



ENDING CHILD MARRIAGE
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*GLOBAL CAMPAIGN TO END CHILD, EARLY AND FORCED
MARRIAGE*

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DEFINITION OF CHILD, EARLY AND FORCED MARRIAGE (CEFM)

Early Marriage is a marriage that occurs before a person reaches the age of consent 18 years. Also known as child marriage, it is the practice where one or both spouses are below the age of 18. Similarly, Forced Marriage is marriage that occurs without the expressed consent of either one or both of the parties. Usually, the party whose consent is not sought is the girl and she is usually forced or coerced into marriage although some boys can be affected by this practice. Strong social and cultural norms also drive the practice despite legislation in place.

Child early and forced marriage (CEFM) is a negative social practice because these young girls lack the mental capacity to make informed decision about their marriage partner, the timing or the implications of this binding commitment. Many ultimately contract Vaginal Fistula during childbirth because their bodies are not yet mature and ready so the thin separation between the anus and vagina tears causing urine and feces to pour out of the girl uncontrollably.

This harmful traditional practice persists worldwide. In developing countries, more than 30 percent of girls are married before the age of 18, and 14 percent before they are 15. Statistics from the UNFPA indicate Ghana has one of the highest child marriage prevalence rates in the world. On average, one out of four girls will be married before their 18th birthday. In 2008, about 25% of the women aged 20-24 were married/in union before age 18. Again the Multiple Indicator Cluster Survey (MICS) 2006, indicates that in 2006, 26.4% of women in Ghana got married before the age of 18 years. Thus nearly one out of four women gets married while still a child with 5.5% prevalence rate in rural areas compared to 3.3% of women from the urban areas getting married before 15 years. The situation progressively worsens as data from the 2011 MICS showed that 6% of women aged 15 to 49 years got married before 15 years of age, while 27% got married before 18 years. In rural areas, prevalence of women marrying before 15 years rose to 8%, while the urban areas stood at 4%, making a total of 33% of women in early marriage. Instead of the practice declining, it is worsening.

On the African continent, data from the World Fertility Survey and DHS data indicates in several countries, over 40 per cent of young women have entered marriage or a quasi-married union by the time they reach the age of 18. By contrast, in only two countries are more than 10 per cent of boys under 19 married.¹ Early marriage is generally more prevalent in Central and West Africa – affecting 40 per cent and 49 per cent respectively of girls under 19 – compared to 27 per cent in East Africa and 20 per cent in North and Southern Africa. Many of these young brides are second or third wives in polygamous households.

The problem with tackling early marriage in Africa is with the enactment of incoherent laws as some Countries have laws that set marriageable ages at less than 18 years.² These are Burkina Faso, Cameroon, Gabon, Malawi, Mozambique, Senegal, Tanzania and Zimbabwe. In Ghana, marriage age is set at 18 years with the minimum marriage age being 16 years with parental

¹World Marriage Patterns 2000 Wallchart, UN Department of Economic and Social Affairs

² World Policy Analysis Centre: Child marriage database. Age of consent source: Social Institutions and Gender Index

consent. In Tanzania, minimum marriage age for women is 15. Rwanda is the only country that has a minimum marriage age of 21 for both general marriages and those with parental consent.

CAUSES OF CHILD MARRIAGE

Early and forced marriages are largely influenced by cultural beliefs, poverty and societal pressure. It occurs more frequently among girls who are the least educated, poorest and living in rural areas. It is largely due to the unequal power relations between men and women in most African countries, where women and girls often occupy a lower status in society as a result of social and cultural traditions, attitudes, and beliefs fuelled by patriarchy. These ingrained cultural practices deny women their rights and stifle their ability to play an equal role in their homes and communities. In African countries, the importance of preserving family 'honour' and girls' virginity is such that parents push their daughters into marriage well before they are ready believing that marriage safeguards against 'immoral' or 'inappropriate behaviour'.

In Africa, most women are relegated to an underclass of domestic and reproductive labour resulting in female poverty, physical seclusion, illiteracy, powerlessness and gender-based violence, which includes female genital cutting, forced marriage and polygamy. In addition, poor homes and families on a low income are inclined to view girls as an economic burden while male children are valued as an asset. Pushing girls out of their homes into early marriage is thought to reduce the economic burden on the family.

Again, conflicts, disasters and emergencies increase economic pressures on households and many families that wouldn't previously have considered early marriage turn to it as a last resort.

EFFECT OF CHILD MARRIAGE ON CHILD DEVELOPMENT

This practice is inimical to child development because early marriage robs the young girl of the opportunity to be physically, psychologically, emotionally and financially ready for the responsibilities of marriage and childbearing. Early marriage increases social isolation and launches girls into a cycle of poverty, gender inequities, and higher risk of dying from complications of pregnancy and childbirth. Early marriage forces young girls to assume responsibilities and handle situations for which they are often physically and psychologically unprepared.

Furthermore, schooling-a critical pathway to a prosperous life-is often cut short by early marriage. Girls who are married are less likely to have an education. Often driven by poverty, families' sacrifice the education of the girl child for that of the boy child and force the girl into marriage to relieve their financial burdens. Women and girls forced into marriage also face higher risks of death in child birth, mal nutrition, hazardous work and the worst forms of child labour.

Following sustained advocacy against CEFM, the UN Human Rights Council adopted a resolution to combat early marriage in September 2012. The resolution recognizes child, early and forced marriage as a human rights violation that "prevents individuals from living their lives free from all forms of violence" and negatively impacts the "right to education, and the highest attainable standard of health, including sexual and reproductive health. The Human Rights

Council Proposed “the elimination of child, early and forced marriage should be considered in the discussion of the post -2015 development agenda”. The resolution also stressed the value of empowering and investing in women and girls for “breaking the cycle of gender inequality and discrimination, violence and poverty” and for bringing about “sustainable development and economic growth.

LEGAL AND REGULATORY FRAMEWORK TO COMBAT EARLY MARRIAGE

Creating the legal framework means that Government and the legislature should ratify relevant international human rights instruments, pass appropriate domestic legislation and enforce the law so every woman and girl is protected from being married against their will. Ghana was the first country to ratify the UN Convention on the Rights of the Child which called for the abolishment of traditional practices prejudicial to the health of children. It states further that children have the right to express their views freely, the right to protection from all forms of abuse and the right to be protected from harmful traditional practices.

The Universal Declaration of Human Rights insists on the “right to free and full consent to marriage” (article 16) and states that “marriage should be entered only with the free and full consent of the intending spouses. Where one of the parties getting married is under 18, consent cannot always be assumed to be “free and full”.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) states that “the betrothal and the marriage of a child shall have no legal effect” and calls upon states to set legal minimum ages for marriage of their young daughters and sons due to strong social pressures at the community level.

LAWS PROSCRIBING CHILD EARLY AND FORCED MARRIAGE IN GHANA

The 1992 Constitution and the Children’s Act (Act 560) both define a child as a person below the age of 18. The Children’s Act further pegs the minimum marriage age in Ghana at 18 and frowns on children being withdrawn from school for marriage. Section 14 of the Act provides that a person shall not force a child to be betrothed, to be subject of a dowry transaction or to be married. The Criminal Code Amendment Act (Act 554) prohibits compulsion in marriage and giving a girl out in marriage without her consent. *Section 100 of the Act provides that if a female is compelled to marry another person by duress this makes the marriage void or voidable, the marriage is of no effect*”. Section 109 also states that “*whoever by duress causes any person to marry against his or her will shall be guilty of a misdemeanor*” Section 92 states that “*a person is guilty of abduction of a female who with intent to cause her to be married to any person when he unlawfully takes her from lawful possession and care and detaining her*. Section 109 also states clearly that forcing a person to marry against their will is illegal while the Children’s Act also stipulates that forced child marriage is illegal (Sec. 13 and 14).The Domestic Violence Act, (Act 732) 2007. Section 1(b) defines domestic to include” the forcible confinement and detention of another person”.

PRACTICAL SUGGESTIONS FOR ENDING CEFM

While it is critical to establish the proper legal framework to combat this scourge, enacting legislation alone is not enough. Governments must be committed to enforcing those laws. Even though Ghana, has had a Children's Act since 1998 and the host of laws enumerated above, enforcement of the provisions contained therein has proved challenging and been disappointing, leading to the increasing incidence of CEFM instead of its decline. The reluctance of the community to expose those who engage in the practice and refusal of the police to investigate or prosecute because they consider it a family issue are the main reasons for the low enforcement rate.

Attitudinal change is critical if we are to make any headway towards eradicating this harmful practice and it is only by sustained public education and sensitization that communities which engage in this practice can stop. Members of Parliament, by virtue of their closeness to their constituents, ought to play a leading role in the advocacy against this practice.

Members of Parliament should lead the campaign to end child marriage by raising awareness about the impact of the harmful practice on girl child progress and national development through commemorative statements on the floor of Parliament during celebrations of The Day of the African Child on June 16th, International Children's Day and the Day of the Girl Child on 11th October. These commemorative days could also be used to highlight the importance of the girl child and stop the practices that are inimical to their growth and development.

The oversight role of Parliament mandates MPs to exercise oversight over all Ministries including those in charge of Culture, Women Affairs, Justice and Education. These Ministers should be asked critical parliamentary questions on the status of implementation of legislation protecting girls against early and forced marriage and measures being taken to end this menace. The Attorney General and Minister of Justice can also be summoned to Parliament to provide answers on the number of prosecutions undertaken since the law criminalizing forced marriage was passed as a means of highlighting the lack of law enforcement and compel greater adherence to the law. Parliamentary questions are a powerful tool MPs can utilize to put MDAs on their toes. Publicity of parliamentary questions can help the process of public education for attitudinal change.

MPs can also be agents of change in the early marriage campaign in their constituencies by holding public forums to discuss the issue and solicit the assistance of opinion leaders in the community against this practice. Collaboration with Civil Society on this issue is critical. People listen to MPs so we must lead the push for attitudinal change. In communities where the practice is endemic and resistance to its eradication is high, MPs may be reluctant to lead the effort for fear of losing votes and they can use CSOs to educate the populace and raise awareness of its negative effect on society generally.

MPs can also push for adequate budgetary provision to be made to the relevant Ministries Departments and Agencies involved in eradicating this practice during the annual budget cycle. Without the requisite funding, not much can be done to implement programmes and policies to end this scourge. With the introduction of Programme Based Budgeting in Ghana, relevant

Ministries should be encouraged to propose specific programmes targeted towards ending this practice for inclusion in their budgets. Cross sectoral collaboration is vital for effective eradication of this practice and to avoid duplication and waste.

The successful example of the concerted effort to end the ‘Trokosi’ system in parts of Ghana should be replicated in the fight against CEFM. Trokosi, a ritual servitude cultural practice which compels families to enslave their girl children to fetish shrines for life to pay debts or atone for family crimes has been largely eradicated by substitution of sheep and goats for the girls. This was achieved through sustained public education, collaboration with civil society and modification of the cultural practice to remove its offensive elements and retain its essence.

Teaching parents in CEFM endemic communities that they will derive more long term benefit from educating their daughters than by marrying them off early will help in the attitudinal change project. Interactions with female role models who will share their experiences can encourage them to educate girls and retain them in school. The Womens’ Caucus in Parliament can assist in this effort.

Furthermore, Parliamentary networks such as Parliamentarians for Global Action (PGA), Pan African Parliament, (PAP), ECOWAS Parliament, Commonwealth Parliamentary Association, (CPA) among others can work closely with MPs to bring the early marriage campaign to the attention of World governments, CSOs and International Organizations.

POLICY AND INSTITUTIONAL FRAMEWORK TO COMBAT CEFM

A multi-sectoral approach where government mainstreams the special needs of the girl child into its policies and programs, through the collaborative efforts of the Health, Education, Labour and other Ministries working together to protect the rights of the girl child is required. There is also the need to train and strengthen the Ministry of Finance and Ministry of Gender or the National Womens’ Machinery, children and social protection on child-centered and child responsive budgeting.

In order to break cultural norms, traditional and religious leaders should be sensitized on the dangers of early marriage and create awareness about the laws and policies at the community level. They will in turn educate their subjects.

Special attention should be devoted to hotspot zones to target girls’ at the tipping point of early marriage and to build community support for girls’ education. Government should also fund prevention programmes to support girls and their families and communities to choose education over marriage. These educational interventions can delay the early onset of marriage and empower girls economically and change their low social status. Currently education policies such as the Capitation Grant, School Feeding Programmes have positive impacts in delaying early marriage.

Furthermore, vocational and skills enhancing programmes should be implemented to give more girls skills to earn a living. In Ghana, the national vocational and technical institute (NVTI), the Ghana Youth Employment and Entrepreneurial Development Agency (GYEEDA) and the Local Enterprises and Skills Development Programme (LESDEP) are some of the skills enhancing

programmes that have the potential to equip young girls with vocational skills and empower them economically and delay early marriage if properly operated and implemented.

We also need to improve the capacity of agencies responsible for protecting girls against early marriage. Institutions such as the Department of Social Welfare, the Police, Ministry of Education and Health and the Courts have to be trained and equipped to work together to address cases of CEFM. Shelters should be provided for girls who escape early and forced marriage. In Ghana, the Ark Foundation, an NGO, operates the only shelter for girls who have escaped domestic violence including early marriage. Shelters should be operated by the state in endemic communities as well.

Governments should make resources available for women and girls to seek redress. For instance, Ghana has the Commission for Human Rights and Administrative Justice (CHRAJ), the Domestic violence and Victims Support Unit (DOVVSU) of the Ghana Police Service, The International Federation of Women Lawyers (FIDA), and Women in Law and Development (WILDAF). They should be supported and resourced to assist girls in danger of CEFM.

SPECIFIC PROGRAMS, PROJECTS AND ACTIONS TO END CEFM

We need to increase awareness about the dangers of early marriage in the rural areas where the practice is prevalent and community-level initiatives should address cultural, economic and environmental barriers. Intermediary NGOs can make sub-grants, monitor and build the capacity of community based organizations to incorporate child marriage objectives into their work plans.

Poverty is a major cause of child and forced marriages therefore government should increase its cash distribution system in hotspot areas and make it conditional on the education of the girl child. Conditional cash transfer schemes will sensitize families and communities about the rights of girls to education. The LEAP program in Ghana which is a cash transfer programme for the poor should be so targeted in highly prevalent areas.

Engaging Christian and Muslim faith leaders, traditional and opinion leaders and faith-based organizations in community awareness programmes aimed at ending child marriage is vital. They should be involved as partners and teachers in the crusade against early marriage. These sensitization programmes should highlight the harmful effects of CEFM and allow the study of alternative ways to mitigate the impact of this harmful traditional practice.

In conclusion, a combination of strategies above when implemented can reduce or eliminate early or forced marriage in Africa. It requires strong political will and adequate budgetary allocation to the Ministries and agencies responsible for implementing these strategies. With Members of Parliament across the continent leading and working with Civil Society, change can be effected to provide relief for millions of young girls caught up in this scourge. Governments should move away from rhetoric and tackle the problem with the seriousness it deserves. It is only then, that Africa can make appreciable gains in eliminating forced, early or child marriage from the continent.