## Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](http://www.refworld.org) website. Please note that some RIRs have attachments which are not electronically accessible. To obtain a PDF copy of an RIR attachment, please email the [Knowledge and Information Management Unit](http://www.irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=456184&pls=1).

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### UGA105342.E

**Uganda: Forced marriages, including prevalence among the Buganda [Baganda] ethnic group, and among educated Buganda women; protection and support services available to women who refuse a forced marriage (2012-October 2015)**

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

#### 1. Forced Marriages Among the Buganda Ethnic Group and Among Educated Buganda Women

Information on the prevalence of forced marriage among the Buganda ethnic group was scarce among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the information provided on the website of the Africa Center of the University of Pennsylvania [1], the Buganda ethnic group is the largest ethnic group in Uganda (University of Pennsylvania n.d.a). Sources state that the Buganda group represents about 17 percent of the population (L'aménagement linguistique dans le monde 8 May 2015; University of Pennsylvania n.d.a). The Buganda ethnic group occupies territories between "Lake Victoria [in] the south, the Victoria Nile River [in] the east, and Lake Kyoga [in] the north" (ibid.). According to World Bulletin, a news provider based out of Istanbul, Turkey, the Kingdom of Buganda "covers all of Uganda's Central Region, including capital Kampala" (World Bulletin 20 Nov. 2014).

In a telephone interview with the Research Directorate, an associate professor of African and African American history, who is also the Director of African American Studies at the University of Maryland Eastern Shore, whose research focuses on Ugandan social history and popular culture, indicated that there is no cultural tradition of forced marriages among the Buganda ethnic group and among educated Buganda women (Associate Professor 15 Oct. 2015). The Associate Professor explained that "[t]here may have been forced marriages in past centuries, among uneducated women, in cases of poverty or war or debt, but not now. Forced marriages are not part of the traditions of the Buganda ethnic group" (ibid.). The Associate Professor expressed an opinion that, to her knowledge, there are no "cultural traditions of forced marriages among any Ugandan ethnic groups" (ibid.). Additional and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

#### 2. Forced Underage Marriages

Sources indicate that the legal minimum age for marriage is 18 (UN June 2015, 17; US 25 June 2015, 32). However, the US Department of State's *[Country Reports on Human Rights Practices for 2014](http://www.state.gov/j/drl/rls/hrrpt/2014/)*) indicates that "authorities did not enforce the law" (ibid.). A report published by UNICEF similarly indicates that getting married formally or informally before the legal age is a common practice throughout the country (UN June 2015, 17).

*The Daily Monitor*, a Kampala-based newspaper, reports that, despite laws prohibiting child and forced marriages, the practice is common in the Karamoja sub-region, particularly in the Moroto, Amudat,
Nakapiripirit, and Napak districts (The Daily Monitor 4 Aug. 2015). UNICEF reports that, according to the UN Population Fund (UNFPA), the prevalence of child marriages is estimated at 59 percent in northern Uganda, 58 percent in the Western region, followed by 52 percent in each of the Eastern and East central regions, 50 percent in West Nile, 41 percent in the Central region, 37 percent in the South West and 21 percent in Kampala (UN June 2015, 17).

According to the Associate Professor,

[г]irls are discouraged from leaving school early in order to get married. However, in cases of extreme poverty some underage girls decide to marry too early, but it is their choice. There is no cultural tradition of forcing girls to marry too young. (Associate Professor 15 Oct. 2015)

Country Reports 2014 notes that the

[m]arriage of underage girls by parental arrangement was common, particularly in rural areas. Local NGOs and the police Family and Children Unit reported some parents arranged such marriages or sexual arrangements for girls as young as 12 due to poverty. According to the UNFPA, the prevalence rate for early and forced marriage was approximately 46 percent for girls who were 15 and older. According to the 2013 African Human Social Development Report, thousands of minors were lured or forced into early marriages. (US 25 June 2015, 32)

According to the Daily Monitor, "many forced marriages are initiated by parents as a way of acquiring wealth in [the] form of bride price given in exchange for their underage daughters" (10 Aug. 2015). The Associate Professor explained that "there is a tradition of bride price among many Ugandan cultures, including the Baganda. The more educated a woman is, the more this bride price is symbolic" (Associate Professor 15 Oct. 2015). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Sources report the following instances of underage marriages, including:

• In March 2012, 20 primary school students in Kabarole district were married off in a period of 3 months (Joy for Children n.d.b);
• In August 2013, a resident of Namugongo was accused of marrying an underage student after paying 50,000 shillings (US$18.00) to her mother as a bride price (US 25 June 2015, 33);
• In March 2014, a police probe into child marriages in eastern Teso Region indicated that girls were sold to suitors for as little as 50,000 shillings (ibid., 32);
• On 15 March 2014, police arrested 9 individuals in Butaleja District for attempting to marry a 12 year-old girl to a 45 year-old man (ibid., 33);
• In August 2014, the Daily Monitor reported that a 14 year-old girl was beaten by her parents for refusing to get married to a 78 year-old man in the Moroto district (The Daily Monitor 4 Aug. 2015).

In correspondence with the Research Directorate, a representative of the Joy for Children-Uganda, a Kampala-based non-profit NGO that advocates for the rights of children (Joy for Children-Uganda n.d.a), stated that children refusing a forced marriage face consequences, including insults by parents and family members; excommunication from the family; and deprivation of food, clothing, shelter and/or education (ibid. 20 Oct. 2015). Further or corroborating information on refusing a forced underage marriage could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3. Legislation

According to the Associate Professor, "there are no laws pertaining to forced marriages as there has been no cultural tradition against which to enact such laws" (Associate Professor 15 Oct. 2015).

Article 31 of the Constitution of the Republic of Uganda, 1995, states the following:

31. Rights of the family.

(1) Men and women of the age of eighteen years and above have the right to marry and to found a family and are entitled to equal rights in marriage, during marriage and at its dissolution.

(3) Marriage shall be entered into with the free consent of the man and woman intending to marry. (Uganda 1995, Art. 31)

Article 33(6) of the same law indicates that
(6) Laws, cultures, customs or traditions which are against the dignity, welfare or interest of women or which undermine their status, are prohibited by this Constitution. (ibid., Art. 33)

According to Section 129 of the Penal Code (Amendment) Act, 2007,

129.

1. 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.

2. Any person who attempts to perform a sexual act with another person who is below the age of eighteen years commits an offence and is on conviction, liable to imprisonment not exceeding eighteen years.

3. Any person who performs a sexual act with another person who is below the age of eighteen years in any of the circumstances specified in subsection (4) commits a felony called aggravated defilement and is, on conviction by the High Court, liable to suffer death.

4. The circumstances referred to in subsection (3) are as follows—
   a. where the person against whom the offence is committed is below the age of fourteen years;
   b. where the offender is infected with the Human Immunodeficiency Virus (HIV);
   c. where the offender is a parent or guardian of or a person in authority over, the person against whom the offence is committed;
   d. where the victim of the offence is a person with a disability; or
   e. where the offender is a serial offender.

5. Any person who attempts to perform a sexual act with another person below the age of eighteen years in any of the circumstances specified in subsection (4), commits an offence and is liable on conviction, to imprisonment for life. (Uganda 2007)

4. State Protection

According to the Associate Professor,

state protection and police protection is available for women and girls. There are also local councils in every neighborhood where women and girls can seek help. (Associate Professor 15 Oct. 2015)

Country Reports 2014 indicates that

[ the law invests women with the same legal status and rights as men. Discrimination against women, however, continued to be widespread, especially in rural areas. Many customary laws discriminate against women in adoption, marriage, divorce, and inheritance. Under local customary law in many areas, women may not own or inherit property or retain custody of their children. Traditional divorce law in many areas requires women to meet stricter evidentiary standards than men to prove adultery. Polygyny is legal under both customary and Islamic law. In some ethnic groups, men can “inherit” the widows of their deceased brothers. (US 25 June 2015, 30)

The report published by the Joy for Children-Uganda states that the government and civil society organizations conduct awareness campaigns on issues of early and forced child marriages through local radio stations across the country (Joy for Children-Uganda n.d.b). According to the report published by UNICEF, in addition to the constitution and the penal code,

[ o ther Ugandan laws that are potentially useful in the prevention of child marriage include the anti-trafficking act (2010), the domestic violence act (2010), and the anti- female genital mutilation act (2009). The laws protect girls from early sex and penalise coerced sexual intercourse and forced marriages. (UN June 2015, 22)

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Note

[1] As of 1 July 2015, the Centre for Africana Studies at the University of Pennsylvania has assumed the activities of the Africa Center (University of Pennsylvania n.d.b).
References


Associate Professor, University of Maryland Eastern Shore. 15 October 2015. Telephone interview.


Joy for Children-Uganda. 20 October 2015. Correspondence from a representative to the Research Directorate.


Additional Sources Consulted

Oral sources: Consultancy Africa Intelligence; Department of History, Virginia Polytechnic Institute and State University; Girls not Brides; Global Fund for Women; International and Global Studies, Rochester Institute of Technology, New York; International Federation of Women Lawyers (FIDA) in Uganda; Pastoral Women Alliance to Break Cultural Chains, police in Uganda; University of Bristol, United Kingdom; University of Warwick, United Kingdom;

Internet sites, including: AllAfrica; Amnesty International; British Broadcasting Corporation; Consultancy Africa Intelligence; ecoi.net; Factiva; Freedom House; Girls not Brides; Global Fund for Women; Human Rights Watch; International Federation for Human Rights; International Federation of Women Lawyers (FIDA) in Uganda; Organization of African Unity; Peace Women; Uganda – gov.ug, Judiciary, Ministry of Finance, Planning and Economic Development, Parliament of Uganda, Police Force, State House Uganda; United Nations – Refworld, UN Women; World Health Organization.

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