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Early Marriage: A Violation of Girls' Fundamental Human Rights in Africa

Rita Mutyaba*

Legal Intern, Chambers, International Criminal Court, The Hague, The Netherlands

Rita.Mutyaba@icc-cpi.int; rem54@law.georgetown.edu

Abstract

Although African countries have ratified international human rights treaties that recognize girls' fundamental human rights to life, education, non-discrimination, freedom from degrading, inhumane and cruel treatment, and protection from harmful cultural practices, girls' human rights continue to be violated because of the prevalent practice of early marriages in most African countries. Whereas early marriages affect both girls and boys, girls are disproportionately affected by this practice which is rooted in culture and religion. Girls who get married before they are 18 years old are not physically, emotionally and mentally prepared for their roles as mothers and wives. African countries have an important role to play in ending early marriages to stop the human rights violations that girls experience when they get married before they are 18 years.

Keywords

early marriage; girls' rights; Africa; human rights violations; child marriages

Introduction

Early marriage which constitutes the marriage of girls, who are younger than 18 years, is a prevalent practice in Africa (Public Broadcasting Service, 2010). According to United Nations Children's Fund (UNICEF), 42 percent of women in Africa, aged 15–24 were married before they were 18 years (UNICEF, *Early Marriage: A Harmful Traditional Practice*, 2005). The International Center for Research on Women (ICRW) included 14 African countries in the Top 20 "Hot Spot Countries for [Early] Marriages" (ICRW, 2007). Although African countries have ratified international human rights instruments that recognize the fundamental human rights of both girls and boys, girls' fundamental human rights continue to be violated as a result of early marriages.

This paper will argue for the end to early marriages of young girls because they violate girls' fundamental human rights. These rights include the: right to life,

*) The views of the author do not necessarily reflect the views of the ICC.

right to education, right to dignity, freedom from degrading, inhuman and cruel treatment, and protection from harmful traditional practices. In Part I, I will discuss the relevant international human rights conventions that have been ratified by African countries which recognize girls' fundamental rights. In Part II, I will briefly discuss the problem of early marriages in four African countries: Niger, Uganda, Ethiopia, and Egypt. These countries have been selected because they have the highest rate of early marriages in the world (ICRW, 2007). Part III will analyze the consequences and human rights violations caused by such marriages. Part IV will focus on actions that should be implemented to stop early marriages. These actions include: increasing the minimum marriageable age for girls, creating public awareness of the consequences of early marriages, and promoting education of girls as an invaluable investment for families.

Ending early marriages in Africa will be an important step in ensuring that young girls get to enjoy the fundamental human rights stipulated in their countries' constitutions and international human rights treaties.

Analysis of International Human Rights Law and Child Marriages

The relevant international treaties that discuss the rights of both boys and girls include the African Charter on the Rights and Welfare of the Child (Charter on Rights of the Child, 1999); the African Charter on Human and Peoples' Rights (ACHPR, 1986); the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1981); the International Covenant on Civil and Political Rights (ICCPR, 1976); the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1976), the Convention of the Rights of the Child (CRC, 1990), and the Protocol to the African Charter on Human and Peoples' Rights on the Women in Africa (Women's Protocol on Human Rights, 2005). UNFPA states that governments which ratify these conventions are bound by minimum global standards to prevent violation of human rights (UNFPA, 2007).

The Right to Consent to Marriage

Under CEDAW, the ICCPR and ICESCR, girls have the right to marry *only* with their free and full consent (CEDAW, article 16; ICCPR, article 23, ICESCR, article 10). General Recommendation No. 21 of the CEDAW Committee states that a "[girl's] right to freely consent to marriage is central to her life and to her dignity and equality as a human being" (CEDAW, General Recommendation 21, 1994). The CEDAW Committee realizes that there are many countries that "on the basis of *custom, religious beliefs or the ethnic origins* of particular groups of people permit forced marriages" Such marriages cannot be legally enforceable

and therefore, it is imperative that countries enact and enforce laws which protect young girls from such marriages (CEDAW, General Recommendation 21, 1994). General Comment 19 of the Human Rights Committee also recognizes the free and full consent of girls to enter into a marriage. Even though no specific age is specified in General Comment 19 by the Human Rights Committee, the Comment explicitly states that individuals should get married at an age where they are *able to give their free and full personal consent* (Human Rights Committee, General Comment 19, 1990). The provisions in CEDAW, ICCPR and ICESCR as well as the Commentaries on Article 16 of CEDAW and Article 23 of the ICCPR cannot be interpreted to encompass the consent of the girls' parents or family members who consent on the girls' behalf. In fact, the Human Rights Committee in General Comment 28 did not recognize customary or statutory law that allowed a guardian to consent to a [girl's] marriage thereby denying that girl her right to exercise her free will (Human Rights Committee, General Comment 28, 2000).

The Right to Non-Discrimination

Article 3 of the Charter on the Rights of the Child, Article 18(3) of the African Charter on Human and Peoples, Article 2 of CEDAW, Article 8 of the African Charter on Women's Rights, and Article 26 of the ICCPR, guarantee the right to non-discrimination based on sex. General Recommendation 28 prepared by the CEDAW Committee states that *any form of distinction* based on sex is discrimination (CEDAW, General Recommendation 28, 1994). State Parties are obligated to implement measures to stop customary practices that perpetuate the "inferiority" and "stereotyped roles" of men and women (CEDAW, General Recommendation 28, 1994). Article 2 in the CEDAW Convention is not restricted to the State authorities but also includes private actors. Measures to be implemented by State Parties are not restricted to legislation. They also include: implementation of "programmes, public policies and other institutional frameworks" that would play an important role in eliminating discrimination against women (CEDAW, General Recommendation 28, 1994). The Human Rights Committee General Comment 18 expounds on the State's obligation to prevent discrimination based on sex by imposing a duty on State parties to ensure that *all persons* within the State are not discriminated based on their sex (Human Rights Committee, General Comment 18, 1989). The only differentiation based on sex permitted by the Committee is "differentiation that is "reasonable and objective and if the aim is to achieve a purpose which is legitimate under the Convention" (Human Rights Committee, General Comment 18, 1989). However, early marriages cannot be justified as "reasonable and objective" because they foster inferiority of women and lead to the violation of girls' rights as stipulated in the international human rights conventions.

The Right to Health

Article 14 of the Charter on the Rights of the Child, Article 16 of the Charter on Human and Peoples' Rights, Article 12(1) of the ICESCR, and Article 14 of the Protocol on Women's Rights, guarantee the right to health. The right of health is not limited to health care. It encompasses "wide range of socio-economic factors that promote conditions in which people can lead a healthy life" (ICESCR, General Comment 14, 2000). It also includes the right to control one's body including sexual and reproductive freedom. More importantly, the CESCR Committee imposes an obligation on State parties to implement measures to "abolish harmful traditional practices affecting the health of children, particularly girls, including early marriage..." (ICESCR, General Comment 14, 2000). The Committee on the Rights of the Child similarly defines the right to health broadly. According to the Committee, to ensure the children's right to high attainable health, other human rights that are intertwined with the right to health should be promoted and protected by States (Children's Rights Committee, General Comment No. 4, 1989). Moreover, the Committee specifically states the CRC Convention imposes on State Parties an obligation to ensure children's right to health by implementing:

"[L]egal provisions guaranteed under domestic law, including with regard to setting a minimum age for sexual consent, marriage and the possibility of medical treatment without parental consent. These minimum ages should be the *same* for boys and girls (article 2 of the Convention) and closely reflect the recognition of the status of human beings under 18 years of age as rights holders, in accordance with their evolving capacity, age and maturity (CRC Gen. Comment 4, 1989).

The Right to Education

Article 11 of the Charter on the Rights of the Child, Article 10 of CEDAW, Article 13(1) of the ICESCR, and Article 12 of the Protocol on Women's Rights, guarantee the right to education. The Committee of the ICESCR in General Comment No. 13 acknowledged the importance of education and considers it as one of the best "financial investments" that a State can make for its citizens (ICESCR, General Comment No. 13, 2000). Not only does education "empower women and safeguard children from exploitative labor and sexual exploitation, but it also promotes human rights..." (ICESCR, General Comment No. 13, 2000). In contrast to other Articles in the ICESCR, with regard to the right to education, State parties have an obligation to *immediately* implement steps to ensure this right (ICESCR, General Comment No. 13, 2000). They should make sure that parents do not prevent girls from going to school by forcing them into marriages. Early marriages play a big role in stopping girls from going to school.

Once girls get married their EDUCATION takes a backseat to their marriage life which encompasses being a mother and a wife.

Freedom from Degrading, Inhuman and Cruel Treatment

Article 16(1) of the African Charter on the Rights of the Child, Article 7 of the ICCPR, Articles 3 and 4 of the Protocol on Women's Rights guarantee the protection from cruel, inhuman or degrading treatment. Cruel, inhumane or degrading treatment includes all acts that cause "physical pain and mental suffering" (HRC, General Comment No. 20, 1992). Domestic violence suffices as cruel, degrading and inhuman treatment. The Committee of the CRC in General Comment 13 recognizes that early marriage makes children vulnerable to violence (CRC, General Comment No. 13, 2011). CEDAW Committee also states that early marriages are a form of gender based violence because they inhibit women's "ability to enjoy rights and freedoms on a basis of equality with men" (CEDAW, General Recommendation No. 19, 1992). Women in early marriages occupy a subordinate role to their husbands which makes them susceptible to domestic violence (CEDAW, General Recommendation No. 19, 1992). State parties have an obligation to eliminate all forms of degrading, inhuman and cruel treatment faced by children (CRC, General Comment No. 13, 2011). That obligation includes eliminating all forms of violence against children by implementing legislative, social, administrative and educational measures (CRC, General Comment No. 13, 2011). Because children in early marriages experience violence that is demeaning and violates their physical integrity, it is imperative that State parties adhere to their international obligation to eliminate degrading and cruel treatment by and implementing measures to stop such marriages.

Protection from Harmful Traditional Practices

Article 21(1) of the Charter on the Rights of the Child, Article 5(a) of CEDAW and Article 5 of the Protocol on Women's Rights, prohibit all forms of harmful practices that have adverse effects on girls' fundamental human rights. Early marriages qualify as harmful traditional practice that negatively impacts girls' human rights because of the human rights violations which result from such marriages. Accordingly, States Parties to the ACRC, CEDAW and Protocol on Women's Rights have an obligation to end such marriages.

Minimum Age of Marriage

Article 21(2) of the African Charter on the Rights of the Child prohibits child marriage and requires all States parties to take "effective action, including

legislation, to specify the minimum age of marriage to be 18 years and make registration of all marriages in an official registry compulsory.” Article 6 of the African Charter on the Rights of Women explicitly states that the “the minimum age of marriage for women shall be 18 years.” States parties whose legislation allows girls to get married at 15 years are thereby violating their international obligation to set the minimum age of marriage for both girls and boys as 18 years.

Protection of the Rights of the Child

Under Article 24 of the ICCPR, children have the right to receive protection that they are entitled to based on their status, from their family, society and the State. The Human Rights Committee in General Comment 17 explained that the protection of children by the State entails the implementation of measures that would enable the children to enjoy the rights as stipulated in the ICCPR covenant (HRC, General Comment No. 17, 1989).

Brief Profile of Early Marriages in Cameroon, Uganda, Ethiopia and Egypt

Niger

Niger has the highest number of early child marriages in the world (UNICEF, Addressing Early Marriage in the Niger, 2011). A study by UNICEF showed that 44% of women who are 20-24 years were married under the age of 15 years (UNICEF, Early Marriages: Child Spouses, 2001). The father usually makes the decision regarding whether a girl should get married. (UNICEF, Preventing Early Marriage in Niger and Benin, 2004). Sometimes, marriages are arranged even before the girl is born (UNICEF, Preventing Early Marriage in Niger and Benin, 2004). Reasons for marrying girls at such a young age ranged from strengthening family ties to preventing early pregnancies of girls (UNICEF, Early Marriages: Child Spouses, 2001). However, there are dire consequences for girls who get married before 18 years. Most of the girls who get married before 15 years begin having children after two years of marriage. Because these girls get married yet are not well developed to have children, they are at a high risk of suffering from obstetric fistula or dying during child birth. In a study conducted to evaluate the commonalities of women who suffer from obstetric fistula in Niger, it was concluded that women who suffered from obstetric fistula had experienced early marriages, were young when they got pregnant or had been in labour for a long period of time (Meyer *et al.*, 2007). Proposals have been submitted to change the current age of marriage for girls to 18 years (Dolan, 2007). However, it is uncertain whether the increase in the minimum age of marriage for girls from 15 to 18 years will lead to a decline in early marriages especially in a country like Niger

where marriage is dominated by customs which allow a girl to get married even though she is not yet 18 years old (IRIN, 2009).

Uganda

Uganda is ranked ninth in the world for having a large number of early marriages (USAID Health Policy Initiative, 2009). A study conducted by USAID revealed that in 2006, more than half of women between 20–49 years were married before the age of 18 (USAID Health Policy Initiative, 2009). The practice of early marriage has been attributed to poverty (USAID Health Policy Initiative, 2009). Young girls are considered a source of wealth for the family. Families marry off their daughters so that they can obtain bride price to improve their economic status (USAID Health Policy Initiative, 2009). Therefore, bride price is arguably one of the factors that contribute to early marriage. In addition, because families are poor, they often rely on the marriages of their daughters to obtain bride price. Bride price is in form of five cows or \$ 600 (Actionaid, 2006). Other reasons for child marriage include: protecting girls' virginity, protecting girls from HIV infection and ensuring their financial security (Wandega, 2010). Uganda has passed laws to protect children from early marriage. For example, in 1996, a Statute was enacted that allowed children's courts to be established at the village level to try defilement and underage marriages (VOA News, 2006). However, the law was ineffective in protecting children because of customary belief or attitudes which mandate that a girl is ready for marriage once she reaches puberty (VOA News, 2006). One way of ending early marriage in Uganda is by setting the minimum marriageable age for both girls and boys at 18 years and educating people about the dangers and consequences of early marriages. However, the Domestic Relations Bill which would have set the age of marriage for both girls and boys as 18 years was rejected by the Ugandan Parliament in 2008 (Immigration and Refugee Board of Canada, 2008). The rejection of the bill has been attributed to religious leaders who opposed the bill for outlawing polygamy, bride price, cohabitation and increasing the age of marriage for girls to 18 years yet it is customary for girls to get married once they reach puberty (Otiso, 2006).

Ethiopia

Early marriage is prevalent in the Amhara region of Ethiopia (Pathfinder International, 2006). The causes of early marriage include: improving status of girls; family, strengthening family ties, ensure that girls' virginity is maintained and preventing the possibility of the girl not getting married when she is older (Pathfinder International, 2006). Parents betroth their daughters when they are only 10 or 14 years and consent to their marriages (Pathfinder International, 2006). These children are sent to live with their husbands when they are between

9-10 years (UNICEF, *Early Marriages: Child Spouses*, 2001). United Nations Population Fund has stated that half of all girls in the region are married before their 15th birthday (UNICEF, *Early Marriages: Child Spouses*, 2001). Most of these girls are at a high risk of suffering from obstetric fistula. Ethiopia has an annual number of 1500 cases of women suffering from obstetric fistula (Pathfinder International, 2006). Allowing children to get married before they are 18 years is a violation of Ethiopian law which explicitly states that “marriage is only legal between consenting adults who have at the minimum reached the age of 18 years” (UNFPA, *Ethiopian Early Marriage*, 2011). The law also punishes men who have sex with children who are below 18 years, If the child is only 13 years old, then men who have sex with that child are imprisoned for 13 to 25 years. If the child is between 13 and 18 years old, then imprisonment is for 15 years (Mekonnen & Aspen, 2009). To reduce early marriages in the Amhara region, non-governmental organizations like Pathfinder International are raising awareness about the consequences of early marriage and the legal age of marriage for girls by collaborating with local organizations (Pathfinder International, 2006). As a result, over 14000 marriages have been prevented or annulled in the Amhara and Tigray region (Pathfinder International, 2006).

Egypt

Early marriage is also a common problem in the rural parts of Egypt. Approximately 36% of married women in the rural parts of Egypt got married before they were 16 years (Pambazuka News, 2010). The reasons for early marriage include poverty, customs and tradition, strengthening family ties, ensuring financial security and getting rid of girls because they are considered to be a financial burden (Pambazuka News, 2010). In comparison to their rural counterparts, 1.9% of married women living in urban areas married before they had attained 16 years (Pambazuka News, 2010). The consequences of early marriage in Egypt have been well-documented by human rights organizations (UNICEF, Press Release, 2001). Although the Egyptian Penal Code, Article 227, prohibits the marriage of both boys and girls who have not attained 18 years and punishes those who break the law, families are circumventing the law by resorting to customary marriage (Pambazuka News, 2010). In 2008, the Egyptian Parliament passed a law that set the minimum marriageable age for both girls and boys at 18 years (Mayton, 2008). The law is enforced by the Attorney General and the Family, Community and Development Ministry who are taking the necessary steps to end child marriages. For example in 2009, the Attorney General's decided to try two officials for authorizing the marriage of 364 girls (Egypt.Com News, 2009). In addition, the Attorney General has launched a campaign with the Family and Community Development Ministry to enforce the minimum marriageable age law for girls (Free Muslims Coalition, 2010).

Consequences of Early Marriages

Young girls who are forced into early marriages are more likely to become pregnant and die during childbirth (UNICEF, *Early Marriages: Child Spouses*, 2001). The girls who survive childbirth are more likely to end up with obstetric fistula, which is common in young girls who are not physically and sexually mature to have children (UNICEF, *Early Marriages: Child Spouses*, 2001). Furthermore, these young girls face an increased risk of contracting HIV and experiencing domestic abuse (UNICEF, *Early Marriages: Child Spouses*, 2001). Finally, being a wife and a mother at an early age prevents these girls from continuing with their education and acquiring vital skills for employment (UNICEF, *Early Marriages: Child Spouses*, 2001).

Early Marriage and High Childbirth Mortality Rate

UNICEF has documented the risks of early marriages and child birth. Studies in Nigeria, Cameroon and Ethiopia have shown that girls in Nigeria, Cameroon and Ethiopia who were younger than 16 years had a mortality rate that was six times higher than for women aged 20-24 (UNICEF, *Early Marriages: Child Spouses*, 2001). Another study by the United Nations Population Fund and the University of Aberdeen showed that girls younger than 15 years are five times more likely to die in childbirth than women are in their twenties (ICRW: *Child Marriage and Health*, 2007). The main reasons cited for these girls' death include obstructed labour, which is a result of the girls' physical inability to have children at that age (ICRW: *Child Marriage and Health*, 2007). Other health risks that young married girls experience while pregnant include increased risk of premature labour and complications during delivery (UNICEF, *Early Marriages: Child Spouses*, 2001).

Early Marriage and Maternal Mortality Rate

Because girls who get married before they are 18 years are not fully developed to have children, they are at an increased risk of dying during their pregnancy or childbirth. Children who are between 10-14 years old are five times more likely to die during pregnancy or child birth in comparison to older women (Population Council, 2008). In Sierra Leone, 40% of maternal deaths are attributed to early marriages (World Population Awareness, 2011). In Zambia, the maternal mortality rate is 591 per 100,000 live births and it is considered to be one of the highest in the world (IRIN, *Zambia: Marrying off Young Girls is a Tradition Here*, 2010). Research conducted in Zambia shows that there is a strong correlation between early marriages and high maternal mortality rates. A study in Luapala province in Zambia showed that 30% of all maternal deaths involved young

children. (IRIN, Zambia: Marrying off Young Girls is a Tradition Here, 2010). The Population Council has also noted that:

Rates of maternal mortality in francophone West Africa are among the highest observed in the world, with rates of death per 100,000 women of 1,000 in Burkina Faso, 1,200 in Mali, and 1,600 in Niger (Population Council, 2008).

Early Marriage and Obstetric Fistula

Young girls who survive pregnancies experience serious sexual reproductive problems like obstetric fistula (ICRW: Child Marriage and Health, 2007). Obstetric fistula results when the baby's head remains pressed against vaginal and bladder tissue for a prolonged period during labour and the prolonged obstructed labour only ends when the fetus dies and/ or decomposes in the girls' uterus (Info Project, 2004). The consequences of obstetric fistula include death of the baby in child-birth, incontinence (the unconscious passing out of urine and /or faeces), trauma, stigmatization and abandonment because of the girls' humiliating smell of urine and faeces (UNICEF, Habiba's Story, 2007). Reconstructive surgery can correct the condition but most of these young girls cannot afford the treatment which is very expensive (Inter Press Service News Agency, Enlisting Men in the Fight against Fistula, 2004). Sometimes, the surgery might not be successful. As a result, girls with fistula would need to wear a bag to collect their urine (UNFPA, Campaign to End Fistula, 2011). Moreover, it is uncertain whether children with this condition will ever receive treatment --- there is a backlog of cases that need to be cleared so patients will need to wait for a long time for treatment (UNFPA, Campaign to End Fistula, 2011). In addition surgery does not automatically guarantee that a patient's life will return to normalcy. Sometimes, the patient will need more than one surgery to correct the problem and recovery from surgery takes up to 12 months (IRIN, Niger- Where Childhood Ends on the Marriage Bed, 2007).

Early Marriage and HIV

Young girls who get married before 18 years are susceptible to HIV infection. A study in Kenya and Zambia showed that HIV infection among married adolescent females was 33% and 27% whereas the prevalence among their unmarried counterparts was 22% and 17% (Clark, 2006). The study also found that the intense pressure to prove their fertility forced these girls to have unprotected sex with their husbands (Clark, 2006). In addition, "husbands of these girls who were substantially older (5-14) than their wives were 30% more likely than boyfriends of single girls to be infected (Clark, 2006). In addition, a study by Johns Hopkins University showed that married girls in Sub-Saharan Africa are more likely to become infected with sexually transmitted diseases like HIV unlike sexually active

unmarried girls (Clark, 2006). For example, in Uganda, the HIV prevalence rate for girls 15–19 years was higher for married (89%) than single girls (66%) (Nour, 2009). A joint report published by ILO, UNAIDS, UNICEF, UNESCO, UNFAPA, WHO and the World Bank reported that young adolescent girls are biologically more susceptible to HIV infection. Furthermore, the age difference between these children and their husbands left the adolescents vulnerable to HIV infection (UNICEF, 2011). This could also be attributed to the fact that married children are unaware of the safest means of protecting themselves from HIV. The International Center on Research for Women has stated that:

Early marriage usually means that young girls enter marriage without adequate information about critical sexual and reproductive health issues, such as sexual intercourse, contraception, sexually transmitted diseases, pregnancy, and childbirth (ICRW, *Too Young to Wed: The Life, Rights and Health of Young Married*, 2003).

The subordinate role that young girls occupy in their marriages makes them vulnerable to HIV infection because they are less likely to either question their husbands about their HIV status or insist on using condoms during sex.

Early Marriage and Domestic Violence

The big age gap between these girls and their husbands reinforces the inferiority status of girls increasing these girls' risk of being subjected to domestic violence. Domestic violence has physical, psychological and fatal outcomes on young girls (UNICEF, *Domestic Violence against Women and Girls*, 2000). In Kenya, a study showed that girls who married earlier were more likely to believe that a husband is sometimes justified in beating his wife (UNICEF, *Domestic Violence against Women and Girls*, 2000). The survey also revealed that girls who married before 18 were unlikely to talk to their husbands about contraception, how many children they wanted and when they wanted to have children (UNICEF, *Domestic Violence against Women and Girls*, 2000). The causal connection between early marriages and domestic violence has been well-documented by the CEDAW Committee. According to the General Recommendation 19 of the CEDAW Committee, traditional practices like early marriages not only perpetuate gender-violence against women but they also lead to the deprivation of their human rights.

Early Marriage and Education

Early marriages also impede young girls' education. The fact that a child will get married plays a big obstacle to young girls' education. In Northern Nigeria, parents deliberately keep their daughters out of school because investing in their education is considered a liability to the parents (UNICEF, *Early Marriage*:

A Harmful Traditional Practice, 2005). Education for All has stated that, “[T]he custom of early marriage is acknowledged as one of the reasons for girls’ exclusion from school. A report published by the International Center for Research on Women, confirmed that early marriages prevent girls from completing their education because “[A]fter marriage, young girls’ access to formal and even informal education is severely limited because of domestic burdens, child bearing and social norms that view marriage and education as incompatible” (ICRW, *Too Young to Wed: The Lives, Rights and Health of Young Married Girls*, 2003).

Recommendations on Ending Early Marriages

The dire consequences of early marriage have been well-documented in this paper. Unless early marriages are stopped, young girls’ fundamental human rights will continue to be violated. Strategies that could be implemented to end early marriages include: (1) Increasing the minimum legal age of marriage for girls to 18 years and ensuring that the legal age of marriage is enforced (2) Educational campaigns should be conducted emphasizing the dangers of child marriages and (3) Promoting the education of girls as a valuable investment.

Increasing the Minimum Marriageable Age for Girls

It is imperative that legislation that promotes early marriages of young girls is nullified or amended. African countries that have signed international treaties recognizing equality of both boys and girls need to ensure that the minimum marriageable for both sexes is 18 years. The legislation that is adopted by these countries should prohibit the marriage of girls, who are below 18 years ensure that there are consent provisions and criminalize individuals who force these girls into marriage (United Nations, *Good Practices in Legislation on Harmful Practices against Women*, 2009). Legislation should provide legal redress for victims of early marriages and deter potential offenders of the law from forcing young girls into marriage. Punishment of individuals who violate the law should be in the form of fines or imprisonment. More importantly, the legislative action of increasing the minimum marriageable age should be accompanied with campaigns creating awareness of the new legislation.

Implementing and Promoting Educational Campaigns about Dangers of Early Marriage

African countries should implement educational campaigns that raise awareness of the consequences of child marriages. Because early marriage is rooted in culture norms, it is imperative that the campaigns target community, religious and

tribal leaders who will be needed to mobilize their communities to end this tradition (ICRW, *Too Young to Wed: The Lives, Rights and Health of Young Married Girls*, 2003).

Cultural leaders should not feel that they are being patronized or that their culture is being disparaged. The importance of culture is unwarranted. A sensitive approach should be employed when educating cultural leaders about the repercussions of early marriages. International Organizations have shown that community based programs can play an important role in ending early marriages. The International Center for Research on Women has found that implementing community programs focusing on the consequences of early marriages is one effective way of reducing early marriages (ICRW, *Too Young to Wed: The Lives, Rights and Health of Young Married Girls*, 2003). For example, in Niger, village awareness campaigns have been instrumental in preventing early marriages of girls (Dolan, 2007). Families are less likely to marry off their daughters if they are aware of the implications of marrying their daughters when they are not mentally, emotionally and physically ready for marriage (Dolan, 2007). In Benin, UNICEF has documented evidence of a village committee playing an important role in stopping child marriage by filing a complaint with the police against a father who had arranged his young daughter's marriage (UNICEF, *Preventing Early Marriage in Niger and Benin*, 2004). In addition, the Committee also enrolls children in school and makes sure that they are retained in their respective schools (UNICEF, *Preventing Early Marriage in Niger and Benin*, 2004). The committee's work is supplemented by the regional radio station which promoted children's rights (UNICEF, *Preventing Early Marriage in Niger and Benin*, 2004). In Mali, the decline in early marriages has been attributed to education and awareness campaigns which are attended by religious and cultural leaders (IRIN, *Mali- Child Marriage a Neglected Problem*, 2007). Including village elders, committees and leaders in the campaign is therefore crucial in ending early marriages because they can play an instrumental role in changing their people's views and attitudes towards early marriages.

Promoting Education of Girls as an Investment through Educational Campaigns

Most families that force their daughters into marriages do not provide resources for their education because they consider education as wastage of their money. Instead, their daughters will stay home, complete house chores and other tasks in preparation for marriage. Moreover, early marriages are considered as a source of wealth for families because commemoration of the marriage involves the husband's family giving the bride's family bride wealth. However, when families restrict their daughters' education, they limit their daughters' accessibility to highly skilled jobs. These jobs would be a source of wealth for their families. Therefore, it is important for educational campaigns to be carried out

emphasizing that bride wealth is not the only source of income for the families (IRIN, Mali- Child Marriage a Neglected Problem, 2007). Educated girls can alleviate the economic situation of their families by acquiring highly valued skills through education. Therefore, education of young girls should be redefined as investment rather than wastage for the family so that young girls are not forced into marriages.

Conclusion

African countries have an obligation to end early marriages. Early marriages have severe consequences on married adolescent girls. Not only are the adolescent girls' fundamental human rights violated but they also lose an opportunity to enjoy their childhood. It is imperative that African countries implement and support programs that create awareness of the consequences of early marriages, modify legislation that encourages early marriages and collaborate with international or local organizations that are implementing community intervention programs that are effective in stopping early marriages. Only then will young female adolescents have an opportunity to enjoy their human rights guaranteed by international human rights conventions.

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