

# Preventing and Eliminating Child Marriage in Africa: The Perspectives from Nigeria

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## Abstract

Child marriage is a global scourge and remains prevalent in many parts of Africa particularly in Nigeria's northern region where many girls are given away in marriage without their consent. Child marriage violates the human rights of the affected girl-child and increases their risks for several negative sexual and reproductive health outcomes, including maternal morbidity and mortality. The United Nations Children's Education Fund (UNICEF) report of 2021 confirmed that although child marriage is becoming less common globally, the rate of progress is not fast enough to achieve the Sustainable Development Goal (SDG) target of eliminating child marriage by 2030 as child marriage still affects 650 million girls worldwide. The amount of progress is uneven across regions, between countries and within countries. The least reductions have been observed in Sub-Saharan Africa where child marriage is presently most prevalent. As the most populous country in the African region, Nigeria reportedly has the highest number of child brides with an estimated 44% of the girls married before their 18th birthday. This has been rated as one of the highest globally and rates are not likely to decrease soon as girls, especially those living in northern Nigeria, are living in one of the most difficult times due to factors like armed conflict, kidnapping, COVID-19 pandemic and economic recession. Preliminary investigation confirmed that tradition and culture still play a dominant role in the operation of the practice of child marriage in Nigeria and Africa in general. This article proposed *inter alia*, that for effectiveness, interventions aimed at reducing and eliminating child marriage in Nigeria must give considerable attention to culturally-laden social norms that vary by ethnic groups as well as religious-related beliefs.

**Keywords:** Child marriage, Girl-child, Child bride, Prevalence, Elimination, Prevention, Progress, Nigeria, Africa.

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## 1. Introduction

Child marriage is a global problem that cuts across countries, cultures, and religions. It is a massive problem in many developing countries<sup>1</sup> including Nigeria. Eliminating and preventing child marriage, also referred to as early, coerced, and forced marriage has been on the global agenda for several decades, first in 2000 with the Millennium Development Goals (MDGs) highlighting the reduction of child marriage as a global priority and then in 2015 as part of the global agenda with the establishment of the UN Sustainable Development Goals (SDGs)<sup>2</sup> which comprises a set of 17 goals that set out global development priorities between now and 2030.<sup>3</sup> SDG Goal 5, focusing on "gender equality" is to empower all women and girls and is linked with the global aspiration to end girl-child marriage by 2030<sup>4</sup> yet it is also inextricably linked with SDG Goal 4, related to better access and more gender-equal participation in education, Goal 3 (good health and well-being), Goal 8 (decent work and economic growth) and, Goal 1 (no poverty).<sup>5</sup>

The UNFPA-UNICEF Global Programme to End Child Marriage (2016-2030) supports the Sustainable Development Goal 5<sup>6</sup> and has been implemented since 2016 across Africa, the Middle East and South Asia in 12 of the highest-prevalence and/or high-burden countries: Bangladesh, Burkina Faso, Ethiopia, Ghana, India, Mozambique, Nepal, Niger, Sierra Leone, Uganda, Yemen and Zambia.<sup>7</sup> In May 2014, the African Union (AU) launched a campaign to end child marriage in Africa, by enhancing continental awareness of its harmful impacts and requiring states to take appropriate legal, social and economic measures to address child marriage.<sup>8</sup> The

<sup>1</sup> T. Ahmed, "Child Marriage: A Discussion Paper," (2015), 6 (2) *Bangladesh Journal of Bioethics*, 8-14.

<sup>2</sup> E. B. Luca and M. Pesando, "Trends in child marriage and new evidence on the selective impact of changes in age-at-marriage laws on early marriage," (2021), 14, *SSM -Population Health*, 100811.

<sup>3</sup> Girls not Brides, "Child marriage and the SDGs," <https://www.girlsnotbrides.org/learning-resources/child-marriage-and-sdgs/>, accessed December 5, 2021.

<sup>4</sup> *Ibid.*

<sup>5</sup> Luca and Pesando (n 2).

<sup>6</sup> United Nations Population Fund (UNFPA), "Joint Assessment of Adaptations to the UNFPA-UNICEF Global Programme to End Child Marriage in light of COVID-19," <https://www.unfpa.org/admin-resource/joint-assessment-adaptations-unfpa-unicef-global-programme-end-child-marriage-light>, accessed October 5, 2021.

<sup>7</sup> *Ibid.*

<sup>8</sup> Center for Human Rights, University of Pretoria, "A Report on Child Marriage in Africa," <https://www.chr.>

adoption of the AU Campaign in Nigeria resulted in the launching and adoption of the National Strategy to End Child Marriage in Nigeria 2016–2021 in 2016.<sup>1</sup> Laws, policies and actions were also developed at the global, regional and national levels towards eliminating child marriage. The laws, to which Nigeria is a party include the Convention on the Elimination of Discrimination against Women (CEDAW) in 1979,<sup>2</sup> the Convention on the Rights of the Child (CRC) in 1989,<sup>3</sup> the African Charter on the Rights and Welfare of the Child (ACRWC) in 1990<sup>4</sup> and the Child Rights Act of Nigeria in 2003 which domesticates the CRC and The ACRWC.

In spite of all the efforts towards preventing and eliminating child marriage, report confirms that worldwide, an estimated 650 million girls and women alive today were married in childhood<sup>5</sup> and Africa is home to six of the ten countries with the highest child marriage prevalence levels in the world, all six of which have a prevalence over 50 percent.<sup>6</sup> According to UNICEF report of 2021, across the globe, levels of child marriage are highest in West and Central Africa, where nearly 4 in 10 young women (41%) were married before age 18.<sup>7</sup> Lower levels of child marriage are found in Eastern and Southern Africa (31 per cent), South Asia (28 per cent), Latin America and Caribbean (22 per cent), and the Middle East and North Africa (15 per cent).<sup>8</sup>

For West African countries (Nigeria inclusive) to meet the United Nation's Sustainable Development Goals (SDG) target of ending child marriage by 2030, substantial reduction in current level is required.<sup>9</sup> As the most populous country in Africa, Nigeria has the highest number of child brides<sup>10</sup> with the highest prevalence in 12 Muslim dominated northern states.<sup>11</sup> Child marriage is an extreme violation of children's rights and a serious form of child abuse.<sup>12</sup> Although child marriage is becoming less common, the amount of progress has varied substantially across different contexts.<sup>13</sup> Progress is possible under the right conditions, including significant shifts in the well-being of society, the status of women and the provision of key services over the course of several decades.<sup>14</sup>

Towards preventing and eliminating child marriage in Africa, Nigeria in particular, this article explores in depth, how the phenomenon could be addressed. The main question that the article seeks to answer is: What is the effect of the efforts and approaches undertaken to prevent and eliminate child marriage in Nigeria? Towards this end, the article examines the prevalence, causes and consequences of child marriage, factors driving child marriage, prevention programmes and other efforts made to eliminate the scourge and the level of progress. The article recommends among others, the adoption of comprehensive measures that address the drivers and causes that expose women and girls to child and forced marriage.

## 2. Conceptual Clarification of the term “child marriage”

UNICEF refers to “child marriage” as any formal marriage or informal union between a child under the age of 18 and an adult or another child.<sup>15</sup> According to Article 1 of the United Nations Convention on the Rights of the Child (CRC)<sup>16</sup>, a child is “every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier”.<sup>17</sup> For the enforcement of this provision, the Committee on the Rights of the Child, (the monitoring body for the implementation of the CRC) has called on States parties to review the age of majority if it is set below 18.<sup>18</sup> The condition for the application of the age of 18 years stipulated under the

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up.ac.za/images/researchunits/wru/news/files/2018\_child\_marriage\_report\_en.pdf, accessed October 3 2021.

<sup>1</sup> UNFPA Nigeria, “Nigeria Joins the African Union Campaign to End Child Marriage,” <https://nigeria.unfpa.org/en/news/nigeria-joins-african-union-campaign-end-child-marriage>, accessed September 10, 2021.

<sup>2</sup> GA res. 34/180 of Dec, 18, 1979, Nigeria ratified on June 13, 1985.

<sup>3</sup> Adopted by GA Res. 44/25 of 24th November, 1989. Nigeria ratified on April 19, 1991.

<sup>4</sup> OAU Doc. CAB/LEG/24.9/49 1990. Nigeria ratified on July 23, 2001.

<sup>5</sup> UNICEF, “10 million additional girls at risk of child marriage due to COVID-19,” <https://www.unicef.org/press-releases/10-million-additional-girls-risk-child-marriage-due-covid-19>, accessed November 18, 2021.

<sup>6</sup> UNFPA/UNICEF, Child Marriage in West and Central Africa at a Glance, UNFPA/UNICEF West and Central Africa Regional Office, Dakar, 4.

<sup>7</sup> UNICEF, Child marriage is a violation of human rights, but is all too common, (October 2021), <https://data.unicef.org/topic/child-protection/child-marriage/>, accessed September 5, 2021.

<sup>8</sup> *Ibid.*

<sup>9</sup> A. O. Fatusi, S. A. Adedini and J. W. Mobolaji, Trends and correlates of girl-child marriage in 11 West African countries: evidence from recent Demographic and Health Surveys,” (version 2), (2021), 4, (35), *AAS Open Research*, 1-22.

<sup>10</sup> UNFPA/UNICEF (n 14).

<sup>11</sup> T. Braimah, “Child marriage in Northern Nigeria: Section 61 of Part I of the 1999 Constitution and the Protection of Children against Child Marriage, (2014), 8 (2), *AHRLJ*, 24.

<sup>12</sup> Save the Children, “Still Left Behind: Tracking children's progress against the pledge to Leave No One Behind, (2018), [https://resourcecentre.savethechildren.net/node/13589/pdf/still\\_left\\_behind\\_low\\_res.pdf](https://resourcecentre.savethechildren.net/node/13589/pdf/still_left_behind_low_res.pdf), accessed October 10, 2021.

<sup>13</sup> UNICEF, “Towards Ending Child Marriage: Global Trends and Profiles of Progress,” UNICEF, New York, 2021.

<sup>14</sup> *Ibid.*

<sup>15</sup> UNICEF, “Child Marriage,” <https://www.unicef.org/protection/child-marriage>, accessed October 15, 2021.

<sup>16</sup> CRC (n 11).

<sup>17</sup> *Ibid.*, Art. 1.

<sup>18</sup> United Nations General Assembly, Human Rights Council, “Preventing and eliminating child, early and forced marriage,” Report of the Office of the United Nations High Commissioner for Human Rights, A/HRC/26/22, April 2, 2014, 1-17.

CRC is, however, non-existent in the African Charter on the Rights and Welfare of the Child (ACRWC)<sup>1</sup> and the Child's Right Act of Nigeria (CRA).<sup>2</sup> Article 2 of the ACRWC provides that "For the purposes of this Charter, a child means every human being below the age of 18 years." Similarly, section 277 of the Child Rights simply provides that "child" means, a person under the age of eighteen years. These laws make the full age in Nigeria at 18 years and also prohibit marriages for persons below that age. This is in consonance with other Nigerian laws such as the Constitution<sup>3</sup> which provides in section 29 (4) (1), that 'full age' means the age of eighteen years and above.<sup>4</sup>

Despite the foregoing provisions, the age of majority and marriage is differently interpreted in many African countries especially Nigeria. Under section 29 (b) of the Constitution,<sup>4</sup> any woman who is married shall be deemed to be of full age." This is capable of encouraging child marriage<sup>5</sup> since it does not impose any age for marriage. Islamic law is predominant in Northern Nigeria and there is no fixed age for marriage. This most probably explains the higher incidence of "marriage of minors" or "child marriage," or "child bride" in the North including the Sharia implementing states.<sup>6</sup> For the purpose of this article, a child is any person below 18 years of age and child marriage occurs when marriage takes place between a person/s below 18 years.

### 3. Factors Driving Child Marriage

Many factors interact to place a child at the risk of marriage<sup>7</sup> in most countries where the practice is predominant. According to UNICEF, such factors include: poverty, the perception that marriage will provide 'protection,' family honour, social norms, customary or religious laws that condone the practice, an inadequate legislative framework and the state of a country's civil registration system<sup>8</sup> Other scholars also included economic factors, lack of opportunity, fear of girls' sexuality and pregnancy, and lack of agency,<sup>9</sup> cultural and social pressure, persecution, forced migration and slavery, financial challenges, politics and financial relationship and religion.<sup>10</sup> Factors also include lack of education, the lower value placed on girls' education, school drop-out, gender-based violence (including sexual violence) and early pregnancy. Importantly, "deep-rooted gender inequalities and stereotypes, harmful practices, perceptions and customs, and discriminatory norms are also among the root causes of child marriage."<sup>11</sup>

The causes of child marriage are common across African countries<sup>12</sup> similar to those identified by UNICEF and other scholars above. Furthermore, tradition and the stigma of straying from traditions perpetuate child marriage in many African communities. Crucially, gender inequality and the low value placed on girls underlie the practice in Africa.<sup>13</sup> Despite most African countries setting the legal age for marriage at 18 years, laws are rarely enforced, since the practice of marrying young children is upheld by tradition and social norms.<sup>14</sup> Others are poverty, persistent gender-based violence and gender discrimination.<sup>15</sup> Unfortunately, it is upheld by some traditions and culture. The practice is most common in rural areas, where prospects for girls can be limited. Consequently, some societies believe that early marriage will protect young girls from sexual attacks and violence and they see it as a way to insure that, their daughters will not become pregnant out of wedlock and bring "dishonour to the family."<sup>16</sup>

Multiplicity of Laws on Marriageable age is a major contributor to child marriage in Nigeria. Absence of uniform fixed legal marriageable age by law has given rise to child marriage and most appropriate law to prosecute culpable abusers.<sup>17</sup> The Constitution, which is the supreme law of the land,<sup>1</sup> does not expressly define

<sup>1</sup> ACRWC (n 12).

<sup>2</sup> Child's Right Act, 2003.

<sup>3</sup> Constitution of the Federal Republic of Nigeria, 1999, (as amended).

<sup>4</sup> *Ibid.*

<sup>5</sup> G. A. Arowolo, "An Assessment of the Legal Framework for Protecting the Rights of Children in Nigeria," (Lagos: Free Enterprise Publishers, 2021), 18-19.

<sup>6</sup> I. Ogunniran, "Child Bride and Child Sex: Combating Child Marriages in Nigeria," (2011), 2, *Nnamdi Azikiwe University Law Journal*, 85-96.

<sup>7</sup> Ahmed (n 1).

<sup>8</sup> UNICEF, Child marriage is a violation of human rights (n 15),

<sup>9</sup> R. Psaki, J. Andrea P. Melnikas, and Others, "What Are the Drivers of Child Marriage? A Conceptual Framework to Guide Policies and Programs," (2021), 69, *Journal of Adolescent Health*, 513-522.

<sup>10</sup> A. M. Aduradola, "Child Marriage: Issues, Problems and Challenges," A Paper presented at a One Day Seminar organised by National Open University of Nigeria, Lagos on the 4th September 2013.

<sup>11</sup> United Nations Human Rights Office of the High Commissioner, Child and forced marriage, including in humanitarian settings, <https://www.ohchr.org/en/issues/women/wrgs/pages/childmarriage.aspx>, accessed Jan. 5, 2022

<sup>12</sup> C. Dapaah, "Ending child marriage in Africa – What could be done?," [www.icsw.org/index.php/news/70-ending-child-marriage-in-africa-what-could-be-done](http://www.icsw.org/index.php/news/70-ending-child-marriage-in-africa-what-could-be-done), accessed January 5, 2022.

<sup>13</sup> *Ibid.*

<sup>14</sup> *Ibid.*

<sup>15</sup> *Ibid.*

<sup>16</sup> *Ibid.*

<sup>17</sup> N. C. Okafor and I. Oyakhiromen, "Nigeria and Child Marriage: Legal Issues, Complications, Implications, Prospects and Solutions," (2014), 29, *Journal of Law, Policy and Globalisation*, 120-126.

the age of marriage neither did it specifically prohibit child marriage. The Nigerian structure and culture are intertwined, and the ambiguity of the Nigerian Constitution encourages the practice of child marriage.<sup>2</sup> This is partly due to the fact that section 262 of the Constitution permits persons of Islamic Faith to have questions of Islamic Personal Law determined by the Sharia Court in accordance with Sharia Law.<sup>3</sup>

Furthermore, item 61 in the Second Schedule, Part 1 on the Exclusive Legislative List of the constitution excludes marriages under Islamic law and Sharia Law which are subject to different interpretations and do not set a specific minimum age for marriage but relies on such subjective and fluid definitions as puberty, physical and physiological maturity, balaga etc. by which period, children can be contracted into marriage.<sup>4</sup> These unsubstantiated parameters are in practice, discriminatory against the girl child and are apt to legalise and promote child marriage.<sup>5</sup> Retention of clause 29 (4) (b) of the constitution is another contributory factor to child marriage. That clause states that "any woman who is married shall be deemed to be of full age", essentially legitimising child marriages by establishing that any girl younger than 18 is automatically mature enough to handle the responsibilities and realities of marriage by virtue of her involvement in the act of marriage itself.<sup>6</sup>

Like in Africa, other reasons for child marriage in Nigeria include poverty; gender inequity; traditions and customs; weak legislative and institutional structures; conflict and political instability.<sup>7</sup> Poor parents who could not take care of the needs of their young girls either encouraged or forced them into early marriage.<sup>8</sup> This explains the reason why Nour (2009)<sup>9</sup> and Asad (2013)<sup>10</sup> asserted that some families view child marriage as a means to ensure their daughter's financial security and reduce the economic burden of the child on the parents.

Furthermore, Nigeria is a multi-religious society with three major divisions: Islam (53.5%), Christianity (45.9%), adherents of Nigeria's indigenous religions and others (6.0%).<sup>11</sup> Religious beliefs have a significant role in shaping gender-related behaviours and practices.<sup>12</sup> Though not limited to one religious group, evidence reveals that child marriage is more prevalent in Muslim communities.<sup>13</sup> This is associated with the belief among the conservative Muslims that Quran allows girl's marriage at any age, and Prophet Muhammad's wife was nine years at marriage.<sup>14</sup>

As Braimah highlighted,

The Hausa-Fulanis in Northern Nigeria show strict adherence to the Quran and the Prophet Muhammad's Sunnah. As Islam plays a pivotal role in the lives of most Northern Nigerians, the culture and traditions of the Hausa-Fulanis are intertwined with the Islamic religion. Therefore, due to the influence of Islam and Muhammad's marriage to Aisha, as reported in the Hadiths, it is not surprising that Muslims in Northern Nigeria endorse and practise child marriage"<sup>15</sup>

Compounding this issue is the fact that politicians themselves have married teenagers.<sup>16</sup> The widely publicized case of girl-child marriage involving a one-time state governor and later a senator in Nigeria, Ahmad Yerima, who married a 13-year-old Egyptian girl in 2010 provides a clear illustration regarding power of religion in driving and sustaining the practice of girl-child marriage.<sup>17</sup> In his response to the public outcry over

<sup>1</sup> Constitution of the Federal Republic of Nigeria, 1999, s.1.

<sup>2</sup> N. A. Ujam, "Child marriage in Nigeria: Wedded to Poverty," <https://yaleglobal.yale.edu/content/child-marriage-nigeria-wedded-poverty>, 2019, accessed September 19, 2021.

<sup>3</sup> Save the Children, "State of the Nigerian Girl Report: An Incisive diagnosis of Child Marriage in Nigeria, 2021," Save the Children International, Save the Children Nigeria.

<sup>4</sup> Ujam (n 45).

<sup>5</sup> Save the Children (n 46).

<sup>6</sup> T. Erogbogbo, "Nigeria - Child Not Bride" <https://allafrica.com/stories/201309040944.html>, accessed August 11, 2021

<sup>7</sup> A.G Nmadu, I.A. Joshua and A.I Onyemochi, "Child Marriage in Nigeria: the Human Rights and Public Health Implications," (2018), 25 (3), *Tropical Journal of Health Sciences*.

<sup>8</sup> E. Muthengi, T. Gitau and K. Austrian, "Is working risky or protective for married adolescent girls in urban slums in Kenya? Understanding the association between working status, Savings and Intimate-Partner Violence." (2016), 11 (6), *PLoS One*, e0158250.

<sup>9</sup> N. M. Nour, "Health Consequences of child marriage in Africa," (2006), 12 (11), *Emerging infectious diseases*, 1644-1649.

<sup>10</sup> Z. Asad, "42% of Underage married girls from Pakistan." (2013), *Express Tribune/ International Herald Tribune*, New York Time, <https://tribune.com.pk/story/487659/child-marriages-42-of-underage-married-girls-from-pakistan>, accessed January 18, 2021.

<sup>11</sup> Central Intelligence Agency [CIA], "Demographics of Nigeria." *The World Fact Book*. March [https://www.cia.gov/library/publications/the-world-factbook/geos/print\\_ni.html](https://www.cia.gov/library/publications/the-world-factbook/geos/print_ni.html), accessed March 6, 2021.

<sup>12</sup> J. W. Mobolaji, A. O. Fatusi, and S. A. Adedini, "Ethnicity, religious affiliation and girl-child marriage: a cross-sectional study of nationally representative sample of female adolescents in Nigeria," (2020), 20, *BMC Public Health*, 583.

<sup>13</sup> N. Ayiga and V. Rampagane, "Determinants of age at first marriage in sub-Saharan Africa: a comparative study of Uganda and South Africa," (2013), 28 (1), *J Soc Dev Africa Harare*, 9-34.

<sup>14</sup> Braimah (n 19).

<sup>15</sup> *Ibid*.

<sup>16</sup> R. Taylor, "The Role of the Law in Eliminating Child Marriage in the Commonwealth: Why More Action is Needed," 2018, Commonwealth Lawyers Association, <http://www.commonwealthlawyers.com/wp-content/uploads/2019/05/CLA-Role-of-the-Law-in-Eliminating-Child-Marriage-T-Braun-2018-FINAL.pdf>, accessed January 5, 2022.

<sup>17</sup> Mobolaji, Fatusi and Adedini (n 55).

his behaviour, Senator Yarima justified his marriage on religious grounds, stating that he was simply following the teaching and practice of Prophet Muhammad who married Aisha at the age of nine<sup>1</sup> In an apparent reaction to a request by Nigeria's National Human Rights Commission for intervention by the Senate and the House of Representatives (the National Assembly), the Supreme Council for Sharia in Nigeria (Council) instituted an action against the federal government and National Assembly before a Federal High Court in Abuja over Senator Yarima's controversial marriage.<sup>2</sup>

The Council also sought the nullification of some aspects of the CRA 2003, including section 21, which sets the minimum age of marriage at 18 years. The Council alleged that section 21 of the CRA was inconsistent with Islam and the practice of Sharia, as well as Yarima's right to a private and family life, which could not be subjected to invasion, intrusion or interference by any person, group of persons or institutions.<sup>3</sup> The Council concluded that the Holy Quran and the traditions of the Holy Prophet Muhammad were in support of Yarima's marriage to the girl as his fourth wife.<sup>4</sup>

In addition, Non-State Armed Groups have used child marriage as a weapon of war in Nigeria.<sup>5</sup> They kidnap school girls and forcefully marry them off to their soldiers as an incentive.<sup>6</sup> Thus, pervasive insecurity and insurgency encourage child marriage as evidenced in the kidnapping of more than 270 girls from a school in Chibok community, Borno State in 2014 followed by another 110 schoolgirls aged 11–19 years old from the Government Girls' Science and Technical College (GGSTC) Dapchi, Yobe State in February 2018 in the same region, thereby encouraging families to resort to child marriage to protect girls from violence associated with the insurgency.<sup>7</sup>

Criminal laws also differ across Nigerian states, and there is no uniform age of consent, despite the Child Rights Act stipulating 18 years.<sup>8</sup> Due to Nigeria's tripartite legal system the Constitution provides that the federal government only has control over civil marriages, not over customary and Islamic marriages.<sup>9</sup> It is believed that when a person marries a child under Islamic law, they cannot be prosecuted even if the relevant state has enacted the Child Rights Act because the Constitution is supreme law and overrides all other legislation.<sup>10</sup>

Like other African countries, COVID-19 related loss of income also has its impact in accelerating child marriage in Nigeria and is exacerbating many of the complex factors that drive child marriage while simultaneously disrupting the work of many organisations at a community level around the world to end the practice.<sup>11</sup>

#### 4. Negative Effects of Child Marriage

The impact of child marriage on the realization and enjoyment of girls' and women's rights can be wide ranging.<sup>12</sup> Child marriage is a human rights violation and a harmful practice that disproportionately affects women and girls globally, preventing them from living their lives free from all forms of violence.<sup>13</sup> It threatens the lives and futures of girls and women around the world, robbing them of their agency to make decisions about their lives, disrupting their education, making them more vulnerable to violence, discrimination and abuse, and preventing their full participation in economic, political and social spheres.<sup>14</sup> Child marriage is a form of violence against girls as it increases their vulnerability to sexual, physical and psychological violence due to the unbalanced power dynamics within marriage.<sup>15</sup> While child marriage is usually used to ensure that sex and child bearing occur within marriage, it effectively brings a girl's childhood and adolescence to a premature end and

<sup>1</sup> Braimah (n 19).

<sup>2</sup> K. Nwezeh, "Yarima-Sharia, Council drags FG, National Assembly to court," 4 June 2010, <http://www.allafrica.com/stories/201006071572.html>, accessed March 8, 2021.

<sup>3</sup> E. S. Nwauche, "Child Marriage in Nigeria: (II) legal and (Un)constitutional?" (2015) *15 African Human Rights Law Journal*, 421-432

<sup>4</sup> *Ibid.*

<sup>5</sup> Save the Children (n 46).

<sup>6</sup> B. Maiangwa and O. B. Amao, "Daughters, Brides, and Supporters of the Jihad: Revisiting the Gender-Based Atrocities of Boko Haram in Nigeria," (2015), 12 (2), *African Renaissance*, 117-144.

<sup>7</sup> Ujam (n 45).

<sup>8</sup> Child Rights Act 2003, ss 21–23. For example, the Jigawa state specifies 15 years as the age of consent. It should also be noted that criminal laws differ across Nigerian states as well. For example, 11 northern Nigerian states which have not implemented the Child Rights Act have adopted a penal code primarily based on Sharia law, see: P.D. Cole, "Sex and consent age in Nigeria" (2 March 2015) *The Guardian Nigeria* <http://guardian.ng/opinion/columnists/cole-sex-and-consent-age-in-nigeria/> accessed November 18, 2018.

<sup>9</sup> *Ibid.*

<sup>10</sup> *Ibid.*

<sup>11</sup> S. Musa, "Early marriage and Teenage Pregnancy: The Unspoken Consequences of COVID-19 Pandemic in Nigeria," (2021), 2, *Public Health in Practice*, 100152.

<sup>12</sup> United Nations General Assembly, Human Rights Council (n 26).

<sup>13</sup> United Nations Human Rights Office of the High Commissioner, Child and forced marriage (n 23).

<sup>14</sup> *Ibid.*

<sup>15</sup> R. de Groot, M. Y. Kuunyem and T. Palermo, "Child marriage and associated outcomes in northern Ghana: a cross sectional study," (2018), 18, *BMC Public Health*.

imposes adult roles and responsibilities on young girls before they are physically, psychologically and emotionally prepared to handle them.<sup>1</sup>

Women and girls in situations of child and forced marriage may experience conditions inside a marriage which meet “international legal definitions of slavery and slavery-like practices” including servile marriage, sexual slavery, child servitude, child trafficking and forced labour, and “a potentially high proportion of child marriage cases appear to constitute the worst forms of child labour under the 1999 ILO Convention No. 182.”<sup>2</sup>

Child marriage is associated with a range of poor health and social outcomes and other negative consequences.<sup>3</sup> They are closely linked to high maternal and infant morbidity and mortality rates and can have an adverse effect on girls’ sexual and reproductive health.<sup>4</sup> Girls and women who are subjected to child marriage are often not empowered to make decisions about, or lack accurate information about, their sexual and reproductive health, which compromises their ability to, *inter alia*, decide on the number and spacing of their children and negotiate contraceptive use, thus placing them at heightened risk of contracting sexually transmitted infections and HIV.<sup>5</sup>

Child marriage and early childbearing are also recognized as significant obstacles to ensuring educational, employment and other economic opportunities for girls and young women.<sup>6</sup> Often, girls are discouraged from attending school when they get married or may be expelled from school when they become pregnant and are treated as adult women regardless of their age.<sup>7</sup>

In Nigeria, some of the identified consequences of child marriage include a cycle of poverty and the loss of education and economic opportunities that help lift families out of poverty and are necessary in the building of a sustainable and prosperous future for the community and the country.<sup>8</sup> Data have consistently placed the regions where child marriage is most prevalent as the North West, the North East, and the North Central zones of Nigeria designated as the poorest zones of Nigeria.<sup>9</sup> Denied of education, skills training and consequent income-earning ability, the child bride oftentimes become a lifetime economic dependent on the husband. Persons engaged in child marriage are a critical segment of Nigeria’s population with high fertility rates. They could spur population growth and momentum, increasing pressure on already poor economies.<sup>10</sup> A 2017 World Bank study estimates that child marriage costs Nigeria USD 7.6 billion in lost earnings and productivity every year.<sup>11</sup> Adolescent mothers are at a substantially greater risk of maternal morbidity and mortality and of experiencing debilitating health complications related to pregnancy and childbirth. They are more likely to experience pregnancy complications. These risks in turn increase the probability of neonatal death, stillbirth, premature and low birth-weight infants, and infant and child morbidity and mortality.<sup>12</sup>

The consequences of child marriage include increased risk of exposure to Sexually Transmitted Infections (STI), sexual violence including marital rape, teenage pregnancy and early widowhood.<sup>13</sup> It may increase the risk of exposure to sexually transmitted infections, including HIV/AIDS, lower psychological well-being and mental health deficiency. Deliveries at a young age lead to higher risks of complications during childbirth, such as obstructed or prolonged labour, as well as obstetric fistula, which may among other factors contribute to higher maternal morbidity and mortality rates,<sup>14</sup> malnutrition in children, isolation, and depression for young brides<sup>15</sup> and possibly higher rates of suicidal ideation and attempts.<sup>16</sup>

## 5. Measures and Strategies Adopted to Prevent and Eliminate Child Marriage in Nigeria

Due to the negative effects of child marriage, several efforts have been made to end the menace at the

<sup>1</sup> United Nations Population Fund (UNFPA), *Marrying too young: end child marriage*. New York: United Nations Population Fund; 2012. <https://www.unfpa.org/sites/default/files/pub-pdf/MarryingTooYoung.pdf>. Accessed 10 May 2018

<sup>2</sup> C. Turner, “Out of the shadows: child marriage and slavery” (April 2013), Anti-Slavery International, London, 16-21.

<sup>3</sup> United Nations General Assembly (n 26).

<sup>4</sup> Office of the High Commissioner for Human Rights (OHCHR), “Practices in adopting a human rights-based approach to eliminate preventable maternal mortality and human rights,” (A/HRC/18/27 and Corr.1 and 2), para. 11.

<sup>5</sup> United Nations General Assembly (n 26).

<sup>6</sup> Commission of the Status for Women resolution 51/3. See also the Programme of Action of the United Nations International Conference on Population and Development, paras. 4.21.

<sup>7</sup> United Nations General Assembly (n 26), para. 24.

<sup>8</sup> Federal Ministry of Women Affairs and Social Development (FMWASD), *National Strategy to End Child Marriage in Nigeria 2016–2021*, [https://www.girlsnotbrides.org/documents/633/Strategy-to-end-child-marriage\\_for\\_printing\\_08-03-2017.pdf](https://www.girlsnotbrides.org/documents/633/Strategy-to-end-child-marriage_for_printing_08-03-2017.pdf), accessed December 31, 2021.

<sup>9</sup> Save the Children (n 46).

<sup>10</sup> *Ibid.*

<sup>11</sup> Q. Wodon and C. Male, (June 2017) “Economic Impacts of Child Marriage: Global Synthesis Report,” Washington, DC: The World Bank and International Center for Research on Women.

<sup>12</sup> Save the Children (n 46).

<sup>13</sup> FMWASD, *National Strategy to End Child Marriage in Nigeria 2016–2021* (n 83).

<sup>14</sup> Wodon and Male (n 86).

<sup>15</sup> N. W.Nour, “Health Consequences of Early marriage in Africa,” (2006) 12 (11), *Emerging Infectious Diseases*, 1644-9.

<sup>16</sup> T. R. Khanna, Verma, and E. Weiss, 2013. “Child Marriage in South Asia: Realities, Responses and the Way Forward,” (Bangkok: UNFPA Asia Pacific Regional Office, 2013).

international and domestic levels. These include:

#### **a. Enactment of Laws and Policies Prohibiting Child Marriage**

As a member of the United Nations, Nigeria is a party to major international child specific instruments which have also been domesticated into national law for the prohibition of child marriage. Although the UN Convention on the Rights of the Child (CRC)<sup>1</sup> does not directly mention child marriage, its prohibition can be deduced from other provisions enshrined in the CRC.<sup>2</sup> These includes the right to protection from all forms of abuse in Article 19(1) and the right to be protected from traditional practices prejudicial to the health of children in Article 24 (3).<sup>3</sup> Article 21 of the ACRWC<sup>4</sup> recommends a minimum age of 18 for marriage and requires that legislative and other measures be taken to protect children's rights while Article 6 (a) and (b) of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa<sup>5</sup> expressly prohibit child marriage and child betrothal.

Provisions of other international human rights instrument include Article 16 (1) and (2) of the Universal Declaration of Human Rights (UDHR)<sup>6</sup> which gurantees equal rights of persons during marriage and its dissolution with the free and full consent of the parties. Article 16 (2) of the Convention on the Elimination of Discrimination against Women (CEDAW)<sup>7</sup> prohibits the betrothal and the marriage of a child and requires that all necessary action should be taken to specify a minimum age for marriage while the same right of parties to freely choose a spouse and enter into marriage is granted. The Committee on CEDAW and the Committee against Torture have also identified child marriage as a harmful practice which leads to the infliction of physical, mental or sexual harm or suffering and negatively impacts on the capacity of victims to realize the full range of their rights.<sup>8</sup> This brings child marriage within the definition of traditional harmful practices in Article 24, para. 3 of the CRC.

Article 23 para. 3 of the International Covenant on Civil and Political Rights (ICCPR),<sup>9</sup> as well as Article 10 para. 1 of the International Covenant on Economic, Social and Cultural (ICESCR)<sup>10</sup> guarantee the right of all individuals to enter into marriage with their free and full consent. Article 1 of the Convention on Consent to Marriage, Minimum Age for Marriage and Registration for Marriages<sup>11</sup> provide that this consent must be expressed by both parties in person and in the presence of a competent authority. Furthermore, Articles 2 and 3 of the Convention<sup>12</sup> and Article 2 of the Supplementary Convention on the Abolition of Slavery obligate States parties to undertake legislative measures to specify a minimum age for marriage.<sup>13</sup> The Committees on CEDAW and on the Rights of the Child have recommended that States' Parties establish a minimum age of marriage of 18 years.<sup>14</sup> The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (Supplementary Convention)<sup>15</sup> obligates States to bring about the abolition of various institutions and practices which amount to forced marriage and prescribe suitable minimum ages of marriage whereby the consent of both parties to a marriage may be freely expressed in the presence of a competent civil or religious authority, and to encourage the registration of marriages.<sup>16</sup>

In April 2014, The African Committee of Experts on the Rights and Welfare of the Child adopted a declaration urging AU member states to set the minimum age for marriage at 18 years for both girls and boys without exception and to develop and implement holistic strategies to end child marriage.<sup>17</sup> The aim of the AU campaign was to enhance implementation of related AU policy and legal instruments such as the African Youth Charter, the ACRWC 1999, African Union Social Policy Framework 2009, the AU Continental Policy Framework on Sexual Reproductive Health and Rights and the Maputo Plan of Action for its implementation,

<sup>1</sup> CRC (n 11).

<sup>2</sup> Save the Children (n 46).

<sup>3</sup> CRC (n 11).

<sup>4</sup> ACRWC (n 12).

<sup>5</sup> Adopted by the 2nd Ordinary Session of the Assembly of the African Union Maputo, 11 July 2003. Nigeria ratified in 1983.

<sup>6</sup> Adopted by the UN General Assembly in Paris on 10 December 1948 during its 183rd plenary meeting: Text: resolution 217 A (III).

<sup>7</sup> Adopted by the General Assembly Resolution 34/180 of December 18, 1979. Nigeria ratified on June 13, 1985.

<sup>8</sup> See, for example, the concluding observations of t.he Committee on the Elimination of Discrimination against Women on Montenegro (CEDAW/C/MNE/CO/1), Mauritania (CRC/C/MRT/CO/2), and the concluding observations of the Committee against Torture on Bulgaria (CAT/C/BGR/CO/4-5).

<sup>9</sup> Adopted by the General Assembly resolution 2200A (XXI) of December 16, 1966. Nigeria ratified on July 29, 1993.

<sup>10</sup> Adopted by the General Assembly resolution 2200A (XXI) of December 16, 1966. Nigeria ratified on....

<sup>11</sup> Adopted by General Assembly resolution 1763 A (XVII) of November 7, 1962. Nigeria is yet to ratify.

<sup>12</sup> *Ibid.*

<sup>13</sup> See also African Charter on the Rights and Welfare of the Child (1999), Art. 21, para. 2.

<sup>14</sup> Committee on the Elimination of Discrimination against Women, general recommendation No. 21 (1994) on equality in marriage and family relations, para. 36.

<sup>15</sup> Adopted by a Conference of Plenipotentiaries convened by Economic and Social Council resolution 608(XXI) of 30 April 1956. Nigeria ratified on 26 Jun 1961 d.

<sup>16</sup> *Ibid.*, Arts. 1 (c) and 2.

<sup>17</sup> Girls not Brides, "Ending child marriage in Africa A brief by Girls Not Brides," <https://fecong.org/pdf/crianca/Child-marriage-in-Africa.pdf>, accessed January 5, 2022.

AU Campaign on Accelerated reduction of Maternal, Newborn and Child Mortality in Africa (CARMMA), the African Women's Decade and the Maputo Protocol on the Rights of Women in Africa, AU Strategic Plan 2014-2017 as well as AU's Agenda 2063.<sup>1</sup> The overall purpose is to *inter alia*, accelerate and mobilise continental awareness of the negative socio-economic impact of child marriage, building social movement and social mobilisation at the grassroots and national levels and increasing the capacity of non-state actors towards ending child marriage.<sup>2</sup>

In the 'African Common Position on the AU Campaign to end Child Marriage in Africa,'<sup>3</sup> the Heads of States and Government of member States of the African Union agreed and urged Member States at the national and regional levels to *inter alia*, develop, elaborate, and implement national strategies and action plans, including putting in place mechanisms and institutions for the enforcement, monitoring and reporting, along with financial and human resources, all aimed at ending child marriage.<sup>4</sup>

The African Union (AU) Campaign to End Child Marriage in Africa, among others, led to the adoption of an African Common Position on Ending Child Marriage in Africa<sup>5</sup> which was adopted in 2015 by the AU Heads of States and the first ever African Girls Conference on Ending Child Marriage that was held in Lusaka, Zambia.<sup>6</sup> 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<sup>7</sup> (2030). There was also the November 2016 declaration where over 20 governments made commitments to take steps towards developing national strategies that would address child marriage with 17 governments launching the African Union's Campaign to End Child Marriage.<sup>8</sup>

Despite the foregoing, child marriage remains a persistent problem across the continent of Africa.<sup>9</sup> In all the 10 African countries (Nigeria inclusive) studied by the UN Women in 2018, it was 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.<sup>10</sup> There is also an absent credible monitoring and evaluation strategies on child marriage. Therefore, the implementation of the policies and laws has not been optimal because of several other barriers that have emerged such as the 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.<sup>11</sup>

Further to the adoption of the CRC and the ACRWC, Nigeria domesticated the laws into the Child Rights Act (CRA) in 2003. Section 277 of the CRA defines a child as a person under the age of 18 years. The CRA prohibits and criminalises child marriage in its sections 21, 22, and 23. Section 21 provides that "No person under the age of 18 years is capable of contracting a valid marriage, and accordingly, a marriage so contracted is null and void and of no effect whatsoever." Section 22 (1) further provides that "No parent, guardian or any other person shall betroth a child to any person" and under subsection (2), "A betrothal in contravention of subsection (1) of this section is null and void." Under section 23, a person; (a) who marries a child; or (b) to whom a child is betrothed; or (c) who promotes the marriage of a child; or (d) who betroths a child commits an offence and is liable on conviction to a fine of N500,000 (five hundred thousand Naira) or imprisonment for a term of five years or to both such fine and imprisonment.

These provisions ought to serve as deterrents to would be offenders but have not yet been tested in the Court of law especially in the Islamic (Sharia) states due to potential parties' ability to rely on the provision of section 262 of the Constitution that allows persons of Islamic faith to have questions of Islamic Personal Law determined by the Sharia Court in accordance with Sharia Law.<sup>12</sup>

Being an Act of the National Assembly, the CRA requires enactment in a state to be operational in that state. It operates automatically in the FCT. Currently, 26 States have enacted the Act into States' laws. The States are: Abia, Anambra, Akwa-Ibom, Bayelsa, Benue, Cross River, Delta, Ebonyi, Edo, Ekiti, Enugu, Imo, Kaduna, Katsina, Kwara, Kogi, Lagos, Nassarawa, Niger, Ogun, Ondo, Osun, Oyo, Plateau, Rivers and Taraba.<sup>13</sup> The

<sup>1</sup> *Ibid.*, 6.

<sup>2</sup> *Ibid.*

<sup>3</sup> African Union, African Common Position on the AU Campaign to end Child Marriage in Africa, [https://au.int/sites/default/files/documents/31010-doc-cap\\_on\\_ending\\_child\\_marriage](https://au.int/sites/default/files/documents/31010-doc-cap_on_ending_child_marriage), accessed January 15, 2022.

<sup>4</sup> *Ibid.*, para. 3 (A) (1).

<sup>5</sup> United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), "Multi-Country Analytical Study of Legislation, Policies, Interventions and Cultural Practices on Child Marriage in Africa," <https://www.girlsnotbrides.org/documents/918/2019-UN-Women-Multi-Country-Analytical-Study-of-Policies-Interventions-Cultural-Practi.pdf>, accessed December 10, 2021.

<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.*

<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.*

<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*

<sup>12</sup> Save the Children (n 46).

<sup>13</sup> *Ibid.*



States that are yet to enact the CRA into law are Adamawa, Bauchi, Borno, Gombe, Jigawa, Kano, Kebbi, Sokoto, Yobe and Zamfara.<sup>1</sup>

Furthermore, even where a state does adopt the Act, it may vary it for example to accommodate Sharia law, which some northern states subscribe to (despite the Constitutional prohibition of the adoption of state religions).<sup>2</sup> An example is the Child Rights Law (CRL) of Jigawa State that was subsequently repealed. The states that are yet to domesticate the CRA are all in the Northern Nigeria with majority Muslim population where Sharia Law has been adopted. These states have not implemented the Child Rights Act because they have internal laws (mostly customary and sharia laws) that allow marriage for girls as young as 11 years of age.<sup>3</sup> The autonomy of states, as recognized by the constitution, have aided this lack of consistency in implementation. However, the Federal Government and all stakeholders can embark on the goal to ensure that the provisions of the Child Rights Act are adopted and enforced nationwide.<sup>4</sup> This partially accounts for the high prevalence of child marriage in northern Nigeria.<sup>5</sup>

#### **b. The National Strategy to End Child Marriage in Nigeria 2016–2021**

Further to the adoption of the AU Campaign to end Child Marriage in Africa,<sup>6</sup> the National Strategy to End Child Marriage in Nigeria 2016–2021 was launched in 2016 making Nigeria the 16th country to join the African Union campaign.<sup>7</sup> The objective of the National Strategy include integrating and strengthening all sectoral mechanisms to end child marriage in Nigeria, to promote relevant policies, legislation and programs that protect children from child marriage, to increase access to quality all-round education including reproductive health education and services to out-of-school children, to change negative socioeconomic and cultural norms that promote child marriage in the society and to establish and strengthen coordination, implementation, monitoring and evaluation of structures for the implementation of the strategy. The overall goal of the Strategy is to reduce the percentage of girls who are married before attaining full maturity (usually 18) in Nigeria by 2021.<sup>8</sup>

The effect of this Strategy is yet to be felt in Nigeria

#### **b. Education and Empowerment of Girls and Women**

The Girls Education Project (GEP) was initiated through a Memorandum of Understanding (MoU) signed in December 2004 between the United Nations Children’s Fund (UNICEF) and the United Kingdom Department for International Development (DFID).<sup>9</sup> In the MoU, DFID made a three year financial commitment of twenty five million United States Dollars (US\$25 million) to GEP, and UNICEF so as to coordinate and manage the implementation in collaboration with the Federal Government of Nigeria (FGN). The GEP MoU was implemented by UNICEF using the extant framework of the Federal Ministry of Education-UNICEF Strategy for Accelerating Girls’ Education in Nigeria (SAGEN). The GEP MoU focused on supporting FGN initiatives that aim at achieving Universal Primary Education (UPE) and Universal Basic Education (UBE) as stipulated in the six Education For All (EFA) goals.<sup>10</sup>

A subsection of the project was the Girls’ Education Project 3 (GEP3), Cash Transfer Programme. GEP3 which is a bundle of intervention programmes spanning eight years (01 May 2012 to 30 April 2020) and is focussed on five states namely; Bauchi, Niger, Katsina, Sokoto and Zamfara. The project is aimed at improving school access, retention and learning outcomes for girls in the five selected northern Nigerian States.<sup>11</sup> By the end of GEP3 in 2020, the project aimed to get approximately one million girls into school (primary and integrated quranic schools). UNICEF and DFID have supported the implementation of the GEP3 programmes, with state governments demonstrating their commitment to the education initiative by making provision for the operational funding in their state education sector budgets.<sup>12</sup> Through this program, social and economic opportunities for girls increased as more girls completed basic education.<sup>13</sup>

<sup>1</sup> *Ibid.*

<sup>2</sup> *Ibid.*

<sup>3</sup> H. I. Obaje, C. G. Okengwu, A. Uwimana and Others, “Ending Child Marriage in Nigeria: The Maternal and Child Health Country-Wide Policy,” (2020), 17 (1), *Journal of Science, Policy and Governance*, 17.

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*

<sup>6</sup> African Union, Campaign to End Child Marriage in Africa: A Call to Action, [https://au.int/sites/default/files/pages/32905-file-campaign\\_to\\_end\\_child\\_marriage\\_in\\_africa\\_call\\_for\\_action-english.pdf](https://au.int/sites/default/files/pages/32905-file-campaign_to_end_child_marriage_in_africa_call_for_action-english.pdf), accessed January 15, 2021.

<sup>7</sup> United Nations Food and Population (UNFPA), “Nigeria Joins the African Union Campaign to End Child Marriage,” <https://nigeria.unfpa.org/en/news/nigeria-joins-african-union-campaign-end-child-marriage>, accessed January 10, 2022.

<sup>8</sup> FMWASD, National Strategy to End Child Marriage in Nigeria 2016–2021 (n 83).

<sup>9</sup> F. Chege, J. O. Zakariya, C. Okojie and Others, (2008). “Girls’ Education Project (GEP) Evaluation Report,” The Federal Government of Nigeria, DFID Nigeria and UNICEF, Unpublished Report.

<sup>10</sup> *Ibid.*

<sup>11</sup> United Nations Children’s Fund (UNICEF), “Evaluability Assessment Report of UNICEF Nigeria Girls’ Education Project Phase 3 Cash Transfer Programme in Niger and Sokoto States,” UNICEF, Abuja, Nigeria, 2016.

<sup>12</sup> *Ibid.*

<sup>13</sup> A. Dowdy, “The Fight to Improve Girls’ Education in Nigeria,” <https://borgenproject.org/improve-girls-education-in-nigeria/>, accessed January 20, 2022.

Furthermore in 2020, UNICEF in Nigeria received a grant of \$140,000.<sup>1</sup> The grant went toward an online digital platform for strengthening states' radio and television education programs as well as providing printed take-home materials for students like activity books, worksheets and assessment cards.<sup>2</sup> The aid came amid the COVID-19 pandemic, which had a major impact on the education of children. UNICEF also provides "psychosocial support to children and teachers" and secures wash and hygiene resources for schools.<sup>3</sup> UNICEF has also established a girls' education program that focuses on gender equality in education.<sup>4</sup> By giving girls access to a safe education, inequality is reduced, allowing girls to reach their full potential. UNICEF helps governments and schools eliminate gender gaps in education, focusing on teacher training and removing gender stereotypes from learning materials. With help from organizations such as UNICEF, girls' education in Nigeria is expected to soon become commonplace.<sup>5</sup>

In spite of the modest progress made towards achieving the goals of universal primary education and gender parity, it is estimated that 38% of out of school children are girls, representing 3.85 million of the 10.19 million children out of school in Nigeria.<sup>6</sup> In the Northern part of Nigeria, almost two-thirds of students are functionally illiterate. The states of Jigawa, Kaduna, Katsina, Kano, and Sokoto have shown commitment to improving their education systems, but they face severe challenges including high poverty levels, low enrollment, gender disparities, poor quality and relevance, poor infrastructure and learning conditions.<sup>7</sup> An additional challenge is the direct threat to schooling, especially for girls, emanating from political insecurity through insurgent activities, and attacks on schools.<sup>8</sup>

### **c. Awareness Raising**

#### **i. Engagement of Religious and Traditional Leaders**

In Nigeria, the Northern Traditional and Religious Leaders Summit on Ending Gender Based Violence was held in 2020 involving the Ulamas and the Traditional/Cultures custodians.<sup>9</sup> The theme of the summit was 'Moving from Awareness to Taking Action.' The summit had several presentations from women groups, NGOs and Academia, in addressing the increase in gender-based violence in the country. The Vice President Yemi Osinbajo, the Sultan of Sokoto, Alhaji Muhammadu Sa'ad Abubakar, President of Christian Association of Nigeria, (CAN), Rev. Samson Ayokunle, and the UN Deputy Secretary-General, Mrs. Amina Mohammed all stated that violence against women and girls (including child marriage) must stop in Nigeria for the country to make any meaningful progress.<sup>10</sup>

#### **ii. Annual Celebration of the International Day for the Elimination of Violence against Women and Girls**

Nigeria joins the world to celebrate the annual International Day for the elimination of violence against women and girls. The last one held on Thursday, November 25th –December 10, 2021.<sup>11</sup> As part of activities commemorating the 16 Days of Activism, the Federal Ministry of Women Affairs in collaboration with UNFPA Nigeria launched the Hey Woman Monologues to reinforce the messages of an urgent need to end Gender-based Violence which increased globally due to the COVID-19 pandemic.<sup>12</sup> At the launch, UNFPA Executive Director urged families to protect women and girls from stigma by building on positive practices that ensured an end to child marriage and zero female genital mutilation.<sup>13</sup>

#### **iii. Civil Society Organisations (CSOs) and Non-Governmental Organisations (NGOs)**

The Coalition of Civil Society to End Child Marriage in Nigeria was established in December 2015 when the group carried out initial research projects and began to mobilise civil society organisations working to end child marriage.<sup>14</sup> The coalition is currently made up of 32 members from across the six geo-political zones, 17 of which are actively engaged in the Technical Working Group to End Child Marriage.<sup>15</sup> In view of their closeness

<sup>1</sup> Global Partnership for Education (GPE), "Nigeria: Keeping Boys and Girls in School and Learning," <https://www.globalpartnership.org/where-we-work/Nigeria>, accessed January 15, 2022.

<sup>2</sup> *Ibid.*

<sup>3</sup> Dowdy (n 134).

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*

<sup>6</sup> A. Amao, "38% of Out of School Children in Nigeria are Girls," <https://educeleb.com/nigeria-out-of-school-girls/>, accessed January 10, 2022.

<sup>7</sup> Global Partnership for Education (GPE) (n 135).

<sup>8</sup> *Ibid.*

<sup>9</sup> UNFPA Nigeria, Added Voice from Religious and Traditional Leaders Call to Action on Ending Gender Based Violence in Nigeria: Gender Based Violence Must Stop Says Traditional and Religious Leaders, (October, 2021) ,<https://nigeria.unfpa.org/en/events/religious-traditional-leaders-added-their-voice-call-action-ending-gender-based-violence>, accessed December 29, 2021.

<sup>10</sup> *Ibid.*

<sup>11</sup> UNFPA Nigeria, Nigeria Ministry of Women's Affairs and UNFPA Launch 16 Days of Activism to End Violence Against Women and Girls; Hey Woman series, <https://nigeria.unfpa.org/events/nigeria-ministry-wo...>, accessed December 30, 2021.

<sup>12</sup> *Ibid.*

<sup>13</sup> *Ibid.*

<sup>14</sup> Girls Not Brides, "Nigeria," <https://www.girlsnotbrides.org/our-partnership/national-partnershipscoalitions/nigeria>, accessed January 5, 2022.

<sup>15</sup> The Federal Ministry of Women Affairs, Abuja, "Federal Government of Nigeria Country Report on Violence against Children submitted

to the grassroots, ability to network, capacity for advocacy and sensitization as well as data generation, the Nigerian coalition of NGOs on child's rights provide the expertise and technical competence for policy formulation and assimilation into mainstream governmental plans and also influence legislative reforms and resource allocation.<sup>1</sup>

In May 2015, the Violence Against Persons Prohibition Act was enacted to address the issue of female genital mutilation/cutting and other harmful traditional practices such as child marriage. At the end of 2015, a Technical Working Group on Ending Child Marriage was formed and led by the Ministry of Women Affairs and Social Development. Its purpose is to 'develop and implement a holistic multi-sectoral strategy for ending child marriage in Nigeria, as well as raising awareness, encouraging behavior change, and ensuring the monitoring and evaluation of laws and policies'<sup>2</sup>

The Oando Foundation is a CSO that provides access to improved quality education in Nigeria, with a particular focus on girls in the northern region. It reports that through its 'Adopt-A-School Initiative (AASI),' the Foundation has adopted 47 government primary schools and provided conducive learning environments by upgrading school infrastructure, capacity building for teachers, school based management committees and local government education authorities, establishment of ICT/Creative centres, upgrade of ECCD Centres and provision of scholarships to over 800 gifted children from relatively low income background. To date, over 44,000 children have benefitted from AASI.<sup>3</sup> The International Centre for Reproductive Health and Sexual Rights (INCREASE) has established the Hajara Usman Girls' Leadership Training Program 'to provide at-risk girls with leadership skills, educate them about their bodies and rights, and help them develop their ability to respond to inequalities and injustice.'<sup>4</sup>

Save the Children International (SCI) has initiated a project "Towards Ending Child Marriage" (TECM), which is currently being implemented in Nigeria with the support of the Dutch Government. TECM's goal is to accelerate the national agenda to end child marriage and it has successfully influenced government in two states; Katsina and Gombe, to develop and adopt their own strategies to end child marriage.<sup>5</sup>

## 6. Progress at Preventing/Eliminating Child Marriage

Further to various international and local interventions towards reducing child marriage as analysed in this article, some levels of progress have been achieved but there is still a very long way to go. Many countries remain off-track towards meeting the target of ending child marriage by 2030 as stated in the Sustainable Development Goals.<sup>6</sup>

Evidence of progress was disclosed in the UNICEF report of 2021 which confirmed that over the past decade, the proportion of young women globally who were married as children decreased by 15 per cent, from nearly 1 in 4 to 1 in 5. This means that, over the last 10 years, the marriages of some 25 million girls were averted.<sup>7</sup> The UNICEF report also indicated that although the prevalence of child marriage is generally in decline, but there is substantial heterogeneity in rates of reduction across and within regions and countries, with some high- prevalence areas seeing stagnating progress and even increases.<sup>8</sup> For example in the Middle East and North Africa, substantial progress in reducing the prevalence of child marriage has been made over the past 25 years, but within the last decade, progress appears to have slowed.<sup>9</sup> In Latin America and the Caribbean, levels of child marriage today are as high as they were 25 years ago.<sup>10</sup> In contrast, a girl's risk of marrying in childhood in South Asia (reported to have the most progress)<sup>11</sup> has declined by more than one third, from nearly 50 per cent a decade ago to 28 per cent today, largely driven by rapid progress in India.<sup>12</sup> Increasingly, however, the global burden of child marriage is shifting from South Asia to sub-Saharan Africa, where levels of child marriage have declined at a modest rate.<sup>13</sup> For example in Ethiopia, once among the top five countries for child marriage in sub-Saharan Africa, prevalence has dropped by one third since 2006.<sup>14</sup>

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to the UN Secretary General's Independent Expert on the Study on Violence against Children," July/August 2004.

<sup>1</sup> *Ibid.*

<sup>2</sup> *Ibid.*

<sup>3</sup> U. Aja-Onu, "Child Marriage and Education in Nigeria: Global Business Coalition for Education," <http://gbc-education.org/child-marriage-and-education-in-nigeria/>, accessed 18 January 2018 321.

<sup>4</sup> International Women's Health Coalition, "End Early and Forced Marriage for Girls in Nigeria", Global Giving Foundation," <https://www.globalgiving.org/projects/end-early-and-forced-marriage-for-girls-in-nigeria/> accessed September 18, 2018

<sup>5</sup> Save the Children (n 46).

<sup>6</sup> UNICEF, "Child Marriage Country Profiles," December 2021, <https://data.unicef.org/resources/child-marriage-country-profiles>, accessed December 10, 2021.

<sup>7</sup> United Nations Children's Fund, *Towards Ending Child Marriage: Global trends and profiles of progress*, UNICEF, New York, 2021, 7.

<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.*

<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*

<sup>12</sup> *Ibid.*

<sup>13</sup> *Ibid.*

<sup>14</sup> United Nations Children's Fund (n 156).

The foregoing shows that the level of progress in preventing and eliminating child marriage is insufficient and uneven across regions and countries. This explains the UNICEF report that although child marriage is becoming less common but still, it affects 650 million girls and women around the world, as global progress is not fast enough to achieve the Sustainable Development Goal (SDG) target of eliminating child marriage by 2030.<sup>1</sup> Globally, more than half a billion girls and women alive today were married in childhood.<sup>2</sup>

Presently, the highest rates of child marriage are found in sub-Saharan Africa and South Asia, where 34 per cent and 28 per cent of young women, respectively, were married in childhood.<sup>3</sup> Based on the fact that the total number of girls married in childhood stands at 12 million per year, progress must be significantly accelerated in order to end the practice by 2030 which is the target set out in the SDGs and without further acceleration, more than 150 million additional girls will marry before their 18th birthday by 2030.<sup>4</sup> If progress from the last 10 years continues (at that rate), there will be plus 120 million child brides by 2030.<sup>5</sup> If progress in the past 10 years is doubled, still nearly 110 million girls will become child brides in the next decade. If the risk of child marriage remains at today's levels, there will be plus 170 million child brides between today and 2030.<sup>6</sup> To end child marriage by 2030 globally, progress must be 17 times faster than the progress of the last decade.<sup>7</sup>

#### **i. The African Region**

Child marriage is a big challenge to many African countries and the rate of progress in eliminating the menace is highly insignificant. Generally in Africa, children marry as young as 7 and 8 years.<sup>8</sup> The U.N. estimates that every day around 37,000 girls under the age of 18 are married. Of the girls forced into marriage, one in three girls experience child marriage before the age of 18 and one in nine experience it before the age of 15.<sup>9</sup> According to the UNICEF report of 2018, the prevalence of child marriage varies across countries, ranging from as low as 2 per cent in Tunisia to as high as 76 percent in Niger.<sup>10</sup> Nevertheless, child marriage levels have decreased slightly compared to earlier generations; around 2000, when nearly 40 per cent of young women were married before age 18.<sup>11</sup> Levels of child marriage are below 10 per cent in seven countries (Algeria, Djibouti, Eswatini, Namibia, Rwanda, South Africa and Tunisia) compared to just four countries (Algeria, Djibouti, Namibia and Tunisia) 15 years ago.<sup>12</sup> Of the seven African countries with child marriage prevalence above 50 per cent, four (Burkina Faso, Central African Republic, Chad and South Sudan) show no signs of decline.<sup>13</sup>

High levels of child marriage persist across several sub-Saharan African countries despite legislative efforts to prevent the practice.<sup>14</sup> Neither the recent progress in economic and women's development, nor existing policy or programmatic efforts seems to prevent the practice.<sup>15</sup> Only Rwanda, Lesotho, and Namibia, had below one-third of their women who were married as children.<sup>16</sup> These findings suggest large disparities in the age at marriage across countries,<sup>17</sup> implying that many African countries still allowed marriage at very young ages (below 18) which could mainly be orchestrated by socio-cultural factors.<sup>18</sup>

The prevalence of child marriage in West and Central Africa is estimated at 41 percent<sup>19</sup> meaning that four out of ten girls and young women, nearly 60 million, were married before the age of 18. However, this masks huge variations between and within countries. The region is home to six of the ten countries with the highest child marriage prevalence levels in the world, all six of which have a prevalence over 50 percent.<sup>20</sup> The prominent countries in child marriage were; Niger (81.7%), Chad (77.9%), Guinea (72.8%), Mali (69.0%),

<sup>1</sup> UNICEF, Child Marriage Country Profiles (n 155).

<sup>2</sup> United Nations Children's Fund (n 156).

<sup>3</sup> *Ibid.*

<sup>4</sup> UNICEF, Child Marriage is a Violation of Human Rights (n 15).

<sup>5</sup> United Nations Children's Fund, "Looking Ahead Towards 2030: Eliminating child marriage through a decade of action," UNICEF, New York, 2020.

<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.*

<sup>8</sup> Chelsea Wolfe, "7 Facts About Child Marriage in Africa," (2020), <https://borgenproject.org/7-facts-about-child-marriage-in-africa/>, accessed January 20, 2022.

<sup>9</sup> *Ibid.*

<sup>10</sup> UNICEF, "Accelerating Efforts to Eliminate Child Marriage in Africa", UNICEF, New York, 2018.

<sup>11</sup> *Ibid.*

<sup>12</sup> *Ibid.*

<sup>13</sup> *Ibid.*

<sup>14</sup> S. Yaya, E. Kolawole, T. Odusina, and Others, "Prevalence of child marriage and its impact on fertility outcomes in 34 sub-Saharan African countries," (2019), 19, *BMC International Health and Human Rights*, 33

<sup>15</sup> E. Foley, "The African Committee of Experts on the rights and welfare of the child (ACERWC), An Africa fit for children: 25 years after the adoption of the African Children's charter: accelerating our collective efforts to end child marriage in Africa," Report. 2015:1–15.

<sup>16</sup> Yaya, Kolawole, Odusina, and Others (n 177).

<sup>17</sup> de Groot, Kuunyem and Palermo (n 75).

<sup>18</sup> Yaya, Kolawol Odusina and Others (n 177).

<sup>19</sup> A. Philipose, R. Toure and C. Verhulst, "Child Marriage in West and Central Africa At a Glance," United Nations Population Fund (UNFPA)/United Nations Children's Fund (UNICEF), <https://www.unicef.org/wca/media/2596/file>, accessed January 10, 2022.

<sup>20</sup> *Ibid.*

Nigeria (64.0%). However, Rwanda is 16.5%, Lesotho, 29.3%, and Namibia, 31.3%.<sup>1</sup>

In all four countries in Eastern and Southern Africa; Ethiopia, Mozambique, Uganda and Zambia, which are implementing “The Global Programme to End Child Marriage (GPECM),” emerging evidence shows that adolescent girls are being severely impacted by the pandemic and are experiencing increases in violence, child marriage and teenage pregnancies, driven partially by school closures and limited access to sexual and reproductive health services.<sup>2</sup> In virtually all countries (in Africa), rural residence, low education, poor household economic status and non-Christian religious affiliation were significantly associated with higher odds of girl-child marriage. The prevalence of girl-child marriage remains high in West Africa and the trend shows very slow progress.<sup>3</sup> While substantial inter-country variations exist in overall rate and trend of child marriage, the rate of progress is inadequate across all countries.<sup>4</sup> Progress in reducing child marriage in Africa is insufficient and going by the current rate, UNICEF asserted that it would take at least 100 years to eliminate the practice.<sup>5</sup>

## ii. The Nigerian Context

Despite global and regional campaign, and policy efforts by the Nigerian government, preventing and eliminating child marriage in Nigeria, remains a significant social, economic and health problem.<sup>6</sup> Nigeria still faces the daunting task of harnessing its vast natural and human resources to effectively reduce this harmful practice.<sup>7</sup> As the most populous country in Africa, Nigeria is reported to have the highest number of child brides.<sup>8</sup> An estimated 22 million child brides live in Nigeria, which accounts for 40 percent of all child brides in the African region.<sup>9</sup> Statista account of 2021 shows that between 2012 and 2018, 18 percent of females in Nigeria were married before the age of 15 and 44 percent of girls were married before the age of 18.<sup>10</sup> This was also confirmed by the October 2021 report of ‘Save the Children’ which maintained that an estimated 44% of girls in Nigeria are married before their 18th birthday.<sup>11</sup> This has been rated as one of the highest globally and rates are not likely to decrease soon as Nigerian girls are living in one of the most difficult times resulting from armed conflict, humanitarian crisis, kidnapping, natural disaster, displacement, COVID-19 pandemic and economic recession.<sup>12</sup>

Child marriage is more prevalent in rural than in urban areas in Nigeria.<sup>13</sup> There are also differences between regions, with the lowest measures observed in the South East region and the highest measures observed (according to the headcount index for the 18 years threshold) in the North West and North East regions.<sup>14</sup> On geo-political basis, Nigeria is divided into 6 geo-political zones namely: North Central, North East, North West, South East, South-South and South West.<sup>15</sup> The rate of child marriage varies significantly by the geo-political zones, ranging from 39.0% to 67.6% for the Northern zones compared to the much lower rates of 13.9-21.6% for the Southern zones.<sup>16</sup>

The North-West zone has the highest proportion of women who married before age 15 years (32.5 percent) and women age 20-49 years who married before age 18 years (67.6 percent). The South East recorded the lowest proportion of women who married before age 15 years (4.1 percent) and women age 20-49 years who married before age 18 years (13.9 percent). About one in five (22.2 percent) young women age 15-19 years is married.<sup>17</sup> The 12 states with the highest prevalence of girl-child marriage in Nigeria are all Muslim-dominated states that have instituted Sharia laws and have so far refused to domesticate the Child Rights Act which prescribes 18

<sup>1</sup> *Ibid*

<sup>2</sup> S. Musaa, G. O. Odeyb and M. K. Musac, “Early marriage and teenage pregnancy: The unspoken consequences of COVID-19 pandemic in Nigeria,” (2021), 2, *Public Health in Practice*, 100152.

<sup>3</sup> A. O. Fatusi, S. A. Adedini and J. W. Mobolaji (n 17).

<sup>4</sup> *Ibid*.

<sup>5</sup> United Nations Children’s Fund, *Accelerating Efforts to Eliminate Child Marriage in Africa*, UNICEF, New York, 2018.

<sup>6</sup> Federal Ministry of Women Affairs and Social Development (n 83).

<sup>7</sup> *Ibid*.

<sup>8</sup> Philipose, Toure and Verhulst (n 182).

<sup>9</sup> *Ibid*.

<sup>10</sup> Statista Research Department, “Child marriage in Nigeria between 2010 and 2018, by gender (2021), <https://www.statista.com/statistics/1128822/child-marriage-in-nigeria-by-gender/>, accessed January 12, 2022.

<sup>11</sup> Save the Children, *Child Marriage Kills more than 60 Girls a Day, Save the Children’s Global Girlhood Report Revealed on the International Day of the Girl*, <https://nigeria.savethechildren.net/news/child-marriage-kills-more-60-girls-day-save-children’s-global-girlhood-report>, accessed January 20, 2022.

<sup>12</sup> *Ibid*.

<sup>13</sup> M. Chata and W. Quentin, “Basic Profile of Child Marriage in Nigeria,” (2016), World Bank, Washington, DC. © World Bank. <https://openknowledge.worldbank.org/handle/10986/24547> License: CC BY 3.0 IGO, accessed January 5, 2022.

<sup>14</sup> *Ibid*.

<sup>15</sup> National Bureau of Statistics (NBS) and United Nations Children’s Fund (UNICEF), “2018 Multiple Indicator Cluster Survey 2016-17,” Final Report, National Bureau of Statistics and United Nations Children’s Fund, Abuja, Nigeria.

<sup>16</sup> J. W. Mobolaji, A. O. Fatusi and S. A. Adedini, “Ethnicity, religious affiliation and girl-child marriage: a cross-sectional study of nationally representative sample of female adolescents in Nigeria,” (2020), 20, *BMC Public Health*, :583

<sup>17</sup> National Bureau of Statistics (n 198).

years as the age of maturity and marriage since 2003.<sup>1</sup> Clarke reported thus, that there is reluctance by government to address the issue as,

many of the northern politicians seem to think that taking a stand against pegging the minimum age for marriage would be synonymous with taking a stand against the Muslim faith. The religion has been misinterpreted to convey that child marriage is encouraged in Islam, whereas contextual interpretations would suggest the opposite.<sup>2</sup>

Some southern states which have adopted the CRA have also failed to take adequate steps to implement it.<sup>3</sup> According to UNICEF, if the current pattern continues, Nigeria's population of child bride is expected to double by 2050.<sup>4</sup>

## 7. Recommendations

Ending child marriage involves tackling the many challenges that perpetuate this rights violation<sup>5</sup> as highlighted in this article. That is, the adoption of comprehensive measures that address the drivers and causes that expose women and girls to the child and forced marriage.<sup>6</sup> In order to achieve this, the following recommendations are made:

i. the introduction and enforcement of laws and policies that promote equality for women and girls and prohibit violence against them, as well as repealing discriminatory laws, laws that have a discriminatory impact and laws that enable harmful practices.<sup>7</sup> This will include firstly, a review of the Constitution of the Federal Republic of Nigeria, 1999, by providing the definition of a child in line with the current global standard and making the age of 18 the marriageable age. It also requires the removal of section 29 (b) of the Constitution which is to the effect that any married woman irrespective of the age is of full age which the constitution fixes at 18.<sup>8</sup> Secondly, the adoption of the Child Rights Act, 2003 in all the States of Nigeria especially the Islamic/Sharia states in northern Nigeria and the enactment of the States' Child's Right Law without variation in their provisions with the CRA is highly advocated.<sup>9</sup> Domestication of specific provisions of CEDAW is also required. The Nigerian government, including legislators and the judiciary needs to develop the political will to achieve this. Laws with contrary age of marriage should be harmonized with the current global practice adopted through the CRA.

Although it appears that significant progress is nowhere close, but better enforcement and monitoring of legal provisions concerning the minimum age at marriage, if effective, would have the potential to raise women's status by simultaneously enabling the achievement of multiple goals.<sup>10</sup> This must be accompanied by capacity-building and resourcing for more legal enforcement.<sup>11</sup>

ii. To be effective, interventions aimed at reducing girl-child marriage in Nigeria must give considerable attention to culturally- laden social norms that vary by ethnic groups as well as religious-related beliefs.<sup>12</sup> Among others, efforts must include working closely with community structures and stakeholders in designing and implementing context-specific and culturally-relevant interventions, use of effective social and behavioural communication strategies at community levels to address gender issues and social norms, and active engagement with influential traditional and religious leaders who can champion the fight against girl-child marriage.<sup>13</sup> It should be made known that preventing child marriage is not a fight against religious beliefs, it is to save the lives of child brides from all the attendant consequences.<sup>14</sup>

iii. The National Strategy Document on Ending Child Marriage in Nigeria suggests that to end child marriage in

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<sup>1</sup> Braimah (n 19).

<sup>2</sup> J. S. Clarke, "Nigeria: Child brides facing death sentences a decade after child marriage is prohibited" (11 March 2015) *The Guardian* <https://www.theguardian.com/global-development-professionals-network/2015/mar/11/the-tragedy-of-nigerias-child-brides>, accessed September 18, 2021.

<sup>3</sup> Human Rights Watch, Nigeria: Child Marriage Violates Girls' Rights, (January 17 2022), <https://www.hrw.org/news/2022/01/17/nigeria-child-marriage-violates-girls-rights>, accessed January 24, 2022.

<sup>4</sup> UNICEF, "Ending Child Marriage: Progress and Prospects," <https://data.unicef.org/resources/ending-child-marriage-progress-and-prospects>, accessed Sept 16, 2021.

<sup>5</sup> UNICEF, "Preventing Child Marriage: UNICEF works to end child marriage, a rights violation that undermines the health and prospects of girls, in particular," <https://www.unicef.org/eca/what-we-do/child-marriage>, accessed January 15, 2022.

<sup>6</sup> United Nations General Assembly, "Expert Workshop on the impact of existing strategies and initiatives to address child, early and forced marriage: Report of the High Commissioner for Human Rights, A/HRC/35/, para. 46.

<sup>7</sup> *Ibid.*

<sup>8</sup> Arowolo (n 31) 293.

<sup>9</sup> *Ibid.*

<sup>10</sup> E. B. Luca and M. Pesando, "Trends in Child Marriage and new evidence on the selective impact of changes in age-at-marriage laws on early marriage," (2021), 14, *SSM - Population Health*, 100811.

<sup>11</sup> *Ibid.*

<sup>12</sup> Mobolaji, Fatusi and Adedini (n 199).

<sup>13</sup> *Ibid.*

<sup>14</sup> I. Ogunniran (n 32).

Nigeria,<sup>1</sup> harnessing relevant policies and legislation, changing harmful cultural norms, supporting community programs, maximizing foreign assistance, increasing access to girls' education, providing young women with economic opportunities, addressing the unique needs of child brides are very crucial.

iv. Having the National Strategy to End Child Marriage in Nigeria 2016-2021 is just not enough. The government through the Federal Ministry of Women Affairs (FMWA) should strengthen coordination, partnership and collaboration with CSOs including International Non-Governmental Organizations (INGOs) to facilitate the prevention and elimination of child marriage in Nigeria. Creation of National Coordination body for the harmonization and effective joint implementation of strategies between state and non-state actors will also strengthen coordination and efforts towards eliminating child marriage in Nigeria.<sup>2</sup> The success of the strategic plan will also depend on proper allocation of resources to the various components. This will include the human, material and financial resources.<sup>3</sup>

v. There is the need to engage other sectors, such as gender affairs, child protection, education, health and justice, in global, regional and sub-regional responses to child marriage.<sup>4</sup> The international community, States members of the United Nations, CSOs and other relevant stakeholders should promote locally relevant, contextualized initiatives to eliminate child marriage. These initiatives should be developed with the full and meaningful participation of local communities, including women and girls, religious and traditional leaders, teachers and others who have an influence in the matter.<sup>5</sup>

vi. Government should create better programmes and policies that allow and encourage elderly parents to get educated, including male and female children, regular workshops and seminars should be organized by stakeholders such as government, health bodies, NGOs and religious bodies and be available to parents, intending parents as well as intending couples so as to enlighten them on the importance and significance of education as means to ensuring stability in marriages and empowering their loved ones to prevent abuse and negligence, while counseling offices are established across urban and rural areas in the country.<sup>6</sup>

vii. Increased community awareness in Nigeria of the negative impact of child marriage through continuous advocacy and sensitization for the rights of the girl child, girl's empowerment programs and parents' education<sup>7</sup> This also serves to prevent attendant risks including loss of lives as reported in recent times in the country.<sup>8</sup> There have been instances where reluctant child brides, forced by parents or religious leaders into marriages they do not like, have chosen drastic measures to handle the situation. There was a widely reported case of Wasilat Tasi'u, a 15-year-old child bride who killed 3 men, including her adult husband, in her attempt to get out of a forced marriage in Nigeria. She admitted to applying rat poison to her husband's food. She was sentenced to death for the offence. Pleas, pressure and outcries from Civil Society Organisations (CSO) led to her freedom. The Wasilat Tasi'u's case underlines how serious the issue of child bride and forced marriage is and the urgency of providing solutions so we do not abandon the child victims to take matters in their own hands.<sup>9</sup>

## Conclusion

Analysis in this article has shown that ending child marriage is a Sustainable Development Goal to which member States of the UN (including Nigeria and many African countries) have committed themselves. If this is achieved countries will be seen to be performing their obligations and will bring fulfilment to children especially girls who are commonly affected. Ending child marriage will help to break the intergenerational cycle of poverty by allowing girls and women to participate more fully in society. Empowered and educated girls are better able to nourish and care for their children, leading to healthier, smaller families. When girls are allowed to be girls, everybody wins.<sup>10</sup>

There is increased need especially now than ever before to evolve strategies, build structures and institutionalize social, legal and educational system reforms to facilitate a sustainable National response to end child marriage and all the associated ills.<sup>11</sup> This is more important because the obligation to end child marriage in 2030 extends to the 10 million girls whose futures are now in jeopardy along with the 100 million girls at risk of becoming child brides before the pandemic began.<sup>12</sup> Over the next decade, it is estimated that up to 10 million

<sup>1</sup> Federal Ministry of Women Affairs and Social Development (FMWASD) (n 83).

<sup>2</sup> Save the Children (n 46).

<sup>3</sup> Federal Ministry of Women Affairs and Social Development (FMWASD) (n 83).

<sup>4</sup> United Nations General Assembly, Expert workshop (n 206).

<sup>5</sup> *Ibid.*

<sup>6</sup> J. A. Onyido and A. P. Brambaifa, "Girl-Child Marriage in the Nigerian Society, Causes, Impacts and Mitigating Strategies," (2018), 4 (2), *World Journal of Social Sciences and Humanities*, 104-110.

<sup>7</sup> Save the Children (n 46).

<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.*

<sup>10</sup> United Nations Children's Fund, *Towards Ending Child Marriage: Global trends and profiles of progress*, UNICEF, New York, 2021, P. 7.

<sup>11</sup> Federal Ministry of Women Affairs and Social Development (n 83).

<sup>12</sup> UNICEF, COVID-19: A threat to progress against child marriage, March 2021, <https://data.unicef.org/resources/covid-19-a-threat-to-progress-against-child-marriage/>, accessed January 19, 2022.

more girls will be at risk of becoming child brides as a result of the pandemic.<sup>1</sup> The Nigerian government and African leaders generally need to develop the political will to prevent and totally eliminate child marriage and all its ill effects. The determination of the African region and the Federal Government of Nigeria, to end child marriage in view of the serious threat it poses to the development of the girl child in the country<sup>2</sup> should be actualized.

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<sup>1</sup> *Ibid.*

<sup>2</sup> F. Oloko, "FG kicks against Early Marriage for Girl Child," 21st July, 2021, <https://punchng.com/fg-kicks-against-early-marriage-for-girl-child/>, accessed December 18, 2021.