

**Flygtningenævnets baggrundsmateriale**

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## Uganda – Civil and customary marriages and their registration procedures

### Introduction

The following note describes the conditions and requirements for entering civil and customary marriages in Uganda, the subsequent registration at the Ugandan Registration Services Bureau (URSB) as well as the issuance procedures for the related marriage certificates.

The note is primarily based on interviews conducted in Kampala and Wakiso in October and November 2022.

### Marriage in Uganda

The Ugandan Registration Services Bureau (URSB) is the directorate of civil registration with the responsibility covering registration regarding inter alia marriage, business and intellectual property.

In relation to marriage, URSB is among other things mandated to:

- Solemnise civil marriage for residents of Kampala
- Register all Church, Islamic and Hindu marriages
- License churches to celebrate marriages
- Maintain all customary marriage registers.<sup>1</sup>

There are five types of legal marriage in Uganda: civil, customary, church/Christian, Islamic and Hindu.<sup>2</sup> Each type of marriage has its own type of marriage certificates.<sup>3</sup>

For information about religious marriages, please refer to our note: “Religious marriages and their registration procedures in Uganda”.

### *Marriage registration with URSB*

Marriage registration with URSB is mandatory but the specific conditions depend on the type of marriage. Marriage is, however, legal before the registration with URSB as long as it abides by the rules and requirements for that particular type of

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<sup>1</sup> URSB, 24 November 2021.

<sup>2</sup> URSB, 24 November 2021.

<sup>3</sup> URSB, Kampala, October 2022.

marriage.<sup>4</sup> No matter how long ago a couple married, it is always possible to have the marriage registered. In case of late registration, the couple will be subjected to a fine.<sup>5</sup>

### *Eligibility criteria*

The following criteria must be honoured, in order to enter into a legally valid marriage in Uganda no matter the type of marriage:

- Bride and groom must be 18 years or above\*
- Marriage must be consensual
- Marriage must be heterosexual
- Marriage must be monogamous except for customary and Islamic
- Persons cannot be related by kindred or affinity.<sup>6</sup>
- Proxy marriages are not allowed in any circumstances no matter what type of marriage is celebrated.<sup>7</sup>

\*If bride or groom is below 21 years and not a widower/widow, written consent from either one of the parents or guardian is required for church and civil marriages and for customary marriage in cases where the party below 21 years does not belong to an indigenous tribe of Uganda.<sup>8</sup>

According to URSB, it is important to underline that marriage is for life except by dissolution due to death or by court order. In that case, divorcees can remarry.<sup>9</sup>

Cohabitation does not give any legal rights.<sup>10</sup>

Single status certificates are needed for Ugandans to marry in e.g. Denmark. You and one of your parents swear that you are unmarried in front of a Commissioner of Oaths.<sup>11</sup>

### **Civil marriage**

Civil marriages are governed by the Marriage Act Cap. 251. They are monogamous and solemnised by a registrar of marriages in the office of Registrar General for residents of Kampala (URSB) and in offices of the Chief Administrative Officers (LC5) at districts outside Kampala.<sup>12</sup> Most civil marriages in Uganda are celebrated in Kampala and Wakiso and according to URSB; it is rare to see civil marriages in the countryside.<sup>13</sup>

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<sup>4</sup> URSB, Kampala, October 2022; Danish Ministry of Foreign Affairs, 5 November 2020, p. 3.

<sup>5</sup> URSB, Kampala, October 2022.

<sup>6</sup> URSB, Kampala, October 2022; URSB, 24 November 2021.

<sup>7</sup> URSB, Kampala, October 2022.

<sup>8</sup> Danish Ministry of Foreign Affairs, 5 November 2020, pp. 6-7; CAO, November 2022.

<sup>9</sup> URSB, Kampala, October 2022; URSB, 24 November 2021.

<sup>10</sup> URSB, Kampala, October 2022; URSB, 24 November 2021.

<sup>11</sup> URSB, Kampala, October 2022.

<sup>12</sup> URSB, 24 November 2021; Danish Ministry of Foreign Affairs, 5 November 2020, pp. 2, 4.

<sup>13</sup> URSB, Kampala, October 2022; Danish Ministry of Foreign Affairs, 5 November 2020, p. 2.

According to the Chief Administrative Officer in Wakiso district, not all districts are gazetted to celebrate civil marriages.<sup>14</sup>

#### *The civil marriage procedure*

The intending couple should appear before the registrar of marriages in the relevant district for an interview and present the documents listed below in order to have the mandatory notice of marriage posted:

- Proof of citizenship and identity e.g. passport
- Details about intending bride and groom i.e. occupation and parents' names
- Local Council 1 (LC1) introduction letter from at least one party proving residence for at least 15 days in the district
- A passport size photograph for the groom and the bride
- A photocopy of a valid ID for each of the two adult witnesses
- Registered marriage affidavits (Section 10 of Marriage Act Cap. 251)<sup>15</sup>
- If foreigner, a single status certificate from the said person's home country.<sup>16</sup>

Regarding proof of citizenship and identity, URSB has in writing elaborated that it is a requirement for the notice of marriage to be accompanied with sufficient identification documents, which can include national ID cards (and the NIN), passports, refugee cards and local administration residential ID cards. The local administration residential ID cards are only used in exceptional cases involving people without the national ID card.<sup>17</sup>

Regarding the marriage affidavits, these may be sworn before the registrar or before a magistrate.<sup>18</sup>

Regarding the LC1 introduction letter, this is to ensure that at least one party to the marriage resides in the district in which the marriage is intended to be solemnised (15 days as a minimum).<sup>19</sup> According to URSB, this follows the Marriage Act and is a prerequisite for civil marriages and it will assure the jurisdiction of the marriage registrar.<sup>20</sup>

#### *Notice of marriage (21 days' notice)*

For 21 days, pictures and information about the couple to be will be on public display at URSB or at the office of the relevant Chief Administrative Officer. If there are no objections to the marriage during the 21 days, the ceremony can take place

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<sup>14</sup> CAO, Wakiso, November 2022.

<sup>15</sup> ULII, 10 March 2014.

<sup>16</sup> URSB, 16 November 2022; Danish Ministry of Foreign Affairs, 5 November 2020, p. 5; URSB A, 2022; CAO, November 2022.

<sup>17</sup> URSB, 25 November 2022.

<sup>18</sup> ULII, 10 March 2014.

<sup>19</sup> URSB, 16 November 2022; Danish Ministry of Foreign Affairs, 5 November 2020, p. 5.

<sup>20</sup> URSB, 16 November 2022; URSB, 25 November 2022.

within the following three months from the date of notice.<sup>21</sup> According to Chief Administrative Officer in Wakiso district, however, the couple only has 14 days to solemnise the marriage after the lapse of the notice of marriage.<sup>22</sup>

At least one of the parties must in person post the notice of marriage and present proper documentation concerning both parties including the mentioned sworn marriage affidavits. It is, therefore, possible to post notice in cases where one of the parties is not in Uganda as long as proper documentation is submitted.<sup>23</sup> According to URSB, it is imperative that proper identification is submitted at the point of posting notice. This is among other things to avoid that someone may attempt to marry another person without consent.<sup>24</sup>

It is also possible to apply online for the notice of marriage, but before the 21 days' of notice are initiated, at least one of the parties must appear in person at URSB or at the office of the relevant Chief Administrative Officer.<sup>25</sup>

#### *Civil marriage certificates*

On the day of the marriage solemnisation, the parties appear with the two adult witnesses before the registrar who performs the ceremony.<sup>26</sup> After the civil marriage has been solemnised, the registrar registers the marriage in the marriage register book and issues a certificate of marriage (Form E). The certificates from URSB and the offices of the Chief Administrative Officer are different but contain the same information.<sup>27</sup>

The process at URSB has recently been digitised. The certificate is printed from the digital system and then signed and stamped by URSB. The old versions of marriage certificates are still valid but no longer issued.<sup>28</sup>

Marriage certificates are usually printed on a heavier type of paper (not security paper), but it is not always available, and in these cases, the certificates will be printed on a regular white 4A copy paper.<sup>29</sup>

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<sup>21</sup> ULII, 10 March 2014; URSB, 24 November 2021.

<sup>22</sup> CAO, Wakiso, November 2022.

<sup>23</sup> URSB, 16 November 2022.

<sup>24</sup> URSB, 16 November 2022.

<sup>25</sup> URSB, 16 November 2022.

<sup>26</sup> URSB A, 2022.

<sup>27</sup> URSB, Kampala, October 2022.

<sup>28</sup> URSB, Kampala, October 2022.

<sup>29</sup> URSB, Kampala, October 2022.

*Cancelled*

**URSB**  
UGANDA REGISTRATION  
SERVICES BUREAU

**CERTIFICATE OF MARRIAGE** Form E

THE MARRIAGE ACT

Date of Marriage: [REDACTED] 2022 Marriage Registry No: 1 [REDACTED] 7

Marriage celebrated in the Marriage district of WAKISO in the Republic of Uganda

|                                         | Husband                        | Wife                      |
|-----------------------------------------|--------------------------------|---------------------------|
| Name                                    | [REDACTED]                     | [REDACTED]                |
| Full age                                | 31                             | 30                        |
| Condition                               | Single                         | Single                    |
| Rank/Profession/Occupation              | ACCOUNTANT                     | MONITORING AND EVALUATION |
| Residence                               | [REDACTED]                     | [REDACTED]                |
|                                         | Father                         | Father                    |
| Name                                    | [REDACTED]                     | [REDACTED]                |
| Rank/Profession/Occupation              | BUSINESS MAN                   | BUSINESS MAN              |
|                                         | 1st Witness                    | 2nd Witness               |
| Name                                    | [REDACTED]                     | [REDACTED]                |
| Full age                                | 28                             | 27                        |
| Condition                               | Single                         | Single                    |
| Rank/Profession/Occupation              | IT TECHICIAN                   | ADMINISTRATIVE ASSISTANT  |
| Residence                               | [REDACTED]                     | [REDACTED]                |
|                                         | Father                         | Father                    |
| Name                                    | [REDACTED]                     | [REDACTED]                |
| Rank/Profession/Occupation              |                                | BUSINESS MAN              |
| Married at                              | WAKISO                         |                           |
| (or before) me                          | by James Mayanja               |                           |
| This Marriage was celebrated between us | 1. [REDACTED]<br>2. [REDACTED] |                           |
| In the presence of us as witnesses      | 1. [REDACTED]<br>2. [REDACTED] |                           |

Image 1: Certificate of marriage, civil, URSB. (NIDC reference material)

### Special license

Where an intending couple is unable to wait for the 21 statutory days, or where they desire to have their marriage celebrated outside a licensed place of worship or registrar's office, the couple can apply for special license from the Minister of Justice and Constitutional Affairs. The decision is based on affidavits.<sup>30</sup> A reason for wanting to waive the 21 days could be that one party to the marriage is in Uganda on a tourist visa, which will expire before the 21 days. According to URSB, if other criteria are fulfilled the special license will normally be granted.<sup>31</sup> Special license is

<sup>30</sup> URSB A, 2022.

<sup>31</sup> URSB, Kampala, October 2022; URSB, 24 November 2021.

governed by the Marriage Act Cap. 251, which governs civil and Christian (monogamous) marriages.<sup>32</sup>

### **Customary marriage**

Customary marriages are governed by the Customary Marriage (Registration) Act, Cap. 248.<sup>33</sup> Customary marriages are not necessarily monogamous and there is no limit as to how many wives a man can have.<sup>34</sup> Customary marriages are celebrated in accordance with the customs of the relevant tribal community.<sup>35</sup> In a customary marriage, at least one of the parties to the marriage must belong to 'an African society'.<sup>36</sup> Two foreigners where neither belong to an African society cannot enter into a customary marriage in Uganda. As a rule, a customary marriage follows the customs of the tribal community of the bride and according to URSB; it is highly uncommon to see a customary marriage where the bride does not belong to an African society/local community.<sup>37</sup> One of the main reasons is that the dowry goes to the bride's family.<sup>38</sup>

It was important for URSB to stress, that customary marriages involving parties below the minimum age of 18 years are not allowed and are invalid in Uganda. Before 1995, the age limit for the bride was 16 as stipulated in the Customary Marriage (Registration) Act Chapter 248. However, following the 1995 amendment of the Constitution of Uganda this is no longer legal.<sup>39</sup>

Both parties to the marriage must be present during solemnisation; hence, by proxy customary marriages are not legal.<sup>40</sup>

A customary marriage can be converted into a civil marriage if it is still monogamous.<sup>41</sup>

### *Registration of customary marriages*

Customary marriages are the only legal marriages in Uganda not celebrated by an appointed marriage registrar; hence, customary marriages are not entered into the marriage register book instantly, as is the case for all other marriages.<sup>42</sup>

Customary marriages must be registered no later than six month after the ceremony with the sub-county chief or town clerk who are designated registrars of customary marriages at which point it is entered into the marriage register book and

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<sup>32</sup> URSB, 25 November 2022.

<sup>33</sup> Danish Ministry of Foreign Affairs, 5 November 2020, p. 7; URSB A, 2022.

<sup>34</sup> URSB, Kampala, October 2022.

<sup>35</sup> URSB, 24 November 2021.

<sup>36</sup> URSB, Kampala, October 2022.

<sup>37</sup> URSB, Kampala, October 2022.

<sup>38</sup> URSB, Kampala, October 2022.

<sup>39</sup> URSB, Kampala, October 2022; Danish Ministry of Foreign Affairs, 5 November 2020, p. 4.

<sup>40</sup> URSB, Kampala, October 2022.

<sup>41</sup> URSB, Kampala, October 2022; URSB, 24 November 2021.

<sup>42</sup> URSB, 16 November 2022.

According to URSB, both parties and the two witnesses should sign *Form B* confirming that they are married and witnessed the marriage ceremony, respectively.<sup>45</sup> This form is filled out by the Town Clerk or Sub-County Chief, who also stamps and signs it. Form B has pictures of bride and groom.<sup>46</sup>

Serial No. ....

FORM B



THE REPUBLIC OF UGANDA

## CERTIFICATE OF CUSTOMARY MARRIAGE

(Section 6 of the Decree)

Sub-County/City/Municipality/Township Register No. ....

Marriage celebrated at ..... in the Sub-County/City/Municipality/Township of .....

(village)

in the County of ..... District of .....

|               | Date of Marriage | Full Name | Age | Status | Profession | Residence at time of Marriage | Father | Profession of Father |
|---------------|------------------|-----------|-----|--------|------------|-------------------------------|--------|----------------------|
| Husband .. .. |                  |           |     |        |            |                               |        |                      |
| Wife .. ..    |                  |           |     |        |            |                               |        |                      |

| Full Name     | Age | Status | Occupation | Residential Address |
|---------------|-----|--------|------------|---------------------|
| Witness .. .. |     |        |            |                     |
| Witness .. .. |     |        |            |                     |

This Marriage was celebrated between us ..... in the presence of us .....

Signature of Husband

.....

Signature of Wife

.....

Signature of Witness

.....

Signature of Second Witness

.....

I, ..... Registrar of ..... Marriage District, do hereby certify that this is a true copy of the entry of a marriage as shown above.

Witness my hand, this ..... day of ..... 20.....

Registrar's Signature and Rubber Stamp.

Serial No. 011624

FORM B



THE REPUBLIC OF UGANDA

## CERTIFICATE OF CUSTOMARY MARRIAGE

(Section 6 of the Decree)

Sub-County/City/Municipality/Township Register No. ....

Marriage celebrated at ..... in the Sub-County/City/Municipality/Township of .....

(village)

in the County of ..... District of .....

|               | Date of Marriage | Full Name | Age | Status | Profession | Residence at time of Marriage | Father | Profession of Father |
|---------------|------------------|-----------|-----|--------|------------|-------------------------------|--------|----------------------|
| Husband .. .. | .. ..            |           |     |        |            |                               |        |                      |
| Wife .. ..    | .. ..            |           |     |        |            |                               |        |                      |

| Full Name     | Age   | Status | Occupation | Residential Address |
|---------------|-------|--------|------------|---------------------|
| Witness .. .. | .. .. |        |            |                     |
| Witness .. .. | .. .. |        |            |                     |

This Marriage was celebrated between us ..... in the presence of us .....

*Signature of Husband* ..... *Signature of Witness* .....

..... *Signature of Wife* ..... *Signature of Second Witness* .....

I, ..... Registrar of ..... Marriage District, do hereby certify that this is a true copy of the  
(print in full Registrar's Name(s))  
entry of a marriage as shown above

WITNESS my hand, this ..... day of ..... 20.....

.....  
*Registrar's Signature and Rubber Stamp.*

<sup>43</sup> URSB, 16 November 2022; URSB, 24 November 2021.  
<sup>44</sup> Danish Ministry of Foreign Affairs, 5 November 2020, p. 3.  
<sup>45</sup> URSB, Kampala, October 2022.  
<sup>46</sup> URSB, Kampala, October 2022.  
<sup>47</sup> URSB B, 2022.

### Customary marriage certificates (Form B)

URSB does not issue any marriage certificates when a customary marriage is registered in their system.<sup>48</sup> Form B is from the Sub-County Chief or Town Clerk who buy the empty marriage certificate forms, which are in carbon paper in triplet: yellow, white and blue.<sup>49</sup> The digital version can also be used (image 2).<sup>50</sup>

According to URSB, an extract from the marriage register can be issued on request. URSB will stamp the extracts. URSB's stamps will change over time and are different for each registrar.<sup>51</sup>

**CERTIFICATE OF CUSTOMARY MARRIAGE**  
(Section 6 of the Decree)

Sub-County/City/Municipality/Township Register No. [REDACTED]

Marriage celebrated at: BUSIMBA SOMBOLA in the Sub-County/City/Municipality/Township of MITYANA BUSIMBA District  
(village)

in the County of MITYANA MUNICIPALITY District of MITYANA

|            | Date of Marriage | Full Name  | Age | Status | Profession | Residence at time of Marriage | Father     | Profession of Father |
|------------|------------------|------------|-----|--------|------------|-------------------------------|------------|----------------------|
| Husband .. | [REDACTED]       | [REDACTED] | 33  | SINGLE | TEACHER    | HANOI - VIETNAM               | [REDACTED] | ENGINEER             |
| Wife ..    | [REDACTED]       | [REDACTED] | 32  | SINGLE | COOK       | UGANDA                        | [REDACTED] | BUSINESS             |

|            | Full Name  | Age | Status  | Occupation    | Residential Address |
|------------|------------|-----|---------|---------------|---------------------|
| Witness .. | [REDACTED] | 41  | MARRIED | DRIVER        | [REDACTED]          |
| Witness .. | [REDACTED] | 28  | SINGLE  | SOCIAL WORKER | [REDACTED]          |

This Marriage was celebrated between us [REDACTED] in the presence of us [REDACTED]

Signature of Husband [REDACTED] Signature of Witness [REDACTED]

Signature of Wife [REDACTED] Signature of Second Witness [REDACTED]

I, NALUMKA AGNES Registrar of BUSIMBA District Marriage District, do hereby certify that this is a true copy of the entry of a marriage as shown above

WITNESS my hand, this [REDACTED] day of [REDACTED] 2022

Registrar's Signature [REDACTED] Registrar's Rubber Stamp

Image 4: Certificate of customary marriage. (NIDC reference material)

### Fraud with marriage certificates

URSB has identified counterfeit marriage certificates by crosschecking the questioned marriage certificates with their marriage register and found that the marriages never occurred. In these cases, the certificates were not possible to differentiate from originals but the missing registrations in the URSB system revealed the fraud.<sup>52</sup>

To avoid fraud, URSB requires the marriage certificates from the authority who has solemnised the marriage and URSB recommends that the church forward the certificate directly to URSB. In some cases, however, the person in question brings

<sup>48</sup> URSB, Kampala, October 2022.

<sup>49</sup> CAO, Wakiso, November 2022; URSB, Kampala, October 2022.

<sup>50</sup> URSB, Kampala, October 2022.

<sup>51</sup> URSB, Kampala, October 2022.

<sup>52</sup> URSB, Kampala, October 2022.

his/her own marriage certificate in order to register the marriage. In these cases, URSB will ask for a cover letter from the church.<sup>53</sup>

URSB is furthermore stressing the importance of the name of the father, because fraud with the father's name is recurrent element in fraud cases.<sup>54</sup>

According to Transparency International, Uganda scores 27 out of 100 points with 100 being *very clean* and 0 being *highly corrupt*.<sup>55</sup>

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<sup>53</sup> URSB, Kampala, October 2022.

<sup>54</sup> URSB, Kampala, October 2022.

<sup>55</sup> Transparency International, 2022.

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