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Author: Elizabeth Ndungu

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The untold story of early marriages in South Sudan

By Elizabeth Ndungu

Executive summary

This sobby paper discusses the issue of early marriages in South Sudan, with the Toposa of the State of Kapoeta as a case study, a community where early and forced marriages are engrained in the culture. A girl may be married off as young as nine years old for as low as two cows valued at \$100 apiece to an old man. While South Sudan law opposes these practices, eradicating them is difficult due to their embedded nature in the society. The reasons for early and forced marriages are numerous, ranging from generations-old culture to dowry and the use of girls to accumulate wealth, particularly cows, to fear of early and unwanted pregnancies, where parents would rather the girl marry than bring shame to the family through pregnancies, to a lack of structured, laid-out systems for girls, where the majority of parents have no long-term plans for girls after marriage. The repercussions range from prostitution to an increase in HIV/AIDS. Recommendations include upholding the law; assisting the community in exposing themselves education, particularly now that the world is only a few years away from meeting the strategic sustainable development goals (SDGs) to end child marriage by 2030.

1. Introduction

A country still recuperating from series of wars for decades and thus lagging behind in development, South Sudan is one of the youngest countries to have gotten independence. South Sudan attained its independence in July 2011 from Republic of Sudan after a successful referendum was held between 9th and 15th day of January 2011 to determine whether South Sudan should become an independent country and separate from Sudan, with a total 98.83% of the population voted for independence (de Waal, 2019, p. 82).

South Sudan is bordered by Ethiopia to the East, Kenya to the Southeast, Uganda to the South, Democratic Republic of Congo (DRC) to the West and Sudan Republic to the North. At the boarder of Kenya, Uganda and Ethiopia lies Kapoeta State. Among other communities in the State of Kapoeta are the Toposa community. The community like the rest of the neighbours are cattle keepers. To them, livestock is more important than even human beings. A typical Toposa man would rather die than selling his cattle to pay hospital bills. The community is rigid to civilisation despite humanitarian attempts to bring change and development. The community, however, is very accommodative to visitors.

Women in the community are tasked with all the household chores and feeding the family. The community does not put much value in women. When a woman prepares food for the family, they would hilariously say her portion is the one that remains in the serving spoon. That means she gets the smallest share of the food. A woman is not supposed to eat if her husband has not been well fed. During food distribution in the area, you will see only women queuing for food apparently, it is against their culture for a man to carry food. when a Toposa man is walking with his wife, he will leave the wife behind carrying a child on her back, firewood on her head, food in one hand and holding another child in the other. You will rarely see a Toposa man walking side by side with his wife.

2. The fate of Toposa young girls

Early and forced marriages in the community are deep rooted; a girl is married off as young as 9 years. According to their argument, if a girl is not married when she is still a child she will grow up and start sleeping around with boys in her teenage. As a result, they prefer to marry them off as children so that they can grow in their husband's house and save the family from the shame of unwanted pregnancies. However, the most significant problem is the bride price, which is expressed in cows. A girl may be sold away for as little as two cows at \$100 each to an old man.

The community does not value education let alone girl child education. They justify that their forefathers never went to school, yet they were okay.

Some girls accept their fate without fighting but others fight before eventually accepting to be married off. Those that fight end up being tortured and inflicted with pain to eventually accept. A hot rode is placed on their skin as well as serious battering as punishment for not accepting to get married. Others end up committing suicide rather than enduring the pain of forced marriage while others run to the forests never to come back.

The pain is unbearable, their mothers are tasked with the duty of talking to the girls into accepting their marital fate. The mothers need to convince their daughters that it is the culture, and they need to accept it lest they become outcasts or cause problems at home. They show their daughters that they were also married young, so were their grandparents. That it is a culture that they must accept. However, most mothers give their children off not because they want to or support it but because they cannot do anything about it. Since the women are voiceless and their views are immaterial. The brave ones, however, assist their girls to run away to the police.

Although the government has not yet put tough measures on the perpetrators of early and force marriages, but those who run to the police often escape from forced marriages since the organisations dealing with GBV come through to save them. However, not many make it to the police because of the distance from their villages to towns.

The girls are not married off to their agemates, or at least teenagers. No! they are married off to older men than them. Those that can be able to pay the bride price of a good number of cows for the girl since accumulation of livestock is a sign of wealth in the community. The boys in the community are under a lot of pressure to acquire cattle to be able to marry. Which will take them a good number of years to accumulate enough cows to be able to marry. By the time they have accumulated enough, they end up marrying young girls. So, the cycle keeps continuing. When the pressure is too much, they raid cattle from the neighboring community which steer up fighting and a lot of bloodshed. No wonder the pastoralist community will always have revenge killings and cattle raiding.

Being young and still desiring to be children, the girls sometimes forget their role of being wives and go out to play with other children neglecting their wifely duties. They would in turn face serious beatings from their husbands. After all the husband has paid fortune to have her as a wife and not to play around. The girls' parents cannot utter a word about it, and it is a serious taboo

for a girl to come out from their husband's house. They, therefore, live with fear and accepting that as their fate. This has been running from generation to generations making the women in the community to live in fear.

Although there has been attempts by different actors to intervene, the vice is still taking place especially in the interior parts of the villages. Despite attempts to introduce education as a way to bring civilisation to the area, enrollment is still low. Girl child education is something that is non-negotiable in the community although few parents have slowly started taking their girls to school especially in the towns. South Sudan is rated among the 40 countries in the world with high rate of child marriage prevalence rates. 45% of women in South Sudan are married off before the age of 18, 7% of the women aged between 15-49 years were married before the age of 15 and 31% of female between 15-19 began childbearing and 3% had given birth before age 15 (UNFPA, 2018).

Child marriage has been declared as a human right violation and is against the laws of South Sudan (Constitute Project, 2021). However, the same people who are supposed to protect these laws are the same people breaking and bending them. The chiefs are the ones marrying young girls. Owing to many years of conflict and unsettlement in South Sudan, there has not been a clear system in registering births and therefore most of the girls do not even know their age especially in the villages. Because of this it becomes very hard to establish a case against anybody (Grabska, 2013). Others forge the birth certificates and bribe officials to get a birth certificate that indicates that the girls are over 18 years. Apart from that the future of these girls is not well planned and certain since most of them do not go to school or intend to. Maybe because of preference of boys over girls if resources are scarce or the parents have fathomed the benefit of girl child education. So, the only thing that is for a girl is just to be married despite the consequences.

In Kapoeta, there is one boarding school for girls known as St Bhakita Girls Secondary School, the school was started by Bishop Paride Taban, the retired Catholic Bishop for the Diocese of Torit and supported by the Stromme Foundation. The school is run by a catholic nun; Sister Jilda Anzoa nun who has been key in assisting the victims of early and forced marriage to settle. The school is the haven for girls who manage to escape from forced marriages. About 40% of the girls in the school are victims of forced marriage. Most of the girls that have been saved from forced marriages are taken to the school. Once a girl enters the school, she will never go back home. Since it is not safe for her. For them there is no holiday.

Occasionally, the nuns face threats from some of the girl's family members coming with guns to demand their daughters from the school. Could be the parents of the girl since they have to return back the cows which they are not ready to. Or the husband claiming the girl since she is the wife. However, despite the threats the nuns do not give back any girl that comes to the school. In fact, they encourage more girls to come. Unfortunately, the space is becoming small for the increasing cases by the day. Also, the distance from where the school is and most of the villages where child marriages are practiced is far and in between there are forests.

Kapoeta is just one state among many other states in South Sudan that early marriages are practiced. In Northern Bahr el ghazal, the case is not different, there is a very high rate of suicides both from boys and girls. Boys commit suicide when a girl he intended to marry is married off to an older man because of resources. Due to high inflation and economic hardships in the country it becomes hard for young boys to be able to marry. Some parents demand like 100 cows as dowry in order to marry. And when a young man impregnates a girl, the penalty is high.

The reasons for early and forced marriages are enormous ranging from the deep culture which has been passed from one generation to another, to dowry and using girls as a way of accumulating wealth especially cows, to fear of early and unwanted pregnancies where the parents prefer the girl to marry than to bring shame in the family through pregnancies, to lack of structured laid out systems for the girls where most of the parents do not have long term plans for girls after going to school, to poverty where parents prefer the children to marry and thereby reducing one more mouth to feed, to a hopeless society among others. Most communities believe that marriage will accord a girl respect in the community, which I do not dispute at all, but at the right time. Child marriage will not accord respect because it has a motive behind it.

3. Effects

Sometimes these early marriages do not work resulting to divorce at an early age. The girls are, therefore, forced to engage in prostitution resulting to high HIV/AIDs infections in some of the major towns. When you visit some of the major towns, the majority population are girls aged between 14-20 years who were once married and the marriage failed. The children from these marriages either die of malnutrition and negligence or end up growing as street children.

It is quite a shame that this is doing injustice to the upcoming generation, and if nothing is not done, the future will be wiped off. Marrying off young girls who are supposed to be children is

stealing away a crucial stage of a child's life which will never be recovered. A child is more than physical body, the mind of a child is not yet matured to handle responsibilities of being a wife. It is important that a child is given an opportunity to go through all the stages of life. A child is supposed to feel safe in the very home that she comes from.

Apart from the psychological effects, the health effects are enormous, when a girl whose reproductive system is not ready is exposed to sexual encounter, it damages their reproductive system. She may experience miscarriages due to the damages caused in her reproductive system. Which in turn will be associated with bad omen or witchcraft. The girl has a high potential of having health problems like fistula, cervical cancers among other complications. Research shows that girls aged between 10-14 years are five times more likely to die during delivery than mothers aged between 20-24, girls aged 15-19 are still twice likely to die during delivery. However, this is a language that is very hard to explain to people who have a belief system of life, deep cultures and staunch traditions. Due to lack of information about family planning, lack of access and age factor, the girl is likely to have multiple pregnancies in a period of 5 years, she can deliver 3 or 4 children, some of whom will die due to malnutrition or living poor living conditions. That means at the age of 20 years, she may be having 5 children and several dead children. More often than not the girl is left to take care of this children because most of African traditions forbid men to associate themselves with 'women chores' including children affairs. The mother-in-law are the ones who are left with the role of helping the girls to take care of the children and to advise them about marriage life. Woe to a girl if she lands to the hands of a bad mother-in-law.

Some communities allow men to marry second wives when their wives are pregnant especially if the man is rich. So, the man can marry another girl again or more for as long as he can afford to pay their bride price. Eventually the co wives learn to co-exist as the fate will have them to. The lives of this girls are totally wasted; the children that they will give birth to have high chances of going through the same kind of life.

According to UN estimates, its believed that about 15 million girls are married off every year. It is indeed a crisis. An issue that needs to be addressed to salvage the lives of our dear girls. The transitional Constitution of South Sudan has put it very clear that Child marriage is a crime. Article 17(4), transitional constitution of South Sudan defines a child as any person under the age of eighteen years. Section 17(1)(g) of transitional Constitution, 2011 states that, "Every child has a right not to be subjected to negative and harmful practices which affects his/her health,

welfare and dignity”. Section 23(1) Child Act 2008, it says, “Every child has every right to be protected from early marriage, forced circumcision, scarification, tattooing, piercing, tooth removal, or any other cultural rite, cultural or traditional practices that is likely to affect the child’s life, health, welfare, dignity or physical, emotional, psychological, mental and intellectual development” (Constitute Project, 2021, p. 12).

Section 26(1) Child Act 2008 specifically talks about the girl child, it states, “every female child has a right to be protected from sexual abuse an exploitation and gender-based violence, rape, incest, early and forced marriage, female circumcision and female genital mutilation”. Safety of a girl does not come directly from the government; the government will only uphold and take action when necessary. The safety of the girl comes from the very home is born into. The first person to protect the girl child is the father of the child. The word of the father about the girl is the final. Once the father protects the girl child, everyone else will. All actors combined will not surpass the decision of the father of a child concerning her destiny. if the father can understand the pain the child goes through, he will not value to cows over her.

4. Recommendations

The solution to this problem lies with the perpetrators of the act, different strategies work in different places especially depending on the context of the said place. Areas where laws are upheld, laws will work if it tightens. Other approaches include educating the perpetrators to reverse what they have learnt for years and years. This is of course a task and a gradual process. It also needs to be tactical lest, you pass the idea that ‘their way’ is not good and ‘our way’ is good thereby rejecting it due to ego. It also needs a tactical way of dealing with the elders because they are the ultimate decision makers and help them understand that these things can be done in a better way. The area leaders need also to be key players in the solution.

The community also needs to expose themselves with some few women who have gone to school as role models. The girls who went to school and became successful and were able to give back to their communities so that the community can see the other side of the story. The too much value that is put in dowery should also be reviewed since it is the fueling factor to child marriages. When a man gives birth to a girl he sees wealth, he does not necessarily care about the effect in the life of the girl. On the other hand, when a man pays bridal price, he gets all the rights pertaining to this child, he can do anything he wants to do, since he has paid for the girl. The whole aspect of bridal price has been misinterpreted.

The government and catholic mission should invest in the nuns who put their lives at risk to provide a haven for these children, where they can stay and study such as those at St Bhakita Girls Secondary School. Support could come in the form of cash, infrastructure, books, uniforms for the girls, amongst others.

One of the strategic sustainable development goals (SDG) is to end child marriages by 2030, few years are remaining, yet much is needed to be done. The root cause of the matter needs to be addressed and people need to join hands in fighting child marriages to be able to realise the goal and make the world a safer place to live in for all. Just like the climate change and global warming is important to the world, so is the ending of child marriage.

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Picture: Taking one of the survivors of early and forced marriage (Aged 9 years old) to Bakhita School in Kapoeta South, South Sudan.