often characterized by domestic violence. It is not a cultural practice; rather it can occur in

any culture, class, religion or area of the world. Often times forced marriage are justified on the premise of preserving cultural values and tradition, building stronger families and even claims of protecting the victims. Regardless of motives, forced marriage violates human rights and international laws and is an act of violence.

**Child Sexual Abuse:** This when a child participates in a kind of sexual activity that he or she does not completely understand, and is incapable of giving free and informed consent to. It can also be an act for which the child is not developmentally prepared, or an act that violates the laws or social taboos of society (Maps, 2013: 5; Butchart and Phinney-Harvey, 2006). These acts can be between a child and an adult or a child with another child who by age or development is in a relationship of trust with the other.

**Culture:** Culture is people's way of life, developed over time. It consists of the patterned, repetitive ways of thinking, feeling, and acting that are characteristic of the members of a particular society or segment of a society (Harris, 1975). According to Brumann (1999), it means the forms of traditional behavior, which are characteristic of a given society, or of a group of societies, or of a certain race, or of certain area, or of a certain period.

**Pastoral Community:** A pastoral community is a social group of people, whose way of life is typically nomadic - which implies rearing of livestock (Bhasin, 2011: 147). In these communities, daily life centers on rearing herds or flocks. The communities are often organized in tribes, where households include the extended family, while lineages are often the root for property rights.

**Bride Price:** This is a payment by the groom or his family in form of money or property to the bride's parents and relatives in exchange for her hand in marriage. It is an ancient custom, but still in existence in many parts of the world. In Uganda and most parts of Africa, bride price is often demanded as a condition to accept a marriage proposal.

**Child:** Biologically, a child is a human being between the stages of birth and puberty. However, the United Nations Convention on the Rights of the Child defines a child as a person below the age of 18 years, unless where the national law applicable to the child, maturity is attained earlier than 18 years.

**Community awareness:** This deals with the sensitization of people in the rural communities in a way that facilitates active and meaningful learning, through information sharing with different segments of the community to enhance knowledge, skills and behaviors that promote child development opportunities.

**Well-being:** This is the experience of health, happiness, and prosperity. It includes having good mental health, life satisfaction, and a sense of meaning or purpose. More generally, well-being is just feeling well; it is something sought by just about everyone, because it includes so many positive things - feeling happy, healthy, socially connected, and purposeful.

**Youth:** According to the African Youth Charter, “youth” implies “every person between the ages of 15 and 35 years” (African Youth Charter, 2006: 3).

## CHAPETR TWO

### LITERATURE REVIEW

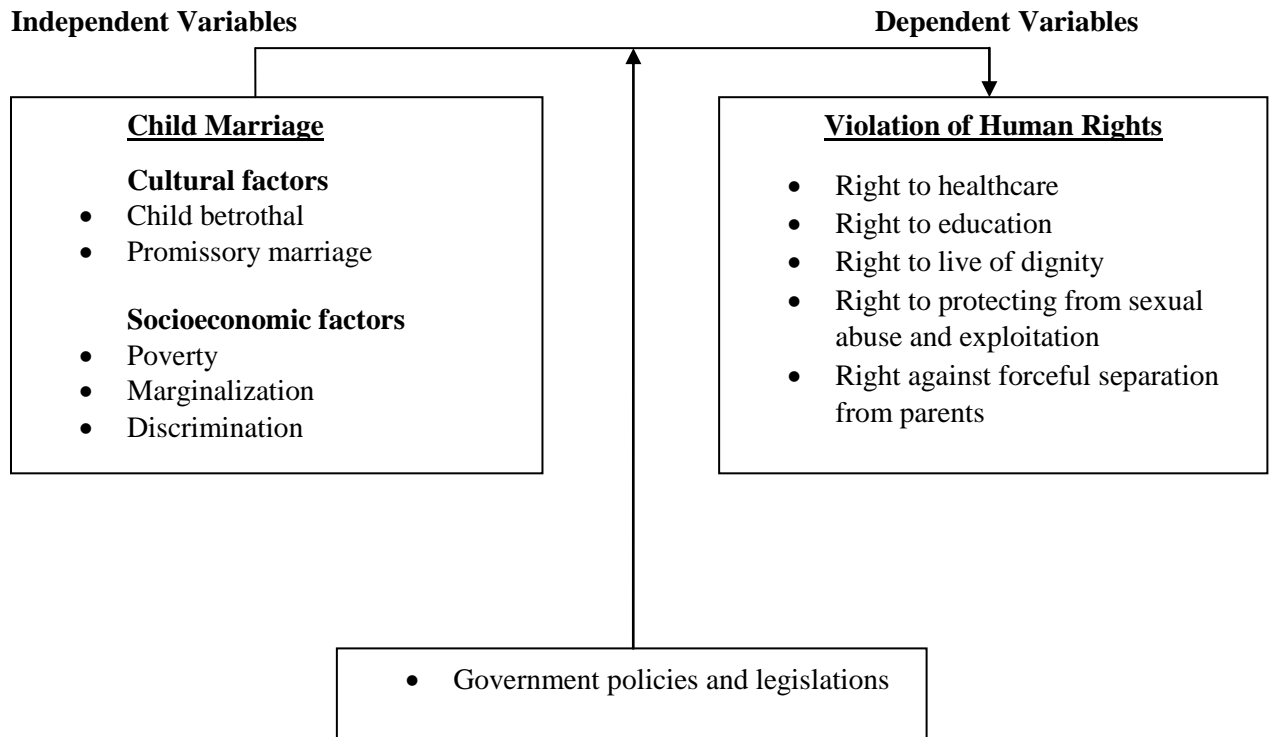
#### 2.0 Introduction

This chapter presents the conceptual framework of the study, theoretical review, and review of literatures related to the study variables and objectives. Literatures related to the study objectives were reviewed to explain the views of other authors on the causes of child marriage and its effects on the rights and well-being of children.

#### 2.1 Conceptual framework

The conceptual framework gives a visual understanding of the relationship between the independent variable (child marriage) and the dependent variable (human rights). It identified cultural and social factors as major causes of child marriage and in turn, they affect the realization of basic or fundamental human rights of children. Furthermore, it presents government policies and legislations as the intervening variable to the practice of child marriage.

**Figure 1: Conceptual framework**



*Source: Developed by the Researcher, September 2017*



## **2.2 Theoretical framework**

The study adopted two theories: Structural-Functional Theory of Social Change and Radical Feminist Theory.

**2.2.1 The structural-functional theory of Social Change / Structural Functionalism:** It is a perspective in sociology that sees society as a complex system whose parts work together to promote solidarity and stability. It asserts that our lives as members of the society are guided by social structures, which are relatively stable patterns of social behavior. Social structures give shape to our lives - for example, in families, the community, and through religious organizations. Moreover, certain rituals, such as a handshake or complex religious ceremonies, give structure to our everyday lives. Each social structure has social functions, or consequences for the operation of society as a whole. Education, for example, has several important functions in a society, such as socialization, learning. In addition, child marriage has impact on social-economic foundation of the society and its members. Thus, one of the key ideas in Structural Functionalism is that society is made-up of groups or institutions, which are cohesive, share common norms, and have a definitive culture (Hak, 2007). Robert K. Merton argued that functionalism is about the more static or concrete aspects of society, institutions like government or religions. However, any group large enough to be a social institution is included in Structural Functionalist thinking, from religious denominations to sports clubs and everything in between. Structural Functionalism asserts that the way society is organized is the most natural and efficient way for it to be organized.

Gender inequality offers a good illustration. According to Structural Functionalist thought, women being subordinate to men allow the cogs of society to function smoothly as everyone in the society knows his or her respective position in the hierarchy. As well, child marriage is perceived in many cultures as a way of giving protection, honor and dignity to the girl child. Furthermore, it is a way of cementing community and family ties. The implication, of course, is that, because society is functioning smoothly with gender stratification, child marriage, such unhealthy phenomenon is acceptable, and efforts should not be made to change the situation. In light of the above, Structural Functionalism is generally seen as being supportive of the status quo, which in our case is cultural acceptance of child marriage. Another key characteristic of Structural Functionalism is that it views society as constantly striving to achieve equilibrium,

which suggests there is an inherent drive within human societies to stick together. In this case, members of the society have to accept the available standards if they must function effectively within a particular society. Structural Functionalism does much to explain why certain aspects of society continue as they always have, despite some phenomena being clearly less beneficial for society as a whole. Evidently, this could be related to child marriage, which by all indication is less beneficial to the society, yet the practice remains preeminent in many different cultures and societies.

**2.2.1 Radical Feminist Theory:** The Radical Feminist Theory emerged in the 18th century. The theory evaluates patriarchy as the fundamental cause of women's subjugation in the society (Pilcher and Imelda, 2008: 50). Susan Brownmiller, who is among the proponents of the theory, contends that patriarchy facilitates women's subordination and exploitation by men. The feminist further asserts that women can only be liberated through debates of overhauling patriarchal structures (Pilcher and Imelda, 2008: 51). They blame the exploitation of women on men because they see society as patriarchal - it is dominated and ruled by men (Walby, 1990:7). Radical Feminist Theory contends that the society is shaped in a way that men as a group dominate women as a group and that men are the main beneficiaries of women subordination (Bryson, 1999:15). Consequently, men are at advantage as the ruling class, while women are at disadvantage as the subject class.

According to Walby (1990:9), patriarchy is preeminence in any analysis regarding gender inequality. She identified six 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. In terms of their interrelation, Walby argues that each of these structures affects one another, but also they are relatively autonomous. Their interrelationships constitute the different "forms" of patriarchy present in a particular society (Haralambos and Holborn, 2008:110).

In the patriarchal nature of African culture, value is placed on the boy-child's education than that of the girl-child. Accordingly, girls are subordinated and undervalued. In many cases, they lack educational opportunities and other such opportunities as inheritance equal to boys. In homes where there is poverty with few financial resources, girls are usually compelled to withdraw from school prematurely in favor of the boys. The justification for such unjust decision is that

some parents believe that boys are 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. Parents assume that boys are more intelligent than girls are; therefore, it is better to invest in the education of a boy-child than a girl-child (Odaga and Heneveld, 1995:22). A factor often ignored in discussions of parental preference for boy's education is the prevalence of patrilineal inheritance systems. As the prime beneficiaries of family assets, boys are favored in human capital investment decisions. In addition, parents worry about wasting money on the education of girls who are likely to get pregnant or married before completing their schooling (Odaga and Heneveld, 1995: 23).

In most African societies, girls are brought up to be mothers, taking care of domestic chaos, while boys are trained to be family heads and breadwinners of their respective homes. As a result, boys are educated to acquire wealth and to manage their homes. (Were, 1991: 2). Therefore, gender roles assigned to girls by the family, and society, are geared more towards marriage than attainment of educational success and overall self development and success in life. Evidently, culture is a product of patriarchy and in patriarchal societies, it is the men who become rulers over their wives and this means women do not make decisions in both public and private spheres.

### **2.3 Child marriage in context**

Child, early, and forced 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. 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) health at risk. Above all, children of adolescent mothers start life at a disadvantage, thus perpetuating a cycle of poverty and relative deprivation (Maswikwa, 2015).

Although there are a number of international treaties that address the minimum age of marriage, the rate of child marriage remain high in many countries and communities around the world. Much momentum has been building around efforts to end child marriage, which mostly affects

girls. During the years 2014 and 2015, the international community took a number of steps to address child marriage. These include a resolution by the United Nations General Assembly (UNGA) as well as a panel discussion at the UNGA that addressed child marriage. In addition, there was a panel discussion at the Human Rights Council (HRC) on child marriage, including a statement by a large number of states, declaring their intention to introduce an HRC resolution on child marriage in 2015. More so, the inclusion of the elimination of child marriage in one of the targets of the gender empowerment goal in the Sustainable Development Goals (SDGs) is among the efforts towards ending child marriage. At the national and regional levels, there have been important gains in 2014 and 2015, including a new African Union campaign to end child marriage. Despite concerns about the negativities associated with the practice and efforts directed towards eradicating it, there are still difficulties in solving the dilemma of child marriage. A major challenge has been to determine who is a child, with respect to age.

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 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) defines a child as a person below the age of 18 years. In line with the CRC, the constitution of Uganda specifies that a child is a person below the age of 18 years. However, the concept of child's age is variant and often determined or interpreted based on the circumstances a child finds him/ herself. For instance, under labour Act, a person under the age of 16 years is a child. Under law of armed conflict, a child is a person below the age of 15 years. These variations in the actual meaning and age of a child present a dilemma on the overall understanding and motives behind the determination of who is a child. Accordingly, states have adopted national legislations that determine the age of a child within their borders; these legislations are often guided by religious and cultural beliefs and thus present a child as an issue that is relative.

## **2.4 International legal instruments protecting the rights of children**

Over the course of the 20th century, the social and legal status of the child evolved considerably. One remarkable illustration of this process can be seen by tracing the evolution of specific international treaties on the rights of the child. Although developments in national legislation inspired the authors of these treaties, it was through inter- and non-governmental organizations that the rights of the child developed a new dimension. The idea to give children rights started in the 19th century in France. The idea was to grant special protection to children. In the United States, the Progressive Movement challenged courts' reluctance to interfere in family matters, promoted broad child welfare reforms, and was successful in having laws passed to regulate child labor and provide for compulsory education. Since 1841, laws started to protect children in their workplace and from 1881; French laws incorporated the right for children to be educated.

At the beginning of the 20th century, children's protection starts to spread in other aspects of the child's life, including protection in the medical, social and judicial fields. Gradually, the concept was adopted and implemented by other European countries. In 1919, the international community, following the creation of the League of Nations (later to become the United Nations), starts to pay attention to the concept of special rights and protection for children and elaborates a Committee for child protection. The League of Nations adopts the Declaration of the Rights of the Child on September 16, 1924, which is the first international treaty concerning children's rights. In five chapters, the treaty gives specific rights to children and responsibilities to adults. World War II and its casualties left thousands of children in dire situation, prompting the United Nations to give greater importance to the plight and welfare of children. Consequently, the UN Fund for Urgency for the Children was established in 1947, which became UNICEF and was granted the status of a permanent international organization in 1953.

On December 10, 1948, the United Nations adopted the Universal Declaration of Human Rights (UDHR) recognizing that "motherhood and childhood are entitled to special care and assistance". Another push for children's rights occurred in the 1950s and 1970s, when children were viewed by some advocates as victims of discrimination or as an oppressed group. These agitations resulted in the adoption of legal instrument (laws, conventions and treaties) at domestic, regional and global levels aimed at protecting children by given them special rights and autonomy. In 1959, the United Nations General Assembly (UNGA) adopted the Declaration

of the Rights of the Child, which describes in 10 principles specific rights for children. Whereas this document has not been signed by all the countries and its principles have only an indicative value, it paves the way for adoption of the Universal Declaration of Children Rights.

#### **2.4.1 Convention on the Rights of the Child (CRC)**

The United Nations Convention on the Rights of the Child (CRC) is a human rights treaty that sets out the civil, political, economic, social, health and cultural rights of children. The Convention defines a child as any human being under the age of 18 years, unless the age of majority is attained earlier under national legislation. The CRC was adopted by the United Nations General Assembly (UNGA) on 20 November 1989, while the document become an international treaty and enters into force on September 2, 1990, after being ratified by 20 states. The treaty contains 54 articles that described the economic, social and cultural rights of children. The Convention deals with the child-specific needs and rights. It requires that the nations that ratify this convention to act in the best interests of the child. From the standpoint of the CRC, every child has basic rights, including the right to life, right to education, right to healthcare, right to protection from abuse, right to their own name and identity among others.

The Convention obliges states to allow parents to exercise their parental responsibilities. The Convention also acknowledges that children have the right to express their opinions and to have those opinions heard and acted upon when appropriate, to be protected from abuse or exploitation, and to have their privacy protected, and it requires that their lives not be subject to excessive interference. Article 19 of the Convention emphasizes that state parties must “take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence”. As of the time of writing this thesis, the CRC has been ratified by 196 states, even though there are a few reservations concerning certain parts of the text, particularly the age of the child. The treaty has actually led to the establishment of new laws aimed at protecting children, both at national and regional levels.

#### **2.4.2 African Charter on the Rights and Welfare of the Child (ACRWC)**

The ACRWC has been ratified by 41 out of 54 African countries. Uganda signed the charter on 26 February 1992 and ratified it on 17 August 1994 (ACHPR, 2007). Article 21, titled

“Protection against Harmful Social and Cultural Practices,” states that child marriage and betrothal of girls and boys shall be prohibited and effective action, including legislation, shall be taken to specify the minimum age of marriage to be 18 years and make registration of all marriages in an official registry compulsory” (ACRWC, 1990: 10). Thus, in the context of Africa, child marriage is prohibited and state parties to the ACRWC are required to enforce compliance on specified minimum age for marriage.

One of the main reasons for having an Africa Children’s Charter was the feeling that the African continent was underrepresented during the drafting process of the CRC. A second reason was the thinking that Africa needed to have a charter for children that reflects the specifics of the African context. The Preamble to the Charter explains that it emerged out of the social and cultural values of Africa, including those relating to family, community and society and takes into consideration the virtues of cultural heritage, historical background and values of the African civilization (Ekundayo, 2015). The preamble of the ACRWC stated thusly:

[...] the situation of most African children remains critical due to the unique factors of their socio-economic, cultural, traditional and developmental circumstances, natural disasters, armed conflicts, exploitation and hunger, and on account of the child’s physical and mental immaturity he or she needs special safeguards and care.

Africans perceive the CRC as the brainchild of Western countries. The perception is that international norms with respect to the promotion and protection of children’s rights as represented in the CRC are inclined to a ‘Western’ rights ideology therefore lacking a meaningful African influence. Accordingly, Muyilla (2006) argued that the CRC is a Western phenomenon and that lacks substantial contribution/ input from African states except for Senegal and Algeria that participated in the drafting process. In addition, Viljoen (1991) contend that the reasons why a regional charter was adopted due the sidelining of Africans from the UN drafting process and the exclusion of Africa- specific issues from the CRC. African States under the then Organization of African Unity (OAU) decided to produce a legal document that is at par with the CRC, tailored along the local situations, for example, the socioeconomic conditions, widespread occurrence of armed conflict and resultant displacement of populations. Thus, the ACRWC was intended to be a complimentary mechanism to the CRC in order to enhance the enjoyment of the

rights of the child in Africa. ACRWC therefore, is a child rights and protection instrument that is reflective of and informed by African cultural values and heritage (Falola, 2001:10).

### **2.4.3 African Charter on Human and Peoples' Rights (ACHPR)**

This is another legal instrument that has been ratified by the government of Uganda. Article 16 of ACHPR titled "Right to Health" states that all individuals are entitled to experience the greatest health possible, both physical and psychological. It also established that the state is obliged to make sure of protecting the health of individuals and ensure medical care is available for everyone if in need. Thus, victims of child marriage are entitled to quality healthcare services particularly when they are pregnant. In the case of Tepeth and Matheniko, victims of child marriage rarely get access to healthcare; instead, they rely on traditional cure, which often leads to complications during childbirth and results to infant mortality and death of child mothers.

Furthermore, Article 17 titled "Right to Education" states that every person has the right to education. However, one of the negative impacts of child marriage is that it impedes victims from realizing their rights to education. Once a child is married off, the next thing is to start having children and as a result, their right to education is often compromised. Consequently, their economic, financial and social capacities are impaired

## **2.5 Causes of child marriage**

A number of factors have been identified as the causes of child marriage. Among the identified factors include, poverty, limited education, tradition and religion and insecurity among others.

**2.5.1 Poverty:** This is among the major factors driving early marriage. Where poverty is severe, a young woman may be considered either an economic burden or an asset from which families can gain property and livestock from bride prize. In Asia and Africa, monetary gain from bride prize and dowry is a factor that motivates parents to marry their daughters at a young age. For example, in many Sub-Saharan Africa parents are offered a higher bride prize for girls that have not attained puberty, which consequently become a justification for child marriage. Available global statistics on child marriage shows that forced child marriage is much more common in poorer countries and regions, and within those countries, it tends to be concentrated among the poorest households. For example, a girl from a poor household in Uganda is four times more



likely to marry as a child than a girl from a rich household. In impoverished situations, parents see few alternatives for their daughters, aside from early marriage. In many poor families, marrying their daughter at an early age essentially is a strategy for economic survival; it means one less person to feed, clothe and educate.

**2.5.2 Tradition and religion:** In many societies, parents are under pressure to marry off their daughters as early as possible in an effort to prevent girls from becoming sexually active before marriage, because if they do, it brings dishonor to her family and by extension her community. Because marriage often determines a woman's status in many societies, parents also worry that if they do not marry their daughters according to social expectations, they may not get married at all. Consequently, forced child marriage becomes a viable way to cementing family, clan, and tribal connections or settling obligations. In many rural communities, child marriage is perceived as a norm simply because the practice has lasted for a long period of time. A Girl is considered an adult in some communities the moment she start to menstruate. Marriage is therefore the next step towards giving a girl her status as a wife and mother. Observably, harmful traditional practices can be linked to each other. In Moroto for instance, child marriage usually follows the practice of female genital mutilation (FGM), which is considered a rite of passage to womanhood. Unfortunately, traditional practices often go unquestioned because they have been part of a community's life and identity for a very long time. Thus, it becomes an acceptable phenomenon.

**2.5.3 Limited education and economic options:** Little or no schooling strongly correlates with being married at a young age. Conversely, attending school and having higher levels of education protect girls from the possibility of early marriage (International Center for Research on Women, 2003). In some cultures, given a girl the opportunity to acquire education is less attractive. Instead, their traditional role is bear children and be a mother. Even when poor families want to send their daughters to school, they often lack access to nearby, quality schools and the ability to pay school fees. It is usually safer and economically more rewarding to spend limited resources on educating sons than daughters, leaving the girls with one option, which is marriage.

**2.5.4 Insecurity:** This contemporary factor drives child marriage. Many parents marry their daughters young because they feel it is in her best interest, often to ensure her safety in areas

where girls are at high risk of harassment and physical or sexual assault. Child marriage often increases in humanitarian crises, such as in conflict or after a natural disaster. When families face extreme hardship, they may see child marriage as a coping mechanism in the face of poverty and violence. Besides, when families live in unsafe regions, parents may genuinely believe that marrying their daughters is the best way to protect them from danger. In war-affected areas of Northern Uganda, girls are married to a warlord or another authority figure that can ensure the safety of the girl and her family.

## **2.6 Effects of child marriage**

Obviously, there are many issues relating to the concept of child marriage. The practice has a number of negative effects on the victim's welfare and wellbeing, which include both physical and psychological effects.

### **2.6.1 Psychosocial effects**

The psychological effects stems from issues such as loss of adolescence, forced sexual relations, and denial of freedom and personal development associated with child marriage. The impact can be subtle and insidious and the damage hard to assess. For example, the loss of mobility through confinement of girl victims of child marriage to the home and to household roles is associated with erroneous psychological challenges, which are hard to assess (UNICEF, 2001). Most girls who are unhappy in an imposed marriage are very isolated. They have nobody to talk to since they are surrounded by people who endorse their situation. A report by the United Nation in 2015 on child marriage in Uganda, expresses the lack of interest from elders in the traumas suffered by young girls as a result of early marriage, premature sex and child bearing. These traumas were regarded as an 'unavoidable part of life' (Berhane-Selassie, 1993). Girls who run home to their parents may be beaten and sent back to their husbands. Thus, distress is generally endured in silence. Indian researchers on early marriage in Rajasthan and Madhya Pradesh state noted "girl spouses suffer more than boys. Inadequate socialization, discontinuation of education, great physiological and emotional damage due to repeated pregnancies devastates these girls. If the husband dies, even before consummation, the girl is treated as a widow and given in natal to a widower in the family. Officially she is considered a wife but, in fact, under the practice of *natashe* becomes the common property of all the men in the family (Saxena, 1999)". The child

bride who is widowed very young can suffer additional discrimination. Widows suffer loss of status and they, along with their children, are often denied property rights, and a range of other human rights. In parts of Uganda, a widow is remarried to a brother-in-law, a cultural practice that is originally intended, in part, to provide economic and social support to the widow. The Tepeth and Matheniko communities do this. In case the widow resists, she may be cast out of the family. Child widows with little education and no means of earning are especially powerless and emotional subdued (Owen, 1996: 9).

### **2.6.2 Sexual abuse and exploitation**

In the case of girls married before puberty, the normal understanding between families is that there will be no sexual intercourse until first menstruation. In this case, the girl is usually entrusted in the care of the mother-in-law to protect her from any advances from her son (Berhane-Selassie, 1993). However, the protection often fail where the husband is much older than the girl. Cases of forced intercourse by much older, and physically fully developed husbands with wives as young as eight years old have been reported in West Africa (Shireen, 2000:10). For the vast majority of under-educated rural adolescent girls in the developing world, marriage remains the likely context for sexual intercourse (Mensch et al., 1998). Pain and trauma are enhanced where girls have undergone some form of Female Genital Mutilation (FGM), especially where this has been undertaken recently, and especially in the case of infibulation which is designed to make penetration difficult. Problems may be exacerbated after childbirth. In some communities such as Tepeth and Matheniko, women have no choice but to resume sexual relations within seven days of childbirth, even if there has been vaginal cutting during delivery, and regardless of the associated pain.

### **2.6.3 Denial of education and human development**

Child marriage inevitably denies children of school age their right to the education they need for their personal development, their preparation for adulthood, and their effective contribution to the future well-being of their family and society. Indeed, married girls who would like to continue schooling usually not allowed to do so. According to Muhammad (2000: 24), child marriage is a factor that encourages girl's withdrawal from school in many parts of the world. This situation is a common practice among the people of Tepeth and Matheniko. Even though

the attitude towards educating girls is changing, many parents still hold the view that investment in the girl is a wasted resource when she is simply going to be married and work in another household. The cost of investment in education reinforces the impetus towards girl's withdrawal from school (UNICEF, 2001:11).

In rural areas such as Tepeth and Matheniko, secondary education often means that a girl must walk long distance to school. Parents fear that this may expose her to risks including premarital sex and pregnancy. To protect the girl-child from being sexually harassed by men along the way or by male teachers and boys in school, parents opt to withdraw their daughters when they are still young and marry them off before their virginities are broken. The removals from school limit the girls' opportunities to develop their intellect. They also miss socializing, making friends outside their family circle, and many other useful skills. This reduces their chances of developing their own independent identity (UNICEF, 2001: 12).

## **2.7 Sustainable Development Goals and child marriage**

**Goal 1 – No poverty:** As both a driver and consequence of poverty, it is crucial to address child marriage to reduce global poverty. Child marriage is most common in the world's poorest countries and the poorest households. Girls from poor families are two and a half times more likely to marry before 18 as girls from wealthier families, and girls who marry young are more than twice as likely to be poor and remain poor (UNICEF, 2013). Child marriage can also have an impact on girls' and women's labour-force participation. Girls married early are more likely to be out of school, which leads to lower participation in the labour market and lower earnings over time. Married girls who do participate in the formal labour market typically face a double labour burden of household duties in addition to formal work. Overall, once married, girls' access to education and economic opportunities shrinks, it impedes them from building a prosperous future for themselves, their communities and countries. Child marriage is often exacerbated by poverty, programs that provide families with income-generation opportunities or financial support have the potential to protect girls from child marriage if they are part of broader efforts to shift social norms such as those around gender roles and stereotypes, which sustain the practice.

**Goal 2 – Zero hunger:** Food insecurity and malnutrition can be both causes and consequences of child marriage. Families with limited food resources may marry their daughters in an attempt to have one less mouth to feed. Child brides are more likely to have early and frequent pregnancies, which can be devastating for girls under the age of 15 and their children. Child brides usually experience higher rates of malnutrition than girls who marry later in life (UNICEF, 2014). Babies born to girls under the age of 15 are at higher risk of dying before their fifth birthday. They are also more likely to have low birth weight, suffer from poor nutrition, and experience stunting. Improving the nutrition and food security of these young mothers, for instance with agricultural training to increase crop and animal production, can have lasting positive impacts on the health and well-being of girls and their families.

**Goal 3 – Good health and wellbeing:** Child marriage can have devastating effects on the health of girls and their children. Compared to women who marry later in life, child brides experience high rates of adverse sexual and reproductive health outcomes, gender-based violence, malnutrition, and increased morbidity and mortality. Child marriage can also be associated with poor mental health, including feelings of isolation, depression, and suicidal thoughts and behaviours, and can contribute to poor health outcomes for future generations (Gage, 2013). Child brides are under intense social pressure to prove their fertility and so child marriage is often followed by pregnancy (Levine, Lloyd, Greene and Grown, 2008). However, early pregnancy increases risks for both the mother and her child. Each year, 70,000 adolescent girls in developing countries die of causes related to pregnancy and child birth, and perinatal deaths are 50% higher among babies born to mothers under 20 years old than among those born to mothers aged 20–29 years (Chandra-Mouli, Camacho and Michaud, 2013). The HIV infection rate among married adolescent girls also tends to be higher than among their unmarried, sexually active peers (UNAIDS, 2015). Delaying marriage can lead to delayed sexual initiation and first birth, reduced incidence of gender-based violence, increased spacing between births, reduced maternal morbidity, lower HIV infection rates, and fewer maternal and child deaths.

**Goal 4 – Inclusive and equitable quality education:** Child marriage is a significant barrier to girls' education – it undermines a girl's ability to attend school, acquire new skills and knowledge, and put existing ones to use. Girls tend to drop out of school during the preparatory time before marriage or shortly afterwards when their marital and domestic demands increase. In

most cases child marriage means an end to formal education. While child marriage is sometimes the reason for school dropout, out of school girls are also more likely to be married early and have children before they are ready. Girls with no education are three times as likely to marry before age 18, compared to those with a secondary or higher education (UNFPA, 2012). Mothers who are illiterate are less likely to be knowledgeable about proper health and nutrition for themselves and their children than better educated mothers. Children of educated mothers have higher rates of immunization and overall survival, as well as lower rates of stunting and wasting. Education is one of the most powerful tools available to prevent and respond to child marriage. Girls who are in school are not only protected in many cases from child marriage, but gain the knowledge and skills necessary to succeed throughout their lives (ibid).

**Goal 5 – Gender equality:** At its root, child marriage is perpetuated by structural gender inequality, including unequal power relations and discriminatory norms around girls’ value, sexuality and role in society. Eliminating gender inequality and empowering young women requires the fulfillment of girls’ basic needs and their rights such as the right to live free from violence and exploitation, the right to education, health, nutrition, which are undermined by child marriage (The Global Partnership to end Child Marriage, 2017). Child marriage is a strategic entry point to address gender inequality. Rates of child marriage are an effective indicator of overall progress toward gender equality. The indicator captures one of the most important life transitions for a girl. It signifies immediate and long term disempowerment, violation of rights, and is symptomatic of an entrenched harmful social norm. Tackling child marriage is also an entry point to shift the norms and attitudes that perpetuate the marriage of girls, and make sure that the voice and decisions of girls and young women are as valued as those of boys and men (ibid).

## **2.8 Child marriage in Africa**

Even though child marriage is to be found in different regions all over the world, statistics from UNICEF of child marriage are pointing at an extremely high rate in parts of Africa. The practice is highest in Niger followed by Chad and Uganda is among the countries with the highest prevalence of child marriage in Africa and the world (UNICEF, 2013). The overall percentage today of the prevalence of child marriage in Africa is 21 per cent, but the percentage varies between and within the countries on the continent (World Bank, 2014:102). In Sub-Saharan

Africa, the risk of receiving an HIV infection and other STIs tends to increase if entering marriage at an early age. HIV infects a larger amount of married girls than the unmarried, even if the unwed is sexually active. Yet, an impact on child marriage in specifically Africa is the fear from getting infected by HIV. Therefore are men marrying young girls in order to avoid the infection, but might instead infect his wife/wives (World Bank, 2014:102).

The marriage can also be seen as “protection” of the girl and keeping her from having a child born out of wedlock, which is often not socially accepted by society. Due to gender inequalities, an African girl is often not able to refuse having intercourse with her spouse, even if believing he might suffer from an HIV infection (UNICEF, 2001:12-13). Yet, making use of contraceptives is found to be rare within especially Sub-Saharan Africa (UNFPA, 2012:27). This is probably the explanation for the increase in HIV infections among married girls in Africa. Africa is continuously supporting underage girls entering marriage during or shortly after puberty. The spouse of the young bride might be only a few years older, but can also be twice as old or more. The girl is in many cases as young as between the age of seven and eleven when entering marriage, yet, the age when marrying seems to be increasing. The girl may be the only wife in the household, but polygamy is also common, when the husband has more than one wife. (UNICEF, 2001:2-4).

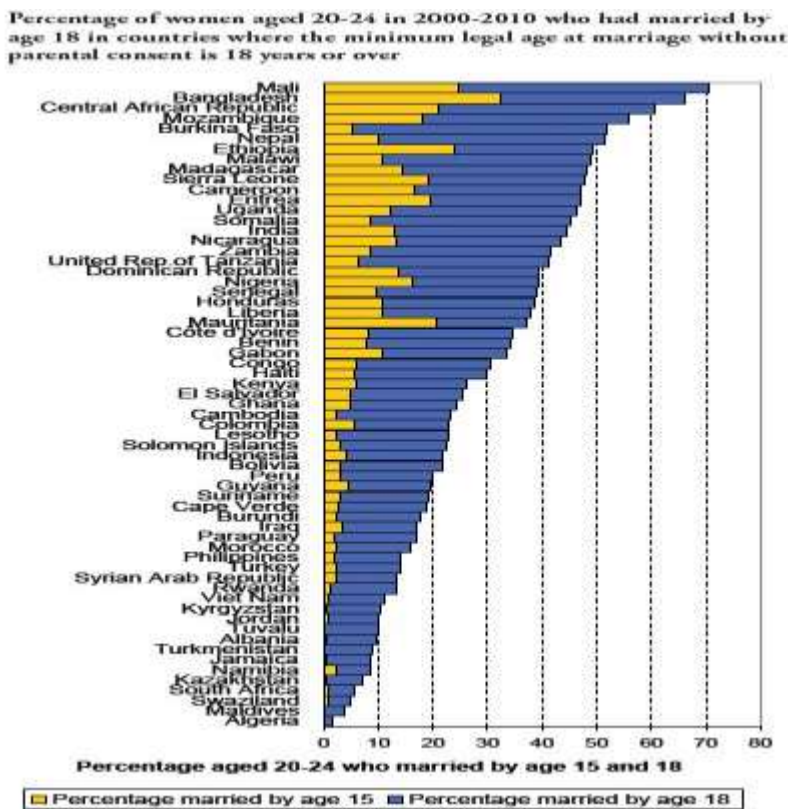
Furthermore, it is a problem to discuss sexual relationships in Africa as in most cultures the topic in question is regarded as a taboo, which further complicates dealing with the issue. Educating people about sexual relations is therefore difficult since sex education is considered as a promotion of earlier sexual relations and consequently rejected (UNICEF, 2001:12-13). Sub-Saharan Africa is one of the regions with the highest rate of child marriage; however, the trend is found to vary to a large extent even within regions (UNFPA, 2012:26). Due to the extensive influential differences between males and females, the girl must often rely on and be supported by her husband. Child marriage is often of high importance in order for the man to keep up with the socially expected behavior and take care of his spouse financially (UNFPA, 2006:18). The role of being a mother and a wife is a heavy burden for a young girl to bear. In most cases, the girl is alone in the situation, without actual support or possibility of caring for a child (UNFPA, 2006:6). Due to all difficulties, divorce can be an option, however, the rest of society does not always have acceptance. Throughout Africa, for each year of entering marriage before age 18, there is a six per cent lower chance of ability to read and write. Also, there is a seven per cent

lower chance of finishing secondary school (World Bank, 2014). The overall attitudes towards the women’s position in society are found to be unfavorable and generally accepted by both men and women.

## 2.9 Child marriage perspective from Uganda

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. The United Nations finds that the rate of child marriage has dropped over the past 40 years. Nevertheless, in 2011, 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. According to a UN survey on child marriage in 2011, Uganda is among the first 15 countries with the highest rate of child marriage (see figure one below).

**Figure 2: Percentage of child marriage rate among countries**





Among African countries, Uganda is one of the countries with the highest early and forced marriage. UNICEF recorded that 10% of girls are married off before the age of 15 and 40% of girls are married off before their 18th birthday (UNICEF 2011). Despite the law setting 18 as the legal age of marriage around 46 per cent of all women are married by the age of 18, according to UNICEF 2011 figures. The reasons for early marriage are rooted in traditional and social norms, as well as factors such as women's disadvantaged status, poverty, and biases against girls' education. From the parents' perspective, early marriage offers protection against premarital pregnancy and provides lifelong security for their daughter. According to the 2006 Ugandan Demographic and Health Surveys (UDHS), 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. By implication, child marriage is prevalent in Uganda. The implication has manifested in gender based violence, maternal and child health issues, polygamy, risk of HIV infection among others.

## **2.10 Gap in the literature**

Although there are studies on the practice of child marriage in Uganda, these studies focused on the practice at the national level or other regions and communities other than Tepeth and Matheniko. Among the prominent studies carried out on child marriage in Uganda is by an organization called *Joy for Children Uganda* in 2006 titled “Child, early and forced marriage in Uganda”, the study reviewed the practice of child marriage in Uganda, but did not focus on Moroto district. Also, study by Rubin, Green and Mukurla (2009) examined child marriage in Uganda, focusing mainly in six selected districts that does not include Moroto district. Other studies, such as Ouma et. Al (2018) examined child marriage in Amuru District in Uganda, thus creating a geographical gap since there is lack of study on child marriage that specifically focused on the pastoral communities of Tepeth and Matheniko. Besides, the aforementioned studies focused on the cause(s) of child marriage, while the present study examined the causes of child marriage as well as linking the practice with children's rights violation. Accordingly, the study fills both geographical and knowledge gaps.

## **CHAPTER THREE**

### **METHODOLOGY**

#### **3.1 Introduction**

This chapter provides overview of the research process or methodology, which include the following: research design, population of study, sampling procedures and sample size, data collection instruments, data collection procedures and analysis, ethical consideration and limitations of the study.

#### **3.2 Research design**

The study adopted case study design. This design was adopted because it describes in details the experience of a person, family, group, community, or institution over a phenomenon. Furthermore, it provides deep analysis of people, events, and relationships, bounded by some unifying factor. Since the study is an empirical enquiry that investigates a contemporary phenomenon within its real-life context, it is important to adopt an approach that gives the researcher the opportunity to elicit enough data/information from respondents to address the research objectives satisfactorily. Accordingly, the study utilized qualitative research approaches, where interviews and focus group discussion (FGD) were the main sources of data collection. The reason for adopting this approach is that it provided the researcher with the opportunity to carry an in-depth study, through fieldwork, to gain insight into the experiences, feelings and opinion of respondents on child marriage and its effects on human rights of children in Tepeth and Matheniko of Moroto District.

#### **3.3 Population of the study**

The study population explains the total population under survey, from which the researcher scientifically/ logically draws his/her sample size. The study population was 59,161, comprising the total population of Tepeth and Matheniko according to Uganda Bureau of Statistics, 2017.

#### **3.4 Sample size**

Given that the study employed qualitative approach in data collection, the researcher purposively drew a sample size of 60 respondents. The respondents comprised of 20 chiefs/ community

leaders, 10 Local Council members, 10 community women leaders and 20 youths. Participants were carefully selected to represent a wide range of social spectrum. In addition, the participants are members of the communities under study; hence, they have valuable knowledge and experiences of child marriage in their communities.

**Table 1: Sample size categorization and computation**

Category of Respondents	Community		Sample Size
	Tepeth	Matheniko	
Chiefs/ Community Leaders	10	10	20
Local Council Members	5	5	10
Community Women Leaders	5	5	10
Youths	10	10	20
<b>Total</b>	<b>30</b>	<b>30</b>	<b>60</b>

### 3.5 Sampling method

The researcher used purposive sampling method to select respondents under the categories of Traditional Chiefs/ Community Leaders, Local Council Members and Community Women Leaders. Purposive sampling method was adopted for two reasons. One was due to the nature of the study, which requires the respondents to be knowledgeable of the subject under investigation. The researcher believed that to elicit meaningful data from the respondents on the issue of child marriage, the study participants should be either people who have lived the experience or those who partake in the practice - such as chiefs, elders, who participate either in paying or receiving of marriage rights in these communities. Based the aforementioned, the participants cannot be chosen randomly, hence necessitating a purposive sampling method. The second reason was that most of the respondents are illiterate and incapable of filling out a questionnaire. Therefore, it was justified to interview the respondents in other to get information from them. Overall, adopting purposive sampling for the aforementioned category of respondents gave the researcher

the opportunity to select respondents with in-depth knowledge of the subject – child marriage. However, the youths were sampled using simple random sampling – refer to table 2 below. Since the youths were placed under focus group discussion, simple random sample was the most convenient method for the researcher.

**Table 2: Sampling method for respondents**

<b>Category of Respondents</b>	<b>Sampling Method</b>
Chiefs/ Community Leaders	Purposive sampling
Local Council Members	Purposive sampling
Community Women Leaders	Purposive sampling
Youths	Simple random sampling

### **3.6 Sources of data**

The study employed both primary and secondary sources of data

#### **3.6.1 Primary source**

Primary data deals with new evidence or information gathered in the field during the course of research. It is data collected afresh and for the first time, which has not been processed (Mugenda and Mugenda, 2003). Primary data were gathered through interview and focus group discussion.

#### **3.6.2 Secondary source**

Secondary data is documented evidence or information by other researchers. It is mainly data collected earlier by other researchers. The study utilized secondary sources of data such as academic journals, books and news articles that deal specifically on child marriage and children’s rights.

### **3.7 Data collection methods/ instruments**

The study utilized two methods of data collection, focus group discussion and interviews.

### **3.7.1 Focus Group Discussion**

The study used focus group discussion to elicit information from some of the respondents, specifically the youths. This category of respondents (youths) were randomly selected and put into discussion groups. Overall, there were four (4) groups and each group had five (5) participants. Among the respondents were eleven (11) girls and nine (9) boys, summing up to 20 participants. This data collection method was preferred for the youths because it provided the researcher with ease and convenience to collect data faster from available and accessible participants.

### **3.7.2 Interview guide questions**

The study employed face-to-face interviews as a mechanism to elicit information from the key informants. In total, 40 respondents were interviewed. The study employed an open-ended interview, where the researcher posed questions to the respondents, who then explain and discuss their answers in details. One of the main reasons for adopting interviews is that most of the respondents are illiterate; therefore, personal interviews became imperative. Another reason is that interviews are suitable for case study survey, because it offers the researcher the opportunity to interact with the respondents and thoroughly scrutinize their answers. Furthermore, this instrument gives the researcher the opportunity to observe the body language of respondents, which arguably provides a clearer understanding of their answers.

### **3.8 Data collection procedure**

The research was carried out in Tepeth and Matheniko communities in Moroto District, Uganda. The researcher selected the respondents, and schedule appointment with each of them on a convenient date and time to meet and interview them. Most of the appointments were scheduled via telephone to reduce cost, while the actual interviews were conducted face to face between the researcher and the respondents. During the interview, the respondents were properly briefed about the study and the reason why it was being carried out. The respondents were then told to answer the questions posed by the researcher honestly and to the best of their knowledge and ability. It is important to note that the interview guide questions were not followed chronologically, as other questions not included in the interview guide questions were asked as follow up question.

### **3.9 Data processing and analysis**

The essence of data processing and analysis is to verify the value of the information gathered during a research. The process involves assessment of the accuracy and uniformity of data generated in the field. In addition, it enables the researcher to delete and eliminate possible errors that would potentially manipulate the results of the study. Thus, the process involves editing of the answers elicited from the respondents. In the case of this study, some of the respondents were interviewed in their native dialect and therefore, their answers were translated from native dialect to English language. Given the above, the interview transcript were meticulously edited in a way to improve legibility and at the same time, it reasonably maintained the views of the respondents in their own words.

### **3.10 Ethical consideration**

The research was carried out with the full knowledge and authorization of the administration of Moroto District, Uganda. First, the researcher acquired an introductory letter from Kampala International University, which significantly helped to eliminate suspicion about the actual reason for the research. Furthermore, the researcher guaranteed the confidentiality of the respondents. This was done by encouraging the respondents to use pseudonym if they are not comfortable using their real names. This apparently boosted the confidence of the respondents, as well remove doubt of being traced and victimized based on their answers. In addition, the study properly acknowledge all materials and sources of data used in the study in the references.

### **3.11 Limitations of the study**

- The main limitation of the study was that some of the respondents were not available as of the time scheduled for interview with them. To mitigate this challenge, the researcher has to book a second appointment and in some cases third appoint before being able to meet and interview some of the respondents.
- Another limitation was that some of the respondents, particularly the Chief/ Community Leaders, Women Leaders and even some of youths could not speak English. The researcher solved this challenge by interviewing such respondents in native language and then translates their answers to English.

## **CHAPTER FOUR**

### **DATA PRESENTATION, ANALYSIS AND INTERPRETATION**

#### **4.1 Introduction**

This chapter presents the findings of the study, which deals specifically with child marriage as a human rights issue. The chapter presents the finding of the study in line with the study objectives, which are as follows: to investigate the factors influencing child marriage in Tepeth and Matheniko. To examine the affects of child marriage on the human rights of victims (children) in Tepeth and Matheniko and to examine the effects of child marriage on the well-being of the victims and the entire communities of Tepeth and Matheniko.

#### **4.2 Demographic characteristics of respondents**

This section presents the personal characteristics of the respondents, such as gender, age, education and marital status. It shows the respondent's key characteristics, which may have influenced their answers. The demographic characteristics were analyzed and presented in table 3 below:

**Table 3: Demographic characteristics of the respondents**

Categories		Frequency	Percentages
<b>Gender</b>	Male	37	61.7
	Female	23	38.3
	<b>Total</b>	<b>60</b>	<b>100</b>
<b>Age</b>	15- 35	20	33.3
	36 -50	15	25
	51- above	25	41.7
	<b>Total</b>	<b>60</b>	<b>100</b>
<b>Education</b>	Primary	14	23.3
	Secondary	11	18.3
	University	10	16.7
	None	25	41.7
	<b>Total</b>	<b>60</b>	<b>100</b>
<b>Marital Status</b>	Single	8	13.3
	Married	33	55
	Divorced	19	31.7
	<b>Total</b>	<b>60</b>	<b>100</b>

*Source: Primary data, 2018*

The demographic information on the respondents with respect to gender reveals that majority of respondents were male. The total number of male respondents were 37, which is 61.7% of the respondents, while female respondents were 23 and (38.3%) of the respondents. Thus, the study was considered gender sensitive, since both genders were significantly represented.

Concerning the age of the respondents, the study results reveal that majority of the respondents were above 50 years. Out of the 60 respondents that participated in the study, 25 representing 41.7% were 51 years and above. This was followed by the youths aged 15-35. Table 3 above, shows that 20 youths participated in the study, representing 33.3% of the participants. The other 15 respondents, representing 25% of study participants were between the age of 36 and 50 years.



Regarding the educational level/ standard of respondents, the study result shows that majority of the respondents were illiterates, without any formal education. Out of the 60 respondents, 25 representing 41.7% of the study respondents did not have any form of formal education, followed by 14 respondents representing 23.3%, which had only primary education. Furthermore, 11 respondents, representing 18.3% and 10 respondents representing 16.7% respectively had secondary and university education. Thus, majority of the respondents were illiterate, since they did not acquire any form of formal education.

The study result further reveals that most of the respondents were married. Altogether, 33 respondents, representing 55% of the study participants were married, while 19 respondents representing 31.7% divorced. The remaining 8 respondents, representing 13.3% were single. In essence, majority of the data were collected from married people, followed by those who are divorced.

#### **4.3 Factors influencing child marriage**

##### ***Item 1: Understanding of the meaning of child marriage***

One chief responded thus: *It is the marriage between young girls and boys who have not yet reach the age of marrying, we have such cases here in our community. When a man is interested in a young girl, he can go ahead and marry the girl even if the girl is young. In this case, the girl will be married and then she will stay with the man's other wives until she is ready to sleep with the man* (Local Chief, Tepeth - 09/02/2018).

Similarly, most of the women leaders and community chiefs perceive child marriage as, *a marriage that involve a young person, who is unable to take care of him/herself like getting basic needs such as shelter and food but stays with his/her parents or relatives* (Women leaderS and Local Chiefs Matheniko - 20/02/2018).

##### ***Item 2: Causes of child marriage***

Most of the chiefs answered the following: *When parents cannot take care of their family members, who are usually large, they have to marry off the girls early as a way of transferring the responsibilities of taking care of her to the husband. When a girl is married, the parents will save one mouth to feed, clothe and shelter* (Local chiefs, Tepeth - 10/02/2018).

The youths, however considers bride price as the major cause of child marriage in their communities. According to them, *the need for animals by parents who have lost theirs during raid is a main cause of child marriage. When parents are desperate to own cows, which is considered a benchmark for being wealthy in our community, they will arrange marriage for their young daughters in order to get cows as bride price, without the consent of the girl* (Group discussion with youths, Tepeth - 12/02/2018)

One woman leaders said that orphanhood is a major cause of child marriage. According to her, *when a young girl loses her parents, marriage becomes the most available option for survival. Most orphan girls in this community marry older men because they want somebody who can take care of them in the absence of their parents* (Woman Leader, Tepeth - 09/02/2018).

One of the community chiefs stated that child marriage is an ancient tradition that ensures peace within the community. In his words, *child marriage is an ancient tradition that fosters peace within our community. We believe that when we intermarry, it will bring 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 allow them 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 - 20/02/2018).

A Local Council member added that one major cause of child marriage in his community is the love for antenatal gifts. According to him, *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, get pregnant and enjoy similar benefits* (Local Council I Member, Matheniko - 22/02/2018).

### ***Item 3: The number one factor driving child marriage***

*The number one factor causing child marriage in our community is poverty* (Community Leader, Tepeth - 10/02/2018).

*The number one issue causing child marriage in our community is desperation on the side of parents who want to own cows and to be seen as wealthy person in the community (Group discussion with youths, Tepeth - 12/02/2018).*

*The number one factor causing child marriage here in our community is the temptation of collecting pride price (Group discussion with youths, Matheniko - 24/02/2018).*

*The number one factor causing child marriage in our community is our culture. The practice started long time ago, because our people believe that girls should marry early. My father married me off when I was 13 years old, because it was a normal practice for girls to marry round that age in our community (Woman Leader, Matheniko – 20/02/2018).*

#### **4.4 Effects of child marriage on the human rights of victims**

##### ***Item 1: Understanding and perception of the concept of ‘human rights’***

The Chiefs/ Community Leaders and Women Leaders from both Tepeth and Matheniko do not have clear knowledge or understanding of human rights. However, one Local Council member stated that human rights are, *laws set by government to protect people from issues like insecurity, hunger among others* (Local Council II Member, Matheniko - 28/02/2018).

On the other hand, the youths of both Tepeth and Matheniko seem to have a good understanding of human rights, they responded thusly: *Human rights are rights every human being is entitled to, which cannot be taken away from the person. For example, you cannot kill another person because everybody has the right to life* (Group discussion with youths from Tepeth and Matheniko - 12 & 24/02/2018).

##### ***Item 2: Child marriage as a violation of human rights of children***

*From your explanation, human rights are what the white men did for themselves without considering our culture and way of life. Culture must come first before human rights and to me marrying our children when they are young has nothing against your so-called human rights. You told me that human rights were drafted to protect human beings and to facilitate peace among people of the world. If that is the case, then human rights and child marriage serves the same purpose. Here in our community, when a child is married, particularly girls, they are given protection by their husbands, in addition, the practice helps to maintain peace in our community,*

*I already told you this when you asked me question about the benefit of child marriage. Now you can see that the two (human rights and child marriage) are serving the same purpose, which is protection and facilitating peace (Local Chief, Tepeth - 12/02/2018).*

*It is a violation of human rights because the government wants all the children to be in school and marry when they are old enough to take care of family. However, the problem is that primary education is said to be free, but parents are always requested to pay some others fees outside school fee for their children. Since they (parents) cannot afford to pay the requested fees, they keep their children at home and the next thing is give them out in marry to any man that is interested (Local Council I Member, Tepeth - 15/02/2018).*

*Child marriage is a violation of rights, usually the victims are denied the opportunity to acquire formal education and as a result, they end up being poor. In addition, their husbands and in-laws often beat the victims, which are mainly women, and sometimes they end up breaking their hands, legs, ribs and other body parts. Almost all the women in this village married when they were young and because of that, we did not go to school, now we can only work in the farm with little income. If we had not married at a very young age and go to school, maybe we would be working in government offices and our lives would have been better (Woman Leader, Matheniko - 20/02/2018).*

*It is a violation of human rights because the constitution prohibits a person to marry before the age 18 years. In most cases here, sell their children into marriage before the age of 18 years because of their selfish interest, which is a violation of human rights of the person sold into marriage. Also, we have witnessed cases where children below legal marriage age at times marry on their own without the consent of their parents. Whichever way, child marriage is a violation of human rights (Group discussion with youths from Tepeth and Matheniko - 12 & 24/02/2018).*

#### **4.5 Impact of child marriage on the well-being of the victim and the community**

##### ***Item 1: Benefits from child marriage, to the victim, his /her family or the community***

Most of the chiefs stated that there are benefits associated with child marriage. According to them, *the person being married benefit by having his/ her own family. In addition, the person will gain protection, if it is a girl, the husband will protect her and community members will*

*respect her as someone's wife. Then the family will 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, while the community benefit from population growth, which is associated with early marriage. When girls marry at a young age, they tend to have more children than when they marry as adult. As a result, the community benefit by having a population that will take over from the old generation (Chiefs and Community Leaders from both Tepeth and Matheniko - 14 & 20/02/2018).*

Women leaders shared similar views with the chiefs. *Two of them said that, child marriage brings good luck and wealth to the family of the girl. In addition, it is an age long culture that united the members of the community (Woman Leader, Matheniko 20/02/2018 and another Woman Leader, Tepeth - 10/02/2018).*

The youths shared a slightly different opinion. They responded that *child marriage benefits only greedy parents who marry off their daughters in exchange for animals. As for the person that is being married off, there are no benefits to the person, instead their spouse and in-laws often abused them (Group discussion with youths, Matheniko - 24/02/2018).*

### ***Item 2: Adverse impact of child marriage on the victim and the community***

Most of the chiefs and suggested that child marriage has no negative impact on the victim and the community. Most of them responded that, *child marriage empowers the victims, while the community benefit in terms of peace and population growth (Local Chiefs, Tepeth and Matheniko - 14 & 20/02/2018)*

However, women leaders has a different view, one of the women leaders responded by saying, *it affects the victims in term of getting education and as a result they suffer poverty with their children. In addition, it makes the victims to have many children, which they are usually unable to take care of and thus create a vicious circle of poverty for the victim's family (Women Leader, Matheniko - 20/02/2018).*

The youths shared similar view with women leaders; they believe that child marriage has a negative impact on the victims and the development of their community. According to the youths, *when young girls are married off, the main concern is not to get education or other*

*forms of empowerment; instead, they are expected to bear children immediately after marriage. This is why we have many poor families in our community, and because they cannot train their children in school due to lack, the community is not experiencing development. For example, we lack educated people in government and because of that; we have not been able to attract government's attention to facilitate development projects in our communities (Group discussion with youths from both Tepeth and Matheniko - 12 & 24/02/2018).*

### ***Item 3: Possible solutions to the practice of child marriage***

*The government should make the laws incriminating child marriage effective. Yes in Uganda, child marriage is a crime but the government has not been serious in enforcing the law. The government should send law enforcement agents to the villages to arrest parents, clan men and other adults who participate, support or encourage child marriage. Once the law against child marriage is enforced, and culprits sentenced to prison, the practice will significantly decrease. Another solution is to eliminate pride price. If the government can ban the use of cows as bride price, it will reduce the temptation on the side of parents to sell their daughters into marriage in order to receive cows and other animals as pride price. If the government can set bride price at let's say a maximum of 200,000 UGX, then it will reduce child marriage (Local Council I Member, Tepeth - 13/02/2018).*

*Implementing a couple of measures will stop Child marriage, such as awareness campaign. Most parents and community leaders lack understanding of the dangers associated with child marriage, therefore the government should initiate an awareness program to educate the members of our community of the long-term dangers of child marriage. Besides, the government should arrest and prosecute any parent that marries her daughter at a young age. Longtime prison sentence for those caught will deter other parents from selling their young children into marriage. Because the practice has lasted for generations, it requires a combination of awareness and penalty to stop it (Group discussion with youths from both Tepeth and Matheniko - 12 & 24/02/2018).*

## **CHAPTER FIVE**

### **DISCUSSION OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS**

#### **5.0 Introduction**

This chapter deals with discussion of the findings of the study. The findings were presented based on the objectives that guided the study and discussions were presented with reference to similar works done in previous studies. The chapter then draws conclusions from the discussions, after which it offered recommendations. Finally, it provides areas for further research.

#### **5.1 Discussion of Findings**

The findings of the study were presented chronologically following the research objectives.

##### **5.1.1 Factors influencing child marriage in Tepeth and Matheniko.**

The study findings revealed that there are three main factors influencing the practice of child marriage in Tepeth and Matheniko, namely; poverty, cultural practice of cementing alliances and women's status in society.

**Poverty:** The study findings show that poverty is a major driver of child marriage in Tepeth and Matheniko. Most respondents across the different categories cited poverty as a cause of child marriage. It was found that many parents marry their daughters in the hope of securing their financial security. In this case, bride price is usually a motivation for parents to marry their young daughters. Although dowry is occasionally termed a token of appreciation, as opposed to a transaction, the exchange entails two implications: first, that women feel unfree to leave their husbands as they know their families will lose the much-needed livestock, and second, that families in need of livestock such as cow often arrange for their child daughters to be married simply for the income. Thus, child marriage is a prevalent occurrence throughout Tepeth and Matheniko communities. The study finding shows that parents or guardians choose to collect dowry rather than to continue paying their daughter's school fees – especially given that a younger bride incurs a higher price to the husband. Poor parents therefore, believe that marriage holds greater and immediate potential for their daughter's financial security compared to completing secondary and post-secondary schooling.

Cementing Alliances: Reasons behind child marriages vary from one culture another. For the people of Tepeth and Matheniko one of the most cited reasons for the practice is culture. According to most of the respondents, children are betrothed even before birth to cement the strategic alliances between families. Although this aspect of betrothal has reduced with social change in the society, yet the practice of betrothal of young girls is still preeminent in both communities. The main reason for this practice is that families and communities perceive their daughters as tool to maintain and severe relationships with other families, clan or communities, even though this may not be in the best interest of the child. Thus, the girl child is perceived as a material/ good to achieve other benefits or interest of the family/ community. This finding corresponds with the finding reported by the International Centre for Research on Women (2007: 98), which reported that cementing alliances is among the major drivers of child marriage in India and Ethiopia.

Women's Status in Society: The status of women in society plays a key role in early marriage. Just like in many African societies, there is strong patriarchy in Tepeth and Matheniko. In both communities, patriarchy is generally not an explicit ongoing effort by men to dominate women rather, it is a longstanding system, which the people are born into and as a result, they participate in it without recourse to the impact on women. Accordingly, women are confined to disadvantage position. In Tepeth and Matheniko, girls are perceived as a burden to the family, because they will get married elsewhere and leave their natal family. Thus, parents prefer to educate boys and marry the girls off at an early age. A male child is more likely to gain full education, gain employment and pursue a working life, tending to marry later, while the girls are married off at early age. The low status of women in society is due to gender inequality. Gender inequality is a product of culture, in that male children are given preference, which evidently leads to poor treatment of girls and women in society. This finding is in line with (UN, 2004: 26) report on child marriage in India. The UN reported that in India, the birth of a girl is usually an occasion of heartbreak, sorrow and despair, even in relatively affluent and educated families. Families therefore, consider child marriage as a way of solving this perceived problem. Thus, the status of women in the society plays a big role in the practice of child marriage. This finding conforms to the arguments of one of the theories that guided the study - The Radical Feminist Theory. The theory contends that patriarchy is a major factor withholding women emancipation



in many societies and as a result, women occupy a disadvantaged position, while the men folk decide the future of women

### **5.1.2 Effects of child marriage on the human rights of victims in Tepeth and Matheniko.**

Child marriage undermines a number of human rights guaranteed by international legal instruments such as the CRC, UNCHR, ACRWC and other human rights instruments. For example, in the CRC, the following articles are undermined: (Article 28 and 29) “the right to education”; (Article 6), “the right to the best interest of the child”; (Article 3), “the right to be protected from physical or mental violence, including sexual abuse”; (Article 19), “the right to health”; (Article 31), “the right to not be separated from their parents against their will”.

**Right to Education:** In Tepeth and Matheniko, early marriage marks the end of school attendance for girl child. These affected girls are expected to get pregnant immediately after marriage whilst in most schools in Uganda, pregnant students are expelled, and there are no programs to help them continue their education. Although some of the Chiefs/ community leaders and women leaders interviewed expressed concern that their daughters attending secondary school would be more likely to become sexually active, however there is no empirical research to support this perception. The CRC not only emphasized on compulsory education for children, it insist on the need for education for children. The CRC General Comment (GC) No. I, contends that the right to education of children is an inalienable right, which has a direct impact to the human dignity and personal development of the child (Committee on the Rights of the Child, 2011). In Tepeth and Matheniko, the right to education of victims of child marriage is evidently impaired and compromised. Child brides in both communities usually give up on education to meet family and community expectation, which include taking up household responsibilities and most importantly to start bearing children immediately after marriage. This denies the victims the opportunity of achieving self-development, as well as being independent and empowered.

**Right to Healthcare:** In addition, the right to healthcare of the victims of child marriage in Tepeth and Matheniko are viciously violated, due to lack of access to quality healthcare, particularly when they are pregnant. The communities’ lacks functional healthcare facility, as such, they rely on orthodox/ traditional cure, which often results in health complications and invariably threatens other aspects of their human rights such as right to life. Child marriage prevents girl

opportunities to healthy and productive development, and exposes them to sexual abuse and contamination of sexually transmitted disease such as HIV.

The Right to Protection from Physical or Mental Violence, Including Sexual Abuse: Article 3 of the CRC among others protects children from sexual abuse and exploitation. However, the study revealed that this very sensitive right is violated by the practice of child marriage. Gender-based violence is widely accepted and experienced in child marriages in the communities of Tepeth and Matheniko. All the women leaders who married before the age of 18 expressed during interview that they have experienced both physical and sexual abuse in their marriages. Most of the physical abuse comes in form of beating by their husbands or in-laws, while sexual abuse is usually from their husbands but sometimes with the support and knowledge of family members. Thus, child marriage in Tepeth and Matheniko promotes both physical and sexual abuse, against international human rights laws and standards. This finding is in line with Green, Mukuria and Rubin (2009), whose research found that two-thirds of women in Ugandan who married between the ages 15–49 had experienced some form of spousal violence (physical, sexual, and emotional). According to the authors, when compared to those who married at age 18 or older there were less report of spousal violence than those who married at a younger age - a clear confirmation of the relationship between child marriage and gender violence and abuse.

Right to not be ‘Separated’ from Parents against will: Apparently, child brides in Tepeth and Matheniko are usually forced to leave their parents’ home against their will at a tender age. Consequently, their childhood is replaced with motherhood, which is a clear violation of the victim’s human rights. This practice is against Article 31 of the CRC, which specifies that a child should not be separated against will from his/ her parents.

In conclusion, the practice of child marriage in Tepeth and Matheniko results in violation of the different aspects of children’s rights ranging from rights to provision to rights to protection.

### **5.1.3 Effects of child marriage on the well-being of the victims and the entire communities of Tepeth and Matheniko.**

The study found out that the practice of child marriage compromises the well-being of the victims in Tepeth and Matheniko. Besides, it contributes to the underdevelopment of the communities. While it is fact that educating a woman can help educate future generations, the

opposite is also true. An uneducated woman will not be able to educate her own children and thus create a circle of poverty, destitution, suffering and hardship, which is evident among the victims of child marriage in both Tepeth and Matheniko. Child marriage often involves a young girl who is not physically and psychologically ready to be a wife and immediately a mother. Such change has serious impact on the girl's psychological welfare. It was found that, girls marrying at a younger age are susceptible to domestic violence, most of the respondents (victims of child marriage) in Tepeth and Matheniko, identified domestic violence by their husbands or in-laws as one of the negative impact of the practice on them. Due to lack of education, the victims always accept domestic violence as part of marital relationship. Considering that such violence had happened to mothers and subsequently to their daughters, it has resulted to loss of hope and well-being in girl child lives in Tepeth and Matheniko. In addition, child brides marrying old husbands have led to increase in the number of young widows in both Tepeth and Matheniko, which makes them vulnerable in the society and present a negative implication on the social development of children from these families.

Furthermore, early motherhood is one of the most adverse effects of child marriage and often leads to the death of the young mother during childbirth. Early motherhood puts the health of the mother and child in danger. According to research by Green, Mukuria and Rubin (2009), girls younger than 15 years old are five times more likely to die during childbirth than girls above the age of 20. It was found that about 108 young girls died during pregnancy and childbirth in Tepeth and Matheniko in 2017. Infant mortality rate is high in both communities. Due to circle of illiteracy in both communities, family and individual income are very low, standard of living is low, mortality rate is high and infectious diseases are rampant. As a result, the entire community is underdeveloped in terms of both human and infrastructural development. In absence of education, peasant farming and cattle rearing becomes the only way of life and survival in both communities.

The above finding is in line with a World Bank report published on 05 December 2017, titled "Accelerating Uganda's Development: Educating Girls and Ending Child Marriage and Early Childbearing". The report noted that:

Eradicating child marriage will result in remarkable economic progress in Uganda in terms of reduction in poverty levels, reduction in high population growth rate, attainment of higher education by girls and high standards of

living. In contrast, the perpetuation of child marriage would lead to lower educational attainment for girls and their children, higher population growth, substantial health risks, higher intimate partner violence, and lower earnings for women, as well as higher poverty (World Bank, 2015: 46).

Furthermore, the report made the argument that child marriage encourages high dependence ratio on the few working class, which results in lack of saving and investment due to outflow of the meagre resources. The burden of taking care of a child as a child mother contributes to low income due to rising population leading to low productivity in the economy since the teenage mothers have high incidences in disease that increase healthcare cost.

## **5.2 Conclusions**

The study examined the practice of child marriage from the perspective of human rights violation. It concluded that child marriage is a harmful cultural practice that presents negative consequences for the victim's well-being. It is a violation of the human rights of victims. Right to education, healthcare, personal development and best interest of the child are some of the significant rights of children violated by child marriage in Tepeth and Matheniko. Consequently, the study contends that child marriage should be eradicated in the best interest of children, who happen to be the main victims. Since the last six decades, the United Nations has passed different resolutions and issued several statements condemning child marriage and call on state parties to the CRC to take effective actions in eradicating the practice. In addition, regional organizations such as the African Union, through the African Charter on the Rights and Welfare of the Child specified that marriage should be for people from the age of 18yrs. Despite these international human rights instruments and the constitution of Uganda which stipulates 18 years as the legal age of marriage, child marriage continues to blossom in Tepeth and Mathaniko.

On the other hand, there are several benefits from entering marriage later in life despite the fact that it gives girls a chance to avoid all the possible consequences already mentioned. The girl is less likely to drop out of school and can therefore get a proper education and become self-sufficient (UNICEF, 2011:29). More schooling equals a higher income and also better health and empowerment for females. Other positive effects are that females tend to have fewer children when attaining a higher level of education and are therefore given a greater chance of entering the formal labor market and being self-sufficient. This in turn can contribute to better welfare and combating poverty in whole societies (World Bank, 2014). Also, studies have shown that

when marrying later in life, benefits are not only found in the first generation but are passed on to the coming generations as well. In sum, more focus on children (particularly girls), their well-being and education will benefit whole societies. According to the CRC, the elimination of child marriage is the responsibility of the state; therefore, the government of Uganda should use means available to them to eradicate child marriage within its borders. This can be achieved by implementing the recommendations offered by the study.

### **5.3 Recommendations**

The following recommendations were made based on the three objectives that guided the study:

#### **5.3.1 Factors influencing child marriage in Tepeth and Matheniko.**

- Although child marriage is prohibited in Uganda, the act continued partly due to lack of awareness in some communities of the legal instruments criminalizing the practice. Therefore, this study is recommending that the government of Uganda should initiate public awareness programs 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 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, criminal penalties against child marriage should be outlined, whilst law enforcement agents should be empowered to take necessary legal action in situations where there is a breach.

#### **5.3.2 Effects of child marriage on the human rights of victims in Tepeth and Matheniko**

- The research finding shows that child marriage affects several aspects of a victims' rights such as right to education; right to healthcare; right to protection from physical or mental violence - including sexual abuse; right to not be 'Separated' from parents against will. Therefore, to address these anomalies, the government of Uganda, should invest and support quality education for children, establish child protection mechanisms and improve public awareness programs on child marriage. The awareness program should focus mainly on rural communities, the likes of Tepeth and Matheniko among others. Accordingly, the government should collaborate with community elders and religious leaders in campaigning against the practice of child marriage. In addition, the government

should take drastic approach in fighting poverty, since it among the major factors causing child marriage. In doing so, the government establish skills acquisition centers for training adults in skills such as tailoring, hair dressing, shoe making and other skills. In addition, the government should launch soft loan scheme for rural peasant farmers in Tepeth and Matheniko. In this case, qualifying for loan will not require rigid collateral from beneficiaries. In addition, education should be made attractive to both the pupil and their parents in these communities. One way of doing this is to provide free education that will include free educational materials for pupils. Then the government or district council should establish a reward package for parents whose child/ children are in school. For example, a goat or cow may be given to each parent whose child did not miss school for an entire term. That alone will be enough encouragement for parents to ensure that their children attend school regularly. Furthermore, the government of Uganda should ensure that registration of marriage is a prerequisite and mandatory requirement before any marriage is conducted - both traditional, faith based and civil marriages. In light of the above, I am recommending that the government should establish “Marriage Registration Department” in the districts and should even bring it closer to the people by adding it as an arm of the LCI and LCII across the country. In this case, the LC officials will be empowered to monitor and report any marriage conducted within their jurisdiction without due registration and approval.

### **5.3.3 Effects of child marriage on the well-being of the victims and the entire communities of Tepeth and Matheniko**

- The government of Uganda and other stakeholders such as NGOs should support research programs to enhance data collection as well as monitoring and evaluation on child marriage consequences to the victims and communities involved in the practice. The government should establish a Complaint and Special Prosecutor Office for abuse, exploitation and violence against women in every district; so that cases of child marriage can be reported easily and thus encourage victims to seek justice and redress. Besides, education should be made free and attractive to children in rural communities such as Tepeth and Matheniko. Attractive in this context means providing school children with study materials such as uniform, school bag, sandals, books and other writing materials and at-least a meal at school. This in my opinion will encourage school enrolment,

attendance and consequently improve human development of the people of Tepeth and Matheniko and the overall development of both communities.

#### **5.4 Contribution to knowledge**

This study serves as a platform where voices of Tipeth and Matheniko people on the issue of child marriage have been aired out, experiences shared, and challenges pointed out. It highlights the many factors that facilitate the practice of child marriage in both communities. The study reveals how cultural dynamics propel child marriage and the hassle that Tipeth and Matheniko girls usually goes through to be a child, a wife and a mother at the same time and yet remains strong and hopeful for better things in the future.

Furthermore, the study made significant contribution to knowledge by relating the Structural-Functional Theory of Social Change and the Radical Feminist Theory to the practice of child marriage in Tepeth and Matheniko communities.

#### **5.5 Area of further research**

- The researcher recommends further research on the impact of child marriage on the social economic development of Uganda.

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**APPENDICES: APENDIX I**

**INTERVIEW GUIDE QUESTIONS**

Date: \_\_\_\_\_

**PART 1: PERSONAL INFORMATION**

Your name  
(Optional)

--

Gender

Male	
Female	

Age

--

Name of your community

--

Designation

Community Leader/ Chief	
L.C. Officer	
Youth (victims of child marriage)	
Women Leader	

What is your highest level of education?

Did not attend at all	
Primary	
Secondary	
Degree	

Marital Status

Single	
Married	
Divorced	

## **PART 2: INTERVIEW GUIDE QUESTIONS**

- (1) What is your understanding of child marriage?
- (2) What are the major causes of child marriage in your community?
- (3) Although there may be many causes of child marriage, what is the number one factor driving child marriage in your community?
- (4) Do you think that there are benefits from child marriage, either to the victim, his/her family or the community?
- (5) Do you think that child marriage has any negative impact on the victim and the development of your community?
- (6) What is your understanding of the term 'human rights'?
- (7) Do you think that child marriage is a violation of the human rights of the individuals affected by the practice?
- (8) In your opinion, what are the possible ways/ solution(s) to child marriage in your community?