

# Detest Child Grooms!

## POLICY BRIEF



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By the RAJA-Child Justice Subgroup led by UCRNN

### Executive Statement:

CHILD JUSTICE remains a challenge, especially for survivors of sexual abuse and exploitation, and Violence Against Children (VAC). Child marriage is one of the injustices in Uganda and is rooted in gender inequality and the high unemployment rates, impacting the boy child in equal measure. It was exacerbated by the effects of the COVID-19 pandemic and high poverty levels. It denies children, the boys in this case their rights, choice and participation, and undermines numerous development priorities, hindering progress towards a more equal, healthy and prosperous world.

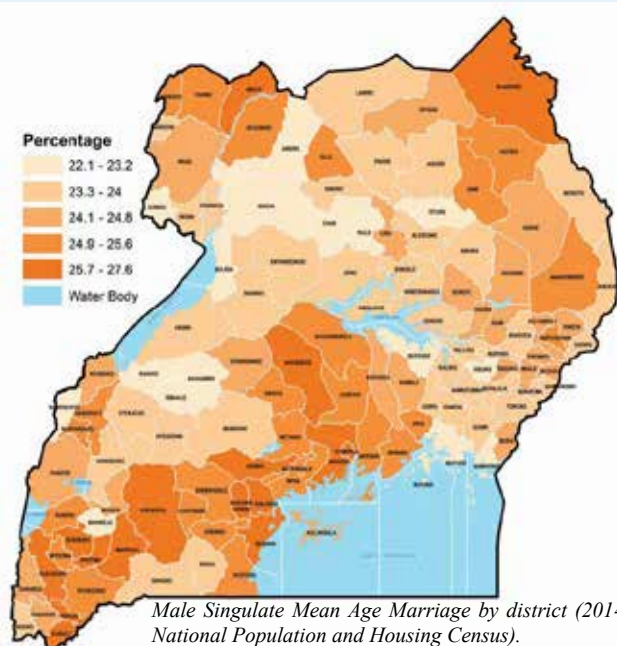
It is only a logical observation that most of the existing policies and laws were not formulated using a gender lens coupled with poor enforcement of the existing laws on child justice in the country. A case study of Kyotera district gives us an opportunity to understand the extent of child marriage with a focus on the boy child.

In a special way, Uganda like many African countries is a patrilineal society and risks having a generational gap of an unproductive population of the male gender if the vice of child grooms is left unabated. Moreover, investing in the prevention of child marriage can save Uganda millions of dollars spent on addressing the impact on fertility, population growth, and child & maternal health programmes. Ending child marriage through enhancing access to justice is an economically practical decision since child grooms are less likely to actively participate in the workforce once they become adults. And when they do, it is usually in the lower skilled and lower paid jobs. This Policy Brief provides the opportunity to act on the gaps in the existing legal regime that are generic and tend to focus more on the girl child, with no specifics tied to the boy child. It is because of this disparity that there is scanty data to augment this phenomenon. This brief also calls for a drastic strategic reflection through the recommendations and strategies herein aimed at enhancing access to justice for the survivors of child sexual abuse and ending Child marriage with a focus on the boy child.

### The Issue in Context

Despite tough legislation against sexual encounters with minors, child marriage continues to be widely practiced, particularly during and after the COVID-19 lock-down of 2020. It is exacerbated by the lack of sufficient empirical evidence on the prevalence, scope, risk factors, and impact of the vice of sexual violence, particularly on the boy child. This aside, existing legislation and media reporting increased incidence of child abuse focusing more on the girl child, leaving the boy child to suffer the killer vice in the jaws of increasingly mushrooming perpetrators who enjoy the country-wide laxity in law enforcement, and ignorance on rights among the population. Although the impact on Child grooms has not been extensively studied, marriage may similarly place boys in the adult role for which they are unprepared hence curtailing their opportunities for further education. (UNICEF May 2022)

In UNICEF's Journal of 2019, "child marriage among boys; a global overview of data" it is acknowledged that there is minimal information to date on Child Marriage among boys. And yet in some of the countries with data over the last 10 years, on average 4.5% of young men aged 20-24 years were first married or in union before age 18!



The provisions in Article 19 and Article 34 of the Convention on the Rights of the Child, state that children shall be protected from abuse and neglect, from sexual exploitation including prostitution and involvement in pornography.

Article 20 of the Constitution of Uganda as amended (1995) states that fundamental rights and freedoms of individuals are inherent and not granted by the State. Sec 129 (1) of the Penal Code Act (2007) states that any person who performs a sexual act with another person who is below the age of eighteen years commits a felony known as defilement, and is on conviction liable to life imprisonment. The Children Act Cap 59 Sec 8A (1) Prohibits a person to engage a child in any work or trade that exposes the child to activities of sexual nature whether paid for or not.

The problem of boys being lured into “marriage” by older women is steadily gaining space among communities and becoming a concern to key actors in the Child Welfare and Protection space as evidenced from the Voices in Kyotera district. It is believed that boy marriage occurs because of poverty and unemployment among the youths of either gender. In most cases, these adolescent boys end up in low paying hard labor jobs and after working a couple of months without realizing financial freedom, peer influence leads them to looking-out for quick and easy money, predisposing them to the vice of boy marriage perpetrated by the ‘sugar mummies’ who seduce the boys during ceremonies, bars, and night clubs to achieve sexual satisfaction in return for instant presents, gifts and ‘quick cash’ for sexual services rendered. Voices from Kyotera district confirmed that the older women seduced the boys with money and alcohol in the quest for sexual satisfaction. “Yes we do have a woman in this community aged 45 who married a 17 year old boy”, - a female Parasocial Worker from Bugaaju Village in Kyotera. In fact, there is a strong relationship between child labor and child marriage .

The older women use their power to take advantage of these boys since there exists a country-wide high degree of negative attitude towards productive work among many adolescents of 15-19 years mostly caused by despair, which also points to a breach of the National Child Labour Policy by the

offenders.

The “boy marriage” if left unabated, has negative consequences, including subjecting Uganda’s patrilineal society to be led by a socially damaged gender whose masculinity has been eroded. The already dwindling six structures of patriarchy among boys in some communities pose a risk of distorted societal systems, cultures, and norms, whilst leading to a generational challenge of regressive leadership as opposed to the girl child who already has a place for herself and her family as construed in the gender roles. Moreover, the problem is further compounded by risky behaviors contributing to ill health and negative life outcomes thus affecting the psychological, social, and physical wellbeing of the victims .

### Existing Legal Framework

Uganda enjoys a variety of laws and policies within the Child Protection sector; these regulations are intended to protect the interests of vulnerable children , and stop all violations against children.

The following legal instruments have provisions for the prevention of injustice caused by child marriages, and the protection of children from harmful practices such as the one that we are addressing herein; The Constitution of Uganda 1985, The Children’s Act as Amended (Cap 59), The National Strategy to end Child Marriage and Teenage Pregnancy (NSTCM&TP), The National Population Policy 2008, The National Parenting Guidelines, MGLSD (May 2018), The National Child Policy 2020, The Penal Code Act. National Youth Action Plan (Ug 2016).

The mentioned instruments have detailed provisions for the protection of children against the injustice of marriage and provide for collective responsibility in rescuing the children involved, convicting the perpetrators, and rehabilitating the victims. The rehabilitation process gives our country an assurance of a healthy youth population being a key cornerstone to national development. These also go ahead to analyse the contributory facts to Violence Against Children and how in the long run they have an implication on the economy of our country.

## Existing Legal Frameworks and Gaps cont'd

However, many of these make reference to the Girl Child thereby leaving the Boy child as a point of no concern. And yet the Uganda 1995 Constitution set the minimum legal age for marriage at 18 “for both males and females”. It is therefore a gap that other subsequent Instruments do not highlight the male gender in context.

Majority of the instruments that were reviewed barely mention the boy child as being vulnerable to sexual violations by older women thus ending up in a union of “marriage”. Where mention is made of this disturbing scenario, it lacks the strategies to proactively address this vice not even providing how dangerous this can be to the victim and humanity. However, The National Population Policy 2008 acknowledges the persistent cultural practices and norms regarding Child marriage and their negative implications and goes ahead to recommend to the core Departments to address the issues highlighted.

## Policy Recommendations

1. Actively engage boys and male youths in the interventions, planning, and implementation process to end this vice that has crept into society and put the lives of young people at greater risk.
2. Reflect on and review existing policies and laws, using gender lens to address Violence against Children (VAC), with a focus on child grooms. Conduct nationwide sensitization on the hidden vice of child grooms and increase access to legal aid services to survivors of Child Sexual Exploitation and Abuse (CSEA) as a priority, including boys, children with disabilities, and children affected by HIV/AIDS
3. There is need to advocate for operational child protection systems among all key stakeholders to generate, collect new data or update their databases to gender disaggregated data, to enable all-inclusive gender mainstreamed policy development.
4. Improve mechanisms for information sharing and awareness/ dissemination of rights and policies, on sexual exploitation and VAC, with a focus on the boy child. This must target all local leaders, cultural institutions, and opinion leaders, including the religious leaders both in rural and urban areas. As much as possible, translate messages into the local language of the target beneficiary for a better understanding.
5. Civil Society Organizations (CSOs) and Development Partners to include preventive measures of ending Violence Against Children alongside interventions on livelihood issues, making it a sustainable social economic intervention.
6. Further research is required on sexual violence among boys with disabilities in Uganda and the effects of young boy marriages on their survival and development.
7. There is need to continuously equip judicial officers and law enforcement departments with the appropriate skills and resources to improve the turnaround time courts for cases that involve children; in this way, the Principle of Avoidance of Delay shall be upheld
8. Government to regulate digital technology use among children. The Government is hereby urged to invest in children’s safety and online protection to fight the increasing threat of online child sexual exploitation and abuse. The appropriate legislation on preventive measures must be enacted and popularized.
9. On the aspect of investigations by the Police and use of Police medical form 3 (PF-3), there is need to review or expand the current pack of tests to include appropriate tests for the boy child victims of sexual violence and must include tests for HIV and other STIs to be implemented nation-wide.
10. There is need to institute effective collaboration and implementation mechanisms at national and regional levels with key stakeholders at different segments to enforce the access to justice for survivors of sexual abuse and exploitation, particularly the boy child.



### THEORY OF CHANGE

#### Overall Strategy

A long-term, sustainable effort is needed from different actors/ stakeholders to end child marriage (CM), particularly the boy child. The key stakeholders led by Government, Civil Society Organizations-CSOs, Development Partners, and Private Sector, Faith-Based Institutions, Cultural Institutions, Opinion Leaders / Elders, and the local community structures. The expected change will need to be supported and catalyzed by collective efforts at district and national levels. Adequate resources must be made available to support the effective implementation of strategies. All stakeholders to address CM should evaluate programmes, share lessons learned and best practices, and coordinate their efforts to achieve maximum scale and impact. Additionally, efforts to end child marriage should fit within the National Development Plan (NDP III) and should play an integral part in achieving Vision 2040 and sustainable development goals (SDGs) of 2030.

#### Specific Strategies

##### A. EMPOWER BOYS

Invest in the participation of boys and their well-being through programs on awareness on rights, legal access initiatives, peer-to-peer collective action against sexual exploitation and abuse and Violence against Children-VAC initiatives, and, increased access of boys with and without the sexual unions (married and unmarried); to health, education and economic support.

##### B. MOBILISE FAMILIES & COMMUNITIES

Families, communities and young people are engaged to change their attitudes and behaviours towards child marriage. Use existing community structures through strategic collaborations to resist the vice of child grooms. Increase use of the media to inform and support initiatives that aim at ending child marriage.

##### C. PROVIDE SOCIAL SUPPORT SERVICES

Synergies in service provisions, support skills development for boys, develop protocols for early warning signs and risks of child marriage, run nationwide campaigns to demonize and mitigate child marriages, and develop

a collaborative matrix across sectors, Civil society organizations-CSOs & development partners led by Government, engage existing community structures and tailor to specific needs of boys at risk of child marriage including those rescued.

##### D. REFLECT, REVIEW AND IMPLEMENT LAWS & POLICIES

Reflect and review existing policies and laws using a gender lens to establish a robust legal and policy framework for preventing child marriage and particularly stamping out child groom marriages. Lobby GoU to develop supportive policy frameworks with adequate resourcing to MoGLSD & MoES to end child marriage in the country.

### RESULTS

*Boys and Girls aware and knowledgeable of marriage laws are empowered to decide when and who to marry at age of majority*

- Boys at risk of child marriage participate more in decisions affecting them, including the subject on marriage.
- Boys at risk of child marriage benefit from improved educational and social support initiatives to avert child marriage and detest unwanted sex.
- Boys in marriage settings are better protected from violence, exploitation or abuse by increasingly accessing and using legal and social support services of all kinds
- Local Councils, communities, traditional and religious leaders take greater action to demonize and end child marriage and champion the rights of boys.

*Boys and Girls rescued from marital unions lead healthy, empowered lives*

- Local Councils, community, traditional and religious leaders increasingly provide social and economic support alternatives for boys beyond marriage.
- Women and Men increasingly take action to end child marriage by engaging less in exchange of presents for child grooms.

- Development partners take greater action to prevent child marriage and support the needs of boys rescued from marital unions
- Law enforcement officials increase implementation and enforcement of legal frameworks to prevent child marriage and protect boys rescued from marital unions
- Law enforcement officials increase the use of civil registration systems for birth and marriage.

## References:

Quraish Sserwanja , 1 Joseph Kawuki2 and Jean H Kim3(2020), Increased child abuse in Uganda amidst COVID-19 pandemic: <https://bettercarenetwork.org/sites/default/files/2020-12/jpc.15289.pdf>

Ibid, 70% of the annual statistics handled by JLOS institutions are petty offenders.

Annual Crime Report (2019): [https://www.upf.go.ug/wp-content/uploads/2020/04/Annual-Crime\\_Report-2019-Public.pdf%3Fx45801&ved=](https://www.upf.go.ug/wp-content/uploads/2020/04/Annual-Crime_Report-2019-Public.pdf%3Fx45801&ved=)

UNICEF (2021). The Relationship between Child Labour and Child Marriage. <https://www.unicef.org/rosa/media/15836/file/The%20Relationship%20between%20Child%20Labour%20and%20Child%20Marriage:%20A%20Discourse%20Analysis%20.pdf>

The structural articulation of generations in Africa (2002). <https://journals.openedition.org/etudesaficaines/135?lang=en#>

Uganda: child abuse and neglect situation analysis report 2019; ANPPCAN. [www.anppcan.org/uganda-child-abuse-and-neglect-situation-report-2019/](http://www.anppcan.org/uganda-child-abuse-and-neglect-situation-report-2019/)

Plan International, Unrecognised Sexual Abuse and Exploitation of Children in Child, Early and Forced Marriage. [https://plan-international.org/uploads/2022/01/child\\_marriage\\_and\\_csec\\_thematic\\_report\\_plan\\_international\\_and\\_ecpat.pdf](https://plan-international.org/uploads/2022/01/child_marriage_and_csec_thematic_report_plan_international_and_ecpat.pdf)

World Vision. A case Study for the Child Protection in Emergencies (CPiE) Integrated Programme for Refugees in Uganda 2016. <https://www.wvi.org/disaster-management/publication/child-protection-emergencies-cpie-integrated-programme-refugees>

Disrupting Harm in Uganda: Evidence on online child sexual exploitation and abuse (2021). [https://www.end-violence.org/sites/default/files/2021-11/DH\\_Uganda\\_ONLINE\\_final%20Report.pdf](https://www.end-violence.org/sites/default/files/2021-11/DH_Uganda_ONLINE_final%20Report.pdf)

World Bank and International Centre for Research on Women (ICRW), 2017. <https://girlsnotbrides.org/articles/costs-child-marriage-world-bank-research-say/> in a union of "marriage". Where mention is made of this disturbing scenario, it lacks the strategies to proactively address this vice not even



The USAID/RAJA is a three year activity implemented by Freedom House which commenced on September 1st 2020. RAJA seeks to ensure that citizens know, use and shape the law to exercise their civil and political rights in a safe and secure manner. The program aims to ensure that members of vulnerable populations including children who are victims of human rights abuses are supported to access justice, protection and referral services.

One of the areas under RAJA is Child Justice with the project of “Enhancing access to justice for children in Uganda”. The project implementation is on course in six districts of Wakiso, Lira, Arua, Kyotera, Mukono and Mbale. The project aims at increasing access to legal aid services of child sexual exploitation and abuse including children with disabilities and children affected by HIV/AIDS. The project also aims at strengthening systems at community and national levels (informal and formal) to prevent and respond to child sexual exploitation and abuse through by-laws, community sensitization and legal awareness campaigns.

### The Child Justice Subgroup members:



UCRNN: was formed in 1997 as a coalition of child focused organizations including community based, national and international organizations working for the welfare and the rights of children in Uganda. UCRNN plays a role in mobilizing child focused organizations for collective action at national, regional and international level and has been the CSO voice on child rights in Uganda.



Child Aid Uganda: was established in 2004 by a group of Ugandan children rights activists and professionals in response to the ever increasing needs of HIV/AIDS orphans and other vulnerable children living in difficult circumstances superceding the available interventions from other NGO's. The organisation was formed to protect and provide care to orphans and vulnerable children to achieve a purposeful future.



Free Child Uganda: was started in 2016 due to demand and shortage of legal representation of juvenile offenders, and inadequate rehabilitation and reintegration programmes in the country. With a rights based, non-institutional approach the organisation gives voices to thousands of neglected and delinquent children through legal aid, counselling and facilitating the release and resettlement of children from government detention centres and remand homes.



LDC/Legal Aid Clinic: was founded in 1998 and started its activities in 1999 by assisting in imparting practical skills to students of the Diploma in Legal Practice (Bar Course) through its Clinical Legal Education Program and Providing legal aid services to juveniles, indigent litigants and accused persons. In fulfillment of its mandate, the clinic has been carrying out; A Reconciliation Program at Magistrates Courts, Diversion Program for children in conflict with the law, Use of Bar Course students to access to justice for juveniles.



FIDA Uganda: was formed in 1974, to provide legal aid services through a strategic network of offices reaching into 20 districts across the country, supported by lawyers, FIDA Uganda Members, Community Legal Volunteers, and local authorities. The organisation promotes and defends human rights with a focus on the rights of women and children