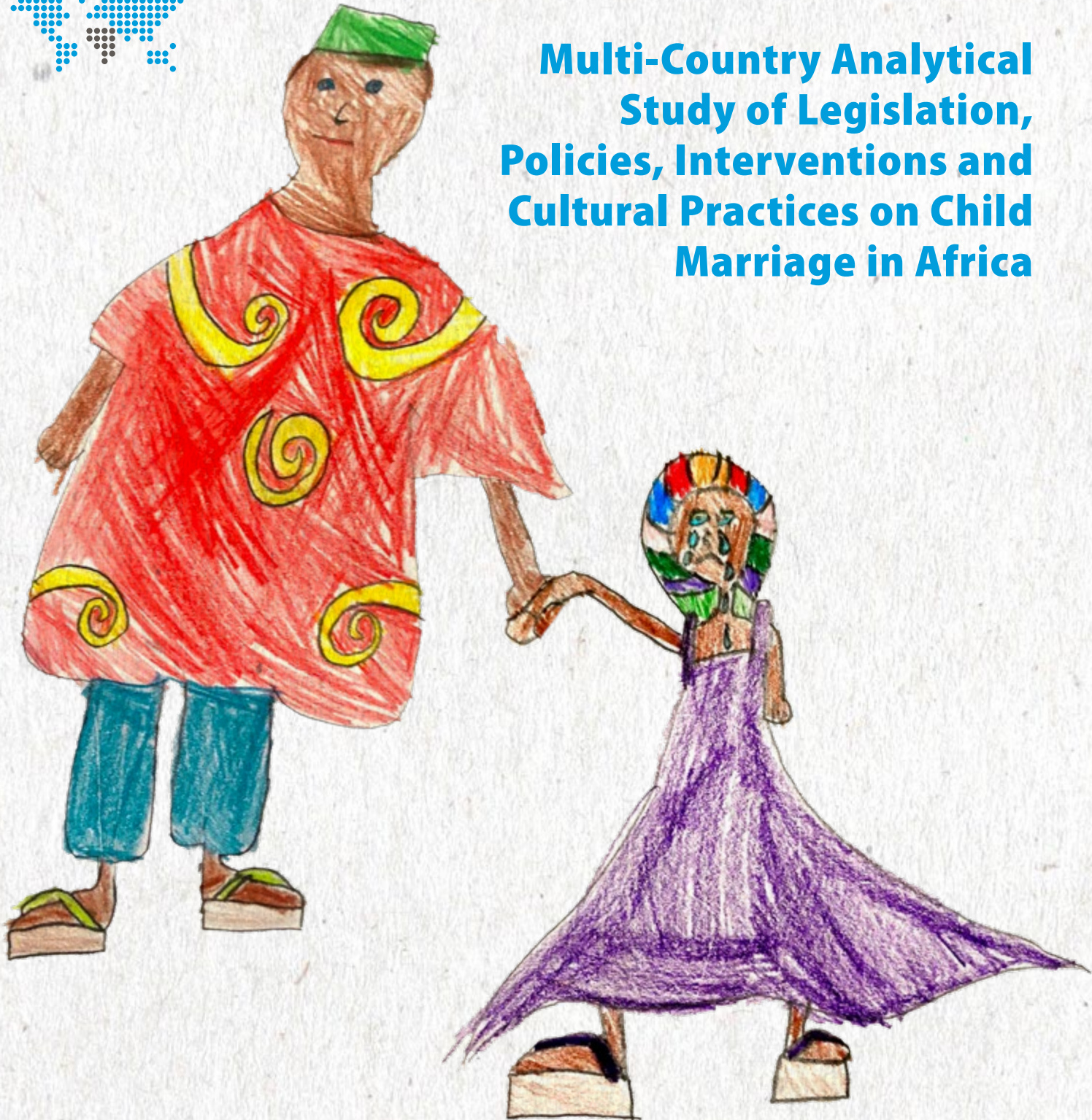




Multi-Country Analytical Study of Legislation, Policies, Interventions and Cultural Practices on Child Marriage in Africa





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Foreword

The devastating impact of child marriage continues to be ignored by many in the developing world. Millions of child brides are denied access to health, education and economic opportunities. Child marriage is a human rights violation that constitutes a grave threat to the lives of young girls including their health (e.g. increased probability of pregnancy related complications), education, overall development and empowerment. Such complications have been documented as the main causes of death among 15–19-year-old girls. Also, girls who are married are also exposed to sexually transmitted infections, including HIV and AIDS. For such girls, marriage means the end of their education, setting aside their chances for a vocation or career, and limiting their opportunities for in life.

Child marriage perpetuates poverty, inequality and insecurity for women and girls and is an obstacle to national and global development. The Convention on the Rights of the Child (CRC) and the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), both human rights instruments, outlaw child marriage. The International Conference on Population and Development held in Cairo in, 1994 (ICPD), the Beijing Declaration and Platform for Action¹, also called on countries to eliminate child marriage and to enforce laws that ensure free and full consent, yet child marriage persists, especially in poor and rural parts of countries in the developing world. It may be part of local tradition; parents may believe it safeguards their daughters' future; poverty or conflict may propel it. At the Continental level, the Maputo Protocol requires states to ensure that 'the minimum age of marriage for women shall be 18 years.'² But often, child marriage is the outcome of fewer choices.

Africa is one of the highest prevalence regions on child marriage where about 4 in 10 girls are married or in union before the age of 18 of whom about 1 in 6 girls marry before the age of 15. Prevalence remains high at 76 percent in Niger, Chad at 72%, 68 percent in Central Africa Republic and 55 percent in Mali to low prevalence countries such as Algeria at 3%.

In September 2015, leaders from Africa joined other governments from around the world and adopted the 17 Sustainable Development Goals (SDGs), including a target that ends child marriage in the next 15 years. A lack of



attention to child marriage undermined the achievement of a majority of the Millennium Development Goals (2000-2015). Ending the practice is critical to achieving the Sustainable Development Goals (SDGs). Eight of the 17 SDGs may not be achieved without significant progress to end child marriage, including those related to: poverty (SDG 1); food security and nutrition (SDG 2); health (SDG 3); education (SDG 4); gender equality (SDG 5); economic growth (SDG 8); reducing inequalities (SDG 10); and peace, justice and strong institutions (SDG 16). Child marriage is a core development and human rights issue and hinders the achievement of many other development goals with gender related targets and indicators.

In May 2014, the African Union launched the continental campaign to end child marriage, as a critical intervention toward achieving the commitment in agenda 2063. In 2015, the Africa Common Position on ending child marriage was adopted by the AU Heads of States at the Summit, and the first ever Africa Girls Conference on Ending Child Marriage was held in Lusaka, Zambia.

To complement continental efforts, at the sub regional level, the SADC adopted the Model Law on Ending Child Marriage and Protecting Children in Marriage, following an equally important commitment on Sexuality Education and HIV. The AU Joint General Comments on the Prohibition of Child Marriage suggests a series of implementation measures for eliminating child marriage. These measures include legal reform, policy development, compliance and promotion, and enforcement of criminal provisions and effective awareness raising mechanisms.

Despite all these commitments, child marriage continues to be practiced in Africa. Therefore, a growing child population combined with a slow decline in the practice of child marriage in Africa will put millions more girls at risk. If current trends continue unabated, almost half of the world's child brides in 2050 will be African.

UN Women has developed an Africa strategy with one of its priorities aligned with ending child marriage in Africa. This is critical as UN Women believes that addressing negative cultural and gender stereotypes is a requisite to ending child marriage in Africa. It is against this backdrop that UN Women has analyzed legal and policy provisions including customary and religious practices, drivers among other existing variables relating to child marriage for effective programme interventions and policy change. This study builds on UNFPA and UNICEF's Global Programme to Accelerate Action to End Child Marriage and utilizes UN Women's supported African Union Commission (AUC) compendium of marriage laws across African Member States developed to serve as an updated compilation of legal frameworks related to child marriage in 2017.



We consider this study as timely and it is hoped that the data, findings and recommendations will complement and strengthen the African Union, Member States and the Civil Society initiatives in addressing Child Marriage and other harmful practices through the funding support from the European Union through the Spotlight Initiative and also similar programs implemented through other donors' support.

We believe that addressing child marriage is a definite strategic approach in promoting girl's and women's rights thus empowering them in areas such as quality education, good health, freedom from violence, work, as well as their participation in the public life. The adoption of human rights-based approach with focus on **"Leaving No-one Behind"** will help reach out to the grass-roots in addressing the issue. In order to achieve this, it is critical that all stakeholders (government officials, international organizations, community and religious leaders, traditional leaders, healthcare workers, school administrators and teachers, the police, the judiciary, the prosecutors, media, parents, gender advocates as well as boys and girls, the United Nations and development institutions) not only understand but also commit to their respective roles in ending child marriage not only in Africa but also across the world.

Izeduwa Derex-Briggs

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Acknowledgments

Different Stakeholders

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The Compendium of Marriage Laws across 55 African Member States developed by the African Union Commission (AUC) in partnership with UN Women and Child Marriage in the Middle East and North Africa Report developed by UNICEF Middle East and North Africa Regional Office.



Acronyms and Abbreviations in the Study

AAAA	The Addis Ababa Action Agenda
ADFM	Association Démocratique des Femmes du Maroc
ACERWC	The African Committee of Experts on the Rights and Welfare of the Child
ACHPR	The African Commission on Human and Peoples' Rights
ACRWC	The African Charter on the Rights and Welfare of the Child
ACPF	The African Child Policy Forum
AU	African Union
AUC	African Union Commission
CAGS	Centre for Arab Genomic Studies
CAPMAS	Central Agency for Public Mobilization and Statistics
CRC	Convention on the Rights of the Child
CARE	Cooperative for Assistance and Relief Everywhere
CCNEJ-MALI	National Advisory Council of Children and Youth of Mali
CECAP	Coaligação para a Eliminação e Prevenção de Casamentos Prematuros
CEDAW	Convention on Elimination of All forms of Discrimination against Women
CEFM	Child Early and Forced Marriage
CEYCA	Centre for Youth & Children's Affairs
CFJJ	Centro de Formação Jurídica e Judiciaria
COMADE	The Malian Coalition for The Rights of The Child
CSO	Civil Society Organization
CYDSE	Centre for Youth Development & Social Empowerment
DFID	Department for International Development
DHS	Demographic and Health Survey



DRC	Democratic Republic of Congo
DRF	Development Results Framework
EFA	Education for All
ESARO	Eastern and Southern Africa Regional Office
FAWE	Forum for African Women Educationists
FCR	Foundation for Children's Rights
FEMNET	The African Women's Development and Communication Network
FGD	Focused Group Discussion
FGM	Female Genital Mutilation
GDP	Gross Domestic Product
GDT	Global Development Trajectory
GEWE	Gender Equality and Women Empowerment
GIMAC	Gender is My Agenda Campaign
GMAC	Mulher e Atendimento a Criança
GRADEM	Groupe de Recherche Action Droits de l'Enfant Mali
HIV	Human immunodeficiency virus
HTPs	Harmful traditions and practices
ICPD	International Conference on Population and Development
KASO	Kanengo AIDS Support Organization
LRCT	The Law Reform Commission of Tanzania
MASUNA	Meaningful Action on HIV/AIDS Support Network
MDGs	Millennium Development Goals
MENA	Middle East and North Africa
MENFP	Ministry of National Education and Vocational Training in Morocco
MERP	Monitoring, Evaluation and Research Plan
MNLA	National Movement for the Liberation of Azawad
MOHCDGEC	Ministry of Health, Community Development, Gender, Elderly and Children
MPOA	The Maputo Plan of Action
NGO	Non-Governmental Organization
NPC	National Population Council
NPA	National Plan of Action



NSPFCM	National Strategy to Prevent and Fight Against Child Marriage
OEEF	Organizational Effectiveness and Efficiency Framework
OOP	Out of Pocket
OVC	Orphans and Vulnerable Children
PPIPEM	Politique Publique Intégrée de Protection de l'Enfance au Maroc
PWWCO	The Promising World for Women and Children Organization
RAU	Research and Advocacy Unit
RCSAG	Regional Civil Society Advisory Group
REC	Regional Economic Communities of the African Union
RBM	Results-Based Management
RH	Reproductive Health
SADC	Southern African Development Community
SDG	Sustainable Development Goals
SGBV	Sexual and Gender Based Violence
SIGI	Social Institutions and Gender Index
SPSS	Statistical Package for the Social Sciences
SRH	Sexual Reproductive Health
STATA	Statistical & Qualitative Data Analysis Software
TECMN	Tanzania Ending Child Marriage Network
TOR	Terms of Reference
UAF	Union de l'Action Féminine
UN	United Nations
UNDP	United Nations Development Program
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women
USAID	The United States Agency for International Development
VAW	Violence Against Women
YONECO	Christian Aid & Youth Net & Counselling



Definition of Key Terms of the Study

Term	Definition
An Act of Parliament	An existing or new law passed by the legislative body of a state and is assented to by the nation's President or its Royal authority.
Barriers	Refer to challenges and constraints hindering the fight against child marriage.
Bride price	An amount of property and/or money and/or livestock or quantity of goods given to a bride's family by that of the groom. The amount might depend on the age, education, virginity status of the bride and ability of the groom to pay.
Child	The Convention on the Rights of the Child defines a 'child' as a person below the age of 18, unless the laws of a particular country set the legal age for adulthood younger. The Committee on the Rights of the Child, the monitoring body for the Convention, has encouraged States to review the age of majority if it is set below 18 and to increase the level of protection for all children under 18.
Child marriage	Is a marriage in which either one of the parties or both is or was a child under the age of 18 at the time of the union/marriage (Universal Declaration of Human Rights/ African Charter)
Child marriage drivers	Various factors that promote or cause child marriage in various countries or regions by either motivating or pushing children into marriage.
Children in marriage	A child married at an age below 18 years.
Constitution	A set of rules that establish the organs of the state and that prescribe their authority and powers, including in respect of the rights that citizens and others enjoy vis-à-vis the state



Term	Definition
Culture	The characteristics, customs, social behaviors and practices, institutions, norms, beliefs, relationships, values and knowledge of a particular group of people encompassing language, heritage, religion, cuisine, social habits, music and arts
Dowry	An amount of property or money brought by a bride to her husband on their marriage. A young girl commands less dowry than an adult, because when she leaves her parent's home she stops using the family's resources
Ex post facto survey	Ex post facto survey or after-the-fact research is a category of research design in which the investigation starts after the fact has occurred without interference from the researcher.
Forced Marriage	Forced marriages are marriages in which one and/or both parties have not personally expressed their full and free consent to the union (OHCHR)
Interventions	Include programme, policies and investments towards ending child marriage and implemented by different stakeholders.
Laws	A system of laid down rules, which a particular community or country relies on to regulate the actions and behaviours of its members or citizens and which are enforceable through penalties and punishments.
Poverty	A state deprivation in which families or individuals live below \$1.90 per day. ³
Prevalence	The widespread presence of a condition or fact.
Prevalence of child marriage	The prevalence of child marriage is calculated as: Number of women aged 20 to 24 who indicated that they were married or in union before the age of 18 divided by Total number of women aged 20 to 24. ⁴
Registered marriage	Marriage certified by specialized courts or institutions mandated by the law of the nation in which they take place.
Religion	A system of beliefs in or acknowledgement of some deity or powers or which is typically manifested in reverence and manifested through various forms of worship, rituals, doctrines, teachings, communication and customs and practices practiced by a group of people.



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Part One

Executive Summary



1.0 Introduction

The study assessed the state of child marriage in Africa from practice to policy and interventions towards its eradication with a focus on ten countries with a comparatively higher prevalence of child marriage in the continent and globally. A critical emphasis of the study was on the nexus between the existence and implementation of the policies/legislation, and the dominant cultural and religious practices that affect the outcomes of the interventions in those countries, especially in identified hotspot areas within the countries. By focusing on the socio-cultural conditions, policy environment and eradication initiatives, the study provides critical information and perspectives, effective and appropriate programs/investment and policies in Africa to delay the age of marriage and end child marriage as a practice.

The multi-country study was designed as ex-post-facto⁶ country-level survey that adopted a holistic descriptive analytical approach collecting and analysing data and information. It used a combination of quantitative and qualitative tools to collect and analyse data. This approach was deemed appropriate for exploring a range of issues and, generating and consolidating the various forms of data required for a multi-level study that explores the policy-to-practice continuum among diverse communities and study targets. The study employed methodological triangulation to ensure that multiple sources of evidence were utilized to enhance validity and reliability. This also allowed strategic application of grounded theory in examining and explaining the persistence of child marriage in the hotspot communities in the study countries. The study recognises that the globally accepted terminology in the first ever substantive resolution on child marriage is 'child, early and forced marriage. However, throughout this report, the study has adopted the terminology in the African Charter on the Rights and Welfare of the Child that focuses on 'Child marriage'. It defines child marriage as a marriage in which either one of the parties or both is or was a child under the age of 18 years at the time of the union/marriage.⁷

The study utilized different sources of data including secondary/desk review and direct primary collections. It also undertook an analysis of available country policies and legal frameworks, and cultural principles relating to child marriage.

The study conducted a multi-level examination of the child marriage phenomenon by exploring the structural, communal and individual factors



and experiences in the ten countries. Key sources of data and information for the study were: policies and policy players; social and cultural agents including government officers and intervention implementers at the regional, country and community level. Religious and traditional leaders were also involved in recognition of their central role as agents and custodians of social change and culture. Where ethically possible, testimonies from child marriage survivors were also documented.

2.0 Through the Lenses on Child Marriage in the Study Countries: Regional Prevalence

The study confirms a decline in the prevalence of child marriage in the ten study countries (Democratic Republic of Congo - DRC, Egypt, Ethiopia, Malawi, Mali, Morocco, Mozambique, Niger, Nigeria and Tanzania) over the last three decades. Efforts have been intensified in eradicating child marriage, but it remains a persistent problem in Africa, with all the ten study countries included in the 17 African countries ranked among those with the highest rates of child marriage globally. Overall, child marriage is more widespread in West and Central Africa (42%) and in Eastern and Southern Africa (36%). For instance, in Morocco the risk of marriage before the age of 18 years has declined by over 50%⁸ over the last three decades, while in Ethiopia women aged 20-24 years are marrying later than their counterparts in the same age bracket three decades ago. The decline could be linked to the increased adoption of laws and policies aimed at eradicating child marriage among other harmful traditions and practices as well as increased literacy rates among girls and women in the study countries in addition to advocacy and campaign interventions undertaken by various actors including UN Agencies and Civil Society Organisations (CSOs). In fact, among the study countries, eight of countries studied (constituting 80%) have either signed or signed and ratified the Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa. The study reports that Egypt and Morocco⁹ are the only countries who are not signatories to the Charter (constituting 20% of the study countries). The Charter's articles 5 and 6 explicitly focus on elimination of harmful traditional practices and set the minimum age of marriage respectively.



The ten countries studied represent the continental hotspots of child marriage and share a unique set of characteristics in relation to the levels of gender inequality where they perform low on gender indicators measured by different institutions. A majority of them score high on the Social Institutions and Gender Index (SIGI)^{10;11} DRC (0.428 - very high); Egypt (0.43 - very high); Ethiopia (0.245 - high); Malawi (0.2074 - medium); Mali (0.5164 - very high); Morocco (0.1052 - low); Mozambique (0.1375 - medium); Niger (0.4415 - very high); Nigeria (0.3911 - high); and Tanzania (0.2504 - high). Discriminatory social institutions are viewed as underlying drivers of gender inequality in that they perpetuate gender gaps in development areas, including education, employment and health, and hinder progress towards rights-based social transformation benefiting both women and men equally. The major socio-economic areas that affect the lives of women and girls cover five dimensions of discriminatory social institutions including restricted resources and assets; discriminatory family code; restricted physical integrity; son bias; and restricted civil liberties. The variables used in SIGI analysis quantify discriminatory social institutions and inequalities experienced by women and girls such as unequal inheritance rights, early marriage, violence against women, and unequal land and property rights. The country profiles created which include country classifications and unique databases, provide a strong evidence base to more effectively address the discriminatory social institutions and inequalities that hold back progress on gender equality and women's empowerment.

Similarly, the SIGI statistics above are supplemented by the UNDP Gender Inequality Index (2015) which ranks the study countries as follows: DRC (0.663); Egypt (0.565); Ethiopia (0.499); Malawi (0.614); Mali (0.689); Morocco (0.494); Mozambique (0.574); Niger (0.695); and Tanzania (0.544).¹² The UNDP Gender Inequality Index measures the gender gap in achievement between men and women across three parameters: empowerment; reproductive health; and labour market. The Gender Inequality Index ranges between 0 and 1. Higher Gender Inequality Index values indicate higher gender inequalities and higher loss to human development.

Both SIGI and UNDP Gender Inequality Index results in the study countries confirm the correlation between gender inequality and child marriage. Gender inequality and discrimination against women and girls manifested in power imbalances, unequal access to opportunities, and lack of respect of women and girls' integrity and bodily autonomy, are the main underlying cause of child marriage.

The countries of study also have high incidences of poverty as well as being very conservative especially in community child marriage hotspots. Such communities embrace a mix of traditional practices and religious dogmas that encourage child marriage as a practice among them. In particular, they believe that child marriage is for the good of the community, family and the individual child. The study further established that the various child marriage enablers, motivators and drivers work together to activate each other. In the hotspot communities, the practice of child



marriage has continued due to various factors including insufficient investment in policy and legal enforcement mechanisms and processes, often due to lack of political will of local and national politicians, whose allegiance is torn between the laws and traditional beliefs. The limited investments enable lax enforcement of the laws thus turning into an enabler.

Furthermore, the absence of effective and functional monitoring and information systems from the national to local levels makes it difficult to keep track of the implementation, enforcement and transgression of existing laws against child marriage. In the countries of study, the push factors - enablers, motivators and drivers - are enhanced by gender inequality, weak implementation of policies, and ineffective enforcement of laws due to loopholes that allow flexibility in adherence. Corruption, lack of political will and limited resources and discrimination against women and girls and gender-based violence all combine to make it difficult to enforce existing laws by discouraging reporting of cases, prosecution and deterrent punishment of perpetrators. The prevalence shows an average of 11.6 per cent and 42.8 per cent of girls married by the age of 15 and 18 years respectively across all the ten countries targeted by the study.

Prevalence rates as reported from the study are as follows;

TABLE 1: Multi-Country Study Coverage on Percentage Prevalence of Child Marriage by Age¹³

Country	Prevalence rates by 15 years of age (%)	Prevalence rates by 18 years of age (%)	Absolute Numbers
DRC	10	37	1,300,000
Egypt	2	17	683,000
Ethiopia	14	40	2,104,000
Malawi	9	42	Data not available
Mali	17	52	Data not available
Morocco	3	16	Data not available
Mozambique	14	48	649,000
Niger	28	76	676,000
Nigeria	17	43	3,538,000
Tanzania	2	17	779,000

Source: United Nations Children's Fund, *The State of the World's Children*, UNICEF, New York, 2017.



3.0 Study Logic and Theory of Change

This diagram summarizes the child marriage logic and theory of change causality and effects in Africa.

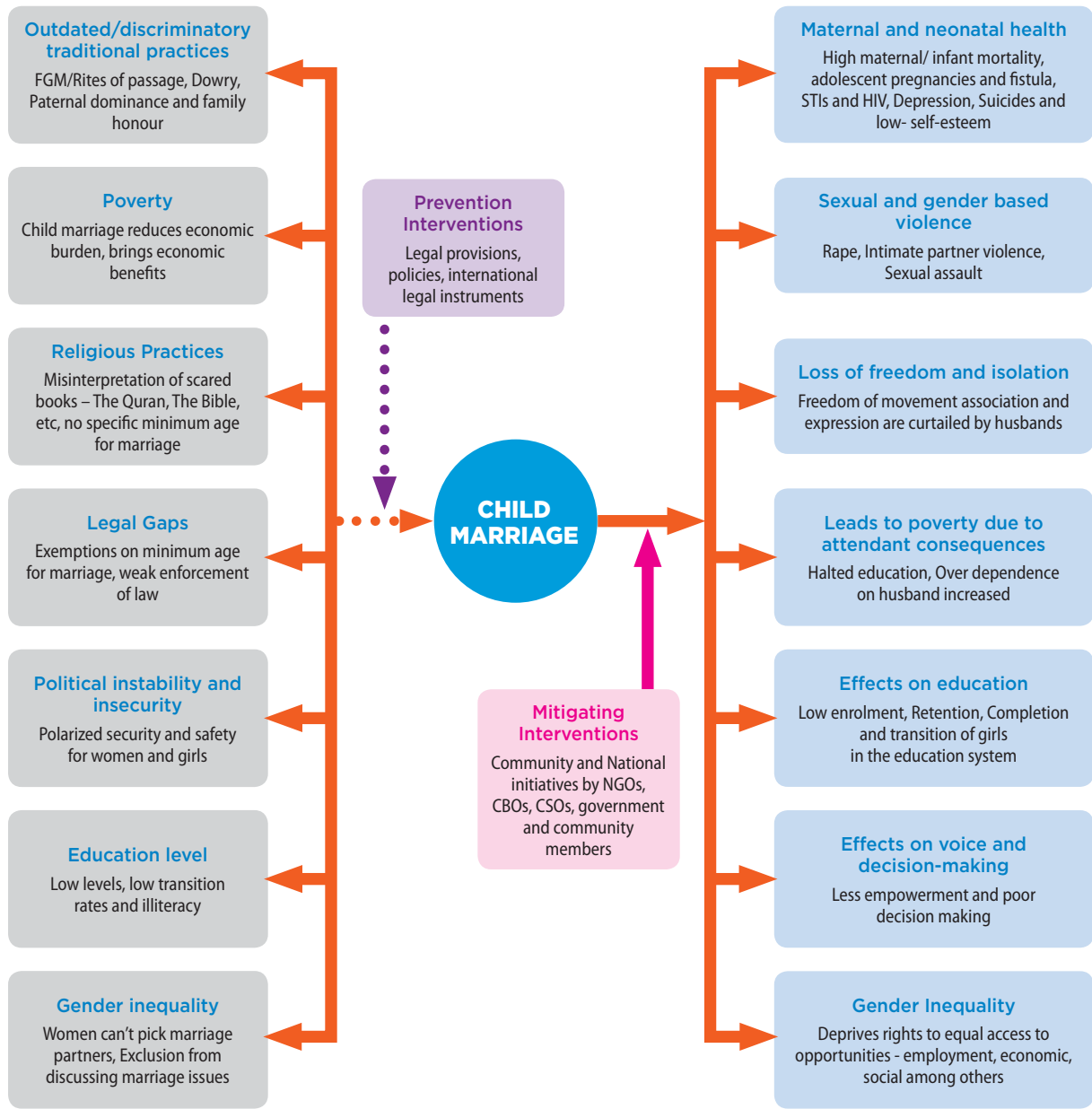


FIGURE 1: Conceptualising Child Marriage in Africa

Source: UN Women field data (2018)

KEY »

Legal Provisions - Include respective country Constitution, Acts of Parliament an Executive/Court order

International Legal Instruments - These include UN declarations and conventions such as UN Convention on the the Rights of the Child (UNCRC)

Regional Legal Instruments - Include Africa African Charter on the Rights and Welfare of the Children, African Union Campaign to End Child Marriage, etc.



4.0 Drivers of Child Marriage in Africa

The study found that various factors driving child marriage are common across Africa and are anchored in the social, structural and systemic features of a patriarchal system which oppresses and treats women and girls as second-class citizens and drives gender inequality at all stages of girls and women's lives. Although there are boys who marry as children, the majority that get married as children are girls. Children, especially girls, are married off because of; gender inequality and negative social norms on the value of a girl; poverty or deprivation; insecurity and lack of safety; socio-cultural and religious traditions; as well as inadequate legal and policy safeguards against child marriage. A combination of these drivers creates a series of factors that include: fears over girls' safety and security, especially in relation to abductions and violent attacks; concerns over loss of family's honour due to premarital sex and pregnancy; and lack of family income/livelihoods leading to trading off the girls for dowry and bride price. While positive cultural practices appreciating alternative rites of passage have been seen to help mitigate child marriage, retrogressive cultural practices are still accorded high precedence, and this makes it difficult to implement legal and policy frameworks including ratified international legal instruments. In all the ten countries of study, retrogressive cultural practices are not only an impediment to ending child marriage but also a driver of child marriage.



5.0 Manifestation/ Forms of Child Marriage in the Study Countries

TABLE 2: Summary of Forms and Manifestations of Child Marriage in the Study Countries

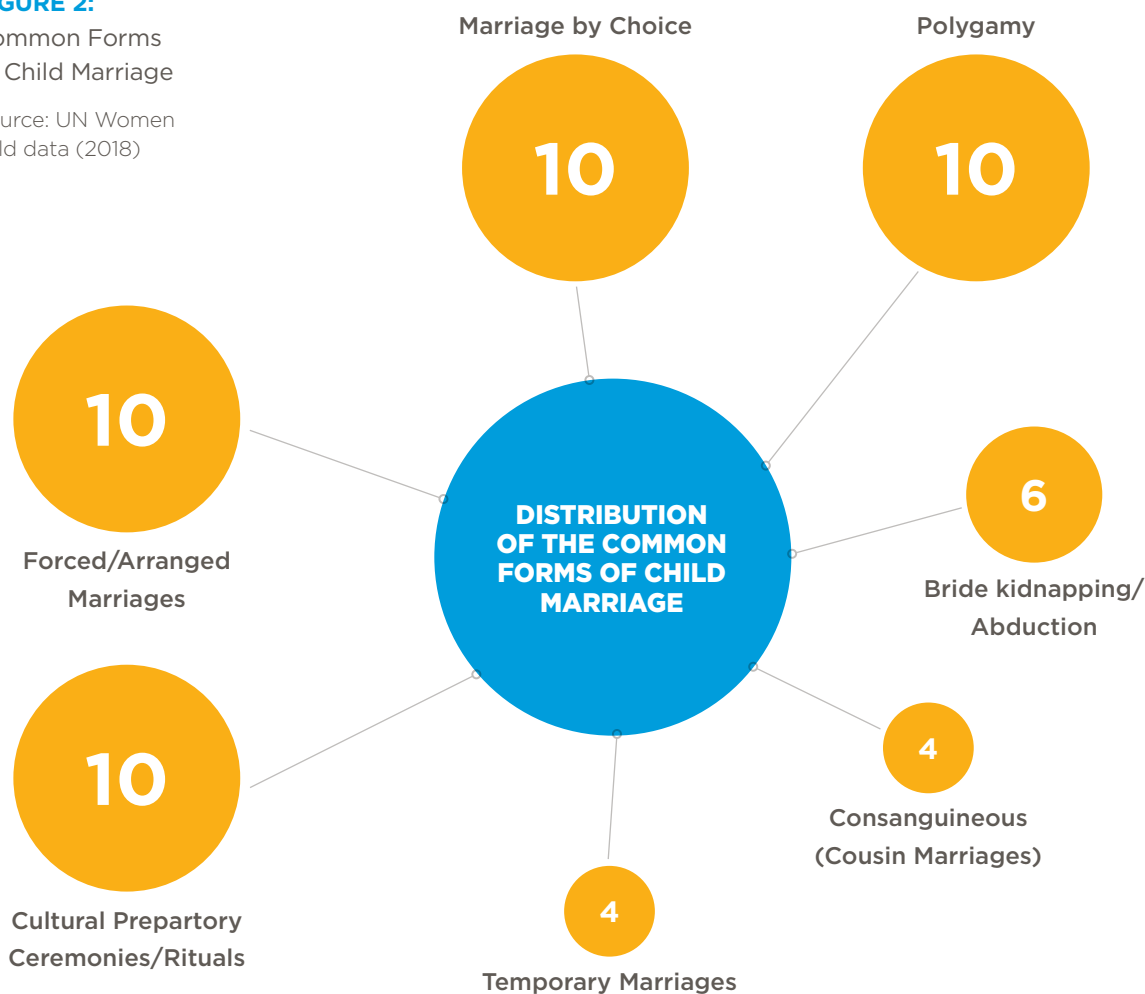
Form of Marriage	Number of Countries Manifesting the Form	Countries
Temporary Marriages	4	Egypt, Mali, Morocco, Nigeria
Consanguineous (Cousin Marriages)	4	Egypt, Mali, Morocco, Niger
Bride kidnapping/ Abduction	6	Democratic Republic of Congo (DRC), Ethiopia, Malawi, Morocco, Nigeria, Tanzania
Polygamy	10	Democratic Republic of Congo (DRC), Egypt, Ethiopia, Malawi, Mali, Morocco, Mozambique, Niger, Nigeria and Tanzania.
Marriage by 'choice'	10	Democratic Republic of Congo (DRC), Egypt, Ethiopia, Malawi, Mali, Morocco, Mozambique, Niger, Nigeria and Tanzania.
Cultural Preparatory Ceremonies/Rituals	10	Democratic Republic of Congo (DRC), Egypt, Ethiopia, Malawi, Mali, Morocco, Mozambique, Niger, Nigeria and Tanzania.
Forced/Arranged Marriages	10	Democratic Republic of Congo (DRC), Egypt, Ethiopia, Malawi, Mali, Morocco, Mozambique, Niger, Nigeria and Tanzania.

Source: UN Women field data (2018)



FIGURE 2:
Common Forms
of Child Marriage

Source: UN Women
field data (2018)



6.0 Policy and Legislation on Child Marriage in Africa

The study established that there is a disconnect between the study countries' policies and laws on the one hand and the community perception, beliefs and practices, and cultural framing of child marriage on the other hand. At different levels, there are interventions that have been implemented – at the community and national levels. In all the countries of study, the legal frameworks outline a series of requirements for a formal marriage. Such requirements include spousal consent without which marriage is rendered invalid. Additionally, every country sets the minimum age of marriage - in seven out of ten (70%) of the countries studied, it is set at 18 years, while in only two cases, Tanzania which set 14 years (by court consent); 15 years (by parental consent) as minimum age of marriage



for females according to the Marriage Act (1971). Tanzania's constitution provides no minimum age for marriage. Mali has set 16 years as minimum age of marriage for females according to the Persons and Family Code, (2011) and civil registration. In Niger, where over two-thirds of girls between 15 and 19 years old are married (78% in 2017), girls can be married at age 15 years with parental permission. This in effect reduces the minimum age from the official limit of 21 to anything that can be permissible by the parents and the religious minister, thus exposing the loopholes in laws.

7.0 Child Marriage Interventions and Investments in the Countries of Study

The study identified three levels of intervention (community, national, and regional) against child marriage at varying levels of implementation and success in different countries. At regional level through the guidance of the AU, countries have adopted policies and laws that prohibit the practice of child marriage. These laws have created an environment within which it is illegal and, in some countries, criminal to engage in child marriage and associated harmful traditional practices. Of the study countries, nine countries have committed to the AU Campaign to End Child Marriage, launched national action plans with varying degrees of progress in implementation with only one country – Morocco – not launching a plan.¹⁴ The most significant change that has occurred through these efforts is the near-universal establishment of the minimum age of marriage at 18 years and related emphasis on marriage consent as a constitutional right. While only one country has not committed to the AU Campaign on Child Marriage, as indicated in Table 2 below, it is laudable that all the study countries have ratified the Convention on the Rights of the Child.¹⁵

In some countries, the legal frameworks are buttressed by other policies which, while tangential, extend beyond the penal codes or civil laws by instituting special rights and constitutional entitlements for women and children, and thereby, in effect contribute to preventing child marriage. Such is the case with Malawi's school readmission policy that allows girls who became pregnant while in school to return after giving birth. In response, all the ten countries studied have designed and rolled out policies and laws that prohibit child marriage by stipulating the minimum age of marriage and emphasizing consent before



marriage. However, the implementation of the policies and laws has not been optimal because of several barriers that have emerged. The barriers include lack of will to enforce the laws, insufficient investment in law enforcement, fears, low education, and a dominance of negative traditional and religious beliefs and practices which give rise to perceptions that child marriage is a means of escape from poverty and insecurity and that it preserves family honour.

TABLE 3: Country Commitment Status on AU Campaign on Child Marriage

Country	Signed the African Union Campaign to End Child Marriage (Yes/ No)	Developed National Action Plans for the Ending Child Marriage
Egypt	YES	YES
Ethiopia	YES	YES
DRC	YES	YES
Niger	YES	YES
Nigeria	YES	YES
Malawi	YES	YES
Mali	YES	YES
Mozambique	YES	YES
Morocco	NO	NO ¹⁶
Tanzania	YES	YES

Source: UN Women field data (2018)

The community, national and regional level interventions are mostly focused on changing the policy, culture and structural environment by ensuring government commitment and alignment of priorities in favour of child rights, gender equality and protection of children from harmful traditional practices. Translating those national commitments and laws into the eradication of child marriage requires concerted efforts at national and community level (or any sub-national unit in the country) often run through a coordinating mechanism such as a national alliance. In most countries, the efforts are led by government, local and international Non-Governmental Organizations (NGOs) and Community Based Organizations (CBOs) that work with community leaders and stakeholders to strengthen awareness and monitoring of child marriage incidence.

There are key gaps in the implementation of interventions starting with an absence of credible monitoring and evaluation strategies on child marriage. The data in most countries is at best inferential and at worst anecdotal estimates.¹⁷ Throughout the study, no country provided a working monitoring



and evaluation framework and/or plan or specific indicators used to track incidence or prevalence. Thus, there is a need for an AU-led monitoring and evaluation plan that would standardize the monitoring and tracking of child marriage. This is also made urgent by the continuing debate noted during the study over whether the operating concept should be child marriage or early marriage. The conceptual clarity of the terms and framing will be critical in sealing the legal loopholes and discursive leeway that most traditional and religious proponents and sympathizers of child marriage rely on to condone the practice.

8.0 Criminalization of Child Marriage

In 2015, the United Nations Human Rights Council by consensus adopted the first-ever substantive resolution on child marriage embedded in the Sustainable Development Goals (SDGs). An explicit target under Goal 5 in the new sustainable development agenda is to 'Eliminate all harmful practices, such as child, early and forced marriage.' The study reports that following the adoption of SDGs and further to the launch of the AU Campaign on Ending Child Marriage in 2015, nine countries of study have developed national initiatives, strategies and plans on how to end child marriage with the single exclusion of Morocco.¹⁸ However, it is worth noting that Morocco has put punitive fines on child marriage but it is not clear that these are necessarily deterrent. The Moroccan law states that without prejudice to the more serious penal provisions, whoever compels others to marry by the use of violence or threats, is punished by imprisonment from six months to one year and a fine of 10,000 to 30,000 dirhams or one of these two penalties only. The sentence enacted is doubled when the victim is a minor. Ethiopia launched a national strategy and action plan to end child marriage in 2013. In 2015, alone, Mozambique developed comprehensive strategies against child marriage. Some countries, including Malawi, have also undertaken legal reform to help end the practice. Setting 18 years or above as the legal age of marriage is a common step taken amongst the majority of the study countries.

Ethiopia is at one end of the continuum from criminalization to non-criminalization in the legal approach to child marriage in Africa. While 18 years is set as the legal age of marriage in its revised Family Code of 2000, special provisions in the Criminal Code of 2005 (Article 649) criminalizes child marriage. The Criminal Code explicitly states that marriage with someone below the age of eighteen (apart from the exceptions allowed by the Family Code) is punishable



with imprisonment ranging from a maximum of three years (for marriage with a minor below the age of 18, or a maximum of seven years for marriage with minor below the age of thirteen).

Despite setting the minimum age of marriage at 18 years in over 80% of the countries of study, 60% of them, constituting Egypt, Mali, Morocco, Mozambique, Niger and Tanzania have not criminalized child marriage. These countries have legislated a minimum age of marriage at 18 years or above but have not criminalized child marriage. For Morocco, the law on EAW adopted in Morocco on February 14, 2018 does not criminalize child marriage but does create a new Article in the penal code which criminalizes forced marriages and doubles the sentence when the bride is a minor.¹⁹ While the Moroccan government emphasized the importance of consent in marriage, it nonetheless made the prosecution conditional on a complaint from the victim. This provision is particularly problematic in cases of child marriage as girls are particularly vulnerable to pressure from their spouse or family to drop complaints. Article 19 of Morocco's Family Code, amended in 2004, sets the age of marriage at 18 years, but derogations are possible under Articles 20 and 21 that allow judges to authorize child marriage, with or without the consent of the child's guardian. Articles 20 and 21 of the Family Code make no mention of the child's full, free and informed participation in marriage planning and execution. Article 21 requires the consent of a child's legal guardian, although judges may disregard a guardian's refusal to consent. The law also lacks appropriate safeguards for derogations, leaving broad discretion to judges. Exceptional circumstances are not defined in law, nor is there a requirement to take into account evidence of the adolescent's maturity.²⁰ Nonetheless, the law requires that Family Affairs Judges order a medical investigation and/or an inquiry into the social circumstances of the bride. In fact, the Office of the Chief Prosecutor issued a bulletin in March 2018, urging prosecutors in all Moroccan jurisdictions to introduce motions against granting permission for underage marriage. This bulletin particularly targeted circumstances in which the marriage seems to threaten the interests of the minor bride or groom. Additionally, it called on the judges to leverage court hearings, using the legal provisions relevant to child rights, to raise the awareness of the underage children on the potential impact of marriage on their lives.

Further, four of these countries (Niger, Mali, Mozambique and Tanzania) also provide exceptions to the law for instance upon parental consent or authorization by the court. Some make constitutional exceptions, typically for customary or religious law. In Tanzania for example, the *Marriage Act (1971)* allows girls at the age of 15-17 years to marry by parental consent, while boys may marry at 18 years. Girls may even marry at 14 years with court approval. Customary marriages are exempt from the law and this further opens up the possibility for child marriages below this age since girls typically are considered



ready for marriage when they reach puberty. Only four countries including DRC, Ethiopia, Malawi and Nigeria have explicit provisions criminalizing child marriage in their countries.

Despite the fact that the majority of the countries of study have set 18 years as the minimum age for marriage for both males and females, weak enforcements thwarts the positive impact of these policies. For instance, police in such countries may have little or no training to effectively handle child marriage cases and thus do not see it as their responsibility. On the same note, the principal documents, birth certificates, that can prove the ages of girls at marriage are rarely produced and verified at the time such marriages are officiated. For example, only 16% of children under 5 years in Tanzania are registered and most concerning is only approximately half of them have received their birth certificates as shown by anecdotal data analysed by the Tanzania National Bureau of Statistics and ICF Macro, Tanzania Demographic and Health Survey.²¹ In order to bypass the legal requirements for a marriage, corrupt officials usually forge birth certificates after accepting bribes thus facilitating child marriage.

Essentially, corruption denies girls access to justice. In Tanzania, for instance, a police officer operating the Moshi Police Gender and Children's Desk informed the Human Rights Watch²² that there are many child rights related cases whose prosecutions are intentionally delayed or not concluded because child marriage perpetrators often bribe judges and prosecutors to adjourn or postpone them indefinitely. With such long delays, the victims together with their witnesses eventually give up coming to the courts hence losing the cases. Jane K's (a girl in marriage and this not her real name) assertion, "I want to report my husband's abuse to the police, but I do not have money to pay them to help me" cements the notion that corruption has badly affected the fight against child marriage and child rights abuse in general.

Additionally, all the countries of study have numerous overlaps in their customary, civil and religious laws and policies which are often in conflict with each other. In the absence of systemic awareness and rigorous controls, religious leaders and communities who recognize child marriage as part of their religious or customary practices continue to resist against the enforcement of anti-child marriage legislations.



9.0 Child Marriage, Culture and Religion

Positive cultural practices offering alternative rites of passage have been seen to help mitigate incidences of child marriage and assist in ending the practice, and retrogressive cultural practices. Consequently, customs and culture take high precedence, and this makes it difficult to implement legal and policy frameworks including ratified international legal instruments. In all the ten countries of study, retrogressive cultural practices are not only an impediment to ending child marriage but also, in reality, a driver of child marriage. Many countries in Africa have conflicting customary, statutory and religious provisions surrounding marriage in general and child marriage in particular.

In Morocco, for instance, the exemptions provided in Article 20 of its Family Law (Moudawana) have resulted in a child marriage approval rate of approximately 90% of all cases referred to the country's Family Affairs judges.

Although the study did not delve deep into the role of traditional leaders and cultural institutions in ending child marriage, sporadic data from study countries such as Malawi where Senior Chieftainess Kachindamoto has used innovative advocacy and sensitization methodologies in reaching to communities to insist on the nullification of child marriages, point to the role of traditional leaders as positive agents of change, a role which can be harnessed to meet the aspirations of SDG 5.3 on ending child marriage and other harmful practices against women and girls.

There are good examples of how traditional leaders and cultural institutions can be harnessed as effective and powerful agents to champion an end to child marriage, FGM and other harmful practices. Ending child marriage requires the collaboration and leadership of traditional leaders (widely regarded as gate keepers) who can harness the positive aspects and practices in culture and customs in favour of enhancing and enforcing the appropriate laws and policies. Working with traditional leaders and other cultural authorities ensure a multifaceted approach in providing an enabling environment for change, accompanied by other reform strategies that encourage positive change in communities through proposed alternative rites of passage. This will enhance and leverage the existing legislative and policy frameworks which are equally important in ending child marriage. Evidence has confirmed that working with traditional leaders and their institutions to challenge gender inequality has a positive impact on the health and well-being of women and girls. It is critical not only to develop an engagement strategy with traditional leaders and cultural



institutions generally but also to engage them specifically in ending child marriage through engagement in gender equality interventions, policy development and programming.

All the ten countries with high child marriage prevalence have policies and laws prohibiting child marriage and establishing minimum marriage ages. However, the practice has persisted because of entrenched gender inequalities manifested through traditions and religious practices that hinder effective enforcement of the laws. In most of the communities with high prevalence in the ten countries, parents and the girls are under pressure to conform to traditional and religious norms that prohibit premarital sex, loss of virginity before marriage or girls' autonomous decision-making and choice over marriage matters including whether, when to marry and who to marry. Across the countries, there are socio-cultural practices, which either condoned or promoted various forms of gender-based violence or harmful practices, and which perpetuate gender inequality and promote child marriage while shielding men perpetrators from legal penalties and prosecution. For example, *Telefa* is a traditional Ethiopian practice by which a man kidnaps, hides and rapes a girl and then, as the father of her unborn child, can claim marriage.

In many communities, the legal conception of adulthood and personhood for individuals is contested in the context of the local traditions that conceive the community as a collective. Cultural and geographical differences across the countries of study determine the forms in which living arrangements in child marriages take shape. An example is Ethiopia where child marriage is a deeply rooted cultural practice with customs such as marriage by abduction and forced unions between close relatives (*abusuma*), mainly cousins, propagating this practice. In the context of the Boko Haram driven kidnapping and attacks in Nigeria, the practice of child marriage has acquired further justification as a strategy for protecting the girl child from kidnapping, sexual assault and unwanted out-of-wedlock pregnancies. From the field data collected during the study, all the countries of study show that elders, especially male elders, play domineering roles where they select spouses for their children with great emphasis on marrying a virgin. Parents prioritize marrying off their daughters at a very tender age to ensure they marry as virgins and retain the family honour.

Religion and its institutions across the study countries have a strong correlation with traditional practices. In many communities across the countries, religion acts as both a driver of and a deterrent to child marriage reform. Whereas it offers a system within which interventions can be anchored, it has often provided normative frames for perpetuation of child marriage and other harmful traditional practices. For instance, Islamic preachers in Nigeria argued that under Islamic doctrines, girls' maturity is defined by '*physical appearance; ... when a girl starts menstruation – she is matured*'. In most cases, the study found that religion is



often a supportive frame for persistent cultural traditions within a particular community and also deployed to justify child marriage as a protective measure for enhancing/ensuring purity, fidelity and honour. Such logic was found to exist in both Christianity and Islam; the dominant religions in Africa that emphasize the sanctity and honour of married life, and the subservient position of women in marriage. Additionally, neither of the two religions provides clear demarcation of the appropriate age for marriage, instead making a convenient deference to customary and civil laws in the countries of study. This convenient deference provides strategic loopholes through which religion, in practice, plays both sides of the child marriage laws - religious leaders can claim to marry only consenting mature brides and grooms, while leaving the definition open for the parties involved. In extreme cases religious-framed conflicts have led to the abduction and forced marriage of girls in Nigeria (Boko Haram – Islamic) and in Uganda (the Lords’ Resistance Army - Christian).

The study premises that traditions are used to formalize child marriage while modern religion using ceremonial events to solemnify the child marriages. Additionally, in some countries there are formal legal processes that encourage child marriage.

10.0 Child Marriage and Sustainable Development Goals

The study affirms that child marriage violates a wide range of children’s rights, especially girls’ rights, that perpetuates poverty, inequality and insecurity and is an obstacle to global development. Further, the minimal efforts devoted to ending child marriage weakened achievement of the majority of the Millennium Development Goals (2000-2015).²³ This study affirms that ending the practice is critical to achieving the Sustainable Development Goals (SDGs). Eight of the 17 SDGs will not be achieved without significant progress to end child marriage, including those related to: poverty (SDG 1); food security and nutrition (SDG 2); health (SDG 3); education (SDG 4); gender equality (SDG 5); economic growth (SDG 8); reducing inequalities (SDG 10); and peace, justice and strong institutions (SDG 16). Child marriage is a core development and human rights issue and hinders the achievement of many other development goals with gender related targets and indicators. The 2030 Agenda for Sustainable Development features the stand-alone Goal 5 to “Achieve gender equality and empower all women and girls” with over 50 gender-specific targets, out of the 169 targets²⁴ and will



certainly not be achieved if child marriage is not eradicated. Relevant SDGs include SDG 5 target 5.3, specifically aiming to ‘Eliminate all harmful practices, including child, early and forced marriage and female genital mutilation’ which is threatened if child marriage is not ended in all countries including the countries of study. This target is critical in terms of garnering action and monitoring progress on ending child marriage globally and in Africa and will certainly not be achieved if child marriage is not eradicated.

11.0 Key Implications and Recommendations

- a) **Review and standardize programme and intervention design on ending child marriage:** Discussions with various country and regional experts, analysis of available reports and information on existing and past intervention programmes show that many are inadequately conceived and planned or exclusively centred on eradicating child marriage.
The study established a lack of clear *conceptual frameworks, theories of change or monitoring and evaluation frameworks or plans for implementation of child marriage interventions*. Due to the complexity of the issue of child marriage, the study recommends that a regional level conceptual framework, theory of change and M&E framework be developed by various stakeholders, particularly the African Union under the auspices of the Campaign on Ending Child Marriage, to guide intervention programming.
- b) **Develop a coordination and peer review mechanism for all stakeholders working on child marriage at community and national levels:** The study shows that different agencies implementing community and national interventions and programmes duplicate efforts and in certain cases do not synergize with government efforts. On this premise, there is need for a coordination mechanism for all stakeholders working on issues of child marriage at all levels.
- c) **Develop an integrated engagement strategy and framework with traditional leaders’ and cultural institutions:** Ending child marriage requires the collaboration and leadership of traditional leaders and cultural institutions (widely regarded as gate keepers) who can harness the positive aspects and practices in culture and customs in favour of enhancing and enforcing the appropriate laws and policies. Working



with traditional leaders and their institutions will ensure a multifaceted approach in providing an enabling environment for change, accompanied by other reform strategies that encourage positive change in communities through proposed alternative rites of passage. This will enhance and leverage the existing legislative and policy frameworks which are equally important in ending child marriage.

- d) Community-based child protection and rights strategies:** These should be intensified, and existing ones should be strengthened to ensure that there is systematic prevention, reporting and monitoring of child and forced marriages as well as providing support to children who have experienced child marriage.
- e) The education system needs strengthening especially in efforts to reduce the wide gender gaps that continuously disadvantage the girl child:** Enrolment, retention, completion and transition rates for girls need to be improved by committing the resources necessary to guarantee access to free, compulsory primary and secondary education for all girls and boys. Efforts such as making the school environment friendly for girl children to help the continuity of the child in school need to be enhanced.
- f) Allocate adequate resources towards ending child marriage at national and community level with priorities to domestic resourcing integrated within the national development plans and frameworks:** A challenge across all the study countries relates to poor enforcement of existing laws and transformation of perceptions, attitudes and practices towards child marriage. The study countries have not adequately invested in child marriage eradication by allocating enough resources to it, instead leaving the interventions to international and local civil society organizations, volunteers, movements and groups. The study affirms that investing in girls throughout their adolescence delays their marriage and childbearing thereby ensuring that girls give birth as adults and are able to make informed decision on choices around issues of marriage. Delayed marriage reduces the age power imbalances between the wife and the husband.
- g) Strengthen law and policy enforcement mechanisms:** All African countries including the study countries have laws and policies on child marriage. Enforcement of laws is compromised by corruption, lack of accountability by responsible government officials, and lack of resources to invest in public education and systems. The implication is that African governments should establish robust law enforcement mechanisms and



systems that include public education, community-level monitoring and reporting of incidences.

- h) Harmonization of laws and policies and setting the minimum age for marriage as 18 years in law for both males and females without any judicial exceptions:** Judicial exceptions have been witnessed in many African countries including Mali, Niger and Tanzania. To adequately enforce these laws, capacity building should be targeted to all judicial officers and marriage registrars to make them understand the detrimental impact of child marriage and the benefits in delaying marriage and enforcing laws against child marriage. Laws should be amended to ensure that there is no gender discrimination in law and that laws should be aligned to reflect the minimum age of marriage as 18 years for both boys and girls. Amend laws and policies to ensure that customs, traditions and religion do not override constitutionally guaranteed and protected rights for women and children.
- i) Strengthen registration and collection of vital statistics to ensure legal compliance to eliminate child marriages:** This includes systems for registration of births, deaths, citizenship and marriage to enable planning for interventions, targeting and resourcing of services and ensuring appropriate policies to prevent child marriage and support married children. In all the countries of study, there were weak registration systems that made it difficult to identify and legally prevent child marriages, by allowing parents and marriage officials to fudge demographic data especially relating to the age of the brides. Countries need to prioritize and regularize the registration of births especially for individuals living in rural and remote areas and all types of marriages so that they are able to identify girls who are married below the age of 18 based on actual age and not on the onset of puberty.
- j) Develop national and regional accountability frameworks and mechanisms on ending child marriage:** This should occur through the Treaty Bodies; report to the African Common Position (ACP) on Ending Child Marriage, through the biannual report to the African Union Summit; enhance the African Union Campaign on Ending Child Marriage with a monitoring and evaluation framework as one of its key pillars.

Part Two

Background and Context of the Study



Chapter 1.0

Introduction

This study, recognizing the global, regional and national efforts, explores the state of child marriage in Africa from practice to policy and interventions towards its eradication with a focus on ten countries which are among those with a comparatively high prevalence of child marriage in the continent and globally. A critical emphasis of the study was on the nexus between the existence and implementation of policies/legislation, and the dominant negative cultural and religious practices that affect the outcomes of interventions in those countries, especially in identified hotspot areas within the countries. By focusing on the socio-cultural conditions, policy environment and eradication initiatives, the study provides critical information and perspectives on, effective and appropriate programs/investment and policies in Africa to comply with the legal age of marriage, delay the marriage to beyond 18 years age and end child marriage as a practice.

1.1 The Global State of Child Marriage

Among the human rights of children stipulated by the Convention on the Rights of the Child (CRC) are: the right to survive; the right to develop to their fullest; the right to protection from harmful practices, abuse and exploitation; and the right to participate fully in family, cultural and social life. By signing the Convention, governments commit to taking “all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of the children.”²⁵ Among the practices that were deemed prejudicial were child marriage and female genital mutilation. The International Conference on Population and Development (ICPD) of 1994, adopted a programme of action under which countries committed to undertake measures to eliminate child marriage” and to “strictly enforce laws to ensure that marriage is entered into only with the free and full consent of the intending spouses.” The Beijing Declaration and Platform for Action²⁶, also called on countries to eliminate child marriage and to enforce laws that ensure free and full consent. At the Continental level, the Maputo Protocol requires states to ensure that ‘the minimum age of marriage for women shall be 18 years.’²⁷ Thus, child marriage refers to a legal or customary union between two people, of whom one or both spouses are below the age of 18 years. Because child marriage happens when the child/children is/are under the age of consent, the marriage is also described as an early and forced marriage, under any circumstances whether there is apparent consent or not. However, the practice predominantly impacts girls compared to boys due to



deep patriarchal attitudes, biological as well as socio-cultural conceptions of maturity and gender inequalities.

Globally, approximately one-quarter of women aged 20-24 years were in a union before the age of 18 years, with approximately one out of thirteen married or in such unions before the age of 15 years. The United Nations Population Fund (UNFPA) estimates that between 2011 and 2020, more than 140 million girls will become children in marriage, meaning that 14.2 million girls will marry annually, or 39 000 girls will be children in marriage per day. Furthermore, of the 140 million girls who will marry before they are 18, fifty million will be under the age of 15 years.²⁸ A World Bank Group report (2017) indicates that 41,000 girls are married per day translating to 15 million girls every year confirming the position described by UNFPA.^{29,30}

A review of the literature revealed that 17 African countries have been listed by UNICEF (2016) as exhibiting the highest rates of child marriage. Seven countries (DRC, Egypt, Ethiopia, Mozambique, Niger, Nigeria and Tanzania) in the study - are amongst the top twenty countries (See Fig. 3 below) with a high global burden. The study noted that child marriage is not only an African problem as countries like Bangladesh, India and Nicaragua have been reported as facing this major challenge. Additionally, Brazil, Indonesia and Mexico have been reported among the 10 countries with the highest absolute number of children in marriage (UNICEF, 2016).

Global Child Marriage Burden: Top Twenty Countries

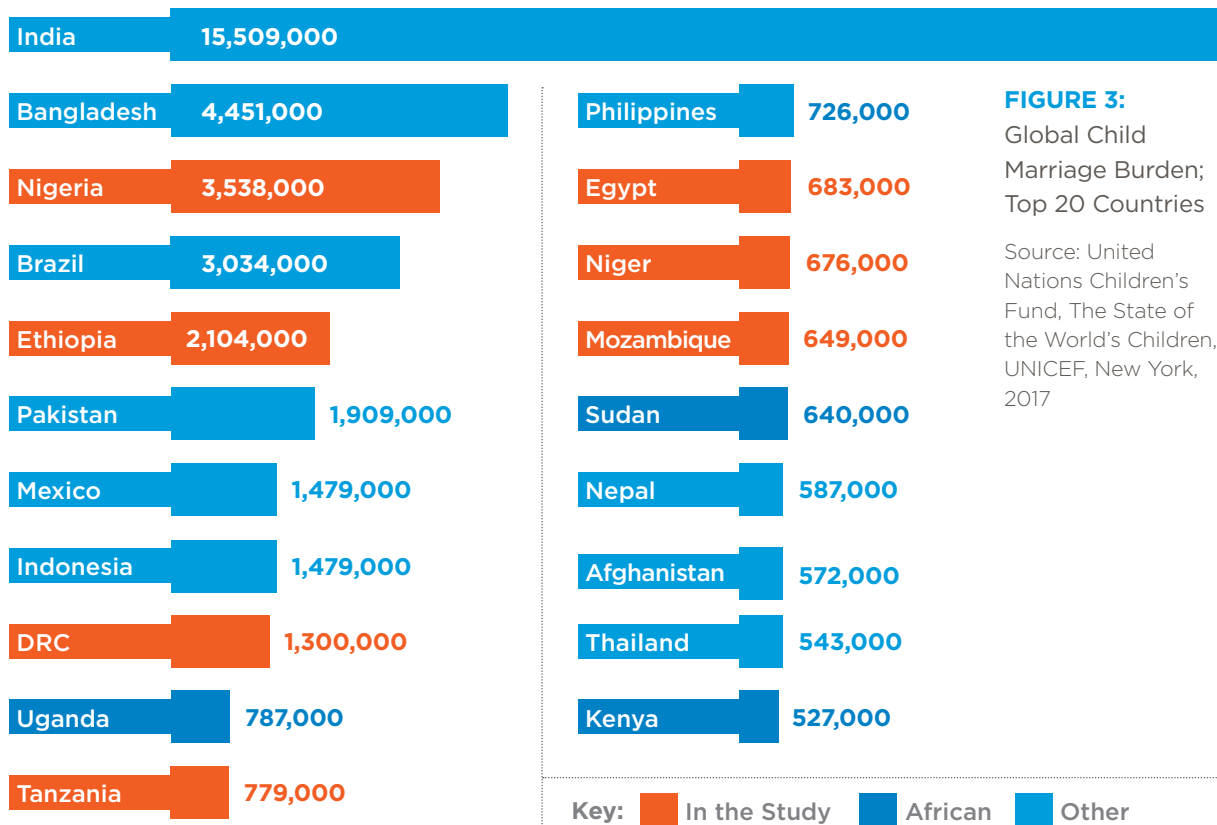


FIGURE 3: Global Child Marriage Burden; Top 20 Countries
Source: United Nations Children's Fund, The State of the World's Children, UNICEF, New York, 2017



Global data indicates that child marriage is most common in South Asia and sub-Saharan Africa and the highest global prevalence rates have been documented in 10³¹ countries found in these two regions of which Ethiopia, Mali and Niger fall among the study countries.³²

1.2 The State of Child Marriage in Africa

Africa, especially sub-Saharan Africa, is one of the highest child marriage prevalence regions in the world. It is estimated that 125 million (17%) of the more than 700 million women alive today who married as children live in Africa. Evidence on child marriage prevalence indicates an average of 11.6 per cent and 42.8 per cent girls married by the age of 15 and 18 years respectively.³³ This translates to approximately 4 in 10 girls married or in a union before the age of 18 years and 1 in 6 girls before the age of 15. All African countries are faced with the challenge of child marriage. Prevalence of child marriage in African countries ranges from high child marriage prevalence countries such as Niger at (76%), Chad at (72%), Central African Republic (68%), Mali at (55%), Mozambique at (52%) and Malawi at (50%);³⁴ to low prevalence countries like Algeria (3%). The literature further reveals that more than half of adolescent girls aged 15 to 19 years in Mauritania and Nigeria (one of the countries of study) are currently married and have husbands who are 10 or more years older than they are. Overall, child marriage is more widespread in West and Central Africa (42%) and Eastern and Southern Africa (36%).³⁵ Figure 4 below shows the 10 highest child marriage prevalence countries in the continent as at 2015.³⁶

Africa has strong policy and legal frameworks in advancing the Rights of the Child and gender equality. For instance, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) and African Charter on the Rights and Welfare of the Child contain provisions specifically aimed at ending harmful practices including child marriage and these combined with interventional initiatives, such as the African Common Position and the African Campaign on Ending Child Marriage, which are concretely expressed in Goal 18 of the continent's Agenda 2063. However, child marriage remains a persistent problem across the continent of Africa. It is projected that by 2050, the number of children that are married before the age of 18 years will double if nothing is done to eradicate child marriage.³⁷

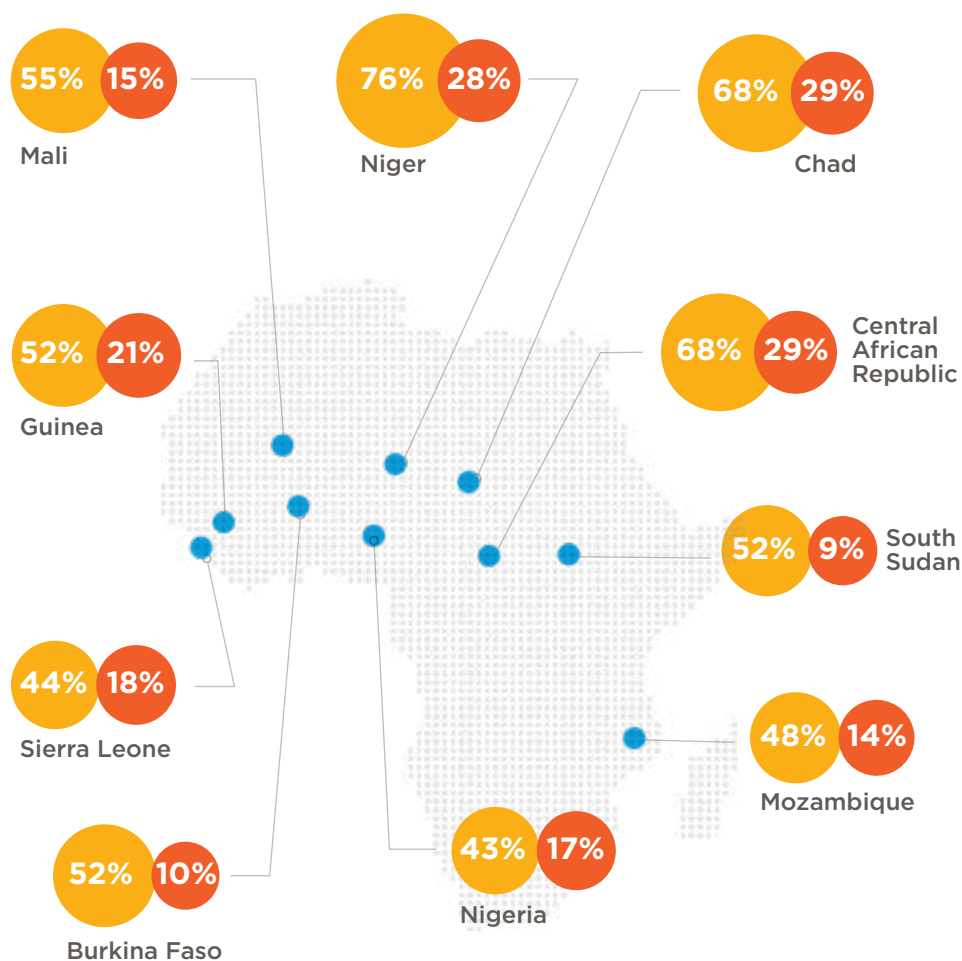
Therefore, it is urgent to accelerate policy and programmatic interventions at the continental, regional and country level by all the players including religious, traditional leaders and cultural institutions. For instance, there is need to prioritize, at the national level, implementing and adequate resourcing of national action plans and/or strategies on ending child marriage. At the sub-regional level, the SADC adopted the Model Law on Ending Child Marriage and Protecting Children in Marriage, following an equally important Eastern and



Southern Africa commitment on Sexuality Education and HIV and AIDS; the East African Community on Teenage Pregnancy as well as the Economic Community of West African States Strategy on Child Protection. The African Commission on Human and Peoples' Rights (ACHPR) and the African Committee on Experts on the Rights and Welfare of the Child (ACERWC) adopted the Joint General Comments on Ending Child Marriage in Africa which seeks to hold governments accountable to implementing frameworks that address child marriage across the continent.

FIGURE 4:
The Ten Highest
Child Marriage
Prevalence
Countries in
Africa

Source: *State of the World's Children 2015: Reimagine the future*



1.3 Effects and Consequences of Child Marriage in Africa

Child marriage affects the involved children's (mostly girls) quality of life in diverse, severe and lasting ways. These effects range from biological (health), to social and economic, all of which impact their lives permanently, especially their reproductive health, human rights and life chances as human beings. According to the UNFPA, any form of child marriage is a violation of a child's rights as provided within the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child.³⁸ This is because it endangers the lives of young girls through increased risk of early pregnancies and birth related complications often resulting in a high prevalence of maternal



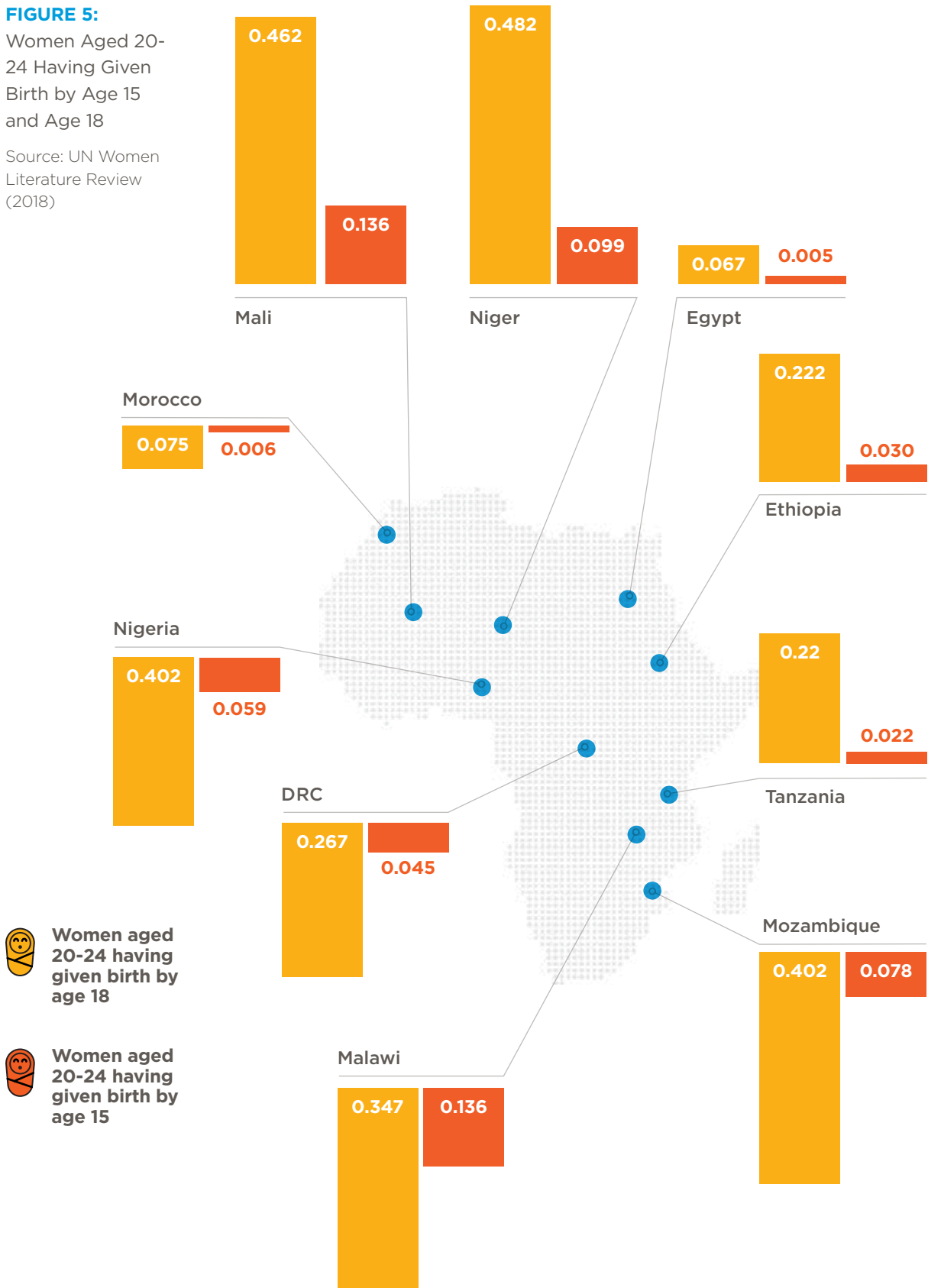
and neonatal mortality. They face the risk of experiencing dangerous conditions such as uterine infections, Obstetric fistula, high blood pressure, unsafe abortion, and miscarriages.³⁹ Worse still, they have little information regarding their sexual and reproductive health and hardly use any contraceptives for family planning. In Egypt for example, in the child marriage dominant governorates of Assiut and Souhag, 41% and 34% of Cesarean sections were conducted on married adolescents. And unfortunately, 26% of the girls in Assiut and a further 16% in Souhag of the girls operated on developed severe complications such as prolonged labour or bleeding, in their last child delivery. And worse still, only 27% of the child mothers accessed and received postnatal care in the two regions, services only minimally provided by the government but largely by the private sector. Child marriage diminishes their prospects of leading quality married lives by ushering them into a state of perpetual dependency and exposure to social and economic vulnerability. From the study, Niger, Mali, and Mozambique have the highest percentages (48%, 46% and 40% respectively) of girls having their first children by 18 years. However, Mali tops all the countries of study in the number of girls who give birth to their first child by the age of 15 years.

Girls in marriage are victims of continuous gender-based violence and are subjected to rape throughout the period they are in the marriage. Other forms of GBV they face include but are not limited to wife battering, sexual violence, child labour through performing unpaid care, domestic and farming work as well as emotional abuse from their husbands. The big gap between the age of a married girl and her husband in most cases fuels domestic violence in which the former is the victim. In Africa, many countries do not treat marital rape as a crime because it is not considered as such in their cultures and legal systems in many countries. Whenever it happens, girls in such marriages suffer in silence and rarely seek help. Because girls in marriage lack education, their risk of exposure to domestic violence is higher compared to their educated and older counterparts.⁴⁰ Studies across nations have indicated that the younger the child in marriage, the higher the chances of domestic violence against her. With little information about rights within marriage, limited access to legal assistance, restricted rights to obtain divorce, child custody laws and inheritance, such girls in marriage remain trapped in violent unions. All these factors together exacerbate abusive child marriages.⁴¹ Millions of children in marriage, some only just past puberty, are denied access to health, education and economic opportunities (Parsons, et al., 2015).⁴² For many of these girls, marriage means the end of their educational, drastic reduction of vocation or career opportunities and curtailment of their foundation life choices. This ultimately denies them the opportunity to enjoy their rights as children and their integral human development. Instead, the majority are burdened with roles and responsibilities of wives and mothers without adequate support, resources or capabilities. The international response, including the United Nations Agenda 2030 for Sustainable Development, consistently emphasizes the urgency and the importance of ending child marriage (see Sustainable Development Goal 5, especially target 5.3).



FIGURE 5:
Women Aged 20-24 Having Given Birth by Age 15 and Age 18

Source: UN Women Literature Review (2018)



Women aged 20-24 having given birth by age 18

Women aged 20-24 having given birth by age 15



Girls in marriage usually lose their freedom of movement and interaction or have such freedoms hugely curtailed. For example, their husbands and “in-laws” prefer the girls visited by their families to allow them to go to their paternal homes.⁴³ In many cases, the married adolescent girls are barred by their husbands from going to social places such as markets, joining community development groups, and visiting youth centers in their communities.⁴⁴ Instances are not lacking where girls are barred from visiting hospital unaccompanied by spouses leading to health consequences. Isolating these girls in marriage in this way can have life-long negative impacts on the girl.

Child marriage many a times interrupts or ends education for young girls. As soon as the girls get married, they no longer become easily admissible in schools. Even if a girl was willing to continue with education, there are domestic chores and the burden of childbearing and responsibilities of child care. Studies have revealed that the longer a girl stays in school, the longer she can delay marriage and the opposite is true. Additionally, education increases girl’s literacy rates. It is also highly likely that illiterate mothers place little value on the education of their children and this results in yet another generation with high illiteracy rates.⁴⁵ Unfortunately, governments of the countries in which children in marriage are prevalent do not have sound policies to rescue such girls. There may be no good centres to house them and ensure that they continue their education. In Middle East and North Africa (MENA) countries such as Egypt and Morocco, pregnancies outside marriage (which includes teenage pregnancies) are not recognized, and adolescent mothers may not go back to school after having children. Even though the Moroccan Penal Code prohibits pre/extramarital sex, the Family Code does provide an opportunity for the recognition of children born under such circumstances. This can be done through two key ways; acknowledgement of the child’s paternity by the father, production of an authentic medical certificate proving the birth, and a judicial decision that sexual intercourse occurred when the couple were publicly known to be together.

1.4 Forms and Ways of Child Marriage in Africa

There are three main types of marriage but within these categories, marriages may also manifest in different ways. The main types of marriage are:

- **Civil marriage** in which two persons marry according to the law and have their marriage solemnised and registered at the official government registry. Usually a certificate of marriage or proof of marriage is issued.
- **Customary marriage** is conducted in accordance with the customs of communities of either both or one of the parties to the marriage. Such marriages could be registered or unregistered.



- **Religious marriage** is conducted in accordance with specific religious tenets and usually includes a blessing and a ceremony. A religious marriage is either registered or unregistered.

The main forms and ways in which child marriage may occur include: arranged, by abduction, consanguineous (cousin marriages), polygamous, temporary, by force without consent of the girl and by 'choice'. The study reports that in certain cases, the different forms and ways of marriage discussed overlap.

Below are the ways in which these marriages manifest themselves in the countries of study;

- Arranged marriages are those contracted by families on behalf of the child often arranged quite early in the child's life for reasons such as poverty or formation of strategic relationships.
- Betrothals are agreements of marriage often entered into between the girl's parent and the girl's would-be husband who can be either a child or an adult.
- In some communities, marriages are contracted through abduction or kidnapping of the girl. The girl is then subjected to forced sexual intercourse for a period long enough to qualify her as a wife, either through pregnancy or formal notification to her family. This is followed by marriage negotiations and the marriage contract is formalized.
- Some communities practice consanguineous marriage in which people with blood relationships are allowed to marry each other. Some of these marriages may be arranged between two people who have never met. Studies show that 50% of such marriages involve close cousins.
- In countries where polygamy is lawful, underage girls are targeted as second or subsequent wives by older married men or older wives, usually for the purposes of bearing more children or as extra labour force.
- Temporary marriages are predominantly practiced among Muslim communities who refer to it as *muta'a*. The practice is backed up by the Quran particularly among the Shia Sect.⁴⁶
- Elopement due to socio-economic and other factors

The study reports that in certain cases, the different forms and ways of marriage discussed may be experienced in various combinations. They also end up as registered or unregistered unions.



Whatever form the marriages may take, they exist across the countries in Africa as part of traditional practices that have persisted over generations. Additionally, the effects of every child marriage remain consistently negative to the children, the families, communities and the countries.

1.5 Causes and Drivers of Child Marriage in Africa

The underlying causes of child marriage are common across Africa, anchored in patriarchal societies which perpetuate gender inequality and manifests in the social, cultural, economic, structural and systemic determinants of the children's ecology.

- a) The **feminisation of poverty or deprivation** creates vulnerability and the risk for girls of being forced into child marriage. Many girls who drop out of school lack opportunities for employment, and then enter into marriage with the assumption that such a marriage improves the economic and social status of the girls. In addition, there is a body of analysis that shows the tendency for parents/families to marry off girls for income as well as reduction of the family economic burden, despite the lack of evidence that such bride price improves the economic wellbeing of the family. On the contrary, it is however clear that child marriage has the opposite effect - of increasing the poverty level.
- b) The **gendered nature of conflict and insecurity** results in multiple violations of rights of women and children and is well documented as a driver of child sexual exploitation, abuse and child marriage. Child marriage and teen pregnancy tend to be high in insecure environments. Globally, nine of the top 10 countries with the highest rates of child marriage are considered fragile states or considerably exposed to natural disasters.⁴⁷ In many areas, marrying off a girl as a child is perceived as a way to ensure her safety and that of her family. Child marriages may be used as a means of protecting young girls from being raped or kidnapped by armed groups. The girls are married to the gangs and militias by their families in order to protect the girls or as a survival strategy for the entire family.
- c) Ordinarily, **cultural and religious institutions and traditions** are expected to be sources of life, protection and wellbeing of society and preservation of the dignity of its people. However, studies have also shown that tradition is one of the drivers of child marriage.⁴⁸ Social norms may be used to control adolescent girls' sexuality and preserve family honour; rituals related to rites of passage can be shown to have resulted in negative practices that drive and perpetuate the practice of child marriage. In many places, child marriage is a deeply rooted cultural



practice that has happened for generations. Straying from tradition may mean exclusion from the community thus making it difficult to enforce any child marriage prevention laws.⁴⁹ Some of the traditional practices that propel child marriage include the customary abduction of girls such as the *telefa* in Ethiopia where a man kidnaps, hides and rapes a girl and then, as the father of her unborn child, can claim marriage. In similar vein is the *trokosi* in Togo, Benin and Ghana under which virgin girls are sent to shrines as atonement sacrifices for crimes committed by their, mostly, male family members.⁵⁰

- d) Access to services and accountability:** While child marriage affects all children, it is especially prevalent among girls in rural areas and poor urban communities that lack access to basic services such as schools and quality education or with long distances to school; lack access to health care and especially adolescent sexual and reproductive health service, and access to employment, adequate housing and livelihoods opportunities. Limited allocation of adequate resources for basic services has a direct impact as a cause of child marriage. In the countries that have taken legal measures to counter it, a lack of commitment to enforcement and implementation of existing laws and policies incapacitates them from acting as child marriage deterrents. In Egypt, for example, accessibility to schools and other learning institutions is a challenge to many girls. The study affirms the position reached by global think tanks and agencies including UNICEF in their State of the World's Children report that without adequate education, girl's agency as well as elimination of child marriage is limited. In fact, an informant stated that some Egyptian villages have no schools prompting their girls to walk long unsafe journeys to nearby villages every day. Other notable causes of challenges in Egypt include conflicts between the Family Code and cultural practices.
- e) Gender inequality:** Unfortunately, gender inequality across Africa, and elsewhere, is the main driver of child marriage. In many communities, girls are not valued as much as boys – they are considered a burden or a commodity. In countries and communities with a high prevalence of child marriage, all key gender and social inclusion indicators tend to be extremely low. For instance, there is low literacy, poor access to health services and low participation of women in social, economic and political affairs in such countries. Women's rights and gender equality matters including women's active participation, and decision making across all spheres are given less priority especially in investment, policy and practice. From the gender equality perspective, child marriage results in lower educational attainment, younger births and few economic opportunities that have an impact on young women and their children.

Part Three

Methodology of the Study



Chapter 2.0

Methodology of the Study

2.1 Rationale for the Multi-Country Analytical Study

Given the persistence and high prevalence of child marriage in Africa, understanding the key drivers that contribute to the practice is essential to better inform effective interventions to address child marriage. This means that the interventions should be tailored to address the key drivers of child marriage and aimed at creating a sustainable change. Donors and other development partners have expressed interest in investing and scaling up their support for programme interventions that contribute to a reduction in the prevalence of child marriage. However, for this support to be justified, the importance of understanding the causal factors cannot be overemphasized.

This is critical as UN Women and partners believe that addressing negative cultural and gender stereotypes and practices strategically at multiple levels is a requisite to ending child marriage in Africa. UNFPA and UNICEF were part of the advisory group for the study and the study builds on the existing work already undertaken by those two agencies on laws and policies and mapping of partners and programmes on child marriage. The study analysed the state of existing policies, legal provisions and - customary and religious practices relating to child marriage in selected African countries. The strategic objective was to assess and map out the existing country-level instruments, their implementation, existing or emerging practices and discourse relating to child marriage in those countries. This included an analysis of the levels of legal compliance to child marriage laws.

This study builds on UNFPA and UNICEF's Global Programme to Accelerate Action to End Child Marriage. The programme offers a framework for promoting the right of girls to delay marriage, addressing the conditions that keep the practice in place, and caring for girls already in a union. It focuses on enabling girls at risk of child marriage to choose and direct their own futures, supporting households in demonstrating positive attitudes towards adolescent girls, and strengthening the systems that deliver services to adolescent girls. It also seeks to ensure laws and policies protect and promote adolescent girls' rights and to highlight the importance of using robust data to inform policies relating to adolescent girls.



The study also utilized African Union Commission (AUC) compendium of marriage laws across the African Member States developed in 2017 with the support of UN Women to serve as an updated compilation of legal frameworks related to child marriage. The compendium predominantly focuses on legal frameworks targeting child marriage. This study widened the literature review and strategic primary data collection from the countries to fill the compendium's gap on actual practices, perceptions and cultural laws. The study also identified good practices on mitigation of child marriage, with illustrative country case studies.

2.2 Objectives of the Study

The study assessed the state of child marriage in Africa from practice to policy and interventions towards its eradication. By focusing on the socio-cultural conditions, policy environment and eradication initiatives, the study provides critical information and perspectives, effective and appropriate programmes/ investment and policies in Africa to delay the age of marriage and end child marriage as a practice.

The specific objectives were:

- i.** To conduct an analytical review of existing customary practices on child marriage with the view of identifying drivers of success and gaps that are hampering success.
- ii.** To conduct an analytical review of existing statutory legislation and policies on child marriage with the view of identifying drivers of success and gaps that are hampering success.
- iii.** To assess and map existing and on-going national and regional initiatives on prevention of child marriage and identify the intervention gaps.
- iv.** To propose programmatic interventions that could be adopted to reduce the high prevalence of child marriage in the targeted countries specifically and in Africa in general.



2.3 Logic and Pathway of Ending Child Marriage in Africa

The diagram on page 54 summarizes the child marriage logic and theory of change causality and effects in Africa.

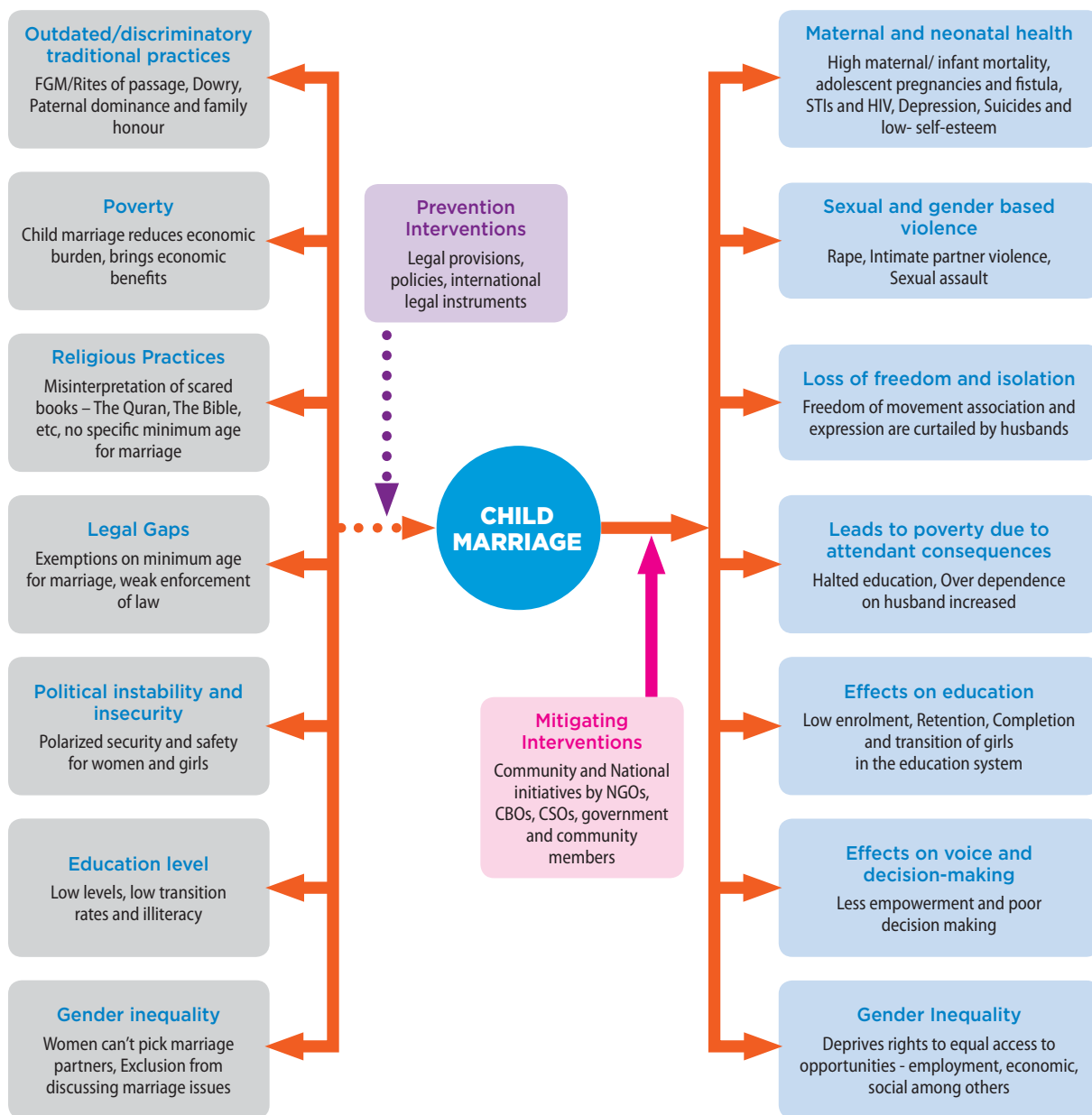


FIGURE 6:
Logic and Pathway
of Change for Child
Marriage in Africa

Source: UN Women
field data (2018)

KEY »

Legal Provisions - Include respective country Constitution, Acts of Parliament an Executive/Court order

International Legal Instruments - These include UN declarations and conventions such as UN Convention on the the Rights of the Child (UNCRC)

Regional Legal Instruments - Include Africa African Charter on the Rights and Welfare of the Children, African Union Campaign to End Child Marriage, etc.



From figure 6: Logic and Pathway of Change for Child Marriage in Africa, the study views persistence of child marriage as a composite outcome of social, cultural, economic and religious' drivers, accompanied by low levels of education and gender inequalities. The drivers find fertile ground in the inadequacies/gaps in the policy and legal instruments, deficient enforcement and implementation of existing laws and policies. The situation is compounded by lack of political goodwill and committed leadership; as well as insecurity and weak policing of child and gender rights.

Overall, the causes and drivers of child marriage can be viewed as consisting of drivers and enablers all producing certain consequences in the lives of women and girls. They are moderated by preventive initiatives which constitute policy and laws of those countries backed by mitigating interventions including community, national and regional initiatives that respond positively to the needs and aspirations of women and girls. Enablers create the environment within which drivers can thrive while preventive and mitigating variables disable/inhibit/ prevent and/ or slow down the increase of child marriage and contribute meaningfully to ending child marriage or, in their absence create a space for an accelerated surge in child marriage.

The study recognizes that community, national, regional and global initiatives can be a very useful tool in developing a coordinated picture of the roles of different stakeholders in a comprehensive response to child marriage. However, initiatives only add value if there has been sufficient planning and involvement of relevant stakeholders including the community, women and girls in particular, and if there are necessary resources, commitment and capacity to allow for implementation. This logic and theory of change affirms that it is necessary for stakeholders and African governments to develop related action plans on child marriage with monitoring and accountability mechanisms across different sectors. They should also ensure that national strategies and action plans are implemented across sectors – costed and budgeted for implementation with adequate planning, coordination and implementation. This must be coupled with priorities for interventions prioritizing the “do no harm approach” and those which will maximize impact and measure progress in the medium to long-term. This logic premises that addressing negative cultural and gender stereotypes and practices coupled with effective policy/legal environments at multiple levels is a prerequisite to ending child marriage in Africa.

The study notes that enablers, motivators and drivers work in concert to activate each other. In the hotspot communities amongst the study countries, they are able to combine well because of insufficient investment in policy and legal enforcement mechanisms and processes due to local and national politics, where allegiance may be torn between the laws and traditions. Limited investments enable lax enforcement of the laws and policies and thus it becomes an enabler. Furthermore, the absence of effective and functional monitoring, accountability



and information systems from the national to local levels makes it difficult to keep track of the implementation, enforcement and transgression of existing interventions, laws and policies against child marriage. In the countries of study, the push factors - enablers, motivators and drivers of child marriage - are enhanced by gender inequality, weak and uncoordinated implementation of interventions, laws/policies and ineffective enforcement of laws/policies due to loopholes that encourage flexibility in adherence. Corruption, politics and violence, especially against women and girls, make it difficult to enforce existing laws/policies by discouraging reporting of cases, prosecution and deterrent punishment of perpetrators.



The absence of effective and functional monitoring, accountability and information systems from national to local levels makes it difficult to keep track of the implementation, enforcement and transgression of existing laws and policies against child marriage.

2.4 Study Design

The multi-country study was designed as an *ex-post-facto* country-level survey that adopting a holistic descriptive analytical approach collecting and analysing data and information. It used a combination of quantitative and qualitative tools to collect and analyse data. This approach was deemed appropriate for exploring a range of issues, generating and consolidating the various forms of data required for a multi-level study to explore the policy-to-practice continuum among diverse communities and study targets. The study employed methodological triangulation to ensure that multiple sources of evidence were utilized to enhance validity and reliability. This also allowed strategic application of grounded theory thinking in examining and explaining the persistence of child marriage in the hotspot communities in the study countries.

The study utilized different sources of data including secondary/desk review and direct primary collections. It also undertook an analysis of available country policies and legal frameworks, and cultural laws relating to child marriage. After completion, an extensive validation exercise was undertaken with diverse stakeholders including UN Women Country Focal Points in all countries of study, UNICEF and UNFPA counterparts, government counterparts and other external stakeholders. This was complemented by a continental policy dialogue which generated further feedback in the context of harnessing the potential for traditional and cultural authorities and leaders to participate in ending child marriage and other harmful practices against women and girls. Additionally, a comprehensive technical review was also undertaken in a five-day technical workshop bringing together nine high level experts/think tanks in gender,



ending violence against women and girls, human rights, women's movement, traditional and cultural authorities, and ending traditional and other harmful practices against women and girls.

2.5 Study Scope and Geographical Coverage

It covered ten African countries with a comparatively high prevalence of child marriage in the continent and globally purposely selected in line with UN Women strategic priorities. The focus of the study was on the state and implementation of policies/legislation, interventions, cultural/religious practices in the countries in relation to the elimination of child marriage. A critical emphasis of the study was on the nexus between the existence and implementation of the policies/legislation, and the dominant cultural and religious practices that affect the outcomes of the interventions in those countries, especially in identified hotspot areas within the countries.

The study conducted a multi-level examination of the phenomenon of child marriage by exploring the structural, communal and individual factors and experiences in the ten countries. Key sources of data and information for the study were policies and policy players; social and cultural agents including government officers, intervention implementers at regional, country and community level. Religious, traditional leaders, and cultural institutions were also involved because of the recognition of their central role as agents and custodians of social change and cultural values. Where ethically possible, testimonies from child marriage survivors and girl parents were also documented.

The scope is summarised as follows;

- a. Geographically:** The study covered ten countries in Africa that have the highest prevalence of child marriage in the continent despite their high-level national commitments to end child marriage. These are the Democratic Republic of Congo (DRC), Egypt, Ethiopia, Malawi, Mali, Morocco, Mozambique, Niger, Nigeria and Tanzania;
- b. Thematically:** Focused on the state of policies, laws, and cultural practices in the countries in relation to elimination of child marriage. Emphasis was on the (dis)connection between the existence and implementation of the laws and policies; and on existing interventions in those countries;
- c. Target population:** The study adopted a multi-level analysis approach that covered the structural, communal and individual levels to examine the phenomenon of child marriage phenomena in the ten countries. Thus, its population was policies and policy players; social and cultural agents including intervention implementers at the community level; community, traditional



leaders and cultural institutions who are custodians of culture and individuals- especially married or engaged females under the age of eighteen years;

- d. **Deliverables:** The aim of the study was limited to generating: specific country reports, a comparative consolidated report; a regional policy brief and case studies of the situation, experiences and interventions. This included case studies of good and promising practices, lessons learned and unique and persistent challenges to eliminating child marriage in the countries.

2.6 Data Collection Tools and Methods

The study team implemented a two-pronged approach to collect the necessary data:

- a) Desk review of policies, statistical analysis and data references and household survey data to assess cultural practices, the reasons for and mitigating factors against child marriage and
- b) Country primary data collection through country visits and use of in-country experts. This utilized key informant interviews, focused group discussions, appreciative inquiry/ community consultations, case studies and stakeholder consultations to collect primary data/ information.

To collect information from the field, data collection tools were developed, tested and employed for data extraction, including key informant interviews and secondary data review across the ten countries. The following data collection methods were employed for the study:

- I. **Literature Review/Desktop Study:** This involved a desk review of the relevant documents such as the legislative frameworks, policies, studies, policy briefs/ papers, articles, essays, documentation of, interventions, analysis and research from various countries regarding child marriage, interventions, good practices, cultural and religious practices, policy and legislative frameworks. The review also examined other available relevant documents and literature. The review provided secondary data on existing documented information on the country status with regard to child marriage and interventions to reduce its incidences.
- II. **Country demographic and vital statistics extraction:** Key demographic and vital information statistics were extracted from the relevant country and regional databases and literature on child welfare and marriage. Specific templates were designed for extracting such data by the study team. The data and statistics are used to show the status of child marriage and other key demographic factors in the region.



- III. Key Informant Interviews:** Key individuals were identified and selected based on their knowledge and experience in child marriage and related issues through UN Women country contacts. This targeted the UN agencies (UNICEF, UNFPA, and UN Women), AU, government representatives, regional civil society organizations, national non-governmental organizations and members of the UN Women Regional Civil Society Advisory Group (RCSAG). Through interviews, the key informants provided their perspectives regarding policy and cultural issues that can be leveraged to end child marriage.
- IV. Case Studies:** Case studies as a research method were used to understand the diversity in the various countries, in relation to the implementation of child marriage policies and to identify good and promising practices. Existing case studies were reviewed against the objectives of the study in addition to identifying and documenting country specific case studies as they related to the study.
- V. Stakeholder Consultation:** The study engaged stakeholders working on child marriage to understand the community, national and regional perspectives on child marriage, the drivers of child marriage, investment options regarding policy and customary laws for ending child marriage and policy imperatives for ending child marriage as a practice. Communities including community and religious leaders, guardians and parents, survivors (children in marriage and girls at risk) among others were consulted to explore the various objectives of the study.
- VI. Online Survey:** The study utilized online survey techniques by constructing a multi-lingual survey monkey that was circulated to various stakeholders involved in the child marriage campaigns. The survey used a snow-balling method to circulate the questionnaire as widely as possible starting with the key informant interviewees and their networks. The survey was distributed to a target audience of 1200 out of which 986 respondents completed the monkey survey.⁵¹

Additionally, snow ball sampling was used to identify the survivors and girls at risk. However, the study fully observed the “Do No Harm” principle which always emphasizes on respecting people’s and girls’ privacy and confidentiality, particularly, letting those being interviewed to know, who would have access to their information and how it would be used. This principle also gave the respondents the option to provide their information anonymously. *In addition, the study also observed the “Leave No One Behind” principle which emphasizes on inclusion targeting of all categories of respondents especially the marginalized children, the elderly, people living with disabilities and people living with HIV.* The study worked with respective UN Women country focal persons to select and organize the data collection points and sources.



The table below summarizes the distribution of the specific data collection processes in each country.

TABLE 4: The Distribution of the Specific Data Collection Processes in Each Country

Activity	Target	Number administered
Focus Group Discussions	Traditional and Religious Leaders, Parents and Girls at Risk	3 per country
Stakeholders Consultation	Civil Societies and NGO, Government	1 per country
Community Consultation	Community Members	1 per country
Key Informants Interviews	UN (UNICEF, UNFPA, UN Women), AU, Government representative, Ministry of Gender Regional Civil Society – FEMNET, Plan International, Girls Not Brides	8 per country
Interview with Community Leaders	Community Leaders including Chiefs/ Local Administrators	1 per country
Support Group Interviews	Support Groups	1 per country
Interview with Survivors	Children in marriage	2 per country: male and female

Source: UN Women field data (2018)

2.7 Data Analysis

The data analysis was undertaken in such a way that it addressed concerns at regional and national level reports. In-country and comparative analyses were conducted. Key findings were discussed with the field team and presented to stakeholders for feedback and contextual fleshing out of the key findings. Qualitative data including case studies were used to triangulate and deepen the analysis by giving and comparing country specifics with actual human stories. Quantitative data were analysed using various statistical tools such as STATA and SPSS among others to test emerging hypotheses regarding the state of policy and legal implementation of interventions.



2.8 Limitations of the Multi-country Study

An initial proposal to conduct household interviews and focused group discussions was dropped because of logistical and ethical considerations and feedback from key experts in some countries.

During the study, it was found that several recent studies had been conducted, in most of these countries, using household interviews and focused group discussions - hence the data was available and the danger of respondent fatigue was real. For instance, UNICEF has recently concluded studies in Egypt and Morocco while Plan International was in the process of validating a study in Ethiopia, among others.

2.9 Study Quality Assurance, Data Management and Reporting

The study team comprised of international associates complemented by in country associates and researchers who understand the local context and were able to help with quality data collection.

Pre-testing the tools: Pre-testing of the tools is a vital component of the test development processes to ensure relevance and reliability of the tools. This was done through comparative analysis of the proposed tool drafts with existing tools that may have been used in similar studies. Where appropriate, the survey tools were piloted in different environments, such as rural/urban; coastal/highland; and improved as appropriate.

Training of research team: The research team underwent a one-day training on the expectations of the study and its ethical guidelines. The nature of training had an effect on the quality of literature review, data collection and analysis.

Research authorization: Each country office was tasked with in-country facilitation of the study including identifying opportunities for data collection in addition to using own sources of data from those countries. This also entailed government involvement at different relevant ministries and departments for the validation of the study.

Data recheck: The researchers conducted a data recheck of every country and community visited. The purpose was to monitor the nature and type of data captured by the volunteers. Data recheck presents an opportunity to check quality and learn and improve the processes of the study.

Data management: Global Development Trajectory has a data management system which was used for the study. The data entry packages that were used had in-built entry and recheck mechanisms. Epi info and CS Pro database were



created with a user-friendly front end to enable a smooth data entry process. Furthermore, the entry form was masked to minimize data entry errors, for instance, by ensuring that the data entry system had some mandatory fields such as unique identifiers to avoid the issue of duplicates, as well as minimum and maximum values.

Preparation of dummy tables and templates: Blank data tabulation templates containing the variables and information that had been prioritized for interpretation were prepared. Those tables had the further advantage of checking that the data collection tools actually collected the data that was envisaged for the analysis. Each country prepared their country-specific tables which were compared at the African level. The study ensured the results and data were provided as per those dummy tables.

Analysis: The analysis was undertaken in such a way that it addressed concerns at regional and national levels. That data was compared as appropriate. The comparison presented a possibility for regions/countries to gauge their own standing in relation to others. Key findings were discussed with the field teams to get their interpretation of the findings and to add further qualitative inputs to the study. Cross-country analysis and comparisons were undertaken to ensure a regional outlook of the study. Quantitative data were analysed using various statistical tools such as STATA, SPSS and R and as per specific objectives. Thematic analysis of qualitative data was done to establish convergent or divergent views and opinions on the study.

Preparation of regional report and policy brief: Global Development Trajectory prepared a draft multi-country analytical report of the study summarizing key findings and recommendations for review and comment by UN Women Technical Study Team and Policy Advisors including a virtual validation by all the ten Country Focal Points who supported in-country data collection and study operationalization. All inputs from the validation exercise were incorporated into the draft report to produce a final study report. Based on the findings, a policy brief on the Prospects for Ending Child Marriage in Africa - Implications on Legislation, Policy, Culture and Interventions has been developed. The findings will be published in formats accessible to the general public. The data has been presented in simple tables, case studies and clear diagrams, and other innovative methods that make the publications eye-catching will be explored. Country specific findings and recommendations have been published within the report with a regional perspective as well.

Part Four

Findings, Recommendations and Conclusions



Chapter 3.0

Findings, Recommendations and Conclusions

3.1 Introduction

This part provides an analysis of both primary data, secondary information and literature on the state of child marriage, policies and practices as well as key interventions across the ten African countries of the study: Democratic Republic of Congo (DRC), Egypt, Ethiopia, Malawi, Mali, Morocco, Mozambique, Niger, Nigeria, and Tanzania. The ten countries studied represent the continental hotspots of child marriage and share a unique set of characteristics.

A majority of them score high on the Social Institutions and Gender Index (SIGI)⁵² thus confirming the high level of gender discrimination and inequality on women and girls that drive child marriage: DRC (0.428 - very high); Egypt (0.43 - very high); Ethiopia (0.245 - high); Malawi (0.2074 - medium); Mali (0.5164 - very high); Morocco (0.1052 - low); Mozambique (0.1375 - medium); Niger (0.4415 - very high); Nigeria (0.3911 - high); and Tanzania (0.2504 - high).

SIGI is a tool developed by the Organisation for Economic Co-operation and Development (OECD) Centres and is a cross-country measure of the level of discrimination and inequalities against women in social institutions including formal and informal laws, social norms, and practices. It covers 160 countries and is premised on the fact that discriminatory social institutions intersect across all stages of girls' and women's lives, restricting their access to justice, rights and empowerment opportunities and undermining their agency and decision-making authority over their choices in life.

Discriminatory social institutions are viewed as underlying drivers of gender inequality and in that they perpetuate gender gaps in development areas, including education, employment and health, and hinder progress towards rights-based social transformation that benefiting both women and men equally. SIGI covers five dimensions of discriminatory social institutions including: restricted resources and assets; discriminatory family code; restricted



physical integrity; son bias; and restricted civil liberties spanning all major socio-economic areas that affect the lives of women and girls. The variables used in SIGI analysis quantify discriminatory social institutions and inequalities experienced by women and girls such as unequal inheritance rights, early marriage, violence against women, and unequal land and property rights. The country profiles created include country classifications and unique databases and provide a strong evidence base to effectively address the discriminatory social institutions and inequalities that hold back progress on gender equality and women's empowerment.

is the SIGI rankings are independently affirmed by the UNDP Gender Inequality Index (2015) which ranks the study countries as follows: DRC (0.663); Egypt (0.565); Ethiopia (0.499); Malawi (0.614); Mali (0.689); Morocco (0.494); Mozambique (0.574); Niger (0.695); and Tanzania (0.544).⁵³ The UNDP Gender Inequality Index measures the gender gap in achievement between men and women across three parameters; empowerment, reproductive health and labour market. The Gender Inequality Index ranges between 0 and 1. Higher Gender Inequality Index values indicate higher inequalities and thus higher loss to human development.

The countries of study also have high incidences of poverty as well as being very conservative especially in the community child marriage hotspots. Such communities embrace a mix of traditional practices and religious dogmas that encourage child marriage as a practice among them. In particular, they believe that child marriage is for the good of the community, family and the individual child. The study further established that the various child marriage enablers, motivators and drivers pull together to activate each other. In the hotspot communities, they are able to combine well because of insufficient investment in policy and legal enforcement mechanisms and processes due to local and national politics, where allegiance is torn between the laws and traditions. The limited investments enable lax enforcement of the laws thus turning the limitation into an enabler.



3.2 Country Profiles-Key Country Highlights

TABLE 5: Key Country Statistics

Country	DRC	Egypt	Ethiopia	Malawi
Rural population	44,867,797 ⁵⁴	59,280,000	82,002,431	15,114,787
Life expectancy (years)⁵⁵				
Male:	59	69	64	61
Female:	62	74	68	66
Population living on \$1.25 a day or less	70%	27.8%	30.7%	25.0%
Girls married by 15 years	10%	2%	14%	9%
Girls married by 18 years	37%	17%	40%	42%
Legal age of marriage (years)				
Boys:	18	18	18	15
Girls:	15	18	18	18
Women aged 20-24 having given birth by age 15 years	4.5%	0.5%	3%	4.8%
Women aged 20-24 having given birth by age 18 years	26.7%	6.7%	22.2%	34.7%
Child marriage prevalence	35.9%	16.5%	36.4%	45.9%
Birth-rate	6	3.31	4.28	5.05
Literacy rate	77%	75%		62%
Source: UN Women field data (2018)				



	Mali	Morocco	Mozambique	Niger	Nigeria	Tanzania
	10,673,997	13,877,000	19,457,590	16,743,052	95,604,255	37,613,489
	58	75	57	59	53	65
	59	77	61	61	55	68
	43.6%		46.1% ⁵⁶	80.0%	60.0%	68.0%
	17%	3%	14%	28%	17%	5%
	52%	16%	48%	76%	43%	31%
	16	18	18	15	18	18
	18	18	18	18	18	18
	13.6%	0.6%	7.8%	9.9%	5.9%	2.2%
	46.2%	7.5%	40.2%	48.2%	29.1%	22.4%
	59.9%	16%	51.5%	76.8%	42.1%	68.7%
	6.14	2.49	5.30	7.57	5.59	5.08 ⁵⁷
	71%	74% ⁵⁸				78%



The following highlights have emerged from the study;

TABLE 6: Key Country Highlights

Country	Key Highlights
Democratic Republic of Congo (DRC)	<p>Demographics</p> <ul style="list-style-type: none"> ● Maternal mortality ratio: 693 maternal deaths per 100,000 live births. ● Birth rate: 44 per 1000 population. ● 36% of women and 12% of men age 15-49 are illiterate. ● Social Institutions and Gender Index (SIGI) stands at 0.428 - very high. <p>Prevalence</p> <ul style="list-style-type: none"> ● Democratic Republic of Congo (DRC) has the 19th highest prevalence of marriage in the world and ranks 7th amongst the countries of study with 37% of girls married before their 18th birthday and with 10% being married before 15 years. ● Global burden of child marriage stands at 1,300,000. <p>Hotspots</p> <ul style="list-style-type: none"> ● Provinces with high child marriage prevalence are; Maniema, Equateur, Kasai Occidental and Kasai Oriental. <p>Age of marriage</p> <ul style="list-style-type: none"> ● Legal age of marriage for boys is 18 years while for girls it is girls is 15 years. <p>Common manifestation of Child marriage</p> <ul style="list-style-type: none"> ● Common forms of marriage include forced marriage and polygyny. <p>Interventions</p> <ul style="list-style-type: none"> ● The age of consent was changed in 2016 to 18 years, but communities still practice the old law that specified the age of consent as 15 years for women and 18 years for men. There is also low awareness of the laws passed in 2016 outlawing child marriage - particularly regarding its tenets, consequences, and of the government units established to address the problem. ● The judiciary has set up special courts to adjudicate on children's cases. This is meant to expedite the process of seeking justice for children. Print and social media, including use of behavior change communication such as drama, theater, songs etc., being used to raise awareness on the laws and inform communities on the benefits of investing in their children by encouraging girl child education.

**TABLE 6:** Key Country Highlights

Country	Key Highlights
Egypt	<p>Demographics</p> <ul style="list-style-type: none">● Maternal mortality ratio: 33 maternal death per 100,000 live births.● Birth rate: 30 per 1000 population.● 20.3% of women and 6.7% of men age 15-49 years are illiterate.● Social Institutions and Gender Index (SIGI) stands at 0.43 - very high. <p>Prevalence</p> <ul style="list-style-type: none">● Egypt is the third country (after Sudan and Yemen) with the highest number of children in marriage in the Middle East and North African region.● Prevalence of child marriage in Egypt is 2% for both girls and boys married by 15 years and 17% for those married by 18 years.● Egypt has approximately 16.5% child marriage prevalence globally and ranks 9th among the countries of study in terms of prevalence.● Global burden of child marriage stands at 683,000. <p>Hotspots</p> <ul style="list-style-type: none">● Child marriage is mainly entrenched in Upper Egypt which is rural and with deep-rooted cultural practice, high levels of poverty, and low levels of literacy. <p>Age of marriage</p> <ul style="list-style-type: none">● Legal age of marriage for both boys and girls is 18 years. <p>Common manifestation of Child marriage</p> <ul style="list-style-type: none">● The common forms of marriage are consanguineous marriages and transactional or temporary marriages. <p>Interventions</p> <ul style="list-style-type: none">● In 2008, Egypt's Parliament amended the Constitution and raised the age of marriage to 18 years old for boys and girls. Through the National Population Council (NPC), the Egyptian government commissioned a national strategy in 2014 to end child marriage. In collaboration with the Ministry of Health, the National Council for Women and the National Council for Childhood and Motherhood, NPC has partnered with CSOs as well as religious leaders to plan and execute a five-year approach that brings on board various stakeholders into the fight against child marriage.

table continues on the next page...


TABLE 6: Key Country Highlights

Country	Key Highlights
Ethiopia	<p>Demographics</p> <ul style="list-style-type: none"> ● Maternal mortality ratio: 353 maternal deaths per 100,000 live births. ● Birth rate: 33 per 1000 population. ● 82% of women and 58% of men aged between 15-49 years are illiterate. ● Social Institutions and Gender Index (SIGI) stands at 0.245 - high. <p>Prevalence</p> <ul style="list-style-type: none"> ● Ethiopia is 16th in the global list of child marriage prevalence with 40% of girls married before their 18th birthday with 14% being married before 15 years. ● It ranks 6th among the ten countries of study in terms of prevalence. ● Amhara region records the highest rates of child marriages with approximately 45% of girls getting married before the age of 18 years. ● Global burden of child marriage stands at 2,104,000. <p>Hotspots</p> <ul style="list-style-type: none"> ● The ‘hotspot’ sites with high rates of child marriage identified in Ethiopia are: Jawi, Chewaqa, Quara-Amhara, Alefa- Amhara, Quarit- Amhara, Sirba Abay: Aneded, and Mirab Armachicho, all in Amhara region; Amhar, and Belojiganfo Fedis- in Oromia region; and Jikawo-in Gambella region.⁵⁹ <p>Age of marriage</p> <ul style="list-style-type: none"> ● Legal age of marriage for both boys and girls is 18 years. <p>Common manifestation of Child marriage</p> <ul style="list-style-type: none"> ● The common forms of marriage are marriages arranged by parents at any time during childhood, marriage via abduction, and marriage by ‘choice’. <p>Interventions</p> <ul style="list-style-type: none"> ● Minimum marriage is constitutionally set at 18 years but there are implementation obstacles due to legal gaps between federal family laws, customary and religious practices. ● Ethiopia has ratified the Convention on the Elimination of Discrimination against Women (CEDAW) and the Protocol to the African Charter on the Rights of Women in Africa. The FDRE has a National Strategy and Action Plan on Harmful Traditional Practices (HTPs) against Women and Children in Ethiopia (2013).

**TABLE 6:** Key Country Highlights

Country	Key Highlights
Malawi	<p>Demographics</p> <ul style="list-style-type: none">● Maternal mortality ratio: 634 maternal deaths per 100,000 live births.● Birth rate: 35 per 1000 population.● 57% of women and 74% of men age 15-49 years are illiterate.● Social Institutions and Gender Index (SIGI) stands at 0.2074 - medium. <p>Prevalence</p> <ul style="list-style-type: none">● Malawi has the twelfth highest child marriage rate in the world (2 steps down from the 2015 ranking), with nearly 1 in 2 girls married before the age of 18 years and it is ranked 5th among the countries of study.● The child marriage prevalence is 42% of girls married before their 18th birthday with 9% being married before 15 years. <p>Hotspots</p> <ul style="list-style-type: none">● Districts in Northern and Southern Malawi have the highest prevalence of child marriages. In the North, Karonga district has a high number of child marriages while in the southern parts, Mulanje, Mangochi, Machimba, Zomba are the major hotspots for child marriages. <p>Age of marriage</p> <ul style="list-style-type: none">● Legal age of marriage for boys is 15 years while for girls it is 18 <p>Common manifestation of Child marriage</p> <ul style="list-style-type: none">● Planned marriages that occur mainly as a result of teenage pregnancies.● Forced child marriages. Entry into marriage of young girls upon graduating through the 'chinamwali' or 'nsondo' puberty rite of passage that acts as a catalyst to child marriage. <p>Interventions</p> <ul style="list-style-type: none">● In February 2017, the Malawi Parliament amended the Constitution and raised the age of marriage from 15 years (with parental consent) to 18 years old for boys and girls. The Malawi President then signed the constitutional amendment into law at the end of April 2017. This move brought the Constitution of Malawi in line with the country's Marriage, Divorce and Family Relations Bill adopted in February 2015, which set the minimum age of marriage for both boys and girls at 18 years.

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TABLE 6: Key Country Highlights

Country	Key Highlights
Mali	<p>Demographics</p> <ul style="list-style-type: none"> ● Maternal mortality ratio: 587 maternal deaths per 100,000 live births. ● Birth rate: 43 per 1000 population. ● 79% of women and 62% of men age 15-49 years are illiterate. ● Social Institutions and Gender Index (SIGI) stands at 0.5164 - very high. <p>Prevalence</p> <ul style="list-style-type: none"> ● Mali has the fifth highest prevalence of child marriage globally with approximately 25% for both girls and boys married by 15 years and 52% for those married by 18 years and ranks 2nd amongst the countries of study. ● Apart from Bamako which has a prevalence of 13.1%, the rest of the regions have child marriage prevalence ranging between 22.1% and 27.1%. <p>Hotspots</p> <ul style="list-style-type: none"> ● Child marriage prevalence is high in Kayes (70.9%), Sikasso (63.7%), and Mopti (64.5%) and nearly all the other regions have at least 60% prevalence of child marriage. In addition, child marriage is mainly concentrated in the south-western part of the country. <p>Age of marriage</p> <ul style="list-style-type: none"> ● Minimum age for marriage is set at 16 and 18 years for females and males respectively <p>Common manifestation of Child marriage</p> <ul style="list-style-type: none"> ● The common forms of marriage are bride kidnapping, temporary marriages and forced/arranged marriage <p>Interventions</p> <ul style="list-style-type: none"> ● In 2015, the Malian government through its First Lady, H.E. Maiga Aminata Keita, launched the AU campaign to end child marriage in Africa. During the October 11th event, the campaign was launched under the title “Education for girls, a means to eliminating early child marriage”. Through this campaign, the government of Mali reaffirmed its commitment to seeing that girls remain in school and that child marriage is fought from all corners.

**TABLE 6:** Key Country Highlights

Country	Key Highlights
Morocco	<p>Demographics</p> <ul style="list-style-type: none">● Maternal mortality ratio: 121 maternal deaths per 100,000 live births.● Birth rate: 19 per 1000 population.● 40.87% of women and 19.62% of men age 15 years and above are illiterate.● Social Institutions and Gender Index (SIGI) stands at 0.1052 - low. <p>Prevalence</p> <ul style="list-style-type: none">● Morocco had approximately 16% of child marriage prevalence as of 2017 and ranks 10th among the countries of this study in terms of prevalence.● Prevalence of child marriage in Morocco is 3% for girls married by 15 years and 16% for those married by 18 years. <p>Hotspots</p> <ul style="list-style-type: none">● Child marriage hotspots include Azrou, Midelt, Beni Mellal, Marrakesh, Azilal, and Casablanca. <p>Age of marriage</p> <ul style="list-style-type: none">● Legal age of marriage for both boys and girls is 18 years. <p>Common manifestation of Child marriage</p> <ul style="list-style-type: none">● In Morocco, child marriage prevails through temporary marriages/ arrangements, consanguineous marriages, and polygamy under the Moudawana principles <p>Interventions</p> <ul style="list-style-type: none">● In 2004, Moroccan parliament amended the Constitution and raised the age of marriage to 18 years old for boys and girls.● An Integrated child protection approach – government, non-governmental organizations and UNICEF have all teamed up for an Integrated Public Policy for Child Protection (PPIPEM) which takes into consideration the social, economic, institutional and cultural aspects of Morocco to create a more productive environment that meets both national and global standards.

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TABLE 6: Key Country Highlights

Country	Key Highlights
Mozambique	<p>Demographics</p> <ul style="list-style-type: none"> ● Maternal mortality ratio: 489 maternal deaths per 100,000 live births. ● Birth rate: 39 per 1000 population. ● 31% of women and 13% of men age 15-49 years are illiterate. ● Social Institutions and Gender Index (SIGI) stands at 0.1375 - medium. <p>Prevalence</p> <ul style="list-style-type: none"> ● Mozambique has the world's 10th highest rate of child marriage. ● 14.3% of Mozambican girls between the ages of 20-24 were married before 15 years of age. ● Prevalence of child marriage in Mozambique is 14% for girls married by 15 years and 48% for those married by 18 years. ● Global burden of child marriage stands at 649,000. <p>Hotspots</p> <ul style="list-style-type: none"> ● The provinces with the highest prevalence of child marriage are Niassa, Cabo Delgado and Manica. <p>Age of marriage</p> <ul style="list-style-type: none"> ● The legal age of marriage is 18 years for both boys and girls with an additional provision under the Family Law on Protection and Promotion of Child rights where, with parental consent, the age of marriage is lowered to 16 years. <p>Common manifestation of Child marriage</p> <ul style="list-style-type: none"> ● In Mozambique, parents grappling with economic hardships obtain bride price for their daughters by holding a traditional ceremony known as 'Lobolo' ● mabatiro' or 'massuguiro' is also practiced with a monetary value placed on the bride should she be found to be a virgin at the time of marriage <p>Interventions</p> <ul style="list-style-type: none"> ● The current president Filipe Nyusi in 2016 ensured the adoption of a national plan to end child marriage. The Council of Ministers launched the strategy on Prevention and Combating Early Marriage (2015- 2019) and its implementation is currently being overseen by the Ministry for Social Action, Children and Gender. The strategy has pillars which include: communication; social mobilization campaign; and improving girls' access to education; sexual and reproductive health services; family planning; sexual education; and reform of the legal framework.

**TABLE 6:** Key Country Highlights

Country	Key Highlights
Niger	<p>Demographics</p> <ul style="list-style-type: none">● Maternal mortality ratio: 553 maternal deaths per 100,000 live births.● Birth rate: 48 per 1000 population.● 86% of women and 58% of men aged 15-49 years are illiterate.● Social Institutions and Gender Index (SIGI) stands at 0.4415 - very high. <p>Prevalence</p> <ul style="list-style-type: none">● Niger has the highest prevalence of child marriage globally and amongst the study countries. It was also established that 76% of women aged 20-24 were married before the age of 18 years.● Global burden of child marriage stands at 676,000. <p>Hotspots</p> <ul style="list-style-type: none">● Hotspots of child marriages are in the Southern part of Niger where the country borders with Nigeria. These areas are such as, Dosso (77.1%), Tahoua (79.4%), Marandi (88.2%), Diffa (81.7%) and Zinder (86.2%). <p>Age of marriage</p> <ul style="list-style-type: none">● The legal age of marriage is 15 years for boys and 18 years for girls.● The median age of marriage for girls (15.7 years) is nine years earlier than that for boys (24.6 years). <p>Common manifestation of Child marriage</p> <ul style="list-style-type: none">● Common manifestation in Niger include; arranged marriages, betrothals and consanguineous marriages <p>Interventions</p> <ul style="list-style-type: none">● Niger government has put in place policies and strategies aimed at addressing aspects of child marriage. The policies include the National Policy on Nutritional Security, which addresses early pregnancy, the National Gender Policy and the National Strategy for the Prevention and Management of Gender-based Violence and its action plan, of which one of the strategic pillars addresses child marriage and includes an action plan for the reduction of early pregnancies

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TABLE 6: Key Country Highlights

Country	Key Highlights
Nigeria	<p>Demographics</p> <ul style="list-style-type: none"> ● Maternal mortality ratio: 814 maternal deaths per 100,000 live births. ● Birth rate: 39 per 1000 population. ● 38% of women and 21% of men aged 15-49 years are illiterate. ● Social Institutions and Gender Index (SIGI) stands at 0.3911 - high. <p>Prevalence</p> <ul style="list-style-type: none"> ● Nigeria has the eleventh highest child marriage rate in the world and ranks 4th amongst the countries of study. ● The child marriage prevalence is 43% of girls married before their 18th birthday with 17% being married before 15 years. ● Global burden of child marriage stands at 3,538,000. <p>Hotspots</p> <ul style="list-style-type: none"> ● Prevalence varies widely from one region to another with figures as high at 76% in the North-West region and as low as 10% in the South East. ● The northern region has the highest prevalence with North West being highest followed by North East and North Central compared to the South. <p>Age of marriage</p> <ul style="list-style-type: none"> ● The legal age of marriage for both boys and girls is 18 years. <p>Common manifestation of Child marriage</p> <ul style="list-style-type: none"> ● Common manifestation in Nigeria include; prepubescent marriage and Kidnapping. <p>Interventions</p> <ul style="list-style-type: none"> ● In 2015, Nigeria adopted the Violence against Persons Prohibition Act that addresses female genital mutilation among other retrogressive traditional practices including child marriage. In November 2016, Nigeria joined other African Countries and launched the African Union Campaign to End Child Marriage. The National Strategy to End Child Marriage was launched by the Ministry of Women Affairs and Social Development in 2016 and aims to reduce child marriage by 40% by 2020 and eradicate it completely by 2030.

**TABLE 6:** Key Country Highlights

Country	Key Highlights
Tanzania	<p>Demographics</p> <ul style="list-style-type: none">● Maternal mortality rate 398 maternal deaths per 100,000 live births.● Birth rate: 40 per 1000 population.● 23% of women and 17% of men aged 15-49 years are illiterate.● Social Institutions and Gender Index (SIGI) stands at 0.2504 - high. <p>Prevalence</p> <ul style="list-style-type: none">● Tanzania has a child marriage prevalence of 37% for girls getting married before 18 years and ranks 8th among the countries of the study.● Global burden of child marriage stands at 779,000. <p>Hotspots</p> <ul style="list-style-type: none">● Shinyanga region leads in terms of prevalence at 59%, followed by neighbouring regions of Tabora (58%); Mara (55%) and the capital city of Tanzania, Dodoma (51%). <p>Age of marriage</p> <ul style="list-style-type: none">● According to the marriage Act (1971), the age of marriage is 14 years (by court consent) and 15 years (by parental consent) for girls and 18 years for boys. The constitution provides no minimum age for marriage. <p>Common manifestation of Child marriage</p> <ul style="list-style-type: none">● Common manifestation in Tanzania include; forced marriages, arranged marriages/marriage of convenience, abduction and kidnapping. <p>Intervention</p> <ul style="list-style-type: none">● Tanzania has put up a quite comprehensive legal framework on child rights especially under the Law of Child Act of 2009. It also enforces mandatory primary school level of education for every child. For instance, Section 60A of the Education Act of 1978 makes it unlawful for any person to marry a school girl or boy. The law provides that any person who contravenes this is liable to imprisonment of 30 years. The Law of Child Act of 2009 has incorporated many principles from the relevant United Nations and African Union legal instruments, including the age (18 years). There are also policies and strategies on the same, including the recently formulated National Plan of Action to End Violence against Women and Children in Tanzania of 2017-2022 (NPA 2017/2022).

Source: UN Women field data (2018)

table ends.



3.3 Mapping of Country Hotspots of Child Marriage

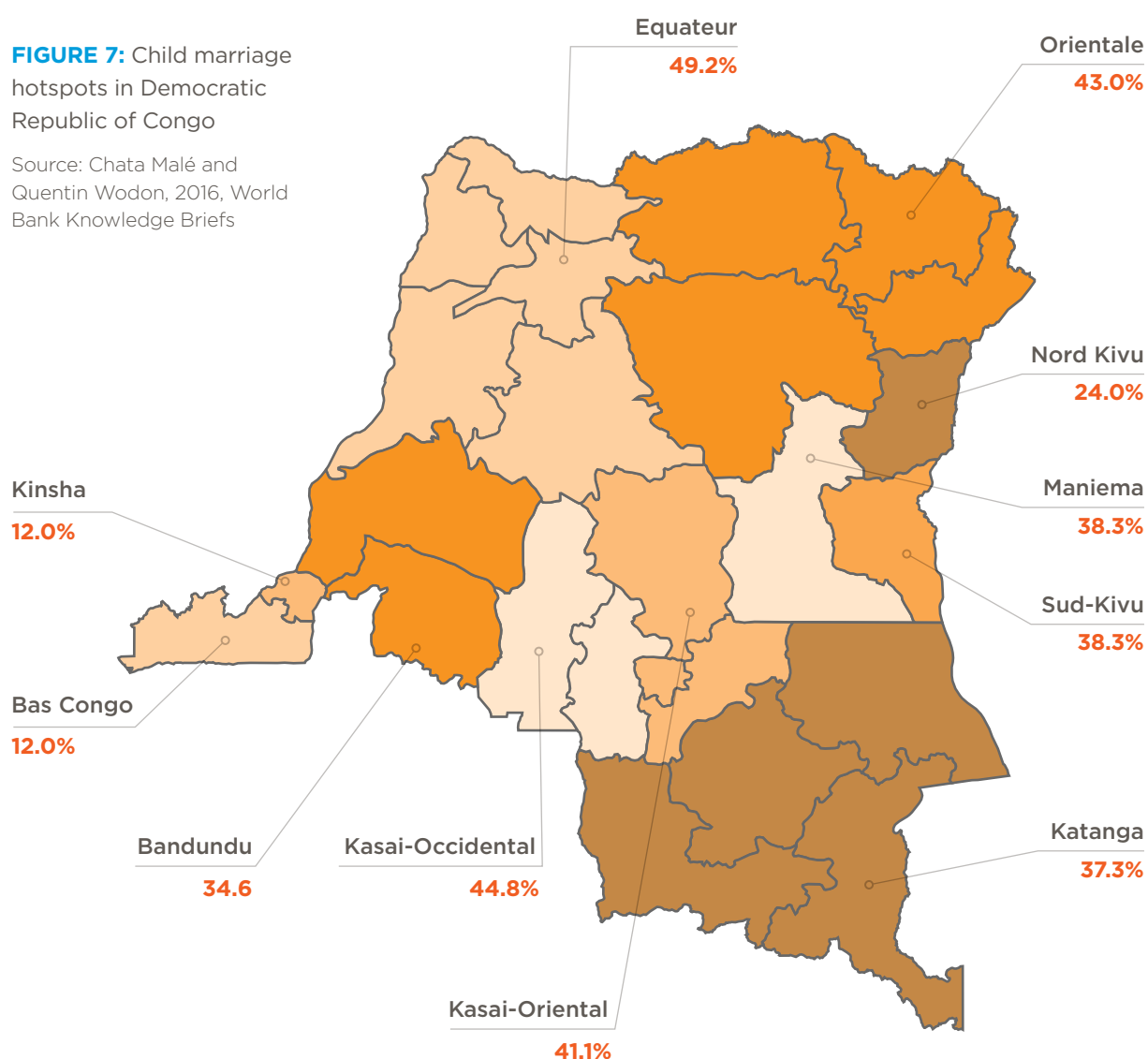
Child marriage manifestations usually take a particular pattern in every country. But it has generally proved to be dominant in the rural regions with poor school attendance, high rates of poverty, and entrenched discriminatory customary and religious practices.

A

Democratic Republic of Congo

FIGURE 7: Child marriage hotspots in Democratic Republic of Congo

Source: Chata Malé and Quentin Wodon, 2016, World Bank Knowledge Briefs



The provinces of Maniema and Equateur have the highest prevalence, followed by Kasai Occidental and Kasai Oriental respectively. The more modernized the province, the lower the prevalence hence Kinshasa as the most modernized has the lowest prevalence.

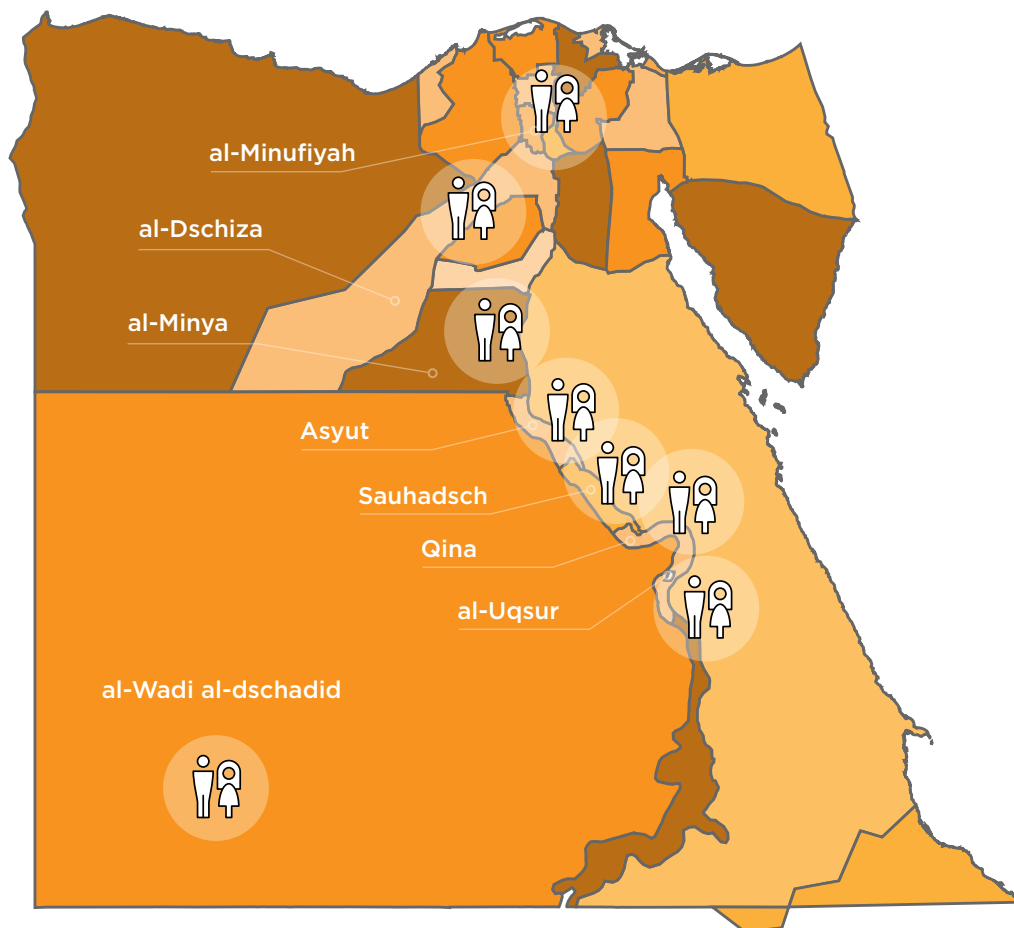


B Egypt

FIGURE 8: Child marriage hotspots in Egypt

Source: UN Women field data (2018)

Children in marriage are more common in rural Egypt than in urban settlements. The headcount index for the 18 years' threshold indicates that Upper Egypt rural areas have the highest number of child marriages trailed by the Frontier governorates. However, the Upper and Lower Urban Egypt have the fewest cases of child marriages.⁶⁰ In particular, Sinai Peninsula which host roughly a dozen Bedouin tribes, Sohag, Fayoum, Assiut, Menoufia (Lower Egypt), Al Menya and Qena are the areas with the highest prevalence of child marriage.





C

Ethiopia

There is significant regional variation in prevalence of child marriage in Ethiopia. A study by UNICEF mapping child marriage in Ethiopia by 2015 identified 11 child marriage hotspot woredas (districts). It highlights the existence of child marriage ‘micro-climates’ and ‘hotspots’ where girls are particularly at risk, and also that locations where older girls and younger girls marry are often totally disjointed.⁶¹ From the analysis of the custom census data, 11 ‘hotspot’ sites with high rates of child marriage were identified. These areas are: Jawi, Chewaqa, Quara-Amhara, Alefa- Amhara, Quarit- Amhara, Sirba Abay; Aneded, and Mirab Armachicho, all in Amhara region; Amhar, and Belojiganfo Fedis- in the Oromia region; and Jikawo-in the Gambella region.⁶² The specific prevalence rates for the hotspots are summarized in the table below:

TABLE 7: Child Marriage Hotspots in Ethiopia

Ever married between 10-14 years		Ever Married between 15-17 years	
Location	Rate	Location	Rate
Jikawo, Gambella	43.8%	Jawi, Amhara	57%
Kelafo, Somali	29.8%	Chewaqa, Oromia	56.3%
Girja, Oromia	27.1%	Belojiganfo, B-G	54.1%
Chinaksen, Oromia	23.5%	Fedis, Oromia	53.1%
Alefa, Amhara	23.5%	Quara, Amhara	53%
Bedesa, Oromia	23.4%	Alefa, Amhara	52.1%
Dila, SNNP	22.6%	Quarit, Amhara	51.6%
Ayisha, Somali	22.3%	Sirba Abay, B-G	50.1%
Fedis, Oromia	21.9%	Aneded, Amhara	50%
Quarit, Amhara	21.8%	Mirab Armachicho, Amhara	48.7%

Source: Field data



D

Malawi

Primary data from key informants in Malawi established that districts in Northern and Southern Malawi had the highest prevalence of child marriages. In the North, Karonga district had a high number of child marriages while in the southern parts, Mulanje, Mangochi, Machimba, Zomba are the hotspots for child marriages in Malawi.

E

Mali

Child marriage has highly persisted in Mali, since 2010 with the prevalence of child marriage in the country varying by region. Mali has eight regions (Kayes, Kaoulokoro, Kidal, Gao, Segou, Mopti, Sikasso and Tombouctou) administered by governors,⁶³ with the practice being highly entrenched in rural areas, which are characterized by low literacy and high rates of poverty. Urban areas are not safe from the practice either, since there are cases of both child and forced marriages that have also been reported. The harmful practice is very high in Kayes (70.9%), Sikasso (63.7%), and Mopti (64.5%) and nearly all the other regions have at least 60% prevalence of child marriage⁶⁴. The study indicated that child marriage is mainly concentrated in the south-western part of the country which is mostly Muslim dominated, rural, with little education, and high rates of poverty.

F

Morocco

In Morocco, child marriage hotspots include Azrou, Midelt,⁶⁵ Beni Mellal, Marrakesh, Azilal, and Casablanca.⁶⁶ In fact, the oldest child in marriage there would be only 14 years old. Shocking scenarios such as marrying off a 7-year-old girl to a 14-year-old boy for only one week after which they return to their parent until they reach 18 years are some of the forms/manifestations of child marriage in Morocco.

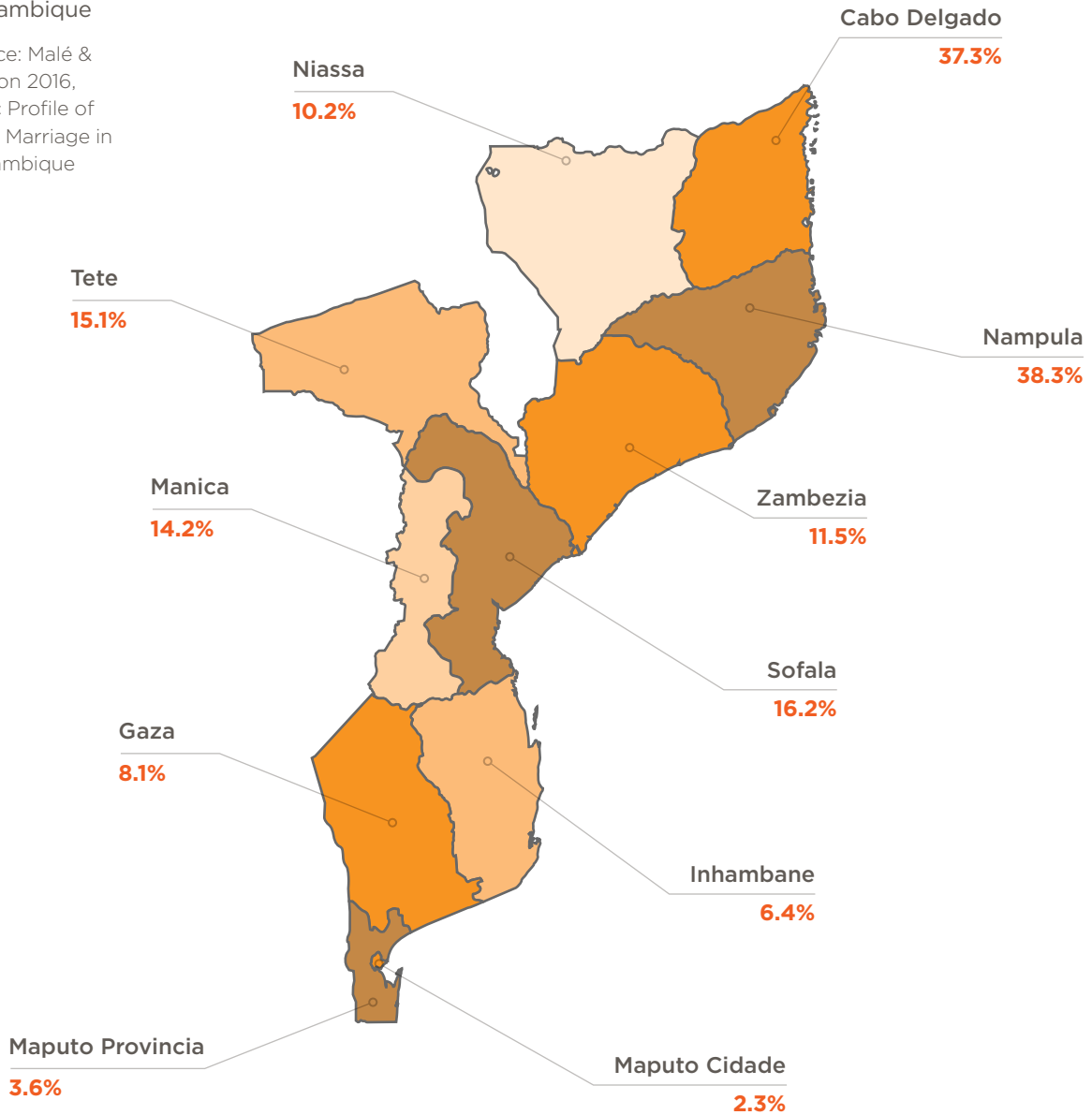


G Mozambique

FIGURE 9:
Child Marriage
Prevalence
Distribution in
Mozambique

Source: Malé &
Wodon 2016,
Basic Profile of
Child Marriage in
Mozambique

The provinces with the highest prevalence of child marriage are Niassa, Cabo Delgado and Manica. In Niassa, almost one quarter of women (24%) were married by the age of 15 years.⁶⁷





H

Niger

Child marriage is more prevalent in rural areas than in urban areas. It was established that the rate of child marriage in rural areas stood at 86.2% while in urban areas, 39.7%.⁶⁸ Furthermore, it was noted that the rate of child marriage varies with regions, with Niamey registering low levels of child marriage while Maradi registered the highest rate of child marriage.⁶⁹

TABLE 8: Rate of Child Marriage by Hotspot Regions, Niger

Region	Percentage (%)
Agadez	39.7
Diffa	81.7
Dosso	77.1
Maradi	88.2
Tahoua	79.4
Tillaberi	78
Zinder	86.2
Niamey	31.8

Source: UN Women field data (2018)

From primary data gathered, hotspots of child marriages are in the Southern part of Niger where the country borders with Nigeria. The communities across this border region are from the same large ethnic group, the Hausa, and therefore are homogeneous in terms of customs, culture and religion, which is primarily Islam. This region is also characterized by insecurity and hostility from a violent extremist group, Boko Haram, that practices radical Islam and is agitating for sharia law and an Islamic state. These areas are such as, Dosso, Tahoua, Marandi, Diffa and Zinder.

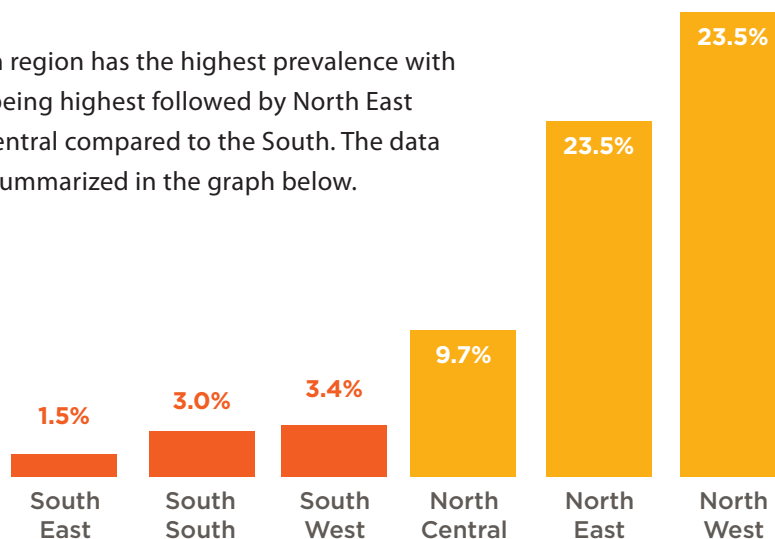
I

Nigeria

FIGURE 10: Child Marriage by Hotspots in Nigeria

Source: Malé & Wodon 2016, Basic Profile of Child Marriage in Nigeria

The northern region has the highest prevalence with North West being highest followed by North East and North Central compared to the South. The data collected is summarized in the graph below.





J

Tanzania

Shinyanga region leads all other regions in terms of child marriage prevalence. This region's prevalence rate stands at 59%, followed by neighbouring regions of Tabora (58%); Mara (55%) and the capital city of Tanzania, Dodoma (51%). The largest cities of Mwanza, Arusha and Dar es Salaam had 37%, 27% and 19% respectively. The demographic characteristics do not suggest reasons for different prevalence rates between the regions; but, the primary data, based on Shinyanga region's case study shows that incidences of early child marriage are perpetuated: by cultural norms; economics and wealth accumulation; low level of awareness; and lax state of law enforcement. For instance, two survivors of early marriage interviewed during the study – now enrolled for secondary school education by AGAPE, a local non-governmental organization (NGO) - were married because their parents wanted cows through dowry.

Shinyanga region is one of the least developed regions in Tanzania. Its people depend on rain-fed agriculture. Climate change has turned this region dry. Therefore, livestock keeping has also become a huge challenge. These and other reasons seem to have lowered income and living standards of the rural families.

CASE STUDY 1

Poverty and Teenage Pregnancy Fuelling Child Marriage in Shinyanga



Source: UN Women field data (2018)

Veronica, a 17-girl migrated to Kitangiri area, Shinyanga urban, from Mhunze village, Kahama district, Shinyanga region to earn a living as domestic worker. She moved to the urban area immediately after finishing her primary school in 2010. It was her parents' poverty, which compelled her to opt for town life. In the city, she ended up being an in-law child after getting pregnant by an under-age boy. She has now been living with her in-laws under presumption of marriage for close to two years. Some arrangements to legalize this marriage through traditional rites according to her grandmother in-law, who was interviewed during the study.

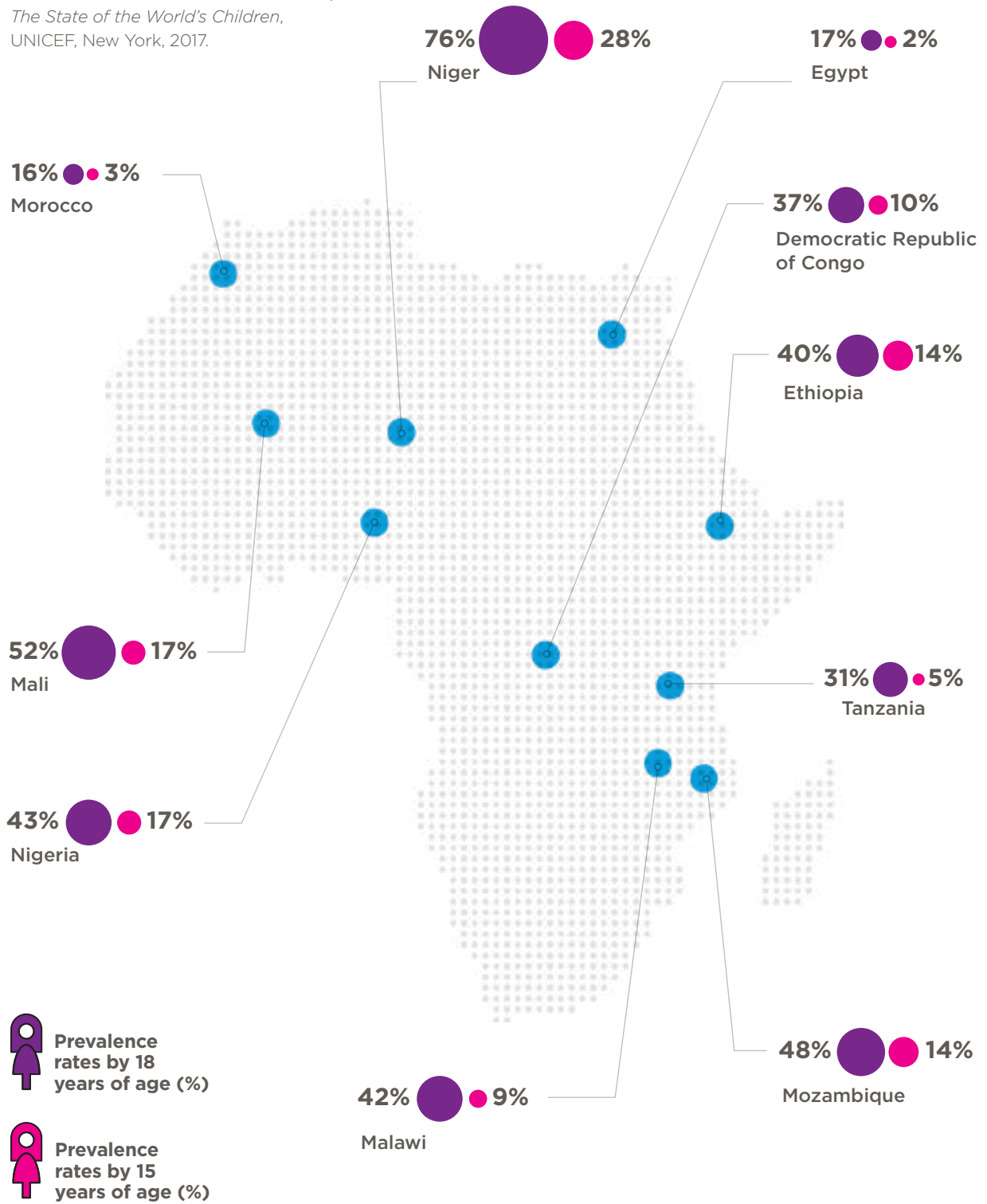
3.4 Analysis of State and Prevalence of Child Marriage in the Study Countries

There is evidence that the prevalence of child marriage has been on the decline in Africa. Across the ten countries targeted by the study, however, the prevalence rates are still significantly high. The figure below presents the estimated current rates in each of the countries studied.



FIGURE 11:
Multi-country Study Coverage

Source: United Nations Children's Fund, *The State of the World's Children*, UNICEF, New York, 2017.



**TABLE 9:** Prevalence Rates as Reported from The Study Are As Follows⁷⁰

Country	Prevalence rates by 15 years of age (%)	Prevalence rates by 18 years of age (%)	Absolute Numbers
DRC	10	37	1,300,000
Egypt	2	17	683,000
Ethiopia	14	40	2,104,000
Malawi	9	42	
Mali	17	52	
Morocco	3	16	
Mozambique	14	48	649,000
Niger	28	76	676,000
Nigeria	17	43	3,538,000
Tanzania	2	17	779,000

Source: United Nations Children's Fund, *The State of the World's Children*, UNICEF, New York, 2017

The prevalence shows an average of 11.6 per cent and 42.8 per cent girls married by the age of 15 and 18 years respectively across all the ten countries targeted by the study.

A review of the diverse literature on child marriage during the study revealed a decline in the prevalence over the last three decades. For instance, in Morocco the risk of marriage before the age of 18 years has declined by over 50% over the last three decades,⁷¹ while in Ethiopia women aged 20-24 years are marrying later than their counterparts three decades ago.⁷² The decline could be linked to the increased introduction of laws and policies aimed at eradicating child marriage among other harmful traditions and practices in many countries.

In fact, in Africa, over 50 countries have either signed or signed and ratified the Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa. The Charter's articles 5 and 6 explicitly focus on elimination of harmful traditional practices and set the minimum age of marriage respectively.⁷³ 80% of the study countries, constituting eight countries, are signatories to the Charter.

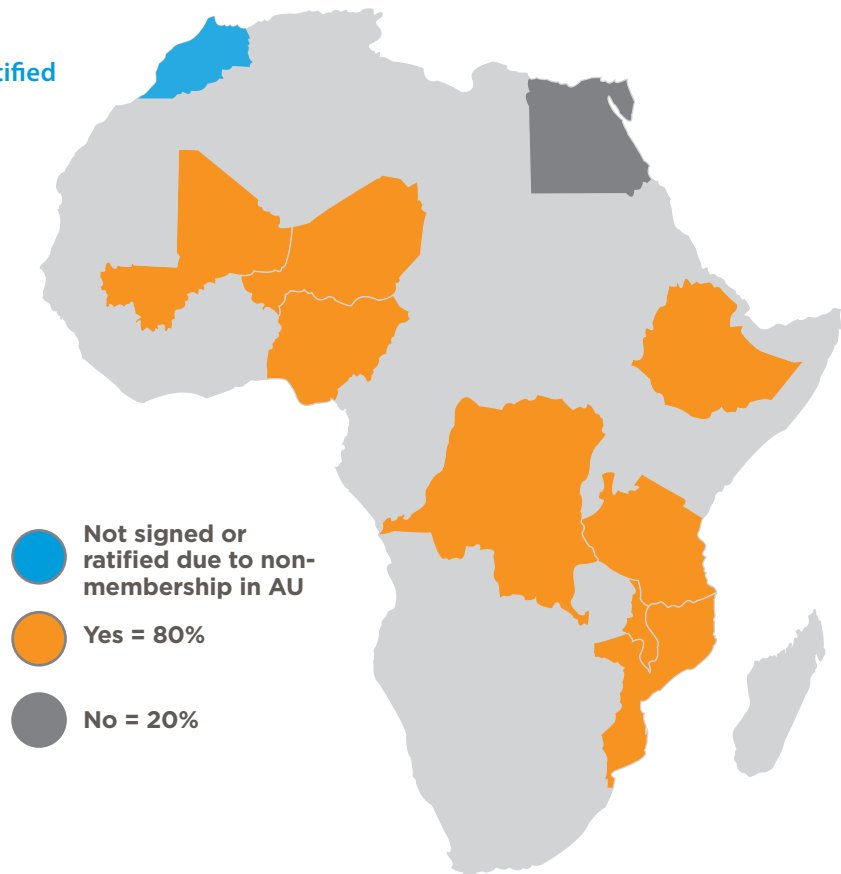
The study reports that Egypt and Morocco⁷⁴ are the only countries who are not signatories to the Charter. It is however important to clarify that Morocco has neither signed nor ratified the Maputo Protocol because, until recently, it was not a member of the African Union. It is unclear how the recent developments of Morocco joining the AU would affect Morocco's signature of the Protocol.



Countries of study that who ratified the African Charter on Human and Peoples' Rights on the Rights of Women in Africa

FIGURE 12:
Ratification Status of the African Charter on Human and Peoples' Rights on The Rights of Women in Africa

Source: UN Women field data (2018)



NOTE: Countries who have ratified - DRC, Ethiopia, Malawi, Mali, Mozambique, Niger, Nigeria and Tanzania; Countries who have not ratified - Egypt and Morocco

Among the countries of study, Niger is the leading country in the world in regard to the practice of child marriage. The rate of child marriage varies between regions. There have been efforts by the authorities and partners to combat the practice, although the prevalence has not changed for the last 20 years. In 1998, the rate of child marriage stood at 76.6%. Niger's Demographic and Health Survey of 2012 established that the rate of child marriage still stood at 76.3%. It was also established that 76% of women aged 20 to 24 years were married before the age of 18 years. One girl in four is married before the age of 15 years and the median age at marriage increased from 15.1 years in 1992 to 15.5 years in 2006, and to 15.7 years in 2012.⁷⁵ Although child marriage affects all areas of society in Niger, children in rural areas are more affected than those in urban areas. Furthermore, girls who have received formal education are less exposed than those who have had little or no schooling. In addition, the poorer the family is, the more girls are exposed to this practice. The median age of marriage for girls (15.7 years) is almost exactly nine years younger than that for boys (24.6 years). This can be attributed to the communities' social and cultural practices, as well as to economic reasons. The fertility rate is directly linked to child marriage. The median age at which women and girls first have sexual



relations is almost the same as the age of the first union. The median age at first birth has barely changed since 1992, remaining close to 18 years. As a result, the fertility of adolescents aged 15 to 19 years remains high.

While the study notes that there is an overall decline in the prevalence of child marriage in nearly all of the countries of study, this trend is not witnessed in Niger where about 80% of the girls seem to be married by their 18th birthday, with 47% of them married before 15th birthday as alluded to above. Regionally, the prevalence of child marriage seems higher in Western Africa countries - Mali, Niger and Nigeria compared to the other regions. On the other hand, declining prevalence has been experienced in Northern Africa countries. Of the ten countries, only in Tanzania and Egypt were girls under 15 years likely to get married but the prevalence rate in those two countries is low at 2%.

These declining trends, however, is reported in the context of two critical issues relating to the status of child marriage in Africa: outdated national data and local ambiguity on child marriage. Data on child marriage was of varied quality, especially its accuracy and currency. For instance, in the ten countries, the available country data was only up to date in Egypt (2017),⁷⁶ Nigeria (2017) and Morocco (2014)⁷⁷ with the rest dating between 2011 and 2016. There is consensus on the legal age of marriage across the ten countries, however the specific construction of the legal referent 'adulthood or maturity' is varied and conveniently deployed to make the application of laws difficult, and in effect, to make tracking of child marriage impossible. For example, based on local social and religious conceptions, girls' maturity (and readiness for marriage) was found to be fluid and thus incapable of providing a consistent basis for promoting eradication of child marriage.

Poverty and gendered economic disparities and vulnerabilities especially in rural areas motivate families and individual girls into early marriage to mitigate the socio-economic risks and threats. A further factor is the socio-cultural and religious logic/ideology that puts a premium on purity and virginity before marriage; or otherwise stigmatize marrying late. The threat of delayed marriage or reduced marriageability, forces families and the girls to marry off at the earliest opportunity.

Mali is one of the leading countries with the highest prevalence of child marriages across the world and ranks second among the countries of study (prevalence by 18 years). The practice is entrenched in the rural areas of Mali where there are low levels of education and high rates of poverty. However, urban areas are not safe from the practice either since there are reported cases of both child and forced marriages. On average, 17% of women aged 20-24 years by 2017 had become children in marriage before their 15th birthdays. Unfortunately, this was a 2% increase from the 2016 percentages. While the number of girls getting married before 18 years dropped by 3% from the 2016



statistics to hit 52%, the value is still very high.⁷⁸ The high prevalence of child marriage is not a surprise in Mali. In 2015, a summary report of the middle-income countries in collaboration with the Malian Ministry of Rural Development and Population pointed out that among all women aged between 15 years and 49 years, 16.1% were married before the age of 15 years. Similarly, it revealed that 48.9% of women aged 20-49 years become wives before they reached 18 years old.⁷⁹ In fact, not even the time of the survey was spared from child marriage since 38.9% of girls aged 15-19 were married during the survey and 42% of them were married to husbands who were 10 years older than them.⁸⁰

The study further reports that one in two (50%) girls in Mozambique are married before their 18th birthday⁸¹. Mozambique ranks third amongst the countries of study in terms of prevalence by age 18 years. Girls aged 15-19 years often marry men who are older with a gap of 10 or more years between them. In some cases, these young girls are also second or third spouses, with the 2011 DHS data showing that approximately 9% of married girls aged 15-19 have co-wives. Parents grappling with economic hardships obtain bride price for their daughters by holding a traditional ceremony known as '*Lobolo*'. This is a traditional ceremony where the man/boy shows gratitude to the parents of the 'bride' for the growth and development of the bride, usually given either in monetary or animal form. The value of the '*Lobolo*' depends on the economic state of the man. In some instances where there is a subsequent separation, the '*Lobolo*' can be returned but where they begin a family, the '*Lobolo*' is affirmed as a true indication of a permanent union. The practice means an economic boost for the brides family livelihood and is mandatory in rural and/or traditional communities. Communities' believe that by '*Lobolo*', stability of the marriage is guaranteed.

Nigeria reports that 17% of girls married before the age of 15 years.⁸² Amongst the countries of study, Nigeria ranks fourth in terms of prevalence by age 18 years. In the Muslim-dominated Northwest, 48% of girls are married by the age of 15 years and 78% are married by the time they hit 18 years.⁸³ In Kibbe state of Nigeria, the average age of marriage for girls is just 11 years.⁸⁴ The median age at first marriage among women aged 20-24 is 19 years versus 17.3 years among women aged 45-49 years.⁸⁵ Age at first marriage has been increasing over time among women with more than a minimum education level.⁸⁶ Women with no education get married, on average, at age 15.5 years compared to 21.5 years for women with secondary education.⁸⁷ In the global struggle that has highlighted the plight of uneducated girls in poor countries as being the most vulnerable, Nigeria holds the world's record with the most children out of school⁸⁸. The staggering number is above 10,000,000 (Oduah, 2013). Marriage is thus nearly universal in Nigeria. Although most men eventually marry, men tend to marry later than women; therefore, a higher percentage of men than women age 15-49 years are not currently married (48 percent versus 24 percent)⁸⁹. Seven in ten (70%) women and five in ten (50%) men aged 15-49 years are currently married or living together with a partner as though married⁹⁰. Thirty-three per cent (33%)



of women report that their husbands have more than one wife, while less than one per cent (<1%) do not know if their husbands have other wives.⁹¹ The percentage of men age 15-49 years who report being in a polygynous union is higher in rural areas (21 percent) than in urban areas (9 percent).⁹² The percentage of men age 15-49 who report being in a polygynous union declines with increasing education and wealth quintile.^{93,94}

The study notes that Malawi ranks fifth amongst the countries of study on prevalence of child marriage by age 18 years. The prevalence rates are further affirmed by the global ranking which places Malawi at position eight of the 20 countries reported to have the highest prevalence of child marriage as reported by UN Population Fund (UNFPA, 2012).⁹⁵ The study projects that on average, one out of two girls in Malawi will be married by their eighteenth birthday.⁹⁶ The study further reports that in 2010, half of the women (50%) aged 20-24 years were married or reported to be in union before age 18 years compared to 6.4% of boys; while 12% of women married before they were 15 years old compared to only 1.2% of men.⁹⁷ Data and trends show a very little change in the prevalence of child marriage since the year 2000 when it was 47%.⁹⁸ It is further reported that child marriage is common across all three regions of Malawi, and in both rural and urban areas.⁹⁹ The prevalence of child marriage in Malawi has been reported to be higher than the regional average for sub-Saharan Africa (37%).¹⁰⁰ In a study by Malawi's Human Rights Commission which focused on cultural practices, it was reported that girls in Malawi may be forced to marry as early as nine years old, immediately after attaining puberty, or even before attaining puberty as what is important is physical maturity.¹⁰¹ The study further found that at that time, in 2012, boys of the same background generally got married around the age of 17 years.¹⁰²

The study reveals that two in every five girls (40%) in Ethiopia get married before they attain 18 years of age while one in five girls (20%) gets married before reaching 15 years of age. However, there are huge regional variations in the prevalence of child marriages within the country with some regions having higher prevalence than the national rate. For instance, the Amhara region records the highest rates of child marriages with approximately 45% of girls getting married before the age of 18 years.¹⁰³ The median age at which most women in Ethiopia get married is 16.5 years.¹⁰⁴ Further in Ethiopia, the study reports that girls living in rural areas, uneducated and poor, have a higher probability of being married off than their urban counterparts who are educated and well-off and who tend to get married significantly later. The higher the level of education attained by a girl, the more her marriage was delayed. For instance, women with no education had a median marriage age of 15.9 years compared to 22.8 years for girls with a secondary education. In addition, girls living in urban areas in the country married at a median age of 18.1 years compared to their rural counterparts with a median age of marriage of 16.3 years.¹⁰⁵



Democratic Republic of Congo (DRC) has nearly 74% of girls and women between 15 and 19 years of age married.¹⁰⁶ High levels of poverty and the practice of bride price contribute to the high child marriage rates as well as family debt where girls become part of the financial settlement.¹⁰⁷ In DRC, 50% of women aged 20-24 years with primary education were married before 18 years compared to 23% of women in secondary education. Further, the study reports that according to the DHS 2013-14, 27% of women aged 15-19 years have begun childbearing: 21% are already mothers and 6% are currently pregnant. In DRC, the study further reports that cultural norms demand that, once with child, a woman may be easily forced into marriage. With the resultant health complication that girls face, the median age of first birth therefore stands at 19.9 years among women aged 25-49. This is further explained by the fact that half of women aged 25-49 years first had sexual intercourse by age 16.8 years compared to men in the same age cohort whose first sexual intercourse happened at 17.6 years. Once initiated into sex, it is not long before the girl is pregnant and therefore forced into marriage. The status is worsened by the mere belief that sex is almost synonymous with marriage. Polygamous marriages in DRC account for 22% with the practice common in Kasai Oriental and Kasai Occidental (31% each). The statistics therefore affirm the national tally for DRC where 37% of women aged 20-24 years were married before age 18 years, compared to 6% of men in the same age group.¹⁰⁸

One out of three girls in Tanzania is married before the age of 18 years. A survey conducted by the Ministry of Health, Community Development, Gender, Elderly and Children (MOHCDGEC) established that 37% of girls aged between 20-24 years were married before the age of 18 years.¹⁰⁹ The study further established that not all girls face the risk of early marriages, while the prevalence and rates of child marriages vary across the regions. For instance, some regions have higher rates of child marriages than others, with Shinyanga at 59%, Tabora at 58% while Dar es Salaam is at 19% and Iringa has the lowest rates at 8%. Girls who live in rural areas and/or come from poor families in Tanzania are much more likely to be married early.¹¹⁰

For Egypt, despite the amendment of the minimum age of marriage to 18 years, child marriage has remained a significant problem, particularly for the Egyptian girls. Since its enactment in 2008, the adjustment of the minimum marriage age increased the median marriage age to 21 years for women. Among married females aged between 25 and 29 years, 21.1% married before their 18th birthday. Unfortunately, 33.3% of the children in marriage came from Upper Egypt alone. Consequently, many adolescent girls in Egypt are exposed to gender-based violence, early pregnancies, sexually transmitted diseases and pregnancy complications. The 2014 Egyptian Demographic and Health Survey provided critical figures about the trend in child marriage. Referring to this practice as early marriage, the survey established that many girls still marry before they attain the age of 18 years and even worse, before they celebrate their 15th birthdays. Considering the youngest category of women aged 18 to 22 years, it emerged



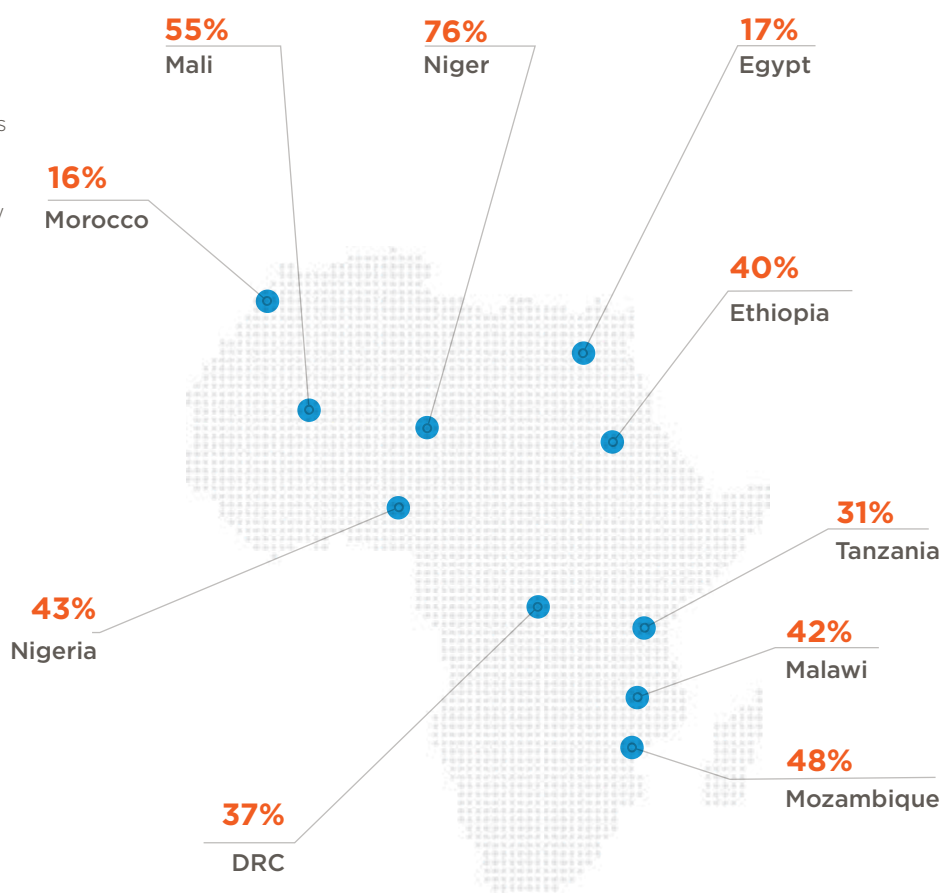
that one out of every six women marries in their adolescence. This translates to 16.5% prevalence of child marriage in the country. However, the percentage of women marrying at the age of 15 years or below stood at about 2%. The progression data from the study also reveals that child marriage in Egypt has slightly decreased in recent times. Based on the Egyptian 2017 National Census, approximately 4% of girls aged 15-17 years and a further 11% of adolescent girls aged 15-19 years were either currently or previously married with the rural areas having the highest numbers.¹¹¹

The numbers of children in marriage in Morocco are consistently not in harmony with the minimum age for marriage as stipulated in the country's Constitution. In 2017, UNICEF reported that Morocco recorded an average of 16%^{112,113} of child marriages across the country, which was 4% above that of the Ministry of Justice's estimate of 13%. Particularly, UNICEF reported that 3% of such marriages are officiated before the girls attain 15 years of age. This casts serious doubts into the effectiveness of the country's laws in safeguarding the rights of children and more so those of girls and women.¹¹⁴ The increased cases of child marriage are

FIGURE 13:

Country Prevalence
of Child Marriage

Source: United Nations
Children's Fund, The
State of the World's
Children, UNICEF, New
York, 2017





not a recent phenomenon. It is worth noting that the rate of underage marriage in Morocco has been increasing since the amendment and adoption of the minimum age for marriage law in 2004. In fact, UNICEF reports that the percentages have increased from 7.75% in 2004 to approximately 11.47% in 2013. Similarly, statistics from the Ministry of Justice show that the percentage of child marriages rose from 7% in 2004 to 13% in 2013. However, the practice recorded the highest numbers in 2011 when child marriage certificates hit 11.99% in that single year. Concisely, close to 43,000 minors became wives in 2011, a figure that disturbed nearly all stakeholders including the Moroccan government.¹¹⁵

3.5 Common Manifestations/Forms of Child Marriage

The following is a summary of the common forms and manifestation of child marriage in the ten countries of study, the details of which are discussed below.

TABLE 10: Common Child Marriage Manifestations Across the Countries of Study

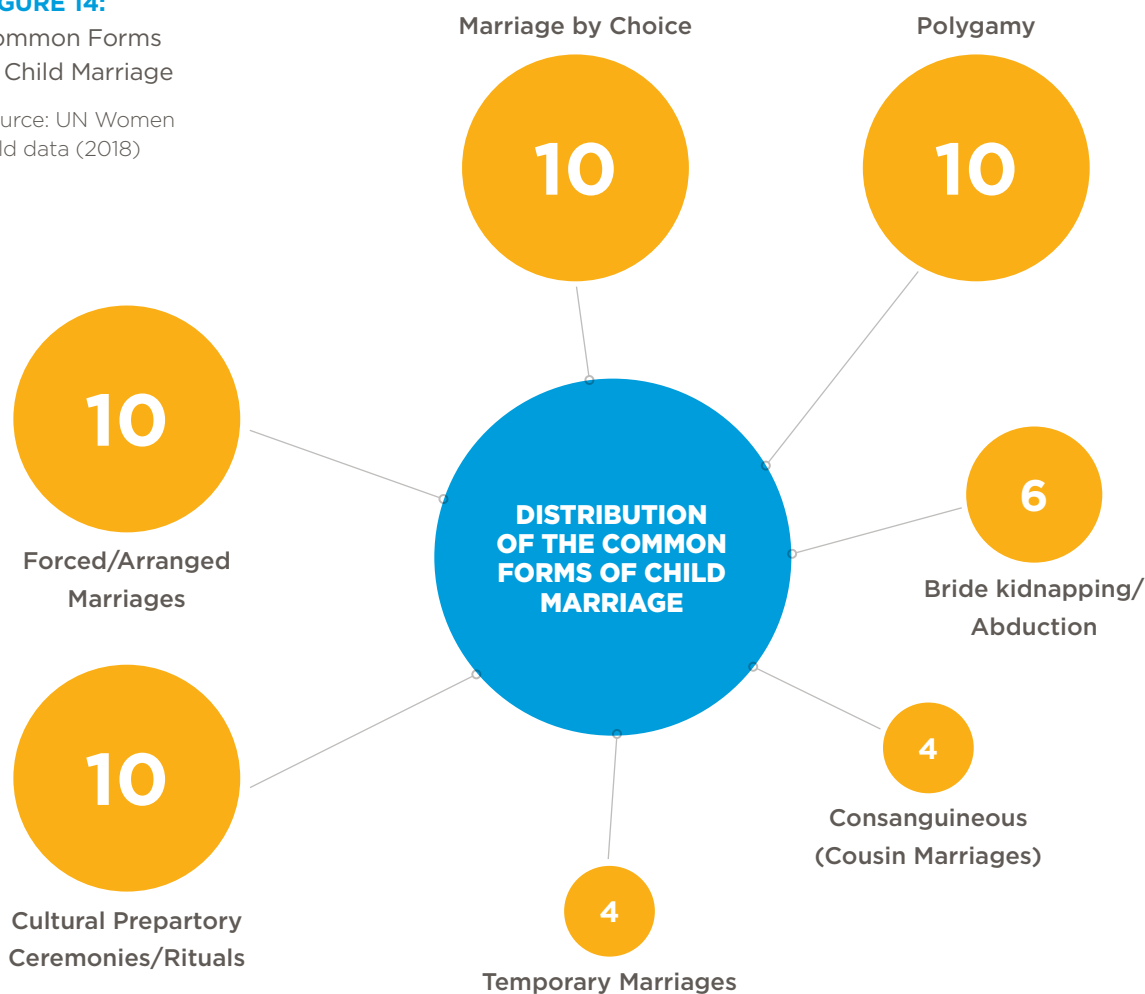
Form of Marriage	No. of Countries Manifesting Specific Forms of Child Marriage	Countries
Temporary Marriages	4	Egypt, Mali, Morocco, Nigeria
Consanguineous (Cousin Marriages)	4	Egypt, Mali, Morocco, Niger
Bride kidnapping/ Abduction	6	DRC, Ethiopia, Malawi, Morocco, Nigeria, Tanzania
Polygamy	10	Democratic Republic of Congo (DRC), Egypt, Ethiopia, Malawi, Mali, Morocco, Mozambique, Niger, Nigeria and Tanzania.
Marriage by 'choice'	10	Democratic Republic of Congo (DRC), Egypt, Ethiopia, Malawi, Mali, Morocco, Mozambique, Niger, Nigeria and Tanzania.
Cultural Preparatory Ceremonies/Rituals	10	Democratic Republic of Congo (DRC), Egypt, Ethiopia, Malawi, Mali, Morocco, Mozambique, Niger, Nigeria and Tanzania.
Forced/Arranged Marriages	10	Democratic Republic of Congo (DRC), Egypt, Ethiopia, Malawi, Mali, Morocco, Mozambique, Niger, Nigeria and Tanzania.

Source: UN Women field data (2018)



FIGURE 14:
Common Forms
of Child Marriage

Source: UN Women
field data (2018)



A

Democratic Republic of Congo

In DRC child marriage takes different forms. There are girls who are forced into marriage in order to relieve the families of their economic burden. Families collect bride price as a source of income or as repayment for family debts. Girls act as a form of payment for the debt and thereafter are taken as a wife to the debtor.

Other children are married as second wives since polygyny is a common practice in DRC. So long as a man can afford the bride price, he can marry as many as he can afford. In the Eastern part of DRC, conflicts are rife especially since 1996. Wars have seen armed combatants use women as weapons of war. This often takes the form of raids on villages where girls are abducted and/or raped and forced to become wives and slaves of their captors.



They are subjected to various forms of sexual abuse including rape but are unable to return home for fear of reprisal by the armed groups. Once the girl bears a child, there is stigma from the community on girls who are unmarried and with child and therefore they stay and continue to perform wifely duties without question. These instances of forced marriage are considered slavery.¹¹⁶

Girls who get pregnant out of wedlock are also forced into marriage as the family fears being embarrassed and burdened with having to care for an unplanned new child. A girl is then forced out of school and has to focus on child rearing.

B**Egypt**

The Egyptian community has for many centuries practised transactional or temporary marriages. For instance, the study noted that there is *zawaj al-muta'a* which is a pleasure marriage that can last for as short a time as only one day. A man's basic aim in this kind of marriage is the sexual enjoyment of a woman; in return for his enjoyment the woman receives a certain amount of money or property. Secondly, there is contract marriage called *zawaj al-safka* which usually works by benefits and interests. The third manifestation of this marriage is the *zawaj al-misyar*. Under this arrangement, the man and the child in marriage engage in a union for a few months only; it is also called traveller's marriage or summer marriage. From a critical point of view, the practice of temporary marriage is a means of by-passing the Islamic restrictions on sex outside wedlock, and the tendency has seriously picked up in the country in the recent past. Additionally, these short-term marriage arrangements have become a means of circumventing human trafficking laws and traps while also promoting child prostitution.¹¹⁷ In fact, it is a thriving trade involving marriage brokers who arrange the marriage in return for commissions to reward their efforts in convincing the families of the children in marriage on the advantages accruing from the arrangements.¹¹⁸

Egyptian culture and, to an extent, Muslim culture promotes consanguineous marriages in which people with blood relations are allowed to marry each other. According to the 2014 Ethiopian Demographic and Health Survey, approximately 31% of women who ever married admit that their present, separated or deceased partners were blood relatives. In fact, approximately 50% of consanguineous unions involved first cousins.¹¹⁹ Additionally, the first cousins are more likely to come from the father's side than the mother's side. With such arrangements, consanguineous marriages flourish more in the rural countryside than in urban Egypt. Despite the fact that a small section of the educated and urban population also practises consanguineous unions (less than one-quarter of all urban marriages), the prevalence of this practice is higher in Upper Egypt with many poor and conservative families.



Respondents from Assuit stated that some Egyptian girls had faced marriage up to 6 times before they turned 18 years of age. They also asserted that “tourist husbands” from as far as Saudi Arabia frequently visit the Upper Egypt rural areas for “temporary marriages” which sometimes can last only days.¹²⁰ The report further states that such Saudi wealthy businessmen pay as little as \$500 to marry a child.¹²¹ In 2015, a Ministerial Regulation No. 9200 imposed a fine equivalent to \$6,400 on grooms marrying brides under 25 years old.¹²² Despite such efforts being rolled out, many girls are trafficked out of the country, exploited and then dumped by their temporary husbands after a short period of time.

CASE STUDY 2

A Case of “Tourist” Marriage in Egypt



Source: UN Women field data (2018)

Khola (Not her real name), 15 years old, faced the biggest challenge of her teenage life in 2015. Her father piled pressure on her to marry a Lebanese suitor, who was then 25 years older than her. Having been enticed by the promise the Lebanese would shower her with gifts of all sorts and with little knowledge of what a marriage entails, she gave in. Bought at \$9,000, she left Egypt with the man, who exploited her sexually and disappeared after ten days leaving her in the middle of nowhere and with nothing. In fact, the man took back all the gifts that he had bought her and quietly moved to Germany.

As already mentioned, patriarchal communities always strive to preserve their girls’ virginity and to avoid the shame of adolescent pregnancies/premarital sexual relationships even if it means marrying them “in advance” as children and legalizing their unions when they turn 18 years of age.

C

Ethiopia

Marriage in Ethiopia has been categorized in three forms: A marriage which can be arranged by parents at any time during childhood; marriage via abduction, and marriage by ‘choice’ that takes place in late adolescence or early adulthood through the couples’ consent¹²³. Arranged marriages can be planned even before birth or anytime during childhood with the main purpose of cementing ties between different families or within the same family where marriage between cousins is permitted in accordance with the *Afari* customs of *absuma*. In the Amhara region for instance, 95% of women have been married through this form of marriage. Whereas girls as young as five years can be drafted into arranged



marriage, it is not always the case that the girl will be sent directly to her husband's family. The girls may either live with their parents and visit their in-laws or live with their in-laws next to their potential husbands who play the role of a bigger brother and visit their parents. Contractual arrangements called '*gaido*' were made to protect the young girls from being initiated into sex at such a tender age until she was big enough at about 15/16 years of age. Breaking the '*gaido*' attracts punishment on the man, but studies suggest that child marital rape is common given the frequently wide age gap difference between the girls and their husbands.¹²⁴

Marriage *via* abduction is commonly practised in the southern parts of Ethiopia. In some communities, payment of bride price in form of cattle or money to the family of the abducted girl/bride is a traditional norm and expectation from the groom's family. However, young men who cannot afford the bride price may team up with their male peers and family to abduct a girl then rape her in the hope that her family will then let the young man marry the girl. Studies indicate that 13% of married girls in the southern regions of Ethiopia were abducted compared to only 2.4% in Amhara and 1.4% in Tigray.¹²⁵

Marriage by 'choice' or free will marriage usually takes place in late adolescence or early adulthood and is common in urban areas where both participants knowingly and willingly enter into this arrangement.¹²⁶ Research by Plan International, found that the distance of mixed high schools from where adolescent girls and boys live was to blame for the increase of the marriage by 'choice'/or marrying for love prevalence.¹²⁷

D**Malawi**

From primary data collected, the most common form of child marriage was planned marriages occurring mainly as a result of teenage pregnancies. In this form, the parents of the girl, in an effort to save their image and honour, arrange for the boy to take the girl in marriage.

Forced child marriages¹²⁸ also exist, mainly in the form of cultural/customary norms observed by different communities in Malawi. The girl usually has no say in selecting her prospective husband as this privilege is exercised solely by her parents who either do so of their own will or are compelled by circumstances to do so. '*Kutomera*' is another cultural practice whereby girls get into a pre-arranged marriage.¹²⁹



The following are the forms in which forced marriages take place involving under aged girls;¹³⁰

- Wife as debt payment 15.5%.
- Bonus wife 45%.
- Betrothal 48.2%.
- Replacement of deceased wife 40%.

Cultural practices in Malawi facilitate the entry into marriage of young girls upon graduating through the '*chinamwali*' or '*nsondo*' puberty rite of passage that 'encourages' them to engage in their first sexual intercourse with an older male, for the main reason of 'dusting off' or 'clearing the dust' thus making them ready for sex and marriage from as young as 10-12 years of age.¹³¹

Another practice is known as '*fisi*' where a male adult also known as 'hyena' is identified and sometimes even paid by the parents of a newly initiated young girl to have sexual intercourse with her as a way of preparing her for marriage and to teach her how to please her future husband.¹³² In addition, there is the '*Mpenjele Kuno*', a cultural practice that occurs when a given family fails to get the wife and daughter-in-law they want either because they lack the financial means to afford the bride price or because they are from a low social status. They therefore resort to abducting them.¹³³ A girl who has been abducted even if she runs back home becomes less desirable to another prospective husband. She therefore has no choice but to get married to her abductor. In communities where this practice is common, parents would often prefer to marry off their daughters early to safeguard them from such kidnappings.

E

Mali

Bride kidnapping - Bride kidnapping is a tradition that many countries have practised since time immemorial. In Mali, it entails an abduction of a would-be bride by a would-be groom and the abducted bride has little alternative but to marry him. If she refuses, the abducted bride is vulnerable to stigmatization because many people will assume that she will have been raped and will have lost her highly valued virginity.¹³⁴ However, the dawn of modernity has since rendered the practice culturally unacceptable and legally punishable. Accordingly, many countries have outlawed the practice. For example, most Asian countries no longer practise bride kidnapping apart from Kyrgyzstan. In some sections of Southern Mali, there is widespread bride kidnapping particularly for forced marriage. While not all girls end up in marriage, some of them may manage to escape from their kidnappers and return home. In some cases, some of them are raped forcing them to accept marriage as the only alternative to their situation. In June 2016, a Malian school girl, Fatmata, was kidnapped and moved



to Southern Mali in readiness for a forced marriage. That was an act of bride kidnapping and were it not that she was lucky enough to escape, she could have become a case of bride kidnapping and forced/child marriage.

Temporary marriages - Mali is one of the West African countries with the highest domination of Muslim culture. Being a Muslim majority state, Mali has long practised temporary marriages, popularly known as *zawāj al-mut'ah*, particularly in the rural countryside. While the government, NGOs, CSOs and other stakeholders want to see uniformity and conformity with the state laws, many Malians have remained committed to their customary laws and religious teachings. As already mentioned, patriarchal communities such as the Muslim and Christian religious faithful will always strive to preserve their girls' virginity even if it means marrying them "in advance" as children and legalizing their unions when they turn 18 years of age. However, it is worth noting that such temporary marriage arrangements sometimes do not hold until their legalization.

Forced/ arranged marriage - While parents and guardians will force girls into child marriage as a means of avoiding the shame of adolescent pregnancies and premarital sexual relationships, most temporary marriages end in divorce and the girls either remarry or live the rest of their lifetime caring for their children. Temporary marriages sometimes can also just be a disguise for prostitution as women meet with men who are not intimately attached to them. Practically, *al moutaa* is a means through which young Islamic men who cannot afford full marriages as per the Islamic law and culture evade the prohibition on premarital sex but still have sexual intercourse with their temporary wives.

CASE STUDY 3

Classmates Child Marriage Rescue Team in Mali



Source: UN Women field data (2018)

An incident of bride kidnapping in 2015 sparked an extraordinary reaction from a team of classmates and teachers in the southern part of Mali. When a 15-year-old school girl mysteriously disappeared, her classmates embarked on a journey to find her. In Mali, whenever, a girl is kidnapped, there is high probability that she will either be forced into marriage or defiled. In the event that she is forcibly married, she will lose her virginity and face the consequences associated with it. Unfortunately, significant parts of Southern Mali still hail the old-fashioned practice of getting brides. Worse still, it is difficult to prevent as many activists have observed. In a swift action, school pupils and their teachers in Mahou School said, "Enough is enough" and went to rescue Fatmata from a month-long captivity. Interestingly, the mission did not end with there but transformed into a continuous campaign that involves local authorities and council negotiate »



» with perpetrators on abolishing the dangerous practice. Since its inception in 2015, the students' and teachers' initiative has ensured that more than 900 girls in the school and the village have been free from child marriage.

The group's strategies include creating and cementing positive relationships with the community. And to do so, teacher, students and local leaders are constantly visiting men who have taken children in marriage and persuading them to let go of the girls. Upon their successful return, Save the Children, an international NGO, has developed a recovery plan for them. As Yahid Dicko, the organization's project coordinator, posits "After the girls return home, we offer them medical care and try to ensure that they go back to school quickly ... it's vital for their futures." While such efforts are in place in Southern Mali, a community member (Mamadou Sanou) states that fighting child marriage in the region is a big challenge because it is deeply rooted in their culture. In their eyes and minds, child marriage is customary rather than criminal. Besides, fighting the practice is even harder because mayors and local leaders may find it difficult to act in their communities.

F

Morocco

In Morocco, child marriage prevails through temporary marriages/arrangements, consanguineous marriages, and polygamy under the Moudawana principles. Based on customs and traditions inspired by Muslim rules, Morocco has long practised temporary marriages, which closely replicates *zawāj al-mut'ah*,¹³⁵ particularly in the rural countryside. Nevertheless, it is critical to note that this goes contrary to the country's *Family Code* that envisions marriage to be a permanent union. As already mentioned, patriarchal communities always strive to preserve their girls' virginity and avoid shame of adolescent pregnancies/premarital sexual relationships even if it means marrying them "in advance" as children and legalizing their unions when they turn 18 years of age.

A key informant pointed out that one of the grounds whereby marriages are authorised when one or both of the couple is below 18 years is through *Al Fatiha* (a customary marriage under the Muslim culture which does not get registered). It also emerged that *Al Fatiha* can occur even after a judge's rejection of the marriage. Eventually, the judge is forced to recognize the marriage under Article 16 of the *Moudawana*, which allows for a retroactive registration of such marriages. While the Office of the Prosecutor pointed out that the provision aims at safeguarding the rights of the women involved in such marriages, it remains



one of the avenues through which child marriage is executed. But even in full cognizance that many segments of the population cannot readily register marriages with notaries due to geographic constraints (e.g. transhumant and nomadic populations), it ought to be revisited. This also includes consanguineous/cousin marriages explained below.

Consanguineous marriages:¹³⁶ An additional cultural dimension of child marriage in Morocco is the widespread practice of consanguineous marriage. Like many other patriarchal countries, the country has a cemented practice of consanguine marriages. In Moroccan culture, cousins are marked for marriage even when they are just a couple of years old. According to Centre for Arab Genomic Studies (CAGS), Morocco practises cousins' marriages at a rate of 10-19%. In fact, 20-30% of such marriages occur between first cousins and mostly at ages below 18 years.¹³⁷ Consanguineous marriages have implications for the health of the offspring from the union who might have life threatening birth defects due to common inherited genes.

CASE STUDY 4

Petition Forces Moroccan Government Repeal "Rapist Marry His Victim" Article



Source: UN Women field data (2018)

Morocco has had an entrenched practice of rapists marrying their victims and escaping the claws of laws. For many decades, the Moroccan judicial systems dropped charges against child rapists as long as they agreed to marry their rape victims until - 2014 when the discriminatory practice turned ugly. In January 2014, inevitable public outcry and Civil Society mobilizations prompted the repeal of Article 475 of the Penal Code that allowed rapists to trade in marriage of their victims off against court prosecution and jail sentences. This move followed the death of Amina Filali, a 16-year-old girl who committed suicide after being compelled to marry her rapist.

G

Mozambique

It is reported that often parents grappling with economic hardships obtain bride price for their daughters by holding a traditional ceremony known as 'Lobolo'. This is a traditional ceremony where the man/boy shows gratitude to the parents of the 'bride' for the growth and development of the bride, usually given either in monetary or animal form. The value of the 'Lobolo' depends on the economic state of the man. In some instances where a separation occurs subsequently,, the 'Lobolo' can be returned but where they begin a family, the 'Lobolo' is affirmed as true indication of permanent union. The practice



means an economic boost for the brides family livelihood and is mandatory in rural and/or traditional communities. Communities believe that by 'Lobolo', stability of the marriage is guaranteed.

In Macossa district 'mabatiro' or 'massuguiro' is practised as a monetary value placed on the bride should she be found to be a virgin at the time of marriage. Families where *massuguiro* is paid are held in high regard as the money exchanged is never returned since virginity is not 'restored' after marriage. Some communities view the exchange of money as a reward for the investment by the family of the bride. However the practice is slowly losing value in the community because of changing community norms including the fact of broken marriages.

H

Niger

In Niger, girls are often considered to be their parents' property, wherein it is usually the parents of the daughter who advocate for early marriage employing the rationale that it is in everyone's interest, including the girl-child's best interest.¹³⁸ Women in Niger, therefore, do not have the right to choose their spouse. A woman has, however, an opportunity to make a second marriage with a man from another lineage group at the annual *Gerewol* group.¹³⁹

Primary data established that the most prevalent form of child marriage in Niger is arranged marriages. More often than not, the girl has no idea who the prospective husband is going to be. The arrangement is normally made between the parents of the girl and the prospective husband or his parents. Niger customs and culture allow marriage between cousins and therefore it is commonplace to see situations where the girl is married by her close cousin. In some communities e.g. among the Wobaade, betrothals are common practice. When the girl is still an infant or small baby the two families agree beforehand, and dowry can be paid at an early or later date. The girl usually remains with her family and is released to her husband once she is ready for marriage. In some instances, families may send the girl to her future husband to be raised there and the girl only takes up the role of a wife once she is considered to be ready. Payment of bride price forms an essential part of marriage in Niger and marriage arrangements involve negotiation of a dowry that is normally paid either in cash or in kind.



CASE STUDY 5

Children in marriage; victims of polygamy in Niger



Source: UN Women
field data (2018)

Chaafatou Halanou, 17 years

When Chaafatou was 13 years, her parents married her off as the third wife to a man who was above 30 years of age. She had just joined form 1 of secondary school (However, she could not conduct the interview in French, which is the official language of education. This is evidence of the poor quality of education in Mali). The reason her parents married her off was because of her poor performance in school and that she had to repeat form one. So, her parents arranged a marriage for her. They received dowry and a wedding was set up.

On the day of the wedding before consummation of the marriage, Chaafatou ran away and went to the city. Her reason for running away was as a result of the numerous campaigns against child marriages and in favour of giving opportunities to girls to advance in education. She had an ambition of one day completing her secondary education and making life meaningful for herself and her family.

The other reason she ran away was that the man had two wives already and from the little information she had about him it appeared he failed to provide well for his 2 wives. As a third wife, she feared that she'd be left to fend for herself and her children with little support from her husband. That's why she did not want to tie herself down to this marriage and so she ran away. In the city, she sought refuge at one of her cousin's place.

Because she couldn't sit all day at home without doing anything, she ventured out into the city to look for menial jobs. It was when she encountered the founder of a local NGO, SOS that works to end child marriages and abuse among women and girls. She was enrolled in their programmes and got to learn a skill in dressmaking. The campaigns on radio (by UNICEF) had taught Chaafatou about the dangers of child marriages and teenage pregnancies. She already knows some of her close friends who had complications in pregnancy and at birth. She mentioned names of her friends who suffered from obstetric fistula.



I Nigeria

Prepubescent marriage is the norm in Nigeria. A girl is first married, and the man is expected not to touch her until she reaches puberty. Girls who have started menstruating are considered mature for marriage, yet the case of menstruation varies as a girl of twelve can be given out for marriage based on the fact that she has started menstruating¹⁴⁰. Girls with no education tend to marry at an average of about 15 years and end up confined to carrying out domestic chores and at risk of life-threatening diseases.¹⁴¹

For communities that don't practice Sharia law, culture is used to justify child marriage. Age of consent is also determined by menstruation whereupon the family of the girl looks to find a suitor. Once identified, the man is expected to pay bride price for her. For the Igbo tribe, a list of items is drawn up, and the groom is asked, as a challenge, to provide items on it as proof of his love and dedication. The list can include items as extravagant as a car or as difficult to obtain as the tooth of an alligato.¹⁴² When a Hausa man wants to marry a girl, he must endure a flogging of up to one hundred lashes to prove his commitment.¹⁴³ During the ceremony, the girl is given a drink by her father and then she goes round looking for her husband to give him the drink and this serves as consent and affirmation as to whom she is marrying. According to Fayokun 2015, parents are disposed to marrying off their daughters at a very tender age to ensure they marry as virgins and thereby retain the family honour. The study interviewed a father who reported that the practice of child marriage is also strongly followed as a way of protecting the girl child from sexual assault and unwanted out-of-wedlock pregnancies.

J Tanzania

Both informal and formal marriages are prevalent in Tanzania. Informal marriages include cohabitations, which are not registered under the *Law of Marriage Act of 1971*. On the other hand, forms of formal marriages (or ways of contacting legal marriages) sanctioned by this law are indicated under Section 25(1) of the marriage law. The law entails;

- i. Civil form, where both parties belong to a specific religion according to the rites of that religion;
- ii. Islamic form if the intended husband is a Muslim; and,
- iii. Traditional marriage in accordance with rites of the customary laws (if parties belong to the communities which follow customary law).
- iv. Section 69 of the same law also recognizes 'presumption of marriage', in which, when two partners live together for an upward of two years, they are presumed to be married couples.



Statistics of prevalence rates were not readily accessible at the time of this study, but, according to some key informants, most of the rural based marriages are celebrated in traditional forms, while, Christian forms of marriage are prevalent in urban areas. For instance, out of the more than 200 marriages that came to one informant's attention in 2017, only 76 (being 38%) were celebrated in church.¹⁴⁴ It was also established that most rural dwellers (where child marriage is highly practised) preferred informal traditional marriages as a way of avoiding the education law (*Education Act of 1978*), which prohibits marriage of school children – including girls.

Forced marriages - This is another form of child marriage in Tanzania.¹⁴⁵

In Tanzania, girls are married off by their parents without their knowledge and consent in order to generate an income in form of mahari (dowry).¹⁴⁶ In some cases, girls are forced to drop out of school and get married in exchange for dowry "mahari" which in some cases, parents are said to have received before the marriage takes place.¹⁴⁷ Forced marriages are also a result of the Tanzanian government's policy on Primary School Leaving Examination, which determines which pupils may continue on to secondary school. This exposes girls to child marriage, as adolescent girls are sometimes forced to marry after failing the examination.¹⁴⁸

Arranged marriages/ marriage of convenience - In some communities, child marriages are regularly arranged. In Mara region of Western Tanzania, the Kurya tribe practises nyumba ntobhu, a traditional form of same-sex marriage. In this regard, the two married women share a bed as a couple, they live together, bear children in their union, they do everything a married couple would, except have sex.¹⁴⁹ This practice allows older women to marry young women who in turn bear children on her behalf and assist her in household chores. The older woman pays bride price for the younger one and chooses a man to impregnate the girl and any children born belong to the older woman.¹⁵⁰

Abduction and kidnapping - Field data from the study revealed that in some communities like the Sukuma people of Shinyanga region, the practice of abduction, rape and forced marriages of young girls is very common. They believe in the term "kupura", snatching of young girls on their way to school or boreholes when they are going to fetch water. The practice is perennial in the Sukuma society, which is very patriarchal, and people will not intervene if they witness an abduction. The abduction ends up in rape of the young girls, and subsequently a forced marriage.

**CASE STUDY 6**

Classmate's child marriage rescue team in Mali



Source: UN Women
field data (2018)

An incident of bride kidnapping in 2015 sparked an extraordinary reaction from a team of classmates and teachers in the southern part of Mali. When a 15-year-old school girl mysteriously disappeared, her classmates embarked on a journey to find her. In Mali, whenever, a girl is kidnapped, there is high probability that she will either be forced into marriage or defiled. In the event that she is forcibly married, she will lose her virginity and face the consequences associated with it. Unfortunately, significant parts of Southern Mali still hail the old-fierce practice of getting brides. Worse still, it is difficult to prevent, as many activists have observed. In a swift action, school pupils and their teachers in Mahou School said, “Enough is enough” and went to rescue Fatmata from a month-long captivity. Interestingly, the mission did not end with there but transformed into a continuous campaign that involves local authorities and council negotiate with perpetrators on abolishing the dangerous practice. Since its inception in 2015, the students’ and teachers’ initiative has ensured that more than 900 girls in the school and the village have been freed from child marriage.

The group’s strategies include creating and cementing positive relationships with the community. And to do so, teacher, students and local leaders are constantly visiting men who have taken children in marriage and persuading them to let go of the girls. Upon their successful return, Save the Children, an international NGO, has developed a recovery plan for them. As Yahid Dicko, the organization’s project coordinator, posits “After the girls return home, we offer them medical care and try to ensure that they go back to school quickly ... it’s vital for their futures.” While such efforts are in place in Southern Mali, a community member (Mamadou Sanou) states that fighting child marriage in the region is a big challenge because it is deeply rooted in their culture. In their eyes and minds, child marriage is customary rather than criminal. Besides, fighting the practice is even harder because mayors and local leaders may find it difficult to act in their communities.



Chapter 4.0

Causes and Drivers of Child Marriage in Africa

This chapter focuses on the findings of the study, provides analysis, and draws some conclusions about the underlying causes and drivers of child marriage. The underlying causes of child marriage are common across Africa, and they are anchored in patriarchal societies adhering to discriminatory gender norms that perpetuate gender inequality. This leads to discrimination against women and girls in all spheres of life, including social, cultural, and economic. It forms part of the structural and systemic determinants of the children's, girls' and women's ecology and how they are treated and valued in the society, both in the public and private sphere.

The study identified three layers: Enablers, Motivators and Drivers. The first layer, enablers, consists of factors that form the structural ecology within which child marriage is *either enabled and facilitated or condoned and justified*.

These enablers include structural gender inequality built on a patriarchal system of beliefs that defines the position and status of women and girls as subordinate to men and boys. This results in pervasive feminisation of poverty at household level and viewing women as property not as people with full human rights. Where armed conflict and insecurity exist, this creates further risks for girls by driving societal beliefs that marriage is a form of protection for girls and their families. Further, social inequality leads to lack of prioritisation of girls' education making girls and their families believe that marriage is an option where education is not available. Religious teachings and negative cultural practices continue to fuel child marriage by affirming men's control of women's autonomy, integrity and particularly girls and women's sexuality.

Macro-level determinants such as; low education levels and religious teachings and systems which rival the legal systems are also enablers. The core role of enablers is their implicit creation and sustaining of an environment within which early marriage is an option for families and children.

The second layer is made up of intermediate level conditions or factors that essentially act as motivators of child marriage. These factors facilitate justification



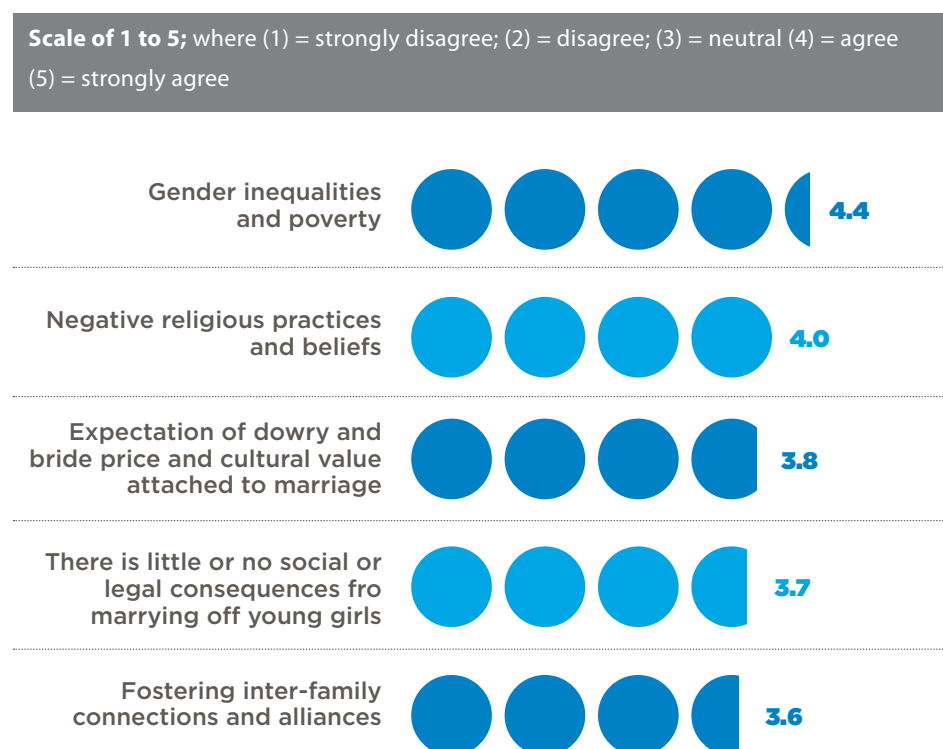
of child marriage and other practices that reinforce child marriage and girls' acceptance of the practice, for example, negative elements of the rites of passage, FGM, betrothal, virginity preservation and the perception that child marriage assists families to escape poverty. In addition, the absence or the presence of contradictory laws and the lack of implementation and enforcement of laws create conditions conducive to continuity of child marriage.

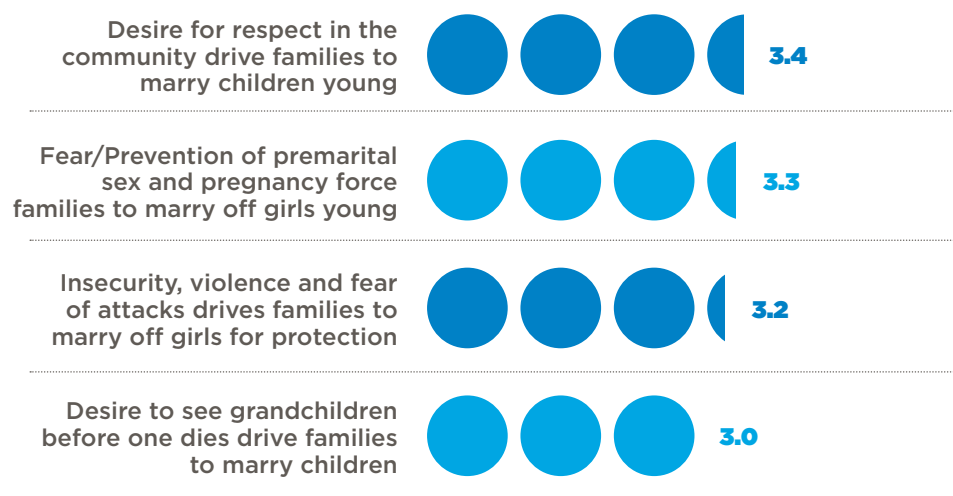
The third level of factors consists of micro level conditions that affect families and the children directly. These are the direct drivers because they make child/early marriage the only option for survival. These are: lack of basic services in communities such as education including age appropriate comprehensive sexuality education; lack of social protection for the most vulnerable people and families; lack of health services and lack of human centred security. As a result, direct drivers such as teenage pregnancy, lack of basic means of survival, sexual violence, devaluation of unmarried women, family honour, and stigmatization of delayed marriage drive girls into child marriage. For instance, in Nigeria, there is anticipation of pride price as a source of income to relieve of financial burdens of poor households. The actual amount of bride price is again tied to the condition of the bride thus creating a cycle between the drivers and the motivators because, since girls cannot inherit family property, marriage offers the best way out.¹⁵¹

The following drivers (summarized in the graph below) were identified by respondents as the everyday drivers and motivators that spur child marriage in their communities.

FIGURE 15:
Identified
community
drivers and
motivators

Source: UN
Women field
data (2018)





4.1 Gender inequality

The study affirms that gender inequality is prevalent amongst all the study countries and provides a fertile ground for discriminatory practices against women and girls. It limits a girl's and woman's opportunity to fully participate in decision making on matters important to them including those related to her education, health, participation in the economy, and intimate relationships and marriage including the decision whether or when to marry and whom to marry. In Tanzania, for example, married women have less control over their lives than married men do. As of 2014, it was reported that two out of five married women do not participate in decision making regarding their own healthcare. In Mara region of Tanzania, only 8% of women participate in household decision-making while in Kilimanjaro region the figure is higher at 64%.

While child marriage affects all children, it is especially prevalent among girls in rural areas and poor urban communities that lack: access to schools and quality education or walking long distances to school; access to health care, especially adolescent sexual and reproductive health services; and access to employment and livelihoods opportunities. Unfortunately, there is only limited allocation of resources towards gender equality and related issues, including ending violence against women, and ending child marriage, and other harmful practices. This limits the implementation and enforcement of existing laws and policies on ending gender inequality as a driver of child marriage as a consequence.

As explained above gender inequality is the underlying cause and driver of child marriage and is embedded in all the other drivers discussed in the report.



4.2 Traditional and cultural practices

When a girl is born she is celebrated as a wife/bride from childhood while boys are celebrated as heroes and fathers of nations due to social and cultural norms. As a result, child marriage is a readily accepted cultural practice among most communities in Africa even where it goes against positive traditional values and is prohibited by the law. Many families perpetuate the practice in the belief that it is in their best interest and that of the child. It is widely viewed as a way of improving the social and economic status of the girl's family through receipt of a bride price from the husband's family. Many girls also view marriage as an easy route to escape poverty. However, in fact, child marriage creates a vicious cycle of poverty for the girl and her family. Cultural rites of passage that girls undergo (sexual initiation) expose them to the risks of teenage pregnancies which, once they happen are not accepted by the community. Child marriage therefore is regarded by the girl's family as a pre-emptive way of safeguarding family honour.

It is important to note that girls and their families are also expected to bring material contributions. It is concerning that married girls are expected to be available for sex, to have children, and to provide unpaid domestic and care work, all of which go unrecognised and are thereby made invisible.

FGM and rites of passage - The study reports that harmful traditional practices such as female genital mutilation/cutting (FGM/C) drives child marriage across all the ten countries of study. FGM/C is used as a rite of passage from childhood to adulthood, a signal that a girl is ready to marry across seven out of the 10 countries studied. A girl from a practising community is not considered ready for marriage until she has undergone FGM/C irrespective of the age of the girl. There are many reasons behind female genital mutilation which includes controlling the girl's sexual desire. It is a violation of the rights of women and is embedded in cultural beliefs on sexuality control of women.

In Tanzania for example, the national prevalence of FGM/C is currently 14.6% as of 2014. A 2016 survey on drivers of child marriage¹⁵² carried out by the government of Tanzania in collaboration with research institutions and NGOs¹⁵³ showed that FGM/C was one of the key drivers of child marriage in Mara, Manyara, and Dodoma regions. Similarly, statistics in Egypt indicates that approximately 90% of women aged 15-49 and who are in a union are circumcised; this is replicated in Ethiopia where 65% of women aged 15-65 years have experienced FGM. In Mali, amongst Malian women aged 15-49 years, 91% are circumcised and sadly, 70% of girls aged 0-14 years are already circumcised in Mali, while 83% aged 10-14 years have faced FGM/C in their lives. Cultural practices in Malawi facilitate the entry into marriage of young girls upon graduating from the puberty rite of passage, a rite that 'encourages' them to engage in their first sexual intercourse with an older male, for the main reason



of 'dusting off' or 'clearing the dust' thereby making them ready for marriage as young as 10-12 years of age.¹⁵⁴

Traditional dances during rites of passage are often not age appropriate, especially as observed in Tanzania, and contribute to child marriage through creating a belief that girls participating are ready for marriage. This was observed specifically in Shinyanga, Tabora, Pwani, Lindi and Mtwara, while initiation rites (Unyago) were cited as drivers in Lindi, Mtwara, Dar es Salaam and Pwani.¹⁵⁵

Dowry and Bride Price – The traditional underlying value of dowry and bride price was a customary process of formalising a marriage, characterised by the exchange of gifts or money or payment of livestock. It also brought family respect. The quantity of bride price varies across traditional communities, with notable recent trends of equating levels of education and virginity with the amount of the bride price. Women across Africa are generally valued on the quantum of the bride price they can attract. Accordingly, families with many girls are considered wealthier than those with few girls. In Tanzania, families in Shinyanga and Manyara regions highly value "mahari" (dowry).

The payment of bride price comes with reciprocal expectations on the married girl in relation to fertility and child bearing as well as the contribution of her labour into the new household. There is a gender critique which argues that the current practice of dowry and bride price is resulting increasingly in the commodification of girls. In cases where an older couple has no child, the blame is put on the woman and, frequently, culture practice requires her to agree to her husband marrying a younger girl for the purposes of child bearing, provision of labour, and preservation of wealth. In other cases, an older woman actually marries a younger girl and pays bride price as a wife. This was the case in Tanzania.

CASE STUDY 7

Quest for Social Prestige is Encouraging Child Marriage in Shinyanga



Source: UN Women field data (2018)

Another major cultural driving force of child marriage is the extravagant consumption and cost of ceremonies that is not necessarily connected to family poverty. One of the girls (17 years) interviewed in Shinyanga region in February 2018 said that, her father had more than 30 cows at the time a plan of her marriage was undertaken in 2016. There were also no huge family expenses as she is the second to the last born and other siblings were already earning an independent living in their homes. Therefore, the father needed more cows as part of social prestige. He married a second wife after sending off his second daughter some years back. Probably, a dowry from this survivor could have been for the same purpose – demonstrating social stature per Sukuma culture.



In DRC, communities value the position of a 'wife' as a person who deserves to be loved, cherished, and protected. Social norms place a high value on a girl who is getting married and this fuel the high bride price asked during contracting of unions. Such perceptions fuel child marriages. In addition, this perception forces even boys to leave their education in search of employment to care for children in marriage. This value is what singles out the girls as vulnerable candidates to be used to settle family debts. Communities' failure to accept back, into the community, girls who have children out of wedlock as a result of slavery or rape also fuels child marriage. Forcing such girls to get married to their rapists or captors further encourages the practice as a form of punishment.

Parental participation and decision-making – The study found out that the main decision makers on matters of marriage are men. The Moudawana establishes the principle of co-responsibility and equal rights and duties between the two spouses. It is one of the major reforms that the new *Family Code* brought in 2004. In Morocco, Mali and Egypt, women are rarely involved in any marriage discussion. Their role is to receive instructions from the male family heads. On the same note, DRC communities marry their children from as early as age of 15 years while 95% of girls in Ethiopia were married through forced marriages arranged by their parents. The situation in Tanzania is no exception with women only making decisions in the total absence of any male member of the family. Girls in Malawi are left with no choice after '*Mpenjele Kuno*' (a practice where a man who cannot attract a woman for marriage resorts to kidnapping) as they are returned to their kidnapers by their parents.

Family Honour and Virginity - The high value that communities place on virginity before marriage makes the practice of child marriage an acceptable means of preserving family honour. This results in forced marriage of adolescent girls in cases where they are perceived to be having a sexual relationship or have experience of teenage pregnancy. Virginity testing is prevalent in some communities for the same reasons. This may result in girls being subjected to marriage, even marriage to their rapists as mentioned in the case of DRC above. For instance, Islam which is widely practised in many parts of Egypt, Morocco, Mali, and Nigeria, has strict religious taboos regarding female sexuality and purity. Such taboos bar girls and women from having sex with men of their choosing as well as preventing children in marriage from leaving their husbands. Children in marriage who flee their husbands are punished harshly including being killed by one of the bride's birth family member.¹⁵⁶ While some religions condone child marriage in some communities, child marriage is viewed as a quick and preferred way of settling societal feuds.

The study data showed that Mali has culturally and ethnically diverse people mostly of Arab-Berber origin who make up 99% of the total Mali population. However, in the entire West Africa, Mali is one of the many nations with deeply entrenched discriminatory cultural practices against girls and women.



The culture values family honour, manifest through the sexual purity of their daughters, embraces male chauvinism and celebrates dominance over females. Additionally, the most widespread religion in Mali is Islam, which has strict religious taboos with regards to female sexuality purity and marital issues. According to Islamic religious beliefs, girls and women have no rights whatsoever to engage in premarital affairs with men of their choices. Family honour is an entrenched cultural value that has a direct link to child marriage, particularly, the rising numbers of children in marriage. Based on the Malian family codes, it is hard for girls to escape child marriage and women/girls also find it almost impossible to divorce after marriage due to the long divorce process, which includes losing financial support.

4.3 Poverty

The World Bank highlights the feminisation of poverty phenomenon to demonstrate the extent to which women are disproportionately affected by poverty. This is due to patriarchal and negative cultural practices that perpetuate gender inequalities in wealth accumulation, ownership and control of resources such as land, as well as unequal access to opportunities in education and employment that are key to reducing chances of living in poverty. For example, in Nigeria, families favour boy child education while discouraging daughters from attending school on the basis that girls will be married and leave their families.

In a majority of the study countries, poverty was found to be one of the direct drivers of child marriage giving rise to the belief that marriage is an escape from poverty by the girls and their families through payment of dowry and bride price and results in shifting the burden of caring for the girl from her family to the family where she is married.

In Malawi for example nearly 53% of the inhabitants live below the poverty line and thus some families see child marriage as a means of survival. Similarly, in DRC, Mozambique and Niger, families use their daughters to “settle debts” by marrying them off or giving them out as sex slaves to their rich creditors. In all these cases, nearly over one half (DRC 70%, Mozambique 46.1%, and Niger 80%) of the population is under the poverty line and are rural-based. This is also evident in Morocco and Egypt where wealthy businessmen suitors from Saudi Arabia and the Gulf States enter the country and pay as little as \$500 to marry children.¹⁵⁷ However, in a country like Mali there is a strong belief about the preservation of family honour which intersects with the high levels of poverty (at 44%) and thereby creates increased likelihood of child marriage.

In addition, poverty is a mass phenomenon in Mozambique, affecting almost half of the population, and those not in the category of poor are close to the poverty line.¹⁵⁸ Ranked as one of the world’s poor countries, 70% of the population



resides in rural settings relying heavily on farming, which is mainly done by women, for their daily subsistence. Girls' value is tied to performing domestic and care work and providing family continuity, as usually within 15 months of marriage, a girl will have given birth. Girls are socialized to be subordinate towards their husbands and to respect older people as they transition into adulthood and gain experience in marriage. Traditions are used to formalize child marriages, with modern religion being used as a ceremonial event to solidify the marriage through the formal legal process.

4.4 Harmful Religious Practices

While religious values are expected to be life affirming, grounded in the ethos of love and protection of the weak and children in society, the major religions, together with their institutions across the study countries, have a strong interface with cultural practices and in fact reinforce some values that drive and perpetuate child marriages. In many communities across these countries, it plays both sides of the child marriage situation in terms of being both a driver and a deterrent to child marriage. Nonetheless, the study identified significant potential for harnessing religion and culture to address child marriage. For example, Malawi has shown how diverse agencies have engaged Paramount Chiefs from various hotspots e.g. with Senior Chieftainess Kachindamoto, in legal and social empowerment. The Chief has been instrumental in establishing 'by-laws' and setting up community parliaments at community levels that aim for deterrence of child marriages and promoting girls' education with the aim of keeping the girl in school longer. This is expected to delay marriage and gives the girl more opportunities for self-advancement through education and skills training. Through Senior Chieftainess Kachindamoto's intervention in Malawi, she successfully rescued more than 2,500 girls from child marriages. Most of these girls are back with their families; some are back at school courtesy of the return to school policy for teenage mothers; while some are stuck at home with no vocational training skills due to inability to afford school fees. In Ethiopia, religion determines the differences in the types of marriages undertaken, e.g. among the Orthodox Christians, 81% of girls got married through arranged marriages compared to only 62% of Muslim girls.¹⁵⁹

Whereas, on the other hand, religion offers a system within which interventions can be anchored, with its attendant services in communities on social issues like education, health, food security, water and sanitation, it also, on the other hand, often provides normative frames for perpetuation of child marriage and other harmful traditional practices. For instance, Islamic preachers in Nigeria argued that under Islamic doctrines, girls' maturity is defined by '*physical appearance; ... when a girl starts menstruation – she is matured!*'. In most cases, the study found that religion is more often than not a supportive frame for persistent cultural traditions within a particular community and regularly deployed to justify child marriage as a protective measure for ensuring purity, fidelity and honour.

**CASE STUDY 8**

Religion as a Driver of Child Marriage in Niger



Source: UN Women
field data (2018)

According to a key informant from Niger, different interpretations of Islamic scriptures provides three bases for child marriages: The marriage of the Prophet Muhammad to his wife Aisha at six years old; the invocations that giving out your daughter as a gift in marriage assures blessings in the afterlife; and the conviction that marrying off a girl shields her from premarital sex, promiscuity and pregnant outside marriage. Interpretations and perspectives have deeply entrenched the practice of child marriage as they are considered as central teachings in Islamic scriptures and contravention of these teachings is considered as acting against the holy teachings.

Such logic was found to exist in both Christianity and Islam; these two dominant religions in Africa that emphasize the sanctity and honour of married life, and the subservient position of women in marriage. Neither provides a clear statement of the appropriate age for marriage, instead making convenient deference to customary and civil laws in the countries of study. This convenient deference provides strategic loopholes through which religion, in practice, plays both sides of the child marriage laws - they can claim to marry only consenting mature brides and grooms, while leaving the definition open for the parties involved. In extreme cases religious-framed conflicts have led to abduction and forced marriage of girls in Nigeria (Boko Haram – Islamic) and in Uganda (the Lords' Resistance Army - Christian).

In Ethiopia, religious values lay great emphasis on a girl's purity and virginity and therefore a girl and her family are stigmatized if they are seen as 'impure' or 'too old'.¹⁶⁰

The study established that half of the population in Nigeria is Muslim, 40–45% is Christian, and 5–10% practice indigenous religious traditions.¹⁶¹ The North is largely Muslim and the South is largely Christian.¹⁶² It is true that Islam is deeply entrenched in the North, with many different strands and beliefs represented, from widespread affiliation with Sufi brotherhoods, to Salafi interpretations of Islam that reject Sufism, small Shi'a communities, and various interactions with indigenous beliefs¹⁶³. Christianity, predominantly comprising Catholicism and Anglicanism, prevails in the Southeast but South-western Nigeria is mixed, with substantial Muslim, Christian, and traditional religious communities.¹⁶⁴ There is a sizable Christian minority in several northern states (mostly migrants from the southern areas of the country), although this population is shrinking as Christians flee from violence. The "Middle Belt," an area encompassing six states, is populated largely by ethnic minorities and is also highly religiously diverse.¹⁶⁵



These diverse religious affiliations have varied impacts on child marriage with Muslim communities seen to contribute to the highest prevalence and thereby signifying the role of religion in child marriage.

Mozambique has a mixed religious profile with approximately one-third being Christians and the main denomination being the Roman Catholic. The northern regions practice Islam. African traditions are also practised especially belief in the spirit of ancestors who affect the lives of the living. Often, modern religion and African traditions are practised together interchangeably. Beliefs include an all-powerful God as well as spirits.

There is not current profile of religious affiliation in Tanzania as the same was eliminated from the national census since 1967.¹⁶⁶ It is however estimated by religious leaders and sociologists that Muslims and Christians are approximately equal in size, each accounting for 30-40% of the total population, with the remainder consisting of practitioners of other world faiths, practitioners of indigenous religions, and people of no religion.¹⁶⁷ Neither Christianity nor Islam in Tanzania spells out the age of marriage. It should be noted that religious groups have the power to effect change in perceptions, practices and negative cultural norms in communities. If they are involved, they are likely to be listened to. For instance, in Tarime, study participants mentioned that Seventh Day Adventist members do not perform FGM on women, showing the power of religion in influencing social and cultural practices.¹⁶⁸ The regional disparities in child marriage, cultural and geographical differences across the country determine the forms in which living arrangements in child marriage take shape.

Mali is made up mainly of people of Arab-Berber origin. They are the majority in terms of the population, making up approximately 99% of the total population. Nonetheless, the country is also inhabited by other communities such as Christians and Jews who constitute the remaining 1% of the population. Of great significance is that no single religion promotes child marriage in Mali, unlike most Arab countries where child marriage is more or less a common phenomenon. However, the religions have different perspectives in approaching sexuality and social relations. The most widespread religion in Mali is Islam, which has strict religious taboos with regards to female sexuality purity and marital issues. By contrast, many religions do not put the same emphasis on male sexuality as they do on female sexual purity and lifestyle in general. According to Islamic and Christian religious beliefs, girls and women have no rights whatsoever to engage in premarital affairs with men of their choice.

In other words, the country is homogeneous in both culture and religion. As in many other Arab states like Egypt, no religion promotes child marriage outright in Morocco but each religion approaches sexuality and human relations from different perspectives. Islam, which is widely practised in many parts in Morocco has authoritarian religious taboos regarding female sexuality and purity with



little concern about males and their lifestyles. For instance, Muslim girls and women cannot have premarital sexual relationship with men of their choice.

While Articles 16, 19, 20 and 21 of the Moroccan *Family Code* were significant advances in the approaches to the persistent practice of customary marriage, particularly in rural areas, various exceptions have limited their efficacy. While they focused on eradicating out-of-marriage pregnancies they placed no checks on the legal minimum age of such pregnancies. Accordingly, the practice of legalizing customary marital unions has created a leeway for child marriage practice in Morocco. In practical terms, the government is only responding to the constraints imposed by prevailing practices and mentalities to the detriment of the protection of the universal rights of children, particularly girls. Even after marriage, girls in marriage find it hard to get a divorce due to lengthy court processes and conditions including forfeiture of the alimony. Even though no particular religion in Morocco directly associates with child marriage, the practice enjoys a strong backing from both customary and religious policies and practices that accord it a lot of perceived benefits. In fact, different religious organizations manifest the practice in various forms. For instance, Islam widely practiced in many parts of Egypt, Morocco, Mali, and Nigeria has strict religious taboos regarding female sexuality and purity. Such taboos bar girls and women from having sex with men of their choosing as well as preventing children in marriage from leaving their husbands. As a result, children in marriage who flee their husbands are punished harshly including possibly being killed by a member of the bride's birth family.¹⁶⁹ While some religions condone child marriage, while in some communities, child marriage is seen as a quick and preferred way of settling societal feuds.

The study found out that many marriages in the contemporary West Africa are polygamous. This practice is mainly prevalent in the rural areas as compared to urban regions. In polygamous marriages and particularly the polygamy form, husbands are usually much older than their wives.¹⁷⁰ This replicates what happens when children are married off. Reports indicate that over one-third of child marriages end up as polygamous unions and mostly as second or third wives.¹⁷¹

Majority of marriages reviewed by the study are either religious or traditional and are rarely civilly registered, a situation which complicates legal solutions for child marriage. Religion and traditions have influenced certain Islamic associations and some influential people to oppose legislative and policy changes that would offer greater protection against the practice of child marriage. In Niger, for example, the resistance has previously hindered initiatives like the adoption of a family code, and a law to protect young girls at school, all aimed at fighting child marriage.



Additionally, various religious holy books are not clear on the minimum age for marriage particularly for women and girls. Both Christian and Muslim majority countries under this study demonstrate the lack. For instance, Mali, Niger, Egypt and Morocco are approximately 90% Muslim, whose source of laws, Quran and Hadith are not clear on the minimum age for marriage thus leaving room for various clerical and scholarly interpretations and leaving the major decision on child marriage within the direction of their congregants. Similarly, there is no clear determination of the minimum age for marriage among Christians and Jews as their holy books do not specify one. In Nigeria, the domineering influence of parents and elders, within the context of strong religious norms based on an interpretation of the Islamic marital code, fuels child marriage. Amongst these norms is the belief that a girl child is fully matured for marriage and should be married off before or upon reaching puberty, the sure sign of which is the commencement of the menstrual period.¹⁷² It is without doubt that specific interpretations and understanding of patriarchal culture have been a significant catalyst for child marriage in the Northern Africa Arab region. In Ethiopia, religious values lay great emphasis on a girl's purity and virginity and therefore a girl and her family are stigmatized if they are seen as 'impure' or 'too old'.¹⁷³ Primary data established that the customs and traditions of Niger are deeply entrenched and closely integrated into the Islamic religion which is practiced by 90% of the population. This was so much so that the *Civil Code* which was developed under colonial rule and which is still observed in present days did not gain legitimacy with the majority Islamic populace. This led to the enactment of the Mendel Decree of 1939 which accepted the customs and culture of the people as an integral part of the laws of the land. Islamic interpretations of the marriage of Prophet Mohamed to Aisha while she was six years old have cemented the customs and traditions of Niger and are taken as one of the strong justifications for child marriages. Religion and traditions have influenced certain Islamic associations and some influential people to oppose legislative and policy changes that would offer greater protection against the practice of child marriage.¹⁷⁴ The resistance has previously hindered initiatives like the adoption of the family code, a law to protect young girls at school, all aimed at fighting child marriage.¹⁷⁵

CASE STUDY 9

Polygamy Preying on Underage Nigerian Girls



Source: UN Women
field data (2018)

At the age of 15 years, Salamatou was married as the third wife to her husband who was much older than her. Her husband approached her family with the intention of marrying her. Since her father had passed on earlier, her mother consulted with the brother of her late husband, Salamatou's uncle and the wedding was arranged. Her husband and his family paid dowry of an equivalent of USD 600. Salamatou who has never been to school says that marriage saved her from engaging in premarital sex, »



» promiscuity and from picking bad unacceptable values. She believes that as a Muslim girl, the marriage helped her maintain a good name for herself and her family and helped her keep her dignity. However, she understands that child marriages put so many teenage girls like her at risk. For instance, she had complications while delivering the first of her three children. Though she made it out alive, she knows of many other girls her age who have lost their lives at child birth or ended up with obstetric fistula due the difficulties of giving birth. The aspect of sharing her husband with 2 of her co-wives is a source of distress for her and sometimes things get out of hand and she feels so disenfranchised in the relationship. Her advice to girls her age is to wait and not enter into marriage before completing their education and learning a skill.

Marrying off girls in many parts of Morocco is a commonplace phenomenon. The practice enjoys a strong backing from both customary and religious policies and practices that ascribe to the child marriage many perceived benefits. For instance, the different interpretations of the sacred texts (with Muslim texts being the most dominant in the country) and culture strongly advocates for human procreation and a high number of children. Accordingly, marrying at a tender age (under 18 years) provides more room for giving birth to as many children as possible.

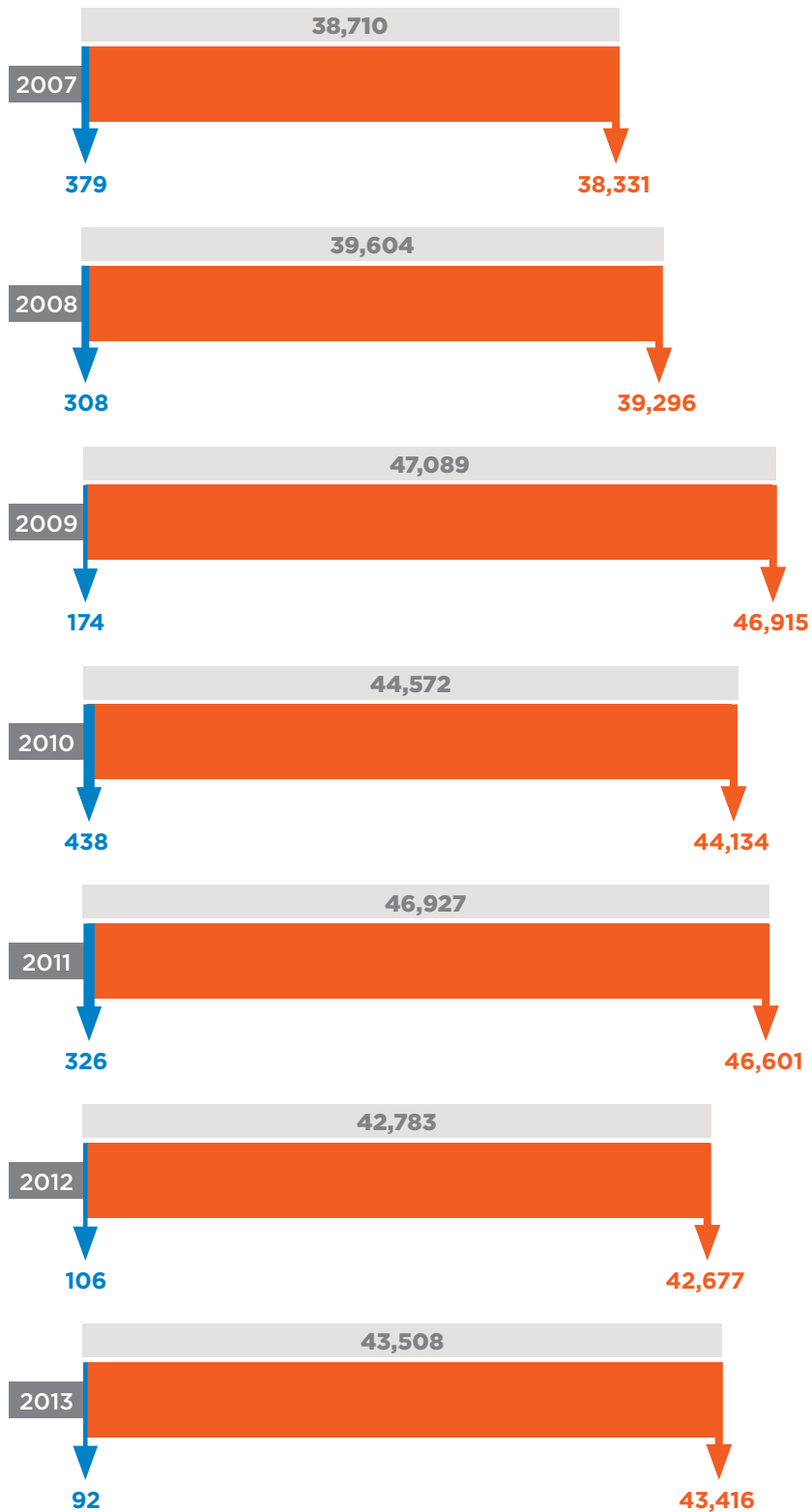
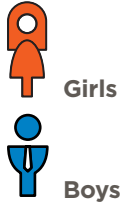
4.5 Legal gaps

Many countries in Africa have conflicting customary, statutory and religious provisions surrounding child marriage and marriage in general. Morocco's Moudawana (the *Family Code*) which was amended in 2014 to stop child marriage still has gaps that enable child marriage. Specifically, Articles 20 and 21 allows a judge to marry an underage child (below the legal age of 18 years) by handing down a well-substantiated decision explaining the interest and reasons justifying the marriage. This loophole fundamentally perpetuates the practice of child marriage as it creates an environment that encourages child marriage.



FIGURE 16:
Applications
for Premature
Marriage
2007-2013

Source: UNICEF,
2015¹⁷⁶



Similarly, Article 16 of Moudawana allows a court petition to officialise a marriage that was not officially registered in due time within an interim period not to exceed five years from the date the law went into effect.



In 2013, it was noted that marriage of teenagers in Morocco not only increased from 18,341 to 39,031 but also that approximately 16,426 of them were under 16 years old. This prompted a quest for a policy change to ensure that no person under the age of 16 years gets married, not even through the Family Affairs judges. Unfortunately, the proposal is yet to be actualized into law due to lengthy legislative processes in the country. In fact, this debate was reawakened in February 2018 by the committee on Justice, Legislation and Human Rights in the Chamber of Advisers.

In Tanzania there are obvious conflicts of laws between the Law of the Child Act 2009 and the Law of Marriage Act 1971. This is because the marriage act law sanctions the marriage of girls as children, while requiring boys to first be adults as reflected in section 13(1) “No person shall marry who, being male, has not attained the apparent age of eighteen years or, being female, has not attained the apparent age of fifteen years.” In addition, a court may give leave for the marriage of a fourteen- year-old girl, if the court, according to section 13(2) “is satisfied that there are special circumstances which make the proposed marriage desirable.” This complicates enforcement of both laws especially with regards to child marriage. For instance, a police officer at Shinyanga told the study team that, they normally rely on the Education Act 1978 because that is ‘straight forward’ unlike the Law of the Child Act 2009 which fails to make a clear direction on this matter. However, according to the police officer, a dilemma arises when a child involved is not a student. The conflict of laws between the child and marriage laws has remained unresolved at the time of this study despite a High Court decision of 2016 ordering repeal of the marriage law’s section which allows marriage of teenage girls. Government lodged an appeal to the Court of Appeal of Tanzania and the case is still pending. The study further notes that the Constitution of Tanzania with its amendments is silent about the age of a child and neither provides for the age of marriage nor the definition of a child. The Constitution provides for the age of majority in relation to voting rights under 5 (1) which states that every citizen of the United Republic who has attained the age of eighteen years is entitled to vote in any election held in Tanzania.

It is important to note that even where laws and policies on ending child marriage are strong, implementation and enforcement remains a challenge due to the persistence of negative cultural and traditional norms, values and practices that continue to perpetuate gender inequality and the low status of women and girls in a society and in the family. In Ethiopia, for instance, despite the legal age for marriage being 18 years for both boys and girls, there is rarely enforcement of such laws thus leading to lack of prosecution of perpetrators and hence entrenchment of this illegal practice. Additionally, national registration of births, deaths, marriages and divorces is dwindling thus making it cumbersome for authorities to prove that a girl is underage.



Further, the study reports that in Africa, enforcement of laws is further compromised by corruption, lack of accountability by responsible government officials, armed conflicts and lack of prioritisation to invest adequate resources - to drive the implementation of laws and policies. Such investments can be utilized for awareness creation; capacity strengthening for law enforcement and the judiciary; referral systems; strengthening the role of the civil society, traditional and religious leaders and authorities in implementation laws; and laws, policies and interventions aimed at ending child marriage. Corruption is one of the issues that is reported to hamper effectiveness and efficiency of interventions with agencies and governments alleged to have diverted funds meant for child marriage interventions and hampering prosecution mechanisms for perpetrators of child marriage. Conditions and practices such as corrupt officials and a negative socio-culturally/religiously influenced judicial officers affect compliance and enforcement of law. Specific country and community conditions and practices in this regard make enforcement of laws and policies difficult and compromise the capacity of the structures charged with monitoring and implementing the laws.

4.6 Political Instability, Insecurity and the Humanitarian Situation

Political instability has remained a common phenomenon in Africa for centuries. Particularly, the *Arab Spring* that swept through MENA countries across the world created political instability, insecurity and a parlous humanitarian situation in Egypt. Women and girls faced sexual harassment, rape and kidnapping. Political and civil feuds also generated the need for both familial and interfamilial collaborations, often sealed through child marriage. In most cases, the girls are married off to influential elders or military leaders on the assumption that this will guarantee the girl and her family protection, brokering truces and forging bonds in the community. The reality is that it actually subjects girls to sexual abuse and harassment by the men who marry them and therefore this cannot be a form of protection to the girls being married off. In Morocco, however, various matches and protests mushroomed in northern parts after the Arab Spring to put pressure on King Mohammed VI to transfer some of his powers to the Prime Minister and this yielded fruits in 2017 when the Prime Minister acquired some executive powers.¹⁷⁷ Additionally, militia and armed groups have abducted girls below 18 years in Nigeria and DRC who then face various forms of violence including but not limited to child marriage, rape, slavery and battering. Beyond the high death toll and population displacement in DRC, the wars have caused tremendous social and psychological trauma for women, young girls and boys who have been subject to physical and psychological atrocities including rape, torture, humiliation and alienation from their communities.¹⁷⁸ On the same note, a group named Boko Haram has launched campaigns of violence in Nigeria



that have lasted for years with the high profile incident of 2014 where over 200 schools girls were kidnapped: fears are rife that a majority of the girls have been forced into marriage by their captors.

“A girl called Anita Ami (not her real name) was on her way to her uncle’s home in Gao City in the month of June 2012, she met two men on a motorbike who stopped her. She reported that she had no choice since the insurgents were armed and threatened to kill her. She reported that, the two men held her baby in turns as they repeatedly raped and left her in the bush.”

“A local journalist and human rights activist, Ami Idris sought for safety by hiding in her house. She also reported that not all were fortunate enough to find a place to hide. Idris narrated her ordeal and said that everyone has a sister or cousin who underwent instances of rape. In her report, she reiterated that daughters were assaulted before their family members such as fathers and were completely traumatized by the experiences.”

According to her, many residents reported that the perpetrators of the crimes were allegedly members of the National Movement for the Liberation of Azawad (MNLA). Although Idris continued to report that militant group were the ones who committed the abuses, she had unfortunately forced her to quit her job as a radio host since the Islamic faith, according to the perpetrators, does not allow women’s voices on the radio.

4.7 Access to Education and Illiteracy

Low education levels in many countries have fuelled child marriage across the 10 countries of study. In Malawi, for example, the transition rates to high school stand at 36% (35% for boys and 37% for girls) as at 2014¹⁷⁹ and get even worse for higher education with only 1% of youths aged 15-24 years being enrolled¹⁸⁰ in Malawi, and fewer students obtaining employment upon completion of learning. Girls who have completed school and are jobless are held in low esteem. This makes many poor families not see the importance of education and makes it even more difficult for the girl child to be given a chance to proceed further in education. Similarly, Egypt has not sufficiently invested in girl child education and health care besides having few empowerment programmes for girls and women in general. Whereas there is some improvement in the enrolment of girls in school in Ethiopia, the commitment to girls’ education in the country remains low with lower probabilities of girls finishing primary school. Girls who are married before the age of 15 years are more likely to be illiterate and less likely to be enrolled in school. Only 12% of married girls aged 15-19 years are enrolled in school compared to 60% of unmarried girls. In Egypt and Ethiopia, nonetheless, boy child education is preferred to girl child education.



In Mali, schooling is free and compulsory for children between the ages of 7 and 16 years. However, primary school net enrolment rates in Mali remain some of the lowest in the world, growing from 44% in 1999 to 61% in 2015 (UNESCO Institute for Statistics, 2016). This means that the number of children of primary school age that are enrolled in primary school is a little over half of the population of children who are of primary school age. While this percentage is more than half of the population of children, the number is still low in comparison to other countries. There are also marked gender disparities; the percentages of girls enrolled in primary and secondary education in 2011 were respectively 46% and 39%, with a 10.37% completion rate for girls in lower secondary education in 2006, which increased by less than 3 percentage points over the subsequent decade (13.15% in 2016).¹⁸¹ Because of the poor rates of school attendance and transition to secondary school, less than half of young people in Mali (aged 15-24 years) are literate.¹⁸² This leads to increased vulnerability to child marriage. Mali's adult literacy rate is 33.4%, which is a very low percentage for the country in comparison to other African countries.¹⁸³ This means that the majority of the population of Mali cannot read or write. This characterizes them as low-skilled workers since they are not would not be able to effectively perform jobs that require skilled labour.

An analysis of the levels of education for females revealed a clear effect and linkage to child marriage. In the countries with the highest prevalence of child marriage such as Niger, over 90% of girls married before 15 years have little or no formal education at all. There was a clear relationship between early marriage and level of education - those who marry late tend to have more education. Table 11 summarizes the link between formal education and age of first marriage.

CASE STUDY 10

Drivers of Child Marriage in DRC



Source: UN Women
field data (2018)

An estimated 70% of the population lives under the poverty line with inequality widening over a long period. Though the practice of child marriage stems out of traditional practices and not from religion, child marriage is associated with wealth creation for the girl's family usually given in the form of bride price. Poverty has enslaved households to the extent that debts either from business or household are settled using children who are 'given' as 'debt settlement' and thereafter are treated as wives. Sex slavery is also practiced in the mining zones in Eastern Congo with militia taking charge of the villages. Illiteracy also contributes to child marriage with statistics indicating that 50% of women aged 20-24 years with primary education were married before 18 years. Sexual violence continues to be used as a weapon of war by the all-powerful combatants. The lack of enforcement in addressing gender violence has resulted in adoption of the culture of impunity.



TABLE 11: Distribution of Age at First Marriage Versus Education Level

Country	Age at first marriage	Highest educational level				Number of Women	Source
		No education	Primary	Secondary	Higher		
Tanzania	<=15	42.6%	54.6%	2.8%	0.0%	7338	DHS 2015-2016
	16-17	23.9%	69.1%	7.0%	0.0%	9705	
	18-49	18.6%	63.9%	16.8%	0.7%	19246	
Nigeria	<=15	70.2%	18.4%	10.6%	0.8%	3392	DHS 2013
	16-17	50.3%	24.1%	23.4%	2.2%	1613	
	18-49	20.5%	20.7%	42.8%	16.0%	3653	
Niger	<=15	91.5%	7.5%	1.1%	0.0%	26579	DHS 2012
	16-17	83.8%	11.7%	4.5%	0.0%	9375	
	18-49	71.1%	13.1%	13.6%	2.1%	8107	
Mozambique	<=15	40.8%	52.9%	6.3%	0.0%	10479	DHS 2011
	16-17	37.5%	54.8%	7.6%	0.1%	8708	
	18-49	39.2%	47.7%	11.6%	1.6%	17506	
Morocco	<=15	88.2%	9.9%	1.8%	0.0%	8154	DHS 2003-04
	16-17	82.9%	12.5%	4.5%	0.1%	7700	
	18-49	70.3%	13.3%	13.0%	3.4%	16640	
Mali	<=15	87.0%	9.3%	3.6%	0.1%	12887	DHS 2012-13
	16-17	84.7%	8.5%	6.7%	0.1%	7290	
	18-49	83.1%	8.0%	8.1%	0.8%	13379	
Malawi	<=15	26.2%	68.5%	5.2%	0.1%	17908	DHS 2015-16
	16-17	17.0%	73.8%	8.9%	0.3%	19249	
	18-49	18.4%	57.2%	21.9%	2.6%	29895	
Ethiopia	<=15	77.2%	19.1%	2.8%	0.9%	19030	DHS 2016
	16-17	72.3%	21.7%	4.5%	1.5%	9119	
	18-49	68.2%	20.1%	7.1%	4.6%	13065	
Egypt	<=15	59.0%	19.2%	21.4%	0.4%	9256	DHS 2014
	16-17	39.5%	17.0%	42.4%	1.1%	11022	
	18-49	20.3%	8.9%	54.6%	16.3%	38988	
DR Congo	<=15	26.6%	51.3%	21.9%	0.1%	17905	DHS 2014
	16-17	21.1%	48.3%	30.2%	0.4%	14934	
	18-49	23.5%	40.1%	34.6%	1.8%	25242	

Source: Latest Respective Country Demographic and Health Surveys



4.8 Stigma for Those Unmarried Persists

In all the ten countries of study, the stigma associated with being unmarried or being unable to marry was pervasive and evident. Being unmarried by late adolescence or early-twenties was viewed negatively by adolescents and adults alike and believed to be linked to mental illness or social deficiency. As a result, there remains great cultural and social pressure to ensure girls did not lose their opportunities for marriage by waiting too long.

Respondents and key informants from all the ten countries of study shared how they worry if girls were not married early, like other girls. They mentioned that the girls end up being called names and fear that they will not ever marry anyone. They further mentioned that the girls would not want anything that could embarrass the clan or the family, so in fear of all that their parents actively look for men for the girls.

The respondents further confirmed that where a daughter is twenty years old and is not married, it is bad because she will be desperate and go with any man. On the other hand, when a boy is thirty years and hasn't married, they say he is abnormal, is cursed, and cannot produce. Worse of all is that the parents regret giving birth to such children, thereby removing the first line of support for any child.



Chapter 5.0

Effects and Consequences of Child Marriage in Africa

From a human rights perspective, child marriage is a violation of the rights of an individual, rooted in gender inequality and an impediment to girls' social and economic development.¹⁸⁴ In the study countries, the societies where this practice is common, exhibited a low value placed on girls and women, thereby perpetuating this as a norm and continually binding them in a vicious cycle affecting both present and subsequent generations. There is a strong correlation between child marriages, unequal opportunities for women, and low social economic development in those countries with countries that have a high prevalence of the practice. It follows therefore that poor countries have the highest levels of child marriages and that child marriages is most common among the proportion of the population living below the poverty line.¹⁸⁵ The study noted that besides the inherent health risks associated with child marriages put the girls at risks of maternal mortality, infection with venereal diseases and HIV as well as affecting their education and wellbeing, child marriages also subjects girls to rape throughout their marriage and increase other forms of gender-based violence such as domestic violence, child labour, loss of freedom isolation for the victims, school drop-out and illiteracy.

Additional effects of child marriage identified across the ten countries include: lost educational opportunities; economic insecurity and continued poverty; contracting HIV/AIDS or STIs; inability to have a career; teen pregnancy, miscarriages maternal and infant mortality; verbal, physical, emotional and sexual abuse; lack of autonomy and psychological distress.¹⁸⁶

More specifically, the following are the main effects and consequences associated with child marriages for girls in the countries of study.

5.1 Child Marriage and Maternal, New Born and Child Health

The study confirms that child marriage and reproductive health are closely interrelated with various studies reviewed showing that most children married before the age of 18 years have a high probability of going through unwanted pregnancies, contracting a sexually transmitted disease including HIV/AIDS and



having obstetric fistula and related complications predisposing them to maternal mortality. For example, married girls in Tanzania aged between 15 and 24 years are at highest risk of being HIV positive compared to their unmarried counterparts (2.5% / 2.0%). In addition, girls in the 15-24 age brackets who are divorced, separated or widowed in the country registered an HIV positive rate of 11.3% (THMIS 2011- 2112).¹⁸⁷ This is attributed to the fact that many children in marriage cannot negotiate safe sex, due to gender power imbalances, even when they have knowledge about how to protect themselves. They are also under pressure to demonstrate their fertility. Child marriage promotes sexual activity at a very young age when bodies of girls in marriage are still developing and when they have little information on sexual and reproductive health including their rights to access and use contraception. Therefore, the study finds that there is a strong nexus between maternal/new-born mortality rates and the prevalence of child marriage in the study countries. It is further estimated that girls in marriage who become pregnant at age 15 years are five times more likely to die during delivery than their counterparts aged 20 years.¹⁸⁸ Should they survive child birth; pregnancy related complications may scar them throughout their lives. For instance, obstetric fistula is most prevalent among girls below 18 years of age at 65%.¹⁸⁹

CASE STUDY 11

Girls in Marriage Experience Complications During and After Delivering Their First Children



An interview with a child in marriage in Malawi revealed that during her first birth, she had complications during delivery. She was unable to push as she felt weak with no energy when the time for delivery arrived. When she asked after her delivery why she experienced this, the doctor told her that her body was not fully developed. In order to help her deliver, the nurses had to pull the baby out from her. This is regardless of all the pain and agony she underwent during and after delivery.

Source: UN Women field data (2018)

The study shows that upon getting married, there is usually pressure from the husband and in-laws to become pregnant. This translates to early/teenage pregnancies, increased child bearing over time and quite often poor birth spacing. In all the ten countries of study, it was reported by key informants and community consultations that children in marriage were less likely to receive proper medical care during pregnancy and delivery than women who give birth much later. Not only were children in marriages physically immature during pregnancy and child birth but their lack of access and utilization of maternal neonatal health services put the teenage mothers at greater risk of complications during pregnancy and delivery e.g. prolonged or obstructed labour, obstetric fistula and maternal deaths. This is affirmed by a study which concluded that



complications of pregnancy and childbirth are the second leading causes of death among adolescent girls ages 15–19 years globally, with nearly 70,000 dying each year.¹⁹⁰

TABLE 12: Maternal Mortality Ratio¹⁹¹

Country	Niger	Mali	Nigeria	Morocco	Egypt	Ethiopia	D.R.C	Tanzania	Malawi	Mozambique
Rural population	553	587	814	121	33	353	693	398	634	489

Source: WHO, UNICEF, UNFPA, World Bank Group and UNPD (MMEIG) - November 2015

The study also confirms that maternal neonatal health consequences of child marriage go beyond the child bride to post birth complications that also affect the new-born baby. New-borns of children in marriages are at substantially greater risk of perinatal infant mortality and morbidity, and stillbirths and new-born deaths are 50% higher in mothers younger than 20 years than in women who give birth later. According to the study respondents, children in marriages were also more likely to have babies with low birth weight and to encounter of nutrition challenges. Low birth weight among infants translates to poor nutritional status which if not addressed early enough during childhood further worsens leading to low cognitive skills and affecting levels of education attainment. In Ethiopia for example, according to the Demographic Health Survey of 2011, neonatal mortality rates for children born to mothers below 20 years of age was approximately 50% higher than that of infants born to mothers in their 20s.¹⁹²

The study reports that in all the ten countries of study, children in marriage are likely to become pregnant early and more likely to be poor than their peers, with poorer nutrition and general health. This increases the likelihood of fetal, perinatal and maternal death and disability by as much as 50%.¹⁹³ Child marriage is closely linked to early childbearing with consequences that can be fatal. Complications resulting from pregnancy and childbirth are the second leading cause of death among adolescent girls aged 15-19 years old globally. Research shows that girls aged 10-14 years are five times more likely to die during delivery than mothers aged 20-24 years; girls aged 15-19 years are still twice as likely to die during delivery as women aged 20-24 years.¹⁹⁴ Women with formal education are much more likely to use reliable family planning methods, delay marriage and childbearing, and have fewer and healthier babies than women with no formal education. In all the ten countries, there was recorded high incidence of maternal and child mortality especially in the hotspot regions.

**TABLE 13:** Infant Mortality Rates¹⁹⁵ Across the Countries Under Study

Country	Niger	Mali	Nigeria	Morocco	Egypt	Ethiopia	D.R.C	Tanzania	Malawi	Mozambique
Infant mortality rate	61	56	69	25	16	48	69	43	42	65

Source: UN Women field data (2018)

In the study countries, the lack of agency among many children in marriage makes it more complicated for them to make healthy decisions regarding their maternal health. They cannot freely decide when, where and how they can take control of issues pertaining to their health without fear of intimidation or violence. Within the marital household the child in marriage has very low bargaining power due to gender power imbalances. Her husband and in-laws are the ones that usually determine her position and role in the immediate and extended family. Her access and control of the family's resources is determined for her. This usually becomes the pattern of the rest of her life in the marriage. This has a negative implication on her maternal health and translates to putting her life and that of her unborn or new-born baby at risk.

Children in marriages are faced with multiple vulnerabilities: they are young, mostly poor and with low levels of education since they have either dropped out of school or they never got to enrol in school in favour of their male siblings. Coupled with control by their male spouses and often in-laws, their ability to engage in gainful employment, where they can control resource, is limited. They have to ask for almost all the support they need in order to access maternal health services. At the household level, they have limited ability to negotiate with their spouses for sex, let alone safe sex, contraceptive use, child spacing, or the number of children. Their health and that of their children both unborn and born, are put at greater risk when they cannot have a say on when next to get pregnant, thus they end up with high birth rate levels. The study agrees with the position of UNICEF (2015) that countries with high prevalence of child marriages also have high birth rate levels; for instance, West and Central African countries have the highest adolescent birth rates in the world, at close to 200 births per 1,000 girls.¹⁹⁶

**TABLE 14:** Comparison Between Adolescent Fertility Rate¹⁸⁸ and Birth Rate¹⁸⁹ and Total Fertility Rate Across the Countries Under Study.¹⁹¹

Country	Niger	Mali	Nigeria	Morocco	Egypt	Ethiopia	D.R.C	Tanzania	Malawi	Mozambique
Adolescent fertility rate (15-19 years)	206	174	122	32	56	80	138	132	136	194
Birth rate	48	43	39	19	30	33	44	40	35	39
Total fertility rate	7.3	6.0	5.5	2.4	3.3	4.6	6.3	5.2	4.4	5.3

Source: UN Women field data (2018)

With limited access to and inability to control resources, children in marriage are often not in a position to access health insurance and are therefore left with only the option of spending out of pocket (OOP) whenever they access health care services. As a result of the obstetric complications they go through during pregnancy and child birth, the chances are that they will have high levels of OOP expenditures. OOP expenditure for health services at household level contributes greatly in perpetuating poverty for the huge majority of populations with low income levels and locks them out from accessing healthcare.

CASE STUDY 12

Survivor's Story - Pregnancy as a Matrimonial Life Ticket in Tanzania



Source: UN Women field data (2018)

Mwasite, a 17-year-old girl of Kitangiri Street in Shinyanga urban said that she dropped out from Busulwa Secondary school in 2016 after being made pregnant by a boda man (man who drives a motorcycle taxi) who used to give her money to buy her personal girl things like body lotion and pads. Her father chased her away from home and told her to go and get married to her "husband" (the putative father). She had nowhere else to go, hence she went to live with the grandmother of her "husband" for several months. Fortunately for her, the grandmother accepted her as an in-law grandchild. She however says that, the money that her husband used to give her, so often before she got pregnant, has since reduced and he is not so happy when she asks for money from him.



5.2 Child Marriage and Contraceptive Use

The use of modern contraceptive methods is low globally among children in marriage. For instance, in developing countries, 22% of adolescent girls (15-19 years) who are married or in a union use contraceptive as opposed to 61% of married girls of reproductive age 15-49 years. There is a high proportion of children in marriages (24%) who wish to use contraception but cannot access it; this forms the unmet need for contraceptive use, as compared to 11% of unmet contraceptive use among married women of reproductive age 15-49 years. As a result, low levels of total demand for contraceptives are satisfied among children in marriage aged 15-19 years, 43% versus 85% for married women 15-49 years.²⁰¹

TABLE 15: Contraceptive Use¹⁹³ Across the Countries Under Study¹⁹⁴

Country	Niger	Mali	Nigeria	Morocco	Egypt	Ethiopia	D.R.C	Tanzania	Malawi	Mozambique
Contraceptive use (%)	14	15	10	59	57	35	8	32	58	25

Source: UN Women field data (2018)

The study reports that low contraceptive use and high levels of unmet demand for contraceptive among married children in marriages perpetuates a vicious cycle of putting girls at risk of maternal mortality given the many obstetric challenges that teenage girls go through during pregnancy and childbirth. With their low agency in making health decisions, they have to depend on the will of their husbands or that of their in-laws, limiting their sexual reproductive health rights. Thus, interventions that address child marriages need to integrate with both sexual reproductive and maternal and neonatal health interventions. In addition, there is great importance attached to intervening against the deep-rooted norms that are adversely affecting sexual reproductive maternal and neonatal health. Unless this is done, it is unlikely that issues affecting women's health adversely will be eliminated.

5.3 Psychological Consequences

The study established that child marriage is related to mental health risks such as depression, and suicide, among others. For example, in Ethiopia, girls who were married or knew they were likely to get married were more likely to have depressive symptoms and to have considered suicide than those for whom marriage was not yet planned. These girls according to the study more were more



likely to have disturbed sleep, feel constantly under pressure and have low self-esteem and have low self-confidence, than girls who were never married.

An example is that of Amina Filali from Morocco. In 2012, Amina was raped at the age of 15 years and forced into marriage after her defiler, who was then 25 years old, traded in marriage to evade legal prosecution. The case may appear outdated or over publicized but the pain and the impact that it brought to the lives of many Moroccan girls endure. Living in a nightmare, Amina was submerged in unending domestic violence and one day, she decided to end it all. She ingested rat poison and died. This is an area that needs further exploration both in terms of prevention for girls at risk and long-term impact on those who experience child marriage.

CASE STUDY 13

Attitude Change: Children in Marriage Say **NO** to Future Child Marriages in Niger



Source: UN Women
field data (2018)

Zainab Tahiru, 25 years

A man aged 35 years once saw a beautiful girl whom he liked. So, he approached her parents and asked for her hand in marriage. Zainab was 16 when her family received a bride price of an equivalent of USD.340. It was hardly two weeks between the proposal and the wedding and Zainab had never known her husband prior to this. She had never been to school and in the 9 years since she was married, she gave birth to with three children, two girls and a boy.

Zainab's experience in marriage has been a difficult one. Her husband didn't have a stable income and therefore had » » difficulties in meeting their day to day needs. However, she believes that getting married saved her from falling into bad behaviour such as promiscuity and pregnancy outside marriage. She knows of girls from her village who got pregnant outside marriage and it was such a big dishonour for them and their families.

Zainab believes that child marriages aren't good and that if she could reverse the nine years she's been married, she would not accept the proposal. Neither would she allow her two daughters to go through child marriages like she did. She mentioned the obstetric challenges that teenage girls went through during pregnancy and birth. She knows of some of her friends who went through complications during pregnancy and birth and some who lost their lives. She says awareness programmes against child marriages on electronic media have made her understand that child marriages are not good and that girls should be left to grow, learn and get a good job to help her family.



5.4 Low Enrolment, Retention, Completion and Transition of Girls in the Education System

The study confirmed that most children in marriages have their education truncated when they move in with their husbands thus reducing their chances of acquiring skills with which they might empower themselves in a wide variety of opportunities. The probability of children in marriages replicating their lives to their offspring is also high, thus perpetuating a vicious cycle of poverty and entrenchment of these harmful cultural practices.

Respondents from all the countries of study confirmed that children in marriage often have to give up education as they are expected to take up household responsibilities. This denies the girls the opportunity to be independent and to empower themselves. While it is believed that educating a woman can help educate future generations, the opposite also is true. An uneducated woman will not be able to educate her own children in case of financial difficulties or other adverse conditions.

Illiteracy also results in that the child is dependent on her family for sustenance and this puts her in a powerless situation leading to easy exploitation and abuse.²⁰⁴ Ultimately, the level of educational attainment contributes to lowering maternal mortality rates as women with formal education tend to have more knowledge about health care practices and to be able to seek prenatal - and post-natal care.²⁰⁵

Education opportunities for girls in marriage are limited even where there is commitment to universal education and where a re-entry policy may exist (Malawi, Mozambique and Tanzania); there are still many barriers facing the girls such as lack of access, long distances to school, safety, stigma discrimination against girls, poverty (lack of school fees and supplies, livelihoods and opportunity cost), lack of child care, and other gender roles.

CASE STUDY 14

Tanzania - Pulled Out of a Classroom to Forceful Marriage



Source: UN Women field data (2018)

In Tanzania, Justina, a child aged 15 years who was currently supported by AGAPE, told the study team that, her father's plan to force her into child marriage happened when she was about to join Busanda Secondary School after passing the national primary school examination. She said that, she cried a lot on the wedding day, not because she did not know the husband she was going to marry but because she wanted to study. 'Education is everything ... I was doing well in primary school! I was always within ten best students ...!' she said. She knows clearly that underage pregnancies are risky as some »



» of the girls she knows had serious medical complications. The police officer interviewed said that the number of reported child marriage cases have tremendously decreased in Shinyanga: fewer than two cases are received per month at the gender desk, unlike in the past where, such incidents were reported almost every week.

5.5 Socio-Economic Consequences of Child Marriage

In most cases, child marriage leads to cycles of poverty for girls and their families. Child marriage affects educational attainment and the subsequent capacity to be economically independent through the labour market. Marrying as a child leads to school dropout, low completion rates and limited attainment of qualifications. In the ten countries studied the rates of employment for women was generally low with significantly lower rates in the hotspot communities. In some countries such as DRC and Northern Nigeria, the combination of early marriage and insecurity reduces the capacity of women in labour force.

A World Bank study that models the relationship between child marriage and educational attainment econometrically, shows that every year that a girl marries early (i.e., before 18 years) is associated with a reduction in the likelihood of completing secondary school by typically four to 10 percentage points, depending on the country or region. This leads to lower earnings for children in marriage in adulthood since a lack of education prevents them from getting good jobs. In addition, child marriage also reduces education prospects for the offspring of children in marriages by curtailing their mother's education.²⁰⁶

5.6 Loss of Freedom and Isolation

In all the ten countries of study, there were cases of girls who reported that once married, they would typically stay at home because of child care, domestic labour, restrictions by the family, discrimination from peers, societal attitudes and control by the spouse. The study finds that staying at home prevents the girls from engaging with others or in programmes that would help to overcome the challenges they faced as a result of marriage. In Malawi, Egypt, Ethiopia and Tanzania, married girls identified few opportunities to connect with peers or to access much needed livelihood or education programmes. Some of the girls confirmed that they received individual support from religious leaders or family members, but they lacked peer networks and the opportunity to gain practical skills. This speaks to the loss of freedom and autonomy of girls over their own life.



The study further established from the analysis of community, national and regional interventions on ending child marriage in the countries of study that community members, parents, and programme implementers felt that more should be done to reach this largely neglected group and ensure that their future is improved and sustained. Marriage automatically causes infringement of their right of association in addition to its relationship with sexual and gender-based violence.

5.7 Effects on Voice and Decision-making

Children in marriage have limited 'power' to voice their opinions and in decision making. In getting married, the girl children acquire the responsibility of carrying gender roles that are performed by adult married woman in their society. However, since they are still children, whose behaviour is not expected of married women, the reaction of adults around them is to treat them as children. This contradiction manifests itself through lack of decision-making power on issues that affect their personal lives, children and marriage. On the one hand, a married woman is accorded a certain level of respect that is not enjoyed by unmarried women, including participating in family discussions. On the other hand, this respect is negated by the lack of decision-making power. The support system of parents, relatives, peers and other community member might be available but maybe hesitant or not equipped to interfere or counsel.

CASE STUDY 15

Becoming a Child Bride In Egypt is a Nightmare for Girls



Source: UN Women
field data (2018)

Marrying children in Egypt is always a decision taken by the girl's guardian as well as the husband-to-be. In this context, decisions are still made for such girls. When they reach their "new homes," they argue with their husbands they may sometimes end up in entrenched gender-based violence including battering. Additionally, children in marriage perform many household chores, and they seldom have self-confidence in the work they do or the people they live with. They are mostly illiterate having dropped out or been pulled out of school by their conservative parents or guardians. For many girls, it is a big hurdle to come out of this situation even after they have secured a divorce. This is how Gemeela felt until she met the Ishraq programme. Recognising the hurdles that married girls face on their path to behaviour change and enhancement, ICRW began looking for children in marriage and enrolling them in Ishraq programme. The programme ensures that the girls restore their dreams through education and income-generating activities.



CASE STUDY 16

Mozambique - Consequences of Child Marriage



Source: UN Women
field data (2018)

Yumina Carlos is a 16-year-old girl, who is one-year shy of completing her primary education at Escola Primaria 3 de Fevereiro. As an orphan she was raised by relatives and faced challenges meeting basic needs. While in 7th grade, she started experimenting with sex the result of which was that she got pregnant. Realizing her predicament, she moved in with the family of the father of her child. The family accepted her and later informed Yumina's family and the union was recognized as a marriage at a time when both were below 18 yrs. The two now have a son who is three months old. The union has been accepted by both families without objection. However, the current living arrangements allows Yumina's husband who is currently 19 year old to continue with his education attending evening classes while Yumina attends to domestic chores. She cooks, cleans and cares for the child supporting her mother-in-law.

Familial responsibilities make it difficult for Yumina to resume her education until a later time when the child is old enough and she can pursue her career of either becoming a doctor or a teacher. Material things like new clothes are enough to satisfy Yumina who views her own marriage as 'good'. Media, specifically TV, is her source of education where she has learnt about use of contraceptives and this informed her decision to use implants. She is also aware of the health complications including obstetric fistula, but this did not deter her from engaging in the practice.

She notes that her situation is not new as many family members have been married off out of similar experiences. She notes that even younger siblings are already married at an early age. Though her pregnancy was normal, she is aware of pregnancy complications that occur to girls who marry early mentioning that she knows friends who also had to leave school as domestic chores make it hard for them to return. She notes that she is not scared of going back as the education system provides for different learning hours where adults prefer to take evening classes to improve their education. Notably her husband is working and attends the evening classes.

Yumina notes that community leaders, such as those in her area of Massaca, do not educate the community and especially the girls regarding child marriage. Information about the need for marriage was provided to Yumina by her grandmother. However, she would like to pursue a career as a teacher or a doctor and realizes that only by education could this be accomplished. Her wish is for government to be more proactive in championing for girl child education.

**CASE STUDY 17**

Mozambique Children in Marriage's Life Turned Upside Down



Source: UN Women
field data (2018)

Lucia Jose from Cabo Del Gado province was married at the age of 16. Lucia went through the rites of passage of the Makonde community where she was secluded for a month and taught the roles of being a woman and wife. After the ceremony, she was informed that she was now an adult and can make decisions regarding what is right and wrong for her life. She could go out without supervision and during community events, engaged in a sexual encounter with the man and got pregnant. The man Efelio was 18 years old at the time and is the father to her children. (She has one child and is currently 5 months pregnant).

She did not fully comprehend the roles she was taking and, after a traditional ceremony named 'Lobolo', moved in to live with her husband. She has no birth certificate to confirm her age and what makes her sure is the age of a cousin born a year after her who has a birth certificate. Fearing the challenges of raising a child on her own coming from a poor family, she opted to live with her » husband after the child was born. Lucia wants to go back to school but is yet to take the bold step as she has no one to care for her child while she attends school.

No one explained fully what it means to be a wife and therefore she is learning in the marriage. She states she didn't know what to expect apart from what she was told during the traditional ceremony. She does not use contraceptives as her aunt warned her against it on religious grounds. She is currently hawking on the streets selling Okra.

5.8 Sexual and Gender Based Violence

Child marriage is a form of gender-based violence and discussions with girls in marriage confirmed that girls across all the ten countries of study are generally more vulnerable to sexual, physical and emotional abuse than their adult counterparts when they married as children. Discussions with girls in marriage confirmed that girls across all the ten countries of study are generally more vulnerable to sexual, physical and emotional abuse than their adult counterparts when married as children. Unfortunately, children in marriage are often not answerable only to their husbands but also to the entire extended family, which further broadens their scope of vulnerability. Even though all the countries studied ratified and committed to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), gender-based violence among



children in marriage has manifested itself through battering, marital rape, intimate partner violence (IPV) and honour killings particularly in the MENA countries (Egypt). Some married girls in such countries seemingly accept violence in their marriage, such as wife battering as part of trying to preserve the marriage at all costs and showing love to their partners; they find it shameful to report or discuss gender violence in their relationship in a society which treats such violence as a social norm. In Egypt, for instance, the study established that approximately 20% of married women in the 15-49 age bracket have experienced an incident of intimate partner violence in their marriage. The same finding was confirmed by the La Rabita Mohammedia des Oulémas' intensive campaigns in Morocco engaging religious leaders in eliminating gender-based violence through peer education. In a similar context, the Girls Not Brides Alliance in Malawi brings together 21 international and 50 local NGOs into a network to address challenges affecting girls and women with a wide variety of interventions providing support for girls in addressing sexual gender-based violence.

5.9 Conclusion

The study affirms that child marriage in all the ten countries of study has far-reaching health, social, economic, and political implications for the girl and her community. It truncates a girl's childhood, creates grave physical and psychological health risks, and robs her of internationally recognized human rights.²⁰⁷ From the countries studied, several effects were identified. The effect of this unholy alliance is felt on the health, education and social development of the children, their families, communities and even countries. In all the ten countries, there was a high incidence of poverty – at household, community and national levels. This agrees with other studies that have highlighted the fact that in communities or households where women are exploited or subjected to violence, poverty is often common and severe. Within the countries studied, the child marriage hotspots tended to be among the countries' poorest areas with low literacy and poor health indicators.

The effects on the community and family follow the trends at the national level. Families that practice child marriage are often poor and lowly educated. Whereas this is the mostly the foundational condition (linked to causality rather than consequences) it generates a generational vicious cycle where those married early are in turn likely to marry their children early. At an individual level, child marriage has harmful effects on girls' health, psychological development, human rights and economic survival. Child marriage curtails the victim's education and their social growth. In most cases, it starts a lifelong dependency, especially for girls and results in becoming subject to abuse and violence.



Chapter 6.0

Challenges and Barriers to Ending Child Marriage

6.1 Structural Level Barriers

Challenges and barriers facing efforts towards eradicating child marriage in Africa are anchored in the socio-ecological macro-level factors that are based on a patriarchal structure and system within which gender inequalities are perpetuated and the practice of child marriage as a manifestation of gender inequality persists. These structures determine public attitudes, public interventions, and investments directed at addressing gender inequality and child marriage, as well as providing the enabling environment within which child marriage flourishes. The key structural factors identified range from weak and inadequate information on the state of child marriage and efforts to eliminate it, incoherent and poorly resourced coordination mechanisms and systems, institutional gender inequality, and an absence of a harmonized national guidelines and planning, which often leads to duplication of efforts. The key structural factors identified during the study are discussed below.

a. Inadequate government capacity to conduct civic education and enforce existing laws

Key informants from Malawi's Ministries of Gender and Justice mentioned limited capacity on the part of the government to conduct large-scale civic education and public awareness about changes in the law to criminalize child marriage. Currently, support for awareness creation is principally provided by development partners and civil society organisations with significant involvement of government. However, it requires greater support from government given that many more areas and more sections of the population need to be reached. With low literacy levels in Malawi, there is need for translation and packaging of the key messages in simplified versions for wider reach and circulation in the communities to enhance wider understanding and ownership. Enforcement of the new/revised laws is still weak because key stakeholders such as the police, the district administration and local authorities, still require to be sensitized and educated to acquire the in-depth knowledge and interpretation of the laws necessary for easy adoption and implementation.

**CASE STUDY 18**

Defilement Case Withdrawals in Malawi



Source: UN Women
field data (2018)

Child defilement cases in Nkhata Bay, in Northern Malawi, were being withdrawn from on-going litigation in court because the perpetrators and the parents of the defiled girls often reached settlements outside court. Such agreements usually constituted small compensations/fines paid either in the form of livestock or cash by the perpetrators to the victims' parents.

Further, in pursuance of implementing the AU campaign on Ending Child Marriage, Nigeria launched a national strategy on ending child marriage, but a national plan of action is yet to be developed. As a result, there is an absence of an elaborated framework to put into actions the developed strategy. Specific funding targeting child marriage interventions is lacking, leaving the task of enforcement and community sensitization to the national and local non-governmental organizations. Customary laws and religious beliefs relating to child marriage still take precedence over the federal laws. The absence of punitive actions against those marrying under-age girls and those promoting child marriage promotes a culture of impunity by using traditions and religion as an excuse.

b. Challenges of access to justice by survivors

The study identified the difficulties and challenges faced in accessing justice by survivors of gender-based violence especially children in marriage. In all the countries of study, various laws govern the institution of marriage. These include religious laws, customary laws and civil laws. In some cases, customary laws barely provide adequate redress to survivors of gender-based violence and child marriage as family reconciliation is prioritised over prosecution. This is consistent with the belief that family unity and community peace are paramount over the rights of the girl. The result is that the security of survivors is compromised and their access to justice is denied. In other cases, the civil law system presents hurdles for the survivors of child marriage in providing evidence of maltreatment and they have to endure long judicial court processes during which perpetrators can intimidate the survivors. In Morocco, provisions in the law allow for the judge to grant permission for child marriage to occur even where parental consent has been denied (Article 21/22), rendering parental interventions impotent. The Ethiopian Law sets the age of marriage as well as sexual consent at 18 years.²⁰⁸ Child marriage is criminalized in Article 648 of the *Criminal Code*. Those who are found guilty of practising child marriage may be prosecuted and the perpetrators subject to a three to seven year - jail term. This penalty, on at the surface, is a deterrent but has spawned hidden practices to avoid detection. In DRC, despite adopting very progressive laws and frameworks, communities are not aware of



the existing laws nor how they can be used for their protection. Several entities exist only on paper with over-reliance on support from donor support to address problems. Further the laws are lenient in that culpability does not include influencers and promoters of child marriage. Subsidiary by-laws such as one to set a ceiling on bride price, are yet to be developed leaving a vacuum where new unions may still be subject to being charged a high bride price.

c. Weak registration and vital statistics/information management systems:

Low availability of birth certificates at community level has created a loophole allowing many girls to be married. In seven out of the ten countries studied, there are clear laws setting the age of marriage at 18 years explicitly. For instance, in Mali the law requires that marriages and births should be registered. However, many families still opt for the practice of *zawāj al-mut'ah* that marries girls off but delay the marriage registration until they reach the age of 16 and 18 years for girls and boys respectively. For the sake of enforcement, these laws require a strong system of registration of both births and marriages. However, in many countries, the registration systems were weak, with an absence of functional national or regional system to register births, deaths, marriages, and divorce, making it difficult for authorities to prove a girl is under-age. In Malawi, the study further noted that weak registration systems deny girls birth certificates and identity cards, not only making it difficult to certify the age of the girl at the time of marriage but also hindering the capacity to participate in decision-making of those who attain adulthood. However, this is slowly changing with improved efforts by the government of Malawi to ensure that every citizen has a birth certificate and a national identity card. The study found that in some areas in Morocco and Nigeria, marriages are not registered at the time of marriage but only after the girl turns 18 (Al-Fatiha) due to lack of effective registration and documentation of births and marriages.²⁰⁹

CASE STUDY 19

Nigeria and Morocco – Leading Countries With No Child Marriage Registration



Source: UN Women
field data (2018)

In over 50% of the countries including Morocco and Nigeria, many girls did not register their marriage within the framework of registration processes including a legitimate registry due to lack of knowledge about country laws, misperceptions about the consequences of registration, or not having the required fees or official papers for such services. The consequence was that many girls did not legally have a spouse and were therefore vulnerable should the marriage fail. In addition, undocumented marriage contributes to statelessness of some children born of these marriages, in cases where nationality is passed on only through the father.



d. Legal and regulatory gaps

From the collected data, there is a huge disconnect between legal and policy commitments and their implementation and enforcement to protect girls from child marriage and other violation of their rights across the countries, especially in rural hotspots. Several study discussants and available information show that there are 'hidden practices' where marriage ceremonies are hidden under a series of religious ceremonies to evade detection and arrest. There are reported incidents of secret marriages where parents collude to circumvent the legal requirement that a bride or groom should be 18 years by inflating their age. Efforts to 'cheat' the law, in the words of the informants, are made because the locals have become 'clever'. The disconnect between the national laws and the communities' willingness to comply indicate a low level of community ownership of existing laws probably because of lack of engaging the population in law and policy making processes and lack of raising awareness on the importance of the laws. Given the fact that child marriage is a practice that is engraved in a community's social, religious and traditional beliefs, serious efforts to create space for dialogue, education and awareness raising about transformation of social norms and practices must accompany enactment of laws and policies.

Although the Mali Constitution provides for gender equality, traditions such as initiations and purification rites undermine women's rights and equality as they are forced to follow the dictates of tradition at the expense of their freedoms and aspirations. Despite the fact that Mali has a legal minimum marriage age of 16 years for girls and 18 years for boys, Mali has remained a leading country with married girls even younger than the set ages.²¹⁰ While Article 281 of the *Persons and Family Code* sets the minimum age for marriages in Mali at 18 years for men and 16 years for women, exemptions on age can be granted in the office of the district administrator. Such decisions are subject to reviews before a civilian judge and suffice only for future unions of spouses who are at least 15 years old at the time of the evaluation. Exemptions legitimizing the marriage must also accompany the couple's marriage certificate. In this way, the gap in the Malian *Persons and Family Code* is an ideal driver of child marriage.

The main challenge in Mali is ambiguity in the laws relating to the age of marriage - by presenting contradictory legal ages for boys and girls, and exceptions such as lack of legal punishment of clergymen who fail to verify age and consent of partners before officiating their marriages.²¹¹ Summarily, these create loopholes allowing even younger girls of 15 years, to be married. The implementation of justice has been circumvented by perpetrators and families denying children free access to justice in Mali. Nonetheless, policy gaps occasioned by the different customary and religious positions interfere with its free and fair administration.²¹² Although Mali ratified the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) without reservation in 1985, the government has never incorporated its provisions into



domestic law. Mali has also ratified the Optional Protocol to CEDAW and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol), but the provisions of all these instruments continue to be widely violated. The laws of Mali are therefore not in line with international conventions on child marriage. Additionally, decision making with regard to child marriage is equally legally skewed or gender-biased. The law officially leaves out girls and their mothers in the process of securing consent and negotiating the marriage. In Articles 284, 285 and 286 of the Code, the parents/guardians or the head of the district administration of the girl bride or boy groom must provide the necessary consent. The Articles further diminish the mother's/female guardian's opinion by directing that in a situation where the mother and the father or the male and female guardians disagree, the opinion of the father or male guardian prevails. Accordingly, the mother's opinion only counts if the father is deceased or incapacitated in a way.

In Article 282, the consequences of not complying with the Malian minimum age for marriage legislation are outlined. Anyone, registrar or religious leader, who officiates or instead presides over a marriage of a person under the minimum ages of marriage is punishable by law. It further states that such a person is liable to a jail term of 6-12 months in prison and or a fine of 120,000 francs. However, there lacks political will in the implementation of this law due to the strong conservative nature of the society. A further example: while the Mali Constitution outlines how children should be protected, some law enforcers are poisoned by the conservative nature of the society and in shocking instances, the police hardly help sexual harassment victims and end up even arresting them for dressing "too short".

According to key informants from Niger, the main challenge in the legal framework against child marriages is the non-alignment of national laws to international conventions that Niger has already ratified. Whereas international legal instruments define a child as one who is below 18 years and provide for their protection against all harmful practices, the *Civil Code* still falls short by allowing marriage of girls at 15 years and customary laws allow consent from parents for marriage of girls below 15 years. Though laws have been made to raise the age for marriage to 18 years for girls, these have not been enforced. Niger has made a great effort in ratifying a good number of international agreements addressing the rights of women and children. However, the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) is subject to significant reservations and matters concerning the implementation of, and compliance with, national laws remains an issue.²¹³ There is no legislation specifying the sanctions on perpetrators of underage child marriages. In this regard, if a complaint is lodged by a girl married before attaining the legal age, then judicial officers are unable to impose a punishment and further, the prosecuting authorities are unable to effectively sustain a charge against a perpetrator since the legislation does not prescribe a punishment for the same.



In the case of Mozambique which has put in place an elaborate framework for addressing child marriage lack of resources towards implementation of the strategic plan has hindered progress. This is compounded by language barriers because often advocacy initiatives are carried out in Portuguese, while most communities are illiterate and understand better the local languages. This means critical information is often lost during translation. Having come through a protracted period of civil strife, most communities view concepts by non-governmental agencies as 'foreign' as they don't own the problem as a human rights abuse that needs attention.

Further, the study established that despite the Constitution being supreme, there are several occasions when customary practices have bypassed the set laws on minimum age of marriage and thus glorified child marriage. To ensure that such marriage arrangements go unnoticed, the families do not register them but protect themselves by using *Urfi* (a practice that marries off girls but delays the marriage registration with the civil registry until the girl turns 18 years).²¹⁴ The National Strategy for Prevention of Early Marriage has been developed but a combination of political restrictions on civil society and insecurity has slowed down the implementation of the national strategy.

CASE STUDY 20

An Egyptian Imam Comes Face to Face with the Law



Source: UN Women field data (2018)

Towards the end of 2017, an Imam faced the law for secretly officiating child marriages in the governorate of El Mehalla Al Kobra. In early October, a mother of a minor raised an alarm and accused him of marrying off her daughter and more than two dozen other adolescent girls. Sheikh Faraj Mostafa Faraj Saqr was apprehended by the authorities and arraigned in court. This swift action on the Al Gharibya governorate-based imam was a rare occurrence in Egypt owing to the longstanding interactions between the legal, customary and religious practices.

It marked the beginning of change in societal attitudes towards the long tolerated inhuman custom. Additionally, it has brought hope on the effectiveness and the enforceability of the minimum marriage age law. At the same time, Maya Morsi, the head of the National Council of Women filed an exhortation seeking to adjust upwards the minimum marriage law to 21 from 18 years. While this may sound impractical, it shows how determined women are becoming in Egypt. Additionally, Morsi requested legislators to remain firm against any unscrupulous attempts to lower the age from the present 18 years and urged them to criminalize child marriage. In response Ahmed Sameh, a parliamentarian, proposed that the minimum marriage law be lowered to 16 years. The case also »



» revealed how imams forge marriage documents and earn hefty fees while they are shattering the dreams and lives of young girls in Egypt. If primary stakeholders like this brave mother, keep their eyes on instances of child marriage and report them, Egypt should do well in the war against child marriage.

When the *Marriage, Divorce and Family Relations Act* in Malawi was passed in 2015 thereby raising the legal marriage age for both boys and girls from 15 to 18 years, over 600,000 marriages were annulled²¹⁵ one third of which were in Mulanje district where primary data for this study was collected. Local chiefs have also been instrumental in ending some of these marriages, for instance, Senior Chieftainess Kachindamoto has successfully annulled over 2,500 child marriages in her area of jurisdiction. As established from key informants, some girls have been absorbed back into school through the return to school policy targeting former children in marriage. However, some girls are still at home owing to limited ability to afford school fees especially at secondary school level. The return to school policy is also affected by a hostile learning environment where either the teachers or fellow students are unfriendly and insensitive and use derogatory phrases to refer to the teenage mothers and husbands e.g. telling them, 'you mothers it's time to go breast feed your babies'. The teenage mothers often lack someone to take care and provide for their babies while they are in school and are, therefore, torn between going back to school and doing casual labour to meet their day to day needs. In the judicial process, however, no substantial cases against perpetrators of child marriages can be identified, be it against parents who give out their under-age daughters for marriage or men who take up these young girls as brides. As established from key informants, although offenders against these laws have been brought to court, not many of the cases have been concluded yet. But perhaps it is still possible to draw conclusions and make an evaluation of the gains to bring out these issues. Although legal and policy instruments have been put into place to address child marriages, it is still a great challenge to change perspectives and attitudes that have been shaped by retrogressive cultural practices that have been the way of life for many generations. These deeply entrenched social norms need strong collaborative interventions from legislators, policy makers and traditional authorities, if they are to be successfully eliminated.

The Nigerian Constitution does not clearly provide for a minimum age of marriage. However, Nigeria has ratified international instruments such as the Convention on the Rights of the Child (CRC) in 1991, and enacted a national law, the *Child Rights Act (CRA)* in 2003 as a way of domesticating the CRC. The CRA sets the age of marriage at 18 years but States in Nigeria have exclusive responsibility for adopting and adapting the CRA as they have the Jurisdictions to make laws relevant to their specific situations. So far, 25 out of 36 States (mostly in Southern Nigeria) have enacted laws consistent with the *Child Rights Act* within their



respective jurisdictions, even though there are huge gaps in implementation.²¹⁶ In addition, Article 361 of the *Criminal Code* states that any person who, “with intent to marry or carnally know a female of any age, or to cause her to be married, or carnally known by any other person, takes her away, or detains her, against her will, is guilty of a felony, and is liable to imprisonment for seven years.”

The *Law of the Child Act 2009* in Tanzania sets childhood age at 18 years while the *Law of Marriage Act 1971* sanctions marriage of 14-year olds by court order and 15-year olds by parental consent. This complicates enforcement of both laws especially with regards to child marriage. For instance, a police officer at Shinyanga told the study team that they normally rely on the *Education Act of 1978* because it is ‘straight-forward’ in making it an offence to marry a school child, unlike the *Law of the Child Act 2009* which fails to give clear direction on this matter. The conflict of laws between the education of children and the marriage laws remained unresolved at the time of this study despite a High Court decision of 2016 ordering repeal of the marriage law’s section allowing marriage of teenage girls. Government lodged an appeal to the Court of Appeal of Tanzania and the case is still pending.

Further, the Tanzania National Plan of Action (2017-2022) provides a framework for general reform of issues pertaining to rights of the child. For instance, it seeks to review the *Education Act 1978* to prohibit child marriage while at school and the *Law of Marriage Act 1971* to rise the age of marriage of girls from 14 to 18 years. Moreover, as said earlier, the NPA specifies targets of reducing child marriage from the current national prevalence rate of 47% to only 10% by 2022. It also seeks to reduce the national prevalence rate of teenage pregnancies from 27% to only 5% in the same period. However, the NPA 2017-2022 does not stipulate clearly national coordinated approaches in addressing to child marriage. It does not cure the current dilemma caused by the absence of a comprehensive, systematic or holistic approach to addressing child marriage in Tanzania.

The 2016 *National Survey on the Drivers and Consequences of Child Marriage in Tanzania* report reveals that all governments and law enforcers who were sampled were aware of the presence and contents of the *Law of the Child Act 2009* as well as of the contradictions it faces up against in the *Law of Marriage Act 1971*. Such contradictions especially regarding the minimum ages render enforcement of the child law difficult as the Shinyanga police officer told the study team in February 2018. On the one hand, the *Law of Marriage Act 1971* contradicts the *Education Act 1978*. Due to the varied legal standards and directives on the age of childhood, compliance with the *Law of the Child Act 2009* as the principal law, forming the national legal framework on child rights in Tanzania, becomes tricky and complicated. There is scant information on the effectiveness of the enforcement of the *Education Act of 1978* (which is at least more direct on child marriage). The survey on drivers of child marriage (cited above) found that a sizable proportion (40%) of members of the public sampled were of the view that



girls under age of 18 years were 'ready' for marriage. The girls themselves had the same perception according to the study. The existence of the *Education Act* prohibiting child marriage acts as a deterrent to child marriage and is shifting the trends as parents and girls prioritize valuing education as opposed to marriage.

It is worth noting that Morocco has put in place punitive fines on child marriage in their *Family Code* but that this does not necessarily act as a deterrent. The law states that without prejudice to the more serious penal provisions, whoever compels others to marry using violence or threats, is punished by imprisonment from six months to one year and a fine of 10,000 to 30,000 Moroccan dirhams or one of these two penalties only. This sentence is doubled when the victim is a minor.

e. Lack of access to education

School enrolment, retention, completion and transition rates remain extremely low especially for girl children in all the child marriage hotspot communities. It affects a majority of rural girls. Unfortunately, lack of access to education goes hand in hand with poverty and, in that regard, any opportunities that alleviate the "burden" for household such as an offer of bride price associated with child marriage, are easily accepted by those communities.

Illiteracy is also a barrier where communities cannot see connections between education and how it can be a long-term solution to improving household economies. For instance, the study found that the Mali government provides free and compulsory schooling for children between the ages of seven and 16 years. However, the cost of uniforms, books, supplies and other fees makes it impossible for some families to afford an education for their children. Moreover, the study also established that lack of adequate schools in rural areas has forces girls to travel long distances to school and this in turn exposes them to insecurity, difficulties and ultimately poor school attendance. This explains the high likelihood of girls missing out on education, staying at home and in many cases, being married off. In Egypt, accessibility to schools and other learning institutions is a challenge to many girls. The study affirms the position by global think tanks and agencies including UNICEF in their *State of The World's Children* report that without adequate education, girls' agency, as well as elimination of child marriage, is limited. In fact, an informant stated that some Egyptian villages have no schools prompting their girls to walk long unsafe journeys to nearby villages to access education. In Mali, poverty is a great contributor to poor education for children with six of ten children, a majority of whom are girls, being deprived of education²¹⁷. Additionally, the government curriculum does not provide SRH education which could enhance the capacity of girls to counter the socialization related to child marriage. Further the study found that there are significant contradictions between the constitutional provisions for access to education and the political rhetoric and declarations on education, especially for married or



pregnant girls, such as the *Education Act and the Children's Act* in Tanzania which were publicly contradicted by the president (see case study below).

f. Lack of adequate access of basic services and facilities for girls

This section includes an analysis on the socio-economic state of the country where poverty presents one of the main challenges to addressing child marriage, is the poverty being 'mitigated' through marriage brokers offering a way out for the family with solutions such as temporary marriages/tourist husbands. Families believe that initiatives by non-state agencies are foreign and so they face slow uptake or complete resistance. Further socialization of girls, who are informed at an early age that their value to families is in playing domestic roles, makes it difficult to change their mind-sets to embrace education as an alternative avenue to improve their economic situation. Emphasis on boy child education at the expense of girls does not help interventions. Agencies need to work together with government for the interventions to have effect; working in silos only negates achieved results. Corruption also hampers interventions with agencies and government alleged to have diverted funds meant for child marriage interventions. Among the Amhara and Tigray in Ethiopia, families often feel the urge to emulate their neighbours, relatives and friends by hosting lavish wedding ceremonies. Girls from these families find it hard to escape marriages in such circumstances.

In several instances, community activists and some family members may report cases of child marriage but follow-through of such cases is still inadequate, or their conclusions may be hampered by a change in family's position, as a UNICEF study found: 'Whenever the girl knows that her parents are going to be punished by the law, she withdraws the case on condition that has accepted the marriage proposition on her own willingness.'²¹⁸

g. Conflicts

While there is regional recognition²¹⁹ of the link between conflict and child marriage, there are barriers and challenges that continue to exist related to lack of protection of girls in conflict. The protracted conflicts in DRC make it difficult for interventions to reach those living in affected areas with no rule of law. The use of abductions and rape as a weapon of war, where girls are enslaved exacerbates the situation. Resources allocated for enforcement of the law are, however, minimal resulting in corruption with increased instances of unreported violations. The low literacy levels in DRC - 64% of women and 88% of men age 15-49 years are literate²²⁰ - negate the effect of the laws because the communities are unable to understand their contents and meaning. In both Mali and Nigeria, ongoing instability and conflict have continued to impact on the prevalence of child marriage and limited access to services to girls.



6.2 Community and Socio-Cultural Barriers

Some retrogressive cultural practices take high precedence in the community and this makes it difficult for implementation of the ratified international legal instruments. In the ten countries of study, culture is both an impediment to ending child marriage and, at the same time, a driver of child marriage. In Niger for example, political will is not strong enough as leaders are mostly dependent on community perceptions and attitudes that in cases advance child marriages at the expense of education with low enrolment, retention, completion and transition rates for girls. For Tanzania, the major socio-cultural barrier to child marriage elimination efforts is the engendered perception of the girl child's age/maturity and value in the community. The girl's age in traditional perspective is contextual and has nothing to do with the girl's consent or ability to assume matrimonial responsibilities. In some communities, a girl's age is not the only determinant of maturity. It is assumed that with the onset of menses/puberty she is ready to take up the role of a wife and mother, including being responsible for household chores which undermine her rights to enjoy her childhood. It is an issue of concern that at least 40% of members of the public perceive girls under age of 18 years to be ready for marriage. Religious scholars in Nigeria are not in agreement on what is the proper interpretation of age of marriage under Islamic law highlighting the link of child marriage to religion. However, the study also found significant potential for Islamic religious educationists to apply their religious tenets to create awareness about the need to protecting young girls as part of the 'do no harm' principle. Also, drawing from the example of the Lutheran Church Priest of Shinyanga in Tanzania, the opportunity for expanding interventions was identified. This approach mainly builds on the immense community loyalty to cultural norms which are progressively over time, being infused with Christian teachings. In this way, it, this creates an opportunity for using religious practices as an entry point for interventions and awareness creation.

Community leaders who are influencers and promoters of the practice also do not see the value of ending the practice because it is one of the main ways they gain prestige and honour from their communities. The silence of religious entities confirms the view that the practice is acceptable. The emphasis on bride price gives legitimacy to unions and serves as a barrier where legal documents from government lack meaning in communities. Due to the deeply entrenched cultural and religious background/practices among the Mali populations, the study established that it is difficult to implement the national legislation as per the expected standards. The law is ignored by traditional practices that bar/hinder girls from choosing their partners as parents make the decision for traditional marriages, consent is given by the parents for those under 18 years. Most customary marriages are unregistered especially those involving children as they lack birth registration documents. Most communities are also not aware of existing legislation prohibiting child



marriage and hence are disrespectful to children's rights with most families seeing child marriage as something legitimate and normal in Mali.

Through the intervention of civil society organizations in Mali, awareness amongst different groups of populations has been created, although there is still reluctance in stopping the cultural and religious practices which people hold dear. A good example is the issue of family honour which has always been practised in Mali and families still want to protect the family from the shame and disgrace which may be brought by a pregnant daughter, so for them there is no other alternative than to make the girls marry early. It is also, unfortunately, that most NGOs lack adequate resources to carry out the so much required sensitization of populations.

6.3 Behavioural and Individual Barriers

Apart from socio-cultural norms, the study reports that child marriage practices are perpetuated by individual community members and even by the children themselves. In Tanzania for example, the *2016 National Survey on the Drivers and Consequences of Child Marriage in Tanzania* report established that some of the girls themselves perceived that they can be ready for marriage before 18 years. This finding should, however, be treated with caution especially if it is agreed that a girl under 18 years cannot make an informed choice to consent to marriage. Therefore, when they get into marriage, they cannot make decisions on the matters pertaining to reproductive rights among other critical decisions and actions. For instance, according to the cited national survey, 56% of the girls below 18 years were unaware of family planning methods; and 66% of the married girls did not plan for their first child.

Individual barriers are further emphasised by the critical role played by parents in providing consent on behalf of the girls. The study demonstrated that an emphasis on structural interventions would not lead to ending child marriage in Africa. Interventions at the individual level are also critical in emphasising girls' rights and their agency and choice to live dignified lives. Key informants indicated that there exists strong peer influence among teenage girls themselves that makes marriage attractive: the feeling of not wanting to be left out and fitting within the group; when most of the girl's peer are married, they also wish to get married. In some countries, despite concerted interventions by stakeholders on retaining the girl child in school, where they are provided with a bursary and learning equipment, some girls still drop out to get married. In Malawi for example, an early sexual debut is common amongst adolescents where more than one in four adolescent boys (26%) are already engaging in sex before the age of 15 years, twice as many as adolescent girls (12%).²²¹ In addition, the study found out that the countries face a challenge in low use of contraception among sexually active 15-to-19-year-olds, especially among



married girls in Malawi. Fewer than one in three (<30%) unmarried girls and two in five (<40%) boys are using a modern method of contraception in Malawi. The other challenge that young people often face is barriers in accessing contraceptives and health services. This predisposes the girls to teenage pregnancies which ultimately ends up in child marriages as the girl's family honour has to be protected.²²²

A considerable percentage of women in the Middle, East and Northern Africa (MENA) region, specifically Egypt and Morocco, consider wife beating as part of marriage. Precisely, a respondent from UNFPA posited that approximately 43% of women aged 15 to 49 years in the MENA region consider wife-beating acceptable in at least one scenario. While wife beating is one of the consequences of child marriage, such acceptance can weaken the fight against the practice as many victims will not come out and speak of their plight. Additionally, intimate partner violence is accepted by many women in Egypt. A respondent pointed out that this form of violence is not considered by the country's penal code as a crime and hence it is hard to report. Her sentiments are supported by a recent USAID report that showed that approximately 20% of ever-married Egyptian women aged 15-49 years have experienced this form of violence.

Lack of and or inadequate knowledge on rights and reporting mechanisms was reported in all the countries of study both in rural, peri-urban and urban areas. In the countries of study, many girls due to their tender age and perhaps low levels of education are not aware of their rights under the law, often provided for by their country's Constitution and do not know where to look for assistance whenever faced by any instance of violation. At best, they seek support from their own families or traditional authorities who often fail to help.²²³ This is affirmed by the results of the online survey below which shows that over 66% are not aware of existing laws protecting girls from child marriage. Only one third of the respondents constituting 33% were aware of these laws in the ten countries of study.

FIGURE 17:
Awareness of
Existing Laws
Protecting Girl
Child From Child
Marriage

Source: UN Women
field data (2018)

Percentage of respondents aware of any existing laws protecting girl child from child marriage





6.4 Child Marriage and Cultural Nexus

While positive cultural practices offering alternative rites of passage have been seen to help mitigate the practice of child marriage and to assist in ending child marriage, retrogressive cultural practices are still given high precedence, and this makes it difficult to implement legal and policy frameworks including ratified international legal instruments. In all the ten countries of study, retrogressive cultural practices are not only an impediment to ending child marriage but also, in reality, a driver of child marriage. Many countries in Africa have conflicting customary, statutory and religious provisions surrounding child marriage and marriage in general.

Although the study did not delve deep into the role of traditional leaders in ending child marriage, available data from some study countries like Malawi, where Senior Chieftainess Kachindamoto has used innovative advocacy and sensitization methodologies in reaching out to communities point to the role of traditional leaders as positive agents of change which can be harnessed to meet the aspirations of SDG 5.3 on ending child marriage and other harmful practices against women and girls. Chiefs such as Senior Chieftainess Kachindamoto have been instrumental in establishing 'by-laws' and setting up parliaments at community levels that aim at deterrence of child marriage and promoting girls' education with the aim of keeping the girl in school longer. Keeping a girl in school delays marriage and gives her more opportunities for self-advancement through education and skills training. Through her intervention in Malawi, the Chief successfully rescued over 2,500 girls from child marriages. Most of these girls are back with their families; some are back at school courtesy of the return to school policy for teenage mothers, while yet others are stuck at home with no vocational training skills due to inability to afford school fees. These are perfect examples of how traditional leaders and cultural institutions can be harnessed as effective and powerful agents to champion an end to child marriage, FGM and other harmful practices. Ending child marriage requires the collaboration and leadership of traditional leaders and cultural institutions (widely regarded as gate keepers) who can harness the positive aspects and practices in culture and customs towards enhancing and enforcing the appropriate laws and policies. Working with traditional leaders and cultural institutions ensures a multifaceted approach by providing an enabling environment for change, accompanied by other reform strategies that encourage positive change in communities through proposed alternative rites of passage. This will enhance and leverage the existing legislative and policy frameworks aimed at ending child marriage. Evidence has confirmed that working with traditional leaders and cultural institutions to challenge gender inequality has a positive impact on the health and well-being of women and girls. It is therefore critical not only to develop an engagement strategy with traditional leaders and cultural institutions but also to engage



them in ending child marriage through engagement in gender equality interventions, policy development and programming.

CASE STUDY 21

Beyond Devotion - Malawi's Paramount Chief Rescues Girls Back to School



Source: UN Women
field data (2018)

Senior Chieftainess Kachindamoto had to leave her plum job in Blantyre to take up a new role, one that she least expected and had little idea how it was ran. Her family and clan had finally persuaded her to be the Paramount Chief of Dedze district after the passing on of her predecessor.

A few days into her new role she came across a group of children playing in a field. Among them was a young girl of about 12 years carrying a small baby who seemed to be having trouble carrying the baby around. She therefore asked the young girl to take the baby back home to her mother. To her astonishment, the young girl told her she was the mother of the baby. Upon further enquiry, the girl told the chief that the father of the baby was one among the group of boys playing in the field, and he was below 18 years of age. It was that this moment that Senior Chieftainess Kachindamoto vowed to take action to rid her community of child marriage.

To date, she has successfully rescued over 2,500 girls from child marriages. Most of these girls are back with their families. Some are back to school courtesy of the return to school policy for teenage mothers while others are stuck at home with no vocational training skills due to inability to afford school fees. Chief Kachindamoto has faced a number of challenges in her fight against child marriage. Some chiefs defied her and so did some community members, with some even threatening her with death. Of the chiefs who defied her, she fired four of them and only reinstated them after they showed evidence of conforming by ending child marriages within their areas of jurisdiction.

One factor that has helped Senior Chieftainess Kachindamoto in the fight against child marriages is her approach of bringing different stakeholders together and getting them to see and understand the problem. From church leaders, District Commissioners, members of the District Development Committee and other key actors and community members, with support of the UN Women, she sat all these actors together and convinced them to buy into the idea of saying no to child marriages. Today, her approach has been a great learning not only for other Paramount Chiefs within Malawi but leaders from across Africa have visited her to learn from her.



The study affirms that traditional beliefs related to gender roles and sexuality and those encouraging subordination of women and girls undergird many customary practices including payment of dowry or bride price, and ultimately drives child marriage. In a context of limited economic resources and opportunities, as evidenced in all the countries of study, girls are often seen as economic assets whose marriages provides cattle, other animals, money, and gifts.

All the ten countries with a high child marriage prevalence have policies and laws prohibiting child marriage and establishing minimum marriage ages. However, the practice has persisted because of established traditions and religious practices that hinder effective enforcement of the laws²²⁴. In many communities with high prevalence in the ten countries, parents and the girls are under pressure to conform to traditional and religious norms that prohibit premarital sex, loss of virginity before marriage, and girls' autonomous decision-making and choice over marriage partners. Across the countries, there are socio-cultural practices, which either condone or promote various forms of gender-based violence or harmful practices, and which perpetuate gender inequality and promote child marriage while shielding men from legal penalties and prosecution. For example, *Telefa* is a traditional Ethiopian practice by which a man kidnaps, hides and rapes a girl and then, as the father of her unborn child, can claim marriage.

A study by the African Union found (AUC, 2017), found that there is a persistent clash between the human rights and legal frameworks that seek to protect the rights of the child against all forms of gender-based violence (enshrined in national laws) versus the socio-cultural frames which conceives such traditional practices as the cultural heritage, the legal norm of the community and a family prerogative.²²⁵ In many communities, the legal conception of adulthood and personhood for individuals is contested in the context of local traditions that conceive the community as a collective.

The study established that marriages in DRC are arranged except in urban centres where modernity is slowly rendering the practice irrelevant. Culturally the leader of the family accepts a marriage proposal and informs the extended family members. A meeting is then arranged for both families to meet where the girl is presented and expected to give 'consent' to the proposal. There is no room for the girl to reject a marriage proposal accepted by the immediate and extended family members. Upon acceptance of the proposal, the family of the boy presents bride price, often given in cash or livestock together with clothing and footwear, to the girl's family. The bride price is usually high, but the groom is given a time limit within which to complete payment. Traditionally, a goat would be given if the girl is a virgin in the Luba tribe of DRC. Once satisfied with the items presented, the girl goes to live with the husband. The father of the groom is obligated to support his son in amassing the bride price in order to acquire a wife. Such an obligation makes families sell their agricultural produce in order to afford the required expensive livestock (like a cow) for bride price. Afterwards a



ceremony to demonstrate virginity is performed usually where the new couple is allowed to have sex and the presence of blood signifies virginity. Its absence can be grounds for annulment where the bride price can be returned. Polygyny is also practiced, and adultery is considered illegal for women.

Cultural and geographical differences across Ethiopia determine the forms in which living arrangements in child marriage take shape. Child marriage is a deeply rooted cultural practice in Ethiopia with customs such as marriage by abduction and forced unions between close relatives (*abusuma*), mainly cousins propagating the practice. In this regard, girls are viewed only as wives and mothers. In addition, female genital mutilation (FGM) is deeply entrenched with 80% of Ethiopian women having gone through the cut, and with more than 50% of FGM being carried out on girls before their first birthday. Notably, there are three types of child marriages in Ethiopia, being arranged marriages, marriage via abduction, and marriage by choice.

The study found that child marriage in Nigeria is rooted in the cultural practices of the communities in the country where parents control the selection of marriage partners²²⁶. In context of the Boko Haram driven kidnapping and attacks, the practice of child marriage has acquired further justification as a strategy for protecting the girl child from kidnapping, sexual assault and unwanted out-of-wedlock pregnancies.²²⁷ In addition, Nigerian customs hold bride price, paid by a groom, in high esteems, as they believe the girl is the property of her family, specifically her father. The price is usually very high. For the Igbo tribe, the dowry list provides a challenge that forces the man to prove his love and dedication.²²⁸ The girls are married off to older men, not only to get the bride price that is paid on her behalf, but also to lessen the economic burden for the bride's family.²²⁹

From the field data collected during the study, all the countries of study show that elders, especially male elders, play domineering roles where they select spouses for their children, with great emphasis on marrying a virgin. Parents prioritize marrying off their daughters at a very tender age to ensure they marry as virgins and retain the family honour.

Arab culture dominates Egypt and the society highly values the girls' sexuality; thus families work to preserve their girls' virginity which should not be lost under any circumstances until marriage, to ensure family honour. Families enforcing this strictness earn their honour through their assurance of their girl's virginity at the time of marriage²³⁰. Egyptian families with virgin girls are regarded with great honour and respect. This reputation is of much value to the parents who seek to legitimize their daughter's sexual relationships as early as possible to avoid possibility of premarital sex and pregnancy. In fact, pregnancies conceived outside marriage are perceived as a matter of shame and a sign of failure on the part of the parents of the girl.



Malawi has deeply entrenched cultural practices that encourage early marriage.²³¹ Malawi's traditions and patriarchal culture encourage early sexual initiation and marriage and women's subordination in society, while at the same time they stigmatise adolescent pregnancy. Cultural practices in Malawi facilitate the entry into marriage of young girls upon graduating through the puberty rite of passage, a rite which 'encourages' them to engage in their first sexual intercourse with an older male, for the main reason of 'dusting off' or 'clearing the dust' thus making them ready for marriage as young as 10-12 years of age.²³²

In Mozambique culture is passed from generation to generation and prescribes the rites of passage for girls and boys. Learning takes the form of songs and dance depending on the traditional ceremony. Forty different languages and dialects of the Bantus exist in Mozambique with a majority from the groups of Shona/Ndau, Nyungwe, Yao, Thonga and Majua. Traditions are used to formalize child marriages with modern religion being used as a ceremonial event to solidify the marriage through the formal legal process. Culture is at the centre of the practice of child marriages in Mozambique with high prevalence in the Northern and Central regions.

CASE STUDY 22

Marking Girls for Marriage in Mozambique



Source: UN Women field data (2018)

Elisabeth Kisakye in her word press titled 'what stands in the way of Mozambique's strive for gender equality in education?' notes that in the District of Macossa; it is common that girls are reserved for a future marriage in a practice locally known as "mabatiro" or "massunguiro" that is causing high dropout rates at 91%. Child marriages are de facto unions formalized usually through customary procedures such as the payment of bride price (lobolo) to the girl's family. Boy child education is valued at the expense of girl child education. Education of girls is viewed as an economic burden to the girl's family. Girls are assigned more familial roles such as fetching water, selling food at the market, washing clothes, caring for siblings, working in farms and other domestic responsibilities and therefore spend a maximum of seven hours in school compared to boys of the same age who spend much of their time pursuing education. Opinion or cultural leaders, referred to as the *madrinhas* and *matronas* are responsible for the initiation rites for young adolescent girls. Besides inculcating a general sense of female submissiveness to men, these important life-cycle events constitute a rite of passage to adulthood, endorsing as a social norm the idea that, once initiated in their early teens, girls are ready for marriage and procreation.



Child marriage in Tanzania is deeply rooted in the culture and traditional practises, as well as being permitted by the legal provision on the minimum age of marriage. Girls from ethnic groups where initiation rites, female genital mutilation and traditional dances are widespread, are more at risk of child marriage. The study established that by initiating girls into “womanhood”, the rituals are used to prepare girls for marriage as once they are performed, marriage often quickly follows.²³³ In tribes like the Sukuma, when girls reach the age of 12 years, they are taken to a traditional healer for medicine that will enhance their chances of attracting male partners.²³⁴ It is rituals like this that drives girls into early marriages.

Based on the Malian family codes, it is hard for girls to escape child marriage. Additionally, women also find it almost impossible to divorce after marriage due to a long divorce process, which includes, usually, losing all the financial support. Malian *Family Code*, backed by traditional and religious practice, have promoted child marriage practices for decades. To this effect, almost all cases that involve the application of Article 20 have been approved by the judges, and this has significantly promoted child marriage in Mali. As is the case in many patriarchal countries, child marriages do not undergo the formal registration process, but are rather secured by *al mountaa*. *Al mounta* is a cultural practice that delays official registration with the civil registry until the girl attains the age of 18 years.

6.5 Country Framing and Perceptions of Child Marriage

In the countries covered by the study, there are several ways that child marriage is conceived, perceived and explained. In the countries, especially in the high prevalence regions (hotspots), the perceptions and frames of reference are rooted in local traditions, conditions and religious practices, many of which, although differently located, showed a significant level of similarity. In all the countries under study, child marriage is viewed as a source of wealth and the only means of safe guarding family honour.

The dominant community perception of child marriage in the DRC is that it provides security and safety for the girl from violence. Child marriage is viewed as a way of keeping girls safe from attacks once they are married off to one of the soldiers or war lords. An alternative perception which frames interventions is one of child slavery and trafficking - a discourse prominent in international media and development circles and often linked to illegal mining and use of child soldiers and brides. The government on its side views child marriage as a legal transgression driven by illiteracy and ignorance; hence it prioritizes interventions aimed at increasing public awareness of laws and government decisions, and promotion of education for all especially girls.



Egypt subscribes to the patriarchal culture and practices in which girls' sexual purity is highly valued and thus families work to preserve their girls' virginity under any circumstances until marriage to ensure family honour. Families that prefer this strictness earn their honour through their assurance of their girl's virginity at the time of marriage.²³⁵ Egyptian families with virgin girls are regarded with great honour and respect. The reputation is of much value to the parents who seek to legitimize their daughter's sexual relationships as early as possible to avoid possibility of premarital sex and pregnancy. In fact, pregnancies conceived outside marriage are perceived as a matter of shame and a sign of failure on the parents of the girl.

Among the Ethiopian communities where child marriage is prevalent, it is rooted in the logic of strengthening family ties and status in the community. Cultural practices in Ethiopia include customs such as marriage by abduction, and forced unions between close relatives (*abusuma*), mainly cousins propagating the practice. In this regard, girls are viewed only as wives and mothers. Religious values on one hand lay great emphasis on a girl's purity and virginity and therefore a girl and her family are stigmatized if they are seen as 'impure' or 'too old'.²³⁶ It also has a socio-economic frame where marrying off girls is a strategy for consolidating wealth and ensuring religious fidelity in matters of sexuality.

The study reports that many communities in Malawi perceive child marriage as being in the best interests of girls and their families; some families see it as an economic opportunity to improve their livelihoods by raising their economic status through access to dowry provided by the groom to the bride's family, or through continued support by their daughter's husband. Due to the high level of poverty in Malawi, for some girls, marriage may suggest an option, however often unfulfilled, to escape this poverty. Early marriage is therefore regarded as a means of protecting girls who get pregnant from undermining family honour.²³⁷ The main challenge that has really hindered the fight against child marriage in Malawi is these entrenched attitudes that accept and condone these practices.

The study further reports that in Mali, child marriage is driven by the belief that girls are the sole custodians of their family's honour; boys and men who seduce, flirt and impregnate them are nowhere mentioned in this discussion. The focus always remains solely on the girls, and when the "worst" happens, they carry the burden alone. Boys and men always walk away scot-free even though they are the chief perpetrators and the primary cause of the problems that girls face in society. Communities promote male chauvinism and dominance over females. Regarding child marriage, family honour is an entrenched cultural practice that has a direct link to, particularly, the rising numbers of children in marriage.

In Morocco, child marriage is viewed as a strategy for ensuring their daughters' safety and development of their sexual lives by guaranteeing their virginity



before marriage. Moroccans value the aspect of preserving virginity until marriage. Accordingly, a girl losing her virginity before marriage is a big mistake and may attract unbearable consequences including but not limited to excommunication and expulsion from the community. A girl who is no longer a virgin in Morocco is unlikely to attract any suitor and get married. In such a rigid culture that only values the virginity of girls and could not care less about that of boys, girls are left with few options to explore and most of those are decided upon by either parents or guardians.

In Mozambique, child marriage is framed as an economic and normative intervention by parents. It is associated with lower wealth, lower education levels, and higher labour-force participation. Norms about the appropriate or desired age of marriage are sustained by community institutions and opinion leaders who officiate the rites of passage. The rites view marriage as the inevitable milestone in maturity marked by the onset of breasts and menstruation which signify that the girl is ready for marriage. This view makes parents responsible for selecting suitors and deciding when their daughters get married, for ensuring family pride and pre-empting potential for divorce which is shunned among the communities.

Parents In Mozambique, who are grappling with economic hardships, obtain bride price for their daughters by holding a traditional ceremony known as '*Lobolo*'. This is a traditional ceremony where the man/boy shows gratitude to the parents of the 'bride' for the growth and development of the bride usually given either in monetary or animal form. The value of the '*Lobolo*' depends on the economic state of the man. In some instances where there is a subsequent separation, the '*Lobolo*' can be returned but where they begin a family, the '*Lobolo*' is affirmed as a true indication of a permanent union. The practice means an economic boost for the bride's family livelihood and is mandatory in rural and/or traditional communities. Communities believe that, by '*Lobolo*', stability of the marriage is guaranteed. In Macossa district '*mabatiro*' or '*massuguiro*' is practised as a monetary value placed on the bride should she be found to be a virgin at the time of marriage. Families where '*massuguiro*' is paid are held in high regard as the monetary exchanged is never returned since virginity is not 'restored' after marriage. Some communities view the exchange of money as a reward for the investment by the family in the virginity of the bride.

In Niger, early marriage is considered an extension of responsible parenting aimed at ensuring morals and security of girls and family honour. Girls are often considered to be their parents' property, wherein it is usually the parents of the daughter who advocate for early marriage on the basis of it being in everyone's interest, including the girl-child's best interest.²³⁸ The Wobaade communities in Niger do not get a right to choose their partner nor a right to veto as they are



usually engaged to be married as babies. A woman has, however, an opportunity to make a second marriage with a man from another lineage group at the annual *Gerewol* group.²³⁹

Child marriage in Nigeria is rooted in the cultural traditions and religious practices of the communities in the country where parents control the selection of marriage partners.²⁴⁰ Elders play domineering roles where they select spouses for their children with great emphasis on marrying a virgin. Parents prioritize marrying off their daughters at a very tender age to ensure they marry as virgins and retain the family honour.²⁴¹ The practice of child marriage is also strongly followed as a way of protecting the girl child from sexual assault and unwanted out-of-wedlock pregnancies.²⁴² In addition, cultures in Nigeria practise the payment of 'bride price'. This is paid by a groom, as they believe the girl is the property of her family, specifically her father. The price is usually very high. For the Igbo tribe, the dowry list provides a challenge that forces the man to prove his love and dedication.²⁴³ The children are married off to older men, both in order to get the bride price that is paid on her behalf, and also because that is one less mouth to feed for her family.²⁴⁴

Fear of dishonour, damage to reputation and financial repercussions due to teenage pregnancy are factors perceived to lead to forced marriages in Tanzania. In most cases, girls are forced to marry the man who impregnated them. A study conducted by Human Rights Watch revealed that in many cultures in Tanzania, girls are generally considered ready for marriage when they reach puberty and marriage is viewed as a way to protect them from pre-marital sex and pregnancy that undermine family honour and may decrease the amount of dowry a family may receive.²⁴⁵

In terms of economic perceptions, there are girls who are forced into marriage to relieve the families of their economic burden in Tanzania. Families collect bride price as a source of income or as repayment for family debts. Girls act as forms of payment for debt and as a result, are given in marriage to the person to whom the debt is owned. Other children are married as second wives since polygyny is a common practice in DRC. So long as a man can afford the bride price, he may marry as many as he can afford. In the Eastern part of DRC, conflicts are rife and, especially since 1996 wars have seen armed combatants use women as weapons of war. This often takes the form of raids on villages where girls are abducted and forced to become wives and slaves of their captors.



Chapter 7.0

Forms and Types of Interventions Towards Ending Child Marriage

The study identified three levels of intervention - regional, national, and community - against child marriage at varying levels of implementation and success in different countries. These interventions are mostly focused on changing the policy, cultural and structural environment by ensuring government commitment and alignment of priorities to child rights, gender equality and protection of children from harmful traditional practices. At regional level through the guidance of the AU, countries have adopted policies and laws that prohibit the practice of child marriage. These laws have created an environment within which it is illegal and, in some countries, criminal to engage in child marriage and associated harmful traditional practices. Amongst the study countries, nine out of ten countries (90%) (nine countries) have signed the campaign to end child marriage and have further operationalized this through national action plans while only one country (10%) has neither signed up to the campaign nor

TABLE 16: Country Commitment Status on AU Campaign on Child Marriage

Country	Signed the African Union Campaign to End Child Marriage (Yes/ No)	Developed National Action Plans for the Ending Child Marriage
Egypt	YES	YES
Ethiopia	YES	YES
DRC	YES	YES
Niger	YES	YES
Nigeria	YES	YES
Malawi	YES	YES
Mali	YES	YES
Mozambique	YES	YES
Morocco	NO	NO ²³⁶
Tanzania	YES	YES

Source: AU campaign on ending child marriage



developed any related action plans. The most significant change that has occurred through these efforts is the near universal establishment of the minimum age of marriage at 18 years and a related emphasis on marriage consent as a constitutional right. Below is a summary of country commitment status.

The second tier of interventions was identified as national or country-specific strategies and responses to the forms and prevalence of child marriage. Many of the countries studied have established strategic interventions at the national level through policies and laws as well as programmes to support mechanisms towards elimination of child marriage. The study found that all the ten countries have formulated policies both specifically targeted and cutting across into other sectors such as education, nutrition, and security, to enhance enforcement of the marriage regulations. Some like Ethiopia have established national coordination structures to consolidate plans and activities.

TABLE 17: Country Commitment Status on AU Campaign on Child Marriage

Country	Marriage Policy - Yes/ No	Name and type of Policy	Age of marriage as per law/ policy	Is the Age of marriage at 18? Yes/ No	Is the Age of marriage above 18?
Egypt	Yes	Persons and Family Law no. 126 of 2008 ²³⁷	18 years for both females and males.	Yes	No
Ethiopia	Yes	Family Code, 2000	18 years for both females and males.	Yes	No
DRC	Yes	Family Code 1981	18 years for both females and males.	Yes	No
Niger	Yes	Civil Code	15 years for girls and 18 years for boys	Yes, for boys	No
Nigeria	Yes		18 years for males and females	Yes	No
Malawi	Yes	Constitutional Amendment Act No. 36	18 years for both females and males.	Yes	No
Mali		Persons and Family Code	16 years for girls and 18 years for boys	Yes, for boys	No
Mozambique		Family Law Statute	18 years for both females and males.	Yes	No

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TABLE 17: Country Commitment Status on AU Campaign on Child Marriage

Country	Marriage Policy - Yes/ No	Name and type of Policy	Age of marriage as per law/ policy	Is the Age of marriage at 18? Yes/ No	Is the Age of marriage above 18?
Morocco	Yes	Family Code (Moudawana)	18 years for both girls and boys- with a legal loophole that allows judges to approve marriage for girls under the age of 18 years	Yes	No
Tanzania	Yes	The Law of Marriage Act, 1971	The Act provides for age of consent for 15 years for girls and 18 years for boys.	Yes, for boys.	No

Source: AU campaign on ending child marriage

In Nigeria, the policies are crystallized in the National Gender Policy and the National Strategy for the Prevention and Management of Gender-based Violence and its action plan,²⁵¹ in which one of the strategic pillars addresses child marriage and includes an action plan for the reduction of early pregnancies. However, a study by Save the Children UK established that despite the existence of the policy, there is no targeted action plan specifically addressing the issue of child marriage in an effective manner. In Egypt, Pathfinder International collaborated with the Ford Foundation to roll out a strategy for ending child marriage in Egypt by supporting the National Population Council of Egypt to develop a National Strategy for Prevention of Early Marriage. The National Strategy aims to halve child marriage by 2018 in the seven governorates with the highest prevalence of child marriage. At the national level, the strategy has faced challenges that have hindered its effective implementation. The main challenge is associated with the administrative reorganization in which the Ministry of Population merged with Health. This in combination with political restrictions on civil society and insecurity has slowed down the implementation of the National Strategy.

From much of the literature review and the primary data analyzed during this study, it was established that in all the ten countries of study, most of the interventions to end child marriage have been initiated by both the state and other non-state actors at different measures. The interventions are structured in child marriage prevention programmes, mostly done by non-state actors while the state interventions are aligned to the structural programs/policy/legislative efforts put into education, health, and poverty reduction. The United Nations announced a new initiative in March 2016 to advance efforts to end child



marriage by 2030 and protect the rights of millions of the most vulnerable girls around the world. The initiative by the UN Children's Fund (UNICEF) and the UN Population Fund (UNFPA), announced on International Women's Day, is part of a global effort to prevent girls from marrying too young and to support those already married as girls in 12 countries across Africa, Asia and the Middle East where child marriage rates are high.

7.1 Regional Interventions That Have Been Implemented in Africa

At the regional level, partners have taken several initiatives to address the harmful impact of child marriage. A key continental initiative is the African Union (AU) Campaign to End Child Marriage in Africa that catalysed, among others, the adoption of an African Common Position on Ending Child Marriage in Africa. In May 2014, the African Union launched a continental Campaign to End Child Marriage at Member State level, as a critical intervention towards achieving the commitment in Agenda 2063. In 2015, the Africa Common Position on Ending Child Marriage was adopted by the AU Heads of States at Summit, and the first ever African Girls Conference on Ending Child Marriage was held in Lusaka, Zambia. In September 2015, leaders from Africa joined other governments from around the world and adopted the United Nations Sustainable Development Goals (SDGs). Among its targets is the ending of child marriage in the next 15 years. There was also the November 2016 declaration where over 20 governments made commitments to take steps towards developing national strategies or action plans that would address child marriage with 17 governments launching the African Union's Campaign to End Child Marriage.²⁵² In addition to these continental efforts, at the sub-regional level, the SADC adopted the Model Law on Ending Child Marriage and Protecting Children in Marriage, following an equally important Eastern and Southern Africa commitment on Sexuality Education and HIV and AIDS.

The AU Joint General Comments on the Prohibition of Child Marriage suggests a series of measures to be implemented towards eliminating child marriage. These measures include legal reform, policy development, compliance and promotion, and enforcement of criminal provisions and effective awareness raising mechanisms. Despite all these commitments, child marriage continues to be practised in Africa with its consequent harmful practices largely affecting the girl child. A growing child population combined with only a slow decline in the practice of child marriage in Africa will put millions more girls at risk. If current trends continue unabated, almost half of the world's children in marriage in 2050 will be African.² In each of the ten countries, the study examined national strategic plans on ending child marriage; policies on the age of marital consent and ending child marriage; and what they contained including levels of awareness and compliance with the law. It also reviewed any other



human rights commitments/policies/legislation relating to girls, violence against children, and women.

According to the UNFPA, child marriage forms a violation of a child's rights as provided within the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC) (UNAIDS, 2017). Further, the United Nations Agenda 2030 for Sustainable Development also highlights the importance of ending child marriage (Goal 5 and target 5.3). Regionally, African Union member states have agreed to end child marriage through several policy instruments as provided below;

- Agenda 2063 is a strategic framework for the socio-economic transformation of Africa over the next 50 years. It builds on and seeks to accelerate the implementation of past and existing continental initiatives for growth and sustainable development. Through aspiration one which focuses on a prosperous Africa based on inclusive growth and sustainable development, the Agenda proposes that all Africans should have a high standard of living and quality of life, sound health and wellbeing. The Agenda envisions the achievement of this through a conscious and targeted elimination of harmful social practices including female genital mutilation and child marriage. The agenda is aligned with the global development agenda (SDGs) and remains important for countries with high prevalence rates for child marriage to address and offer sustainable solutions to early and forced child marriages.
- The African Charter on the Rights and the Welfare of the Child (article 21), 1990.
- The Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (article 6), also known as the Maputo Protocol, 2003.
- The African Youth Charter (article 8), 2006.
- The Southern African Development Community (SADC) Protocol on Gender and Development (article 8), 2008.
- The Maputo Plan of Action, the continental framework on sexual and reproductive health and rights, 2007
- The Maputo Plan of Action (MPOA) 2016 – 2030
- The SADC Model Law on Eradicating Child Marriage and Protecting Children Already in Marriage, 2016.

The study reports that all regions - Eastern, Central, West, North and Southern regions - have adopted the African Union Campaign to End Child Marriage. The primary mandate of the Campaign is to protect and encourage the rights of



girls and women across the continent. Practically, the over-arching purpose of the Campaign that initially covered four years between 2014 and 2017 is to enhance the eradication of child and early marriage in Africa through continental awareness of the harmful socio-economic consequences of the practice; promoting social development and movement both at grassroots and national levels as well as augmenting the capacity of non-state stakeholders to undertake evidence-based policy advocacy. The latter initiatives entail the function of youth leadership through modern media technology including monitoring and evaluation. The Campaign begins by scaling up existing activities of governments and non-state actors in the quest to eradicate child marriage and relies on advocacy, monitoring and evaluation (M&E) while also facilitating capacity building and technical assistance.

Non-State Actors, funded programmes (mostly by INGOs and NGOs through CBOs), and Girls Not Brides joined ministers, civil society, youth groups and other actors from across West and Central Africa from 23 to 25 October 2017 in Dakar, Senegal, as part of the biggest ever combined push to end child marriage in the region. Hosted by the Government of Senegal, the High-Level Meeting on Ending Child Marriage brought together government leaders, civil society, religious leaders and youth from the region, as well as donors, the African Union and UN agencies, to agree on concrete steps for ending the practice. The three-day meeting closed with ambitious commitments from over 20 countries, which ranged from setting up national action plans and committing financial resources to involving youth and working in partnership with civil society.

TABLE 18: Regional Interventions

Region	Interventions /Initiatives
Eastern Africa	<p>Non-State Actors, funded programmes (mostly by INGOs and NGOs through CBOs); Tanzania Ending Child Marriage Network (TECMN) is a coalition of 35 CSO's working together to end child marriage in Tanzania. It was launched on the 11th October 2012 during the commemoration of the International Day of the Girl Child.</p> <p>The "East Africa Regional Conference on Child Marriage" took place on 12 and 13 June 2013 in Dar es Salaam, Tanzania, and was organized by Girls Not Brides Members Children's Dignity Forum and FORWARD UK. At the close of the conference, participants together drafted a "Call for Action to end Child Marriage in Africa" that was later submitted to the African Committee on the Rights and Welfare of the Child, the African Union body in charge of monitoring African countries' progress on protecting children's rights. The Call for Action encouraged the committee to develop a general comment to provide guidance to governments on how to accelerate efforts to end child marriage.</p>

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**TABLE 18:** Regional Interventions

Region	Interventions /Initiatives
Southern Africa	<p>Non-State Actors, funded Programmes (mostly by INGOs and NGOs through CBOs): -e.g. Malawi Child Marriages Programme which brings together various organizations working on ending child marriage. The programme is funded by Hivos People Unlimited East Africa and is an integral part of this programme, in partnership with six of the following organizations, many of them for several years now: Centre for Youth & Children's Affairs (CEYCA); Centre for Youth Development & Social Empowerment (CYDSE); Foundation for Children's Rights (FCR); Christian Aid & Youth Net & Counselling (YONECO); Kanengo AIDS Support Organization (KASO); and Meaningful Action on HIV/AIDS Support Network (MASUNA).</p> <p>The Southern African Development Community-Parliamentary Forum (SADC-PF) Model Law provides a consistent standard regarding how legislations and policies should handle child marriage as well as protection of children in marriage/grooms. Having been developed through a thorough consultative process, the Model Law will be an influential tool for various countries that are reviewing, harmonizing or developing their anti-child marriage laws and policies.</p> <p>Plan International, through their Lusaka-based East and Southern Africa office, is spear-heading an anti-child marriage campaign called 18+. The programme targets all forms of child, early and forced marriages in Malawi, Mozambique, Zambia and Zimbabwe.</p>
West and Central Africa	<p>Non-State Actors, funded Programmes (mostly by INGOs and NGOs through CBOs); UN Agency (UNFPA & UNICEF) funded Global Programme to Accelerate Action to End Child Marriage in Niger, the country with the highest prevalence on child marriage in the world; the African Union Campaign to End Child Marriage was launched in 2014. The UNFPA five-year programme Action for Adolescent Girls was launched in Niger in 2013 and works with partners, including the country's government, to tackle the causes and effects of child marriage. The programme works with married and unmarried girls to provide life skills and sexual reproductive health information. It also provides girls with a birth certificate and health check.</p> <p>The ECOWAS strategic framework on national child protection systems classifies child marriage as a priority and entails approaches/strategies which are also indicators for measuring, in line with the measure used in SDGs (target 5.3), progress in the fight against the practice.</p> <p>The Inter-African Committee on Traditional Practices affecting the Health of Women and Children (IAC) works in west African countries to prevent FGM and early marriages since in communities residing in the region, FGM prepares girls for marriage and thus eliminating the practice eventually delays marriage for girls.</p>

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**TABLE 18:** Regional Interventions

Region	Interventions /Initiatives
Northern Africa	<p>African Union Campaign on Ending Child Marriage; Non-State Actors, funded Programmes (mostly by INGOs and NGOs through CBOs). In 2014, the Egyptian government developed a national strategy to prevent child marriage and promote young people's sexual reproductive health and rights.</p> <p>UNFPA is developing a regional accountability framework on ending child marriage targeting Arab States. This intervention will ensure that all stakeholders, and particularly the government, are held to account on actions that ensure child marriage is ended in the context of SDG 5.3 on ending child marriage. It will ensure that governments take immediate steps to prevent the practice and protect girls from serious harm to their reproductive health and from sexual violence.</p>

Source: UN Women field data (2018)

The third tier of interventions consist of targeting the girls and family heads with a view to changing perceptions, behaviours and practices relating to child marriage. Interventions are targeted at increasing awareness, knowledge and ultimately changing behaviours and practices by creating new normative expectations among the girls and their families. The study found several efforts in different countries focused on behaviour change and norm transformation. For instance, in Mozambique, campaigns are using social media, community forums, radio, print media, books and reports to spread information. There is a special focus is on convincing communities to prioritize girls' education as a long term means of addressing poverty where more education leads to better economic opportunities. Community-based child protection strategies should be initiated and the ones that already exist should be strengthened to ensure that there is systematic prevention, reporting and monitoring of child and forced marriages. The study established the effectiveness of community initiatives promoting eradication of child marriage and other harmful practices. Functional committees composed of religious leaders, local administrators and traditional leaders and cultural institutions should initiate and fast track dialogue with various communities that still condone the practice. There are few interventions focusing on enhancing the agency of the girls themselves, thus there should be an intensified effort on heightening adolescent economic livelihoods and negotiation skills while addressing the roots and the harm of child marriage. Child marriage interventions should identify adolescent girls as the prime recipients of development initiatives. Boys and girls should be educated to ensure that they are enlightened enough to postpone marriage and denounce child marriage in their communities.



7.2 National Level Interventions

TABLE 19: National Level Interventions Across the Countries of Study

Country	Interventions /Initiatives
DRC	<p>With the newly enacted law, provinces have been tasked with enacting subsidiary by laws where each province will fix a ceiling on how much bride price is allowed in marriage unions to curb the use of children in marriage for economic gains. The government has further published a book simplifying the laws and the booklet is sold on the streets and in books stores and is readily available as a worthy ready for communities to familiarize themselves with the law.</p> <p>The judiciary has set up special courts to adjudicate on children's cases. This is meant to expedite the process of seeking justice for children. Print and social media including use of behavior change communication like drama, theater, songs etc. are also being used to raise awareness of the laws and to inform communities about the benefits of investing in their children by encouraging girl child education.</p> <p>The interventions are informed by the enactment of a progressive law in DRC. By making communities aware of the tenets of the law, they begin to understand the cause and effects of child marriage. By involving legal practitioners, they explain the law in a language that is easy to understand. By understanding the legal implications, communities will allow children to spend more time in school, develop their potential to engage in better careers for economic development. By setting a ceiling on bride price, child marriage is being made less lucrative as a wealth creation opportunity for impoverished households. In addition, by targeting school going children, emphasis is on the value of education as a gateway to economic development of households. The more the awareness creation mechanisms use means such as books and dramas, the faster information reaches communities. Special courts for children further ensure that access to justice for children is expedited.</p> <p>Despite the progressive law, DRC communities are not aware of the new law with most interventions concentrated in the more modern provinces where there is a lower prevalence of civil strife. Sharing information by using social media and selling the booklet on the streets does not inform communities in more remote parts of the country. The law is still very new, and the provinces are yet to develop the subsidiary laws on the maximum amount for bride price. Further, most interventions are still at infancy and their efficacy is yet to be tested. Conflict in most parts of DRC makes it difficult for interventions to reach the most vulnerable. The judicial facilities and health facilities are not sufficient to support or expedite services for the beneficiaries. In addition, the main influencers and promoters of child marriage are not deliberately targeted by the interventions. Most interventions are not tailor-made to address the value-add that communities associate with the practice of child marriage. There is need to conceptualize interventions to the value associated with community social norms. However, partnerships already developed including efforts by the national action plan go a long way in providing a framework to guide further interventions to address child marriage.</p>

**TABLE 19:** National Level Interventions Across the Countries of Study

Country	Interventions /Initiatives
Egypt	<p>Through the National Population Council (NPC), the Egyptian government commissioned a national strategy in 2014 to end child marriage. In collaboration with the Ministry of Health, the National Council for Women, and the National Council for Childhood and Motherhood, NPC has partnered with CSOs as well as religious leaders to plan and execute a five-year approach that brings on board various stakeholders into the fight against child marriage.</p> <p>Pathfinder International collaborated with the Ford Foundation to roll out a strategy for ending child marriage in Egypt. The initiative was commissioned in 2013 and ended in 2016 and it assisted the National Population Council of Egypt to develop a National Strategy for Prevention of Early Marriage. The National Strategy aims to halve child marriage by 2018 in seven governorates with the highest prevalence of child marriage.</p> <p>Interventions targeting child marriage should move away from the perennial focus on national government and instead view men and boys as an alternative entry point to changing patriarchal and social norms that fuel child marriage: for instance, helping men and boys understand the negative economic implications of child marriage and the benefits of having a well economically balanced household as an advantage to both the husband and the wife.</p> <p>Girls who successfully went through the Ishraq programme expressed their desire not only to marry at older ages but also to have a say in whom their marriage partners would be. This expression cuts across the already married girls, those who married when they were girls, and girls who are not yet married. While the programme brought attitude change among girls in Egypt, it failed to convince the girls' mothers, brothers and cousins on the benefits of changing their attitudes.</p> <p>The CHOICES curriculum piloted in Beni Seuf and Assuit governorates among schoolgirls and boys successfully brought about a change in perception about gender roles. Participants from both sexes unanimously agreed that girls should make decisions on marriage and vet their marriage suitors on their suitability.</p> <p>According to a UNDP respondent, the National Strategy for Prevention of Early Marriage was launched in 2014 and is yet to reach an evaluation stage. However, he emphasized that its implementation by various stakeholders is on course.</p>

**TABLE 19:** National Level Interventions Across the Countries of Study

Country	Interventions /Initiatives
Ethiopia	<p>Ethiopia has ratified the Convention on the Elimination of Discrimination against Women (CEDAW) and the Protocol to the African Charter on the Rights of Women in Africa. The FDRE has a National Strategy and Action Plan on Harmful Traditional Practices (HTPs) against Women and Children in Ethiopia (2013). Following the London 2014 Girl Summit, Ethiopia demonstrated commitment to end FGM and CEFM by 2025 by organizing a national girls' summit in 2015. Furthermore, the country has established a National Alliance to End Child Marriage and FGM- a strategic partnership between and among government institutions, UN agencies, CSOs, and development partners, to synergize national efforts to end child, early and forced marriages and FGM in Ethiopia. The alliance also incorporates inter-religious councils.</p> <p>The ultimate success of interventions is in their capacity to see through the deterrence, detection, and extraction of girls from child marriage based on the available legal instruments. Though awareness creation is robust and combination /integrated interventions have realized significant success, the structural environment has loopholes that hinder achievement of outcomes. The Ethiopian Law sets the age of marriage as well as sexual consent at 18 years.²⁵³ And child marriage was criminalized in Article 648 of the Criminal Code. Those who practise child marriage are therefore prosecuted, and if found guilty, the perpetrators are subject to a three to seven year-jail term. This penalty on the surface is a deterrent but has spawned hidden practices to avoid detection. This is aided by the fact that in as much as the law requires that all marriages and births should be registered, there is a lack of a functional national or regional system to register births, deaths, and divorce, making it difficult for authorities to prove a girl is underage.</p>

**TABLE 19:** National Level Interventions Across the Countries of Study

Country	Interventions /Initiatives
Malawi	<p>In February 2017, the Malawi Parliament amended the Constitution and raised the age of marriage from 15 (with parental consent) to 18 years old for boys and girls. The Malawi President signed the constitutional amendment into law at the end of April 2017. This move brought the Constitution of Malawi in line with the country's Marriage, Divorce and Family Relations Bill adopted in February 2015, which had set the minimum age of marriage for both boys and girls at 18 years.</p> <p>Malawi has a readmission policy that allows girls who become pregnant while in school to return after giving birth. However, the girls are first required to withdraw from school for one academic year before they can reapply for admission.</p> <p>At District levels, the District Social Welfare office has entered into an agreement with the office of the District Commissioner to track all young girls applying for passports who have been invited to South Africa where they would most likely get married.</p> <p>Primary data established that Malawi government is making concerted efforts to complement the recent successes in the legal framework to end child marriage. Through acceleration of civil registration i.e. issuance of birth certificates and national identity cards, it will be now easier to ascertain the age of a girl or boy before marriage. For a long time in the past, a large number of citizens did not own either a birth certificate or national identifications thus making it difficult to litigate against perpetrators of child marriages.</p> <p>Key informants mentioned the return to school policy as a positive move towards 'rehabilitating' children in marriage who have been rescued from their marriages. By giving them a chance to resume their schooling, the girls get another chance at life and an opportunity of improving their chances for gainful economic opportunities. The challenge, however, is the ability for many families to afford this education especially at secondary school level where tuition fees are required.</p> <p>Although significant steps have been taken to improve the legal space in ending child marriages, there is need for greater civic education to sensitize the population to the new developments and the illegal status of the practice. At community level, the traditional chiefs have made local 'by-laws' that criminalize and penalize perpetrators of child marriage. However, the practice still takes place due to deeply seated cultural values. There is need for development partners and stakeholders to evaluate the successes and gains so far in order to determine optimal strategies and approaches aimed at ending child marriages.</p>

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**TABLE 19:** National Level Interventions Across the Countries of Study

Country	Interventions /Initiatives
Mali	<p>In 2015, the Malian government, through its First Lady, Mrs Maiga Aminata Keita, launched the AU Campaign to End Child Marriage in Africa. During the October 11th event, the Campaign was launched under the title “Education for girls, a means to eliminating early child marriage”. Through this campaign, the government of Mali reiterated its commitment to seeing that girls remain in school and that child marriage is fought from all corners. In order to reaffirm the AU’s commitment to ending child marriage in Africa and Mali in specific, the Union sent Ms. Fatema Sebaa Dellage who is its Special Rapporteur on Ending Child Marriage in the continent. She echoed the AU’s quest of harmonizing the country’s laws with its customary and religious practices to ensure that the minimum age for marriage is raised to 18 years for both males and females. Additionally, UN Women has been undertaking advocacy with political, religious leaders and elected officials to get them to commit and take action to eliminate the child marriage.</p> <p>Apart from the gender-based violence (GBV) draft law recently drafted by the actors in the fight against GBV, there is no policy to fight against child marriage. Under the 2011 legislation Persons and Family Code, Malian laws (Article 281/282) allow girls to marry at 16 years and they may be married as early as age 15 years with parental consent under the customary and sharia laws,²⁵⁴ while on the contrary, the same laws set the minimum age for marriage for men at 18 years.</p> <p>Tostan Community Empowerment Programme (CEP) is community based and is organized into two classes of between 25 to 30 participants. The two classes are spread out between adults and children and their participants meet three times every week over the three months of the project elapse. This is a strategy that ensures maximum participation of diverse members of the community and enables participants to gain maximum benefits from the programme and apply them effectively to their society. Tostan is a non-governmental organization that has rolled out several community empowerment projects in West Africa.²⁵⁵</p> <p>The programme begins by giving the community the opportunity to take charge. They set the vision for their community, and this becomes the foundation for exploring the effects and the meaning of human rights, particularly the rights to education, survival, marriage by consent, protection from all sorts of violence and the rights of children. In Mali, the programmes have improved the communities’ knowledge of human rights from 20% to 63%.²⁵⁶ The programme not only informs the community about these rights but also educate them on their intricate responsibilities to uphold and respect the rights and freedoms of every community member. As a result, beneficiaries of the project have boosted their knowledge of the harmful effects of child marriage from 37% to 90% with up to 78% of community members now advocating for the eradication of child marriage.²⁵⁷ »</p>

**TABLE 19:** National Level Interventions Across the Countries of Study

Country	Interventions /Initiatives
Mali (continued)	<p>» Additionally, the programme sees to it that every participant applies the acquired knowledge in their communities once the programme is over. For instance, the health implications of child marriage as well as early pregnancy are pertinent to the eradication of old-fashioned practices. Most importantly, the programme is participant-oriented, and the contents are designed by the participants based on their priorities. Accordingly, those who graduate from this programme are empowered to organize, information and take appropriate actions in dealing with different issues such as female genital mutilation and child marriage.</p>
Morocco	<p>Advocacy and Legal amendments – UNICEF is providing support to the Moroccan Ministry of Justice to make the justice system more accessible to children, to increase their rights to participation, to access legal assistance, and to a fair trial, amongst others. More specifically, the project will contribute to the strengthening of the capacities of justice stakeholders and the development of the resources necessary to ensure that the best interests of the child are respected in the judicial procedures and the proper application of criminal and civil laws.</p> <p>Petitions - Many humanitarian and women’s rights organizations have exerted pressure on the Moroccan government to enhance women’s and girls’ protection. Avaaz is pushing for the government to fully adopt the legislation to curb violence against women by focusing on widening the applicability of the prohibition on rape, on treatment of sexual abuse survivors, as well as on strengthening the bans against child marriage.</p> <p>The Tayssir programme – a conditional cash transfer initiated by Ministry of National Education and Vocational Training (MENFP) enhances children’s access to education in rural Morocco.</p> <p>An Integrated child protection approach – government, non-governmental organizations, and UNICEF have all teamed up for an Integrated Public Policy for Child Protection (PPIPEM) which takes into consideration the social, economic, institutional and cultural aspects of Morocco to create a more productive environment that meets both national and global standards.</p> <p>Consortium of NGOs – under the leadership of UNICEF, Moroccan NGOs have come together through an integrated Information System initiative under the Himaya project. So far, more than 60 NGOs have teamed up to monitor the application of children’s rights at the community level. One of the key areas of focus includes sexual violence and other forms of violence against children and family protection. »</p>

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**TABLE 19:** National Level Interventions Across the Countries of Study

Country	Interventions /Initiatives
<p>Morocco (continued)</p>	<p>» CSOs are putting pressure on the government to address gender inequality, child marriage, and gender-based violence. Examples of such groups that were identified by respondents from various categories include the Union de l'Action Féminine (UAF – Women's Action Union), Insaf, Ytto, l'Union de l'action feminine, Association Démocratique des Femmes du Maroc (ADFM – the Democratic Association of Moroccan Women), and the Association el Amane pour le Développement de la Femme (El Amane Association for the Development of Women).</p> <p>The Moroccan Family Code has failed to protect children from underage marriage due to its exemptions in Articles 16 and 20. In December 2013, Avaaz initiated a petition supported by the Spring of Dignity Coalition, which translated into a movement, with the goal of ending child marriage. The movement attracted tens of thousands of women, organizations, survivors of violence, and the media. They trooped to the Moroccan Ministry of Justice in unity with the families of women, victims and girls who have lost their lives because of GBV. Eventually, the movement led to the repeal of Article 475 of the Penal Code the "Rapist Marry his Victim" provision. After receiving 1,173,772 signatures, the provision was repealed, and rape was fully criminalized in 2014.²⁵⁸ Since then, La Rabita Mohammedia des Oulémas began engaging religious and community leaders in dialogue on the dangers of child marriage and other gender-based forms of violence and many Muslim leaders have accepted changes in social norms in relation to family planning, eradication of child marriage and gender-based violence.</p>
<p>Mozambique</p>	<p>The current president Filipe Nyusi in 2016 ensured the adoption of a national plan to end child marriage. The Council of Ministers launched the strategy on Prevention and Combating Early Marriage (2015- 2019) and is currently being implemented by the Ministry for Social Action, Children and Gender. The strategy has seven pillars: communication; social mobilization campaign; and improving girls' access to education; sexual and reproductive health services; family planning; sexual education; and reform of the legal framework. However, the framework is yet to be fully resourced for its impact to be felt at the community level.</p> <p>Interventions seek to ensure there is a collaborative effort in addressing child marriage where government works together with civil society and international non-governmental agencies. Groups leading the interventions believe that by communities acknowledging the negative effects of child marriage, they can change their norms and embrace 18 years as the minimum age of marriage. Campaigns are using social media, community forums, radio, print media, books, and reports, although much remains in the national language of Portuguese. Armed with information, communities will buy in to issues and also begin to value education as an alternative means of addressing poverty where more education leads to better economic opportunities. Research agencies plan to document the prevalence of the problem such that government will prioritize the implementation of the strategic plan for addressing child marriage. »</p>

**TABLE 19:** National Level Interventions Across the Countries of Study

Country	Interventions /Initiatives
Mozambique (continued)	<p>» The existence of a law is an important step of addressing child marriage. However, the provision for parental consent for those aged as low as 16 years allows communities to continue the practice of child marriage. With no clear procedure to determine true age, communities use onset of puberty i.e. menstruation, to determine the age of marriage and so a girl as young as 12 years may be married if she has reached puberty. The existence of an association that brings together agencies working on child marriage is a progressive initiative as it ensures concerted efforts and avoidance of duplication while focusing on the priority needs. However, the absence of adequate support from government means most agencies simply focus on what their mandate demands regardless of what other units are carrying out. The government strategy is also a progressive initiative, but this is yet to be resourced and rolled out to the extent of its impact being felt in the community. The lack of data on the extent of traditional marriages means government is unable to prioritize child marriage as a national issue to the full extent of tangible action on the ground.</p>
Niger	<p>Niger government has put in place policies and strategies aimed at addressing certain aspects of child marriage. The policies include the National Policy on Nutritional Security, which addresses early pregnancy, the National Gender Policy, and the National Strategy for the Prevention and Management of Gender-based Violence and its related action plan, one of the strategic pillars of which addresses child marriage and includes an action plan for the reduction of early pregnancies. A study conducted by Save the Children UK established that there is no action plan that specifically addresses the issue of child marriage in an effective manner.</p> <p>Under the theme of obstetric fistula, Niger launched the African Union Campaign to Child Marriage in December 2014. This was followed by a First Lady's Forum on obstetric fistula which was held in Niamey in the month of October 2017.</p> <p>In 2016, to guarantee the participation and support of all the people of Niger and international actors, the Ministry for the Advancement of Women and Child Protection established a committee to coordinate national action to end child marriage. This excellent initiative must however be revitalized for it to be sustained.</p> <p>The free universal education policy with its laudable intention for the girl child is still affected by quality issues. Although development partners, UNICEF, Plan International and others, have interventions to support infrastructure, development and retention of girls in the education sector, gender disparities still have a significant impact in edging out the girl child from the education system. Low enrolment, retention, completion and transition rates still conspire to keep leave the girl child behind in the education system. The back to school policy for girls who have been rescued or divorced from their marriages needs to be made friendly for the girls who are already teenage mothers in most cases. A presidential decree was made on »</p>

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**TABLE 19:** National Level Interventions Across the Countries of Study

Country	Interventions /Initiatives
Niger (continued)	<p>» 5th December 2017 for the protection of the girl child through promotion of education until they reach 16 years of age. The presidential declaration emphasizes education as the best form of protection of the child as opposed to child marriages. The presidential decree also encourages parents to allow their girls to go to school and to give them the necessary support. The presidential decree is however silent on protection of the girl between 16 and 18 years. The decree relies mainly on the President's commitment and political will and buy-in from the National Assembly and other political leaders at the local government level.</p>
Nigeria	<p>National interventions include the fact that Nigeria has ratified all international instruments that address child marriage, this including CEDAW. Nigeria has enacted a national law against child marriage, known as the Child Marriage Act passed in 2003. A national strategy was launched in November 2016, but the national action plan is yet to be developed.</p> <p>In 2015, a Technical Working Group on ending child marriage was formed under the Ministry of Women Affairs and Social Development comprising 30 members some of whom are civil society actors. The strategy takes a holistic multi-sectoral approach including raising awareness, addressing behaviour change and including legislative and policy reforms.</p> <p>In 2015, Nigeria adopted the Violence against Persons Prohibition Act addressing female genital mutilation among other retrogressive traditional practices and including child marriage. In November 2016, Nigeria joined other African Countries and launched the African Union Campaign to End Child Marriage. It was launched by the Ministry of Women Affairs and Social Development in 2016 and aims to reduce child marriage by 40% by 2020 and eradicate it completely by 2030.</p> <p>Groups designing interventions in Nigeria believe that, by criminalizing child marriage as has been done at federal level in that the law set the minimum age of marriage at 18 years, States will enact corresponding state laws to prohibit the practice. Education of communities about existing laws will further deter the practice by promoting education as a lucrative alternative to child marriage in addressing poverty. Lobbying of legislators in States has already demonstrated success in influencing the adoption of state laws, to the extent that 24 States have legislated the matter out of a total of 36 States. Having launched a National Strategic Plan, a corresponding National Action Plan will be developed that specifies areas of focus, and the need for budgets to be allocated towards supporting those affected by child marriage and for awareness creation in communities on the newly adopted laws. Legal deterrence supported by community structures will support the eradication of the harmful practice.</p>

**TABLE 19:** National Level Interventions Across the Countries of Study

Country	Interventions /Initiatives
Tanzania	<p>Tanzania has a comprehensive legal framework on child rights especially under the Law of Child Act 2009. It also enforces mandatory primary school level of education for every child. Additionally, Section 60A of the Education Act 1978 makes it unlawful for any person to marry a school-girl or schoolboy. The law provides that any person who contravenes this is liable to imprisonment of 30 years. The Law of Child Act 2009 has incorporated many principles from the relevant United Nations' and African Union' legal instruments, including the age of 18 years. There are also policies and strategies on the subject, including the recently formulated National Plan of Action to End Violence against Women and Children in Tanzania of 2017-2022 (NPA 2017/2022). The NPA seeks to, among other things, reduce the child marriage national prevalence rate from the current 47% to only 10% by the year 2022; and, the national prevalence rate of teenage pregnancies from the current 27% to only 5% by the same year (2022). The police force has also established gender and children desks throughout the country to manage and investigate violence against children cases in a more comprehensive way.</p> <p>Moreover, there are monitoring and referral mechanisms on child rights designated as child protection teams at district and ward levels in some of the regions in Tanzania. Such teams are comprised of different actors in child rights protection including NGOs. Most of these initiatives were championed and supported by international organizations including UN agencies. These institutions have also supported studies and assessments on child marriage and it is currently well documented – but with scant information especially on updated statistics and types of interventions available in each region.</p> <p>Tanzania has an End Child Marriage Network which comprises more than 25 civil society organizations with the purposes of ending child marriage in Tanzania. Children's Dignity Forum, (CDF)²⁵⁹ is the secretariat and the main objective of the network is to raise awareness of the harmful impact of child marriage by encouraging open, inclusive and informed discussions at the community, national and international level.</p> <p>UNFPA Tanzania through UN Delivering as One, supports national partners such as Ministry of Community Development, Tanzania Media Women Association, Tanzania Gender Networking Programme, and Children's Dignity Forum, to conduct evidence-based advocacy and awareness raising through journalist trainings, investigative journalism, national surveys, and community based participatory action research, with ending child marriage as one of the core programmes. »</p>

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**TABLE 19:** National Level Interventions Across the Countries of Study

Country	Interventions /Initiatives
Tanzania (continued)	<p>» The complexity of the challenge of child marriage automatically demands application of multiple intervention strategies. The government has set child rights protection and enforcement mechanisms; it also finances some strategies including mandatory primary school education, which it has now made free for everyone. The free education policy started to be implemented from January 2016. The theory behind it here seems to be that of relieving parents from the cost burden of education, which might otherwise contribute to early marriages in some places.</p> <p>The common intervention approaches by NGOs include public awareness rising and sensitization; legal aid service; and, service provisions (health, education and economic empowerment). The PWWCO of Shinyanga has what it has termed as 'innovation model' to end child marriages.</p> <p>Tanzania does not have one comprehensive intervention strategy or theory of change on child labour. Apparently, this situation is attributed to the lack of a national strategy on child marriage. Issues pertaining to the challenge of child marriage are scattered in different policy documents.</p> <p>There is scant information, especially on the national decreasing trend of child marriage in Tanzania. However, field data for this study showed that such incidences were decreasing in urban and peri-urban areas. Both parents and girls are increasingly becoming aware of the legal and health consequences of the child marriage.</p>

Source: UN Women field data (2018)

CASE STUDY 23
Multi Stakeholder Approach to Ending Child Marriage in Malawi -
 Adoption of Constitutional Amendments to Minimum Age of Marriage
 and Definition of a Child
Source: UN Women
field data (2018)

One of the key tasks for UN Women in Malawi is to strengthen the policy and legal framework and help in achieving the objective of empowering and advancing the cause of girls and women. “This has been made possible through a multi-sectorial approach where we target both formal and informal key and strategic stakeholders for advancing our cause and mandate”, said Habiba Osman of UN-Women Malawi, “and it has yielded great achievements in the fight against child marriages in Malawi”.

In 2013 through to 2015, UN Women Malawi played an active role in advocacy and lobbying with women parliamentarians, the women’s caucus and other parliamentary committees for »



» the enactment of the Gender Equality Act and the Marriage, Divorce and Family Relations Act. The latter was the first act that officially outlawed child marriages but it did not criminalize it. This was because there was still a clause in law that gave parents the right to consent to marry off their girls below 18 years of age.

This ambiguity in law precipitated yet another process that led to the amendment of the Constitution in 2017. UN Women played a crucial role with support of other UN agencies mainly UNFPA and UNICEF in mobilizing the critical actors for engagement in the process. The constitutional amendment efforts involved a wide sector engagement with lobbying and advocacy targeting the highest levels (presidency, judiciary, relevant ministries) as well as basic level lobbying with local traditional chiefs and local stakeholders.

“One of our winning strategies was the identification of champions to spearhead this process, get buy-in and earn the political goodwill”, said Habiba. It should be noted that constitutional amendment initiatives started way back in 2010 prior to enactment of the Gender Equality Act and Marriage Divorce and Family Relations Act. However, getting political will at that time to set the ball rolling was the biggest challenge and initially no success was forthcoming. Using the HeForShe programme strategy under UN Women, President Arthur Peter Mutharika was made the national champion for the HeForShe programme. Other local and influential leaders were also brought in as champions as well e.g. Paramount Chief Kiungu from Karonga district in northern Malawi.

Another enabling environment for the constitutional amendment process was the global pressure from African Union member states who had ratified the African Charter on the Rights and Welfare of the Child (ACRWC). Pressure was put on Malawi with reference to Articles 2 and 21 of the Charter, on definition of a child and protection against harmful cultural practices. The global pressure played well into successfully gaining the political mileage for amending the Constitution.

Further in making this process a success, UN Women and the other UN agencies played a crucial role in generating data on child marriage and translating studies into knowledge products and creating avenues for sharing and dissemination of this to critical stakeholders especially Ministries of Gender, Justice and the Judiciary. At the Judiciary, our key champion was Lady Justice Nzione who played a key role in the constitutional amendment process.



7.3 Community Level Interventions

TABLE 20: Community Level Interventions

Country	Interventions /Initiatives
DRC	<p>A majority of the interventions in DRC are targeting schools where they encourage students and especially girls to take up skills building in schools for better economic opportunities. The interventions provide information on the causes and effects of child marriage using interactive and inventive youth/ adolescent programmes such as community board games and awareness forums during extra curriculum activities to encourage learning and education of children as an alternative to marriage.</p> <p>Legal experts are being used to inform and interpret the law and inform communities on the newly enacted law that came into effect in 2017. International days like International Women's day, 16 days of Activism, Day of the African Child among others are useful opportunities where the plight of children in marriage is highlighted and communities are urged to embrace the new norm of eradicating child marriages.</p>
Egypt	<p>At the community level, National Population Council and Save the Children initiated and launched a programme called Ishraq which aims at delaying child marriage particularly in Upper Egypt. The project which came into force in 2001 targeted out-of-school girls who are at risk of getting married off at the ages of 12 to 15 years.</p> <p>Religious leadership is slowly shifting in the MENA region and Egypt is not remaining behind. While Lebanon became the first Arab state to ordain a female priest called Rola Suleman in 2017, the Egyptian Religious Endowments Ministry subsequently announced it would ordain 144 female imams across the country. This is a critical change in gender roles particularly in a country that Sharia Law is widely in force.</p> <p>Media Arts for Development (MADEV) initiated a media campaign in 2015 which encouraged Egyptians to tell their stories through the media. In a campaign dubbed "Capture Life 2", the NGOs targeted Kerdassa, Ezbet Khairallah, and Giza.</p>
Ethiopia	<p>Government and NGO programs: successful programmes tailored to communities' needs/environment as they promote local ownership from inception; programmes that rely on strong government support, work through local government initiatives, focus not only on child marriage but also on broader gender roles and inequality and include men and boys as well as traditional and/or religious leaders. Involving men and boys to raise awareness in the community conversation forums and in recognizing the central importance of education in preventing child marriage has contributed to reduction of the practice.</p> <p>Awareness Creation and Education: awareness creation and education on consequences of child marriage targeting parents through existing government interventions e.g. school meetings, has also been successful in the response to child marriage. Where commitment to and investment in girls' education is growing and especially where schooling is coupled with active, participatory girls' clubs, the child marriage practice has reduced. The schoolgirls' clubs have been very effective in promoting change within girls and enhancing their awareness of their rights. »</p>

**TABLE 20:** Community Level Interventions

Country	Interventions /Initiatives
Ethiopia (continued)	<p>» An example of such an intervention is HUNDEE Oromo Grassroots Development Initiative which engages the community in awareness raising and seeks to transform the lives of individual women through economic empowerment schemes. Community awareness raising includes training about harmful traditional practices, including early marriage, rape, abduction, and circumcision; it also provides training to group leaders in schools and helps build the capacity of women's associations.</p> <p>Integrated interventions: there are interventions, which combine several approaches - creating awareness, education and empowerment through multiple level engagements. Such is the Finote Hiwot/End Child Marriage Programme, and the Berhane Hiwot Project, which targets delaying of marriage among the Amhara by empowering the key players in child marriage - girls, boys, parents and the broader community - as change partners. The program uses a combination of strategies including community conversations, school clubs, and economic incentives (loans and school materials) within different kebeles in four woredas to promote the abandonment of child marriage. It also builds the capacity of regional, district and village governments (especially BoWYCA, and the Justice Office) to implement child marriage programming at the required scale.</p>
Malawi	<p>Key informant interviews revealed on-going efforts by CSOs, both international and local, to engage communities in addressing the problem of child marriages. Organizations such as UN Women, UNICEF, UNFPA, Plan International as well as local organizations such as the Girls Not Brides Alliance, run successful programmes and interventions that not only address child marriages but promote gender equity and create better opportunities for girls and women in Malawi. For instance, Plan International implement several projects such as the Yes, I do, 18+, and Because I am a Girl campaigns, which promote sexual reproductive health and education for girls.</p> <p>A further strategy under the Ministry of Education that is implemented in collaboration with NGOs working in the same area of preventing child marriages is the use of 'Mother Groups'. These groups are formed by women in communities surrounding the schools. The women in these groups act as counsellors to the girls and their parents on issues of sexuality, reproductive health and child marriage. These groups are in all schools, but they differ in their levels of functionality. The groups also help in following up on girls who have dropped out of school because of pregnancy or marriage with the aim of reintegrating them back to school. These groups work closely with the Chiefs and traditional authorities since they are the custodians of culture and tradition within the communities. »</p>

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**TABLE 20:** Community Level Interventions

Country	Interventions /Initiatives
Malawi (continued)	<p>» The Girls Not Brides Alliance in Malawi brings together 21 international and 50 local NGOs in a network to address challenges affecting girls and women with a wide variety of interventions from support for girls in education, addressing sexual gender-based violence, sexual reproductive health and harmful traditional practices.</p> <p>UNFPA together with UN Women, have been instrumental in supporting the Malawi government through relevant ministries in development of policies and enactment of laws that address gender equity e.g. legislation for ending SGBV, the Gender Equality Act as well as the Marriage and Family Act. UNFPA and UN Women have also worked with the Paramount Chiefs from the various hot spots e.g. with Senior Chieftainess Kachindamoto in legal and social empowerment where the Chiefs have been instrumental in establishing 'by-laws' and setting up community parliaments at community level that aim at deterrence of child marriage. Promotion of girl education has been another area for intervening against child marriages on the underlying principle that keeping the girl in school longer delays marriage and gives her more opportunities for self-advancement through education and skills training.</p> <p>UNFPA has promoted mass media campaigns that have been instrumental in creating greater awareness and starting dialogue among key community stakeholders on the subject of child marriages. UNFPA is supporting a Task Force for ending child marriages that is set to be launched on 8th March 2018 during the International Women's Day.</p> <p>The use of champions is a key strategy in use by UNFPA. For instance, President Mutharika was appointed by UNFPA as the Youth Champion. The First Lady of Malawi, Gertrude Maseko, is the current President of the Organization of African First Ladies against HIV/AIDS (OAFLA) where she promotes ending child marriages as an agenda item under the focus area of maternal health.</p>
Mali	<p>According to UN Women in Mali, a draft law against gender-based violence under which child marriage will be addressed, has been developed by civil society and was scheduled to be brought before the National Assembly by the Ministry of Gender and Justice in 2018.</p> <p>There are several non-state agencies tirelessly providing initiatives/programmes that fight harmful cultural practices, like child marriage. This has been through information and awareness training programmes for traditional and religious leaders on the harmful effects of child marriage. In Mali, the programmes have improved the communities' knowledge of human rights from 20% to 63%. The programme not only informs the community about these rights but also educates them on their intrinsic responsibilities to uphold and respect the rights and of each and every community member. Accordingly, beneficiaries of the »</p>

**TABLE 20:** Community Level Interventions

Country	Interventions /Initiatives
Mali (continued)	<p>» project have boosted their knowledge of the harmful effects of child marriage from 37% to 90% with up to 78% of the community members advocating for the eradication of child marriage. In the forefront are UNICEF, UNFPA, UN Women, Save the Children, Plan International, Association of Malian Jurists, the National Advisory Council of Children and Youth of Mali (CCNEJ-MALI), the Malian coalition for the rights of the child (COMADE), CARE international and GRADEM as well as many other organizations.</p> <p>UNICEF and Save the Children collaboratively organize educational conversations with community leaders and women to raise continuous awareness on the dangers that child marriage imparts on girls in Mali. One of such chats was held on 2nd February 2018 in which the AU's Special Rapporteur, Marie-Christine Bocoum, participated. Similarly, the National Advisory Council of Children and Youth of Mali (CCNEJ-MALI) is a key non-state player in the fight against child marriage in Mali. In October 2017, CCNEJ-MALI organized an online campaign on creating awareness about child marriage and female genital mutilation in Mali. The campaign aimed at animating a conversation on social media platforms for a positive transformation for the advantage of children and young people living in the country. The initiative works by informing bloggers on various social media platform in Mali about the issues relating to child marriage, such as statistics presented by different studies, conducting a broad campaign on them and then raising awareness among the various internet users so as to intensify actions around them. In fact, the campaign is a high priority in the Malian Advisory Council of Children and Youth 2017-2018 action plan. UNFPA has extensively carried out trainings on sexual reproductive health for women, girls and the larger communities in Mali.</p>
Morocco	<p>The study identified the following programmes on enhancing girl's rights and advocacy;</p> <p>La Rabita Mohammedia des Oulémas – educates religious leaders and communities on the dangers of child marriage and other gender-based forms of violence.</p> <p>Forsa - Opportunities for All - a programme funded by Canada focusing on education, social/economic inclusion and child protection. It ensures that those children who leave secondary schools access both professional and vocational training.</p> <p>YTTO Caravans – penetrates villages to sensitize communities on the dangers of child marriage and encourages them to educate girls.</p>

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**TABLE 20:** Community Level Interventions

Country	Interventions /Initiatives
Mozambique	<p>Current interventions on child marriage are led by non-governmental organizations who have formed an association known as CECAP (Coaligação para a Eliminação e Prevenção de Casamentos Prematuros – Coalition for the Elimination and Prevention of Child Marriages. This is a consortium of 40 civil society organizations that address child marriage through research, policy advocacy, social mobilization and collaboration between actors. So far, the agencies are focused mostly on awareness creation activities informing families about the causes and effects of child marriage. One leading program is a video that was developed together with the Ministry where a local artist Ubakka sang a song about child marriage. Further interventions include community forums, education through schools with emphasis on child education. Health programmes are also focusing on child marriage with emphasis on addressing increasing rates of obstetric fistula, prolonged labour, hemorrhage, and increase in infant and under five mortalities as well as poor nutrition as a result of early pregnancy from children in marriage.</p>
Niger	<p>Civil society constituting both local and international NGOs, has been running programmes, initiatives and projects aimed at ending child marriage in Niger. Some of these projects are dedicated to girl's education, focusing on the rural girl child, through support given to the parents of the girls in order to encourage them to allow their daughters to go to school. Girls are also provided with support in the form of school material/kits that contain learning material and sanitary pads. Learning institutions are supported through infrastructure support e.g. boarding facilities for girls. The girls' parents are also reached through messaging and awareness programs to emphasize the importance of educating the girl child. They also engage in initiatives aimed at strengthening community protection structures, promoting intergenerational dialogue and promoting economic autonomy and livelihoods for out-of-school adolescents. Civil society also engages in advocacy and lobbying with both parliamentary and executive on initiatives aimed at ending child marriage. This is with the aim of clearing the ambiguities in the several pieces of legislations in Niger and harmonizing the marriage age in Civil Code to be 18 years for both boys and girls. The Mendel Decree that provides consent to marry off girls younger than 15 years needs amendment to clear the ambiguities in age of marriage.</p> <p>Other interventions by civil society include prevention of sexual gender-based violence which is rampant among many communities. Child marriages play a significant role in contributing to cases of sexual gender-based violence as established by primary data collection. As a result of teenage pregnancy and its related complications, some interventions by civil society are on sexual reproductive health, nutrition and medical correction of obstetric fistula which affects many teenage mothers.</p>

**TABLE 20:** Community Level Interventions

Country	Interventions /Initiatives
Nigeria	A technical working group that includes civil society organizations, grassroots agencies and national agencies is in place and meets every two months to address the challenges. UN agencies together with international organizations have further organized a think tank that informs the discussions and advocacy initiatives at local level. Actions to address child marriage remain a task carried out by international and national CSOs most of which are engaged in community awareness activities, national and international campaigns including marking of International Women’s day, 16 days of activism and other national platforms to raise awareness on the negative practice. Media including print and electronic media like radio are also used in awareness creation. Other agencies offer legal services, and advocacy especially targeting legislators to improve the laws regarding child marriage.
Tanzania	NGOs have their own models of addressing child marriage across the country. Intervention strategies range from awareness to economic empowerment, positive parenting and educational support. For instance, the Agape AIDS Control Program (AGAPE), based in Shinyanga urban area, raises public awareness (sensitization) on dangers of child marriage through cinemas; monitors incidents of child marriages; provide pro bono legal aid for indigent clients including survivors of child marriage; and provide free secondary and vocational education for girls rescued from early marriage. The Promising World for Women and Children Organization (PWWCO), also based in Shinyanga urban area, uses intervention strategies against child marriages that include skilful parenting; economic empowerment for teenage mothers; and awareness raising for the general public. The PWWCO also offers self-esteem sensitization training to survivors of child marriage and teenage mothers.

Source: UN Women field data (2018)

CASE STUDY 24

The Role of the School Teacher Beyond Classroom in Tanzania



Source: UN Women field data (2018)

The Mwalukwa Primary School’s teacher of Old Shinyanga ward, Shinyanga region, Tanzania made extra-efforts to rescue a former student, a 14 years old girl, Tina, who was forced into an arranged marriage by her father in December 2016. The teacher heard about the betrothal when Tina was already selected to join Pandakichiza Secondary School after passing her standard seven examinations with flying colors. The teacher took the brave decision to inform AGAPE and the police about the plan against his former student, Tina. The marriage was to happen at Chabuluba village, Tinde ward, Shinyanga. On the day of wedding (13th December 2016), the police ambushed the wedding ceremony. Tina’s parents and the bridegroom fled. The » ceremony stalled, and Tina was rescued. Tina said that, they were 12 girls who graduated from »



» primary school in 2016. By December 2016, three (3) of them were already married even before the release of standard seven national examination results. AGAPE and the police, through the Police Gender and Children Desk of Shinyanga town, have created a web of child rights' community supporters who report and support them in the monitoring or investigation of reported cases against children. Most of the girls rescued from early marriages by AGAPE and police, were helped by this community web of supporters or the child protection committee. This practice has continued amassing public support and making campaign against early marriages a community concern. Tina has since been in school through the support of AGAPE.

CASE STUDY 25

Niger: Djamila Menissa, 29 Years Defeated Child Marriage



Source: UN Women
field data (2018)

Married at 12 years as the second wife, Djamila had never been to school. She was taken away from her home in the city of Niamey to a far-off village. She was too young to even know the age of her husband at that time but puts him at between 30-35 years. The marriage was arranged by her parents and those of her husband. She hardly knew the man and had never met him before. However, on her wedding day, at night before the marriage was consummated, Djamila made a daring escape through the window of her husband's house and ran into the dark of the night. In her mind, she thought she would rather die than consummate the marriage with such an old man. For two days and two nights she walked while sleeping at local village sheds (these are in each household constructed outside for cooling off from the hot sun during the day away from the heat of the house). On the third day, she caught a bus that finally took her back home to the city of Niamey. Her in-laws pursued her to her home asking to take her back, but she declined. Her family, particularly her father, was angry with her decision not to go on with the planned marriage. From awareness campaigns on electronic media on the importance of girl education and dangers of child marriages, she knew of an NGO called SOS that works in the areas of SGBV and child marriages. She approached the organization and told them of her tribulations. The NGO mediated her case and her father agreed to return the bride price. Djamila then enrolled for a dress-making course and earned herself a skill to cater for herself and her family. She is now married to a person of her choice out of love and has three children. She wishes that her daughter never has to go through what she experienced and hopes that her children will get an education, learn a skill and get out of poverty.



Chapter 8.0

Child Marriage Laws and Policy Instruments in Africa

8.1 Regional Perspective

The impact of child marriage on the rights of the child has been widely documented, and its elimination has become an international and regional priority. The practice is condemned by international and regional treaties, conventions, resolutions and platforms. Various agencies and stakeholders have designed and promoted agreements, conventions and protocols to promote interventions against the practice. The UN Convention on the Rights of the Child (CRC) and The Convention on the Elimination on All Forms of Discrimination against Women (CEDAW) are among the most important instruments since both are legally binding and many interventions are anchored in these two Conventions. The CRC and the CEDAW have recommended 18 years as the minimum age for marriage: accordingly, countries that are party to these instruments are required to legislate laws and policies to execute the recommendations. Several African countries had already committed to the Beijing Platform of Action in 1995 and thereafter the discussion on child marriage became part of the political agenda. According to the Platform of Action, countries were required to enforce laws on minimum age for marriage (Beijing Platform for Action, Chapter IV, 274e). Global and regional human rights agencies have long condemned the practice of child marriage on the grounds that since it violates girls' and women's' rights to education, health, and a life free from violence. There is an expanding literature on the harmful consequences of child marriage (see e.g. Singh and Samara 1996; Raj et al. 2009; Parsons et al. 2015) but limited knowledge about the processes facilitating child marriage (for notable exceptions see Scolaro et al. 2015; Prettitore 2015). The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (article 6) was designed to hold African states to account on women's rights, including FGM and child marriage. The International Conference on Population and Development in 1994 (ICPD) also called on countries to eliminate child marriage and to enforce laws that ensure free and full consent, yet child marriage persists, especially in poor and rural parts of countries in the developing world.

The study appreciates that legal frameworks play a critical role in transforming norms and protecting the rights of women and girls. The study however cautions that the legal and policy frameworks are not sufficient drivers in themselves to realize the vision of ending child marriage but must be paired with effective enforcement and comprehensive prevention and protection efforts. Relevant



laws and regulations reported in the study include those that set the minimum age for marriage at 18 years for both/either girls and boys; requirements for birth and marriage registration; sexual violence and domestic violence laws; anti-corruption laws; and family status laws regulating marriage, divorce, custody, and inheritance.

The study identified three levels of instruments that have been deployed against child marriage:- international agreements and commitments; national policies and laws directed at child marriage especially minimum age and consent; and tangential laws and policies that target other fundamental rights and protections for children. Over 32 countries across the continent, including eight countries listed in this brief, have taken some degree of action to address the issue. Two notable exceptions are of Egypt and Morocco who have not ratified the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, while only Morocco among the study countries has not signed up to the AU Campaign to End Child Marriage in Africa. Further, seven of the countries of study have signed the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, with the exception, as noted above, of Egypt and Morocco and, additionally, of Niger which has neither ratified nor deposited the Protocol with the African Union. They have also launched national action plans to eradicate child marriage and other harmful traditional practices in accordance with Article 16(1)-2 of CEDAW which commit states to eliminating all forms of violence against women through setting conditions of marriage such as minimum age, registration of marriage, and consent in marriage. However, discussions with AU representatives in Addis Ababa during the study revealed that, while almost all countries have laws and constitutional provisions aligned to key international instruments, there is a disconnect with the actual practices in those countries. For instance, although in many countries the law recognizes three forms of marriages, namely customary, religious and civil marriage, most of the legal obligations are imposed on civil marriages only thus making it difficult to enforce this age when marriages at an earlier age are condoned by custom or religion.²⁶⁰

Across the ten countries studied, there are laws and policies setting the minimum age for marriage and other protections for women and children with varying extent and effectiveness of implementation. It was evident that in the main, having the laws has made significant difference in awareness and practice of child marriage. They have affected and shaped public attitudes, perceptions and responses to child marriage. This happened by facilitating and requiring government follow - through and enabling citizen and court action for enforcement. Even when local enforcement is incomplete, laws may still have an impact by shaping the terms of debate and providing levers for civil society advocates.

African countries have so far set the minimum age of marriage at 18 years for both girls and boys, and sometimes above, as is the case in Algeria, Lesotho, Libya and Rwanda²⁶¹. A review of laws and policies relating to child marriage in



Africa (AUC/UN Women, 2017) found that out of 55 AU Member States, 41 Member States (75%) have legal frameworks that put the minimum age of marriage at 18 or above for both girls and boys; however 20 (49%) of these states have exceptions legalizing child marriage at an earlier age either with parental/guardian consent, judge approval and many more with the court/state's approval. A total of 12 Member States (22%) do not have a legal framework setting the minimum age at 18 years and above for both boys and girls, and six (50%) of these have further exceptions reducing the age of marriage to as low as 10 years for girls. Another 14 (25%) Member States have a different minimum age for boys and girls ranging from as low as 14 years for girls and 15 years for boys and two Member States have no minimum age for marriage. This brings the total number of states where child marriage is legalized to 34 (62%). These are Member States with no minimum age for marriage, states without legal frameworks setting the minimum age at 18 years and above, and states where frameworks set the minimum age for marriage at 18 years and above exists, but have exceptions allowing child marriage, or where there are contradicting laws).²⁶² In the countries of study, all countries have legal and policy frameworks setting a minimum age of marriage. Seven countries (70%) have set the minimum age at 18 years while only two countries (Mali and Tanzania) have exemptions on age of marriage specifically affecting females. Succinctly, Mali has an exemption setting a minimum age at 16 years for girls while Tanzania has an even lower age at 14 and 15 years for females respectively (in the *Marriage Act* (1971) which does not coincide with the provisions of the constitution which set the minimum age at 18 years for both sexes for Mali as the Constitution of Tanzania does not explicitly define the minimum age of marriage. However, males in the two countries are legally allowed to marry at a minimum of 18 years.

In all the countries of study, the legal frameworks outline a series of requirements for a formal marriage - spousal consent without which marriage is rendered invalid; a minimum age for marriage (in most cases, 18 years); and civil registration. For example, in Niger, where over two thirds of girls between 15 and 19 years old are married (78% in 2017), girls can be married at age 15 with parental permission. This in effect reduces the minimum age from the official limit of 21 to virtually any age permitted by the parents and the religious minister, thus exposing the loopholes in laws.²⁶³ In some countries, the legal frameworks are buttressed by other policies which seeming tangential, extend beyond the penal codes or civil laws by instituting special rights and constitutional entitlements for women and children, and which in effect contribute to preventing child marriage. Such is the case with Malawi's school readmission policy that allows girls who became pregnant while in school to return after giving birth.

The study also noted that legal and policy loopholes are created by other civil policies especially those related to registration or births, marriages, divorce and deaths. In all the countries, there were weak registration systems that made it difficult to identify and legally prevent marriage involving under-age 'spouses' by



allowing parents and marriage officials to fudge demographic data especially relating to the age of the brides. The study also found several legal exemptions that facilitate child marriage. An example is Mali where, although Article 281 of the *Persons and Family Code* sets the minimum age for marriages in Mali at 18 years for men and 16 years for women, exemptions on age can be granted in the office of the district administrator. Specific country and community conditions and practices make enforcement of laws and policies difficult and compromise the capacity and effectiveness of the structures charged with monitoring and implementing the laws. Such conditions and practices include corrupt officials and socio-culturally/religiously influenced judicial officers. In Egypt, the interpretation of Sharia laws limits the use of civil law. These conditions explain instances where abductors and rapists are facilitated to 'marry' their victims as was found common in Ethiopia, Nigeria and Niger.

Overall, as the AU review of laws established, in most countries the good laws have a range of exemptions within the law allowing for legalization of marriage of children under the age of 18 years. Furthermore, some Member States have conflicting laws with different minimum age for marriage applicable in civil, customary and religious courts. Customary and religious statutes and laws, although subservient to the civil laws in most countries, continue to sanction child marriages especially in rural areas and villages. This is particularly the case where civil laws provide ambiguity and lack of clarity on prohibitions or in countries where religious laws determine civil laws.²⁶⁴

The study also established that several countries have not established robust national action plans despite being signatories of the AU Campaign to End Child Marriage. Among the 10 countries of study, only Morocco²⁶⁵ (representing 10% of the study countries) had neither joined the campaign nor rolled out a national action plan against child marriage. This flows from the fact that the country was not part of the African Union until 2017. According to AU informants and country data, the challenge has been limited political will to invest state resources in implementing the action plans and prioritising child marriage elimination in the nation development agenda. Commitment at the continental level has not translated into national action plan; or in the case where costed action plans have been developed like Tanzania, they have not been translated into practice.

According to the AU, there are significant political barriers to rolling out national plans because national governments negotiate and compromise on the extent of enforcing laws with traditional leaders for fear of losing power.²⁶⁶ Due to these and other factors, some countries, including Ethiopia and Nigeria, have developed some form of monitoring and evaluation mechanism for tracking child marriage. In Ethiopia for example, IMC worldwide has commissioned a three-year independent evaluation programme that includes a biannual verification of the End Child Marriage Programme funded by DFID. This aims at delaying child marriage for more than 200,000 girls in the Amhara part of Ethiopia. Similarly,



Nigeria formed a Technical Working Group on Ending Child Marriage in 2015 under the Ministry of Women Affairs and Social Development to execute a holistic implementation, monitoring and evaluation of the existing laws and policies.

From the discussions and data gathered, efforts against child marriage have been benefiting from what may be considered tangential policies – policy instruments focused on achieving different developmental goals and SDGs such as education and health. In all the countries of study, there is commitment to universal education of all children and access to health services. Thus, as more girls attend compulsory schooling, they may avoid early marriage and thus raise the national age of marriage. Some countries like Malawi, Mozambique and Tanzania have return to school policies which, in certain cases, are rendered ineffective due to factors like the poverty often experienced by the families of victims of child marriage.

Other policies such as those on child rights and women empowerment through quota systems have also promoted an environment within which more girls can evade marriage early. The same applies for countries that have criminalized and adopted more radical interventions against child marriage such as Morocco that launched a law criminalizing rape and subsequent marriage of rape victims.

The study found that there is near universal commitment to the international instruments against child marriage across the ten countries and the continent. However, development and activation of national action plans remains a challenge. This calls for an alternative frame of reference which will emphasize a bottom-up approach - that is, focus on socio-cultural rather than legal reforms and more investment in activities that enhance implementation and enforcement of national laws. Effective enforcement requires clarity and elimination of possible ambiguities and loopholes by consolidating provisions on marriage under harmonized Act(s) for reference. Of critical interest here are the religious and customary provisions that redefine maturity and consent.

CASE STUDY 26

Repeal of “Rapist Marry his Victim” Law in Morocco



Source: UN Women
field data (2018)

Several respondents pointed out the importance of the Avaaz’s 2014 petition that amended or repealed the “the rapist marry his victim” law in 2014. Prior to the petition and repeal, a painful event transpired. In 2012, Amina was raped at an age of 15 years and forced into marriage after her defiler, who was 25 years old then, traded in marriage for legal prosecution. The case may appear outdated or over publicized but the pain and the impact that it brought to the lives of many Moroccan girls will live to endure. Despite having to live in a nightmare, Amina was submerged in unending domestic violence and one day, she decided to end it all. She ingested rat poison and died. »



» Amina's death never became just any death but triggered a series of protests both in and outside Morocco prompting the state to repeal article 475 that closed rape cases on the basis of the rapist marrying the victim. The targeted provision of Article 475 of the Penal Code was finally amended on January 22, 2014. Today, Moroccan girls are no longer a slave of this law even though Amina would have loved to live and witness the change unfold.

8.2 Criminalization of Child Marriage

In 2015, the United Nations Human Rights Council by consensus adopted the first-ever substantive resolution on child marriage embedded in the Sustainable Development Goals. An explicit target under Goal 5 in the new sustainable development agenda is to 'Eliminate all harmful practices, such as child, early and forced marriage.' The study reports that the adoption of SDGs and further to the African Union Campaign on Ending Child Marriage launched in 2015, nine countries of study have developed national initiatives, strategies and plans on how to end child marriage with the exclusion of Morocco.²⁶⁷ However, it is worth noting that Morocco has put punitive fines on child marriage although it is not necessarily an effective deterrent. The law states that without prejudice to the more serious penal provisions, whoever compels others to marry by the use of violence or threats, is punished by imprisonment from six months to one year and a fine of 10,000 to 30,000 dirhams or one of these two penalties only. The sentence enacted is doubled when the victim is a minor. Ethiopia launched a national strategy and action plan to end child marriage in 2013. In 2015, Mozambique developed comprehensive strategies against child marriage and Other countries, including Malawi, have also undertaken legal reform to help end the practice. Setting 18 years or above as the legal age of marriage is a common step taken amongst a majority of the study countries.

Ethiopia is at one end of the continuum from criminalization to non-criminalization in the legal approach to child marriage in Africa. While 18 years is set as the legal age of marriage in the revised *Family Code* 2000, special provisions in the *Criminal Code* 2005 (Article 649) criminalizes child marriage. The Code explicitly states that marriage with someone below the age of eighteen years (apart for the exceptions allowed according to the *Family Code*) is punishable with imprisonment ranging from a minimum of three years marriage with minor below 18 years, or up to a maximum of seven years for marriage with minor below the age of thirteen years.

Despite setting the minimum age of marriage at 18 years in over 80% of the countries of study, 60% constituting Egypt, Morocco, Mozambique, Niger and



Tanzania have not criminalized child marriage. These countries have legislated a minimum age of marriage at 18 years or above but have not criminalized child marriage. For Morocco, the law on EAW, adopted in Morocco on February 14, 2018, does not criminalize child marriage but does create a new Article in the *Penal Code* which criminalizes forced marriages and doubles the sentence when the bride is a minor.²⁶⁸ While the Moroccan government emphasized the importance of consent in marriage, it nonetheless makes the prosecution conditional on a complaint from the victim. This provision is particularly problematic in cases of child marriage as girls are particularly vulnerable to pressure from their spouse or family to drop complaints. Article 19 of Morocco's *Family Code*, amended in 2004, sets the age of marriage at 18 years, but derogations are possible under Articles 20 and 21 that allow judges to authorize child marriage, with or without the consent of the child's guardian. Articles 20 and 21 of the *Family Code* make no mention of the child's full, free and informed participation in marriage planning and execution. Article 21 requires the consent of a child's legal guardian, although judges may disregard a guardian's refusal to consent. The law also lacks appropriate safeguards for derogations, leaving broad discretion to judges. Exceptional circumstances are not defined in law, nor is there a requirement to take into account evidence of the adolescent's maturity.²⁶⁹ Nonetheless, the articles require that Family Affairs Judges order a medical investigation and/or an inquiry into the social circumstances of the bride. In fact, the Office of the Chief Prosecutor issued a bulletin in March 2018, urging prosecutors in all Moroccan jurisdictions to introduce motions against granting permission for underage marriage. This bulleting particularly targeted circumstances in which the marriage seems to threaten the interests of the minor bride or groom. Additionally, it called on the judges to leverage court hearings, as per the legal provisions relevant to child rights, to raise the awareness of the underage children in marriage on the potential impact of marriage on their lives.

A further four of these countries (Niger, Mali, Mozambique and Tanzania) also provide exceptions to the law for instance upon parental consent or authorization by the court. Some make constitutional exceptions, typically for customary or religious law. In Tanzania for example, the *Marriage Act* (1971) allows girls at the age of 15-17 years to marry by parental consent, while boys may marry at 18 years. Girls may even marry at 14 years with court approval. Customary marriages are exempt from the law and this further opens up for child marriages below this age since girls typically are considered ready for marriage when they reach puberty. Only four countries including DRC, Ethiopia, Malawi and Nigeria have explicit provisions criminalizing child marriage in their countries.

Despite the fact that the majority of the countries of study have set 18 years as the minimum age for marriage for both males and females, weak enforcements has thwarted the positive impact of these policies. For instance, police in these countries may have little or no training to effectively handle child marriage cases and thus do not see it as their responsibility. On the same note, the principal



documents, birth certificates, that can prove the ages of girls at marriage are rarely produced and verified at the time such marriages are officiated. For example, only 16% of children under five years in Tanzania are registered and worse still, only approximately half of them have received their birth certificates as shown by the anecdotal data that was analysed by the Tanzania National Bureau of Statistics and ICF Macro, Tanzania Demographic and Health Survey.²⁷⁰ In order to bypass the legal requirements for a marriage, corrupt officials usually forge birth certificates after accepting bribes and thereby facilitate child marriage.

Essentially, corruption denies girls their accessibility to justice. In Tanzania, for instance, a police officer operating the Moshi Police Gender and Children's Desk informed the Human Rights Watch that there are a number of child rights related cases whose prosecutions are intentionally delayed or not concluded because child marriage perpetrators often bribe judges and prosecutors to adjourn or postpone them indefinitely. With such long delays, the victims together with their witnesses eventually give up coming to the courts and hence lose their cases. Jane K.'s (not her real names) assertion, "I want to report my husband's abuse to the police, but I do not have money to pay them to help me" cements the notion that corruption has badly affected the fight against child marriage and child rights abuse in general.

Additionally, all the countries of study have numerous overlaps in their customary, civil and religious laws and policies which often conflict each other.

TABLE 21: Minimum Age of Marriage - Country Laws

Country	Girls	Boys
DRC	18	18
Egypt	18	18
Ethiopia	18	18
Malawi	18	18
Mali	16	18
Morocco	18	18
Mozambique	18	18
Niger	18 (parental permission allows marriage by age 15) ²⁷¹	18
Nigeria	18	18
Tanzania	14 (court consent); 15 (parental consent) - the Marriage Act (1971) Constitution provides no minimum age for marriage	18

Source: UN Women field data (2018)



Similarly, religious leaders and communities who recognize child marriage as part of their religious or customary practices are always the architects of resistance against the enforcement of anti-child marriage legislations.

8.3 Multi Country Analysis of Policies and Legislations

Many countries have set up laws and policies targeting prevention and eradication of child marriage. In others, original laws and policies have been strengthened with revisions aimed at consolidating various provisions in different sectors of the legal systems and at reducing any legal loop holes. The study identified different legal measures instituted in the countries which are having a significant impact on strengthening interventions against child marriage. While different countries have instituted laws and policies, some have made more progress in elaboration and implementation. There are still gaps in the legal/policy analysis which undermine the opportunity to use law/policy as a tool for protection of rights for children and women and for advancing gender equality.

a. Dual Legal System

Many countries have dual legal systems that recognises civil law and, separately, customary and religious law and practice. Some countries make customary laws subject to the Constitution while other countries treat customary laws as on a par with civil law. This has resulted in several countries having a general age of marriage specified by the civil law but then either allowing customary law to set a lower age for girls in certain circumstances or making age of marriage subject to customary or religious laws.

The study found that Tanzania, for instance, has a dual legal system whereby international legal instruments cannot be applied without appropriate ratification and domestication into local legal and policy frameworks. All key United Nations (UN) and African Union (AU) conventions on the rights of the child have been ratified. Moreover, the *Law of the Child Act 2009* has, to a large extent, domesticated such international instruments. Apart from the child law, the country has enacted and formulated several pro-child rights laws, policies and guidelines. The other relevant laws include the *Law of Marriage Act 1971*; *Penal Code, Cap. 16*; and, the *Education Act 1978*. The policies and strategies include a recently formulated *National Plan of Action to End Violence against Women and Children in Tanzania 2017-2022 (NPA 2017/2022)*. The *Law of the Child Act 2009* sets the age of childhood as below 18 years. But, it does not invalidate Section 13 of the *Law of Marriage Act 1971* which still legally sanctions marriage of girls aged 14 and 15 years under court orders and parents' permission respectively. Section 60A of the *Education Act 1978* makes it unlawful for any person to marry a schoolgirl or schoolboy. The law provides that any person who contravenes this is liable to imprisonment of 30 years.



b. Age of marriage in the Constitution

In many countries, the age of marriage is not specifically mentioned either in the Constitution or in the marriage or family laws, or if stated, they are lower than the age of 18 years, contrary to what is stated in African and international treaties. Some countries have as a result embarked on law reform to live up to their international legal commitments as an important step and action.

In Malawi, the constitutional amendment of 14th February 2017 that described a child as a person below the age of 18 years²⁷² is so far one of the greatest interventions in the legal framework to end child marriages. It for most purposes strengthened the *Marriage, Divorce and Family Relations Act* 2015 that had raised the legal marriage age for both boys and girls from 15 to 18 years²⁷³ thereby clearing a major ambiguity previously existing over the legal age of marriage. There were now no longer any provisions for consent of marriage of a girl below the prescribed legal age as the constitutional amendment made it clear that any person below the age of 18 years was a child. Following the enactment, there was a clearly stated legal responsibility for protecting the girl child against harmful practices as provided for in the ACRWC and CEDAW that Malawi was party to and had ratified.²⁷⁴ The *Malawi Gender Equality Act* 2013 further provided for equal access to education and training as well as to other sectors of society for both boys and girls and set the stage for elimination of all forms of discrimination against girls and women including child marriage. In 2016, UNFPA supported the Ministry of Gender, Children, Disability and Social Welfare in setting up the gender implementation and monitoring plan in order to push the agenda for equality and elimination of discrimination among women and girls.²⁷⁵

In Malawi, key informants indicated that the return to school policy for teenage mothers who had dropped out of school due to pregnancy many subsequently being rescued from child marriages and willing to resume their education, as a right step in the right direction in addressing the problem of child marriages. The schools on their part have tried hard to provide a conducive learning environment for teenage mothers. The policy contributes to improving the indicators for completion and transition rates, especially among girls.

c. Alignment of constitution, marriage laws and other sectoral laws

One of the challenges where laws of marriage exists, is often contradiction with other laws or inconsistencies within the laws of marriages themselves. The key issues have arisen related to education policies and re-entry, and the age of consent related to health-related matters.

The Federal Government of Ethiopia has made significant steps towards eliminating child marriages by taking legislative actions against the practice and by promoting the wellbeing of girls and women through gender equality and women's empowerment. Of significance importance to this study, the Federal Government of Ethiopia incorporated women's rights and child protection issues in the 1994 Constitution as well as developing a women's policy in 1993.²⁷⁶



Under the Ethiopian Constitution,²⁷⁷ women are provided with rights and protections equal to those of men and, more specifically, women were granted rights to equality in marriage, maternity leave with full pay, participation and consultation in national development policies, and to acquire, administer, control, use and transfer property e.g. on land and inheritance.

In the year 2000, the *Family Code* was revised followed by revisions in the *Criminal Code* in 2005 to establish the minimum age of marriage at 18 years. The aim was to ensure that marriage and divorce procedures reflected the equality of the parties; and FGM/C was made illegal. Some amendments were made to domestic violence laws, defining it as a harmful traditional practice. 18 years was set as the minimum age of marriage for both boys and girls and betrothal was done away with. Child marriage was also criminalized in Article 648 of the *Criminal Code* with a penalty of three to seven years' jail term for perpetrators. In addition, several harmful cultural practices were criminalized e.g. FGM/C, infibulations, wife inheritance, as well as early and forced marriages. Despite these legal provisions being in place child marriages and FGM are still taking place. However, strong legal enforcement is gradually making headway in shifting the values and attitudes of the communities.²⁷⁸

Key policy advancements to combat child marriage in Ethiopia were started in 2013 with the launching of the National Alliance to End Child Marriages and FGM/C, followed a month later with the launching of the National Strategy and Action Plan on Harmful Traditional Practices against Women and Children. The strategy defined harmful traditional practices as those that violate and negatively affect the physical, sexual or psychological well-being, human rights and socio-economic participation of girls, women and children.²⁷⁹ The aim of this strategy was to institutionalize national, regional and grassroots mechanisms by creating an enabling environment for the prevention and elimination of all forms of harmful cultural practices and ensure a multi-stakeholder approach in supporting women and children by prevention, protection and responsive services. To make this possible, a national platform on prevention and elimination of harmful traditional practices was launched in June 2015 under the Ministry of Women, Children and Youth Affairs (MoWCYA) with representatives from key stakeholders.²⁸⁰ These policy initiatives, coupled with favourable legislative changes, have made it possible for many women and girls to records substantive advancements in education, access to health, wellbeing and as well as setting the stage for sustaining these gains among increasing numbers of women and girls.

The table below presents a more detailed multi country analysis of policies and instruments and legislations with special focus on key areas that are linked to the continuum of cases and effects of child marriage. These include a focus on marriage laws, education, sexual conduct, sexual and reproductive health and access to other resources for empowering girls.



Marriage Laws								
Country	Is the minimum age of marriage under the law/policy absolute?	Does the law prescribe a minimum age of consent to marriage that is consistent with at least a minimum age of marriage at 18 for both girls and boys?	Is the age of defilement under the penal code consistent with the minimum age of marriage with parental consent?	Does the law prescribe consequences for persons conducting child marriage?	Does the law prescribe consequences for other persons who promote child marriage?	Does the law require the registration of all marriages for validity, including customary and religious marriages?	Are there differences in what the Constitution or statutory law demands, and what customary and religious laws allow, and what is the reality in practice?	Does the law provide for redress (compensation, access to services, psychosocial support) for victims of child marriages?
DRC	Yes Minimum marriage is constitutionally set at 18 years but not followed in customary marriages	Yes Minimum age of marriage is 18 years for both girls and boys	Yes Any sexual intercourse below the age of 18 years is described as rape	No There is no law prescribing consequences for those who conduct marriages.	Yes. The law describes punishment for persons found in such a marriage	Yes All marriages and births should be registered but communities are not sufficiently informed about the law	Yes The law prohibits child marriage by setting the minimum marriage age at 18 years while customary laws allow marriage for girls aged 15 years.	No There are policy measures of redress within governance structures such as ministry in charge of gender, judiciary and child ministry but enforcement is inadequate. Their actions are further complemented by the work undertaken by NGOs and CSOs.
Egypt	Yes Minimum marriage is constitutionally set at 18 years, but experiences implementation hurdles due to legal gaps between customary and religious practices.	Yes Minimum age of marriage is 18 years for both girls and boys	No The Penal Code is not clear on either the defilement or age of defilement.	Yes Those who engage in or facilitate child marriage in any way are subject to administrative punishment.	Yes Child marriage is subject to administrative punishment.	Yes All marriages and births should be registered. However, many families still opt for Urfi which marries girls off but delays the marriage registration until they reach 18 years old. ²⁸¹	Yes The law prohibits child marriage by setting the minimum marriage age at 18 while Sharia law and the Islamic culture insists on Urfi. Actually, Urfi is practised in the rural and poor parts of Egypt hence high rates of child marriage. ²⁸²	No The law is not clear on any forms of redress. Such initiatives are so far undertaken by NGOs and CSOs



Ethiopia	Yes Minimum marriage is constitutionally set at 18 years but there are implementation obstacles due to legal gaps between federal family laws, customary and religious practices.	Yes Minimum age of marriage is 18 years for both girls and boys	No	Yes Child marriage was criminalized in Article 648 of the <i>Criminal Code</i> . Those who are found guilty of practicing Child marriage are therefore prosecuted.	Yes Child marriage is subject to a penalty of 3 to 7 years jail term for perpetrators.	Yes All marriages and births should be registered however, there lacks a functional national or regional system to register births, deaths, marriages, and divorce, making it difficult for authorities to prove a girl is underage.	Yes The law prohibits child marriage by setting the minimum marriage age at 18 years. There still exist some communities where federal family laws provide for a lower marriage age.	No The law is not clear on any forms of redress, however many of the initiatives are so far undertaken by CSOs both at national and community level.
Malawi	Yes Minimum marriage is constitutionally set at 18 years.	No Minimum age of marriage is 18 years for both girls and boys after amendment of the Constitution in 2017. There is no more consent allowed and no marriage is allowed below 18 years.	No The Malawi <i>Penal Code</i> only recognises defilement as that happening on girls below 13 years of age.	No No correction made on the <i>Penal Code</i> to align with the amendment of the Constitution on the age of marriage.	No No correction made on <i>Penal Code</i> to align with amendment on Constitution	Yes All marriages and births should be registered, and the law also recognizes customary marriages	Yes The law prohibits child marriage by setting the minimum marriage age at 18 years. However, customary law is still practised in mostly rural areas.	No The law is not clear on any forms of redress, however many of the initiatives are so far undertaken by CSOs both at national and community level.



Marriage Laws								
Country	Is the minimum age of marriage under the law/policy absolute?	Does the law prescribe a minimum age of consent to marriage that is consistent with at least a minimum age of marriage at 18 for both girls and boys?	Is the age of defilement under the penal code consistent with the minimum age of marriage with parental consent?	Does the law prescribe consequences for persons conducting child marriage?	Does the law prescribe consequences for other persons who promote child marriage?	Does the law require the registration of all marriages for validity, including customary and religious marriages?	Are there differences in what the Constitution or statutory law demands, and what customary and religious laws allow, and what is the reality in practice?	Does the law provide for redress (compensation, access to services, psychosocial support) for victims of child marriages?
Mali	Yes Minimum marriage is constitutionally set at 18 years for men and 16 years for women as per Article 281 of the <i>Persons and Family Code</i> .	Yes Article 283 prescribes that no marriage can take place without the oral consent of both parties and such consent must not be obtained through coercion or violence. Besides, the consent must be given in person and a signature/ fingerprint appended to it.	No While the law states that girls should not be married before reaching 16 years and boys at 18 years, defilement in Mali can lead to parents marrying off their daughter outside the minimum age of marriage. This explains why bride kidnapping is still successful in some parts of the country.	Yes In Article 282, the consequences of not complying with the Malian minimum age for marriage legislation are outlined. Anyone, registrar or religious leader, who officiates or instead presides over a marriage of a person under the minimum ages of marriage is punishable by the law. It further states that such a person is liable to a jail term of 6-12 months in prison and or a fine of 120,000 francs.	Yes According to Article 282, no registrar or religious leader in Mali should celebrate a union of persons below the minimum age lest they get imprisonment of 6-12 months and or a fine of 120,000 francs.	Yes All marriages and births should be registered. However, many families still opt for <i>zawāj al-mut'ah</i> which marries girls off but delay the marriage registration until they reach 16 years and 18 years for girls and boys respectively. ²⁸³	Yes The law prohibits child marriage by setting the minimum marriage age at 18 while Sharia law and the Islamic culture insists on <i>zawāj al-mut'ah</i> , which is very common in the rural and poor parts of Mali hence high rates of child marriage. ²⁸⁴	Yes Even though there is provision of divorce with alimony, the court processes are very long and many girls prefer forgoing the benefits for a quick divorce just to have their freedoms back. Besides, redress is mainly executed by NGOs and CSOs



<p>Morocco</p>	<p>Yes Minimum age for marriage is constitutionally set at 18 years but there are implementation hurdles due to legal gaps created by the Article 19 of the Family Code.</p>	<p>Yes Minimum age of marriage is 18 years for both girls and boys</p>	<p>Yes Initially, Article 475 allowed rapists to marry their victims but that was outlawed in 2014. Defilement is now purely a criminal case.</p>	<p>NO However, there is a Draft law 103-13 in Article 503-2-1 which²⁸⁵ spells out a jail term of 6-12 months and fines of US\$ 1,030-3,100 for forced marriage offences.²⁸⁶</p>	<p>Yes Child marriage is subject to administrative punishment.</p>	<p>Yes All marriages and births should be registered. However, many families still opt for <i>zawāj al-mut'ah</i> which marries girls off but delay the marriage registration until they reach 18 years old.²⁸⁷</p>	<p>Yes The law prohibits child marriage by setting the minimum marriage age at 18 while Sharia law and the Islamic culture insists on <i>zawāj al-mut'ah</i>, which is very common in the rural and poor parts of Morocco such as Azilal hence high rates of child marriage.²⁸⁸</p>	<p>Even though there is provision of divorce with alimony, the court processes are very long and many girls prefer forgoing the benefits for a quick divorce just to have their freedoms back. Besides, redress is mainly executed by NGOs and CSOs.</p>
<p>Mozambique</p>	<p>Yes Minimum marriage is constitutionally set at 18 years but in traditional marriages, the age of consent is 16 years.</p>	<p>Yes Minimum age of marriage is 16 years for both girls and boys</p>	<p>Yes Sexual intercourse with anyone below the age of 12-16 years is considered rape and below 12 years, defilement with varied punishment depending on age</p>	<p>No The law is silent on what action is taken on those who conduct child marriages.</p>	<p>NO The law is silent on what action is taken on those who promote child marriage.</p>	<p>Yes It is compulsory to register all traditional, religious and civil marriages but its ignored for traditional marriages</p>	<p>Yes While the law caps the age of consent at 16 years, there are no provisions as to how age is determined when marriage parties have no birth registration to confirm age. In addition, different initial processes are conducted for traditional marriages allowing religious leaders to determine age. Traditions use initiations rites while religion use consent from parents.</p>	<p>Yes The law has led to the development of the National Strategy to Prevent and Fight against Child Marriage (NSPFCM) policy that provides mechanism for redress. Their work is further complemented by actions of NGOs and CSOs.</p>



Marriage Laws								
Country	Is the minimum age of marriage under the law/policy absolute?	Does the law prescribe a minimum age of consent to marriage that is consistent with at least a minimum age of marriage at 18 for both girls and boys?	Is the age of defilement under the penal code consistent with the minimum age of marriage with parental consent?	Does the law prescribe consequences for persons conducting child marriage?	Does the law prescribe consequences for other persons who promote child marriage?	Does the law require the registration of all marriages for validity, including customary and religious marriages?	Are there differences in what the Constitution or statutory law demands, and what customary and religious laws allow, and what is the reality in practice?	Does the law provide for redress (compensation, access to services, psychosocial support) for victims of child marriages?
Niger	Yes Minimum marriage is set at 15 years for girls and 18 years for boys. However, there exist gaps under customs as communities marry off their girls at puberty, with some even being married at the age of 9 years.	No The age of consent in Niger is set at 13 years old. The <i>Civil Code</i> provides that consent from ascendants shall be sought for marriage between minors. ²⁸⁹	YES The age of consent is set at 13 years old. Under Niger statutory laws on rape and defilement, a person can be prosecuted if s(he) has sexual contact with another below the age of 13 years. ²⁹⁰	No The legal provision on the minimum age of marriage for girls, at 15 years old, is itself a reinforcement of child marriage.	No The law does not provide for this.	Yes The law provides that marriage should be registered within 10 days of celebration. Marriages that are not celebrated before the registrar should be declared within 10 days. ²⁹¹	Yes The law prohibits marriage of young girls below the age of consent. However, this is not adhered to since certain communities marry off their girls at the age of puberty, which can be as low as 9 years.	No The law is not clear on any forms of redress. Such initiatives are so far undertaken by NGOs and CSOs.
Nigeria	Yes Minimum age for marriage is constitutionally set at 18 years but does not apply to Islamic and traditional marriages.	Yes Minimum age of marriage is 18 years for both girls and boys but does not apply to Islamic and traditional marriages In addition, article 361 of the <i>Criminal Code</i> states that any person who, with intent to marry or carnally know a female of »	Yes Defilement is committed by anyone who engages in sex with a person below the age of 18 years	No The law only provides consequences for those who engage in the actual marriage not promoters or persons who conduct the marriage	No The law only provides consequences only for those who engage in the actual marriage.	Yes Marriage registration is compulsory for all marriages	Yes The law prohibits child marriage by setting the minimum marriage age at 18 years while Sharia law and customary laws use the onset of menstruation period and wet dreams to signify readiness for marriage.	No The law is not clear on any forms of redress. Such initiatives are so far undertaken by NGOs and CSOs.



		» any age, or to cause her to be married, or carnally known by any other person, takes her away, or detains her, against her will, is guilty of a felony, and is liable to imprisonment for seven years.						
Tanzania	No Minimum marriage is set at 18 years for boys and 15 years for girls. The <i>Marriage Act</i> provides that the Court has discretion to grant permission to any one below the age of 18 years for men and 15 years for girls to get married based on the circumstances of the parties to the proposed marriage. ²⁹²	No Minimum age of marriage is 18 years for boys and 15 years for girls. ²⁹³ The court has discretion to also permit parties below the prescribed age based on the circumstances. ²⁹⁴	Yes A man commits an offence of rape if he has sexual intercourse with a girl or a woman (with or without her consent) if she is below the age of 15 years old, unless she is his wife of 15 years or more and they are not separated. ²⁹⁵	Yes Under the Tanzanian Evidence Act, 2016 (Act No.9 of 2016) laws, any person who impregnates a primary or secondary schoolgirl commits an offence and shall be liable upon conviction to an imprisonment of up to 30 years. ²⁹⁶ Although this is aimed at curbing child marriage, the age of consent of 14 years (with court permission) and 15 years (with parental consent) remains a contributing factor of child marriage.	No The current legislations do not accord sufficient protection for girls from acts of child marriage and other forms of gender-based violence. ²⁹⁷	Yes The <i>Law of Marriage Act</i> , Cap 29, provides for the procedure of registration of all marriages, including civic, religious, and customary and those conducted abroad. ²⁹⁸	Yes There is a conflict of laws on age of consent, as the law sets the minimum age for girls at 15 years (parental consent) and 14 years (court permission) but the High Court decided that these respective provisions are unconstitutional. Traditional practices are still contributing to child marriage as the different communities still practise rites like traditional dances, FGM which prepares young girls for womanhood, thus marriage.	No The law is not clear on any forms of redress. Such initiatives are so far undertaken by NGOs and Civil Societies.



Education			
Country	Are sanctions prescribed for parents who fail to send their children to school in the face of the provision of free education, especially adolescent girl children?	Is there a national law, policy or regulation concerning pregnant girls or girls who have given birth that allows them to complete their schooling?	Is there a law, regulation or directive that provides for sexual and reproductive health (SRH) education in schools as part of the curriculum?
DRC	No The law prescribes education as free and compulsory, but no action is taken on parents who don't follow the law	No While basic education is compulsory till secondary school, there is no return to school policy for children in marriage in DRC. However, the government and schools allow return to school for those affected by conflicts	Yes The DRC has a national adolescent sexual and reproductive health policy
Egypt	No Despite the 2014 Constitution making education free and compulsory up to secondary school, parents regularly pull their girls out of school and marry them without any apprehension by the government. ²⁹⁹	No While basic education is compulsory till Secondary school, there is not return to school policy for girl brides in Egypt.	No The government curriculum does not provide SRH education. However, there have been interventions and training by NGOs such as Population Reference Bureau. ³⁰⁰
Ethiopia	No In Ethiopia, parents regularly pull their girls out of school without much apprehension by the government.	No Ethiopia has no return to school policy for girl brides or for young mothers who may drop-out of school due to teenage pregnancy.	No There is no law, regulations or curriculum by the Ethiopian government for SRH education. In Ethiopia, many young people transition into adulthood with conflicting and confusing messages about sexuality and gender. They lack the adequate information and preparation on sexual and reproductive health (SRH), which leaves them »

			» vulnerable to coercion, sexual abuse and exploitation, unintended pregnancies. The little SRHR education done is by NGOs.
Malawi	No Free education is only available for primary education. Many parents who cannot afford fees for secondary education have their children at home for lack of fees.	Yes The government allows for girls to return to school once they have given birth. “In 1993, the Malawian Ministry of Education passed a law allowing teen mothers to return to school after the birth of a child. The policy dictates that a pregnant teen who wishes to return to school must write a letter withdrawing herself from school while she is pregnant. She must wait at least six months after the baby is born before reapplying for admission, at which time she must send two requests: one to the Ministry of Education and one to the school she wishes to attend. She may opt to attend a school other than her former school. She can be readmitted only once—if she drops out of school a second time she will be permanently expelled”.	Yes The Comprehensive Sexual Education (CSE) curriculum was first introduced in 2015 for secondary school level learners.
Mali	No However, school enrolment remains equally spread throughout the gender divide.	No While basic education is compulsory till secondary school, there is not return to school policy for girl brides in Mali. Besides, the Muslim culture does not encourage or recognize teenage pregnancy.	No The government curriculum does not provide SRH education. However, there have been interventions and training by NGOs and International Organizations such as UNFPA. ³⁰¹





Education			
Country	Are sanctions prescribed for parents who fail to send their children to school in the face of the provision of free education, especially adolescent girl children?	Is there a national law, policy or regulation concerning pregnant girls or girls who have given birth that allows them to complete their schooling?	Is there a law, regulation or directive that provides for sexual and reproductive health (SRH) education in schools as part of the curriculum?
Morocco	No Despite Article 456 of the Constitution mandating the state to provide education to all Moroccan children until age 13 years, parents regularly pull their girls out of school and marry them without any apprehension by the government. ³⁰²	No While basic education is compulsory till secondary school, there is no return to school policy for girl brides in Morocco. Besides, customary principles in the country do not encourage or recognize teenage pregnancy. ³⁰³	No The government curriculum does not provide SRH education. However, there have been interventions and training by NGOs and International Organizations such as UNFPA. ³⁰⁴
Mozambique	No Despite a law that makes education compulsory between grade 1 to seven, there are no sanctions for those who fail to comply	Yes. There is the Despacho Ministerial n.39 of 2003, a policy that provides for pregnant girls to attend evening classes	No The government curriculum does not provide SRH education in schools but rather has health education promotion programmes as part of the health sector programmes
Niger	No In principle education is free and compulsory up to the age of 12 years.	No While basic education is compulsory till secondary school, there is no return to school policy for girl brides in Niger.	No The government curriculum does not provide SRH education. However, there have been interventions and training by NGOs such as Plan International



Nigeria	No The law is silent on action on parents who don't send their children to school	No While basic education is compulsory till secondary level there is no law or policy on return to school for girl brides but those who choose to return are allowed to do so.	Yes There is a policy on sexual and reproductive health of adolescent where separate classes are provided in some states for girls who have had children
Tanzania	Yes Under new legislation, any person who marries a primary or secondary girl or impregnates them faces up to 30 years in prison upon conviction. The laws were enacted to implement the free education policy and are aimed at creating a better environment for school girls to finish their studies. ³⁰⁵	Yes Tanzanian cabinet passed Education and Training Policy in June 2014 that allows for re-admission of girls to school after giving birth. ³⁰⁶ This is, however, not the practice. There is a directive by the President that school girls and teenagers who get pregnant should not be allowed in school. We have had cases where authorities have arrested pregnant school girls together with their parents, acts which have been condemned by the public and other human rights organisation as a violation of their rights. ³⁰⁷ The President argues that allowing pregnant girls in schools will encourage others to engage in sex. ³⁰⁸	No The government curriculum does not provide SRH education. However, there have been interventions and training by NGOs.



Sexual Misconduct				
Country	Does the law avoid criminalizing consensual sexual activity between teenagers?	Does the law sufficiently distinguish between consensual sexual activity and non-consensual sexual (defilement) activity with children?	Does the law prohibit the withdrawal of rape charges if the perpetrator agrees to marry the victim?	Does the law criminalize marital rape?
DRC	The age of consent is set as 18 years and therefore any sexual intercourse below this is considered a crime	Yes Consent age remains 18 years and any sexual activity that is forced is considered rape which by definition means no consensual sex	No The law is expected to fully take charge of cases of rape, but communities scuttle the justice system in favour of forcing rapists to marry the girls	No The law fails to recognize marital rape
Egypt	No The Egyptian Law sets the age of consent at 18 years. Accordingly, any sexual activity between individuals under 18 years is illegal. ³⁰⁹	No Consent age remains 18 years and there is no legally recognized consent below the age of 18 years. ³¹⁰	Yes Egypt criminalized sexual violence against women in 2014 and perpetrators can be jailed for 5 years or fined \$400-\$7000 if found guilty. ^{311, 312}	Yes The Egyptian 2014 Constitution in its Article 11 prohibits all forms of violence against women. Nonetheless, husbands usually manoeuvre their way out of court through Article 17 of the <i>Penal Code</i> (mercy ruling). ³¹³



Ethiopia	No <p>The Ethiopian Law sets the age of consent at 18 years. Accordingly, any sexual activity between individuals under 18 is illegal.³¹⁴</p> <p>The country does not have a close-in-age exemption, commonly known as “<i>Romeo and Juliet laws</i>” in the United States. In this regard, there is no prevention of prosecution for individuals who engage in consensual sexual activity when both participants are significantly close in age to each other, and one or both partners are below the age of consent. It is possible for two individuals both under the age of 18 years who willingly engage in intercourse to both be prosecuted for statutory rape, although this is rare.³¹⁵</p>	No <p>Consent age remains 18 years and there is no legally recognized consent below the age of 18 years.</p>	No <p>The Ethiopian <i>Criminal Code</i> of 2004 is silent on withdrawal of rape charges if the perpetrator agrees to marry the victim. In practice, however, a majority of the marriages were as a result of abduction of girls and rape.³¹⁶</p>	No <p>Article 620(1) of the Ethiopian <i>Criminal Code</i> of 2004 provides for the offence of rape compelling a woman to have sexual intercourse “outside wedlock”. This effectively excludes the offence of marital rape.</p> <p>In 2004, the Ethiopian Women Lawyers Association pushed for the inclusion of the offence of marital rape in the <i>Criminal Code</i>, a suggestion which was rejected by the legislature.³¹⁷</p>
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Sexual Misconduct				
Country	Does the law avoid criminalizing consensual sexual activity between teenagers?	Does the law sufficiently distinguish between consensual sexual activity and non-consensual sexual (defilement) activity with children?	Does the law prohibit the withdrawal of rape charges if the perpetrator agrees to marry the victim?	Does the law criminalize marital rape?
Malawi	No The Malawian <i>Penal Code</i> , Section 138, is very clear about any sexual intercourse with against a girl below 13 years, with or without her consent, being regarded this as defilement irrespective of the age of the offender and lays a stiff penalty of life imprisonment with or without corporal punishment. ³¹⁸	Yes The <i>Penal Code</i> is very clear in that there is no consent for sex with girls below the age of 13 years.	No The <i>Penal Code</i> lays harsh penalties for offenders who engage with sex with girls below the age of 13 years.	Yes Section 62 of the <i>Marriage and Divorce Act 2015</i> provides for the offence of marital rape if the husband has sex with his wife without her consent during the subsistence of a decree for judicial separation. ³¹⁹
Mali	Family Code sets the age of consent at 16 and 18 years for females and males respectively. Accordingly, any sexual activity between individuals under the stated ages is illegal.	No Consent age remains 16 and 18 years for females and males respectively and there is no legally recognized consent below the age of 18.	Yes Mali outlawed all forms of rape related reliefs on the basis of marrying the victim.	No Marital rape is not identified as a specific offence in Mali. ³²⁰ However, an appellate court sentenced a man to 2 years in prison for assaulting his wife. ³²¹



Morocco	<i>Family Code</i> sets the age of consent at 18 years. Accordingly, any sexual activity between individuals under 18 is illegal.	No Consent age remains 18 years and there is no legally recognized consent below the age of 18 years. Article 475 sets a prison term of 1-5 years for defilement or similar intentions.	Yes Morocco outlawed all forms of rape related reliefs on the basis of marrying the victim.	No Marital rape is not identified as a specific offence in Morocco. ³²²
Mozambique	The Mozambique law prohibits sexual intercourse below the consent age of 16 years but does not criminalise consensual sex between minors	Yes Sex between persons below the age of 16 years is considered a crime and for those aged 12-16 years its considered rape and below the age of 12 years, it is it's a more serious crime defined as defilement.	Yes. In 2014, parliament proceeded to prohibit an earlier proposed law to suspend sentence for perpetrators to marry their victims	Yes Amendments to the law have recognized marital rape as a crime
Niger	No The Nigerien Law sets the age of consent at 13 years.	No The country does not have a close-in-age exemption, commonly known as "Romeo and Juliet laws" in the United States. In this regard, there is no prevention of prosecution for individuals who engage in consensual sexual activity when both participants are significantly close in age to each other, and one or both partners are below the age of consent. It is possible for two individuals both under the age of 18 years who willingly engage in intercourse to both be prosecuted for statutory rape, although this is rare.	No Perpetrators of rape are prosecuted.	Yes Niger is one of the many African countries that have not passed a law to criminalize marital rape. ³²³



Sexual Misconduct				
Country	Does the law avoid criminalizing consensual sexual activity between teenagers?	Does the law sufficiently distinguish between consensual sexual activity and non-consensual sexual (defilement) activity with children?	Does the law prohibit the withdrawal of rape charges if the perpetrator agrees to marry the victim?	Does the law criminalize marital rape?
Nigeria	No The law criminalises any acts of sexual intercourse between persons below 18 years	No The law outlaws sex with persons below the age of 18 years without distinguishing consensual and non-consensual sex	Yes In Nigeria, once a case of rape is entered, the full force of the law is expected to take effect	No The Nigerian law does not recognize marital rape
Tanzania	Yes By allowing the court to permit marriage for teenagers of 14 years of age, or under special circumstances, the law gives leeway for marriage and sexual activities between teenagers as statutory rape is not an offence if parties are married. ³²⁴	Yes A man is guilty of an offence of statutory rape if he engages in sexual activity with a girl below the age of consent (14 years with court's permission and 15 years with parental consent). The same is, however, not an offence if they are married, and are not separated at the time of commission of the act. ³²⁵	No Although it is not clear on withdrawal of rape charges if the perpetrator agrees to marry the victim, the <i>Criminal Procedure Act</i> gives the Director of Public Prosecution powers of <i>Nolle prosequi</i> . In this regard, DPP can withdraw any matter before court at any stage of proceedings. ³²⁶ Withdrawal of rape charges have not been exempted under the Act.	No The statutory offence of rape is defined by the absence of consent. Further to this, the Act provide that it is not an offence if at the time the sexual act, the man is married and they are not separated. In this regard, marital rape is not criminalised. ³²⁷



Sexual and Reproductive Health		
Country	Does the law provide for access to termination of pregnancy for teenagers without parental consent?	Does the law guarantee confidentiality of sexual and reproductive health services provided to teenagers, except where instances of sexual abuse require reporting to authorities?
DRC	No Religious beliefs take precedence where girls who get pregnant are forced to marry	Yes Special units provide youth friendly services even at local levels
Egypt	No Egypt outlaws induced abortion as per Article 262 of the <i>Penal Code</i> . ^{328, 329}	No It not very clear based on the fact that teenagers are hardly able to access SRH services. ³³⁰
Ethiopia	No In 2005, Ethiopia expanded abortion laws. It was legalised in cases of cases of rape, incest or foetal impairment. Further, a minor who is physically or mentally unprepared for childbirth can terminate pregnancy. ³³¹	No It not very clear based on the fact that teenagers are hardly able to access to SRH services. ³³²
Malawi	No Section 149 of the <i>Penal Code</i> criminalizes abortion. Abortion is only allowed on medical grounds when the mother's life is in danger. However, the Malawi government released and gazetted to the public in 2017 the <i>Abortion and Termination of Pregnancy Bill</i> . ³³³	No The law in Malawi is not explicit on this matter. However, the Malawi Reproductive Health Policy provides for adolescents to access the requisite sexual reproductive health services they wish to receive. ³³⁴
Mali	Yes But only under three circumstances: to preserve physical health; to save the life of the mother and to preserve mental health. ³³⁵	No It not very clear based on the fact that teenagers are hardly able to access SRH services and that there is no formal SRH in schools. ³³⁶



Sexual and Reproductive Health		
Country	Does the law provide for access to termination of pregnancy for teenagers without parental consent?	Does the law guarantee confidentiality of sexual and reproductive health services provided to teenagers, except where instances of sexual abuse require reporting to authorities?
Morocco	No	No It not very clear based on the fact that teenagers are hardly able to access SRH services and that there is no formal SRH in schools. ³³⁷
Mozambique	Yes The law allows for abortion up to 16 weeks for certain types of pregnancy including rape or incest	Yes The Ministry of Health has a policy for provision of youth friendly spaces for young teenagers accessing SRHR.
Niger	No Under the Penal Code of 1965, Law No. 61-27, abortion is prohibited in Niger. ³³⁸ A woman who performs or attempts to perform her own abortion or who consents to its performance is subject to six months to two years' imprisonment and payment of a fine. ³³⁹	No It not very clear based on the fact that teenagers are hardly able to access to Sexual and Reproductive Health services.
Nigeria	No Abortion is outlawed in Nigeria	Yes In the health sector, special services are provided to adolescents but no special support for survivors of sexual abuse
Tanzania	No Under the Penal Code, Termination of pregnancy (abortion) is prohibited. The law sets a punishment for imprisonment for a term of 14 years for any person who procures the same, ³⁴⁰ and seven years for any woman who undertakes an act of abortion on herself. ³⁴¹ For a person who supplies object to procure abortion, s/he is liable for three years imprisonment. ³⁴²	No It not very clear based on the fact that teenagers are hardly accessible to SRH services.



Access to Justice			
Country	Are child friendly justice principles given authority in law, policy regulations and training, including regarding statement taking from children, the provision of evidence by children, court set-up when children testify, privacy and confidentiality?	Does the law provide for training of police and judicial officers in order to reinforce child protection?	Does the law provide for training of police and judicial officers in order to reinforce child protection? Is knowledge on the part of the police and courts ensured through the constant availability of relevant laws in all justice delivery structures?
DRC	Yes Special juvenile courts and committees have been established where the officers handle children cases	Yes Officers working in the juvenile courts and committees have to undergo training on child protection	Yes Officers working in the juvenile courts and committees have to undergo training on child protection. However corresponding monitoring efforts are lacking due to inadequate resourcing.
Egypt	Yes The <i>Children Law</i> 2008 outlines all the fair and friendly juvenile justice system for both girls and boys. However, the implementation of justice has been circumvented by perpetrators and families thus denying children free access to justice in Egypt. ³⁴³	Yes The Egyptian Judicial system should comply with the requirements of the <i>Children Law</i> 2008 in the administering of juvenile justice. ³⁴⁴	Yes The law is clear on justice administration. However, policy gaps occasioned by the different customary and religious positions interfere with its free and fair administration. Corruption also curtails justice to children in Egypt. ³⁴⁵



Access to Justice			
Country	Are child friendly justice principles given authority in law, policy regulations and training, including regarding statement taking from children, the provision of evidence by children, court set-up when children testify, privacy and confidentiality?	Does the law provide for training of police and judicial officers in order to reinforce child protection?	Does the law provide for training of police and judicial officers in order to reinforce child protection? Is knowledge on the part of the police and courts ensured through the constant availability of relevant laws in all justice delivery structures?
Ethiopia	<p>Yes</p> <p>Ethiopia has ratified international and regional treaties and conventions on the rights of children like the International Convention on the rights of the Child (CRC). The Ethiopian Constitution, in line with the treaties and conventions on the rights of children, stresses the responsibility of the state to provide children at various age ranges with special protection. In this regard, the government has undertaken initiatives, policy reforms and created legal instruments and developed guidelines aimed at the protection of women and children.³⁴⁶</p> <p>The Judiciary has established special benches within courts to deal with offences committed against children and women.</p> <p>The Ethiopian Federal First Instance Court has also introduced closed-circuit television monitors to protect child victims from facing the perpetrator and public at the time of testimony.³⁴⁷</p>	<p>Yes</p> <p>Police should be trained on child protection. There is a manual designed basically for use by police trainers and training institutions in the Ethiopian Police Service. Although it is primarily designed to be used in training, the manual can also serve as a major resource in the process to develop working guidelines for child protection functions.³⁴⁸</p>	<p>Yes</p> <p>Although the police and judicial officers are trained by both the government and non-state actors on child protection laws, children are still being exposed to acts of violence.³⁴⁹</p> <p>The Child Justice Project within the Ministry of Justice, together with non-state actors implementing programmes and projects on child protection should take initiatives aimed at creating awareness on existing child protection laws.³⁵⁰</p>



Malawi	Yes <p>Sections 24 to 28 of the Sexual Offences Act have provisions that protect the child as well as adults who are survivors of sexual violence. Section 24 of the Sexual Offences Act abolishes the common law presumption of incapacity for boys below 14 years. Thus, boys below 14 years do not have an excuse of getting away with sexual offences. Section 25 makes consent for sex immaterial where the girl child is involved. Section 26 states that corroboration of evidence is not necessary for a conviction to be made thus making it easy to secure convictions for defilement cases where children are involved. Section 27 puts a restriction on the trial for rape and other sexual offences which makes the complainant's sexual history with the defendant irrelevant in the case while section 28 provides for anonymity of the complainant during the trial.³⁵¹</p>	No <p>The law does not give direction on the training of the Police and Judicial force to reinforce child protection. However, key development actors in the civil society are investing in capacity building of the police and Judiciary on gender, gender-based violence and other areas of relevance to their work.³⁵²</p>	Yes <p>Civil society and other key stakeholders are working together to strengthen implementation of the various legislations and policies on child protection.</p>
Mali	Yes <p>The Children Law 2004 outlines all the fair and friendly juvenile justice system for both girls and boys. However, the implementation of justice has been circumvented by perpetrators and families thus denying children free access to justice in Mali.</p>	Yes <p>The Malian Child Protection Code of June 2002 incorporates the Convention on the Rights of the Child (CRC). However, the Code accords minors (children under 18 years unless they are legally married by 16 years) no legal capacity.³⁵³</p>	Yes <p>The law is clear on justice administration. Nonetheless, policy gaps occasioned by the different customary and religious positions interfere with its free and fair administration. Besides, there is lack of constitutional harmony in some articles of the constitution and Codes.³⁵⁴</p>



Access to Justice			
Country	Are child friendly justice principles given authority in law, policy regulations and training, including regarding statement taking from children, the provision of evidence by children, court set-up when children testify, privacy and confidentiality?	Does the law provide for training of police and judicial officers in order to reinforce child protection?	Does the law provide for training of police and judicial officers in order to reinforce child protection? Is knowledge on the part of the police and courts ensured through the constant availability of relevant laws in all justice delivery structures?
Morocco	Yes The Children Law 2004 outlines all the fair and friendly juvenile justice system for both girls and boys. However, the implementation of justice has been circumvented by perpetrators and families thus denying children free access to justice in Morocco.	Yes The Moroccan Judicial and police system should comply with the requirements of the Article 32 of the 2011 Moroccan Constitution in administering juvenile justice. ³⁵⁵	Yes The law is clear on justice administration. Nonetheless, policy gaps occasioned by the different customary and religious positions interfere with its free and fair administration. Besides, there is lack of constitutional harmony in some articles of the constitution and Codes. ³⁵⁶
Mozambique	Yes Mozambique has special police units known as <i>Gabinete da Mulher e Atendimento a Criança</i> (GMAC) that handle children's cases. The Judiciary has provision for establishing children's courts but only one exists in the capital city.	NO The training of judicial officials at <i>Centro de Formação Jurídica e Judiciária</i> (CFJJ) is very basic and does not include training on child matters or provide for special procedures on the same.	Yes and No While the police have special units specialised in addressing children's cases, facilities are not properly resourced to handle the cases hence scuttle the process of justice. While the courts provide for establishment of children's courts, in most parts of the country the courts are non-existent, and the judicial officers are untrained on child handling procedures.



Niger	No Niger has ratified the Convention on the Rights of the Child, which takes precedence over national and domestic laws in application. ³⁵⁷ Children can file a suit with any court when their rights are violated. ³⁵⁸ However, Niger lacks a Code to can provide guidance on litigation procedures. ³⁵⁹ Children can also file a case in juvenile courts if faced with danger to their safety or health. ³⁶⁰	Yes The government has been undertaking training of criminal law enforcement agencies on laws and regulations relating to child protection. ³⁶¹	Yes The law is clear on justice administration. However, policy gaps occasioned by the different customary and religious positions interfere with its free and fair administration. Corruption also curtails justice to children in Niger.
Nigeria	Yes In the case of children giving evidence, the cases can be held <i>in camera</i> to protect the children	Yes There is a national child safeguarding policy that was developed and is trained on police handling children matters	Yes Relevant policies for training of police are in place but it is unclear on how monitoring of their implementation is being done
Tanzania	Yes The <i>Children and Young Persons Ordinance</i> ³⁶² is the basic law governing juvenile justice in Tanzania. The law applies to anyone below the age of 16 years old. ³⁶³ There have been, however, inconsistencies in the application of the law and furthermore, juveniles are not treated in accordance with the intent and provisions of legislation. ³⁶⁴	Yes The law provides for training of police and judicial officers on child protection. There have been, however, difficulties in administration of the <i>Children and Young Persons Ordinance</i> since it is not understood by law enforcers.	Yes There have been efforts by the government and other partners to train magistrates and police officers on child protection. ³⁶⁵

**CASE STUDY 27**Moroccan Moudawana Has a Big Legal Gap³⁶⁶

Source: UN Women
field data (2018)

The 2004 amendment of the Family Code ensured that the minimum marriage age moved to 18 years thus putting the country at the global threshold. This law applies to both girls and boys. The bill further directs that violators of the minimum marriage age, which is enshrined in the Children's Act, should be subjected to administrative punishments. This was indeed a celebrated move.

However, the celebrations lasted only a short while as perpetrators of child marriage spotted an opportunity in Articles 19 and 16. While Moudawana spells out that women have the right to choose their marriage partners and are only allowed to marry at age of 18 years, it also allow Family Judges to permit underage marriage under discretion. Surprisingly, statistics from the Ministry of Justice in Morocco (2014) showed that approximately 90% of marriage cases referred to them for their judgement were approved despite the couple, or at least one of them being below 18 years.

Rate of Approval by Judges of Early Marriage Applications 2007-2013

Year	2007	2008	2009	2010	2011	2012	2013
Approval (%)	86.79	88.48	90.77	92.21	89.56	85.99	85.46
Refusal (%)	10.72	11.05	8.59	7.79	10.44	14.01	14.54

Source: UNICEF, 2015

During the field study, a participant pointed out that one of the grounds on which marriages are authorised when the couple is below 18 years is through Al Fatiha (a customary marriage under the Muslim culture which is not registered). It also emerged that Al Fatiha can occur even with the judge's refusal of the marriage. Eventually, the judge has no options than to recognize the marriage under Article 16 of the Moudawana which allows for a retroactive registration of such marriages.

Once a family affairs Judge has approved marriage of a child below 18 years, the decision cannot be appealed anywhere in Morocco. However, it is shocking to not that the Code allows parents or guardians to appeal a judge's decision barring child marriage. This has made the Code almost utterly ineffective in fighting child marriage in Morocco.



It also emerged that the process of awarding such under-age marriages are usually flawed. While Article 19 of the Family Code demands that a child's capacity to enter a union be assessed through a full medical and psychological test, respondents revealed that such tests are done by untrained doctors and are thus fake. Additionally, they do not focus on the life of a child beyond being a wife, a mother or a father.

As long as Article 19 of the Code is still intact in Morocco, the minimum age of marriage has very little significance. It is a case of as one hand gives, the other takes it back. In short, what the law prohibits in terms of marriage below a minimum age is offered in Articles 19 and 16 without constraint. As noted, approximately 90% of underage marriage cases referred to the courts get easy approvals.

CASE STUDY 28

Age of the (Girl) Child is Contextual in Current Legal System in Tanzania



Source: UN Women field data (2018)

The Law of the Child Act 2009 defines a child as a person whose age is below 18 years. The Prisons Act 1967 considers a person below 21 years as a child. The Law of Contract, Cap. 433 defines a minor to be a person under 18 years. Under Section 11 of this contract law, a minor cannot enter into a contract. The Election Act 1985 also considers a child to be a person below 18 years. The Education Act 1978 prohibit marriage of the school children (regardless of the age); while, the Law of Marriage Act 1971 sanctions marriage of girls below 18 years. Furthermore, traditional and Sharia norms, which allow under age marriage of girls are sanctioned under the said marriage law. Therefore, the age of the girl child is contextual and has social and legal aspects - leaving the girls vulnerable to decisions of their parents, guardians and even law enforcers.

The prescription of minimum age for marriage as 14 and 15 years, under court order and parents' consent respectively, was in force long before the inception of the Law of Marriage Act 1971. According to the participants in this study, the minimum age for marriage was one of the issues which the government put to be canvassed by the members of the public in its paper, Government Paper No. 1 of 1969.

The 15 years as minimum age was adopted under Section 13 of the Law of Marriage Act 1971 and it has remained unchanged to date (March 2018). Currently, as said before, a girl of 14 years can be married under a court order. The Law Reform Commission of »



» Tanzania (LRCT) recommended an amendment of this provision to rise the age for marriage to 21 years in July 1986 and again in 1994. The minimum age has, however, remained unchanged even after ratification of the international legal instruments on the rights of the child; the enactment of the Law of the Child Act 2009 ten year ago did not change it.

The NGOs advocacy campaigns on legal/ policy reforms have so far remained in vain even the strategic litigation to challenge Section 13 of the Law of Marriage Act of 1971 has so far not yield victorious results as the government appealed against the 2016 decision of the High Court of Tanzania which nullified the said provision.

CASE STUDY 29

Tanzania: Tina Walked Out of Her Marriage Empty Handed



Source: UN Women
field data (2018)

Family poverty compelled Ms. Tina Maria to stay with a traditional doctor; then, she became a mother. Ms Tina is now 28. She became pregnant at the age of 17 when she was in secondary school. Having been living with chronic diseases as a child, which her mother could not alleviate with formal medical care because of family poverty, she was forced to live with the traditional doctor at Nyeregani area, Shinyanga for four years. During that period of stay, she became pregnant to the traditional doctor and thereafter became a house-wife for 10 years. No formal marriage was contacted. But it was formalized after her husband paid 'chemga' (fine) for 'kupurwa' (take her without bride price. Her matrimonial life was full of bad episodes. She forced her way out of it in 2007. She ended her 10 years without any share in the matrimonial properties. She feels that women in Tanzania are not well protected by the law to get a proper share of matrimonial property upon leaving the marriage.



8.4 Multi Country Analysis on Types and Forms of Policy and legal frameworks Instruments on Child Marriage³⁶⁷

Country	Legal Framework	Specific Provisions	Gaps
DRC	Constitution, 2006	Provides for equality between men and women.	The Constitution does not outlaw any other laws such as cultural laws that are contrary to the laws of equality
	Law on sexual violence, 2006	The law criminalizes forced marriage and sets out punishment from 5 to 20 years. The law further provides procedures for criminal prosecution and defines the rights of victims: access to medical and psychological treatment; court procedure of no more than three months; safety of victims and witnesses.	The law is yet to have significant outcomes as most communities are not aware of its existence.
	Child protection law (No. 09/001), 2017	The law bans forced labour, child prostitution, and use of a child for other illegal acts. Child slave cases will result in 10 to 20 years' imprisonment. It protects the rights of pregnant women.	Enforcement of the law is weak especially in areas prone to civil strife with many cases of forced marriage and prostitution for girls who are abducted and used as sex slaves by their captors.
	National Policy on Gender Issues, 2009	The National Policy is meant to provide guidelines and describe processes of the national government to address gender issues	Gender and violence against women are not a government priority. Not much action is observed in its implementation as there are no resources allocated towards its implementation.
	National Strategy against Gender-based Violence 2009–2010, 2009	Document is under review	Not much is known about its content

8.4 Multi Country Analysis on Types and Forms of Policy and legal frameworks Instruments on Child Marriage³⁶⁷

Country	Legal Framework	Specific Provisions	Gaps
DRC (continued)	National Agency for Eliminating Violence against Women, Adolescents, and Very Young Girls	Technical coordination body focusing on aspects of addressing VAW.	The unit is not well known in communities.
	Law on establishment, organization, and functions of national Human Rights Commission, 2013	It sets out the guidelines for establishment of Human Rights Commission (with a sub-commission on the rights of women and children).	The unit is not well known in communities with rampant cases of abuse remaining unresolved
	Parity law (No 15/013), 2015	The law demands equal participation, and equality in the home	The unit is not well known in communities
	Zero tolerance policy on sexual violence, mid-2000	The policy is yet to be adopted and is a work in progress	
Egypt	<i>Persons and Family Law</i> no. 126 of 2008	Defines the minimum age of marriage at 18 years for both females and males.	<ul style="list-style-type: none"> ● Marriage for children below 18 years are allowed under Islamic law ● Communities are not aware of existing legislation on child marriage.
	Article 31-bis	Provides penalties for the violation of the minimum age for marriage.	The penalties mentioned are provided as broad “disciplinary punishments” rather than punitive actions.
	Article 16.1	<ul style="list-style-type: none"> ● Sets the age of consent at 18 years ● Provides rights to freedom of expression and association including right to choose a partner. 	<ul style="list-style-type: none"> ● The law is ignored by traditional practices that bar girls from choosing their partners as parents make the decision ● Parents give consent when marrying persons under 18 years in traditional marriages





	<i>Family Code</i>	Prescribes processes required for marriage registration including giving notice of 30 days for pre-inquiry process in case of dissent	<ul style="list-style-type: none"> ● Religious groups are exempted from the preliminary process of vetting in case of dissent ● No clarity on whether marriage certificates are required for religious and customary marriages ● No tracking system for marriages as many in traditional marriages do not have birth certificates to authenticate age or marriage.
	<i>Penal Code</i>	Defines what acts are criminal in Egypt	<ul style="list-style-type: none"> ● Does not recognize child marriage and marital rape as a crime
	Article 291	Outlaws all forms of human trafficking and similar practices in children and adults and prescribes penalties for offenders	<ul style="list-style-type: none"> ● Does not identify cases of child trafficking (girls in marriage) as a form of child marriage
	Article 16.1	Demands the elimination of all forms of discrimination against women thus calling for equality between males and females.	<ul style="list-style-type: none"> ● Child marriage is not recognized as a form of discrimination against women
Ethiopia	The Ethiopian Constitution	Women are provided with rights and protections equal to those of men. Women were granted rights to: equality in marriage; maternity leave with full pay; participation and consultation in national development policies; to acquire, administer, control, use and transfer property	Child marriage is not recognized as a form of discrimination



8.4 Multi Country Analysis on Types and Forms of Policy and legal frameworks Instruments on Child Marriage³⁶⁷

Country	Legal Framework	Specific Provisions	Gaps
Ethiopia (continued)	<i>Family Code</i>	Sets 18 years as the minimum age of marriage for both boys and girls; and betrothal was done away with	
	Domestic violence laws	Establishes child marriage as a form of violence	
	Article 648 of the <i>Criminal Code</i>	Criminalizes child and forced marriage	
	National Alliance to End Child Marriages and FGM/C	Defines harmful traditional practices as those which violate and negatively affect the physical, sexual or psychological wellbeing, human rights and socio-economic participation of girls, women and children	
	National Strategy and Action Plan on Harmful Traditional Practices Against Women and Children.	Institutionalizes national, regional and grassroots mechanisms by creating an enabling environment for the prevention and elimination of all forms of harmful cultural practices	
	National Platform on Prevention and Elimination of Harmful Traditional Practices	Provides a framework for the implementation of the laws on prevention and elimination of traditional practices	
Malawi	Constitution of Malawi	Sets the minimum age of marriage for both boys and girls at 18 years.	Child marriages are still rampant in the rural areas
	Re-admission policy	The policy allows girls who become pregnant while in school to return after giving birth.	Girls are first required to withdraw from school for one academic year before they can reapply for admission



Community by-laws on child marriage in Malawi

Use of 'Mother Groups'- formed as a result of the by-laws at community level by Senior Chieftainess Kachindamoto. These are groups formed by women in communities to act as counsellors to the girls and their parents on issues of sexuality, reproductive health and child marriage. The groups also follow up on girls who have dropped out of school because of pregnancy or marriage with the aim of reintegrating them back to school.

The practice of child marriage is still widespread in the country

Marriage, Divorce and Family Relations Act (Marriage Act)

Subject to section 22 of the Constitution, two persons of the opposite sex who are both not below the age of eighteen years, and are sound of mind, may enter into marriage with each other.



8.4 Multi Country Analysis on Types and Forms of Policy and legal frameworks Instruments on Child Marriage³⁶⁷

Country	Legal Framework	Specific Provisions	Gaps
Malawi (continued)	Revised Constitution of Malawi Chapter IV. 22. Family and marriage	<ul style="list-style-type: none"> • The family is the natural and fundamental group unit of society and is entitled to protection by society and the State. • Each member of the family shall enjoy full and equal respect and shall be protected by law against all forms of neglect, cruelty or exploitation. • (3) All men and women have the right to marry and found a family. • (4) No person shall be forced to enter into marriage. • (5) Subsections (3) and (4) shall apply to all marriages at law, custom and marriages by repute or by permanent cohabitation. • (6) No person over the age of eighteen years shall be prevented from entering into marriage. 	
Mali	<i>Persons and Family Code 2011.</i> Article 281	<ul style="list-style-type: none"> • Defines the minimum age at 16 and 18 years for females and males respectively. • The law applies to all forms of marriage but allow for exemptions to 15 years of age. 	<ul style="list-style-type: none"> • Most customary marriages are unregistered especially those involving children as they lack birth registration documents • Communities are not aware of existing legislation on child marriage.
	Article 282	Provides penalties for violation of the minimum age for marriage.	



Article 283	<ul style="list-style-type: none">• Bans marriages without consent and allows annulment of such marriage including marriage by coercion.• Provides rights to freedom of expression and association including right to choose a partner.	<ul style="list-style-type: none">• The law is ignored by traditional practices that bar girls from choosing their partners as parents make the decision• For traditional marriages, consent is given by the parents for those under 18 yrs.
Article 285	States that even if there is a future spouse recognized by his/her parents, such marriage cannot be done without the consent of the person who had recognized it.	The law is ignored by traditional practices which do not seek the opinion of the parents in some cases but just inform them of the decisions of the Family Chiefs.
Article 286	Allows for special authorization of marriage for a future spouse whose parents or guardians are not known.	It provides room for corruption and manipulation through abduction of such spouses.
Article 287	<ul style="list-style-type: none">• Outlines the consequences of conducting or celebrating a marriage without the consent of the spouse(s)• Stipulates a penalty of 25,000 to 120,000 francs	
Article 2 of the Constitution	Provides that men and women are equal before the law	Traditions such as initiation and purification rites make women unequal as they are forced to follow dictates of tradition as the expense of their freedoms and aspirations



8.4 Multi Country Analysis on Types and Forms of Policy and legal frameworks Instruments on Child Marriage³⁶⁷

Country	Legal Framework	Specific Provisions	Gaps
Mali (continued)	<i>Persons and Family Code</i>	<ul style="list-style-type: none"> Prescribes processes required for marriage registration including giving notice of 30 days for pre-inquiry process in case of dissent 	<ul style="list-style-type: none"> Religious groups are exempted from the preliminary process of vetting in case of dissent No clarity on where the marriage certificates are required for religious and customary marriages No tracking system for marriages as many are unregistered
	<i>Penal Code</i>	<ul style="list-style-type: none"> Defines what acts are criminal 	Does not recognize marital rape as a crime
	Law 2012-023	Combats of forms of human trafficking and similar practices in children and adults.	Law does not regulate the roles of different government bodies in providing support to victims
Morocco	<i>Children's Act</i>	Provides protection mechanism for children and prescribes administrative punishment for those engaging in child marriage	The administrative punishments are not enforced as marriages are sanctioned under family law
	<i>Family Code</i>	<ul style="list-style-type: none"> Provides and sets marriage for persons aged 18 years and above. Prescribes processes required for marriage registration including giving notice of 30 days for pre-inquiry process in case of dissent 	<ul style="list-style-type: none"> Articles 19 and 20 of the same laws provide that a judge can allow marriages for persons below the age of 18 year in respect to family. Religious groups are exempted from the preliminary process of vetting in case of dissent. No clarity on where the marriage certificates are required for religious and customary marriages. No tracking system for marriages as many are unregistered



Article 4	<ul style="list-style-type: none">• Defines marriage as a legal contract in which the involved parties, husband and wife, mutually consent.• Provides rights to freedom of expression and association including right to choose a partner.	<ul style="list-style-type: none">• The law is ignored by traditional practices that bar girls from choosing their partners as parents make the decision• For traditional marriages, consent is given by the parents for those under 18 yrs.
Article 10	Emphasizes that marriage is legally binding if one party proposes and the other accepts through verbal or written consent or through any clear sign recognized and understood by the other party.	The law is ignored by traditional practices which do not seek for the opinion of the parents in some cases but just inform them of the decisions of the Family Chiefs.
Article 14	Requires that marriages celebrated by Moroccans living abroad meet all the requirements of article 10.	
Article 6 of the Constitution	Provides that men and women are equal before the law	The Law lacks a retroactive effect in its application.
<i>Penal Code</i>	Spells out all forms of crimes and their respective punishments.	<ul style="list-style-type: none">• Does not criminalize marital rape.• Does not criminalize child marriage
Law 2012-023	Combats of forms of human trafficking and similar practices in children and adults.	Law does not regulate the roles of different government bodies in providing support to victims



8.4 Multi Country Analysis on Types and Forms of Policy and legal frameworks Instruments on Child Marriage³⁶⁷

Country	Legal Framework	Specific Provisions	Gaps
Mozambique	Family Law Statute	<ul style="list-style-type: none"> • Defines the minimum age at 18 years • The law applies to all forms of marriage Statutory, Religious or Traditional 	<ul style="list-style-type: none"> • Most customary marriages are unregistered especially those involving children as they lack birth registration documents • No pre-inquiry process to determine whether a bride has attained the required age before customary marriage • Communities are not aware of existing legislation on child marriage. • Fails to recognize non-monetary contributions by a spouse as contribution to the marriage during subsequent dissolution
	Article 48(1) and 52 of the Constitution	Provides rights to freedom of expression and association including right to choose a partner.	The law is ignored by traditional practices that bar girls from choosing their partners as parents make the decision
	Article 53	Bans marriage without consent and allows annulment of such marriage including marriage by coercion.	<ul style="list-style-type: none"> • In traditional marriages, consent is given by the parents for those under 18 yrs. • No clarity on whether consensual sex between children is criminal
	Article 35 of the Constitution	Provides that men and women are equal before the law	Traditions such as initiation and purification rites make women unequal as they are forced to forego their freedoms and aspirations and follow the dictates of tradition.



<i>Civil Code</i>	Prescribes processes required for marriage registration including giving notice of 30 days for pre-inquiry process in case of dissent	<ul style="list-style-type: none">● Religious groups are exempted from the preliminary process of vetting in case of dissent● No clarity on whether marriage certificates are required for religious and customary marriages● No tracking system for marriages as many are unregistered
<i>Penal Code</i>	Defines what acts are criminal	Does not recognize marital rape as a crime
<i>Anti-Trafficking Act 2009</i>	<ul style="list-style-type: none">● Criminalizes the recruitment, transportation and placement of persons (including women and children, and particularly girls) for commercial or sexual exploitation or to obtain illicit gains. Offenders can be punished with prison sentence for more than 2 years● Government is required to provide support to girls who are rescued from trafficking (food and shelter)	Law does not regulate the roles of different government bodies in providing support to victims
<i>Mozambican Domestic Violence Act 2009</i>	<ul style="list-style-type: none">● Provisions protect women and girls against ill treatment in domestic settings such as in the family and the community	<ul style="list-style-type: none">● Provision however does not identify child marriage as a form of violence● Enforcement is low as there are few officers trained to implement the law



8.4 Multi Country Analysis on Types and Forms of Policy and legal frameworks Instruments on Child Marriage³⁶⁷

Country	Legal Framework	Specific Provisions	Gaps
Mozambique (continued)	The National Strategy to Prevent and Fight against Child Marriage (NSPFCM) Adopted in 2015	Principal policy tool addressing the causes and impact of child marriage in Mozambique. It creates a socio-economic and cultural environment conducive to reducing child marriage in Mozambique. <ul style="list-style-type: none"> It promotes education of girls Strengthens sexual and reproductive health rights for boys and girls Establishes institutions for supporting those escaping child marriages 	<ul style="list-style-type: none"> The policy is not adequately resourced to carry out the tasks including human resource development The policy is silent on consequences for those culpable of promoting or carrying out child marriages. Operational plans are yet to be developed.
	Plan for Children (NPAC), ³⁶ also known as Plano Nacional de Acção para a Criança (PNAC II	A strategic policy tool that focuses on child survival, development, protection and participation. It has specific targets increasing birth registration and reducing infant mortality rates to 67 per 1,000 children below 5 years	<ul style="list-style-type: none"> Policy tool does not incorporate commitments to reduce child marriage Child marriage victims are not considered as vulnerable
	Strategic Plan for Education and Culture (SPEC)	<ul style="list-style-type: none"> Policy on learner's educational rights; expanding access to basic education, improving quality and strengthening the country's educational institutions Policy has express provisions to ensure girls access and complete primary education 	<ul style="list-style-type: none"> Policy has no provisions for educators regarding addressing child marriage Implementation is not prioritized by government



	Customary Laws	<ul style="list-style-type: none">● Define and prescribe customary norms based on traditional values and beliefs transmitted through generations. Child marriages are common in Nampula, Cabo Delgado, Niassa and Tete● A child who has undergone initiation rituals is considered an adult and ready for marriage● Purification norms in patrilineal communities practise a rite where a widower is given a new wife from the family of the deceased wife often an underage girl who substitutes for the deceased person	<ul style="list-style-type: none">● Communities do not understand the consequences of child marriages● Customary law is unwritten and is handed down from generations through rituals like songs, dance, ceremonies
Niger	<i>Civil Code</i>	<ul style="list-style-type: none">● The law sets the minimum age of marriage at 18 years for boys and 15 years for girls	<ul style="list-style-type: none">● Majority of unions take place under customary law which for the most part is undocumented.
	National Policy on Gender 2008	<ul style="list-style-type: none">● Focuses on promoting equity as well as equal access to various development opportunities for both males and females.	
	<i>Civil Rights Code</i>	<ul style="list-style-type: none">● Provides a national protection of children against various kinds of abuse.	<ul style="list-style-type: none">● Code is lacking in enforcement since many Nigerien children are still exposed to different types of abuse and exploitation
	Article 21 of the 2010 Nigerien Constitution	<ul style="list-style-type: none">● Guarantees all women and girls protection against all sorts of discrimination.	<ul style="list-style-type: none">● Women's access to opportunities are limited.



8.4 Multi Country Analysis on Types and Forms of Policy and legal frameworks Instruments on Child Marriage³⁶⁷

Country	Legal Framework	Specific Provisions	Gaps
Niger (continued)	The 2017 Presidential decree to ending child marriage	<ul style="list-style-type: none"> In 2017, President Issoufou Mahamadou, declared that he would no longer tolerate child marriage in the country. 	<ul style="list-style-type: none"> The declaration is yet to be formalized since the bill to raise the minimum age for marriage is still being debated.
	Customary Laws	<ul style="list-style-type: none"> Most unions take place under customary law where parental consent is allowed for the marriage of girls below 15 years of age 	<ul style="list-style-type: none"> Customary laws are not harmonized with the state laws to cement child marriage deterrence.
	Free universal education policy	<ul style="list-style-type: none"> Provides free universal education to both girls and boys. 	<ul style="list-style-type: none"> Gender disparities still have a significant impact in edging out the girl child from the education system.
Nigeria	<i>Child Rights Act (CRA) 2003</i>	<ul style="list-style-type: none"> National law sets the age of marriage and consent as 18 years Any marriage to a person who is below 18 years is considered null and void Sex with a person below 18 years is regarded as rape and therefore a criminal act 	<ul style="list-style-type: none"> Only 24 federal states (out of 36) have domesticated the laws: Abia, Akwa-Ibom, Anambra, Benue, Cross River, Delta, Ebonyi, Edo, Ekiti, Imo, Jigawa, Kwara, Lagos, Nassarawa, Ogun, Ondo, Osun, Oyo, Plateau, Rivers, Niger, Bayelsa, Kogi and Taraba The law only punishes the person who marries an underage person but does not take action against persons who conduct the marriage or promote it States yet to domesticate the Child Rights Act include (1) Sokoto, (2) Kebbi, (3) Zamfara, (4) Katsina, (5) Kano, (6) Kaduna, (7) Bauchi, (8) Gombe, (9) Yobe, (10) Borno, (11) Adamawa and (12) Enugu.



Nigerian Constitution Section 29 (1).	The law recognizes the capacity of a full age individual to make informed decision regarding citizenship and recognizes 18 years as the 'full age of an individual.	Part (b) of the same law states that 'Any woman who is married shall be deemed to be of full age' (Federal Republic of Nigeria, 1999, Chapter III) without specifying age therefore allowing children in marriage to be considered as being of 'full age'
Item 61, Part 1, of the Second Schedule to the Constitution. In the "Exclusive Legislative List" of the Federal Government.	The law recognizes the existence of Islamic and Cultural laws prescribing their formation, amendment and dissolution.	Nigeria has a federal system of government and essentially this means that the national laws as enacted by the National Assembly have no effect on the formation, amendment and dissolution of marriages established under Islamic or cultural laws including their causes.
Customary law	<p>The Constitution of Nigeria under Item 61 recognizes the existence of customary law and allows courts to adjudicate on its issues as separate from existing federal laws.</p> <p>Customary law is unwritten and relied on by elders as the basis of how fathers determine who their daughters will marry.</p>	Encourages the practice of bride price that is a driver of child marriage.
Islamic law	Islamic law is treated as part of customary law applicable in those native communities where it has been assimilated into the <i>corpus juris</i> .	<ul style="list-style-type: none"> ● Encourages the practice of bride price that is a driver of child marriages ● Does not prescribe age of marriage.
Nigerian civil law	Law states that forced marriage is illegal, and can carry a jail term of seven years	Communities are not informed of how to use the law for protection against child marriage
Nigeria's <i>Marriage Act</i>	Law requires parent's or guardian's consent if "either party to an intended marriage" is underage	The law allows parents to determine whether a child is of full age as the point of being married rather than actual age



8.4 Multi Country Analysis on Types and Forms of Policy and legal frameworks Instruments on Child Marriage³⁶⁷

Country	Legal Framework	Specific Provisions	Gaps
Nigeria (continued)	National Policy on Population	Policy discourages parents from arranging marriages for girls under 18 years of age	Policy is merely a guideline and is not enforced.
	Chapter II of the Constitution section 17 (3) F, and 18 (1)	Section gives direction for the country policies to protect the rights of children, elderly and young persons.	Section is contrary to other sections that allow Islamic Customary laws with regard to allowing child marriages as the consequences of the practice don't protect children.
	Chapter 21 of the Constitution	Section stipulates that the government shall protect, preserve and promote Nigerian culture that enhances human dignity with the fundamental objectives and directive principles of state law	The above rights are inconsistent in the 12 federal states that practise child marriage as the practice deprives girls of any human dignity on the basis of traditions and religion.
	<i>Penal Code</i> section 282 (2) Trafficking in persons prohibition laws, <i>Enforcement and Administration Act 2003</i> , later amended in 2013	The laws prohibit having sexual intercourse with a person who is below the age of 18 and this is criminalized as rape.	Law does not consider child marriage as a crime and therefore punishable under the same Acts.
	Section 55[12] of the <i>Penal Code</i>	The section is applicable in Northern Nigeria permits wife battery as chastisement as long as grievous harm is not inflicted.	The law does not consider child marriage as a crime and therefore punishable under the same acts.
Tanzania	<i>Law of Marriage Act 1971</i> , revised in 2002	<ul style="list-style-type: none"> • The Act provides for age of consent for 15 years for girls and 18 years for boys. • Law provides for polygamous marriages 	<ul style="list-style-type: none"> • This law is contrary to the African Charter on the Rights and Welfare of the Child, 1990, which sets the minimum age of marriage and betrothal at 18 years old. Tanzania has ratified this charter. Further, this is in conflict with the Law of the Child Act which states that a child is a person below the age of 18 years.



		<ul style="list-style-type: none">● Law does not have any provision for protection of the first wife from alienation from the husband once he marries another wife or provide the circumstances under which a husband can marry a second wife. Young girls married to men as second wives, or whose husbands marry other wives are not protected and are often subject to domestic violence.● The law has regard to customs and traditions in division of property between couples upon divorce.
<i>Law of the Child Act 2009</i>	Law provides for the rights of children who are below the age of 18 years.	Law is silent on the marriage age which, under the <i>Law of Marriage Act</i> may occur at age 15 years.
<i>Sexual Offences Special Provision Act 1998 (SOSPA)</i>	This law criminalizes rape, sexual exploitation of children, and FGM, and sets the age of sexual consent at 18 years	<ul style="list-style-type: none">● The law does not provide for marital rape.● The law is silent on sexual favours at the workplace.

8.4 Multi Country Analysis on Types and Forms of Policy and legal frameworks Instruments on Child Marriage³⁶⁷

Country	Legal Framework	Specific Provisions	Gaps
Tanzania (continued)	<i>HIV and AIDS Prevention and Control Act 2008</i>	<p>The law provides for gender mainstreaming in combating HIV/AIDS</p> <ul style="list-style-type: none"> ● Provision for voluntary HIV testing for every pregnant woman and the man responsible for the pregnancy or spouse ● Promotes the use of condoms during sex ● Provides that any person who is aware of his or her HIV positive status should inform the other spouse 	<p>When there are insufficient funds, HIV related programs are not implemented.</p> <ul style="list-style-type: none"> ● Women cannot compel their men to undergo HIV testing, especially in rural areas where traditions and cultures are deeply rooted. ● Female condoms are not easily accessible. Further, young girls and women in the rural areas do not have skills to negotiate with their husbands on use of condoms and safe sex
	Women in Development and Gender Policy, 2000	Policy stresses that there shall be no laws and customs which discriminate against women in the society.	Some laws like the <i>Law of Marriage Act, 1971</i> that discriminate against girls and women.
	The Education and Training Policy, 2014	The policy allows the admission of girls to school after they have given birth	<ul style="list-style-type: none"> ● Policy does not address the position of married girls being re-admitted back to schools. ● Policy is not being fully implemented after the current President issued a decree that girls who get pregnant should not be re-admitted back to school.





8.5 Analysis of Child Marriage and Sustainable Development Goals³⁷⁴

The study affirms that child marriage perpetuates poverty, inequality and insecurity and is a violation of girls' human rights to dignity, welfare and equal access to vital opportunities and services. Failure to prevent and deal with child marriage undermined the achievement of a majority of the Millennium Development Goals (2000-2015) and will do the same to the Sustainable Development Goals which replaced them unless concerted action is taken. Specifically, eight of the 17 SDGs will not be achieved without significant progress to end child marriage, including those related to: poverty (SDG 1); food security and nutrition (SDG 2); health (SDG 3); education (SDG 4); gender equality (SDG 5); economic growth (SDG 8); reducing inequalities (SDG 10); and peace, justice and strong institutions (SDG 16).³⁷⁵

This study reaffirms previous findings by UN Women and other agencies which underlined the importance of Goal 5 to "Achieve gender equality and empower all women and girls everywhere" with target 5.3, specifically aiming to "Eliminate all harmful practices, including child, early and forced marriage and female genital mutilations." Target 5.3 is critical in terms of garnering action and monitoring progress on ending child marriage globally and in Africa. This is in addition to the complementarities amongst the 54 gender-specific targets in the entire SDG framework.³⁷⁶ Child marriage is a core development and human rights issue that prevents girls from enjoying their rights and hinders their development. Child marriage also affects achievement of gender equality goal and its development related goals since failure to achieve gender equality affects achieving other development goals.

African Union (AU) member states committed to the 2030 Agenda for Sustainable Development, the Addis Ababa Action Agenda (AAAA) on Financing for Development, and the Paris Agreement on Climate Change, all of which are relevant to promoting gender equality, women and girl's human rights and, specifically, ending child marriage. It is important to note that all SDGs are relevant to the achievement of gender equality and the empowerment of women and girls, and that protection of women and girls' human rights and recognition and valuing of women contributions are critical to achieving this goal and other related targets and indicators. In doing so a conducive and favourable environment that removes barriers faced by women and girls must be created.

The 17 Sustainable Development Goals (SDGs) and 169 targets address development in its three dimensions – economic, social and environmental – and provides a comprehensive and a holistic approach to tackling development challenges. The SDGs cover core areas of the feminist agenda, including: a commitment to eliminate all forms of violence against women and girls; eradication of discriminatory laws; promotion of sexual and reproductive health



and rights; recognition of and value for unpaid care and domestic work; and support to increase women's meaningful participation in decision-making at all levels. In addition to the targets in Goal 5, the targets in the other goals cover a comprehensive set of related issues, including the gender dimensions of poverty, hunger, health, education, water and sanitation, employment, safe public spaces, climate change and peace and security.

Alignment of Africa Agenda 2063 and 2030 Agenda for Sustainable Development/SDGs

Africa Agenda 2063 is a strategic framework for the socio-economic transformation of Africa over the next 50 years which aligns with and supports the commitments contained in the SDGs. It builds on and seeks to accelerate the implementation of past and existing continental initiatives for growth and sustainable development. Just like SDGs, Africa Agenda 2063 recognizes and commits AU member states to advance gender equality, empower women and girls and youth, and specifically points out the elimination of harmful social practices including female genital mutilation and child marriage. Where these countries fail to address the issue of child marriage, then it translates to violation of the rights and freedoms of these girls who are at risk or victims of such human rights violations such as child marriage. The two agenda affirm the need to urgently change negative social norms to create a momentum towards ending child marriage. Both the global 2030 Agenda and Africa Agenda 2063 recognize the importance of continuously reviewing, monitoring and evaluating progress on implementation of the commitments made. The 2030 Agenda has a review and monitoring mechanism under the High-Level Political Forum platform which requires UN member states to voluntarily report on the progress of implementation. Similarly, Africa Agenda 2063 has developed a mechanism to specifically track the commitment on ending child marriage with a focus on policies on age of marital consent and ending child marriage, using a score card and interrogating whether African countries have policy frameworks in place to support the reduction of child marriage in a country. However, it is important to note that the voluntary nature of the monitoring framework for the SDGs weakens accountability mechanism for commitments made by the UN member states.³⁷⁷

Addressing child marriage is a sure strategic approach to promoting girl's and

**TABLE 22:** Analysis of Child Marriage and SDGs

Sustainable Development Goal	Link to Child Marriage
Goal 1 – No poverty	<p>Child marriage is linked to higher household poverty and perpetuates cycles of poverty across generations. A review of literature confirms that child marriage is most common in the world's poorest countries³⁷⁸ and is often concentrated among the poorest households within those countries. It is closely linked with poverty and low levels of economic development. In families with limited resources, child marriage is often seen as a way to provide for their daughter's future and for families to benefit materially through dowry and bride price. But girls who marry young are more likely to be poor and remain poor. Child marriage therefore sustains poverty among the girls married as children by disrupting their schooling and hence reducing opportunities for them to have formal employment. A study by the Research and Advocacy Unit (RAU, 2014) in Zimbabwe reveals that girls who marry before the age of 18 years are more likely to drop out of high school, at the rate of 50%, in addition to the fact that they are four times less likely to graduate from college. Further, the study notes that child mothers are highly likely to have poor health due to maternal health and sometimes to loss of life. This translates into - to reduction in productivity and labour market participation. Child marriage as highlighted, further perpetuates exclusion and dependency, exposure to violence, and continue to exacerbate poverty.</p> <p>The relationship between child marriage and poverty calls for a holistic approach that analyses gendered dimensions of poverty and addresses issues predominantly affecting women and girls, such as child marriage. Leveraging on the call of the Sustainable Development Goals (SDGs) stressing the need to reduce poverty in all its forms by 2030, it is important that all Africa nations deals decisively with child marriage as one of the drivers of poverty.</p>
Goal 2 – Zero hunger	<p>Food insecurity and malnutrition have been documented as both causes and consequences of child marriage globally and in Africa. A preliminary review has confirmed that when parents are faced with limited food resources, they may marry off their daughters to lessen the burden on the family by generating income for food and also by reducing the number of family members supported by the parents. Studies have shown that children in marriage, and in turn their children, are more likely to be malnourished. Further, the review has shown that child marriage also perpetuates the cycle of food insecurity and malnutrition. This is affirmed by the fact that child mothers experience higher rates of anaemia and malnutrition than those who marry later in life, and babies born to girls younger than 15 years are more likely to die before their fifth birthday, suffer from malnutrition and experience stunting stunted growth.³⁷⁹</p>

**TABLE 22:** Analysis of Child Marriage and SDGs

Sustainable Development Goal	Link to Child Marriage
<p>Goal 3 – Good health and wellbeing</p>	<p>Child marriage has been widely reported to result in a range of harmful health consequences. It increases the risk of depression, sexually transmitted diseases, cervical cancer, malaria, obstetric fistulas, and maternal mortality and morbidity. Child mothers are at an increased risk of giving birth prematurely and, subsequently, neonatal or infant deaths.³⁸⁰ Research has shown a correlation between child marriage and adolescent pregnancy. In fact, 90% of adolescent births in the developing world have been related to girls who are already married or in a union.³⁸¹ Child marriage has been a key driver of early and unwanted pregnancies.</p> <p>Child marriage also affects the health of children born by the child mothers. Their children face the risk of perinatal infant mortality and morbidity, and stillbirths and studies have shown that new-born deaths are 50% higher in mothers under the age of 20 years than for women who give birth later.³⁸²</p> <p>It is on this premise that this study concludes that reducing child marriage will help to improve the health of millions of girls and women, as well as their children. This affirms the fact that if not ended, it will constrain the realization of SDGs.</p>
<p>Goal 4 – Inclusive and equitable quality education</p>	<p>Child marriage is a barrier to girls' education as the girls and boys are forced to drop out of school to get married. In some countries, there are no explicit policy frameworks allowing return to school for the girls once married. It undermines the ability of a girl to attend school, acquire new skills and knowledge, and put existing ones to use. Preliminary review has shown that even where policies on re-entry to school for pregnant girls and those in marriage exist, girls drop out of school during the preparatory time before marriage or shortly afterwards when their marital and domestic demands increase. This is because re-entry policies are not accompanied by removing other barriers such as stigma and transformation of gender roles around domestic and care work and providing enabling facilities such as affordable and accessible child care. Child marriage often leads to an end to formal education for the children in marriage. Studies have shown that girls out of school have a higher risk of being married early with further risks of bearing children before they are ready biologically and mentally. Further, girls with no education are three times as likely to marry by 18 years as those with a secondary or higher education.³⁸³ Inclusive and equitable education must be achieved for African countries to chart the pathway to ending child marriage and conducive environment must be provided for re-entry where girls have already gotten married.</p>



TABLE 22: Analysis of Child Marriage and SDGs

Sustainable Development Goal	Link to Child Marriage
Goal 5 – Gender equality and empowerment of all women and girls	<p>Gender inequality is a main underlying cause of child marriage through perceived notions of the role and value of a girl and child marriage prevents achievement of gender equality as a violation of girls’ human rights. Ending child marriage will help achieve gender equality and empower all women and girls and help in meeting all the targets of Goal 5. Studies have shown that girls who are married as children are more likely to experience domestic violence, have a lower status in society and be subjected to rape throughout their marriage. This is partly because they are denied their right to pursue education, employment or entrepreneurial opportunities. The study agrees that for every child married, there is lost a potential future professional who could be a teacher, doctor, advocate, scientist, entrepreneur or political leader. The cost to the national economy is tremendous, and countries pay the price in the form of inefficient accumulation of capital and slower economic growth, amounting to trillions of dollars for developing countries by 2030.³⁸⁴</p>
Goal 8 – Economic Growth	<p>Women who marry as children are less likely to participate in the formal workforce accounted for in measuring economic growth. Their work is concentrated in unpaid care and domestic work that is not recognised or rewarded and is not included in the measurement of GDP. Child marriage hinders progress towards ending modern forms of slavery and child exploitation. Preliminary review has confirmed that when women are educated and healthy, they are more productive and participate more in ‘formal/ productive’, labour and hence contribute to economic growth and national productivity which in turn improves the Gross Domestic Product (GDP). However, it is important to remember that women in the informal sector contribute to economic growth and development through especially their unpaid care and domestic work without which economies would shatter. Unpaid care and domestic work are used to subsidise Government expenditures in sectors such as education and health for example by looking after the sick, the elderly and home schooling children. However, women and girls who perform this work fail to benefit from it as that work is invisible and not rewarded.</p> <p>Where marriage is delayed by keeping girls in school, and where women are adequately involved in the formal labour market, their individual income and economic empowerment is increased in addition to diverse ripple effects at the household, community, and national levels. Studies agree that whenever girls go to school and are able to learn the skills they need to secure a job and are later exposed to the same economic opportunities as boys, it gives them an opportunity to support themselves and their families and, at the same time, breaks while breaking the cycle of intergenerational poverty.</p>

**TABLE 22:** Analysis of Child Marriage and SDGs

Sustainable Development Goal	Link to Child Marriage
Goal 10 – Reducing inequalities	Child marriage affects poor, rural and disadvantaged populations disproportionately, and creates cycles of poverty that reinforce inequality; while it hampers the principle of leaving no girl behind in the realization of SDGs including the target of reaching the most marginalized girls first. Child marriage widens wealth and income inequalities as well as gender inequalities and inequalities between the Global North and the Global South since a majority of cases of child marriage occur in the Global South.
Goal 16 – Peace, justice and strong institutions	Violence against children (target 16.2) will not end without ending child marriage. Child marriage is a form of violence. Studies have shown that one in three women and girls experience violence in their lifetime. ³⁸⁵ Preliminary review shows that parents whose children are involved in child marriage often feel it is in their daughter's best interest to marry at a young age assuming that marriage is likely to secure her future and protect her against physical or sexual assault. However, it turns out that child marriage makes girls increasingly vulnerable to sexual, physical and psychological violence throughout their lives. The study confirms the fact that girls who marry as children are particularly at risk of violence from their partners or their partner's family. In fact, they consistently experience domestic violence at the hands of their partner by comparison with girls who marry later. Where there is a larger age difference between girls and their husbands, studies have shown that the girls are more likely to experience intimate partner violence than otherwise. ³⁸⁶ This is due to the intersection of power imbalances by gender and age.

Source: Onyisi, 2018



Chapter 9.0

Strategic Implications and Recommendations

women's rights and thereby empowering them in areas such as quality education, good health, freedom from violence, work, as well as participation in the public life. In order to achieve this, it is critical that all stakeholders -government officials, international organizations, community and religious leaders, traditional leaders and cultural institutions, healthcare workers, school administrators and teachers, the police, the judiciary, the prosecutors, media parents, gender advocates as well as boys and girls - not only understand but also commit to their respective roles in eliminating child marriage.

This report therefore makes the following recommendations to support the scaling up and accelerating of interventions to end child marriage. These recommendations assume the availability of political will, resource and sustained leadership to deliver it at all levels, covering issues of laws and policies, institutional programmatic interventions, traditions, cultures and behavior change as well as monitoring and evaluation. The following are the key recommendations of the study:

9.1 Implications and Recommendations on Programming

- i. **Review and standardize programme and intervention design on ending child marriage:** Discussions with various country and regional experts, analysis of available reports and information on existing and past intervention programmes show that many are inadequately conceived and planned or exclusively centred on eradicating child marriage. The study established a lack of clear *conceptual frameworks, theories of change or monitoring and evaluation frameworks or plans for implementation of child marriage interventions*. Due to the complexity of the issue of child marriage, the study recommends that a regional level conceptual framework, theory of change and M&E framework be developed by various stakeholders particularly the African Union under the auspices of the Campaign on Ending Child Marriage to guide intervention programming. These frameworks should incorporate the three levels of an ecological model - structural, social/community and behavioural- to design interventions appropriate for each level of targeted outcomes. Presently, there is disproportionate emphasis on structural interventions - laws and policies, religion and the political economy - at the expense of individual agency – a focus on girls' behaviours and family decision-making.



- ii. Harmonization and consolidation of national interventions on child marriage:** The study established the existence of a variety of laws and policies across the ten countries. The challenge noted in the countries were the existence of many laws and policies that provided loopholes and ambiguities which made it possible for some forms of child marriage to be both legal and illegal, especially when viewed from customary versus statutory lenses as in the case of Tanzania's *Law of Children Act* 1971 setting age of marriage for girls at 15 years for boys at 18 years while Tanzania's Constitution which is not clear on the minimum age of marriage. Some countries like Mali and Tanzania also have exemptions from the minimum age of marriage, a situation which complicates policing, enforcement, prosecution and compliance related to country laws and policies on minimum age of marriage. The study thus recommends that countries should work to harmonize the various laws both in their content and spirit to close off any loopholes that perpetrators use to escape legal sanctions and punishment. At national level harmonization of laws and their application procedures will strengthen enforcement practices.
- iii. Integrating child marriage prevention and response into gender-based violence programming:** All programmes related to sexual and gender-based violence should include child marriage as a critical component. The study countries are encouraged to promote more equitable societies that are safer for women and girls through laws and policies related to inheritance, asset ownership, economic entitlement, and family law. When and where laws exist and are violated, girls need access to justice through legal -aid and paralegal professionals who are educated on the issue of child marriage and the needs of married adolescents.
- iv. Interventions that address child marriage need to integrate with sexual reproductive, maternal and neonatal health interventions:** In addition, it is of great importance of intervening against the deep-rooted norms adversely affecting sexual reproductive maternal and neonatal health. A study by Walker summarized possible interventions that can be cascaded at country levels across the ten study countries.³⁸⁷ Governments also need to develop and/or strengthen sexual and reproductive health policies to ensure youth friendly services are provided to young girls who find themselves pregnant in order to address complications related with early pregnancy.
- v. Develop a coordination and peer review mechanism for all stakeholders working on child marriage at community and national levels:** The study shows that different agencies implementing community and national interventions and programmes duplicate efforts and in certain cases do not synergize with government efforts.



There is need for a coordination mechanism for all stakeholders working on issues of child marriage at all levels. Agencies need to work together with government in order for the interventions to have effect whereas working in silos only negates achieved results. Besides the periodic meetings and fora organized by the African Union and other agencies which provide great learning opportunities among different countries in Africa, there is little inter-country coordination and monitoring of efforts. A common mechanism would also inform a coordinated regional research and information management agenda. Such an agenda should be designed to incorporate emerging lessons and innovations into child marriage interventions, policy and investment options.

9.2 Implications and Recommendations on Behaviour, Culture and Community

- i. **Develop an integrated engagement strategy and framework with traditional leaders and cultural institutions:** Ending child marriage requires the collaboration and leadership of traditional leaders (widely regarded as gate keepers) who can harness the positive aspects and practices in culture and customs towards enhancing and enforcing the appropriate laws and policies. Working with traditional leaders and cultural institutions ensures a multifaceted approach in providing an enabling environment for change, accompanied by other reform strategies that encourage positive change in communities through proposed alternative rites of passage. This will enhance and leverage existing legislative and policy frameworks which are equally important in ending child marriage. Evidence has confirmed that working with traditional leaders and cultural institutions to challenge gender inequalities has a positive impact on the health and well-being of women and girls. It is therefore critical to engage them in ending child marriage through engagement in gender equality interventions, policy development and programming.
- ii. **The effect and utility of religious and cultural practices on child marriage:** The place of religion in the child marriage agenda is ambiguous - it is both a driver and a potential intervention factor. The study established significant potential for the utility of religious interventions in the elimination of child marriage because there is a growing convergence between traditional and religious norms in most of the countries' hotspot communities. Cultural practices that are contradictory to religious practices tended to find common ground where both claimed moral purity as their ultimate focus in supporting child marriage. Because of this ambiguous and problematic relationship, the study recommends the establishment of robust inter-religious interventions working groups both at national and regional level.



The study also recommends a regional research agenda on the place, role and strategic utility of the religion-traditions culture nexus in relation to child marriage.

Religious leaders are encouraged to initiate within religious dialogue circles to question the long-held perspective of child marriages as being acceptable. In the words of Sheik Bashir, the concept of maturity for a girl in marriage should not only be based on her physical development but should also consider her mental, emotional and spiritual maturity. Dialogue within the religious circle should help create opportunities for greater awareness and understanding of the disadvantages of child marriages especially in light of the girl's opportunities for education and personal development. Emphasis should be placed on the benefits flowing from educating the child and the opportunities this will bring at the household, community and national levels.

- iii. Behavioural interventions, agency and male involvement on ending child marriage:** In all the countries studied, a clear gender-divide emerged: women and girls are victims while males are predominantly perpetrators and decision makers in child marriage. To lead transformation, there is need for robust sensitization and awareness creation to trigger change of behaviour in both males and females. Thus, the study recommends design and implementation of standardized, gender responsive, do no harm and context responsive evidence-driven interventions that can enhance the **agency of girls** while at the same time, educating males on the negative effects of child marriage and building on male responsibility and accountability. There is need to scale up and reinforce traditional complementary ways of redress and justice within national law enforcement and justice systems. Through regional technical forums, a male involvement strategy should be developed and integrated with/into the behaviour change interventions.
- iv. Communication and advocacy strategy on child marriage:** The study established that there is a robust communication and advocacy team at the AU head office in Ethiopia. However, there is need for a purposeful communication and advocacy strategy on child marriage at national level to increase the visibility of and interest in the child marriage agenda. Advocacy should focus on bureaucratic systems in the countries to enhance scrutiny on enforcement; increasing investments on policy and programmes and strengthening accountability mechanisms at community, national and regional levels. A distinct regional agenda and communication strategy centred on child marriage should be developed and linked to national action plans to encourage a cascading impact. This should also work hand in hand with the recommended monitoring and evaluation strategy and the research plan to ensure that communiqués are evidence driven, policy and intervention oriented, and coherent.



- v. **The use of media in engaging community to change harmful social norms:** Efforts aimed at changing family and community attitude towards child marriage require massive campaigns to reach as many people as possible. Communities across the continent have no choice but to engage young people to educate them about the dangers of girls marrying under the age of 18 years. According to respondents in the 10 countries, it was established that the use of extensive communication via media including social media has great impact in informing and offering real support for change designed to eradicate child marriage in Africa and beyond. The findings further indicated that use of mass media can strengthen awareness of the general laws and policies pertaining to child marriage particularly among the public which is often less informed on such issues. Additionally, respondents pointed out that mass media campaigns and strategies have been instrumental in capturing governments' and other policy making bodies' attention on issues regarding child marriage including exerting pressure for policy and legislative changes in most countries.
- vi. **Community-based child protection and rights strategies:** These should be intensified, and existing ones should be strengthened to ensure that there is systematic prevention, reporting and monitoring of child and forced marriages as well as providing support to children who have experienced child marriage. There is a need to recognize traditional, culture and religious institutions as part of the multi sectoral referral system in responding to child marriage and abuse. Case studies in the study have shown how effective community initiatives can be in eradicating harmful practices that perpetrate child marriages. Functional committees made up of religious leaders, local administrators and traditional leaders and cultural institutions should initiate and fast-track dialogue with communities that are still stuck into this practice. Child protection players should pool information, initiate and promote community-based child protection strategies, share their challenges and achievements towards improved communication and organization. There should be an intensified effort on heightening adolescent economic livelihoods and negotiation skills while addressing the roots and the harmful effects of child marriage. Child marriage interventions should identify adolescent girls as the prime recipients of development initiatives. Both boys and girls should be educated to ensure that they are enlightened enough to postpone marriage and denounce child marriage in their communities. Further, good practices like working community bylaws should be scaled up and replicated across Africa to increase the positive impact of the role of traditional leaders and cultural institutions in ending child marriage at community level.



9.3 Implications and Recommendations for Access to Services

- i. The education system needs strengthening to improve access, enrolment, retention and completion of school by girls with special efforts to reduce the wide gender gaps that continuously disadvantage the girl child:** Enrolment, retention, completion and transition rates for girls need to be improved by committing the resources necessary to guarantee access to free, compulsory primary and secondary education for all girls and boys. Efforts such as making the school environment friendly for girl children and that help the keep the child in school need to be enhanced. At the same time, the government owes it to the citizens to improve the standards and quality of education to make it more attractive for many families to send their girls to school. This could be achieved through building more schools in rural areas to reduce the walking distance to school. Return to school policy for young/teenage mothers, making it easy for them to transfer to other schools, to minimize stigma and discrimination, needs to be encouraged and made more attractive for more girls to take up this opportunity. Additionally, this research supports anecdotal information that education can help to mitigate risk of child marriage. As education interventions are rarely implemented solely for child marriage outcomes, it remains challenging to prove this link, but it is one of the main recommendations to operationalize. In the 10 countries, education is key for economic empowerment of girls so as to improve their opportunities for better income, hence better livelihoods and in turn to address poverty as the leading driver of the practice of child marriage. Education further provides girls a safe space where they can articulate their issues and concerns and also learn from others about the dangers associated with child marriage, and generally go through the natural motions of growing up without simultaneously carrying the burdens of reproductive and productive roles. The return to school policies such as those in DRC, Malawi and Mozambique need to be encouraged as they ensure more girls get opportunities to explore on their potential for better future. Stakeholders are encouraged by the study to create non-monetary and monetary incentives, and/or to provide public social transfers for school attendance. Incentives can range from covering transportation costs, to covering school fees, to giving cash transfers for attendance, to providing hot meals. These will serve to reduce cases of child marriage.
- ii. Strengthen support services to girls at risk and victims of child marriage:** By developing the capacity of local organizations and governmental social welfare agencies to provide adequate, timely and quality services to mitigate the impact of child marriage on young girls and boys by protecting girl brides and grooms. This will not only require resourcing by government and other stakeholders but also improvement



of referral systems and case management systems for prevention and response on issues of child marriage at community and national level.

- iii. **Health Services and wellbeing:** Health services are often tailored to meet the needs of adults who access them on behalf of children. Child marriages produce child parents who are not aware of the existence of the services or the need to access them. UN Women recommends building adolescents' communication and negotiation skills related to sexual and reproductive health; adopting a comprehensive sexual and reproductive health education for married and unmarried adolescents; education and mobilization of community members on the harmful health impacts of child marriage; training of providers and equipping of facilities for the provision of youth friendly services; and appropriate maternal health services.
- iv. **Psycho-social services and safety spaces/structures:** Programmes to minimize and cope with psychological consequences such as mental health risks; trauma of abrupt termination of childhood; loss of freedom and isolation; loss of voice and decision making; and dealing with gender-based violence should be initiated or scaled up at local levels. The programmes could include counselling services; and group activities with peers.
- v. **Economic empowerment and social protection policies:** Programmes that economically empower children in marriages should be initiated or supported. These might include: income generating projects; skills training, savings clubs; business training that creates permanent livelihoods and self-sufficiency.

9.4 Implications and Recommendations on National Planning, Budgeting and Resourcing

- i. **Allocate adequate resources towards ending child marriage at national and community level with priorities to domestic resourcing integrated within the national development plans and frameworks:** One challenge across all the study countries relates to poor enforcement of existing laws and transformation of perceptions, attitudes and practices towards child marriage. The study countries have not adequately invested in the same as they have not allocated any significant resources towards child marriage eradication, instead leaving the interventions to international and local civil society organizations, volunteers, movements and groups. Even in Ethiopia where the national alliance is robust and enjoys strong partnership with government, there is little direct government investment or allocation of resources and hence a lack of sustainable and autonomous interventions targeting the



ending of child marriage and addressing its underlying causes. As part of government commitment, resource allocation towards establishing and actually implementing national action plans should be made a key benchmark by the AU and other strategic commitments including prioritizing domestic resourcing. Specific child marriage focused budget lines should be included in national and local government plans and budgets to ensure sustainable and consistent efforts rather than depending on the donor and NGO priorities. The study affirms that investing in girls throughout their adolescence delays their marriage and childbearing thereby ensuring that girls give birth as adults and are able to make informed decision on choices around issues of marriage. Delayed marriage reduces the age and power imbalances between the wife and husband. In fact, the benefits of delaying marriage and childbearing among girls trickle down to the next generation as it gives parents more room to invest in their children, particularly girls whose education and health are usually hampered.

- ii. **Actively engage girls in all decisions affecting them especially regarding investments, programming and policies on gender equality, Sexual and Reproductive Health and Rights in general and child marriage in particular:** The study has established that it is imperative to effectively engage girls and young women in major discussions and decisions that affect them directly or indirectly such as those about child, early and forced marriage and its underlying causes and consequences. This follows the fact that Africa and particularly the study countries have all ratified the CRC which they agreed to respect and promote. Accordingly, countries should create a safe, favourable and enabling environment for girls and young women's effective participation. Girls' voices have great power to break the silence about child marriage and to give real life evidence for making the case at national and international levels, engaging communities, political leaders and policy makers. Putting girls' voices at the centre of the desired social change ensures transformational change that addresses the needs of girls. It also showcases girls' own initiatives and interventions in ending child marriage as active participants.

9.5 Implications and Recommendations on Legislation and Policy

- i. **Strengthen law and policy enforcement mechanisms:** All African countries including the study countries have laws and policies on child marriage. In some countries, discrepancies exist between the existence of laws against child marriage and the enforcement of those laws. Enforcement of laws may be compromised by corruption, lack of accountability by responsible government officials and lack of resources to invest in public education and systems. The implication is that African



governments should establish robust law enforcement mechanisms and systems that include public education, community-level monitoring and reporting of instances. It must also include mechanisms for referral, tracking and processing reported cases though to the eventual punishment of perpetrators, extraction of the children from the marriages and for post-marriage support systems including protection schooling and universal access to health services. Security agencies including community security chiefs and police should be supported with appropriate enforcement skills and awareness that aligns to a “do no harm approach” while ensuring they remain highly accountable for their actions in ending child marriage.

- ii. Strengthen prosecution and judicial systems and processes to ensure confidence in reporting and to provide deterrents amongst perpetrators:** Laws that criminalise child marriage should guide the prosecution of child marriage cases without exemptions on the basis of third-party consent or consent from the judiciary. Similarly, girls who report child marriages should be accorded protection from the time they report these marriages to the point of prosecution in court, and thereafter as they seek reintegration into the community. Successful prosecution of these cases, where punitive measures are exercised, will provide deterrence to perpetrators while at the same time building confidence in the communities, and especially for girls, to report child marriages. Additionally, states should repeal any provision that enables perpetrators of rape, sexual abuse or abduction to escape prosecution and punishment by marrying their victims.
- iii. Development of a national action plan that is supported by a costed and resourced child marriage implementation plan:** Ninety percent of the countries under the study had national plans but were lagging on implementation and resourcing. Once a national plan on child marriage is adopted, its implementation should be monitored through harmonization of interventions, adequate resourcing through domestic financing and mobilization of stakeholders.
- iv. Community sensitisation and awareness on existing laws and policies:** All ten study countries have enacted laws against child marriage and their citizenry and communities need to be educated on the content and spirit of the laws with emphasis on understanding the effects of the practice, corresponding punitive action for non-compliance, as well as protection mechanisms for girls in marriage who seek dissolution of marriage. Such education should be presented in user friendly formats including the development of reader friendly material translated into local languages. Further the initiatives must be deliberate, government-led and with involvement from religious and cultural leaders. Appropriate modes of communication may include social media platforms and other informative, educative and communication materials.



v. Harmonization of laws and policies:

- a. Set the minimum age for marriage at 18 years in law for both males and females without any judicial exceptions- Judicial exceptions have been witnessed in many African countries including Mali, Niger and Tanzania. To adequately enforce these laws, capacity building should be targeted to all judicial officers and marriage registrars to understand the detrimental impact of child marriage, and the benefits in delaying marriage and enforcing laws against child marriage. The study found several legal exemptions that facilitate child marriage. An example is Mali where Article 281 of the *Persons and Family Code* sets the minimum age for marriages in Mali at 18 years for boys and 16 years for girls. Additional exemptions on age can be granted in the office of the District Administrator. Laws should be amended to ensure that there is no gender discrimination in law and that laws should be aligned to reflect the minimum age of marriage as 18 years for both boys and girls.
- b. Amend laws and policies to ensure that customs, traditions and religion do not override constitutionally guaranteed and protected rights for women and children.

- vi. Strengthen registration and vital statistics to ensure legal compliance to eliminate child marriages:** This includes birth, death, citizenship and marriage which enables planning for interventions, targeting and resourcing of services, and ensuring appropriate policies to prevent child marriage and support married children. In all the countries of study, there were weak registration systems that made it difficult to identify and legally prevent child marriages by allowing parents and marriage officials to fudge demographic data especially relating to the age of the brides. Countries need to prioritize and regularize the registration of births especially for individuals living in rural and remote areas, and of all types of marriages so that they are able to identify girls who are married below the age of 18 based on actual age and not the onset of puberty. Furthermore, states should identify and remove all physical, administrative, procedural and other barriers that impede access to registration and provide, where lacking, mechanisms for the registration of customary and religious marriages.

9.6 Implications and Recommendations on monitoring, reporting and accountability

- i. **Develop national and regional accountability frameworks and mechanisms on ending child marriage:**
 - a. **Accountability through the Treaty Bodies:** Reporting on the African Charter on the Rights and Welfare of the Child through the periodic report to the Committee by member states.



- b. Report to the African Common Position (ACP) on Ending Child Marriage, through the biannual report to the African Union Summit.** This is presented through the Presidential Champion on ending child marriage. While the ACP provides for a report once every two years, the nature and core indicators of such a report are yet to be defined.
- c. The African Union Campaign on Ending Child Marriage has monitoring and evaluation as one of its key pillars.** The work of the Campaign is to end child marriage through an integrated approach including stakeholder engagement -member states, UN agencies, regional economic communities, CSOs, media private sector, community-based organizations, champions and good will ambassadors, the Special Rapporteur on Ending Child Marriage among other players. However, there is no standardized, established and documented approach for such monitoring. To ensure that countries studied commit to specific targets and set indicators of progress, the study recommends developing accountability structures, frameworks and mechanisms for ending child marriage at national and regional level.

The accountability frame work should be a tool to monitor country and regional progress towards the agreed commitments as set out in the AU agenda on ending child marriage whilst synergizing with sustainable development goal 5.3 on eliminating all harmful practices, such as child, early and forced marriage and female genital mutilations. There should be a coordination mechanism at the AU level to play a key role in the development and implementation of the accountability mechanism.

- ii. Develop and standardize monitoring and evaluation plans on child marriage:** In each country studied, there were various ways of tracking and reporting child marriage interventions, many of which were inadequate and difficult to link to interventions going on within the country. There were also ambiguities in definitions and application of some key concepts in the child marriage programme arena. For instance, the conception of child marriage versus early marriage was problematic in some countries such as Egypt. Key indicators were predominantly reliant on health or education sectors thus unable to track systemic level interventions. The study established the need for a regional standardized M&E framework with a critical role in defining clearly the logic of interventions across countries, the expected outcomes and change processes. More importantly, a standardized regional M&E framework can be cascaded to each country; providing a standard set of child marriage focused indicators that can be tracked by respective sectors in each country. Regional and national information management systems should be developed which may be linked to the DHIS.³⁸⁸ As well enhance and



strengthen the role of parliament, human rights and gender commissions as monitoring institutions for ending child marriage.

- iii. Social Accountability and Civil Society Engagement:** In addition to governments, and intergovernmental led monitoring and evaluation strategies approaches, it is important to resource and strengthen civil society led monitoring, evaluation and documentation approaches and initiatives. This could include but is not limited to the following:
- An annual and thematic flagship report on status and progress on ending child marriage, that UN Women could lead in collaborate with African Union and research organisations as a strategic way of tracking key gender equality related indicators related to SDG 5 target 3 on harmful practices. This could be launched annually as part of the Day of the African Child.
 - Shadow reports by civil society on ending child marriage, which could track progress on a set of civil society defined indicators and which could be aligned with the periodic report on the African Common Position on Ending Child Marriage
 - Annual Report of the AU Goodwill Ambassador on working with both the CSO Reference Group on Ending Child Marriage could be an advocacy tool for engagement with governments and with African Union institutions including those on Human Rights.
 - National shadow reports by civil society and community monitoring of by-laws could also provide a solid systems of tracking significant stories of change in communities including stories about behaviour change.
- iii.** Establish and strengthen the capacity of traditional authorities and religious institutions in monitoring and evaluation related to child marriage.
- iv.** Ensure reporting by regional and global reporting mechanisms that monitor the implementation of targets set for ending child marriage such as the African Commission on Human and People's Rights (reporting on the Maputo Protocol), the African Committee of Experts on the Rights and Welfare of the Child (Reporting on the African Charter), the Agenda 2063 Monitoring Mechanism, the African Forum on Sustainable Development, and the High Level Political Forum and its Voluntary National Review Processes.



Chapter 10.0

Conclusion

Child marriage in Africa is driven by a combination of factors and conditions. Across the continents and within countries, there are communities with a high prevalence where the practice is rampant and condoned. The ten countries studied represent the continental hotspots of child marriage and share a unique set of characteristics. A majority of them score high on SIGI index and have high incidence of inequality and discrimination against women and girls, poverty; they tend to be very conservative especially in the country hotspot communities where a mix of traditional practices and religious dogma drives the belief that child marriage is for the good of the community, family and the individual child. The community characteristics that generate drivers thrive in communities and countries where there are enabling conditions that make them options for families and children, especially girls. The enablers not only make child marriage an option but also are supported by socio-cultural norms and traditions that motivate and justify child marriage as a means of managing risks of premarital sex, pregnancy and family dishonor. Finally, the families and individual children are driven into early marriage by poverty, insecurity and gender-based violence and religious persuasion.

The study found that the enablers, motivators and drivers work in concert to activate each other. In the hotspot communities, they are able to combine well because of insufficient investment in policy and legal enforcement mechanisms and processes due to local and national politics, where allegiance is torn between the laws and traditions. Poor investments enable lax enforcement of the laws thus turning into an enabler. Furthermore, the absence of effective and functional monitoring and information systems from national to local levels makes it difficult to keep track of implementation, enforcement and prosecution of transgressors of existing laws against child marriage. The push factors - enablers, motivators and drivers - are enhanced by gender inequality, weak implementation of policies and ineffective enforcement of laws due to loopholes that undermine adherence. Corruption, politics and violence make it difficult to enforce existing laws by discouraging reporting of cases, prosecution and deterrent punishment of perpetrators. In response, all the ten countries studied have designed and rolled out policies and laws that prohibit child marriage by stipulating the minimum age of marriage and emphasizing consent before marriage. However, implementation of the policies and laws has



not been optimal because of several barriers that have emerged, the barriers including poor enforcement due to political fears, low education, dominance of traditional beliefs and practices, gender-based violence, and religious practices.

The effect of child marriage is felt on the health, education and social development of the children, their families, communities and even countries. In all the ten countries, there was high incidence of poverty – at household, community and national levels. This agrees with other studies that have highlighted the fact that in communities or households where poverty is common and severe, women are exploited or subjected to violence. Within the countries studied, the child marriage hotspots tended to be among the country's poorest areas with low literacy and poor health indicators. The effects on the community and family follow the trends at the national level. Families that practice child marriage are often poor and poorly educated. Whereas this is the mostly the foundational condition (linked to causality rather than consequences) it creates a generational vicious cycle where those married early are likely to turn to marry off their own children early. At individual level, child marriage has harmful effects on girls' health, psychological development, human rights and their economic survival; it curtails the victims' education and their social growth; and in most cases, it starts a lifelong dependency for girls and subjection to abuse and violence. Girls younger than 15 years are five times more likely to die in childbirth than women in their 20s. In Mali, for instance, child marriage is closely linked to the extremely low literacy rates among women.

The study established that there is disconnect between the countries' policies and laws, on the one hand, and the community perception, practices and cultural framing of child marriage on the other hand. At different levels, there are interventions that have been implemented – at national, community and behavioral levels. The community, national and regional level interventions are mostly focused on changing the policy, culture and structural environment by ensuring government commitment and alignment of priorities to child rights, gender equality and protection of children from harmful traditional practices. Translating those national commitments and laws into eradication of child marriage requires concerted efforts at national and community level (or any sub-national unit in the country) often run through a coordinating mechanism such as a national alliance or technical committee. In most countries, the efforts are led by local and international NGOs and CBOs that work with community leaders and stakeholders to strengthen awareness and monitoring of child marriage incidences.

There are key gaps in the implementation of interventions starting with an absence of credible monitoring and evaluation strategies on child marriage. The data in most countries is at best inferential and at worst anecdotal estimates. Throughout the study, no country provided a working monitoring and evaluation framework and plan or specific indicators used to track incidence or prevalence. Thus, there is need for an AU-led monitoring and evaluation plan to standardize



monitoring and tracking of child marriage. This is also made urgent by the continuing debate noted during the study over whether the operating conception should be child marriage or early marriage. Conceptual clarity over the terms and framing will be critical in closing the legal loopholes and stemming the discursive leeway that most tradition and religious proponents and sympathizers of child marriage rely on to condone the practice. Lastly, there is need for not only a conceptual framework but also a theory of change by the AU to guide interventions and programmes against child marriage. Such a theory of change would bring into play other tangential sectors and policies such as education, health, security and development in general. More importantly, the strengthening of behavioral interventions that aim at increasing girls' agency such as education and peer support will be critical.

The study reports that the AU Campaign on Ending Child Marriage is a voluntary campaign with no accountability structures and mechanisms for ending child marriage. To ensure that countries studied commit to specific targets and set indicators of progress, the study recommends developing accountability structures, frameworks and mechanisms for ending child marriage at national and regional level. The accountability frame work should be a tool to monitor country and regional progress towards the agreed commitments as set out in the AU agenda on ending child marriage whilst synergizing with SDG 5.3 on eliminating all harmful practices, such as child, early and forced marriage and female genital mutilations. There should be a coordination mechanism at AU level which plays a key role in the development and implementation of the accountability mechanism. The intended audience for the frameworks are primarily governments in the ten countries, civil society partners (including young people and community-based organizations) and development partners. The framework views accountability as the process of ensuring that governments and other stakeholders achieve the fulfilment of their obligations and commitments in regard to ending child marriage. The framework appreciates two perspectives of accountability a preventive one (measures and interventions that prevent child marriage) and a corrective function (interventions to ameliorate the negative implications of child marriage). Importantly, the recommended framework aims to recognize which actions/ interventions, legislation and policies are feasible in terms of ending child marriage, and which need to be amended or revised to align with the targets and indicators of SDG 5.3 and related SDGs.

Part Five

References and Annexes

Annex 1: Country Specific Recommendations



Country Specific Recommendations					
Country	Culture	Policy	Institutional	Investment	Community
DRC	The practice of using girls as 'settlement for debts' needs to be discouraged and government reigns in or those found practicing such act as a criminal offence	Government needs to demand its provincial governments to enact the corresponding by-laws that set up limits on how much 'bride price' families can demand of a groom to discourage further use of the cultural practice as a means to alleviate poverty in households.	School programs should be up-scaled to encourage retention and encourage girl child education. For example, the inclusion of feeding programs is a welcome idea. The fact that Kinshasa has fewer cases of child marriage affirms the need for interventions in the rural areas.	The government should invest in more vibrant information, education and communication materials to disseminate information regarding newly enacted laws for ease of understanding and utilization by its citizens.	In the communities, a robust and comprehensive civic education will impact positively the lives of boys and girls targeting the promoters of the practice. E.g. While the use of a booklet to simplify the laws, and share with the public is a welcome practice, selling the booklet makes it unaffordable and inaccessible to the poor majority living in the rural setting. However, holding and even during market days reaches out to more people at low cost.



Country Specific Recommendations					
Country	Culture	Policy	Institutional	Investment	Community
DRC (continued)	Traditional behaviors can easily be influenced by religion and therefore it's important that religious leaders join the fight against child marriage as key stakeholders.	A return to school policy needs to be developed and education made compulsory for anyone who has not completed basic education so that more knowledge impacted can positively influence behaviors to respect the voices of the children.	The judiciary as an institution of legal enforcement needs to use the law and issue progressive judgments that will deter the practice of child marriage.	Civic societies including UN and INGOS need to invest in finding lasting solutions that will reach out to militia groups that often use their position to rape and force marriage in girls. Such investments include finding last legal deterrence for such groups to discourage use of child marriage as a weapon of war.	Use of international days like International Women's Day, 16 days of Activism to raise awareness on issues of gender violence is crucial to fighting the practice. This could include use of community events to reach out to more people and duty bearers to affirm their commitment to communities about ending violence through use of child marriage.
	The culture of using rape as a weapon of war need to be discouraged to the extent of recognition in the international community as an emerging crime that should attract even harsher punishments for groups as a crime against humanity.	Further the enforcement of the law should be funded by government to reduce reliance of unsustainable donor funding from UN, NGOS and INGOS.	The health ministry needs to upscale their health education programs so that more and more young mothers realize that dangers they are exposed to by engaging in child marriages.	There must be deliberate investment into the judiciary to set up special courts that address children's cases and will serve to deter further violations on children.	Communities need to be engaged through a process that will enable them to examine the issue of child marriage as a retrogressive practice driven by poverty and that systemic changes need to be made in order for communities to prioritize livelihoods and find alternatives that does not include child marriages.

Egypt	<p>Future programming on child protection should target massive involvement of boys aged between 10-15 years as a means of deterring generational transfer of child marriage practice. Based on the CHOICES model, the education system should develop constructive gender inclusive dialogues in school on child marriage.</p>	<p>The government should strengthen laws on registration of marriages and births with clear roles on enforcement by government units.</p>	<p>Broaden and build capacity of vocational training institutions to create opportunities for girls in marriage and girls at risk of child marriage. This will boost their economic empowerment thus diminish their overdependence on their husbands for all their needs.</p>	<p>Owing to the fact that available schools are far away from the girls' homes in many parts of Egypt, the government should most preferably build more schools in the affected villages. However, it could also subsidize transport to school, which should be only treated as a second option.</p>	<p>The country should replicate the Ishraq model to ensure that girls have freedom of association through club meetings and forums that can further enhance their ability to socialize, share ideas and discuss issues affecting their lives outside their homes.</p>
	<p>Islamic religious leaders should be made to understand the effects and consequences of child marriage and stop promoting it but rather become agents of change. Succinctly, they should build on the lessons learnt in the Al Azhar University and the International Islamic Centre for Population Studies and Research (IICPSR) under UNICEF.</p>		<p>Enhance the capacity of the judiciary and police department and birth and marriage registrars to know and enforce the minimum age law, to understand the damaging impact of child marriage as well as the paybacks in delaying marriage.</p>	<p>Strengthen and upscale the Takaful cash transfer initiative executed by the Egypt's Ministry of Social Solidarity. Additionally, the government should ensure provision of monthly income based on the target children's 80 per cent attendance of school, and medical regular medical check-ups for young children and mothers.</p>	<p>The government and other stakeholders including Non-governmental agencies should intensify community awareness of the harmful effects of child marriage and encourage alternative roles such as focus on education for improved livelihoods.</p>



Country Specific Recommendations					
Country	Culture	Policy	Institutional	Investment	Community
Egypt (continued)	Various political actors should rally behind the criminalization of child marriage legislation. As of 2017, the ministry of health in Egypt announce and drafting a law to criminalize both early marriages. Following a speech by president Abdel Fatah al-Sisi drawing attention to the high prevalence of child marriage in the country.	<i>Strengthen and enforce existing child marriage laws and policies</i> – the government should ensure that it criminalizes child marriage as per its constitution. Besides, it should make birth registration mandatory for all girls and boys in the country irrespective of their parent’s marriage status to seal loopholes in age verifiability.	Boost the mandate of the village protection committees to identifying girls at risk of child marriage and protect them through community dialogue. Additionally, the committees can facilitate the availability of legal assistance, health support and vocational training.	Create and strengthen opportunities that can help girls show the community their potential away from making families and care giving. Such can include volunteering activities, digital engagements, and a wide range of community activities. A good model to replicate is the Voices of Youth initiative that’s run by UNICEF.	The community should be helped to understand and appreciate deviant girls and their families as good role models and ambassadors of change. In doing so, they should be encouraged to move away from stigmatization and victimization of such deviant girls and their families and accept them in their midst.
Ethiopia	Families should move away from the cultural norm of arranging marriages for their children from birth. Particularly the Afari and absuma cultural practices.	There is need to have a reliable, regular data collection about incidents of child marriage. Further to this, there is need for inter-sectoral co-operation to have better records on birth registration and consistent school and health records.	There is need to have national statistical office’s initiative to collect and collate reliable and regular data on child marriage through inter-sectoral co-operation with clear records on birth registration.	The Federal Government should increase public expenditure to expand and consolidate the existent community communication and outreach programmes which are contributing to reductions in child marriage. These include Health Extension Workers, Women’s Development Armies, and girls’ clubs.	The government and other stakeholders including Non-governmental agencies should also intensify community awareness of the harmful effects of child marriage and emphasize benefits of education.



<p>Religious organizations and their leaders should stop encouraging FGM which has a great link with child marriage as it prepares girls for the practice. Additionally, there should be no stigmatization on girls and women who are not cut or the one that have delayed marriage to dates later than childhood.</p>	<p>There is need to create strong accountability mechanisms aimed at ensuring consistent legal enforcement. There is also need for advocacy work to be conducted aimed legal change in regions where legal age of marriage is not yet aligned with federal family laws which are below the 18 years of age.</p>	<p>The government should also consider adoption and enforcement of affirmative action to increase the number of women in public offices. This will encourage the societies at large not to view the girls as wives and mothers, but as people of value in the society.</p>	<p>The Federal Government should increase public expenditure to expand and consolidate the existent community communication and outreach programmes which are contributing to reductions in child marriage. These include Health Extension Workers, Women's Development Armies, and girls' clubs.</p>	<p>The government and other stakeholders including Non-governmental agencies should also intensify community awareness of the harmful side of child marriage. In fact, there is no practical benefit that child marriage brings to a community that practices it. Instead of marrying off their girls, communities should device new or alternative roles for their girls and ensure that help in the eradication of the inhuman practice.</p>
		<p>There is need to build the capacity of all stakeholders involved in child protection e.g. Police should be trained on child protection. There is a manual designed basically for use by police trainers and training institutions in the Ethiopian Police Service. Although it is primarily designed to be used in training, the manual can also serve as a major resource in the process to develop working guidelines for child protection functions.</p>	<p>The government should consider increasing funding to the ministry of education with programs aimed at supporting the girl child's transition to secondary schools. This may include upgrading primary schools to enable girls to continue with their education within their local communities and building boarding facilities near secondary schools to enable them to have a safe and affordable living options.</p>	



Country Specific Recommendations					
Country	Culture	Policy	Institutional	Investment	Community
Malawi	The gender responsive by-law frameworks which UN Women is developing targets traditional chiefs in streamlining and eliminating the conflict between customary laws and national frameworks in regard to gender, poverty, or disability, for example and help with effective implementation at the local level.	The government should operationalize the gender responsive by-law frameworks which UN Women is developing with buy-in from the Ministries of Local Government, Gender, and Justice in addition to targeting traditional chiefs. The by-laws will eliminate the conflict between customary laws and national frameworks regarding gender, poverty, or disability, for example and help with effective implementation at the local level.	The study recommends that proper evaluation of existing programs would assist the government of Malawi in developing a comprehensive plan or strategy detailing specific and targeted actions oriented to ending child marriage.	Support the establishment and maintenance of shelters for survivors of gender-based violence.	There is need to continued advocacy and lobbying for issues around child marriage such as support of children in marriage, education, empowerment, etc.



		<p>There is need to support nongovernmental organizations to monitor and evaluate programs on violence against women, including child marriage, and to use this information to improve programing.</p>	<p>Together with the Ministry of Home Affairs and Internal Security, provide regular training for police and prosecutors on their legal responsibilities to investigate and prosecute violence against women, including child marriage, under the applicable law. Trainings should profile child marriage as a prosecutable a crime in addition to using Penal Code provisions on defilement and abduction.</p>	<p>The police, relevant government ministers and courts on enforcement of child marriage related laws and prosecutions of child rights violation cases to their determination.</p>	<p>Support the establishment and maintenance of shelters for survivors of gender-based violence.</p>	<p>There is need for greater awareness on the harmful aspects of child marriages to the growth and development of the girl child. This should be done through civic education and through the leadership structures at community level in eliminating child marriages.</p>
		<p>Develop a comprehensive adolescent reproductive health policy and strategy. Both the policy and the strategy should have a strong focus on the right to access health information and services, including contraception, and address factors that contribute to unplanned pregnancies.</p>	<p>There is need to strengthen Parliamentary oversight to streamline the country's budgetary allocations to different multi-sectoral interventions against child marriage through a holistic approach. Such interventions may include the National Girls Education Policy (2014), training of civil registrars, and the enhancement of the community structures and legal mechanisms.</p>	<p>The study recommends that proper evaluation of existing programs would assist the government of Malawi in developing a comprehensive plan or strategy detailing specific and targeted actions oriented to ending child marriage.</p>	<p>Widen opportunities for teenage mothers who cannot go back to school e.g. consider vocational training opportunities through village polytechnics at community level.</p>	





Country Specific Recommendations					
Country	Culture	Policy	Institutional	Investment	Community
Mali	<p><i>Engage communities in dialogue towards social norm change</i> – the government should upscale programmatic interventions the TOSTAN's model of community engagement by ensuring that religious leaders, community leaders, government officials, children, parents are all actively involved in chatting about the effects of and alternatives to child marriage.</p>	<p><i>Raise the minimum age of marriage to 18 for both males and females</i> - The government should repeal the minimum age for marriage law and raise the age to 18 for both females and males. More policies that guarantee women and girls their protection should be realized.</p>	<p>Strengthen corruption fighting mechanisms – The government should seal all loopholes in birth and marriage registration, enforcement of anti-abduction policies orchestrated by future marriage.</p>	<p><i>Encourage girl child education</i> – field reports demonstrated how much girls want to continue their education. The government should replicate the Plan UK's <i>Because I am A Girls</i> campaign and the CARE and the Government of Canada's TEMPS (Travaillons ensemble contre le mariage précoce/Working together to prevent child, early and forced marriage) to keep girls in school.</p>	<p><i>Strengthening Social norm change campaigns</i> – Community members including religious leaders should engage in dialogues that hasten change of some harmful or less beneficial cultural practices. For instance, Boy fathers and older men who marry the girls have no proper understanding of the economic implications to them on marrying less educated and less empowered children. The burden that awaits such unions may be too heavy for the husbands and boy fathers to bear.</p>
	<p>Maliens should face out some of their offensive culture such as the bride kidnapping and having fathers as the chief decision-makers in matters of their children's marriage that are still rampant in some sections of Southern Mali</p>	<p>Women should be allowed to make marriage choices for themselves. For instance, they should be allowed to decide when to marry, should own property, seek divorce and have unlimited access to health services.</p>	<p>Train and empower civic registration body to conduct an inclusive marriage vetting before issuing marriage certificates. Accordingly, not even religious and customary marriages should be exempted from the process.</p>	<p>The government and NGOs should invest in contraceptive availability, distribution and use among sexually active girls and girls in marriage. This will reduce teenage pregnancies which often open doors for child marriage and bring birth control among the children in marriage.</p>	<p>Functional committees that entails religious leaders, local administrators and traditional leaders should initiate and fast-track dialogue with various communities that are still stuck into this practice.</p>



	<p>Religious leaders, particularly the Muslim leaders should harmonize their various interpretations of Quran on the minimum age of marriage to coincide with the internationally set 18 years.</p>	<p>Finally, the government should strengthen civil registration of all marriages and births and various government organs should have clear-cut roles to ensure that girls and women are always protected.</p>	<p>Develop training and guides to enable community administrators to enforce child rights laws particularly the laws against GBV and child marriage.</p>	<p>Invest on programs that fight and discourage stigmatization and mistreatment of families and parents who have denounced child marriage in the community. Such parents should be used as ambassadors of change in the campaign and their girls supported to finish their education.</p>	<p>The government should upscale the World Vision's mass media campaign that has enhanced public awareness of the dangers of child marriage among the Malian communities.</p>
Morocco	<p><i>All-inclusive community programming – all programmes targeting child marriage should include all the stakeholders in that community so that there is high rates of acceptance and participation.</i></p>	<p><i>Harmonize the articles of Moudawana to entirely criminalize child marriage – the government should heed to calls by civil societies and international agencies on reviewing Articles 19 and 16 of the Family Code. The exemptions that allow for up to 90% percent approval of child marriage cases referred to the family affairs judges should be quashed.</i></p>	<p><i>Up to date data – approaches to combatting child marriage should be based on recent data that reflects the actual situation on the ground. To have this in place, national, civil societies and bilateral agencies should increase funding for regular surveys and national studies on child marriage and its associated effects.</i></p>	<p><i>Socioeconomic transformations – approaches to ending child marriage such as research should consider various changes in the country's socioeconomic frameworks such as urbanization, food security, migration and change in family structures.</i></p>	<p><i>Develop peer education targeting males in the child marriage hotspots – The country should strengthen the efforts of YTTTO that penetrate communities through mobile caravans. Additionally, various stakeholders should mobilize various members of the community to rethink the contentious and backward social norms such as family honor.</i></p>

Country Specific Recommendations					
Country	Culture	Policy	Institutional	Investment	Community
Morocco (continued)	Child marriage perpetrators could be talked out of the practice. Could replicate the Malian Classmates Child Marriage Rescue Team of the Mahou School in southern Mali. Such dialogues will not only save the children in marriage but also change the minds of the husbands.	The government can borrow from the Himaya Project that advocates for access to justice by children and build the capacity of judges and legal professionals on child rights. As the EU funded project advocates, parents should be educated, and families guided and mediated upon.	There should be a harmonization of the key indicators for various household surveys and development of sex-disaggregated data to boost the understanding of the correlation between variables such as education and poverty.	The government should consider the ICRAM's 2012-2016 Gender Equality Plan as a viable entry point into enhancing gender equality thus reducing incidences of child marriage based on gender inequality as a driver.	Utilize the UNCEF's Communication for Development to bring all members of the community together to discuss and identify problems hampering their development, develop solutions and execute them.
Mozambique	Cultural practices such as 'Lobolo' need to be re-examined to discourage use of 'pride price' as a motivation towards practicing child marriage.	There needs to be an explicit national legislation that expressly prohibits child marriage, setting a minimum age at 18 regardless of parental consent and end the reliance on ratified SADC laws and the family law statutes	Further, statistical organizations need to invest in evidence generation on prevalence of child marriage to inform government policy formulation. This includes demands for birth and marriage registration to inform policy formulation	Government departments specifically the ministry of gender, children and social services needs to be increase investments in human resources and government action towards ending child marriage in tandem with enacted laws and policies.	Community awareness initiatives need to target community influencers and use community friendly language to ease understanding of legal provisions.





<p>The growing culture in the country where young freely partake in alcohol needs to be examined as it encourages drug abuse. Such engagements provide easy platforms where girls get pregnant and therefore are forced into marriage. An age limit to using alcohol will go a long way in addressing the problem.</p>	<p>The return to school policy for girls who are pregnant is welcome, but the policy needs to be reinforced such that education becomes mandatory for all to empower the girls on the negative effects of child marriage.</p>	<p>The government should further invest resources towards enforcement of the national strategic plan and national action plan on child protection.</p>	<p>The country must also invest into ending drug abuse especially alcohol abuse that is rampant and open to underage girls and boys that serve as platforms where they easily indulge in promiscuity and unplanned sexual engagements</p>	<p>Engagements of communities need to utilize models where community members take lead as change agents and not CSOs and INGOs and therefore better able to get buy in from the community and commitment towards eradicating the practice.</p>
<p>While rites of passage are important traditional practices that instil values, an age limit needs to be set as to when they can be carried out preferably at 18 years to stop young girls and boys from openly engaging in sexual relations sanctioned by parents in the name of having reached adulthood because of a rite of passage.</p>	<p>The government needs to strengthen the sexual and reproductive health rights policies to increase public awareness on the effects of early pregnancies that lead to child marriages. The statistics of maternal deaths should support efforts to end child marriage.</p>	<p>Further strengthening is also required so that agencies working in social services work together towards eradicating child practice. This will ensure concerted efforts and increase education initiatives to reach communities in rural areas.</p>	<p>The country can also invest in role models who demonstrate the positive benefits of marriage in late age and therefore demystify the notion that child marriages guarantee better marriages.</p>	<p>Communities need to address the root cause of child marriage that is poverty. This needs to be realized as a systemic problem that requires more action by government and communities and that it cannot be solved by giving away young girls as brides.</p>
<p>Religious leaders have been left out in engagements on child marriage and need to be involved so that they can support enforcement of the law by ensuring all persons getting married have reached the age of consent</p>	<p>The laws need to be strengthened to the extent of including punishment for influencers and promoters of child marriages.</p>	<p>While pronouncements by the president towards ending child marriage are a welcome commitment, such statements need to be followed by institutional support and resources that ensure the commitments become tangible solutions for communities to address their problems</p>	<p>Investments are also necessary in the education sector to increase retention of girls in schools and therefore increase chances of more girls to complete basic education</p>	<p>Communities also need to be educated about stating the true ages of their children so that government is able to prioritize policy issues guided by actual age and marriage statistics and not estimates</p>

Country Specific Recommendations					
Country	Culture	Policy	Institutional	Investment	Community
Niger	The Nigerien communities and culture should stop viewing their daughters as assets that can be converted to economic benefits at any time. This is usually manifested during conflicts through abductions and forced marriages.	The Nigerien government should amend the Civil Code in respect to minimum age of child marriage to have it from 15 years to 18 years. The government should thereafter establish an implementation plan that includes strong communication on the obligation to comply with the traditional laws as set out in the Nigerien Constitution.	Parliament as a law-making organ should enact policies that eradicate child marriage. For instance, the institution should create serene environment for accessibility of education to girls, criminalize child marriage and create more opportunities for girls.	There should be sufficient investment in girl child education and health care. Enough finances and resources should target the empowerment of the girls and women in general. Relevant organizations that have shown interest in supporting the education and empowerment of girl and women should be facilitated to achieve their objectives	The government and other stakeholders including Non-governmental agencies should intensify community awareness of the harmful side of child marriage. They should adopt initiatives and programs aimed at promoting gender equality, economic empowerment and ending child marriage.
	Respect accorded women in the Nigerien society should not be solely tied to marriage and child-bearing but diversified to capture their potentials in other fields.	The Nigerien government should enact legislation that prescribes a punishment for any person who marries and or causes girls below the legal age to be married off.		Niger must set its targets in the process of eliminating child marriages. Efforts of eliminating the practise must be combined with efforts to address early pregnancies.	The government and other stakeholders including Non-governmental agencies should intensify community awareness of the harmful effects of child marriage.





		The government should put in place a proper registration system for birth, marriages and divorce to enable girls' access public services.		President Issoufou Mahamadou's declaration to educate, train and create jobs for young women in Niger should be keenly implemented to ensure that girls remain in school and thus delay their marriage to the right age above childhood.	They should also create awareness on the country existing laws on child marriage, train youth, men and women, social workers on girl rights and reproductive health.
Nigeria	Religious leaders need to be deliberately targeted in community interventions as key influencers and promoters of child marriage.	The constitution can further be strengthened to demand that marriage laws be applicable in any type of marriage be it civil, customary or religious.	Conflict prone areas need to improve security and protection for girls susceptible to abduction by militia groups such as the notorious Boko Haram	Investments are needed in public interest litigation to ensure that federal law is declared the supreme law of the country and therefore all citizens must adhere to its rule including its interpretation of age of marriage.	Community awareness and education on child marriages needs to be emphasized to empower citizens on their rights and responsibilities in protecting the rights of children.
	Muslim Scholars in Nigeria needs to be engaged to demonstrate the need not to use the marriage of Mohamed to Aisha as justification for child marriage since the prophet is also believed to have married other wives who were older.	12 Federal states also need to be lobbied to domesticate subsidiary laws in tandem with the Child Act 2003 of the Federal laws.	Education and Health ministries as well as judicial systems need to be strengthened to protect the rights of children focusing on their development	Legislative arms of government need to invest more in access to information in order to prioritise the enactment of laws that protect girls from forced relations	Communities living in areas prone to attacks by militias need to work with government to share information on prevalence of attacks so that government can prioritize support and ensure protection for school going girls and villages

Country Specific Recommendations					
Country	Culture	Policy	Institutional	Investment	Community
Nigeria (continued)	The culture of legislators caught in child marriage scandals justifying their actions using religion needs to be condemned and those holding office held to account as this promotes the child marriage violations.	Need to adopt a return home policy so that parents can willingly accept girls back home after being rescued for child marriages.	The use of modern media specifically social media needs to be controlled and monitored to ensure it no longer is used to access information that promotes child marriages.	Institutions working on child marriage need to merge together through the created entities to avoid instances of duplication and maximise utilisation of resources.	Need for communities to learn to respect the wishes of the children as most want to pursue education to improve family livelihood without having to have child marriage as an option.
	The emerging culture where militiamen like Boko Haram are using girl brides as a weapon of war needs to be discouraged even by the international agencies such that the culture does not become a norm	National Strategy to End Child Marriage was launched on 29 th November 2016 but this is yet to take shape as the corresponding Plan of action is yet to be developed and adopted. The plan needs to be prioritized as a key policy issue that will support efforts of eradicating the practice.	Education is a key area of priority as the spaces where young girls should be encouraged to spend more time and build a better future for their lives.	Investments are also required to lobby the government to use already ratified legal instruments at the international level to come up with new and improved laws for legislation	Programs need to target change in community attitudes and behaviors and amplify the voices of young girls who have attempted to leave forced marriages and communities urged to take them back without prejudice



	While cultural leaders as silent on issue of child marriages, it's important that their views are incorporated and their position transformed into change agents.	There is need to direct specific and targeted funding towards supporting Child marriage.	The health institutions need to scale up community education on the negative effects of child marriage working together with other government departments to build synergy towards eradicating child marriages.	The Africa's most populace country, it's an opportune time that the government investment in women agendas include eradicating child marriage for the potential harm it portends.	Communities need to realize the negative effects of child marriage and therefore endeavor to create safe spaces that safeguard women and girl rights and ensure their protection.
Tanzania	There should be a deliberate decision to involve the cultural/ religious leaders, since they are likely to be listened to. For instance, in Tarime, study participants mentioned those Seventh Day Adventist members do not perform FGM on women, showing the power of religion in influencing social and cultural practices	There is need for a comprehensive review and harmonization of all marriage laws to specify the minimum age of marriage as 18 for both females and males. There is need for policies and legislation aimed at releasing government funds directly related to implementing programs to curb the practice of child marriage and compliment the efforts of relevant NGOs and CSOs.	There is need for direct engagement with local structure which includes; local governments (Chiefs, traditional, ward, street, village, and hamlet governance structures/ leaders) CSOs/ CBOs; to strengthen their capacities and maximally utilize them in order to reach out to a larger section of the people in Tanzania. These mechanisms will easily reach out and enforce the required change in their respective communities.	Relevant UN agencies should come out with one package of interventions on early marriage – currently their funding is limited and unsystematic. As such, proactive grassroots partners like AGAPE suffer financial crisis in the middle of high demand of their services. Needed direct engagement with local governments and CSOs/ CBOs.	Supporting girls' education will keep girls in school thus delaying marriages. The government should be fully committed in implementing the universal free education program and its Education policy of 2014.



Country Specific Recommendations					
Country	Culture	Policy	Institutional	Investment	Community
Tanzania (continued)	Religious organizations such as Christianity and Islam that are dominant in the country should spell out the minimum age of marriage for both males and females. Besides, different interpretations of their religious teachings of their holy books should be harmonized to stem out child marriage.	The Women in Development and Gender Policy of 2000 should be strengthened to fight all customary and religious provisions that encourage gender discrimination against women and girls in the country.	The government of Tanzania should take measures (both immediate and long term) towards strengthening protection of girls against child and forced marriages. This can be in the country's policies and national plans that provide for comprehensive plans/strategies and legislation towards combating child marriages.	Need to utilize local structures including traditional leaders; and, ward, street, village, and hamlet governance structures in order to reach out larger section of the people in Shinyanga. Consider a possibility of rendering reproductive health and self-esteem for girls as core subjects in primary schools – as preventive strategy.	
	Communities should be strongly encouraged to drop cultural practices that prepare girls for marriage. These ceremonies and rituals include FGM, prioritization of dowry in Manyara and Shinyanga and Unyago in Lindi and the Der es Salaam.	Decrees by the president and administrative officials for arresting girls who are found pregnant and their parents will continue to keep many girls out of school, thus driving them to child marriage. Additionally, there should be a robust return-to-school policy to enable child teenage mothers and girls in marriage continue with their school.	Legal institutions should be opened up and made friendlier to children while seeking justice. Accordingly, the court systems should build capacity on juvenile justice, increase legal assistance, and empower the police department on handling child justice and investigations related to GBV and child marriage.		The government and other stakeholders should put in place measures aimed at creating more awareness to parents and community members on the negative effects of child marriage on the negative impact of harmful traditional practises like FGM and initiation rites. This will help reduce child marriage, as it was established that most of the rites are performed in preparing girl for “womanhood” and “wives”





Annex 2: Field Qualitative Data Collection Tools

1.0 Community Leaders Key Informant Interview Guide

Introduction

- › Introduce yourself
- › Explain the purpose of this interview - We are carrying out a **Multi-Country Analytical Study of Legislation, Policies, Cultural Practices and Interventions on Child Marriage in Africa** and the implications this has had on your life. We would appreciate your honest opinions during the discussion. Your responses will be treated with utmost confidentiality.
- › Record the discussion
- › Take notes on the discussion
- › Confidentiality of participant's responses

Ice Breaking Exercise

- › Familiarize with the roles and responsibilities of the Respondent
- › General discussion on forms and extent of Child Marriage in the community

A2. Forms of Child Marriage in the community

- › What are the various forms/types forms of Child Marriage in the community
- › What forms/types forms of Child Marriage occur the most?
- › How often do Child Marriage cases get reported?
- › What forms/types forms of Child Marriage cases are the most difficult to detect/report?

A3. Support provided for Child Marriage Survivors – (Community Leader)

- › Being a community leader, do people come to you to report Child Marriage cases? (Probe either answer.)
- › What kinds of cases get reported the most?
- › How do you deal with such cases? (Probe on linkages with local administration, police, NGOs)
- › Do you think the formal/Government system is providing adequate support for survivors of Child Marriage? (Probe for awareness and knowledge for government policies etc.).

A4. Causes of Child Marriage in the community

- › What are the main causes of Child Marriage incidents? (Also Probe for reasons)
- › In (your community), are there any specific villages/areas where Child Marriages are rampant than others?
- › How different are such places from the rest? – Explore for characteristics of hotspot communities.
- › In your opinion and observations, what relationships or connections between incidents of child marriage and locations, occasions and seasons in your community?



A5. Addressing Child Marriage in the community

- › Are there any child marriage interventions/ prevention activities /initiatives in your community?
- › What needs to be done to address/increase awareness on Child Marriage in your community?
- › How can the incidents of Child Marriage be reduced in the community?
- › Have you improved/increased any community mechanisms to provide support to Child Marriage victims / or initiatives undertaken to create awareness/reduce Child Marriage (Probe on the role of community policing)
- › How are child marriage survivors handled in the community- explore schools' attendance, issues of dowry, violence, stigma etc.?

A6. Challenges

- › What are your major challenges in dealing with Child Marriage cases in your community?
- › What can be done to address the challenges- explore what, how, by who and why.

A7. Conclusion

- › Could you describe any specific experience, dealing with Child Marriage incidents;
- › Do you have any other comments/ observations that you would like to share regarding this discussion? Please feel free to share your observations and suggestions.

2.0 Interview Guide For Child Marriage Survivors

Introduction

- › **Introduce yourself:** We are carrying out a Multi-Country Analytical Study of Policies and Cultural Practices on Child Marriage in Africa and the implications this has had on your life. We would appreciate your honest opinions during the discussion. Your responses will be treated with utmost confidentiality.
- › **Explain the Group Discussion Process:** interactive, participative. Participants to be honest about their opinions and believes.
- › **Explain the rules of discussion:** one person at a time, no domination and side conversation, opportunity for all to participate.

- › Ask for permission to record the discussion.
- › Remember to take notes on the discussion.

Knowledge on forms of child marriage in Africa

- › How long have you been married – explore age of first marriage?
- › What was the highest level of education had you achieved when you were married?
- › How were you married- explore how the marriage was procured;
- › What role did your religion/religious leader play in your marriage?
- › What do you think of marriage at your age?



Causes and incentives of Child Marriage

- › What pushed or motivated you into getting married?
- › What pushes/motivates girls/boys in your community to get married?
 - ~ Did anybody force or push or persuade you to marry? Record the facts.

Experiences in Marriage

- › What are the expectations and roles of a married person in your community?
- › How ready prepared were you for the roles of marriage?
- › Please describe some of your memorable experience in your marriage? Explore for incidents of violence, problematic pregnancy, neonatal deaths, divorce, etc.
- › Are you satisfied/happy with your marriage?
 - Probe for reasons.

Expected Effects of Minors' Marriage

- › Are there any benefits boys/girls get for being married early? – Explore for specifics;
- › Did your family get anything in return for your marriage?
- › In your opinion, what are some of the negative effects for marriage of girls under 18 years? Name them.
- › Have you or any of your married age-mates experienced any health complications- explore for details.

Child marriage and girls' education:

- › What is the level of education most girls reach before marriage in your community?
- › What motivates girls to stay or leave schools after marriage in your community?
- › Did you go back to school after marriage? Would you like to go back to school? Explore depending on current status.
- › How teachers, fellow students and the community do handles girls returning to school after marriage?

Knowledge, views and attitude towards child marriage

- › How do you get information and knowledge relating to marriage and child marriage in your community?
- › Are you familiar with programs of protection of girls in general? What is the source thereof, if any?
- › Are you familiar with the laws and programs for early marriage? What is the source thereof, if any?
- › What do you propose to improve your access to education and work?
- › In your opinion, what could be done to improve the related programs?
- › Based on your experience, what is your view of early marriage/child marriage- explore their advice to other children



3.0 Key Informants Interview Guide: CSO, Government and Sector Experts & AUC/REC

Introduction

- › Name of respondent (Optional):
- › Name of organization and position:
- › Location/area/scope of operation:
- › Sector of expertise/work:

Situation and actions on child marriage

- › What is the state of child marriage in the community/ county/district/country or region of expertise/focus?
- › Which are the most rampant forms of Child Marriage in the area/community;
- › What interventions on Child Marriage are implemented in your area?
- › What are the existing policies, laws and regulations addressing child marriage?
- › What efforts have the community and government made to eradicate child marriage?

Experiences and perceptions

- › What is the level of knowledge and awareness regarding child marriage in the country/community?
- › What are your experiences in working in the community towards ending child marriage?
- › What are your perceptions of working within the community on Child Marriage?
- › How does the community view efforts to eradicate child marriage?
- › How effective are the existing policies and laws against child marriage in your community/country?

Challenges and Barriers

- › What are the challenges faced in dealing with cases of Child Marriage?
- › What are the barriers facing child marriage eradication efforts?
- › What role have religion and local traditions played in eradication/promotion of child marriage?
- › What challenges face the existing child marriage eradication policies and regulations' implementation?

Improving Information accessibility and addressing Child Marriage

- › What are the main sources of information on Child Marriage?
- › Are their programs targeting protection of girls? Who are their main supporters?
- › What is the level of familiarity/knowledge of the laws and programs for early marriage in the community? What is the source of such knowledge?
- › How can knowledge and information on ending child marriage be disseminated more effectively?
- › What role can: school, family, society, judges, health centers, and clergy play in ending child marriage?

Conclusion

- › What efforts does the government need to make to end child marriage in the community /country?
- › How can government policies and laws be improved to accelerate eradication of child marriage?



- Please give your suggestions/proposals on how child marriage can be mitigated in your community?

Additional Questions for AUC/REC Key Informants

To the best of your knowledge, please:

- Identify for us the countries that have signed the AUC commitment to end child marriage
- Which African countries have established national action plans for elimination of child marriage?
- What has been hindering other countries from establishing the national action plans?
- How effective has been the implementation of the national action plans in Africa?
- In your view, what can spur implementation of the action plans in the countries?
- What role can the AU and other regional bodies play in accelerating development and implementation of national action plans against child marriage?
- How can resources be mobilized and invested towards ending child marriage in Africa?
- What are the capacity gaps that exist in the African countries efforts to end child marriage?

4.0 Interview Guide for Parents of Children in Marriage or Grooms

Introduction

- **Introduce yourself:** We are carrying out a *Multi-Country Analytical Study of Policies and Cultural Practices on Child Marriage in Africa* and the implications this has had on your life. We would appreciate your honest opinions during the discussion. Your responses will be treated with utmost confidentiality.
- **Explain the Group Discussion Process:** interactive, participative. Participants to be honest about their opinions and believes
- **Explain the rules of discussion:** one person at a time, no domination and side conversation, opportunity for all to participate
- Ask for permission to record the discussion
- Remember to take notes on the discussion
- Reiterate the confidentiality of responses

Forms and processes of Child Marriage

- How old was your child when s/he got married?
- How was the marriage organized/arranged and planned?
- How are marriages of young people arranged or performed in your community?
- What do families consider when deciding on a child's marriage?
- How are young brides/grooms expected to behave in your community?

Causes and factors of Child Marriage

- What are the pushed or motivated your family to marry of your child?
- What motivates drives families in your community to marry off or in children?



- › What motivates children to accept to be married?
- › How do families benefit from the marriage of the children?
- › What is the dominant religious and tradition views towards child marriage?
- › What is the dominant source of information and education on marriage and family issues in your community?

Knowledge, attitudes and practices

- › Do you know any government laws prohibiting child marriage? Please explain
- › Have you attended any forum on ending child marriage? Please discuss its organization
- › What is the general community attitude towards child marriage? Probe details;
- › Who are the influencers for or against child marriage in your community?

Effects and experiences of Marriage

- › How did marriage affect or change your daughter's /son's life?
- › What advice would you give other parents with children regarding early marriage?

5.0 Case Study Documentation Guide – Survivors

Informants De-Briefing Before the Interview	
Country	Signed the African Union Campaign to End Child Marriage (Yes/ No)
Bio Data Establishing Rapport	<ul style="list-style-type: none"> › Tell us about yourself (Age, place of birth, school background, length of stay in ..., occupation, family information, no. of members in household, marital status, place of stay, religion,)
Nature of Child Marriage	<ul style="list-style-type: none"> › Could you share with us what happened to you? (Probe for: Who was involved, where, time period, by whom, form of marriage)
Response to Child Marriage	<ul style="list-style-type: none"> › Did you seek any help/ what did you do after the marriage? (Probe for: pattern of getting assistance. Who did you first approach? e.g. Family, Women's group, police, lawyer, chief, time that elapsed between incident and reporting, general reactions) If you did not seek help, why? › How did you cope? (Probe for: Support –who reached out, inner resilience) › How has/did the marriage affect you? (Probe for: Effects on self, societal perceptions) Since then, have you experienced any other forms of child marriage?



Informants De-Briefing Before the Interview	
Country	Signed the African Union Campaign to End Child Marriage (Yes/ No)
System's attitude towards Child Marriage	<ul style="list-style-type: none"> ➤ Police: If you reported the incident to the police: (which) <ul style="list-style-type: none"> ~ How would you describe your experience? ~ What was their attitude to you? ~ What assistance was provided? ➤ Provincial Administration (Chief/AP/DCO): <ul style="list-style-type: none"> ~ Probe for: General experience, assistance accorded, evidence collection ➤ Family Members <ul style="list-style-type: none"> ~ Probe for: reactions, support provided ➤ Did you receive adequate assistance? Could more have been done?
Awareness levels on Child Marriage response	<ul style="list-style-type: none"> ➤ At the time of the incident, what kind of information did you have of what to do after child marriage? (Probe for: Legal, Medical, psycho-social, shelter, Support Services in the community (Women's groups/ NGO Forums)) ➤ What kind of information would have helped you deal with the incident better?
Support required	<ul style="list-style-type: none"> ➤ What support services are available in your community for survivors of Child Marriage? (Shelter, legal, medical, support groups, counseling,) ➤ What needs to be done to strengthen the support provided to survivors of Child Marriage?

6.0 Case Study Guide: Community Structure For Survivors (Safe Houses/ Support Groups)

Introduction	Case study
<ul style="list-style-type: none"> ➤ Location and history of group/structure ➤ Organization of the structure ➤ Context informing the formation of the group ➤ Goal and focus of structure 	<ul style="list-style-type: none"> ➤ What are the common forms of Child Marriage in the structures' area of operation? ➤ How the structure works - does rules, membership, activities, resources, linkages etc. ➤ Notable achievements to date ➤ Challenges and threats faced by the structure ➤ Recommendations for working with support groups. ➤ Lessons, Uniqueness and scalability of structure



Annex 3:

Multi-Country Study on Child Marriage in Africa Online Survey Tool

Q1. What is your Gender?

1. Male
2. Female

Q2. Country of Residence

1. Nigeria <input type="checkbox"/>	5. Ethiopia <input type="checkbox"/>	9. Egypt <input type="checkbox"/>
2. Niger <input type="checkbox"/>	6. Tanzania <input type="checkbox"/>	10. Morocco <input type="checkbox"/>
3. Mali <input type="checkbox"/>	7. Malawi <input type="checkbox"/>	
4. Democratic Republic of Congo <input type="checkbox"/>	8. Mozambique <input type="checkbox"/>	

Q3. Are you aware of any existing laws, whether civil or traditional, in your community that protect a girl child from child marriage?

1. Yes
2. No
3. Don't know?

If aware of the existing laws, please name them?

Q4. Do you know about the legal age of marriage in your country for boys and girls?

1. Yes
2. No

If yes, what is the legal age for marriage in your country for both boys and girls?

1. Girls _____
2. Boys _____
3. I don't know?



Q5. Do you think that religion and culture play a big role in child marriage?

- 1. Yes
- 2. No
- 3. Maybe

Q6. Please rate the how the following statements are true in context of your community using a scale of 1 to 5 – where (1) = strongly disagree; (2) = disagree; (3) = neutral (4) = agree (5) = strongly agree

Statement describing your community	1	2	3	4	5
i. Discrimination against young women drives them to early child marriage					
ii. Fear/Prevention of premarital sex and pregnancy force families to marry off girls young					
iii. Desire to see grandchildren before one dies drive families to marry children					
iv. Need for family connections and alliances forces families to marry off children					
v. Religious practices and beliefs encourage marrying children at a young age					
vi. Desire for respect in the community drive families to marry children young					
vii. There is little if any social or legal consequences for marrying / off young girls					
viii. Household poverty and lack of resources forces families to marry off the girls to reduce the burden					
ix. Insecurity, violence and fear of attacks drives families to marry off girls for protection					
x. Desire for dowry and gifts motivates families to marry off children					



References and End Notes

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- 11 All variables are coded between 0 and 1. The value 0 means no or very low inequality and increases relative to the level of inequality and discrimination against women and girls up to the highest value of 1 which indicates the highest level of inequality and discrimination. Succinctly, (SIGI < 0.04 means very low; 0.04 < SIGI < 0.12 means low; 0.12 < SIGI < 0.22 means medium; 0.22 < SIGI < 0.35 means high; SIGI > 0.35 means very high).
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UN Women Background

UN Women is the UN Agency dedicated to gender equality and the empowerment of women. As a global champion for women and girls, UN Women was established to accelerate progress on meeting their needs worldwide. With a vision of equality enshrined in the Charter of the United Nations, UN Women works for the elimination of discrimination against women and girls; the empowerment of women; and the achievement of equality between women and men as partners and beneficiaries of development, human rights, humanitarian action and peace and security.

UN Women also coordinates and promotes the UN system's work in advancing gender equality, and in all deliberations and agreements linked to the 2030 Agenda. The entity works to position gender equality as fundamental to the Sustainable Development Goals, and a more inclusive world. It supports UN Member States as they set global standards for achieving gender equality and works with governments and civil society to design laws, policies, programmes and services needed to ensure that the standards are effectively implemented and truly benefit women and girls worldwide. It works globally to make the vision of the Sustainable Development Goals a reality for women and girls and stands behind women's equal participation in all aspects of life. It is especially invested in its commitment to end all forms of violence including child marriage across the globe.

UN Women envisions a world where societies are free of gender-based discrimination, where women and men have equal opportunities, where the comprehensive economic and social development of women and girls is ensured so that they can lead the change that they want to see, where gender equality and women's empowerment are achieved, and where women's rights are upheld in all efforts to further development, human rights, peace and security including ending discriminatory practices such as child marriage.

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NEEDS WORLDWIDE.**

UN Women supports UN Member States as they set global standards for achieving gender equality, and works with governments and civil society to design laws, policies, programmes and services needed to implement these standards. It stands behind women's equal participation in all aspects of life, focusing on five priority areas: increasing women's leadership and participation; ending violence against women; engaging women in all aspects of peace and security processes; enhancing women's economic empowerment; and making gender equality central to national development planning and budgeting. UN Women also coordinates and promotes the UN system's work in advancing gender equality.



Planet 50-50 by 2030
Step It Up for Gender Equality