Early Child Marriage, Sexual Practices and Trafficking of the Girl Child in Uganda

Prof. Dr. Mirjam van Reisen
Professor International Relations, Innovation and Care, Tilburg University, School of Humanities, Department of Culture Studies

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Rue Stévin 115, 1000 Brussels, Belgium
Tel: +32 2 230 0732; gsm: +32 479 468 690; e-mail: mirjamvanreisen@gmail.com

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1. Background

This report was commissioned to provide background to the practice of early child marriage in Uganda (Baganda ethnic community) and sexual practices related to underaged girls.

The research is carried out by the Research Network Globalisation, Accessibility, Innovation and Care (GAIC). The network carries out research in the area of social protection, gender, mobility, migration and human trafficking.

The research network has recently implemented various research projects, funded by the Dutch government, the EU and private funders. This research includes research in the following areas:

- Social protection in Uganda
- Trauma amongst women and girls in Uganda
- Mixed Migration in East Africa and the Horn
- Human Trafficking Routes in East Africa and the Horn

In Uganda the network collaborates with Makerere University and Mbarara University.

Prof Dr. Mirjam van Reisen
Chair International Relations, Innovation and Care
Coordinator Network Globalisation, Accessibility, Innovation and Care (GAIC)
Faculty of Humanities
Department of Culture Studies
Tilburg University

Member of the Dutch Government Advisory Council on International Relations
Chair Commission Dvelopment Cooperation
Director Europe External Policy Advisors

2. Introduction

This report describes the practices of early marriage and sexual customs of under-aged girls in Uganda.

Uganda is a landlocked country in East Africa, bordered between South Sudan, Kenya, Congo and Rwanda. In 2014, Uganda had a population of approximately 34.6 million people (National Population and Housing Census, 2014, in: Uganda Bureau of Statistics, 2016), and according to recent data published by countrymeters.info, currently a population of 41 million, of which 51% was female (Uganda Bureau of Statistics, 2016).[1] Uganda gained independence in 1962.

Where possible this report focuses specifically on the Baganda ethnic community.

The Baganda community lives in Central Uganda, a Bantu ethnic group and a subnational kingdom within Uganda (since 1992), in the presidential republic of Uganda. The origin of the Kingdom of Buganda, is in the 16th century. The Kingdom is headed by the king or Kabaka. The Baganda have their own language (Luganda) and cultural practices. The Baganda constitute 18% of the population of Uganda.[2]

The Bantu-speaking ethnic group constitutes the majority, amongst a varied ethnic Ugandan population comprising of over 65 dialects. (Uganda Education for All 2015 National Review, 2015: 6). For inter-ethnic communication Luganda (the language of the Buganda) and Swahili are used. Swahili is the dominant language in the East African region.

English is the official language in Uganda, considered neutral, and Swahili, has been proposed as the country's second official language, displacing Luganda as a more 'neutral' option. English is the principal language in education, and is used as the formal language in official communication of the government and the judiciary.[3]

This report is based on a literature review and information provided by experts.

[1] UNICEF (2016) lists a population of 39 million people in 2015. (p. 152).
[2] The ethnologue (online): https://www.ethnologue.com/
[3] https://theconversation.com/english-rules-in-uganda-but-local-languages-shouldnt-be-sidelined-49381

3. Legal and policy framework and challenges

Article 21 of the Constitution of the Republic of Uganda provides for equality under the law and freedom from discrimination (Constitution of Uganda 1995, Article 1, Article 2). Specific laws such protect Orphans and other Vulnerable Children. Uganda has ratified the Convention on the Rights of the Child. Its implementation remains a reason for some concern. The latest available report by the Committee (2005) concludes that:

> *The Committee welcomes the information that significant progress has been made to achieve the goals of the Uganda National Programme of Action for Children (UNPAC). However, the Committee is concerned at the lack of a systematic review and update of UNPAC with the view to incorporating the goals of the outcome document entitled "A world fit for children" of the General Assembly special session on children (2002). It is further concerned that insufficient allocation of resources has resulted in a lack of sustainable results and that problems related to HIV/AIDS and prolonged armed conflict have negatively affected the implementation of UNPAC. (UN Committee on the Rights of the Child (CRC), 2005)*

Despite this general depressing picture, the Government of Uganda has made great strides in its attempts to domesticate international law in national legislation. In newly adopted legislation in 2007 it set out the obligations of all parents and guardians towards the protection of children in their charge, giving particular emphasis to the right of education:

> *The Uganda Children's Act continued to echo out children rights to education and this is articulated in Part II; section 5. Section 5 states that…….. 'It shall be the duty of a parent, guardian or any person having custody of a child to maintain that child and, in particular, that duty gives a child the right to education and guidance……' (Uganda Education for All 2015 National Review, 2015: 18).*

In 2008 Uganda further amended the law to strengthen policy regarding education:

> *The Education (pre-primary, primary and post-primary) Act of 2008 is "An Act to amend, consolidate and stream line the existing law relating to the development and regulation of education and training, to repeal the Education Act and to provide for other related matters"(UN Educational, Scientific and Cultural Organisation (UNESCO, 2016b)*

The implementation of this legislation is monitored by the Uganda Commission on Equal Opportunities which is a statutory body established by the Equal Opportunities Act of Parliament (2007) (http://www.eoc.go.ug/). In addition to the Constitution and Equal Opportunities Act, a number of laws and Acts help strengthen the legal framework on Equal Opportunities in Uganda.[4]

[4] These include: a) The National Gender Policy 1997 b) The National Youth Council Act Cap 319 Laws of Uganda 2000 c) The Children Act Cap 59 Laws of Uganda 2000 d) The Local Government's Act Cap 243 Laws of Uganda 2000 e) The Land Act Cap 227 Laws of Uganda 2000 f) The National Council on Disability Act, 2003 g) The National Youth Policy 2004 h)

An important source of gender disparity in Uganda is the ownership of land. Whereas only 5% of women own land, the majority of farming is implemented by women (UNDP, 2016b: 58: Nakazibwe, 2016). The discrimination against women in land ownership was condemned by the Equal Opportunities Commission (2016).

The National Orphans and other Vulnerable Children's policy 2004 i) The National Policy on Disability, 2006 j) The National Policy for Older Persons, 2009 k) The Public Finance Management Act (2015) l) The Marriage and Divorce Act m) The Succession Act (Cap 162) (listed in Strategic Plan 2015/2016 – 2019/2020, Equal Opportunities Commission, 2016.

4. Gender Disparities in Education

It is generally recognised that gender disparities in Uganda are significant and that change is difficult to achieve:

> *Cultural attitudes about girl's roles for instance, are still negatively strong and resist rapid changes. (Uganda Education for All 2015 National Review, 2015: 6).*

UNESCO found that inequality in primary schooling in Uganda was still large, but also pointed out that studies show that the introduction of new legislation to abolish school fees and policies to support implementation to enhance enrolment in primary education have indeed shown positive progress, especially benefitting the girl child:

> *Uganda have some of the worst inequality in access by wealth in pre-primary schooling. Uganda has been particularly successful [in eliminating school fees and thus increasing enrolment of disadvantaged groups] : studies found that fee abolition for primary education reduced delayed entry into schooling, incentivized enrolment and reduced dropout, particularly for girls and for children in rural areas (Deininger, 2003; Grogan, 2009; Nishimura et al., 2009). (UNESCO, 2016b)*

Nevertheless, gender inequalities in primary schools have remained a challenge, prompting the Government of Uganda to establish a plan to address this within its education policy:

> *The need to deal with gender inequality is re-echoed in the Revised Education Sector Strategic Plan (2007 – 2015), "MoES re-echoes the need to deal with gender inequalities, particularly, addressing barriers to girls' education. (UNESCO, 2016b)*

UNESCO lists the following challenges to the completion of girls' education in Uganda:

> *"Persistent Challenges to Girls' Education:*
>
> *i. gap between policy and practice (not enough transparency and promotion of the policies and strategies put in place to help their implementation)*
>
> *ii. Persistent gender gaps at critical points of education access*
>
> *iii. Persistence of low Value attached to Girls' Education*
>
> *iv. Sexual Abuse of Girls: An Urgent Matter of National Importance*
>
> *v. Early Sexual Engagement*
>
> *vi. Teenage Pregnancy*
>
> *vii. Lack of child friendly School environment*
>
> *viii. Inadequate Life Skills Training*
>
> *ix. Inadequate Gender Capacities among Key Actors" (UNESCO, 2016)*

In order to make an effort to address the problem of gender inequality in the education system, the Government of Uganda issued a circular to end sexual violence and violence in schools:

> *Circular No. 2/2015 (August 2015) "ban on all acts of violence against children in schools, institutes and colleges". "1. The Ministry of Education, Science, Technology and Sports has noted with great concern the increasing acts of violence against children/learners in schools, particularly bullying, administration of corporal punishment (caning), sexual abuse such as defilement and rape, use of and distribution of pornographic materials, sexual harassment, emotional violence, neglect and negligent treatment. 2. Violence against children/learners undermines the security and safety of children in schools, inflicts pain and fear among children in schools, reduces children's retention and performance in schools, undermines their right to education, right to protection and a right to development. 3. The Government of Uganda through the 1995 Constitution Article 24, the Children Act Cap 59 (2008), the Penal Code (Amendment) Act 8 (2007), the Domestic Violence Act (2010), Employment Act (2006) outlaws acts of violence against children in schools. (UNESCO, 2016b)*

But not just in-school violence ends girls' education; early child marriage is seen as a serious impediment to school completion of girls once they reach teenage age:

> *Under-age marriage has many causes in Uganda. Mainly, it results from poverty and girls' only limited access to education. According to traditional and social norms, moreover, a girl should be married at a young age in order to full duties as a wife and mother. (Diesch and Ntenga, 2016: 2)*

Child marriage is not allowed under the law; the Ugandan constitution of 1995 declares 18 to be the legal age of marriage.[5] According to Diesch and Ntenga customary practice is prevalent in rural communities and takes precedence over the constitution in practice:

> *… the relevant laws have not been enforced stringently, and according to religious norms and traditions, marriage is possible once puberty has started. (Diesch and Ntenga, 2016: 2)*

Pointing to gender discrimination, sexual violence and teenage pregnancies, UNESCO identifies the challenges girl children face, and further identifies that school completion amongst the poorest girl children remains a serious challenge:

> *[P]rimary attainment rate – that includes all school-age children in a population rather than just those enrolled, gender disparity in completion of primary schooling has often remained far wider among the poorest*

[5] "Child marriage is defined as any legal or customary union involving a boy or girl below the age of 18. This definition draws from various conventions, treaties, and international agreements, including the Convention on the Rights of the Child, Convention on the Elimination of All forms of Discrimination against Women, Universal Declaration of Human Rights, and recent resolutions of the UN Human Rights Council." (Parsons et al. 2017: 12)

> *children than the richest (…). Despite overall progress in reducing gender disparity in primary attainment since 2000, the poorest girls still face severe disadvantage in entering and completing primary education. In countries such as (…) Uganda, where gender parity in primary attainment has been achieved since 2000 for the richest girls, the poorest girls still lag far behind the poorest boys. (UNESCO, 2016)*

In addition, rural areas remain underserved, according to the Government of Uganda, who states:

> *This implies that the rural population (which accounts for 75% of the total population) will remain under-served well into the Post 2015 era. (Uganda Education for All 2015 National Review, 2015: xix).*

The Ugandan Government was concerned that progress on education was hindered by poverty, the prevalence of HIV/AIDS, youth unemployment and social exclusion:

> *During the period under review notable social trends that had a bearing to the implementation of EFA [Education for All] goals include poverty, HIV/AIDS prevalence, high youth unemployment and social exclusion. (Uganda Education for All 2015 National Review, 2015: 10).*

Social marginalisation undermines efforts by the Government of Uganda to ensure all children are enrolled in education, as is explained as follows:

> *Social marginalization (attributed to a combination of factors that include poverty, geographical and rural location and cultural barriers), was one of the negative social trend that persisted in the period under review. For instance as result of cultural beliefs some communities did not send their girls to school because they are perceived as a source of additional family labour and wealth. (Uganda Education for All 2015 National Review, 2015: 10).*

In addition the Government of Uganda acknowledges concerns over illiteracy rates resulting in (amongst others) the inability to change attitudes and conversations on sexual practices, holding back the development potential of girls, especially in poverty-ridden rural areas:

> *Other barriers to positive social change that the country experienced during the last decade include; significantly high illiteracy levels among the adult population (which creates inability to read and comprehend development messages), negative peer pressure and cultural inclinations that perpetuate gender inequalities and failure of parents to address sexual issues with their children (as sex matters remain taboo among most communities). (Uganda Education for All 2015 National Review, 2015: 10).*

Such obstacles exacerbate traditional sexual practices, as well as the risks of contracting HIV/AIDS, leading to further impoverishment and dependency on low-resource communities, especially in rural areas.

5. Description in numbers

In this section, the actual situation in Uganda will be described on the basis of the available statistics.

5.1. Dependency, poverty and subsistence

The population obtaining their livelihood from subsistence farming is 69% (ibid) and 80% of the population lives in agricultural households (ibid). 50% of the population is under the age of 15 (countrymeters.info). The dependency ratio[6] is currently high at over 100% (with under aged and over 65 elderly as dependents); this means that for every person in active work there is one dependent (not in active work). Dependency is measures as ages 0-15 and over 65 (https://data.worldbank.org/indicator/SP.POP.DPND).

The government of Uganda expresses concern over the persistence of poverty, especially in rural areas:

> *In 2001 the percentage of Ugandans living in poverty was estimated 57%; by the end of the decade this proportion had reduced to 24.5%. However throughout this period the incidence of poverty remained higher in rural areas than in urban areas. The rural areas with 85 percent of the population accounted for 94.4 percent of the national poor. (Uganda Education for All 2015 National Review, 2015: 10).*

Invariably poverty in Uganda is associated with vulnerability, affecting education of children, especially girls and further associated with Most at Risk Populations, increasing the risk of exposure to early marriage, sexual violence and trafficking.

5.2. Primary Education and Gender Disparities

According to the Government of Uganda the Net Enrolment Rate (NER) at primary level education is 96.0% (male 95.6%, female 96.4%) in 2015 (Uganda Education for All 2015 National Review, 2015: xix). According to UNESCO 6% of the children were out of school in Uganda in 2016, (http://tellmaps.com/uis/oosc/#!/tellmap/-528275754, 2017), and according to UNICEF figures 89% of all children currently attend primary school (https://www.unicef.org/infobycountry/uganda_background.html), while UNICF (2016) cites a percentage of 97 for school enrolment (p. 120).

[6] The ratio of those typically not in active work (the *dependent* part ages 0 to 14 and 65+) and those typically in active work (the *productive* part ages 15 to 64). A high dependency ratio is a sign that the government is challenged to provide adequate social services. The ratio in Uganda is extremely high by comparison to for instance European countries, given the fact that 50% of its population is under the age of 15. The dependency ratio per country (and trends) are available at: Worlbank: https://data.worldbank.org/indicator/SP.POP.DPND (retrieved 19 October 2017). The rate for Uganda increased from 91% in 1965 to 101% at present and was even higher in previous years.

According to the Government of Uganda substantial improvements have been made in enrolment of girls in secondary education.

> *With regard to secondary education Uganda adopted Universal Secondary Education program in 2007 targeted at the marginalized and poor households located in the rural and peri-urban areas. This initiative has helped increase enrolment at this level by 136%. This program has also significantly improved the proportion of girls participating at this level of education which now stands at 46.6%. (Uganda Education for All 2015 National Review, 2015: xix).*

While school enrolment figures are high, school completion figures are only between 50% and 60% of all students. The Government of Uganda identifies only 60% complete school survival (which is 'the proportion of pupils who enroll in the Primary one or year who reach primary five and seven at the end of the required number of years of study, regardless of repetition'):

> *In 2010, the survival rate was 60% (male 60%; female 61%). Results show that more females successfully survived to grade five as compared to males. However, the target of 100 percent survival rate to grade five is not likely to be met by 2015 given the current gap of 40% (male 40%; female 39%). (Uganda Education for All 2015 National Review, 2015: xx).*

After completing grade 5 many more girl students appear to drop out of primary school. In relation to primary school completion the Government of Uganda reports that completion rates are between 51% and 56% with completion rates for girls remaining substantially behind:

> *In 2010, the completion rate improved by 2 percentage points from 52% in 2009 to 54% (56% male; 51% female) in 2010. (Uganda Education for All 2015 National Review, 2015: xxi).*

UNICEF has also warned against an overoptimistic reading of educational enrolment statistics. In this context it has expressed concerns over disparities in key learnings. In relation to Uganda, UNICEF gives the following example of educational disparities on key indicators:

> *In Uganda, an enrolment success story, just over half of the children in Grade 5 were able to read a story at Grade 2 level, according to the results of a 2012 assessment. (UNICEF, 2016: 50)*

Several authors express concern over the educational disparity in Uganda, benefiting the wealthiest segment of the population whilst disadvantaging the poorest segments where additional efforts are needed:

> *By contrast, in the Philippines and Uganda, children from the wealthiest households and the best-performing regions are close to universal school completion. Therefore, efforts in those countries would best be concentrated on the poorest and most disadvantaged children. (UNICEF, 2016: 56)*

While figures on performance in enrolment in primary education have improved, retention figures are still lagging and showing worrying gender disparities, especially related to primary school completion.

5.3. Secondary Education

The enrolment of girls in secondary education has remained generally low and is showing significant gender disparity. The Government of Uganda lists the following figures:

> *The enrolment in 2010 at secondary school level was 1,225,692 (654,971 boys and 570,721 girls) of which 46.6% were female. Whereas the proportion of girls enrolled in S.1 is tending to parity at 47%, this proportion progressively decreases towards upper secondary. The proportion of girls enrolled in senior six for instance was only 40.8% in 2009… (Uganda Education for All 2015 National Review, 2015: xxi).*

The expected number of years of schooling (on average) in Uganda is 9.8 while the mean years of schooling is 5.4 (UNDP, 2016b: 151).

5.4. Adult literacy

The literacy rate of youth (15-24 years) is 90% for men and 85% for women, according to UNICEF (2016: 137). In terms of adult literacy, the Government of Uganda also claims substantial improvements:

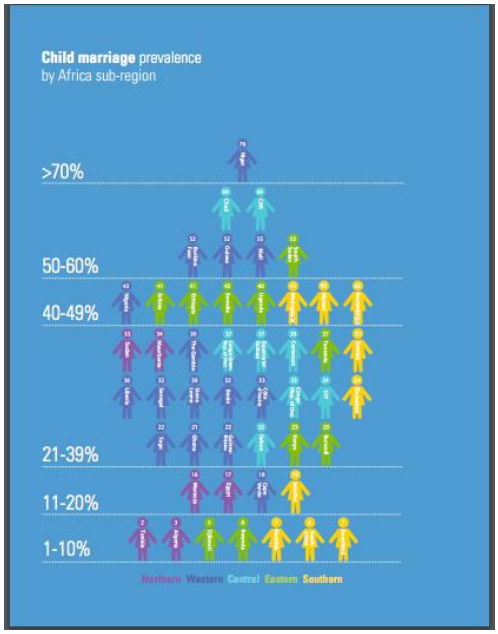
> *As a consequence of sustained expansion of access to both primary and lower secondary Uganda's literacy rate for the general population has significantly improved to 74.6% (male 82.4%, female 66.8%). Indeed the improvement in the literacy rates for the youth aged 15 – 24 years is significantly higher and now stands at 83.3% (male 89.1% female 85.5%). This clearly demonstrates the impact of education in the country. (Uganda Education for All 2015 National Review, 2015: xix).*

Other statistics claim that over 5 million people are currently illiterate in Uganda. One third of women over 15 is illiterate (based on countrymeter.info on UNESCO Institute for Statistics, retrieved, 2016) and according to UNESCO the total adult literacy rate (%) 2008-2012 is 73.2%. (https://www.unicef.org/infobycountry/uganda_background.html). According to UNICEF (2016) adult literacy has reached a level of 73% of the population of Uganda (p. 120), while the adult literacy of females as percentage of males is 78% for the period 2009-2014 (Unicef, 2016: 149). Female illiteracy is significantly higher than male illiteracy.

5.5. Girl Marriage

In East Africa the prevalence of Child Marriage is 34.7% (UNDPa, 2016). Child marriage in Uganda ranks higher than in other Sub Saharan countries:

Child marriage is a reality for many Ugandan girls. According to current UNICEF statistics, 40 % of the women between 20 and 24 years were married before their 18th birthday and 10 % even before they turned 15 years. Uganda's rate of child marriage is thus above the African average of 39 %. (Diesch and Ntenga, 2016: 2)



According to UNICEF (2016) 10% of girls are married by 15 years of age in Uganda, while 40% of the girls are married by the age of 18 (UNICEF, 2016: 152). In the graph below Uganda is in the 40-49% bracket (UNDPb, 2016: 31).

6. Prevalence and development of HIV/AIDS

Uganda classifies as a high burden country of HIV/AIDS (2014 Uganda HIV and AIDS Country Progress report) despite some literature singling out Uganda as a country of good practice in the combat of HIV/aids (add sources).

At present the prevalence rate of adults aged 15 to 49 living with HIV/AIDS in Uganda is 6.5% (representing 1.4 million people) (UNAIDS, 2016 online).[7] The approach in health services to combat HIV/AIDS in Uganda has been commended (UNDP, 2016b: 105). Despite the positive perceptions regarding the combat of behavioural change in Uganda and its impact on HIV/AIDS, the Government of Uganda has realised that its earlier achievements have not been sustained.

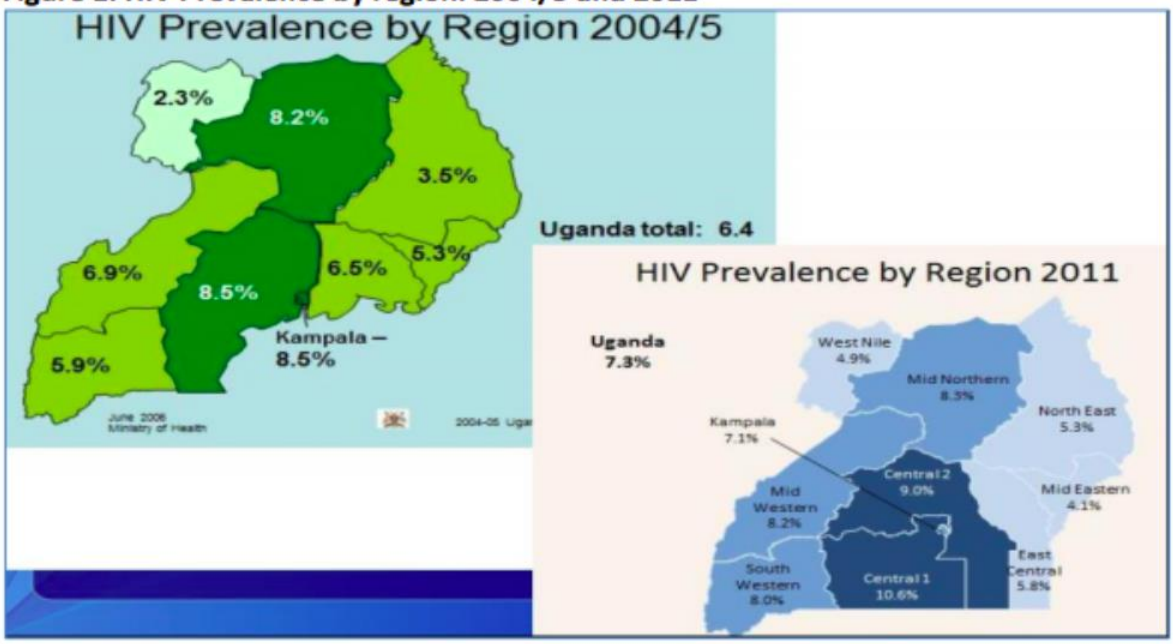
The two rounds of AIDS Indicator Survey show that HIV prevalence in the general population in Uganda increased from 6.4% in 2004/5 to 7.3% by 2011, this tally with the 2013 HIV estimates which show that HIV prevalence stabilised around 7.4% in 2012/2013. (2014 Uganda HIV and AIDS Country Progress report: p: viii)

[7] http://www.unaids.org/en/regionscountries/countries/uganda

Orphans (aged 0 to 17) due to HIV/AIDS represent a number of 970 000 [790 000 - 1 200 000] (UNAIDS, 2016, online). Child marriage significantly increases the risk of contracting HIV/AIDS (UNDPb: 40).

High prevalence rate are especially pronounced in the Kampala area, with a percentage of close to 10 in the Central (Kampala) area:

Figure 1: HIV Prevalence by region: 2004/5 and 2011



(Source: Government of Uganda, 2014 Uganda HIV and AIDS Country Progress report)

The Government of Uganda lists the following elements as drivers that impact on the prevalence of HIV/AIDS:

Key drivers of the HIV incidence in Uganda

> *1. High risk sexual behaviours coupled with Low Knowledge of ones HIV sero-status. (Including early sexual debut, multiple sexual relationships, inconsistent condom use; and transactional sex etc.)*
>
> *2. low individual level risk perception; Ones level of knowledge and understanding of HIV, and especially its relationship to perceived personal risk of HIV infection; and its influence on negative*
>
> *and stigmatizing attitudes towards persons living with HIV (PLHIV)*
>
> *3. high STI prevalence;*
>
> *4. low utilization of antenatal care (ANC) and delivery services;*
>
> *5. low uptake of SMC services leading to low prevalence of SMC;*
>
> *6. high numbers of HIV positive patients not on ART;*
>
> *7. Sexual and Gender based violence resulting from gender inequalities.*

8. Alcohol consumption – especially to levels of getting drunk; and closely associated with sexual activity

9. Poverty

(Government of Uganda, 2014 Uganda HIV and AIDS Country Progress report: 11)

It is estimated that Uganda has one million orphans as a result of HIV/AIDS (Government of Uganda, 2014 Uganda HIV and AIDS Country Progress report: viii). Only 15.6 percent of orphans are enrolled in education compared to overall numbers (2014 Uganda HIV and AIDS Country Progress report: vii). Orphans who have lost parents due to HIV/AIDS are considered to be among the most vulnerable segment of the Ugandan population.

In an assessment of challenges of its HIV/AIDS policy the Government of Uganda lists the following problems:

- Not adequately reached the grass root community due to shortage of resources
- Changing /shifting of the virus among certain age groups requires changes in the packaging of the HIV prevention message
- Complacency among the general population
- Change in technology which requires change in dissemination mechanisms
- Most at Risk Populations are in hard to reach areas like fishing communities meanwhile others are mobile and difficult to follow up. (UNAIDS, 2013-2014: 12).

7. Orphans and changing family structures

The number of orphans in Uganda has increased, over one 1 million of children orphaned as a result of HIV/AIDS of a total of 2.7 million orphans in Uganda (Human Rights Watch, 2014, citing UNICEF statistics 2014). This has deeply affected family structures in Africa and also in Uganda, especially the composition, structure, function, hierarchy, privileges and duties of its members (Ntozi and Zirimenya, 1999). In the 1990s one out of every six adults in Uganda was HIV/AIDS positive (age group 20-30 for males and 18-25 for females) resulting in many orphans without (effective) carers (ibid). Despite these enormous challenges, the family unit – as a network of kinship, remained the central locus of care:

> *Mukiza-Gapere and Ntozi (1995) observed that in Uganda a new household structure has emerged where households are headed by widows, single women, children under 18 years of age and orphans. Widows headed households because the traditional practice of widow inheritance by brothers-in-law was disappearing for fear of contracting HIV. Also households are experiencing increased numbers of orphans whose care causes heavy burdens. (Ntozi and Zirimenya, 1999).*

The enormous challenges of families to cope with the pandemic has elevated the importance of the clan structure as a kinship-based social network – causing great strain to the capacities to care for orphans (alongside those living with HIV/AIDS). The number of female-headed households increased, experiencing enormous difficulties in a society where a male is regarded as the authority of the family unit. (Older) female headed households experiences great adversity to sustain their livelihoods and their ability to care for younger siblings, as describer here, specifically in relation to the Baganda community:

> *Taylor, Seeley and Kajura (1996) report that the epidemic has increased women's responsibilities and their burden of caring activities in southwestern Uganda. Female heads of households, in particular, do not own or have direct access to the necessary finances to meet the family's health needs as expected of them. As they take on the additional burden of caring for those with HIV/AIDS, their social and economic resources become inadequate. (..) In a country of patrilineal societies, resources are controlled by husbands while women remain a property to be inherited. In the epidemic, the inherited widows have become carriers of HIV. (Ntozi and Zirimenya, 1999).*

Without the support provided by the traditional hierarchy, the burdens on these (older) female headed households are large and these (elderly) women carers experience considerable strain. The burden impacts, among others, on education (especially of girl orphans):

> *As noted earlier, this paper's aim is to assess the changing role of older people's households in Kayunga district in central Uganda as they struggle to provide education to HIV/AIDS orphaned children. Education is an expensive element in the costs of raising children. Not only are there often fees to be paid, but a range of other costs including uniforms, books and stationery. Older people have no reliable source of income to expend on the*

> *orphaned grandchild's education. Often they must make the unfortunate choice of choosing which child to attend school and which will drop-out of school to help around the house.(Kakooza and Kimuna, 2008: 67-68).*

Moreover, the number of households headed by children (orphans), while still proportionally small, also increased, with great burdens on these children to organize their own survival.

> *Taylor et al. (1996) further noted that the large number of orphans running their own households indicates the demise of the true family structure with the husband as the head, the mother responsible for caring for the children, and other family members. (Ntozi and Zirimenya, 1999).*

The increased role of the elderly and of the extended family in taking over duties of care has been studied (in Central Uganda) by Kakooza and Kimuna (2008), who conclude that almost all households included care for an HIV/AIDS orphan:

> *We found that there were HIV/AIDS related deaths in 82.3% of the surveyed households. In almost 34% of the households, the caregivers of HIV/AIDS orphans were older people over 50 years old. Almost all households headed by older people (97.8%) had on average three school-going orphaned children living in the household. (p. 63)*

Kakooza and Limuna set out in detail, illustrating with case-stories, how the education of orphans is affected by the lack of resources in the elderly female headed households who are hardly coping with the survival by lack of income and livelihoods. This would typically result in orphaned children (especially) being affected in school survival and not completing their school education (also documented by Human Rights Watch, 2014).

8. Street children

The number of street children has increased as families have failed to cope with the increasing care burden. UNICEF provides an estimation of 10.000 street children in Uganda, who move to urban areas, and especially Kampala, where new arrivals are registered on a daily basis (Unicef, 2015: 70)[8].

The situation of street children, often orphans from HIV/AIDS deaths, has been documented by Human Rights Watch, describing a picture of a harsh reality in which the street children are unprotected from severe human rights violations and sexual exploitation:

> *Older children or adults have viciously beaten and sexually abused children who are new to the streets as a form of initiation. These older children or street adults force younger or new street children to pay "rent" for staying with them or in a certain location on the streets. Older children and adults force some children into drug use, as well as occasionally coerce them to participate in theft or other crimes. (..) Some children were victims of*

[8] Refering to a study of the African Network for the Prevention and Protection against Child Abuse and Neglect.

> *commercial sexual exploitation, using sex work to survive, and according to both Human Rights Watch research and the work of local organizations, both boys and girls faced rape and sexual assault by men and older street boys. Street children told Human Rights Watch that they rarely reported crimes committed by their peers or adults to the police, fearing reprisals from the others on the street, or punishment by the police. (Human Rights Watch, 2014)*

Orphaned, street children are at high risk of trafficking, according to UNICEF:

> *Child trafficking is a major concern in Uganda, with specific groups of children at high risk, including orphaned children, children from poor households, children out of school, children who live and/or work on the street, children separated from their parents, children with low formal education, and children living in violent households. (2015: 8-9).*

UNICEF lists orphans living in extremely difficult circumstances and exposed to risks and street children as 'critically vulnerable' ((UNICEF, 2015: 115). Discussing the situation in Uganda, the Minister of Gender, Labour and Social Development, points to the cycle of poverty that exposes children to a circle of abuse:

> *Effects of deprivation in childhood can be irreversible and the impacts of child poverty can last a lifetime, with poor children likely to become poor during their adulthood and have poor children themselves, reinforcing the intergenerational cycle of poverty. In addition, poverty is one of the root causes of violence, exploitation, abuse, and neglect of children, such as child labour, trafficking, sexual exploitation and child marriage. (UNICEF, 2015: foreword).*

9. Human Trafficking

The Trafficking in Persons report lists Uganda in 'Tier 2.' In 2013. This is the category of countries in which governments are not fully in compliance with the minimum standards while making significant efforts.

Kampala, the capital city of Uganda, is mentioned as one of the places of concern for an increasing prevalence of street children facilitated by human trafficking organisations. A Ugandan expert on Human Trafficking is cited in a Ugandan newspaper:

> *Moses Binoga, the coordinator of the taskforce to prevent trafficking in persons says the most notable cause of human trafficking in Uganda is poverty and unemployment. "Poverty renders victims vulnerable and leads to rural-urban migration. Urban areas such as Kampala are the major transit and destination areas of internal trafficking," says Binoga.*[9]

The United State Department Trafficking in Persons Report 2017 – Uganda country report, states that young women and girls are vulnerable to international trafficking:

> *Young women remained the most vulnerable to transnational trafficking, usually seeking employment as domestic workers in the Middle East; at times Ugandan women were fraudulently recruited for employment and then exploited in forced prostitution. Ugandan migrant workers are subjected to forced labor and sex trafficking in United Arab Emirates (UAE), Saudi Arabia, Oman, Qatar, Kuwait, Iraq, Iran, Egypt, Turkey, and Algeria.*[10]

Ugandan women were recruited under false pretentions for international destinations, including to Turkey.

According to UNICEF street children, and especially girls, categorized as critically vulnerable are at increasing risk of trafficking in Uganda, affecting especially girls on the streets in Kampala in the age group of 14-17. The risk is explained as follows:

> *However, available data (Walakiraand Nyanzi, 2012: 70) suggest growing incidents of commercial sexual exploitation and trafficking in the country. A recent survey showed that 7% of girls and 3% of boys were reported to have been trafficked, while a comparative study suggested that almost 10% of 500 girls interviewed in the slums of Kampala had been trafficked (ILo, 2007). The latter suggests that the majority of girls were trafficked at the ages of 14–17, with only a small minority being trafficked at an earlier age. Almost all (35 of 50 women) were forced into prostitution. Trafficking is associated with multiple risk factors but, as studies show, gender-related vulnerabilities are the most significant. Children with orphan status (either due to HIV/AIDS or conflict), children from poor households, children out of school, children who live and/or work on the street, children separated from*

[9] https://www.newvision.co.ug/new_vision/news/1322309/begging-ugly-human-trafficking-kampala

[10] https://www.state.gov/j/tip/rls/tiprpt/countries/2017/271305.htm (underlining, MvR)

their parents, children with low formal education, and children living in violent households are particularly at risk of being trafficked (Walakira and Nyanzi, 2012: 70). (Unicef, 2015: 75).

The number of transnational trafficked girls is still small, according to figures published by UNICEF for 2013:

TABLE 9: REGISTERED VICTIMS OF INTERNAL AND TRANSNATIONAL TRAFFICKING (2013)

	Male adults	Female adults	Male children	Female children	Total
Internal trafficking	4	5	192	207	408
Transnational trafficking	163	186	44	36	429

SOURCE: COCTIP, 2014

(Source: Table printed in UNICEF, 2015: 75).

Children (if orphans) are recruited by people posing as potential 'guardians' and the risk of the girls trafficked children are to exposure to "serve as domestic workers, child soldiers, street beggars, bar and restaurant attendants, commercial sex workers, workers at night clubs and vendors, 'with no access to education, no freedom of movement and working long hours in poor conditions for little or no pay' (Walakira and Nyanzi, 2012: 69)." (cited in Unicef, 2015: 75).

10. Child Marriage

Customary law refers to local, tribal or religious law, "which often sets a lower age limit for the bride and/or permits early marriage with the consent of the girl's parents or guardian." (Warner, 2004: 244) Cultural practices based on traditional norms and values are still widely prevalent in Uganda. The Government of Uganda states in this regard:

> *some of the prevalent cultural practices (particularly Female Genital Mutilation- FGM; early marriages; nomadism and widow inheritance) are in direct conflict with modern social dispensation and aspirations. (Uganda Education for All 2015 National Review, 2015: 11, underlining MvR).*

The practice of child marriage is acknowledged as a specific concern as this is seen as hampering the interest in the educational potential of the girl child:

> *The culture of early marriages amongst girls increases the rate of early pregnancies and is partly blamed for the country's high maternal mortality rate and high fertility rate. The prevailing culture of violence against women also constituted a barrier to female participation in EFA activities. In addition, some communities still do not prioritize girls education because girls' educational benefits are likely to be enjoyed by the family into which they she will marry into and not by her family of origin. (Uganda Education for All 2015 National Review, 2015: 11).*

This is consistent with a study by Parsons et al (2017) who conclude that

> *The reviews suggest that social and cultural norms, including those related to faith, influence the age at which a girl is expected to marry. In addition, socio-economic status, education levels, and community context also influence the likelihood of a girl being married early. (Parsons t al, 2017: 12)*

Uganda ranked number 9 on the list of hotspot countries for child marriage, with 54.1% of women married under the age of 18 (Jain & Kurz, 2007). Child marriage is seen by experts as associated with poverty, and directly affecting their educational opportunities, as girls tend to drop out as a result of child marriages leading to early pregnancies. Coerced first intercourse of 15-19 year old women and girls is considered a serious health problem in Uganda by Koenig et al. (2004). Bond (2014: 30) citing Ugandan scholar Talae cites a traditional *Ssenga* Practice in which "the paternal aunts of a new bride provide sexual instruction to her prior to her wedding." (underlining MvR).

Diesch and Ntenga (2016) express concern of the negative effects of early intercourse, resulting early pregnancies and early marriage, which negatively impact on the girl child:

> *Teenage marriage is a problem in many developing countries. Mostly girls are affected. After being married the brides soon drop out of school and become pregnant. Rates are especially high in Uganda. NGOs and now even the national government are trying to make a difference. (2016: 1)*

A similar conclusion is drawn by Parsons et al (2017) who suggest that:

> *In other contexts, parents may assess the costs and benefits of marriage and decide to marry their daughters early if they are seen as an economic burden that can be relieved through marriage. (p. 12)*

Expert on child marriage Warner comes to a similar conclusion:

> *Girls are considered less valuable than boys, particularly so as they get older. Poor families do not want to waste scarce resources on their daughters, who leave home when they are married and thus cannot be expected to contribute to the family income or provide support for their parents as they grow old. The bride-price that a young girl fetches is needed to support her birth family and pay off debts, and in many cases is a source of funds to purchase brides for her brothers. For all these reasons, the girl's family benefits more from her marriage at an earlier age. (Warner, 2004[11]: 9)*

Indeed, marriage of girls in Uganda is encouraged by a bride price which can be seen to be a last resort for impoverished families. An example is described here:

> *When Diana was 15 years old, her mother could no longer afford paying her school requirements. So she married her daughter to a 22-year-old school dropout. The bride price consisted of 50,000 Ugandan shillings (about € 13), a cow and a basket of cassava. Her mother exchanged the cow for a piece of land. (Diesch and Ntenga, 2016: 1)*

The practice of bride price, practiced in Uganda, is seen as an important asset in poor family circumstances:

> *Financial transactions around marriage contribute to the practice. In contexts where bride wealth or bride price is practiced (i.e. a groom or groom's family provides assets to the bride's family in exchange for marriage), families may reap immediate economic benefits from marrying their daughters. In such cases, families may obtain a greater financial amount the younger the bride is. (Parsons et al, 2012: 13)*

Evidence suggests that education of girls is discouraged as part of the early marriage arrangement:

> *Her mother, however, also disagreed with Diana's decision to go back to school; she refused to give her daughter a bed – Diana had to sleep on the bare soil – and tried to convince her of returning to her husband: "You have a vagina; therefore you should give birth, rather than going to school," was one of the nicer sentences Diana was told, and she eventually returned to her husband. (Diesch and Ntenga, 2016: 2)*

[11] Warner, Elizabeth. "Behind the Wedding Veil: Child Marriage as a Form of Trafficking in Girls." American University Journal of Gender, Social Policy & the Law. 12, no. 2 (2004): 233-271.

The Government of Uganda equally expresses concern that such cultural norms restrict the interest in the participation of girls in education:

> *Certain elements of Uganda's traditional and cultural norms are therefore not supportive of national development in general and EFA activities in particular. At the community and household level, girls (particularly in rural areas are restricted from participating in Education activities. (Uganda Education for All 2015 National Review, 2015: 11).*

Parsons et al (2017) conclude along similar lines, warning that girls who have been married as children discontinue their schooling career and can no longer rely on the social networks that would otherwise protect them:

> *When girls are married early, their educational trajectory is altered. Formal schooling and education often cease, which means they stop acquiring knowledge and skills that would carry them through life, including as productive members of their households and communities. They are also removed from the social network and support structure that schools provide. (Parsons et al, 2017: 13)*

Such cultural attitudes remain specifically prevalent in areas that are festered by HIV/AIDS, resulting in slow adoption of modern norms and values in a vicious circle that results from and perpetuates the prevalence of HIV/AIDS:

> *There is also slow behavior change which has resulted in HIV/AIDS prevalence rates which affects the participation of those households infected and affected by the HIV/AIDS pandemic. (Uganda Education for All 2015 National Review, 2015: 11).*

Child marriage is a result of and results in increased violence against the girl child. This is a conclusion drawn by Parsons et al (2017), and the victim may be at risk of being captured in a vicious circle of violence:

> *Child marriage itself can be considered a form of violence against girls (..) Gender norms that devalue girls and women and drive the practice of child marriage may also promote the acceptability of violence. (p. 16).*

Uganda ranks amongst the highest of violence experienced by women and girls between the age of 15 and 49 (UNDP, 2016b: 42).

11. Sexual practices: Stretching the Labia Minora

Female Genital Mutilation has (comparatively) little prevalence in Uganda (UNDP, 2016b: 44) and in comparison to other African countries. Uganda passed a law regarding Female Genital Mutilation and other harmful practices.

In Uganda, among the Baganda, a sexual practice is widespread, which is called the "pulling of the labia minora". This is a practice described as female initiation rites: the young girl (8-10 years) "learns how to manipulate their small vaginal lips in order to pull them longer." (Arnfred, 2004: 161; 2011). Koster identifies the practice as a culture among the Baganda based on Gallo et al. (2006b), stating that the Baganda girls typically start the practice at a mean age of 10.8 with a variation of plus or minus 1.5 years. (Koster, 2008: 191). Gallo et al (2006) studied the practice of genital stretching among the Baganda in detail and conclude:

> *The psychological experiences of the rite were emphasized by the analysis of drawings and the comments on the rite, made by 111 schoolgirls, from 12 to 16 years old; all of the girls examined underwent genital stretching. (Gallo, 2006)*

Genital stretching is a preparatory rite to becoming a woman. This practice is understood as a direct reverse of Female Genital Mutilation. The World Health Organisation classifies the practice of the elongation of the labia minora as a Type IV female genital mutilation. (Koster, 2008: 191) This practice is also referred to as Labia Stretching or Labia Elongation or Labia Pulling.

The practice is described as follows:

> *I still have vivid memories of my early teenage days when my sisters and I were constantly being told to pull our labia minora (inner vaginal lips). We were bombarded with multiple coercive reminders to pull our labia minora for reasons that were never clearly explained to us apart from: "Girls who do not stretch their labia minora never get married." As if that were not enough, every now and then when my auntie was round, she would 'inspect' how far we had gone with pulling our labia minora, by making us lie down on our backs and conducting a physical inspection of our genitals. The problem was that each time I tried to manually tug on my labia minora, I found it very painful and I would immediately stop – leaving myself feeling ill-treated and confused. (Katongo, 2014, underlined, MvR)*

The role of the aunt in this practice is emphasised in the continuation of this account:

> *I recall my auntie and some other female relatives explaining to me that the reason for stretching the labia minora is for sexual enhancement – but sexual enhancement that is primarily aimed at granting sexual satisfaction to the male partner. (Katongo, 2014)*

The practice is described as follows:

> *Usually, a girl's auntie, grandmother or some other female relative, who has bought into this social construct, is the one who introduces this practice to a young girl. At the specified time, the girl's female relatives will sit her down in a secluded place and teach her how to stretch her labia minora. She will be taught verbally, and sometimes through demonstration – learning exactly what to stretch and how to go about the whole process of pulling. (…) The process of stretching the labia minora must be done on a regular basis and for an extended period of time in order for the labia minora to reach the expected length. A young woman usually does the manual stretching of her labia minora on her own, with possible inspection and continued guidance from a female family member (Katongo, 2014)*

This practice is regarded by the author as a violence of women's rights:

> *Women who choose not to abide by or submit to this cultural expectation are regarded as defiant and insubordinate girls/women. The social pressure that young women are put under to pull their labia minora is a valid basis for classifying the practice as an injustice – and a violation of a women's right to control their own bodies and sexualities. (Katongo, 2014)*

Mwenda (2006) also emphasizes the role of the paternal aunt for the ceremony:

> *... At the helm of this elaborate socio-cultural institution (i.e. in Uganda) is the paternal aunt (or surrogate versions thereof), whose role is to tutor young girls and women in a wide range of sexual matters, including pre-menarche practices, pre-marriage preparation, erotic instruction... Between the age of nine and twelve,... a Muganda girl would be guided by her Ssenga to prepare her genitals for future sex. (2006: 341)*

The location for the practice is in the forest (bush) as described as follows:

> *in a clearing among bushes where the herbs (for example, mukasa, entengotengo, and oluwoko) used for the procedure were found. Pubescent girls would 'visit the bush' for a few hours every day over a period of about two weeks. The Ssenga would persuade them to comply by advising them that if theydid not, no man would ever ask for their hand in marriage. Worse still, if a man discovered that his bride had not 'visited the bush', he would send her back home for the Ssenga to fulfil her duty... The Ssenga understands that a Muganda woman without elongated labia is a 'half-baked' one.... (Mwenda, 2006: 341)*

The role of the aunt has been regarded as an important role in providing sexual education;

> *In a 1999 study regarding the practice of labia elongation in Uganda, Sengendo and Sekatawa observed that: 'When asked whether the practice of labia elongation should be kept, we were informed by most informants that it was important to do so. The main reason was that it led to greater sexual satisfaction and ensured that a woman kept her home – i.e. man. They were categorical that the procedure made sex more pleasurable. Peers, both in the neighbourhood and in schools were replacing the paternal*

> *aunts as the source of information about sexuality. However, there were fears that some of the information obtained this way was improper and immoral. This included information on how to avoid pregnancies (correct or wrong), how to deceive men and fight authority. Although schools were acknowledged as providers of information on sexuality their approach was viewed as western kizungu and omitted some essential parts. Schools do not deal with personal cleanliness using herbs, for example. There was also a problem of cases of two generations of ignorance where both the teacher and pupil had no knowledge of traditional practices regarding sexuality.' (Mwenda, 2006: 351)*

Perez (2011) describes the practice as a rite of passage for adolescent girls, explaining that the term used in Baganda language means 'visiting the bush':

> *Okukyalira ensiko or 'visiting the bush' is how, in Uganda, the Baganda people name the practice of elongating the labia minora, which young girls start performing before menarche. As a mandatory rite of passage that identifies membership of the tribe, one of its main purposes is to enhance sexual pleasure for both male and female partners. (Perez, 2011: 45)*

The rite prepares the girls for marriage:

> *…the Baganda people perform the ritual of okukyalira ensiko2 (OE) ('visiting the bush'),3 which consists of genital stretching of the labia minora. The Baganda women in Wakiso District, where the present study was carried out, are expected to accomplish this before menarche. As a cultural rite of passage, okukyalira ensiko determines the transition between childhood and womanhood. Once achieved, girls are considered ready for marriage with a Muganda man. (Perez, 2011: 45)*

Perez specifies the use of language associated with the cultural practice and the notions of shame associated with it:

> *Okukyalira ensiko or genital stretching begins between the ages of 9 and 16 among girls in Wakiso District. Girls are expected to succeed in elongating their labia minora up to a minimum of one and a half inches long before they start menstruating or before getting married. They refer to this practice also as okusika ('pulling out'). The Baganda would rather use these expressions than okusika nfuli ('pulling out the labia minora'). They consider that it is vulgar to name the female genitalia and instead use a wide range of metaphors (Grassivaro Gallo and Villa 2006a). (Perez, 2011: 47)*

The role of the aunt in the initiation period is described by Perez – based on a review of literature, as an important rite of belonging to the Baganda tribe, and preparation for marriage:

> *According to Tamale (2005) the traditional way for girls to acquire the skill of labial elongation is to send her to the home of her ssenga. The ssenga, or paternal aunt, is a traditional mentor whose role is to inculcate in the young girls a wide body of values, behaviours, duties and sexual issues. As soon as*

a girl reaches pre-menarche, the ssenga starts preparing her for marriage. How to prepare food, sit properly, conduct herself and how to practice okukyalira ensiko are some of the issues taught. Erotic instruction is an important component of those teachings. The ssengas foster elongation of labia minora because they consider that it is a cultural rite that every Baganda girl should undergo. The practice is considered as a sign of membership of the Baganda. Ssengas convince the young girls that elongated labia will enhance their physical pleasure if touched during sexual foreplay. The girls are also warned that Baganda men could reject them if they do not conform. Thus, these girls engage in okukyalira ensiko over a period of several weeks in order to make themselves more marriageable and enhance their sexual lives and to avoid being stigmatised by the society (Grassivaro, Villa, and Pagani 2006; Tamale 2005). (Perez, 2011: 48).

Perez lists a number of health risks associated with the practice:

Pain: according to Koster and Price (2008) labial elongation is not synonymous with pain. The influence of discomfort is influenced by factors such as how the pulling is done, the type of herbs used and the time span used to reach the desired length of the labia. For example, ntengotengo fluid, which is obtained after heating the ripe fruits on hot ashes until they burst, has been repeatedly described as very stinging. Nevertheless, according to Grassivaro Gallo and Villa (2006b) and Grassivaro and Busatta (2009), the girls always experience pain when they attempt stretching their labia minora for the first time. The pain is more severe if they wait until they are older, when tissue structures are less elastic.

Swelling: as a result of the herbs used and the constant stretching.

Bleeding: cuts and sores may happen in the mucosa of the labia minora. The swelling, the herbs used and the constant traction facilitate this.

Neurosensitivity: in women with hypertrophic labia, due to the high concentration of sensory nerves, stretching can increase skin sensitivity in the area, resulting in hyperesthesia and dysesthesia (Grassivaro Gallo and Villa 2006b; Grassivaro et al. 2006).

Infections: there exists an indeterminate risk of vaginal, bladder, urinary tract or systemic infections directly from the environment or through exchange of bodily fluids with other girls. Etyang and Natukunda (2005) claim that the risk of HIV transmission is increased by the ssenga teachings that encourage early sexual activity.

Anxiety: intimidation is at times used to force girls into labial elongation. For example, if they try to resist, they may be threatened with being left naked on the road with corn poured over their genitalia, with hens to feast on them. (Perez, 2011: 48-49)

The anxiety and intimidation associated with the practice are set out in the study of Perez.

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