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CAMPAIGN TO END CHILD MARRIAGE IN AFRICA: CALL TO ACTION

“We must do away with child marriage. Girls who end up as brides at a tender age are coerced into having children while they are children themselves.”

Dr. Nkosazana Dlamini-Zuma, Chairperson, AUC at the International Conference on Family Planning, Addis Ababa, November 2013

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1. BACKGROUND AND JUSTIFICATION

Child marriage is a harmful practice¹ which severely affects the rights of a child and further deprives the child from attaining other aspirations like education.

Every year, about 14 million adolescent and teen girls are married², almost always forced into the arrangement by their parents. In 2012 UNICEF estimated that globally, almost 400 million women aged 20-49 (or 41% of the total population of women of this age) were married or entered into union while they were children (i.e., before 18 years old). It further noted that, although the proportion of child brides has generally decreased over the last 30 years, in some regions child marriage remains common, even among the youngest generations, particularly in rural areas and among the poorest. Among young women worldwide aged 20-24, around 1 in 3 (or 70 million) were married as children, and around 1 in 9 (or 23 million) entered into marriage or union before they reached 15 years of age.³ If the present trends continue, by 2030, the number of child brides marrying each year would have grown more than 14% annually from 14.2 in 2010 to 15.1 million.⁴ Although the largest numbers of child brides are in countries of South Asia, countries with the highest rates of child marriage are in Africa. Of the 41 countries world-wide with prevalent rate of 30% or more, 30 are from Africa⁵.

There is a correlation between poverty and child marriage. Girls from the poorest households are three times as likely to get married before age 18 as girls from the richest households.⁶ However, correlation does not always

¹ Harmful traditional practices have been defined as all practices done deliberately on the body or the psyche of a human being for no therapeutic purpose, but rather for cultural or socio-conventional motives and which have harmful consequences on the health and the rights of the victims. As such, these practices do negatively impact often irreversibly on the life of the girl, the spouse, the mother, the husband or their family members; it is therefore a societal phenomenon. These practices which have remote and mysterious origins, and are based on absurd and vague reasons, amount to violence against women and they have proved difficult to eliminate. See Kouyaté M (2009) *Harmful Traditional Practices Against Women and Legislation*. United Nations, EGM/GPLHP/2009/EP.07, p. 2

² Estimates by UN Population Fund (UNFPA) from *Marrying Too Young: End Child Marriage*, 2012

³ Source: UNICEF, *Committing to Child Survival: A Promise Renewed, Progress Report 2012*, p.23.

http://apromiserenewed.org/files/APR_Progress_Report_2012_final_web3.pdf

⁴ Ibid

⁵ The countries are: Zimbabwe 31%; Senegal 33%; Congo 33%; Gabon 33%; Sudan 34%; Sao Tome & Principe 34%; Benin 34%; Cote d'Ivoire 34%; Mauritania 35%; Gambia 36%; Cameroun 36%; Tanzania 37%; Liberia 38%; Nigeria 39%; DRC 39%; Ethiopia 41%; Zambia 42%; Somalia 45%; Uganda 46%; Eritrea 47%; Burkina Faso 48%; Sierra Leone 48%; Madagascar 48%; Malawi 50%; Mozambique 52%; Mali 55%; Central African Republic 61%; Guinea 63%; Chad 72%; and Niger 75%. **Source:** UNFPA database using household surveys (DHS and MICS) completed during the period 2000-2011

⁶ UNICEF, *Progress for Children – Achieving the MDGs with Equity*, New York, 2010

mean causation, - in contexts where the practice is almost universal, the level of education and location have found to be major determinants, above wealth⁷. While poverty may be a factor, there are also two other important factors that drive child marriage: 1) Gender based violence and; 2) Gender discrimination.

Firstly, in many communities and countries, gender based violence specifically violence against the girl-child is very high with adolescent girls at risk of rape, even while walking to school. For example a National Survey on Violence against Children in Tanzania conducted in 2009 but published in 2011 found that one in three girls, and one out of every seven boys, experience some form of sexual violence. Most of these sexual assaults occur in a home or school, or going to or from school, and children often know their sexual attacker⁸. According to on-going work in many other countries in Africa evidence shows that this situation is not unique to Tanzania⁹. Given the prevalence of violence against the girl-child, parents may offer a daughter's hand marriage in the belief this will help protect her from a sexual assault that could leave her stigmatized in the community. The paradox is that parents are often wrong. Girls who marry before 18 are more likely to experience domestic violence including marital rape than their peers who marry later. Moreover, child brides often show signs symptomatic of sexual abuse and post-traumatic stress such as feelings of hopelessness, helplessness and severe depression.

Secondly, underlining these forms of violence and abuse against the girl-child is pervasive gender discrimination that frequently causes girls to be regarded as less worthy of care and protection. In patriarchal cultures, where girls lack the same perceived value as boys right from birth; families and communities may discount the benefits of educating and investing in their daughters' development. Child brides are a strong reflection of pervasive

⁷ UNICEF, Adolescent Profile Niger, 2011

⁸ Violence Against Children in Tanzania. Findings from a National Survey 2009 conducted by United Nations Children's Fund, U.S. Centers for Disease Control and Prevention and Muhimbili University of Health and Allied Sciences and published in August 2011. Report is available at www.unicef.org/.../VIOLENCE_AGAINST_CHILDREN_IN_TANZANIA

⁹ Similar survey conducted in Kenya showed similar results. See www.unicef.org/esaro/VAC_in_Kenya.pdf

gender discrimination. Child marriage has its own devastating effects on the girl-child and the society.

The leading cause of maternal mortality and morbidity for girls age 15 to 19 is pregnancy and childbirth. Child brides are almost always married to older men, and lack the standing or skills to negotiate over sex or birth control. That means many girls get pregnant soon after marriage, when their bodies are too underdeveloped. Among the disabilities associated with early childbirth is obstetric fistula, an injury which leaves girls in constant pain, vulnerable to infection, Sexually Transmitted Diseases including HIV, incontinence, and are often shunned by their husbands, families and communities.¹⁰

According to UNICEF the child of a mother aged below 18 years also has a 60-percent greater chance of dying in his/her first year¹¹. Married girls are often under pressure to become pregnant immediately or soon after marriage, although they are still children themselves and know little about sex or reproduction. A pregnancy too early in life before a girl's body is fully mature is a major risk to both mother and baby.¹²

The society and the country also suffer the consequences of child marriage. Child marriage undermines development efforts. The World Bank has calculated the cost of girls dropping out of school — as almost all child brides do — and reducing their future earning power. The World Bank finds billions in lost GDP and productivity for countries like India, Brazil and Kenya; and the report notes this does not include the broader social costs when half a nation's population is uneducated¹³. A related ongoing study on the Cost of Hunger in Africa (COHA) Study being conducted by the AUC, UNECA and WFP¹⁴ showed the consequences of malnutrition and under-nutrition which are profound, far-reaching and irreversible. This is even worse among young girls who in the pecking order are often the last ones to be fed at mealtime.

¹⁰ UNFPA Report: Marrying Too Young- End Child Marriage

¹¹ Child protection from violence, exploitation and abuse - http://www.unicef.org/protection/57929_58008.html

¹² UNFPA report – 'Marrying Too Young'

¹³ Jad Chaaban and Wendy Cunningham; *Measuring the Economic Gain of Investing in Girls: The Girl Effect Dividend*. The World Bank Policy Research Working Paper 5753, August 2011

¹⁴ The Cost of Hunger in Africa (COHA) Study being conducted by the African Union, UN Economic Commission for Africa and the World Food Program. It has been completed in 8 countries, namely Egypt, Ethiopia, Swaziland and Uganda; Rwanda, Ghana, Malawi and Cameroun. The reports of the study are available at www.au.int and www.carmma.org

Child marriage also affects girls' education, child brides usually drop out of school and are denied the opportunity to complete their education, significantly reducing their ability to earn an income and lift themselves and their children out of poverty. Conversely, if girls are able to stay in school and avoid early marriage, the benefits are widely felt. Educated girls are more likely to understand and advocate for their rights and they are more likely to raise healthy, educated children.

Education can also be one of the most powerful tools to enable girls to avoid early marriage and fulfil their potential. When a girl in the developing world receives seven or more years of education, she marries on average four years later.¹⁵

Girls who live in countries facing humanitarian crises face the greatest risk of forced marriage, when communities are in need of security for their girls this can also result into child marriage. Where in conflict areas, girls may be taken as brides by warlords or offered by their families to authority figures in exchange for protection from violence or death. Innocent girls are given away to the warriors as a way of negotiating peace and harmony among the conflicting communities.¹⁶ Due to the conflict environment, girls are often left physically and emotionally scarred with no way out and no-one to help them.

In addition, it is imperative to also mention the importance of birth registration to the protection of children from child marriage. Birth registration is the act of recording the birth of a child by a government authority. It establishes the existence in law of a child, and sets the foundation for the recognition of the child as a legal person. Birth registration of a child provides a proof of his/her age against various child abuses such as trafficking, sexual abuse, early marriage, child labour and enrollment in armed forces.¹⁷

¹⁵ 'What is the impact of child marriage' - <http://www.girlsnotbrides.org>

¹⁶ Joy for Children Uganda "<http://www.joyforchildren.org/>"

¹⁷ General Comment On Article 6 Of The African Charter On The Rights And Welfare Of The Child by Michel Ndayikengurukiye

The prevalence rate of child marriage is closely linked to the attainment of MDGs 1, 2,3,4,5 and 6 and therefore ending child marriage should be one of the core human development issues of the post-2015 Development Agenda as well as the African Union's Agenda 2063.

1.1 Child Marriage as a Violation of Human Rights

As we look at the development impact of child marriage on the community and the country, we should bear in mind that it is a serious violation of human rights. Child marriage as a human rights violation has been included in a number of legal instruments at the continental and international levels. The African Charter on the Rights and Welfare of the Child (ACRWC) defines a child as a person under the age of 18 years, and the African Youth Charter defines a minor as a person between the ages of 15-17.

About thirty-two (32) African countries have so far set the minimum age of marriage at 18 for both girls and boys, and sometimes above, as is the case in Algeria, Lesotho, Libya and Rwanda. Eighteen (18) African countries either have a discriminatory minimum age, meaning that girls and boys are allowed to marry at different ages, or below 18. Despite legislation, child marriage continues to affect millions of girls every year in Africa with the resultant outcome of high birth-rates and high rates of maternal and child mortality; obstetric fistulae; premature births; still births; HIV and other sexually transmitted diseases leading to cervical cancer, and domestic violence.

This grim picture contravenes all the provisions of the African Youth Charter, the ACRWC and the Maputo Protocol on Women's Rights in Africa, especially the gender dynamics of the rights that these legal instruments seek to operationalize and further undermines the empirical urgency with which investing in Africa, young people have become a *sine qua non* towards actualizing a demographic dividend for accelerated sustainable growth and human development by 2063¹⁸.

¹⁸ 2063 refers to the Development of a Vision document for the next 50 years towards making Africa a middle-income global economy.

The AU specifically promotes policies related to young peoples' rights and is mandated by its various aforementioned instruments with a bearing on the rights of children and youth to promote common standards by supporting adaptation and implementation of the instruments at regional and national level and monitoring of implementation progress by Member States and ensuring accountability.

2. THE PROPOSED PROJECT: CAMPAIGN TO END CHILD MARRIAGE IN AFRICA

The campaign will initially run for two years whereby, the aim will be to enhance the implementation of related AU policy and legal instruments, such as; The African Youth Charter as a direct investment in young people which is the epicenter of the AU Second Decade on Education (2006-2015); African Charter on the Rights and Welfare of the Child (1999), African Union Social Policy Framework (2009); the African Governance Infrastructure; the AU Continental Policy Framework on Sexual Reproductive Health and Rights and the Maputo Plan of Action for its implementation; AU Campaign on Accelerated Reduction of Maternal, Newborn and Child Mortality in Africa (CARMMA); the Charter for African Cultural Renaissance; the African Women's Decade and the Maputo Protocol on the Rights of Women in Africa; AU Human Rights Architecture, and more recently the 5th Strategic Priority of AU's Strategic Plan 2014 –2017 as well as AU's Agenda 2063.

Given the socio-economic and cultural context within which child marriage occurs, the project will aim at accelerating and invigorating the movement to end child marriage by: (i) supporting policy action in the protection and promotion of human rights, especially with a view to addressing violence against girls and women and promoting gender equitable social norms (ii) mobilizing continental awareness of and engagement to end child marriage, (iii) removing barriers and bottlenecks to law enforcement, (v) increasing the capacity of non-state actors to undertake evidence based policy advocacy including the by increasing the role of youth leadership through new media technology, monitoring and evaluation among others. It will involve different stakeholders - AUC, government representatives at national and sub-national levels, legislators, parliamentarians, law enforcement agencies and civil society organizations, including associations of women and of youth.

2.1 Purpose

The main purpose of this Campaign is to accelerate the end of child marriage in Africa by enhancing continental awareness of the effects of child marriage.

2.2. Campaign Components:

- (a) Advocacy
- (b) Monitoring and Evaluation (M&E)
- (c) Facilitation of Technical Assistance and Capacity Building

2.2 Objectives:

The overall objective of the campaign is to;

- Accelerate the end of child marriage in Africa;

The specific objectives are to;

- Promote the effective implementation of AU legal and policy instruments with a bearing on young people/adolescents especially the Girl-child promoting the fulfilment of their human rights;
- Promote and support the AU member states to frame, launch and execute National Strategies and Programmes including building a social movement at grassroots level involving lawyers, magistrates, judges, teachers, health and social workers, traditional and religious leaders, men, boys, among others to Prevent and End Child Marriage as an issue of human rights and harmful traditional practice;
- Promote universal access to birth registration, quality education and sexual and reproductive health (SRHR) services including meeting the unmet needs of married and unmarried adolescents for family planning family planning;

- Strengthen the evidence base needed to design and implement effective policies and programmes for reducing child marriage at scale.
- Contribute to the Implementation of Item five (5) from the Eight (8) African Union Commission priority areas (2014-2017) on *"Mainstreaming Women and Youth in all AUC and Continent wide activities within an Inter-departmental collaboration and coordination mechanism"*.

2.3 Expected Outcomes:

The expected outcomes will be:

The end of child marriage in Africa accelerated

The main results are:

- a) By end of 2015, demonstrated increase of commitment and resources across sectors invested in the reduction of child marriage, particularly in countries where the campaign to end child marriage has been launched.
- b) Greater involvement of all stakeholders including communities, the private sector and CSOs.
- c) Increased numbers of countries that review, enact, and enforce the necessary legislation in line with regional and international regarding child marriage.
- d) Increased percentage of children and adolescents – especially girls - with access to birth registration and quality primary and secondary education, and with access to family planning services particularly in countries where the campaign to end child marriage has been launched.
- e) Increased number of countries with comprehensive evidence-based policies and programmes being implemented to end child marriage
- f) An effective monitoring and evaluation (M&E) reporting system instituted.

2.4 Project Outputs:

Output 1: *Campaign against child marriage launched.*

Activities include:

- a) Launch the Campaign continentally and in selected countries
- b) Build consensus, promote policy dialogue and develop policy guides, as well as the development of an African Common Position on ending Child Marriage;
- c) Ensure that Child Marriage remains high on the political agenda at global, continental, regional and national levels;
- d) Advocate for:
 - The effective implementation of AU legal and policy instruments with a bearing on young people especially the girl-child and with focus on accelerating an end to Child Marriage in Africa;
 - Appropriate legislation and policies that effectively prohibit and prevent child marriage;
 - The implementation of all key continental policy and legal instruments relating to human rights, gender equality, maternal and child health, as well as harmful traditional practices;
- e) Promote multi-sectoral coordination
- f) Promote gender and culturally sensitive policies

Output 2: *Advocacy and Social mobilisation achieved*

Activities Include:

- a) Organize High-level advocacy events including fora with media, civil society organizations, foundations and private sector, as well as AU Policy Organs to increase awareness and understanding of Child Marriage and to support country plans and priorities of Member States
- b) Improve communication through various avenues such as dissemination of advocacy kits, TV/radio adverts, new media platforms and journal publications.
- c) Encourage public/private partnerships

- d) Collate from Member States through M&E mechanism and disseminate to them good practices and approaches on ending Child Marriage through newsletters, website, professional journals, etc
- e) Institutionalize and codify the sharing of best practices which have significantly reduced Child Marriage

Output 3: *Capacity Building of Member States and the AUC enhanced and strengthened*

For Member States:

Activities Include:

- a) Facilitate the provision of technical assistance to Member States which request such assistance for the development of key strategic interventions and costed intersectoral and integrated plans for ending Child Marriage
- b) Build partnerships with media, CSOs, foundations and the private sector among others and work with these partners to mobilize resources for specific country projects on Child Marriage in line with country plans and priorities
- c) Establish an effective monitoring and evaluation (M&E) system by the AUC in order to consolidate data and produce accurate, reliable and timely data at continental level
- d) Support the strengthening of national mechanisms, including national statistical offices, to coordinate, monitor and evaluate progress in ending Child Marriage
- e) Appointment of Special Rapporteur on Child Marriage by the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) to regularly report on progress to the AU policy organs.

Human and Technical Capacity of the AUC/Department of Social Affairs (DSA)

In order for the DSA to carry out effective advocacy work and follow-up implementation of the relevant AU policy and legal instruments and promote

the campaign to end child marriage, it needs to build its own capacity as well as of its Member States. Partners will play a critical role in this process

Activities include:

- a) Recruit two (2) Youth Volunteers to serve as Campaign Coordinators to lead the Campaign.
- b) Recruit one (1) Administrative Assistant/Secretary to assist in the implementation of the project.