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Research paper

Topic 1: Child Marriage:

The Conflict of Human Rights and Cultural Tradition

A RESEARCH PAPER BY ANASTASIA RYBALCHENKO

“No girl should be robbed of her childhood, her education and health, and her aspirations. Yet today millions of girls are denied their rights each year when they are married as child brides.”¹

1) Introduction

“Every two seconds, a girl is married before she is physically or emotionally matured enough to become a wife or a mother. Globally, 720 million women alive today were married before their 18th birthday. Every year, they are joined by another 15 million child brides – the equivalent of the entire population of Mali or Zimbabwe.”²

Child marriage is an alarmingly common human rights violation on the African continent. Newest reports conclude that a staggering 40% of girls in Sub-Saharan Africa are married before they reach the age of 18. With the young brides being deprived of their rights to education, health and safety, child marriage perpetuates the cycle of poverty and hinders the advancement of developing countries. Child marriage is an issue where the resolution lies beyond the eradication of poverty, as the practice is often engrained in the cultural traditions followed for centuries. Even if laws condemning the practice are passed, cultural values take priority in many cases, warranting a more thorough solution of the complex issue at hand.

2) Definition of Key Terms

forced marriage - a marriage that happens without the agreement of one or either of the people getting married²

sexual violence - a sexual act committed against someone without that person's freely given consent³

telefa - a practice by which a man kidnaps, hides and rapes a girl and then, as the father of her unborn child, can claim marriage.

ukuthwala - a practice by which a girl or young woman is kidnapped by a man with the intention of compelling the girl's family to endorse marriage negotiations

trokosi - a practice by which a young virgin girl who is oared to a local priest in exchange for the gods' forgiveness when a relative (often a man) commits a crime

¹ Michelle Bachelet, M.D., Executive Director of UN Women. ² <http://www.ghananewsagency.org/features/child-marriage-a-loomingglobal-danger-a-problem-too-long-ignored-126898>

² <https://dictionary.cambridge.org/dictionary/english/forced-marriage>

³ <https://www.cdc.gov/violenceprevention/sexualviolence/definitions.html>

3) General Overview

African countries account for 15 of the 20 countries with the highest rates of child marriage. For example, 77% of girls in Niger and over 60% of girls in Central African Republic and Chad, marry before they turn 18. Without progress to prevent child marriage, the number of girls married as children will double by 2050, and Africa will surpass South Asia as the region with the highest number of child brides in the world.

Girls who marry young are often denied a range of human rights: many must discontinue their education, face serious health risks from early and multiple pregnancies, and suffer sexual and domestic violence. Agenda 2063, the African Union's 50-year action plan for development, recognizes that child marriage is a major impediment to regional development and prosperity. Countries lose out on potentially enormous social, economic, and political contributions these girls could make if given the right opportunities from the start.

Despite the fact that 158 countries have set 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.

Although the prevalence of child marriage has been slowly declining in Africa, but remains higher than the global average. The fastest progress in reducing child marriage in Africa has been in North Africa. The level of child marriage among the poorest families in Africa has remained unchanged since 1990.

Child marriage, which has existed for centuries, is a complex issue, rooted deeply in gender inequality, tradition and poverty. The practice is most common in rural and impoverished areas, where prospects for girls can be limited. There's a myriad of reasons as to why this harmful phenomenon occurs. Where poverty is acute, parents may feel that giving a daughter in marriage will reduce family expenses, or even temporarily increase their income, in cases where a bride's parents are paid a bride price. "Child marriage is a huge problem in poor communities," says Nyaradzayi Gumbonzvanda, General Secretary of the World YWCA.

Numerous families marry their daughters simply because early marriage is the only option they know. Child marriage persists because it has happened for generations – and straying from tradition could mean exclusion from the community. Such social pressures within a community can lead families to wed young children. For example, some cultures believe marrying girls before they reach puberty will bring blessings on families. Some societies believe that early marriage will protect young girls from sexual attacks and violence and see it as a way to ensure that their daughter will not become pregnant out of wedlock and bring dishonour to the family. Crucially, gender inequalities across Africa also drive child marriage: in many communities where child marriage is practised, girls are not valued as much as boys – they are considered to be a burden or a commodity. "Many faith leaders and their communities are already working to end child marriage and other forms of violence against children. Changing stubborn behaviour is immensely challenging, so we must go further to positively influence beliefs and actions," says Tim Costello, Chief Executive of World Vision Australia.

There are various forms of child marriage, depending on a community's traditions. A few examples: A common but not uniform practice in rural northeast Ethiopia, *telefa* is a practice by which a man kidnaps, hides and rapes a girl and then, as the father of her unborn child, can claim marriage. In South Africa, *ukuthwala* is a practice by which a girl or young woman is kidnapped by a man with the intention of compelling the girl's family to endorse marriage negotiations. A common practice across Ghana, Benin and Togo, *trokosi* is the practice by which a young virgin girl who is offered to a local priest in exchange for the gods' forgiveness when a relative (often a man) commits a crime.

Child marriage violates girls' human rights, including their right to choose if, when and with whom to marry. Not to mention it can have lifethreatening health consequences for girls. Most young girls, regardless of age, are forced to demonstrate their fertility once they are married. "These children, because that's what they are, are discouraged from using contraceptives or might have to ask their husbands' permission, or they have no knowledge of or access to what they need," says Carole Presern, PhD, Executive Director of The Partnership for Maternal.

Under pressure to become mothers soon after marriage, many child brides become pregnant before their bodies can safely carry or deliver children. Complications in pregnancy can put them at risk of injury, and even death, as girls who give birth under age 15 are five times more likely to die in childbirth than young women in their early 20s. Child brides are particularly vulnerable to injury in pregnancy or childbirth: 65% of all cases of obstetric fistula occur in girls under the age of 18. Furthermore, it denies girls their right to education. Millions of child brides drop out of school to devote their time to house chores and child rearing – if they were in school in the first place. Over 60% of child brides in developing countries have had no formal education. "Child marriage is not only wrong, it is dangerous. It exposes a young girl to profound health risks from early pregnancy and difficult childbirth and it exposes her baby to complications of premature birth," says Anthony Lake, Executive Director of UNICEF.

Child marriage puts girls at risk of sexual, physical and psychological violence throughout their lives. Girls who marry as children are more likely to be beaten or threatened by their husbands than girls who marry later and are more likely to describe their first sexual experience as forced. As minors, child brides are rarely able to assert their wishes, such as whether to use family planning methods or practice safe sexual relations. "Child marriage marks an abrupt and often violent introduction to sexual relations," says Claudia Garcia Moreno, M.D., of WHO, a leading expert in violence against women. "The young girls are powerless to refuse sex and lack the resources or legal and social support to leave an abusive marriage."

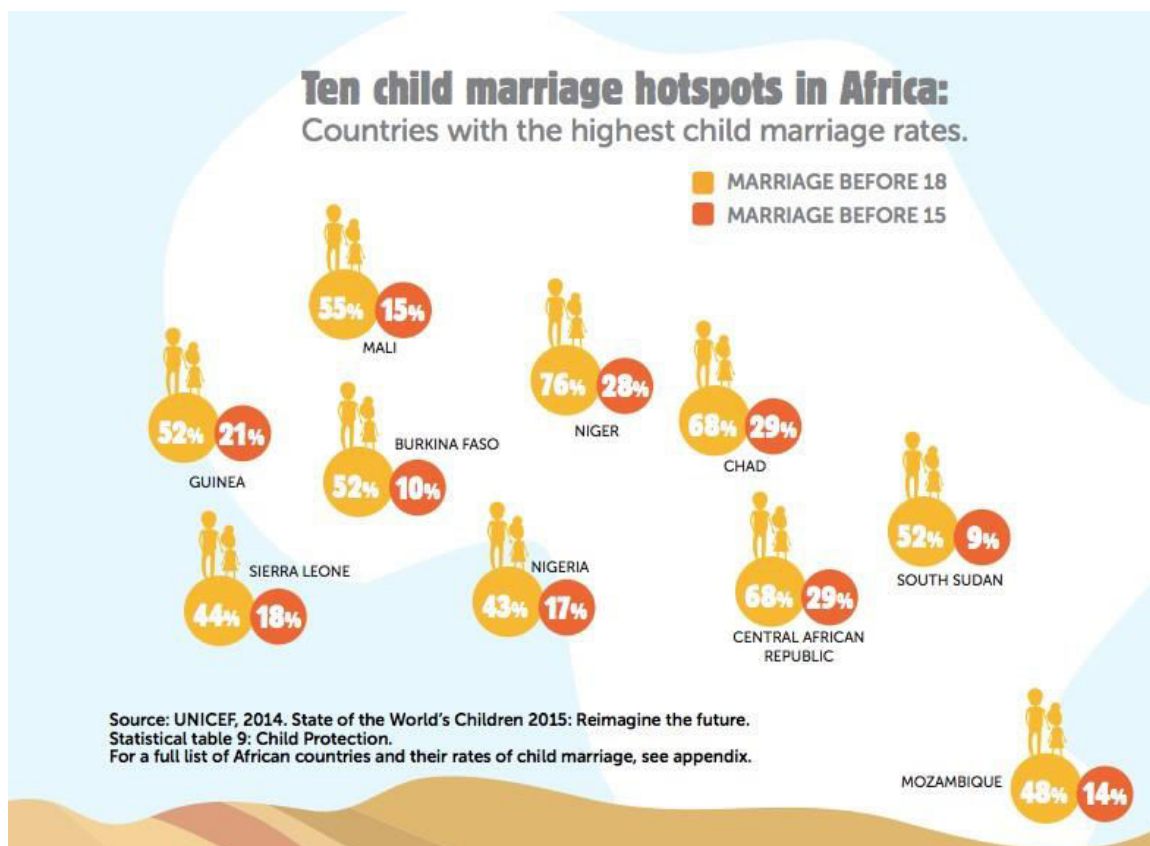
Married girls can be particularly vulnerable to HIV/AIDS and other sexually transmitted diseases. Such situation has negative implications for Africa's economic prosperity and development. Because of child marriage, millions of girls miss the skills, knowledge and employment prospects that would enable them to lift their family out of poverty and contribute to their country's economic development and prosperity. With this in mind, the persistence of child marriage has undoubtedly hindered Africa's efforts to achieve six of the eight Millennium Development Goals (to eliminate extreme poverty, to achieve universal primary education, to promote

gender equality, to reduce child mortality, to improve maternal health, and to combat HIV/AIDS).

While the harms caused by child marriage are grim, the benefits of ending the practice are transformative and far-reaching. Tackling child marriage is a strategic way to advance women's rights and empowerment in several areas, ranging from health, education, work, freedom from violence, and participation in public life. Ending child marriage would help 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. In order to do so, it is essential that all relevant stakeholders—including community and religious leaders; school teachers and administrators; health care workers; police, prosecutors, and the judiciary; government officials; media; parents, and of course, girls and boys understand and commit to their role in ending child marriage.

The absence of comprehensive national strategies on child marriage and poor coordination among government ministries and agencies undermines the effectiveness of government efforts. Without clear guidelines on how authorities should handle cases of child marriage, government responses remain fragmented. For example, in Malawi, various government entities, officially coordinated by the Ministry of Gender, Children and Community Development, are mandated to tackle violence against women, including child marriages. The Ministry of Justice is responsible for the prosecutors, the Ministry of Gender, Children and Community Development for child protection workers, and the Ministry of Interior for the police. However, there is little communication or formal referrals on specific cases among these entities.

4) Major Parties Involved + Previous attempts to resolve the issue



SPECIAL RAPPORTEURS AND GOODWILL AMBASSADORS ON CHILD MARRIAGE

The appointment by the African Union of a Special Rapporteur on Child Marriage and a Goodwill Ambassador for the AU Campaign to End Child Marriage is also a promising sign of African commitment.⁴

AFRICAN COMMITTEE OF EXPERTS ON THE RIGHTS AND WELFARE OF THE CHILD (ACERWC)

In April 2014, the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) 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. The ACERWC and the African Commission on Human and People's Rights is preparing a General Comment on child marriage which expounds on Article 21, 2 of the African Charter on the Rights and Welfare of the Child.

JOINT GENERAL RECOMMENDATION/GENERAL COMMENT ON HARMFUL PRACTICES

In November 2014, the Committee on the Elimination of Discrimination against Women (CEDAW) and the Committee on the Rights of the Child (CRC) issued the Joint General Recommendation No. 31/General Comment No. 18 on harmful practices. This marks the first time that two expert United Nations committees have joined forces to set out a common interpretation of the obligations on states to end harmful practices.

⁴ <https://www.girlsnotbrides.org/region/sub-saharan-africa/>

AFRICAN GIRLS' SUMMIT (NOVEMBER 2015)

On 26-27 November 2015, the African Union and the Government of Zambia held the first African Girls' Summit on Ending Child Marriage. The summit brought together high-level personalities from AU Member States, African First Ladies, UN agencies, women and girls and civil society organizations to share experiences and best practices, and secure and/or renew commitments to end child marriage, in particular from governments. Read the outcome declaration.

AGENDA 2063

The need to end child marriage is embedded in Agenda 2063, the African Union's 50-year vision for the development of the continent, which recognizes child marriage as a major barrier to regional prosperity. Article 51 states that "All harmful social practices (especially female genital mutilation and child marriage) will be ended and barriers to quality health and education for women and girls eliminated."

ECOWAS STRATEGIC FRAMEWORK FOR STRENGTHENING NATIONAL CHILD PROTECTION SYSTEMS

Adopted on 5 October 2017, the ECOWAS Strategic Framework commits 15 Member States to take concrete measures to protect children from violence, abuse and exploitation. As programs for children are strengthened at national and community level, Ministerial commitments made during the meeting will be submitted for approval at the next ECOWAS Heads of State meeting in December 2017. The strategic framework targets five priority areas: sexual, physical and emotional violence, including female genital mutilation and cutting (FGM/C); child marriage; child labor; civil registration and vital statistics; and children on the move. It has a strong focus on ending child marriage, and uses an indicator from target 5.3 of the Sustainable Development Goals, percentage of women between 20-24 who were married before 15 and 18 years old.

In May 2014, **the African Union** launched the first-ever campaign to end child marriage in Africa. The campaign focuses on accelerating change across the continent by encouraging AU member states to develop strategies to raise awareness of and address the harmful impact of child marriage.

6) Questions this resolution should answer

- How poverty/traditions/gender inequality affect the issue of child marriage and how we are to tackle them?
- What negative impacts does child marriage impose on the young girls involved?
- What will it take to end child marriage in Africa?

7) Appendix/Appendices

Ending Child Marriage: Progress and Prospects UNICEF:

<https://www.unicef.org/sowc2016/>

UNICEF, State of the World's Children 2016: A fair chance for every child:
https://www.unicef.org/media/files/Child_Marriage_Report_7_17_LR..pdf

A Profile of Child Marriage in Africa https://data.unicef.org/wp-content/uploads/2015/11/UNICEF-ChildMarriage-Brochure-High-Single_246.pdf

Achieving a future without child marriage <https://data.unicef.org/wp-content/uploads/2017/10/Child-MarriageWEB.pdf>

7) Bibliography

Ending Child Marriage: Progress and Prospects UNICEF:
<https://www.unicef.org/sowc2016/>

UNICEF, State of the World's Children 2016: A fair chance for every child:
https://www.unicef.org/media/files/Child_Marriage_Report_7_17_LR..pdf

Girls not Brides <https://www.girlsnotbrides.org/wp-content/uploads/2015/02/Child-marriage-in-Africa-A-brief-by-Girls-Not-Brides.pdf>

- + please refer to the footnotes