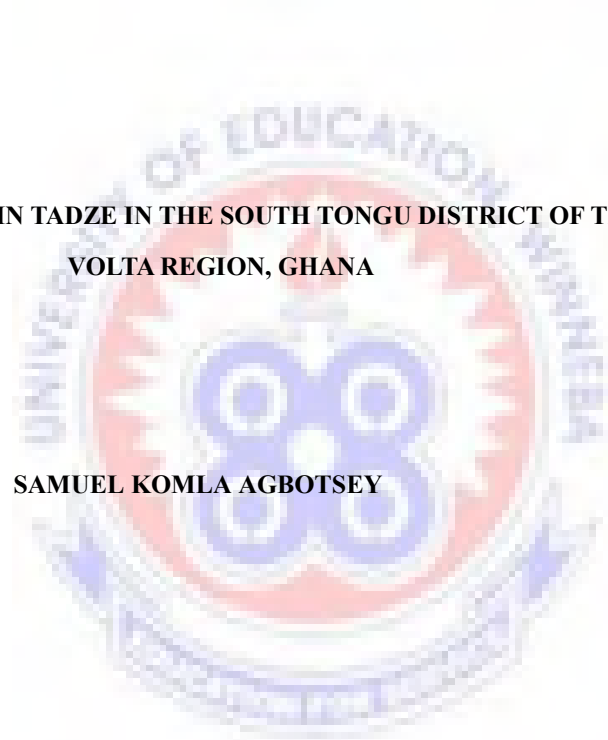


UNIVERSITY OF EDUCATION, WINNEBA

**CHILD MARRIAGE IN TADZE IN THE SOUTH TONGU DISTRICT OF THE
VOLTA REGION, GHANA**

SAMUEL KOMLA AGBOTSEY

2015



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**SAMUEL KOMLA AGBOTSEY
8130230001**

**A THESIS IN THE DEPARTMENT OF SOCIAL STUDIES EDUCATION,
FACULTY OF SOCIAL SCIENCES EDUCATION, SUBMITTED TO THE
SCHOOL OF GRADUATE STUDIES, UNIVERSITY OF EDUCATION,
WINNEBA IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE
AWARD OF MASTER OF PHILOSOPHY (HUMAN RIGHTS) DEGREE**

OCTOBER, 2015

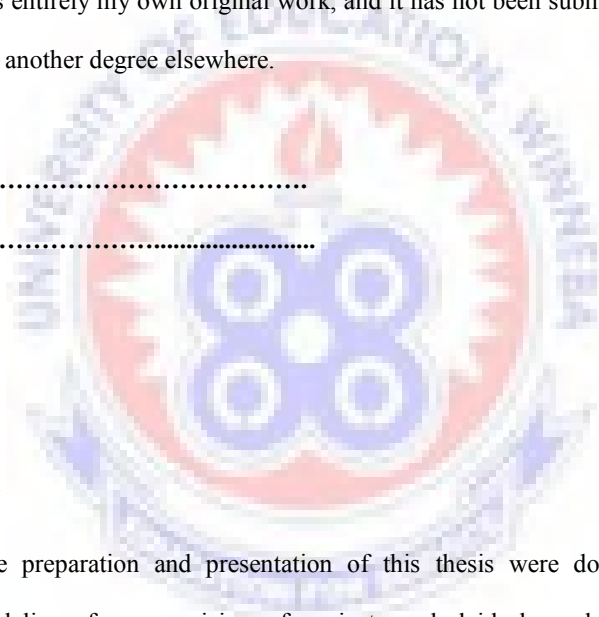
DECLARATION

Student's Declaration

I, Samuel Komla Agbotsey, hereby declare that this thesis, with the exception of quotations and references contained in published works which have all been identified and duly acknowledged, is entirely my own original work, and it has not been submitted, either in part or whole, for another degree elsewhere.

SIGNATURE

DATE



Supervisor's Declaration

I hereby declare that the preparation and presentation of this thesis were done in accordance with the guidelines for supervision of project work laid down by the University of Education, Winneba.

NAME OF SUPERVISOR: DR. KUMI-ANSAH KOI

SIGNATURE:

DATE:

ACKNOWLEDGEMENTS

Undertaking this exercise has been an enormous task. A lot of sacrifices from different people have made this a reality. My sincere thanks to my supervisor, Dr. Kumi-Ansah Koi, I say thank you for *waking me up* one day to the enormity of work involved in this study. I hope our efforts will be crowned with a good grade. I will always be grateful. To the Head of Department of Social Studies Education, University of Education, I say thank you for your able and progressive leadership. I am more convinced after being under you for two years that the department holds a lot of promise for Human Rights.

To the DCE of South Tongu District, Chiefs and people of Tadze Community, I say thank for your cooperation and support that made my study possible. I am grateful to Mr. Augustine Mac-Hubert Gabla for your help, insight and criticisms. I thank my wife for proof reading and print outs and to my friends and lovely sons and daughter – Stephen Agbotsey, Samuel Seyram Agbotsey Jnr. and Selikem Marvina Agbotsey. I thank all those who have in diverse ways contributed to my educational life, especially Dr. Harrison Golo, University of Education, Winneba.

Finally, to my lovely class mates - 2013 Human Rights Class, University of Education, Winneba, Thank you all, and God richly bless you.

DEDICATION

This whole piece of work is dedicated to the testimony of the victims and survivors of child marriage. To all of you, I say hope is coming and do not give up yet.



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GLOSSARY



ACRWC	African Charter on the Right and Welfare of the Child
AIDS	Acquired immune deficiency syndrome
ASEAN	Association of Southeast Asian Nations
CAT	Convention Against Torture
CDE	Convention against Discrimination in Education
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CHRAJ:	Commission on Human Rights and Administrative Justice
CRC:	Convention on the Rights of the Child
CRPD:	Convention on the Rights of Persons with Disabilities
CSOs	Civil society Organizations
DEVAW	Declaration on the Elimination of Violence Against Women
DHS	Demographic and Health Survey
DOVVSU	Domestic Violence and Victims Support Unit
ECHR	European Convention on Human Rights
FBOs	Faith-based Organizations
FGD	Focused Group Discussion
FIDA	International Federation of Women Lawyers
GDPs	Gross Domestic Products
HIV	Human Immunodeficiency Virus
ICCPR	International Convention on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights



ICRW	International Center for Research on Women
ILO	International Labour Organization
IPPF	International Planned Parenthood Federation
MCA	Millennium Challenge Account
MDGs	Millennium Development Goals
MOEYS:	Ministry of Education, Youth and Sports
NCCE	National Commission on Civic Education
NGOs	Non – Governmental Organizations
OAU	Organization of African Unity
PEPFAR	President’s Emergency Plan for AIDS Relief
SPSS	Statistical Package for Social Sciences
UDHR:	Universal Declaration of Human Rights
UN	United Nation
UNCRC:	United Nations Convention on the Rights of the Child
UNESCO:	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Fund for Population Activities
UNICEF	United Nations Children’s Education Fund
VVF	Vesico Vaginal Fistula
WHO	World Health Organization

ABSTRACT

The study was conducted at Tadze in the South Tongu District of the Volta Region. It examined the nature of child marriage vis-à-vis national and international legal frameworks on child marriage. This is a qualitative study that adopted descriptive design using the phenomenological approach. The concept “child” and “child marriage” were used in this context that “a child means every human being below the age of 18 years” and “child marriage” and “child brides” as well as “early marriage” as used interchangeably in this study, “as a formal marriage/informal union before age 18”. Ten (10) child marriage victims were sampled through snowball and purposive maximum variation sampling techniques. Data were gathered using a semi-structured interview, and focused group discussion guides. The qualitative data was transcribed and presented in themes as narratives, verbatim or direct quotations. The study revealed that child marriage in the Tadze community occurs through a forcibly arranged marriage between an adult man and families of the victim (usually after the girl is put in a family way) without the consent or will of the child. Traditional, customary, religious practices and social norms, poverty, and a poor educational or employment opportunities predispose girls to child marriage in the community. It was recommended that the South Tongu District Assembly with FBOs, NGOs, CSOs, as well as media institutions should intensify advocacy, education and awareness creation, improve access to quality primary and secondary education for girls, and in liaising with CHRAJ, DOVVSU of the Ghana Police Service, Social Welfare Department, and International Federation of Women Lawyers enforce existing laws that abolish harmful traditional practices such as child marriage.

CHAPTER ONE

INTRODUCTION

1.1 Background to the study

Every social grouping in the world has specific traditional cultural practices and beliefs, some of which are beneficial to all members, while others are harmful to a specific group, such as women (Commission for Human Rights and Administrative Justice: CHRAJ, 1995). Child marriage is deeply rooted in harmful traditional norms and practices. Child marriage is defined by the United Nations Children's Education Fund (UNICEF) as a formal marriage or informal union before age 18 and, it occurs throughout the world (UNICEF, 2011). Child marriage is a form of early and forced alliance. Child marriage occurs when one or both spouses are below the age of 18. While boys can be affected, the practice predominantly impacts girls. It is often referred to as "early and forced" marriage because the girls, given their young age, can rarely make a free and informed decision about their marriage partner, the timing or the implications of this binding commitment. An element of coercion may be involved because their families may pressure or force the girls into marriage. Strong social and cultural norms also drive the practice despite legislation in place.

Puberty rites, cultural and socioeconomic conditions, poverty, and lack of access to education tend to influence child marriage. In many parts of the world, parents encourage the marriage of their daughters while they are still in school or are still children with the hope that the marriage will benefit them both financially and socially, while also relieving them of financial burdens on the family (UNICEF, 2005). Child marriage is

most common in the world's poorest countries and among the poorest households (International Center for Research on Women, 2007), with girls living in poor households twice as likely to marry before the age of 18 as girls from wealthier families. The occurrence of child marriage is greater in poorer families and those with lower levels of education, and is also high in fragile states hit by natural catastrophe and conflict (World Vision, 2013).

Currently, over 60 million girls and women are affected by child marriage globally (International Center for Research on Women, (ICRW, 2011). International estimates indicate that worldwide, more than 60 million women aged 20–24 were married before they reached the age of 18 (UNICEF, 2007). An estimated 10 million girls are married every year before they reach the age of 18. Estimates reveal that 1 in 3 girls in the developing world are married before the age of 18. On average globally, only 5% of males marry before their 19th birthday (International Planned Parenthood Federation: IPPF, 2006; UNICEF, 2012). In the developing world, 1 in 7 girls is married before her 15th birthday, with some child brides as young as eight or nine (USAID, 2012). Regionally, 41% of girls under 18 are married in West and Central Africa, 29% in Latin America and the Caribbean, and 15% in the Middle East and North Africa (United Nations Fund for Population Activities: UNFPA, 2012). Approximately two in five adolescent girls in South Asia are married (UNFPA, 2012). An estimated 2.2 million women and girls in Europe were married before the age of 18 (JBS International, 2012). Child marriage is particularly pervasive across South Asia and Africa, where 50-70 percent of girls in some countries are married before the age of 18 (UNICEF, 2009). In the last decade, child marriage has affected 58 million girls, many of whom were married

against their will and in violation of international laws and conventions (Population Reference Bureau, 2011). According to UNICEF's 2005 Global Report on early marriage as a harmful traditional practice, the proportion of Ghanaian women aged 20–24 married below the age of 18 stood at 35%, while the national figure of the same category of women stood at 27.9% in 2003.

There are indications that, Ghana has one of the highest child marriage prevalence rates in the world, showing that on average, one out of four girls will be married before their 18th birthday (UNFPA, 2011). The Ghana Demographic Health Survey in 2008 indicated that about 25% of the women aged 20-24 were married or were in union before age 18, implying a decline of 11% since 2003 (which scored 28%) (DHS, 2008). However, the 2011 Multi Indicator Cluster Survey (MICS) scores Ghana about 28% for age of marriage before 18 and about 6% for age before 15 years (Ghana Statistical Service, 2011). At the regional level in Ghana, previous surveys gave the indication that the prevalence is highest in Upper East (50%), followed by Upper West (39%), Northern (36%), Volta (33%), Brong-Ahafo (33%), Central (28%), Ashanti (23%), Western (18%), Eastern (18%), and Greater Accra (11%). Currently, the statistics show that the following percentages of girls are married before the age of 18 (by region): Upper East (39.2%), followed by Western Region (36.7%), Upper West (36.3%), Central (31.2%), Ashanti (30.5%), Volta (29.3%), Brong Ahafo (29.1%), Northern (27.4%), and the Eastern region (27.2%), and the lowest in Greater Accra (12.2%) (UN, 2012).

The consequences of child marriage are severe. National and international indicators on maternal health, education, food security, poverty eradication, HIV/AIDS, and gender equality are all negatively correlated with high child marriage rates (International Center

for Research on Women, 2011). Child marriage often means for the girl a life of sexual and economic servitude (UNICEF, 2008). Evidence shows that girls who marry at a young age attain lower levels of education, have less reproductive control and encounter higher rates of mortality. Such outcomes suggest a high impact on society at large, including high population growth, a more rapid spread of disease, and higher numbers of uneducated women (Field & Ambrus, 2008; UNICEF, 2005). Child marriages in developing countries are inversely correlated to education among girls (Field & Ambrus, 2008). Child marriage also has a complex relationship to human trafficking. Trafficking and forced marriage intersect when marriage is used both in conjunction with force, fraud, coercion, or abuse of power, and as a means to subject wives to conditions of slavery, often in the form of domestic or sexual servitude (The Department of State, 2010).

Child marriage is considered a violation of human rights. It is a serious human rights crisis and one of the most pressing development concerns in the world today. It disproportionately and negatively affects girls who are more likely to be married as children than the boys (Mathur, Brown, Gauhar & Woodard, 2003; UNICEF 2005; Save the Children 2004). Over the past three decades, the Convention on the Elimination of all Forms of Discrimination against Child marriage was also identified by the Pan-African Forum against the Sexual Exploitation of Children as a type of commercial sexual exploitation of children (Mikhail, 2002, pp. 43-49).

The 1992 Constitution of Ghana and other human rights conventions made provisions on many discriminatory and inhuman treatments or practices such as child marriage. The existence of family laws and legal barriers to early or child marriage do not terminate the

practice as a whole for various reasons (Jensen & Thornton, 2003), especially in rural areas (Ezra, 2003) due to resistance to social change. There are some practical issues for delaying age at marriage, such as non-existence of birth certificates or availability of inadequate law enforcement to mitigate child marriage. It is against this background that the UNICEF and other interest groups are calling for more sustained consensual efforts to curb the menace (UNICEF, 2008). There is, therefore, the need to examine the phenomenon of child marriage.

1.2 Statement of the problem

Child marriage still persists in the Tadze community of Volta Region, and is taking different dimensions even though the Government of Ghana, international and local NGOs as well as civil society organizations (CSOs) have done some work in the past, and are still being done to prevent and control it. Personal observation and situation analysis by the researcher showed that it is an age-old problem in the community. Again, personal communication with some of the victims of child marriage at Tadze reflects a retrospective and prospective nature of cases (personal communication, 2014). This harmful tradition still exists because it is what the people described as ‘marriage for survival’, that is child marriage in the name of economic hardship (personal communication, 2014). This phenomenon has lifelong implications for the child and her subsequent family because it is contrary to the rights to equality on grounds of sex and age, the right to marry and found a family, the right to life, the right to the highest attainable standard of health, the right to education and development and the right to be free from slavery as guaranteed in the International Convention on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the

Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Convention on the Consent to Marriage, Minimum Age for Marriage and Registration of Marriages and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices similar to slavery and the Universal Declaration of Human Rights. Early marriage of girls, for instance, undermines number of rights guaranteed by the Convention on the Rights of the Child: the right to education (Article 28), the right to be protected from all forms of physical or mental violence, injury or abuse, including sexual abuse (Article 19) and from all forms of sexual exploitation (Article 34), the right to the enjoyment of the highest attainable standard of health (Article 24), the right to educational and vocational information and guidance (Article 28), the right to seek, receive and impart information and ideas (Article 13), the right to rest and leisure, and to participate freely in cultural life (Article 31), the right to not be separated from their parents against their will (Article 9) and, the right to protection against all forms of exploitation affecting any aspect of the child's welfare (Article 36). In spite of these provisions, it is still prevalent in the community, and there is under reporting of the incidence of child marriage cases. The continuous perpetuation of the practice might mean someone or a group of people are benefiting from the practice. So who is and/or are still benefiting from child marriage in the Tadze community contrary to local, regional and international conventions and legal frameworks that prohibit the practice?

1.3 Purpose of the study

The purpose of this study was to examine the nature of child marriage in the Tadze community vis-à-vis national and international legal frameworks on child marriage.

1.4 Objectives of the study

The study specifically sought to:

- 1) determine the nature and prevalence of child marriage cases in the Tadze community.
- 2) identify the factors associated with child marriage in the community.
- 3) examine the impact of child marriage on the victims.
- 4) identify intervention measures to mitigate further incidence of child marriage in the community.

1.5 Research questions

The following research questions were formulated to guide the study:

- 1) What is the nature and prevalence of child marriage cases in the Tadze community?
- 2) What factors account for child marriage in the community?
- 3) What is the impact of child marriage on the victims and associates?
- 4) What intervention measures could help curb further incidence of child marriage in the community?

1.6 Significance of the study

The study would deepen awareness of the general public on child marriage, especially in communities where it exists and implications of the practice. The outcome of this study is of great significance to the appropriate institutions created under the 1992 constitution to protect the fundamental human rights of the citizenry, including victims of child marriage. It would guide them to appreciate their rights, and to scale-up efforts to protect their rights. It would benefit major stakeholders such as the Ministry of Gender, Child

and Social Protection and Non-Governmental Organizations (NGOs) when it comes to formulating policies in the field of child marriage and related issues. The research would also be a basis for which further studies could be conducted.

1.7 Delimitation of the study

Though the scope of the problem demands a countrywide investigation, the study was delimited to victims of child marriage in the Tadze community. The study examines the nature of child marriage cases with respect to national and international legal frameworks. Through the relevant literature with recent citations, careful construction of a questionnaire/interview guide and expert appraisal, the results/findings from the study could be generalized to the larger population.

1.8 Limitations of the study

A few number of the victims of child marriage did not fully cooperate with the researcher. Some of them felt reluctant to express their views on child marriage as a human rights violation. This was a threat to the internal validity of this study.

1.9 Profile of Tadze

The study area (Tadze) is located at the South Eastern part of the South Tongu District capital - Sogakope in the Volta region of Ghana. It is a hard to reach community, especially when the rain starts and about 20 kilometers away from Sogakope. Sogakofe itself is about an hour's drive from Accra and located at the bank of River Volta on the main Accra – Aflao road. The population of Tadze according to the regularly updated community kept register is 248 made of 148 females and 100 males. The figure is inclusive of children. Going by the National Population Census (2010), estimate of

children by 26%, Tadze is estimated to have a child population of about 65. The Traditional head of the Community is the Chief who owes allegiance to the paramount Chief of Agave Traditional area. However, the assembly member of the area plays a political and developmental role. The community is predominantly Ewes constituting over 98% of the population with other settling ethnic groups such as Kokombas in the minority. Subsistence farming and fishing are the two major economic activities in the community. Some of the crops cultivated for domestic and commercial purposes include cassava and maize. Some of the community members in collaboration with NGOs such as Plan Ghana engage in Fish (tilapia) farming. In terms of religion, about 90 percent of the residents are Christians whilst 10 percent are traditionalists. The community has no bank or any financial institution. However, through the instrumentality of Plan Ghana, the community has a well-established thrift and loan system (known as Village-Savings and Loan Scheme/Account-VSLA) which provides financial credit to those who belong to the group. The community has a day care centre and a basic school. Those who wish to further education after completing the JHS either go to Sogakope or Agbakope. According to the assemblyman of the area, only a few (less than 2%) make it to the secondary level, for example, in the 2014/2015 academic year, only 1 child – a boy made it to the secondary level out of 10 children who completed the JSS). Majority dropped off – through teenage pregnancy, some are married off, and others follow their parents to farm or fish while the rest go into an apprenticeship. The community, though small, has some basic social amenities such as electricity, pipe born water in addition to a good communication network which links the community to the outside world. It however, has no health facility and sick members are given first Aid by Community Health Volunteers

(trained by the Ghana Health Service; financed by Plan Ghana and facilitated by IDEC Ghana) and then referred to Sogakofe Hospital or Comboni Mission Hospital, Sogakofe for treatment. The people, mostly rely on motorbikes to transport themselves and goods, sick members, including women in labour because of the bad nature of the road network.

1.10 Organization of the study

This research project consists of five distinct chapters. Chapter One discusses the background to the study, statement of the problem, purpose of the study, objectives of the study, research questions, significance of the study, limitations, delimitation and organization of the study. Chapter Two reviews the literature. Chapter Three describes the methodology for this research. It includes the research design, population, sample size and sampling technique, instrumentation, validity and reliability of instruments, data collection procedure, ethical consideration, and data analysis procedures. Chapter Four presents analysis, interpretation and discussion of the results of the study. And Chapter Five concludes the study with a discussion of the findings, summary, major conclusions, recommendations and suggestions for further study or research.

CHAPTER TWO

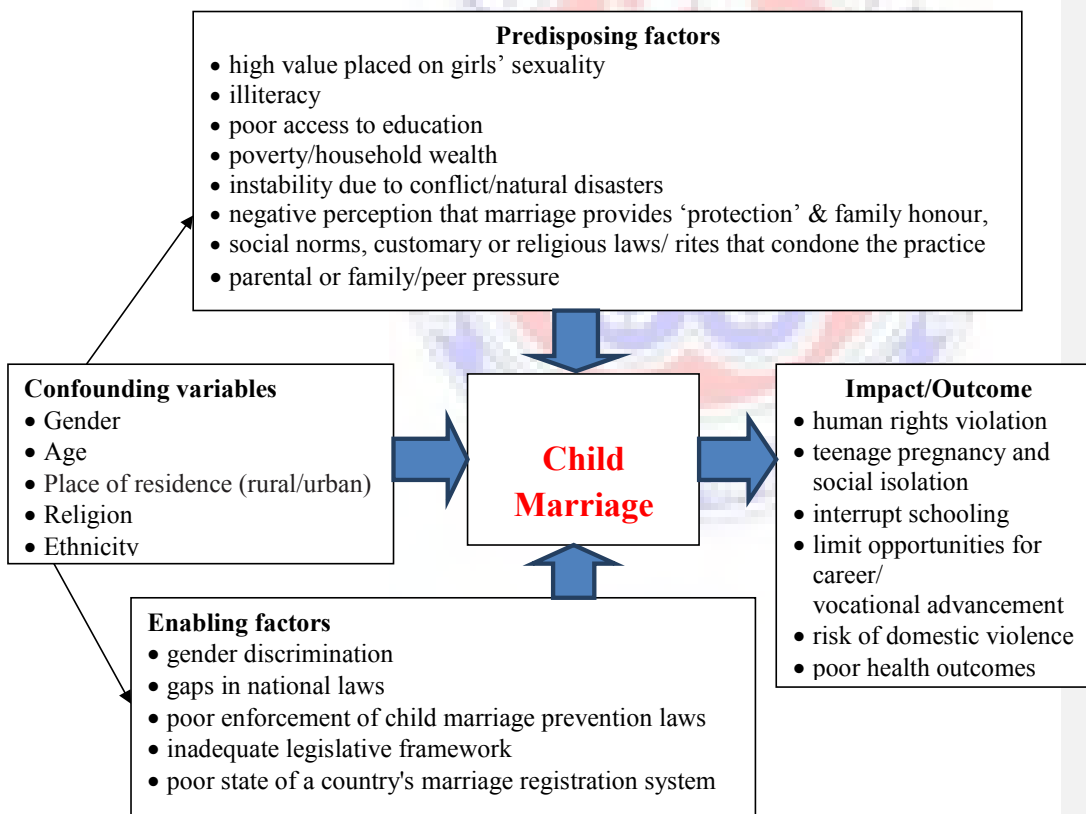
REVIEW OF RELATED LITERATURE

2.1 Introduction

The literature is reviewed under the following topics: the nature and prevalence of child marriage, factors associated with child marriage, the impact of child marriage on the victims and, intervention measures to mitigate child marriage.

2.2 Conceptual framework

Figure 2.1. below shows the conceptual framework for the study.



Source: Author's own construction (2014).

Fig. 2.1. Conceptual framework: Causes and effects of child marriage

The conceptual model for this thesis is shown in Figure 2.1 (p.11). The figure shows the factors which influence child marriage as well as the effects of child marriage. The term ‘child marriage’ will be used to refer to both formal marriages and informal unions in which a girl or a boy marries and/or lives with a partner as if married before the age of 18. Child marriages are directly influenced by predisposing factors. These include high value placed on girls’ sexuality, illiteracy, poor or limited access to education, poverty/household wealth, instability due to conflict and natural disasters, perceptions that marriage provides ‘protection’ and family honour, parental and peer pressure as well as obnoxious social norms, customary or religious laws and/or rites that condone the practice. The predisposing factors are further triggered by enabling factors which are also directly linked to child marriage. The enabling factors include gender discrimination, gaps in national laws, poor/weak enforcement of child marriage prevention laws, inadequate legislative framework and, poor state of a country’s civil or marriage registration system. Gender, age, place of residence, religion and ethnicity are likely to confound the prevalence, cause and impact of child marriage.

Child marriage, which constitutes child rights abuse or violation has socioeconomic and health implications for the victims, families, communities and the nations. Teenage pregnancy, which is related to child marriage, is likely to induce poor health outcomes for both the mothers and their children. Child marriage limits the educational, career and vocational opportunities as well as advancement of the victim. It thus interrupts schooling. It is also inherent with domestic violence because in most cases, the dependability and the vulnerability of the Child bride create room for such an abuse.

2.3 The concept of child marriage

According to UNICEF (2005), child marriage is a marriage contracted before the age of 18. It is marriage under the age of 18 (UN, 2000) and it is synonymous with early marriage. The term “early marriage” is used to refer to both formal marriages and informal unions in which a girl lives with a partner as if married before age of 18 (UNICEF, 2005). Similarly, UNFPA (2006) defines early marriage and child marriage as any marriage carried out below the age of 18 years, before the girl is physically, physiologically, and psychologically ready to shoulder the responsibilities of marriage and childbearing. The reason for setting 18 as the upper limit for early marriage is the definition of “child” given by the “United Nations Convention on the Rights of Child” (UNCRC, 1989) as every human being below the age of eighteen. The marital age, according to Molokwu (2000), is above the age of 18 years, when the individual is physically, socially, academically and emotionally matured to cope with the challenges of marriage. Child marriage, on the other hand, involves either one or both spouses being children and may take place with or without formal registration, and under civil, religious or customary laws. Ango (1991) defines early marriage as either marriage of an adolescent girl/boy or marriage of an adolescent girl to a matured man or vice-versa and this happens at puberty when the individual is getting matured. Camfield and Tafere (2011) proposed a distinction between *promissory marriages*, if two families promise to marry their children with each other right after or before the children are born; *child marriages (very early marriages)*, if the bride is under 10 years old; and *adolescent marriages*, if the girl or boy is between 10 and 15 years old.

2.3.1 Child marriage and the law: National and international legal frameworks

Child marriage is a serious human rights crisis and one of the most pressing development concerns in the world today. In 1945, the U.N. Charter reaffirmed a faith in fundamental human rights and in the equal rights of men and women and encouraged respect for human rights and for fundamental freedoms without distinction as to sex. The Universal Declaration of Human Rights similarly promoted the dignity and worth of the human person and the equal rights of men and women (UDHR, 1948 Article 7). It specified sex as being among the impermissible grounds of differentiation and provided an equal protection clause. Despite the fact that the Universal Declaration does not in and of itself have legal effect in all states, it is morally persuasive and is considered part of customary international law. Provisions for equality of the sexes in the enjoyment of rights are provided for in all the major human rights covenants of the United Nations.

The Convention on the Elimination of Discrimination against Women provides for the prohibition of Child Marriage in Article 16 (UDHR, 1948 Article 16). While child marriage per se is not referred to in the 1989 Convention on the Rights of the Child (CRC), the Convention contains a provision calling for the abolishment of traditional practices prejudicial to the health of children. In addition, child marriage is connected to other children's rights, such as the right to express their views freely, the right to protection from all forms of abuse, and the right to be protected from harmful traditional practices and is often addressed by the Committee on the Rights of the Child. The CRC prohibits States parties from permitting or giving validity to a marriage between persons who have not attained their majority (UDHR, 1948 Article 16(2)). In the context of the

Convention on the Rights of the Child, “a child means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier.”

The Committee on the Rights of Child considers that the minimum age for marriage must be 18 years for both man and woman. Child marriage is among the most frequently addressed issues by both the CRC and CEDAW Committees in their dialogue with State parties and in concluding observations (Goonesekere, Savitri & De Silva-de Alwis, Rangita, 2005). The CRC and CEDAW committees have emphasized the complementary and mutually reinforcing features of the two Conventions. The call for equality for women and girls applies to all ages, including the girl child. While the CRC does not specifically prohibit child marriage, reading the CRC in light of the CEDAW provides an urgent rationale to abolish early marriage (Goonesekere et al., 2005).

The “best interests of the child” principle in the CRC provides a basis for evaluating the laws and practices of States with respect to the protection of children. In light of the best interest of the child principle, States must take legal action to abolish child marriages (Article 3 (1) of the CRC).

To pursue the best interests of children, parents and governments are responsible for protecting their children’s health, education, development and overall well-being to the best of their capacities. States are obliged under the CRC “to take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children,” (CRC, Article 24.3).

Inaction on the part of the States to eliminate child marriages also violates the principle of life, survival and development and the girl child’s right to the highest attainable

standard of health under the CRC (Article 6 of the CRC) and the CEDAW (Article 12 of CEDAW). Sexual and reproductive health problems linked to early marriage is also a result of a general lack of information and education on sexual and reproductive health issues and thus violates CEDAW's entitlements that women shall have access to the necessary information, education and means to enable to decide freely and responsibly on the number and spacing of their children (Article 12 of CEDAW). Apart from the violation of health rights, early marriage disrupts girls' schooling opportunities as guaranteed by the CEDAW (Article 10 (a) of CEDAW) and the CRC14 and employment rights, including vocational training affirmed in the CEDAW (CEDAW Article 11.1 (c)). In the light of early childbearing that mostly follows child marriage, the CEDAW Committee has cogently emphasized the negative effects child marriage has on the education and employment of girls, stating that "the responsibilities that women have to bear and raise children affect their right of access to education, employment and other activities related to their personal development. They also impose inequitable burdens of work on women." The rights to marry and found a family are the rights of adults and not children and adolescents (Cook, 1994).

The CRC endorses both the principle of the "best interest of the child" and the "evolving capacity" of the adolescent. Reading these two articles together implies that children incapable of judgment are entitled to appropriate direction and guidance from parents, guardians and the State.

The social pressure on young brides to bear a child immediately after marriage is enormous. It is often a way of establishing their worth as wife, daughter- and sister-in-law. Child brides do not have the autonomy to negotiate with their spouse, nor the

information and services to delay the birth of their children. This results in the denial of the right to decide freely and responsibly on the number and spacing of their children which is recognized in the CEDAW.

Other international agreements related to child marriage are the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, the African Charter on the Rights and Welfare of the Child, and the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa. Child marriage was also identified by the Pan-African Forum against the Sexual Exploitation of Children as a type of commercial sexual exploitation of children.

2.3.1.1. The Universal Declaration of Human Rights (UDHR)

The Universal Declaration of Human Rights adopted by the General Assembly of the United Nations in the year of 1948 was published in Turkey in the Official Gazette in the year of 1949. The right to a 'free and full' consent to a marriage is recognized in the Universal Declaration of Human Rights. The recognition that consent cannot be 'free and full' when one of the parties involved is not sufficiently mature to make an informed decision about a life partner is a violation of the UDHR.

According to the Article 16 of the Declaration:

(a) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(b) Marriage shall be entered into only with the free and full consent of the intending parties.

Similar provisions are included in 1966 International Covenant on Economic, Social and Cultural Rights and the International Covenants on Civil and Political Rights.

2.3.1.2. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

According to Article 1 of the “Convention on the Elimination of all Forms of Discrimination against Women” which was adopted by the United Nations in 1979 and Turkey has been a party of since 1985; “For the purposes of the present Convention, the term “discrimination against women” shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”

Article 16 also includes equal legal rights related to matrimony and to family relations, including the right of women to freely get married, to decide the number and timing of their children, to exercise their rights to administer property without interference. According to the Article 16 of the same Convention:

“1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

- (a) The same right to enter into marriage;
- (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;

- (c) The same rights and responsibilities during marriage and at its dissolution;
 - (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
 - (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.”

CEDAW specifies that State Parties must take affirmative actions to condemn all forms of discrimination against women and to pursue, by all appropriate means, a policy of eliminating such discrimination. For example, Article 2 (f) delineates that States party to CEDAW must take all appropriate measures, including legislation to dismantle or revise all existing laws, practices, and customs that discriminate against women. One of the most important obligations under CEDAW is that under Articles 2 (f) and 5 (a), State Parties must correct cultural customs and practices, in addition to cultural patterns of conduct between men and women, which promote any type of discrimination or stereotyped roles for men and women.

Articles 7, 8 and 9 of the Convention recommend the specific provisions that should be adopted to guarantee women the full enjoyment of their civil and political rights on equal terms with men, both at national and international levels. The enforcement of Articles 7 and 8 require states parties to adopt measures of affirmative action centred on the

promotion of wider participation of women in political activities. Such measures would affect areas of public administration and sectors such as unions, business organizations, and in general, social institutions and organizations.

The CEDAW requires state parties to take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular to ensure on a basis of equality of men and women the same right to enter into marriage and the same right freely to choose a spouse and to enter into marriage only with their free and full consent.

Although the CEDAW does not contain a specific provision on gender –based violence, Recommendation No. 19 notes that gender based violence perpetrated by public authorities as well as by any person, organization or enterprise constitutes discrimination. It also affirms that family violence is one of the most insidious forms of violence against women and is prevalent in all societies. Recognizing that within family relationships, women of all ages are subjected to violence of all kinds, including battering, rape, other forms of sexual assault, mental and other forms of violence, which are perpetrated by traditional attitudes.” In light of General Recommendation No. 19, states parties must be requested to take positive measures to prevent and eliminate violence against women in public and private life.

Reporting under the CEDAW as a tool to combat child marriage

The reporting obligations under the CEDAW also enable women's rights advocates to play the role of watchdog for state compliance with CEDAW. Article 18 requires each State Party to submit a report to the Committee within one year of entry into the CEDAW

and every four years thereafter. The report should illustrate the legislative, judicial, administrative, and other measures the State Party has taken to give effect to the provisions of the CEDAW. In the “Guide to Reporting under the Convention”, one of the required questions that a member state has to ask itself under Article 1 of the Convention is whether “. . . the legal definition of discrimination [is] sufficiently broad or interpreted broadly enough to be compatible with that contained in the Convention.” Further, states are required to ask themselves whether the definition covers practices which, although not intending to discriminate, are discriminatory in effect and not reasonable or justifiable. State Party reporting is a very important tool to keep State Parties accountable under the CEDAW.

State Party reporting is not the only enforcement mechanism under CEDAW. The convention has an Optional Protocol which provides for a right of complaint-- something that was suggested in the Vienna Declaration and Programme of Action adopted in 1993. It entered into force on July 22, 2001, after the requisite number of ratifications had been deposited. Under the Optional Protocol, individual women and groups of women, under the jurisdiction of a State Party, can submit complaints to the Committee alleging violations of the Convention provided that the State Party in question has ratified the Protocol. A person other than the victim can also submit a complaint on her behalf. Complaints under the Optional Protocol are to be sent to the Division for the Advancement of Women. At its twenty-sixth session in January/February 2002, the Committee finalized guidelines for the submission of communications that had been drafted by the Working Group on the Optional Protocol. Individual women or groups of women can submit claims of violations of rights under CEDAW to a committee of

twenty-three independent experts. Another novel enforcement procedure under the Optional Protocol is the provision which allows the CEDAW Committee to conduct an inquiry into allegations of grave and systematic violations of the CEDAW by a State Party. When the Committee receives information of such alleged violations, it can invite the State Party concerned to cooperate in the examination of the information and to submit relevant observations to the Committee.

In countries that have not yet signed the Optional Protocol, however, advocates can play a proactive role in ensuring state compliance with CEDAW by submitting information in the form of “shadow” or Alternative Country Reports, presenting their own views on rights violations such as child marriage.

NGO’s have a very important role in making the CEDAW an instrument of women’s empowerment, through advocacy and monitoring their government’s implementation of the treaty. Because CEDAW’s enforcement mechanism is based on a reporting system, it is imperative that NGO’s understand and use the reporting mechanism to maintain government accountability both inside and outside the country.

NGO participation in the reporting process is an important factor in inducing States to comply with their obligations under the CEDAW. The CEDAW Committee will often seek information on the role of NGO’s in the preparation of the report. Women’s NGO’s are also a valuable source of reliable information, especially when presenting alternative or shadow reports.

The NGO community in each country can get together to write a shadow report or alternative reports which often serve as the basis for the CEDAW Committees’ questions

on the governmental report. Reporting can be used productively, especially by women's non-governmental organizations. The reporting process can serve as an important tool to draw attention to child marriage.

Selected concluding observations of the CEDAW Committee

In responding to the initial report of Nepal to CEDAW, the CEDAW Committee expressed its concern about traditional customs and practices detrimental to women and girls, such as child marriage, dowry and polygamy. The Committee also expressed its concern about the high incidence of girl children being taken across the border for the purpose of child marriage.

In its concluding observations on the second and third periodic report of Nepal, the Committee restated its concern over continued existence of child marriage and polygamy and other practices and required the state party to enforce its marriage laws, particularly as they relate to the prohibition of child marriage and polygamy in light of General Recommendation 21 on equality in marriage and family relations.

General recommendation 21 of the CEDAW Committee

“A woman's right to choose a spouse and enter freely into marriage is central to her life and to her dignity and equality as a human being. An examination of States parties' reports discloses that there are countries, which, on the basis of custom, religious beliefs or the ethnic origins of particular groups of people, permit forced marriages or remarriages. Other countries allow a woman's marriage to be arranged for payment or preferment and in others; women's poverty forces them to marry foreign nationals for financial security. Subject to reasonable restrictions based for example on a woman's

youth or consanguinity with her partner, a woman's right to choose when, if, and whom she will marry must be protected and enforced by law.”

2.3.1.3. Convention on the Rights of the Children (CRC)

The Convention on the Rights of the Child was carefully drafted over the course of ten years from 1979 to 1989. The Convention on the Rights of the Child, promulgated by the United Nations in 1990 began to be implemented in Turkey in 1995. The CRC recognizes that children are entitled to human rights in their own right. Thus, the CRC reflects a movement away from the view of the child as a recipient of the privileges bestowed at the discretion the family, community and the State towards a more progressive view of the child as the bearer of legal rights under international law. Every human being below the age of eighteen years is considered as child.

According to the Article 12 of the Convention:

“States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.”

It is stated in the Article 36 of the Convention that; “States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.”

The CRC provisions relating to child marriage:

Article 1: A child means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier.

Article 2: Freedom from discrimination on any grounds, including sex, religion, ethnic or social origin, birth or other status.

Article 3: In all actions concerning children...the best interests of the child shall be a primary consideration.

Article 6: Maximum support for survival and development.

Article 12: The right to express his or her views freely in all matters affecting the child in accordance with age and maturity.

Article 19: The right to protection from all forms of physical or mental violence, injury or abuse, maltreatment or exploitation, including sexual abuse, while in the care of parents, guardian or any other person.

Article 24: The right to health and to access to health services; and to be protected from harmful traditional practices.

Articles 28 and 29: The right to education on the basis of equal opportunity.

Article 34: The right to protection from all forms of sexual exploitation and sexual abuse.

Article 35: The right to protection from abduction, sale or trafficking

Article 36: The right to protection from all forms of exploitation prejudicial to any aspect of the child's welfare.

Some concluding observations of the Committee on CRC relating to child marriage

The Committee on the Rights of the Child has in its concluding observations on early marriages in Nepal, articulated concerns over the widespread practice of early marriage especially in certain ethnic and religious communities in Nepal. It further raised the concern that once girls are married, they are not afforded the protection of the rights enshrined in the Convention, including the right to education.

The Committee has also recommended that Nepal strengthen its enforcement of existing legislation to prevent early marriages and develop sensitization programmes, involving

community and religious leaders and society at large, including children themselves. It has also recommended that Nepal should take measures to ensure that when underage girls are married, they continue to enjoy the rights as set out in the CRC, including the right to education.

The Committee was also concerned about the gap between existing legislation and its practical implementation. The Committee was particularly alarmed by the insufficient measures adopted to ensure the effective implementation of the principle of non-discrimination. It notes the persistent discriminatory attitudes towards girls, as reflected in the prevailing son preference, the persistence of early marriages, the notably lower school attendance of girls and their higher dropout rate. The Committee is further concerned at the caste system and traditions such as the *deuki*, *kumari* and *devis*. The Committee also expresses its concern at section 7 of the Children's Act, which allows parents, members of the family and teachers to beat a child "if it is thought to be in the interest of the child", as well as at the fact that, as recognized in the State party's report, the views of the child are unlikely to be respected. The persistence of such traditional practices and attitudes seriously hampers the enjoyment of the rights of the child.

In concluding observations to another State Party report too, the CRC Committee has been concerned that the health of adolescents, particularly girls, is neglected, given for instance, a very high percentage of early marriages, which can have a negative impact on their health. For example, the CRC Committee directed Nigeria to review the compatibility of customary laws with that of the values of the CRC especially in regard to child marriage. The CRC Committee was also concerned about the widespread practice of child marriage in Lebanon and drew attention to the related consequences of high child

mortality rates and the negative impact on the health of the young girls made to bear children.

Just as much as the CRC Committee expressed concern to Nepal regarding the differentials in the minimum ages of marriage for boys and girls, the CRC was particularly concerned about the discrepancy in the age of marriage between male and female in Guatemala. The CRC Committee also urged Kuwait to undertake all measures, including legal measures, to prevent and combat the harmful traditional practice of child marriage, which directly affected the health and well-being of the girl child. What can be seen here is that the CRC committee links child marriage to a whole host of rights violations against the girl child and sees child marriage in the context of gender discrimination and inequality.

2.3.1.4. The Convention on the Consent to Marriage, Minimum Age for Marriage and Registration of Marriage

This Convention requires the state parties to take legislative action to specify a minimum age for marriage and stipulates that no marriage shall be legally entered into by any person under this age, except where a competent authority has granted a dispensation as to the age, for serious reasons, in the interest of the intending spouses. The Convention calls upon parties to eliminate the marriage of girls under the age of puberty and requires that states to stipulate the minimum age of marriage.

Relevant provisions of the Convention on the Consent to Marriage, Minimum Age for Marriage and Registration of Marriage

Article 1: No marriage shall be legally entered into without the full and free consent of both parties, such consent to be expressed by them in person.... as prescribed by law.

Article 2: State Parties to the convention shall specify a minimum age for marriage (“not less than 15 years” according to the non – binding recommendation accompanying this Convention). No marriage shall be legally entered into by any person under this age, except where a competent authority has granted a dispensation as to age, for serious reasons, in the interests of the intending spouses...

Article 3: All marriages shall be registered in an appropriate official register by the competent authority.

The Convention was passed by the General Assembly in November, 1962. The Preamble to the Marriage Convention establishes both the context of the passage of the Convention, and appropriate manner of interpretation of its provisions. The Preamble declares that the Marriage Convention, recalls article 16 (1) of the Universal Declaration of Human Rights which states that: Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. It further establishes that State Parties should take all appropriate measures with a view to abolishing such customs, ancient laws and practices by ensuring, inter alia, complete freedom in the choice of a spouse, eliminating completely child marriages and the betrothal of young girls before the age of puberty, establishing appropriate penalties where necessary and establishing a civil or other register in which all marriages will be recorded.

Article 2 of the Marriage Convention requests States Parties to take legislative action to specify a minimum age for marriage. The same provisions further provide that no marriage shall be legally entered into by any person under this age, except where a competent authority has granted a dispensation as to age, for serious reasons, in the interest of the intending spouses. Finally Article 3 with an eye on the implementation of the goals of the Marriage Convention, mandates that all marriages be registered in an appropriate official register by the competent authority.

2.3.1.5. International Convention on Civil and Political Rights (ICCPR)

The Political Covenant's Human Rights Committee has developed interpretations of its substantive articles by issuing general comments. Comment 4/13 interprets Article 3, which requires states to ensure for all individuals the rights recognized in the ICCPR as imposing a positive obligation on states to remedy sex discrimination. This positive obligation requires not only that states take measures to protect women, such as the enactment of laws, but also to take measures of affirmative action designed to ensure the positive enjoyment of rights. It also imposes on states a duty to obtain information regarding the role of women in its jurisdiction in order to determine specifically what additional measures need to be taken.

Article 23 of the ICCPR establishes for the rights of men and women of marriageable age to marry. It also states that no marriage shall be entered into without the free and full consent of the intending spouse.

The Human Rights Committee's General Comment 28 elaborates on the obligation of the State in terms of equality of rights between men and women. It states:

“Inequality in the enjoyment of rights by women is deeply embedded in tradition, history, and culture including religious attitudes. States parties should ensure that traditional, historical, religious and cultural attitudes are not used to justify violations of women’s right to equality before the law and to equal enjoyment of all Covenant rights.”

In its concluding comments, the Human Rights Committee has raised the issue of the right to decide if, when, and whom to marry. For example, the human rights committee has raised that early marriage and the statutory difference in the minimum age of girls and boys for marriage should be prohibited by law and the government of Zimbabwe was asked to adopt measures to prevent and eliminate prevailing social and cultural attitudes. Further, the human rights committee has criticized the legal provisions exempting a rapist from criminal punishment if he married his victim and condemned this as a violation of the rights of women as enshrined in the ICCPR 38. At the same, the committee has recommended that all legal provisions inhibiting a woman’s free choice of marriage and the age differentials between the man and woman’s right to marriage were to be repealed in Sudan. Steps have also been recommended to be taken to prevent certain traditions and customs, such as forced marriage that are inconsistent with the equal rights of women.

2.3.1.6. International Convention on Economic, Social and Cultural Rights (ICESCR)

The ICESCR provides in Article 10 that marriage must be entered into with the free consent of the intending spouse. ICESCR concluding comments have elaborated further concerns on child marriage. Some of these concerns the following:

Differences in marriageable age between males and females violate Article 1041; the practice of early marriage has a negative impact on the right to health, education and

work and the ICE Committee has also recommended that the legal minimum age of marriage be raised to 18.

2.3.1.7. The Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices, 1956

The Supplementary Convention equates any marriage that is forced upon a girl or woman by her family or guardians as similar to slavery and requires the state party to eliminate it. Article 1(c) – Any institution or practice whereby a woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, and family.

2.3.1.8. The International Labour Organisation’s Convention 182 on the Elimination of the Worst Forms of Child Labour, 1999

Article 3

- (a) All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, forced or compulsory labour, debt bondage and serfdom;
- (c) The use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- (d) Work which, by its nature or the circumstances in which it is carried out, is likely to jeopardize the health, safety or morals of children.

2.3.1.9. The WHO Constitution

The WHO Constitution enshrines a right to the highest attainable standard of health and defines health broadly as a “state of complete physical, mental and social wellbeing and not merely the absence of disease or infirmity”. Child marriage goes against the provisions of the WHO Constitution.

2.3.1.10. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)

According to Article 1 of the CAT, the acquiescence of the law enforcement in failing to prosecute rape in child marriage, especially in countries where rape covers both marital and non-marital rape, provides the necessary requirement of Article 1 (1) that the act be inflicted “...with the consent or acquiescence of a public official or other person acting in an official capacity.”

2.3.1.11. Regional Treaties

Although the Asian region lacks a human rights mechanisms, the 1983 Declaration of the Basic Duties of Association of Southeast Asian Nations (ASEAN) Peoples and Governments, to which China, Indonesia, Malaysia, the Philippines, Singapore, Thailand, and Brunei Darussalam are now parties, does ensure the right to life and health-related rights to Asians. This document endorses and is intended to supplement the Universal Declaration.

The American Convention on Human Rights, 1969

The Inter- American system for protecting human rights has three distinct legal sources: the Charter of the OAS; the American Declaration and the American Convention on Human Rights.

Relevant Articles relating to child marriage:

Article 4 (1): Right to life.

Article 13: Freedom of information and expression.

The African Charter, 1981

Fifty-three countries are parties to the Charter. The African Charter explicitly prohibits the marriage of persons under eighteen years old. Article XXI (2) provides: “Child marriage and the betrothal of girls and boys shall be prohibited, and effective action including legislation shall be taken to specify the minimum age of marriage to be eighteen years.” It unequivocally fixes the minimum age of marriage at eighteen and allows no exceptions for local religious or other cultural practices, nor does it allow for exceptions based upon the consent of a local authority or the parents or guardians of the children concerned.

The Assembly of Heads of State and Government of the Organization of African Unity (OAU) adopted the guiding human rights document for the system- the African Charter on Human and People’s Rights which came into force in 1986. The most distinctive feature of the Charter is its recognition of collective rights. The relevant articles relating to child marriage are:

Article 16: Right to health

Every individual shall have the right to enjoy the best attainable state of physical and mental health Article 18: States responsibility to protect the family and take care of its health and moral health.

Article 2: Protection against international monopolies that engage in foreign economic exploitation

Article 24: Stipulates the rights of all people to a general satisfactory environment favourable to their development.

The European Convention on Human Rights

The European Convention on Human Rights (ECHR) does not contain an explicit "right to health" or "right to a clean environment." However, both the right to life in Article 2 of the ECHR and the right to respect for private life and home in Article 8, ECHR have been held by the European Court of Human Rights to impose certain positive obligations on the State. The relevant articles relating to child marriage are:

Article 2: Protects the right to life, imposes an obligation on the State not only to refrain from taking life, but also to take appropriate steps to safeguard life.

Article 8: Protects the individual's right to respect for his or her private and family life and home, has been interpreted by the Court of Human Rights as applying where an individual is directly and seriously affected by environmental pollution. The Court has also held that the positive obligations inherent in an effective respect for private life may involve the adoption of measures designed to secure respect for private life "even in the sphere of the relations of individuals between themselves", that is, measures which regulate the private sphere. The State's responsibility can, therefore, arise from a failure

to take measures to regulate private behaviour in order to protect individuals against harm caused by pollution in circumstances where it could reasonably be expected to act.

Article 14: guarantees the right to the enjoyment of the Convention rights without discrimination on the basis of a list of enumerated grounds, or "other status". It applies wherever the State acts within the ambit of one of the Convention rights, even if it is not strictly speaking required to act in order to avoid a breach of the relevant right.

The European Social Charter

The European Social Charter provides that "all workers have the right to safe and healthy working conditions and "everyone has the right to benefit from any measures enabling him to enjoy the highest possible standard of health attainable."

The Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms

The Council of Europe Convention enshrines the right to life in Article 2.1. The European Social Charter articulates the right to protection of health in Article 11, which imposes a duty upon the Parties to the agreement to "take appropriate measures designed inter alia: ... to remove as far as possible the causes of ill-health."

2.4 Nature and prevalence of child marriage

Child marriage is the practice of marrying a young girl (generally defined as below the age of eighteen) to an adult. In most cases, it is always a young girl who is married to a matured man. It is a situation where female adolescents and teenagers are married to adult husbands. In these instances, sometimes, the men can be twice their ages and these females become child brides.

Adedokun, et. al., (2012) observes that child marriages are often arranged in two distinct ways, within a context of force and coercion, either by parents or other persons in positions of authority in the family arranging their young daughter's marriage to an adult, often a much older man or arranging the future marriage of two children. It is not uncommon to find girls of 7 -14 years already married off with the girls sent off to live with the families of the husbands. Generally, prospective husbands are selected based on social, religious and monetary factors and age is not considered an important factor, as husbands are on the average 12 years older than the child brides in monogamous unions and up to 15-20 years older in polygynous unions (Population Council, 2005) and in isolated cases, may be several decades older. Child marriage equals early marriage.

Dixon-Mueller (2008) adopts slightly different categories to study the accepted age limits for early sexual marital and reproductive transitions in 64 developing countries, including Ethiopia. Hence, age categorization for early family formations has been made accordingly: *early adolescence* for marriages between ages 10 and 14, *middle adolescence* between 15 and 17, and *late adolescence* for ages 18 and 19. In this thesis, the age categorization proposed by Dixon-Mueller (2008) is adopted with a slight change, namely *very early marriages* for marriages between 5 and 10 years old, *early adolescence* for marriages between ages 11 and 14, and *middle adolescence* between ages 15 and 17. Mekonnen and Aspen (2009), in their paper "Early Marriage and campaign against it in Ethiopia", have proposed a more detailed categorization also using sexual transition of girls as Dixon-Mueller: *promissory marriages*, *child marriage/arranged marriages* if the bride is under 10 years of age, *early adolescent marriages* between ages 10 and 14, *adolescent marriages* around age 15, and *late adolescent marriages* after 15

years old for girls (Mekonnen & Aspen 2009). On the other hand, legal age of marriage has been raised from 15 to 18 only at the beginning of the 21st century with the implementation of the 2000 Family Code (Hallward-Driemeier & Gajigo, 2010). There are various other rules and norms associated with tradition and religion, such as; Sharia law, which sets the minimum age at first marriage to 9, or traditional *Gada* system which sets it to 16 (Ezra, 2003).

Marriage may also be arranged for girls below the age 10, mostly denoted as *child marriage* (Assefa *et. al.*, 2005). In this case, after the marriage, the girl is kept apart from the groom, but generally in the custody of in-laws until she reaches the age of puberty. However, it is often the case that legitimacy of these marriages does not necessitate legality, but basically a traditional ceremony (Augustyniak, 2009).

2.4.1 Prevalence of child marriage

The rates of child marriage vary significantly around the globe. Currently, over 60 million girls and women are affected by child marriage globally (ICRW, 2011). UNICEF (2010) observes that the marriage of young person's less than 18 years is still widely practiced in many parts of the world but remains prevalent in countries of Africa, Latin America and the Caribbean as well as Southern Asia and predominantly affects girls. It was estimated that, if nothing changes, a 100 million young girls aged 15 years or less will be married within the present decade. Regional estimates of its occurrence for girls include 48 percent in Southern Asia, 42 percent in Africa and 29 percent in Latin America and the Caribbean with wide differentials across the countries. Child marriage is particularly pervasive across South Asia and Africa, where 50-70 percent of girls in some countries are married before the age of 18 (UNICEF, 2009). The highest prevalence rates

are in West Africa, followed by South Asia, North Africa/Middle East, and Latin America (Population Reference Bureau, 2011). Taking into account both population size and prevalence rates, approximately 50% of girls affected by child marriage live in South Asia, including Afghanistan, Bangladesh, India, and Nepal (UNICEF, 2012).

It is a practice which affects mostly girls in developing countries. One of the latest reports by UNFPA (2012) states that; in 2010, there were over 67 million women between ages 20 and 24 who had been married before 18 in developing countries (excluding China). Moreover, in the same report it is projected that, if the present situation continues, more than 14 million girls under the age of 18 will become married each year within the next decade. While Asia and Africa are the two continents where the practice is most common, it is also possible to witness early marriage victims in almost every developing country around the world. Ethiopia is one of the 41 countries where early marriage had been experienced by more than 30% of women who were between 20 and 24 years old in 2011 (UNFPA, 2012).

Studies show that the prevalence of child marriage tends to be higher in rural areas (UNICEF, 2005). Forward (2008) observes that child marriage is predominantly practiced in the rural and poor communities where young girls are regarded as economic burden and quickly married off to alleviate household poverty. The occurrence of child marriage is greater in poorer families and those with lower levels of education, and is also high in fragile states hit by natural catastrophe and conflict (World Vision, 2013).

Universally, early marriage is commonly classified as union formations by children under the age of 18 (UNICEF, 2005). For example, in Pakistan, where it is estimated that one-

third of all marriages fall under the category of child marriage (Business Recorder, 2012), the legal age of marriage for boys is 18 but 16 for girls. Child marriage disproportionately and negatively affects girls who are more likely to be married as children than boys (Mathur et al., 2003; UNICEF, 2005; Save the Children, 2004). Across the globe, 54% of the countries have minimum legal age similar for both boys and girls while it is different in another 46% countries. Child marriage disproportionately affects young girls, who are much more likely to be married as children than young boys (Mathur, Greene & Malhotra, 2003). Girls are significantly more likely than boys to be married as children – 30 per cent of girls aged 15-19 years are currently married or in union in South Asia, compared to just 5 per cent of boys in the same age bracket (UNICEF, 2011). In majority of the countries across in Africa and Asia the legal age at marriage differs between girl and boy. In some countries, the prevalence of child marriage among the youngest adolescents has decreased. A recent quantitative analysis (Raj, 2012) of changes in the age of marriage in Bangladesh, Nepal, India and Pakistan reveals that over the past two decades (1991- 2007) significant relative reductions have occurred in the marriage of girls under the age of 14 across all four nations.

Child marriage is legally prohibited under national laws as well as by international human rights treaties adopted by South Asian countries; however, the practice persists with impunity. In South Asia, 46% of women between ages 20-24 report being married before age 18 in 2010, this translated to 24.4 million women in the region. Estimates project that 130 million more girls in South Asia will be married as children between 2010 to 2030 (UNFPA, 2012). The prevalence of child marriage varies substantially between and within countries in South Asia. Bangladesh is a country with one of the

highest rates of child marriages in the developing world (Bates, Maselko & Schuler, 2007; UNICEF, 2005). Bangladesh has the highest prevalence of child marriage in the region, 66%, (DHS, 2011) followed by Afghanistan 46%, (CSO & UNICEF, 2012), India 46%, (NFHS-2005-06) and Nepal 41%, (DHS, 2011). These four countries are considered the region's 'hot spots' due to their high child marriage prevalence. Though Bangladesh has laws that prohibit marriage at an age younger than 18, enforcement still remains a challenge (ICRW, 2003; UNICEF, 2005). Girls living in rural areas are hardest hit by child marriage, and the problem is worst in rural Bangladesh with 70 percent of girls married early, followed by India with 56 percent. (ICRW, 2012).

In the West African sub-region, the proportions of girls affected vary from 28 to 43 percent (Ghana, Togo, Cote d'Ivoire, Senegal, Benin, and Nigeria) to 60 to 80 percent (Burkina Faso, Guinea, Mali, Chad and Niger). Abdallah (2011) in a study observed that in Nigeria, the practice of child marriage is deeply entrenched in tradition, culture and religion and the country has one of the highest rates of child marriage in the world, with estimated 42 percent of girls married before 18 years; and while this is found among many ethnic groups across the country, its predominance is clearly in the northern part of the country. Nationwide, 20 percent of girls are married by age 15, and 40 percent are married by age 18. Child marriage is extremely prevalent in some regions such as among the predominantly Muslim Hausa-Fulani of the Northwest and North-East (of which Zaria is a part) where 48 percent of girls are married by age 15, and 78 percent are married by age 18. While average age at first marriage is 17 years nationwide, the average age of marriage for girls in Kebbi State is just over 11 years, and about 15 years in most other parts of northern Nigeria. Among the Yorubas, made up of a mixture of

Christians and Muslims in the South-West, child-marriages are no longer arranged and for the Igbo in the South-East that are predominantly Christians, the practice has declined considerably and restricted to few communities and situations where pregnant teenagers are forcefully married off, to prevent family shame or restore honour.

More than half of the girls in Bangladesh, Mali, Mozambique and Niger are married before age 18. In these same countries, more than 75 percent of people live on less than \$2 a day. In Mali, 91 percent of the population lives on less than \$2 a day (Population Reference Bureau, 2005).

Countries with low GDPs tend to have a higher prevalence of child marriage. Chad has a GDP of \$1,600 per capita, and 71 percent of girls in the country are married. By contrast, South Africa has a GDP per capita of \$11,100, and 8 percent of girls in the country are married (CIA World Fact Book, 2005).

Data suggest that child marriage prevalence is decreasing overall, but the pace of change is slow. In 34 out of the 55 countries with comparable data from two recent surveys, there has been no significant change in the percentage of women aged 20–24 married by 18—and only 5 countries experienced a decrease of more than 10 percent (UNICEF, 2007). For example, Demographic and Health Survey (DHS) data show that in Niger, the proportion of marriages under age 18 for 20-24 year-old girls declined only 2% from 1998 to 2006, from 77 percent to 75 percent. In Nicaragua, the decline over a five-year period from 2001 to 2006 was just 3%, from 43 percent to 40 percent. In India, the decline in a seven-year period from 1998 to 2005 was only about 3%, from 50 percent to 47 percent (Macro International Inc. 2011).

2.5 Factors associated with child marriage

Underlying causes of early marriage are many and include poverty, parental desire to prevent sexual relations outside marriage and the fear of rape, a lack of educational or employment opportunities for girls, and traditional notions of the primary role of women and girls as wives and mothers. Early family formation is a traditional practice, which is socially and culturally institutionalized. While the practice is fed by gender inequality, poverty, and social norms, it also reproduces social power imbalances, such as increased economic vulnerability of women, lower educational attainment of girls, gender inequality at home and in the labour market, and last but not least, physical and sexual violence against women (Jensen & Thornton, 2003; Otoo-Oyortey & Pobi, 2003). The cultural and socioeconomic factors that reinforce child marriage can also vary by region within a country (International Center for Research on Women, 2007). In Ethiopia, for instance, making stipulations of federal family legislation is invalid (Yimam, 2014).

The importance given to virginity and childbearing on the other hand leads to early marriage of girls, because a girl is valued more, if she is virgin prior to marriage and if she is younger, thus, promising more offspring (Assefa, Wassie, Getahun, Berhaneselassie & Melaku, 2005; Kifetew, 2006; Mekonnen & Aspen, 2009; Boyden, Pankhurst & Tafere, 2012). Hence, families in rural areas prefer to marry their daughters earlier to secure the girl's virginity, and, therefore, to secure a better match and an economically better future, both for themselves and for their children (Dejene & Birhanerselase, 2006). Early marriage is viewed as a protective and safety measure by families and communities to safeguard family 'honour' as well as preserve fertility of girls within the marriage. Young women and girls live in danger of sexual harassment

and violence in many public places. The risk of sexual harassment and rape forces parents to marry off their daughters at an early age, before they lose their virginity (ICRW, 2013). Early marriage is seen as a preventative measure to protect girl's chastity and sexuality upon which rests the family's honour and respect. ICRW (2013) found in a recent study that parents in India are often worried about the safety and security of young girls. Their worry stems from both fear of sexual assault and girls choosing to begin sexual activity (ICRW, 2013.) These findings echo similar ones from a study in South Asia by Raj, McDougal and Rusch (2010). They noted that early marriage protects girls' marriageability which can be destroyed by premarital sex through sexual violence or through choice.

Poverty is one of the main determinants of early marriage. Various studies reveal that marriage of minor aged girls is more likely to occur in rural and impoverished areas (Raj et al., 2012). Girls from poorer families are more vulnerable to child marriage because the costs associated with education impede their attendance. Moreover, poor girls are more likely to experience sexual harassment from men and boys from wealthier families, thus parents see marriage as safeguarding their daughter's chastity. Across rural Bangladesh and India many parents consider girls as an economic burden to families, and therefore they are married off as soon as they reach puberty. Similarly, parents in Nepal are encouraged to marry off their daughters as early as possible since older and better-educated boys can demand a higher dowry (ICRW, 2013). Interestingly, in Afghanistan, parents are quick to marry off their daughters to receive a bride price. Lloyd (2005) asserts that in many parts of Africa, especially Nigeria, the bride price or wealth, paid in exchange for the bride's labour and fertility is an important resource for greater wealth

and survival of the family and, therefore, may induce early arrangements of marriage by parents.

Poverty is a large driver of child marriages. In almost all developing countries, child marriage is more common among the poorest people than the wealthiest. Recent research shows that household economic status is a key factor in determining the timing of marriage for girls (along with education and urban-rural residence, with rural girls more likely to marry young). In fact, girls living in poor households are approximately twice as likely to marry before 18 than girls living in better-off households (The National Research Council and Institute of Medicine, 2005).

In five of the six provinces included in the study, the majority of parents who married their daughters by age 15 said that they did so for economic reasons. In some cases, girls are married off to pay debts to shop keepers, or a girl may be exchanged for her brother's wife — as the bride price (Tufts University Feinstein International Famine Center, 2004). The majority of child brides was married to significantly older men with other wives. Some girls were widowed or left to care for elderly husbands while still very young. None of the child brides had ever attended school (Tufts University Feinstein International Famine Center, 2004). Child marriage is most common in the world's poorest countries and is often concentrated among the poorest households within those countries. It is closely linked with poverty and low levels of economic development. In families with limited resources, child marriage is often seen as a way to provide for their daughter's future. But girls who marry young are more likely to be poor and remain poor. In Senegal, a Millennium Challenge Account (MCA) - eligible country, girls in the poor-

est 20 percent of households are more than four times as likely to be married as girls in the richest 20 percent (UNICEF, 2005).

The socially produced gender roles in Ethiopia put girls in an inferior position to boys in terms of personal development early in life, through diminished opportunity for empowerment of girls in terms of educational attainment, access to health service especially in rural areas, and freedom of choice (UNFPA, 2008). Moreover, Camfield and Tafere (2011) note that, childhood experiences of girls and boys differ in rural and urban areas. While girls in rural areas are more advantaged in their early childhood period, having higher primary school enrollment rates compared to their peers in urban areas, it is the opposite for boys who are living in rural areas because of their responsibilities, such as herding and farming (Camfield & Tafere, 2011).

Fafchamps and Quisumbing (2005) explains the union formation in agro-ecological rural Ethiopia as an assortative matching process with an economic drive, in which poor families are matched with other poor families, and rich with other rich families to marry their children. They have found that, in rural Ethiopia, what newlywed couple receives as intergenerational transfers and wedding gifts determine the welfare of that household in the future, even though there is a possibility of improving the conditions (Fafchamps & Quisumbing, 2005: 347). Thus, there is a strong economic motive in the matching process. On the other hand, men are expected to contribute to marriage economically, which in turn may lead to a delay of marriage for men who needs to collect bride price prior to marriage, especially for grooms who are poor (Fafchamps & Quisumbing, 2005).

Research has also indicated that other social factors such as education is a strong determinant of variation of age at marriage (Bates, Maselko & Schuler, 2007; Field & Ambrus, 2008). There is a clear association between education and delaying marriage. Across nations it is the poor and least educated girls who are most vulnerable to early marriage (Raj et al., 2010, 2012). On average, women with more years of education marry at a later age. In Sri Lanka, the education of young women has been a crucial factor in increasing the age of marriage there (ICRW, 2012). Evidence shows that the more education a girl receives, the less likely she is to marry as a child. For instance girls in Nepal who completed grade 10 are five times more likely to marry at age 18 or older than those who have not received any education at all (Nepal Demographic Health Survey, 2011).

Low educational levels among parents and poor access to schools, particularly in rural areas, impede girls' education and increase their likelihood of early marriage. A 2010 study of 200 child marriages in Afghanistan found that 71 percent of parents who forced their underage daughters to marry were illiterate (ICRW, 2012). Lack of educational facilities or any alternative for girls in rural areas force parents to marry off their daughter early. A recent study by ICRW (2012) in India identifies inadequate school infrastructure, lack of safe school spaces and long distances to schools as hindrances to rural girls' access to education. In rural India secondary schools are mostly located far away and parents are worried about sending their daughter to these schools, especially in the absence of adequate and regular transportation and high rates of public violence. In the absence of such educational opportunities compounded by a lack of employment options many parents arrange marriages for their daughter after she completes her primary

education (ICRW, 2013). Child marriage occurs more frequently among girls who are the least educated, poorest and living in rural areas. In 2008, women aged 20-24 and living in rural areas were about 3 times as likely to be married/in union before age 18 than their urban counterparts. This urban-rural divide has increased 35% since 2003 (2.2 times). Education is associated with the prevalence of child marriage in Ghana. 47% of women aged 20-24 with no education and 42% with primary education were married or in union at age 18, compared to only 15% of women with secondary education or higher. Household wealth influences the prevalence of child marriage among all wealth quintiles. Girls from the poorest 20% of the households were more than 10 times as likely to be married/in union before age 18 than girls from the richest 20% of the households.

Giyan (2009) argues that some religious practices, such as Islam encourage early marriage and parents imbibe this for fear of their daughters being pregnant out of wedlock and the only available option could be marriage at an early age. Early marriage has been defended in Nigeria as clearly permissible by the Islamic religion, but with the cautionary measure that such marriages can only be consummated when the bride is mature enough. He concludes that most times these decisions are often made without the consent of the child and with no recourse to the consequences of the actions.

In addition to other causes, instability caused by natural disasters and regional or national conflict exacerbate the likelihood of early marriage for girls. For instance, decades of war and the devastating 2004 tsunami in Sri Lanka pushed desperate families to marry off their young daughters to relieve economic strife. Girls were forced into early marriage with tsunami widowers, primarily to receive state subsidies and benefits for marrying and starting a family. (ICRW, 2012). The recent report published by the World Vision (2013)

also reveals that adolescent girls are extremely vulnerable to early marriage in fragile states hit by natural calamity such as drought and, floods.

About 407,000 young girls in Ghana, born between 2005 and 2010 are likely to be married by 2030. The projections showed an increase of 47 per cent from the 2010 estimate of married girls, a report by the National Commission on Civic Education (NCCE), in Ho has shown. The report said the increase in child marriages was compounded by high fertility and low mortality. It, therefore, called for more sexual and reproductive health services, family planning and maternal health services in communities. The report said child marriage occurred more frequently among girls who are the least educated, poorest and living in rural areas. It said in 2008, women aged 20-23 and living in rural areas were about three times more likely to be married or in unions before age 18 than those in urban centres. The report said the urban-rural divide had increased 35 percent since 2003, about 2.2 times and associated the lack of education to the prevalence of child marriages in Ghana. “47 per cent of women aged 20-24 with no education and 42 per cent with primary education were married or in union at age 18, compared to only 15 per cent of women with secondary education or higher,” it said. The report called for strategies for girls’ empowerment, change in social and cultural norms, legal reforms and policy action to reverse the trend. It said it was necessary for the country to continue with the girl child education programme at least up to lower secondary level and institute programmes which could offer life skills, literacy, health information and services and social support to girls (GNA Regional News of Saturday, 22 March, 2014).

In conclusion, cultural and socioeconomic conditions, poverty, and lack of access to education also influence whether a girl is married early; child marriage is most common in the world's poorest countries and among the poorest households (International Center for Research on Women, 2007), with girls living in poor households twice as likely to marry before the age of 18 as girls from wealthier families.

2.6 The impact of child marriage on the victims

Early marriage of girls turn to undermines a number of rights guaranteed by the Convention on the Rights of the Child: the right to education (Article 28), the right to be protected from all forms of physical or mental violence, injury or abuse, including sexual abuse (Article 19) and from all forms of sexual exploitation (Article 34), the right to the enjoyment of the highest attainable standard of health (Article 24), the right to educational and vocational information and guidance (Article 28), the right to seek, receive and impart information and ideas (Article 13), the right to rest and leisure, and to participate freely in cultural life (Article 31), the right to not be separated from their parents against their will (Article 9) and, the right to protection against all forms of exploitation affecting any aspect of the child's welfare (Article 36). This section locates child marriage within a context of inequality and denial of access to resources, including information, education and employment and attempts to build a rights framework to challenge child marriage.

From the researcher's observation, when the girl child is given in marriage, she is already discriminated against on the basis of age and gender, but for age and gender she might not have been given out for marriage. This action obviously violates article 2.2 of the CRC which places a duty upon States to "take all appropriate measures to ensure that the

child is protected against *all forms of discrimination*...on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members” and Article 2 (e) of CEDAW which protects women from discrimination in both the private and public spheres. The State’s failure to protect the rights of the girl is a clear abdication of the State’s duty to protect her rights under the CRC and CEDAW.

The equality provisions of the CRC and CEDAW overlap and complement each other. Early marriage violates girls’ right to equality on the ground of sex and gender. The CEDAW obliges States parties to take “all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.”

The CEDAW Committee has observed that, “some countries provide for different ages for marriage for men and women. As such, provisions assume incorrectly that women have a different rate of intellectual development from that of men, or that their stage of physical and intellectual development at marriage is immaterial, these provisions should be abolished.”

Despite this, a review of State Parties Country Reports to the CRC Committee, shows that at least twenty five States have no specified age for compulsory education and in forty five States girls can be married earlier than boys. Over thirty countries still allow child marriages below the age of fifteen. These countries include Ethiopia, Kenya, and Nigeria, Peru and Argentina, Lebanon and Iran and the United States. The CRC Committee has often commented on the disparity of the minimum age of marriage

between boys and girls under law as a violation of the principle of non-discrimination and urges that legislation is brought into full conformity with the provisions and principles of the Convention.

While in the vast majority of countries the law grants women the right to consent, these legal provisions are merely symbolic. The question arises, as to what extent a child's consent to marriage and sexual relations can be gauged. For instance, although the Transitional Code of Eritrea provides that "each of the spouses shall personally consent to the marriage at the time the marriage takes place (525)... representation shall not be allowed unless a dispensation be given for good cause by the attorney general" and that "no consent shall be valid which has been extorted by threat (Art. 528)"⁵⁶, these provisions are insufficient shields against child marriage unless they can be referenced with a minimum age of marriage.

The CEDAW General Recommendations on marriage and family relations state that "when men and women marry, they assume important responsibilities. Consequently marriage should not be permitted before they attain full maturity and capacity to act." To exercise full, free and informed consent as provided by Article 16 of the CEDAW, a woman needs to have the capacity to understand the meaning and responsibility of marriage; access to full information about her future spouse; knowledge of the institution of marriage; and her right to exercise a choice as to whether or not to marry, who to marry and when to marry.

Many studies (for example, Field et al., 2008; UNICEF, 2005) have shown that early marriage is universally associated with low levels of schooling and thus in violation of

girls' right to education as guaranteed by the CRC and CEDAW. A lack of education further denies girls' their right to personal development as guaranteed in the CRC, which is crucial for them to prepare for adulthood and effectively contribute to the future well-being of their families and society. Again, the reverse, according to these studies is also true; the fact that girls who marry at a young age attain lower levels of education, have less reproductive control and encounter higher rates of mortality. Such outcomes suggest a high impact on society at large, including high population growth, a more rapid spread of disease, and higher numbers of uneducated women (Field et al., 2008; UNICEF, 2005). Both child marriage and health are a matter of social justice and demand protection; while health requires a fair distribution as well as access to it (Sen, 2002; UNICEF, 2005). More so, it has a negative trend of the girl-child, which include emotional and mental distress, intolerance, school drop-out, Vesico Vaginal Fistula (VVF) disease, early widowhood, frustration and hatred for the man as observed by Bala, 2003.

After marriage, young girls' access to formal and even non-formal education is severely limited because of domestic burdens, childbearing, and family pressures. Furthermore, recent UNICEF studies have reconfirmed the theory that girls who have a secondary education are less likely to marry. Compulsory education laws requiring girls to stay in school up to the age of sixteen years significantly decreases the chances of early marriage. The lack of education is both the cause and effect of child marriage. The CRC requires States to ensure that primary education is free and compulsory. Although a minimum age for completion of compulsory education is not mentioned, the Committee's Guidelines for Periodic Reports require States to "indicate the particular measures

adopted to make primary education compulsory and available free for all, particularly children, indicating the minimum age for enrolment in primary school, the minimum and maximum ages for compulsory education...” State parties to the CRC here have extended compulsory education beyond primary schooling. The CRC has also expressed its serious concerns over the right to education, particularly girls’ education through its Concluding Observations. Often this issue is discussed in connection with the need to raise and enforce the legal age of marriage.

The CEDAW obliges States to provide for women equal rights with men in education. It recognizes girls’ particular disadvantage in school and explicitly calls on States to reduce female student dropout rates. Since the Concluding Comments consistently express concern that early and forced marriages and early pregnancies cause high-dropout rates of girls from school the CEDAW Committee clearly calls on States to use all available measures, including legislative reforms, to eliminate early marriage.

The promotion of employment opportunities for women in non-traditional occupations also helps to promote girls’ education and postpone marriage. This has had the effect of encouraging parents’ support for their daughters’ education. The minimum age of labour laws and compulsory education laws are thus interdependent: the enforcement of one contributes to the enforcement of the other. While the CRC does not establish a single minimum age for admission to employment, the Committee has consistently indicated that the minimum age of employment should be set in light of the ILO Minimum Age Convention N. 138. The general minimum age for admission to any employment should be no less than the age of completion of compulsory schooling and, in any case, **not less**

than 15 years; where the economy and educational facilities of a country are insufficiently developed, it may be initially reduced to 14 years of age.

The CEDAW guarantees that once girls have reached the minimum age of employment, they should have equal rights with men. Because early marriage is an impediment to the realization of the rights to education and employment enshrined in the CRC and CEDAW, States must ensure that the minimum age of marriage is higher than the minimum school-leaving age, and the minimum age of employment. The CRC obliges States to set the minimum age of employment in line with that of education. Yet, a review of the States parties' reports indicate that forty four States have laws stipulating the minimum age of employment is lower than the minimum school-leaving age. For example, countries such as the Côte d'Ivoire, Democratic Republic of the Congo, Malawi, Mauritania and Yemen do not have a minimum school leaving age and all have a high prevalence of child marriages.

As the CEDAW Committee has expressed, child marriages not only affects women but also has a negative impact on families and entire communities. The CRC Committee has recommended that a State party with a high prevalence of early marriage undertake awareness raising campaigns concerning the harms and dangers of early marriages on the health and education on girls. In its Concluding Observations, the CRC Committee has required States to dismantle practices which prevent girls from attending school.

While the difference between the age of marriage for girls and boys violates the equality clause, early marriage can violate the right to health of women and constitute "sexual exploitation and sexual abuse." The development rights of girls cannot be realized

without a commitment to restrain early marriage. Since early marriage also impacts the health of girls, interventions in this area are relevant to the general concept of the health rights of girl children. When Article 6 of the CRC on survival and development and Article 29 (a) on education are read with article 3 of the CEDAW, which obliges States to take “all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men” they require that States should take all appropriate legal measures to prevent child marriage in order to ensure the full realization of those rights.

Reading Articles 1 and 3 in the CEDAW together indicate that under international law, women are entitled to enjoy fundamental freedoms and development equally with men in all fields. Early marriage discriminates against girls by denying them the same freedoms allowed to boys. States that allow the practice of early marriage to take place, including States that do not have laws prohibiting early marriage or those that have laws, but fail to enforce them—violate their commitment to guarantee women’s fundamental freedoms and development as stipulated in the CEDAW.

Article 24.3 of the CRC provides that States parties shall take measures to abolish “traditional practices prejudicial to the health of children.” This provision too is an effective invocation against early marriage and the health risks associated with early sexual intercourse and childbearing. The CEDAW Committee has recognized a “holistic approach to women’s health throughout the life cycle ...”. The CRC reinforces women’s rights to maternal health and the CRC Committee stated in 2004 that it remained seriously concerned at the unavailability and/or inaccessibility of free, high quality

primary health care” and “The worsening maternal mortality rates”. The CRC Committee has also directed that concrete steps be taken to combat sexual abuse, mother to child transmission of HIV/AIDS, sexual trafficking of children, and forced early marriage for girls, “which can have a negative impact on their health, education and social development.” Moreover, the Committee has recommended that sexual and reproductive health education be made accessible to adolescents. Further, the CRC has recommended “gender impact studies when planning programmes relating to economic and social policies.”

The CEDAW also declares that violence as in child marriage against women "impairs or nullifies the enjoyment by women of human rights and fundamental freedoms under general international law or under specific human rights conventions", including the right to life, the right not to be subject to torture, the right to liberty and security of the person, and the right to equality before the law. Even though there is no direct reference to domestic violence in the CEDAW, some guidance could be received from the Declaration on the Elimination of Violence Against Women (DEVAW), which defines violence against women as any gender-based violence that results in, or is likely to result in; physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in the family, such as battering, sexual abuse of female children in the household, dowry related violence, marital rape, female genital mutilation and other traditional practices harmful to women; non-spousal violence; and violence related to exploitation. The broad definition of domestic violence adopted by the DEVAW will also help in expanding the scope of harms recognized as domestic violence and acts of violence against women.

Article 5 of the CEDAW which deals with sex roles and stereotyping, recommends that States parties modify the social and cultural patterns of the conduct of men and women, with a view to achieving the elimination of prejudices and customs and all other practices that are based on the idea of the inferiority or the superiority of either of the sexes, or on stereotyped roles for men and women. The section on accountability and implementation of these provisions recommends that in order to ensure the implementation of this provision, States parties should take measures and steps to raise consciousness and inform law enforcement officials on the issue of violence against women, particularly within the home. Article 16 of the CEDAW also requires states to take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family. Further, these rights should extend during marriage and its dissolution.

Adedokun, Tochukwu and Adedeji (2012) examine the maternal health implications of early marriage on young mothers in Gombe, using data obtained from 200 young mothers aged 15-24 years. The study revealed that more than 60 percent had only primary education, 50 percent had been married for between 5-9 years and more than 70 percent had experienced complications before or after childbirth. Age at first marriage, current age, level of education and household decision making influence maternal health risks in the study area. Entitlements and freedoms that are highly relevant to reduction of maternal mortality, provided by international treaties are inaccessible to young women in the study area. It also leads to social and economic underdevelopment both at individual and aggregate level (Clark, 2004; Assefa et al., 2005).

The consequences of child marriage to the girls who experience it can be devastating (Jain & Kurz, 2007; UNICEF 2001; 2005; Mathur et al., 2003). Early marriage leads to

early childbearing, with significantly higher maternal mortality and morbidity rates as well as higher infant mortality rates (Mensch, 2005; UNICEF, 2005; Save the Children, 2004; Bott & Jejeebhoy, 2003). Moreover, child marriage has negative effects on girls' education. Girls with low levels of schooling are more likely to be married early, and child marriage virtually puts an end to a girl's education (Mathur, Greene & Malhotra., 2003; Mensch, 2005; Jejeebhoy, 1995). A child bride's lack of education and peers limits her support systems, and without skills, mobility, and connections, she is constrained in her ability to overcome poverty for herself, her children, or her family. Young girls married to older men with more sexual experience are also at greater risk of HIV infection (Clark 2004), and child brides are at heightened risk of violence in the home (ICRW, 2005; Santhya et al., 2010).

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Several organizations have examined the causes and consequences of child marriage in some detail (Bott & Jejeebhoy, 2003; Mathur et al., 2003; UNICEF, 2001), and many have highlighted promising programmatic approaches to prevent child marriage (for example, USAID 2009; Hervish & Feldman-Jacobs 2011). However, comprehensive reviews to take stock of existing programme have been more limited. The International Center for Research on Women (ICRW) undertook one such effort in 2007, and identified 66 child marriage-related programmes in 30 countries (Jain & Kurz, 2007). ICRW conducted a follow-up review that focused solely on India and identified 58 programme and policy efforts targeting child marriage in the country (Mukherjee, Singh, Das Gupta, Pande & Basu, 2008).

Child marriage also has a complex relationship to human trafficking. Trafficking and forced marriage intersect when marriage is used both in conjunction with force, fraud,

coercion, or abuse of power, and as a means to subject wives to conditions of slavery, often in the form of domestic or sexual servitude (The Department of State, 2010). Children are trafficked for the purpose of forced marriage, fueling a lucrative trade in girls in some regions. Early marriage also increases the vulnerability of children to being trafficked or re-trafficked. In some cases, girls and boys in child marriages are forced into prostitution or exploitative labour situations by their spouse or spouse's family, while in other cases children may become easy prey for traffickers when they attempt to flee their marital home as a result of abuse.

Women who married at younger ages were more likely to believe that it is sometimes acceptable for a husband to beat his wife, and were more likely to experience domestic violence themselves (Jenson, 2003). The age gap between partners is thought to contribute to these abusive power dynamics and to increase the risk of untimely widowhood, although Westoff notes that older husbands may be better providers for the household (Tiemoko, 2001).

Although child marriage most often stems from poverty and powerlessness, it only further reinforces the gendered notions of poverty and powerlessness stultifying the physical, mental, intellectual and social development of the girl child and heightening the social isolation of the girl child. Evidence shows that child marriage is a tool of oppression which subordinates not just the woman but her family. Not only does child marriage perpetuate an inter-generational cycle of poverty and lack of opportunity; it reinforces the subordinated nature of communities.

2.7 Intervention measures to mitigate child marriage

Efforts to address child marriage in many parts of the world date back to the 1920s. For example, the first legislative attempt to end child marriage in India was through the passage of the “Sarda Act” in 1929 (Mukherjee, 2006). More recently, legal reform began to gain ground in the 1970s and 1980s, as countries such as Bangladesh, India and Indonesia established or raised the legal minimum age of marriage to 18 for girls. These interventions have tried comprehensive or integrated approaches that engage communities, families and policymakers, while attempting to impart to girls skills, opportunities and empowerment. However, prevention efforts were not always focused on the countries with the highest rates of child marriage (Jain & Kurz, 2007). And many efforts lacked scale and were not integrated into larger government initiatives or private sector drivers of economic and social change to be sustainable in the long run (Mukherjee et al., 2008). The International conventions, including the Convention to Eliminate all forms of Discrimination against Women (CEDAW, Article 16) and the Convention on the Rights of the Child (CRC) provides for the prohibition of child marriage. Bunting (1999) proposes that governments should be allowed to set the age of marriage below 18 years of age, but that the onus is on them to demonstrate that this lower age does not result in any discrimination or adverse consequences for women.

Most importantly, existing reviews of initiatives to prevent child marriage indicate that few of these have been evaluated (Jain & Kurz, 2007; Hervish & Feldman-Jacobs, 2011; Mukherjee et al., 2008). For example, only 10 percent of the programmes identified in the 2007 ICRW scan had been evaluated. Still fewer were evaluated using rigorous methodologies or included information about the evaluation process. Thus, while we

seem to know something about what has been attempted to prevent child marriage, we probably know little about how successful these efforts have been.

To address this gap, this brief focuses on and systematically analyzes the small number of evaluated programmes with the goal of preventing child marriage. This analysis provides guidance not only on what has worked, but what can be done to strengthen current and future efforts to prevent child marriage.

In 2009, the World Health Organization (WHO) commissioned ICRW to undertake a systematic review that would use the established WHO methodology to identify, review and appraise research evidence relevant to the prevention of child marriage. In collaboration with WHO, ICRW conducted an extensive search of international, regional and WHO databases to identify programme interventions and policy strategies that had documented measurement of change in child marriage-related behaviors and/or attitudes. The WHO identified additional programmes by conducting a general online search, examining websites of organizations known for their involvement with child marriage prevention and emailing relevant staff, and reviewing a wide range of programme scans and other documents in the published and grey literature. In total, the WHO identified more than 150 potentially relevant efforts to prevent child marriage. However, only 23 of these documented an attempt to measure change in child marriage-related behaviors, knowledge, or attitudes among relevant stakeholders. These programmes were implemented between 1973 and 2009, with several of the programmes continuing through the present, and evaluations were published between 1991 and 2010.

Research shows that girls' education is strongly associated with delayed marriage. Girls with secondary schooling are up to six times less likely to marry as children when compared to girls who have little or no education (UNICEF, 2007). The causality of this relationship is debated, although more recent research suggests that being out of school puts girls at risk of marriage rather than marriage being a reason for girls being pulled out of school (Lloyd, 2006). Schooling is protective against marriage for at least two reasons. Normatively, simply being in school helps a girl to be seen as a child, and thus not marriageable. Other than home, schools can be seen as a "safe space" for girls.

Research from Bangladesh illustrates that providing scholarships for secondary school greatly influences parents' decisions to keep their daughters in school. Evaluation findings indicate that when such scholarships were provided to girls ages 11 to 15 from 1994 to 2001, they had a positive influence on girls' enrolment, attendance, and retention rates (World Bank, 2008).

The Government enforces consent laws between the ages of 15 and 17, as these would be more efficient and feasible to enforce (Field & Ambrus, 2008). In like manner, other research shows that programmes like the Government's Female Stipend Programme secondary school scholarships had immediate effects on delaying marriage and childbearing. The main conditions of this programme were that the girls should attend school for most of the year, pass the final examinations, and the girls should remain unmarried until they have completed secondary schooling (Adams, RabbaniAhmed, Mahmood, Al-Sabir, Rashid & Evans, 2013; ICRW, 2003).

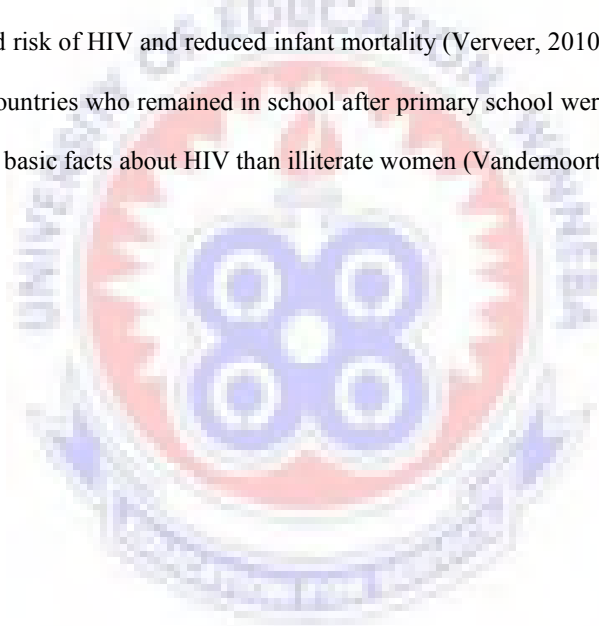
Dwelling slum populations still have limited access to such programmes (Adams et al., 2013). Boys and men can be a promising strategy in child marriage prevention. A study in India found that boys could be successfully trained as educators and advocates for delaying marriage among girls (Gupta, Mukherjee, Singh, Pande & Basu, 2008). Young boys and girls who articulate their views on marriage and education with clarity and maturity are often able to persuade their parents to prevent child marriage. Therefore, it is important to provide young boys and girls with knowledge and information about health, education and their rights regarding child marriage, and has also built their capacities and equip them with confidence so that they become ambassadors of child rights in their community.

Nwokolo (2012) investigates the capacity building strategies for counselling against early marriage of the Girl-child in Ogidi Education zone of Anambra state. Erulkar et al., (2007) conducted a multi country research which included Nigeria. The findings showed that the modern contraceptive usage rate among married child brides from 15-19 years old in Nigeria is 0.6 percent.

Ending child marriage is not only the right thing to do; it can also pay enormous dividends for development. Delaying marriage and childbearing can improve the health of a mother and her child. For one, the risk of malnutrition in children born to mothers over the age of 18 is smaller. Improved nutrition in infants leads to increased schooling and cognitive ability, which contributes to an increase in lifetime savings (Behrman, Alderman & Hoddinott, 2004). Increasing the age of first marriage reduces girls' risk for physical, sexual, psychological, and economic abuse. Delaying marriage can also

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increase girls' and women's decision-making power. Keeping girls in school and delaying marriage increases incomes for individuals and advances economic development for nations. A single year of primary school increases women's wages later in life from 10% to 20%, while the boost from female secondary education is 15% to 25% (Psacharopoulos & Patrinos, 2002). The families of girls who have married later also benefit from their added income and are more likely to invest in their families and children (Lloyd, 2005). When girls stay in school, communities and families reap health benefits, such as decreased risk of HIV and reduced infant mortality (Verveer, 2010). In one study, women in 32 countries who remained in school after primary school were five times more likely to know basic facts about HIV than illiterate women (Vandemoortele & Delamonica, 2000).



CHAPTER THREE

METHODOLOGY

3.1 Introduction

This chapter outlines the methodology for the study. It includes the research design, population, sample and sampling techniques, instrumentation, validity and reliability of instruments, procedure for data collection, ethical considerations, and data analysis.

3.2 Research design

This research uses the qualitative paradigm to investigate child marriage in Tadze in the South Tongu District of the Volta Region, Ghana. According to Baumgartner, Strong and Hensley (2002), most qualitative researchers agree that research designs which fall under qualitative approach rely heavily upon extensive observations and in-depth interviews that result in non-numerical data for analysis. Specifically, this study adopted a descriptive design using the phenomenological approach. Fraenkel and Wallen (2000) point out that, a descriptive survey involves the collection of data through the use of questionnaires, interview or ability test. A phenomenological study is a study that attempts to understand people's perceptions, perspectives, and understandings of a particular situation (Leedy, 2005). Leedy explains that phenomenological study tries to answer question to gain a better understanding of the experiences of others. A phenomenological study is "one that focuses on descriptions of what people experience and how it is that they experience what they experience" (Patton, 2002). He explains that "phenomenology assumes that there is an essence or essences to shared experience." Patton (2002) indicates that "what various phenomenological approaches share in

common is a focus on exploring how human beings make sense of experience and transform the experience into consciousness, both individually and as shared meaning. This requires methodologically, carefully, and thoroughly capturing and describing how people experience some phenomenon.” Traditional phenomenology requires that the researcher separates herself/himself from the phenomenon in order to be able to objectively analyze and understand the experience of the participants. The phenomenological approach, therefore, assisted the researcher in conducting interviews and conversations to solicit peoples’ perceptions, feelings, and sufficient views on the issue.

3.3 Population

The target population for this study consisted of a cohort of all child marriage victims (both old and new cases) in the Tadze community. The reference population included both male and female victims of child marriage. The cohort population of child marriage victims in the community is infinite or indefinite, since there are no specific baseline demographic data on the issue under investigation in the district. However, the accessible population for the study was estimated to be 50 female victims.

3.4 Sample size and sampling techniques

Tadze community in the South Tongu District was purposively selected for the study because of the incidence of cases of child marriage in the district. The sample for this study was largely restricted to female victims of child marriage because the prevalence of child marriage is negligible among males. Thirty (30) child marriage victims comprising 30 females were identified via snowball sampling technique. Snowballing is a technique used in sampling whereby once you make contact with one person, it leads you to several

others in a community (Bryman, 2004). The researcher then adopted the purposive or judgemental sampling technique in selecting 10 child marriage victims who were 9 females and 1 male within the Tadze community. Specifically, the maximum variation sampling technique, also called a maximum diversity sampling was used in selecting the study participants. When sample sizes are small (less than or about 30) maximum variation samples can be more representative than random samples (Patton, 1990). The maximum diversity or variation sampling technique is one of the most frequently used purposeful sampling techniques (Sandelowski, 1995). The aim of using the maximum diversity sampling technique was to sample for heterogeneity. A wide range or diversity of child marriage victims by gender, age groups, religion, and socioeconomic status will be purposively selected for inquiry. The cohort of child marriage victims was purposively chosen because they have experiences, and they are 'information rich.'

3.5 Instrumentation

Two techniques: face-to-face interview, and focused group discussion (FGD) were adopted for this study. A semi-structured interview guide, and FGD guide were used as instruments for data collection. This was done to ensure triangulation of data as noted by Punch (2005) and cross-checking data from multiple sources to search for regularities in the research data (Berg, 2007).

A semi-structured interview guide was designed for 10 purposively selected respondents who had some experiences as child marriage victims. The interview items were designed to cover the key themes raised in the research questions with regard to the experience of the participants. The FGD discussion also involved 6 study participants.

3.6 Validity and reliability of instruments

In any systematic enquiry into the human condition, it is important to establish the truth value of the study. The study must be judged against certain criteria so as to ensure that the findings are a true reflection of the participants or reality (De Vos, 2002). Through criteria such as validity and reliability, the accurateness and completeness of a study can be ascertained.

In order to ensure the validity and reliability of the research instrument, the interview schedule and the FGD were designed to reflect on the research questions. To ensure content validity of the instruments, they were given to the supervisor for scrutiny as well as expert judgment before it was pilot-tested. Pilot study is the most effective strategy to minimize problems in the actual conduct of the study (Muijs, 2004). Suggestions received from the supervisor helped the researcher to refine and shape the contents of the instruments to make them more valid and reliable for the study.

To ensure reliability of the research instruments, they were pre-tested on 2 child marriage victims at Sogakope. In the following week, the test-retest technique was used to determine the reliability of the instrument. The same 2 people were asked to answer the same questions. This yielded similar responses.

3.6.1 Trustworthiness

Lincoln and Guba (1985), cited in De Vos (2002), call trustworthiness the true value of the study. To ensure that the data for the study is trustworthy, the researcher relied on tape recording of the interview, field notes and personal observations as well as

respondents' validation. To ensure validation, the recorded interviews were played to respondents for them to authenticate the responses.

Robson (2002) further states that the aim of a piece of research is to have a measure that is reliable and valid. Two examples of ways of dealing with these problems are to clarify the questions for the interviewees, and for the researcher to train himself to be acquainted with possible problems. Verbatim tape transcriptions were availed to the participants as soon as possible after the interviews. Holstein and Gubrium (1985) cited in Greeff (2002) points out that this allows the information to be clarified and elaborated.

3.6.2 Dependability

To give credence to the credibility of this study, the researcher ensures dependability. Lincoln and Guba (1985) assert that there could be no credibility without dependability in qualitative research. They suggest that dependability can be established through the establishment of appropriate enquiry decision, review of interviewer bias to resist early closure, establishment of categorical schemes and exploration of all areas, resistance to practical pressures and findings of both positive and negative data triangulation.

Information obtained from the literature review were helpful in the development of the questions that elicit responses to the research questions that are formulated to direct this study. This ensures the appropriateness of the questions that the respondents were asked. Besides, the interview format helped to develop categories and themes in the findings. Furthermore, both the positive and the negative responses were listed.

To deal with the issue of bias in the study, the researcher sought clarification for answers that were not clearly stated during the interview. In this way, issues of unclear data that

were obtained were resolved. Care was taken about the duration of the interview to avoid early closure and at the same time to prevent the provision of unreliable data following boredom on the part of respondents as a result of the prolonged interview session.

3.6.3 Credibility

To establish the validity, the data for this study must be credible. According to Cresswell (2002), respondent validation is where the result of the research is submitted to the respondents for confirmation as a means of establishing credibility. Bryman (2001) also observes that the establishment of credibility of findings demands that, the research is carried out according to good practice and by submitting it to the social world that studies it for confirmation and that the researcher understands that social order correctly.

In this study, the researcher interacted with the subjects over a period of not less than two weeks in order to develop an acquaintance with them. This was done through casual visits to the respondents in their homes and telephone conversations. This enables the researcher to develop a relationship with them. In this way, the researcher was able to build trust between himself and each respondent. This trust made it possible for the respondents to readily open up for discussions of all sensitive issues that were covered by the interview for the study.

3.7 Data collection procedure

Since the participants and the researcher are members of the same community (positionality), data was collected through the face-to-face semi-structured interviews and focus group discussion using the Ewe dialect and English language as mediums. A week prior to the interview, the researcher visited each of the respondents to book an

appointment with them. On the appointed day, the researcher called on the respondents to conduct the interview. The researcher first of all adhered to the ethical considerations, and to make sure the respondents will be prepared before proceeding with the interview. The researcher asked the questions one after the other, giving the respondents enough time to react to each question. The researcher probed for clarifications whenever there is the need. Data from the interview was audio-taped with the consent of the participants, and it was later transcribed. Through the face-to-face interview, the researcher was able to probe, follow up and elaborate responses.

Furthermore, it is possible during the interview to make an assessment of what the respondent will feel, think and believe through observing verbal and non-verbal behaviours. The interview and FGD sessions were audio recorded, and notes were taken. It is important to take notes because, though interviews hold the truth on the tape; gestures, facial expressions and postures give additional information to the meaning of what was spoken are not captured on the tape leading to the loss of vital portions of data. Besides, the tape might develop technical or mechanical faults hence the need to take notes.

As a facilitator, the researcher made an effort to ensure that the study participants are comfortable. Before each interview session, there is the need to create a conducive atmosphere which allows participants freedom and independence to participate. The researcher explained the contents of the interview schedule and the FGD guide. Participants were shown the schedules so that they can choose the questions they want to begin with. The researcher, in some cases, decided to begin with questions that help participants to uncover their perspectives when participants' responses gave way to or

yielded “leads” during the interaction. The researcher pursued them in order to get more data and clarity. Since the questions were open-ended, it gave participants the opportunity to give their own points of view in respect of their situation. The participants were afforded greater opportunities to tell their stories.

There is a need to reaffirm the value and usefulness of the participants during the interaction. The interviews and the FGD were audio taped and transcribed to enable the researcher to capture every detail. All the information: interview and FGD guides, and transcriptions from the process notes were labelled and filed in a way that makes the data easily identifiable and retrievable. This ensured that no data was lost or misplaced. A period of 15 days was used for the data collection, including interviewing of the participants, and the FGD. Through the use of the interview the researcher was able to “understand the world from the victims’ points of view.” Thus, in the guided conversation, the researcher was afforded an opportunity to hear the participants’ stories thereby capturing the deep meanings of their lived experiences.

3.8 Ethical considerations

Babbie (2004) defines ethical issues as the general agreements, shared by researchers about what is proper and improper in the conduct of scientific inquiry. These include seeking permission, voluntary participation, no harm to participants, informed consent, anonymity and confidentiality (Strydom, 2002; Punch, 2009). As a way of dealing with ethical issues in this study, the researcher introduces himself, explains the purpose of the interview as well as the FGD, and sets guidelines for how the interview and the FGD was to proceed. The roles of both the interviewer and the interviewee were spelt out. Participants were informed that the interview or the FGD will not last for more than 1

hour, and it will be conducted at their convenience. Furthermore, the participants were assured of confidentiality and anonymity. Their identity and the identity of any person(s) mentioned in their responses were not to be disclosed. Consequently, the researcher upheld all the ethical considerations as shown in the following paragraphs.

3.8.1 Permission

Since the study was to be carried out among child marriage victims in Tadze, the researcher sought permission from the South Tongu District Assembly, Social Welfare Department, the Commission for Human Rights and Administrative Justice (CHRAJ), and the traditional council or authorities in the South Tongu District and the Tadze Community as well. A letter from the Head of Department of the Social Studies Department, University of Education, Winneba was obtained and delivered in person to this effect. With the approval and support from these stakeholders, the researcher was enabled to proceed with the study.

3.8.2 Voluntary participation and informed consent

The study participants (child marriage victims) need to be furnished with accurate and complete information on the goal(s) and procedures of the investigation so that they fully understand and in turn decide whether to participate or not. This makes informed consent a necessary prerequisite to any research in which human beings are involved as participants. In this study, the researcher clearly spelt out the purpose, the nature of the study and its significance to the participants. To that respect, the participants made rational decisions to participate in the study. No participant was coerced to participate

in the study. Each willing participant indicated the most appropriate day and time for the interview.

3.8.3 No harm to participants

In Babbie's opinion (2004), the ethical norms of voluntary participation and no harm to participants have, become formalized in the concept of informed consent. Accordingly, participants base their voluntary participation in research studies on the full understanding of the possible risks involved. Harm can either be physical or emotional (Trochim, 2006). Throughout this study, the researcher made an effort to ensure that participants were not harmed psychologically or emotionally.

3.8.4 Anonymity

Research participants' well-being and interests need to be protected. Participants' identities in the study should be masked or blinded as far as possible (Trochim, 2006). The people who read the research and the researcher should not be able to identify a given response with a given respondent (Babbie, 2004). The names of the child marriage victims who participated in this study were not revealed anywhere instead, code names were used. The recorded responses and the written report were silent on the true identities of the participants. In this study, the ten (10) study participants were identified with alphanumeric codes: child marriage Victim (CMV) 1 – 10.

3.8.5 Confidentiality

Confidentiality indicates the handling of information in a confidential manner (Strydom, 2002). This implies that the researcher must jealously guard all the information

disclosed by the participant so that only the researcher has access to it. The interviews took place at the participant's residence to allow privacy, non-interruptions and the creation of an atmosphere in which the participant felt comfortably engaged. Similarly, the FGD took place at a school premises at a time school is not in session.

The purpose of the research, the role of the interview(s) and the confidentiality of the selected material was explained to the participants before the commencement of the interview(s) and FGD. To this end, the researcher is the sole custodian of documents used and information collected for this study. A tape recorder was used during the interviews and all information collected had been transcribed and the recordings deleted.

3.9 Data analysis

In this study, the bio data of the study participants were presented in figures as frequencies and percentages. The qualitative (interview) data were analyzed through thematic analysis. Specifically, the identifiable themes that emerged from the interview responses and the FGD were classified under each research question. This was done by playing the recorded tapes for each interviewee. The major themes and analysis of the contents were summarized. Again, direct quotations were used to support or clarify the qualitative data when necessary. The interpretation of the qualitative data made it possible to make appropriate inferences.

CHAPTER FOUR

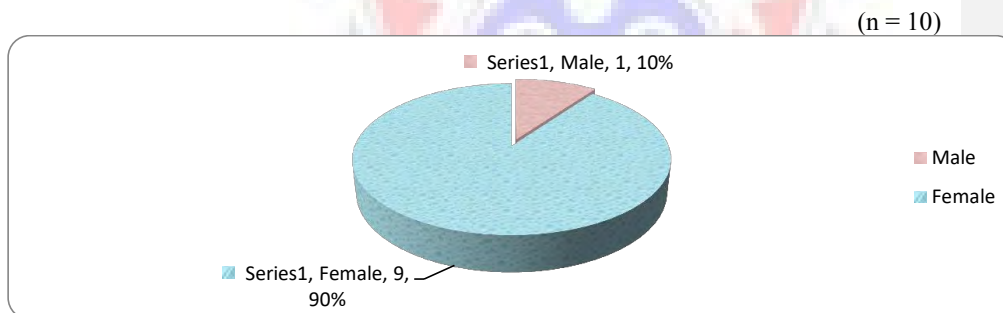
RESULTS AND DISCUSSION

4.1 Introduction

This study examined the nature of child marriage in the Tadze community vis-à-vis national and international legal frameworks on child marriage. As indicated in the methodology, qualitative data were collected through interviews, and focused group discussion. This chapter presents the analysis and discussion of findings. It comprises the socio-demographic data of the respondents and the various themes that emerged from the data in response to the research questions.

4.2. Personal data of the respondents

Figure 4.1 presents data on the sex of the respondents.

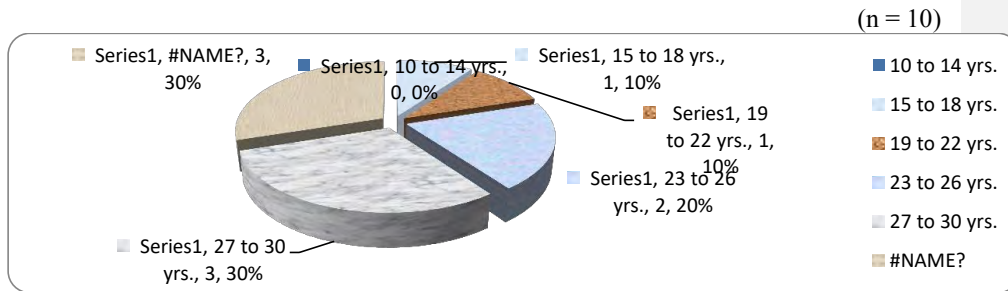


Source: Fieldwork data (2015)

Figure 4.1. Sex distribution of child marriage victims in the Tadze community.

Figure 4.1 presents data on the sex distribution of the respondents. It is observed that 90% of the child marriage victims were females.

Figure 4.2 below presents the age distribution of the respondents.

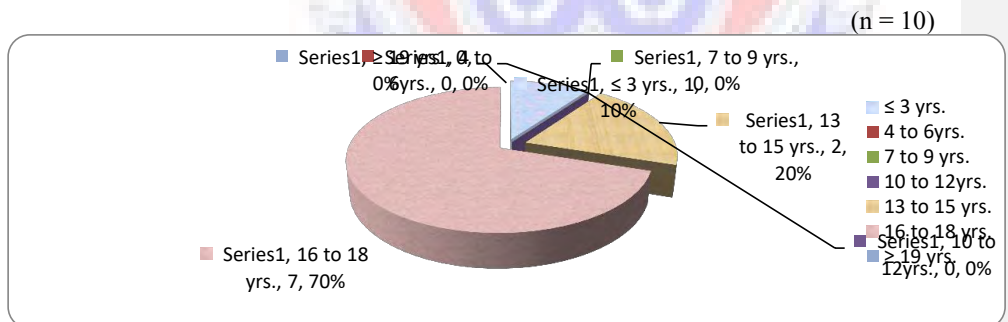


Source: Fieldwork data (2015)

Figure 4.2. Age distribution of child marriage victims in the Tadze community.

The majority (60%) of the child marriage victims were aged between 19 and 30 years. This was followed by those who were either 31 or 31 years and above (30%), and those aged between 15 and 18 years (10%).

Figure 4.3 presents the age at marriage of the respondents.

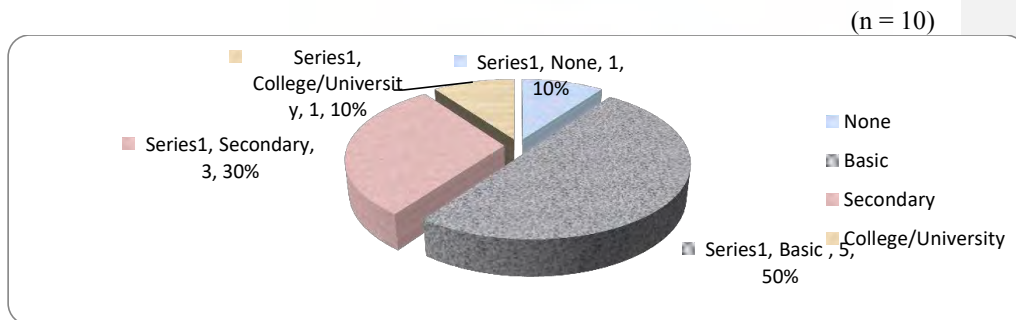


Source: Fieldwork data (2015)

Figure 4.3. Age at marriage of child marriage victims in the Tadze community.

The data in Figure 4.3 indicates that the majority (70%) of the victims married between age 16 and 18 years. Also, 20% of them got married at age 13 to 15 years. Only 1 (10%) of the victims married either at age 3 or below 3 years.

Figure 4.4 presents the level of education of the respondents.



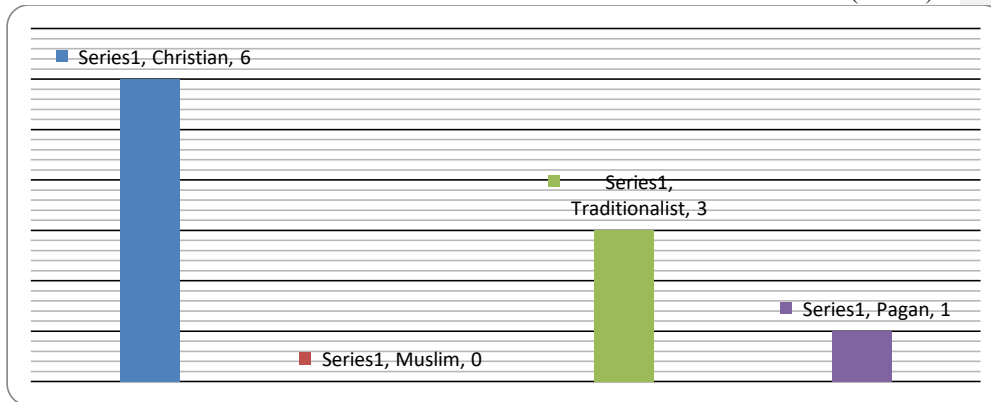
Source: Fieldwork data (2015)

Figure 4.4. Level of education of child marriage victims in the Tadze community.

Figure 4.4 shows that 10% of the child marriage victims had no formal education; 50% of them had some form of basic (primary, middle or junior high school) education, whereas 30% of them had secondary education. Only 10% of the child marriage victims had a college/university education.

Figure 4.5 presents the religious identity of the respondents.

(n = 10)



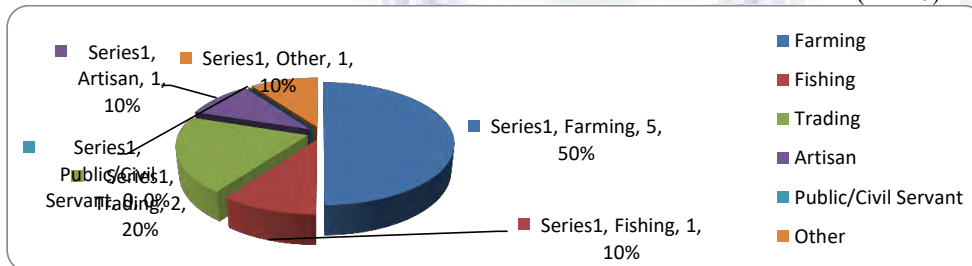
Source: Fieldwork data (2015)

Figure 4.5. Religious identity of child marriage victims in the Tadze community.

Figure 4.5 reveals that 6 (60%) child marriage victims were Christians, 3 (30%) of them were Traditionalist, and 1 (10%) of them was a pagan. The result of this survey found that most of the study participants were Christians.

Figure 4.6 presents the occupation of the child marriage victims.

(n = 10)

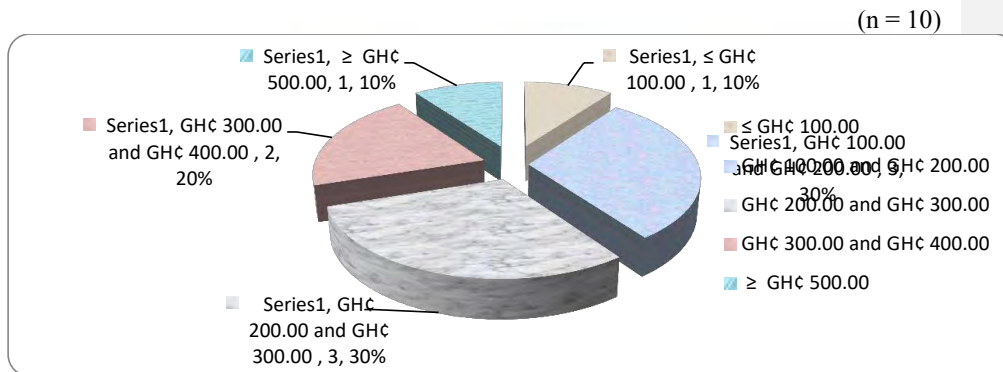


Source: Fieldwork data (2015)

Figure 4.6. Occupation of child marriage victims in the Tadze community.

As regards the occupation of the child marriage victims, 50% of them engaged in farming, 10% of them engaged in fishing, and 20% of them engaged in trading. Of the rest, 10% of them was an artisan – seamstress, and 10% of them was a housewife.

Figure 4.7 gives information on the income per month of the child marriage victims.



Source: Fieldwork data (2015)

Figure 4.7. Income per month of child marriage victims in the Tadze community.

On income levels of the child marriage victims, 10% of them earned less or exactly GH¢ 100.00 as income per month. Also, 30% child marriage victims earned between GH¢ 100.00 and GH¢ 200.00, 30% of them earned GH¢ 200.00 to GH¢ 300.00, whereas 20% of them earned between GH¢ 300.00 and GH¢ 400.00 as income per month. The remaining 10% of them earned GH¢ 500.00 or more as income per month.

The data revealed that the majority (90%) of the child marriage victims either had low levels of education or no formal education. It could be concluded from the data that child marriage victims in the Tadze community are relatively low income earners. This result is an indication that they were from a very low or low socioeconomic background. A poor socioeconomic background is a factor which could likely predispose children to child

marriage. This finding confirms the claim by World Vision (2013) that the occurrence of child marriage is greater in poorer families, and those with lower levels of education. This also confirms Forward's (2008) assertion that child marriage is predominantly practiced in the rural and poor communities where young girls are regarded as economic burden and quickly married off to alleviate household expenses. Also, studies by UNICEF (2005) show that the prevalence of child marriage tends to be higher in rural areas.

4.3 Analysis of research questions

The data were analysed to reelect these themes: nature and prevalence of child marriage, causes of child marriage which include predisposing, enabling and precipitating factors, impact or effects of child marriage, and measures to curb further incidence of it.

4.3.1. The nature and prevalence of child marriage in the Tadze community

The transcribed interview data presented and discussed under this theme bears on research questions 1 which states that: *What is the nature and prevalence of child marriage cases in the Tadze community?* Responses to interview question 1 provided data for this research question.

I got married when I was only 11 months old. I was told my mother carried me in her womb for 11 months. She then visited a shrine for a ritual at the time for delivery. The fetish priest demanded that I get married to him if a girl child is born. So, I was given to the man as “trokosi” – (child to the gods) or “fiasidi” – (wife to the gods), that is shrine slave. **(Child marriage victim 1)**

I got married when I was just 18 years old. My husband was also of same age. Even though I did not know what marriage does really mean, I was physically ready. **(Child marriage victim 2)**

I was married when I was just 15 years. At the time of the marriage, my husband was a middle school pupil, just 17 years old. He impregnated me. I had to carry this pregnancy because my parents did not allow me to abort the pregnancy. To my parents, it is a taboo to do so. **(Child marriage victim 3)**

In our community, girls do get married young and that is why I got married before 18 years. Also, boys tend to marry girls of same age or younger while girls marry much older men. So, my husband was 10 years older than me at the time when got married. **(Child marriage victim 4)**

I was in junior high school when I got impregnated by a polytechnic graduate who served as a national service personnel in the community. I had to drop out to give birth. Nevertheless, I continued the school after I had given birth. Finally, I trained as a seamstress. He then married me when I was exactly 18 years. **(Child marriage victim 5)**

I knew from a very early age that I would have an arranged marriage before completion of my secondary education. All my sisters had been married through the arranged system. I was very frightened by what I saw them go through and I wanted to leave. But I didn't imagine the repercussions of disownment would be just as bad as if I'd had an arranged marriage, but they were. It is either you leave home because of parents disowning you or you lose your whole community. A single independent woman is simply not accepted, I was certainly pressurized to marry before 18 years against my will. **(Child marriage victim 6)**

I think child marriage is related to poverty, social insecurity and patriarchal mindset and unless they are checked properly, nothing will change. Most parents think if girls are pushed to marriage even earlier, they can cover up all other failings. **(Child marriage victim 6)**

I was just 18 when my parents stopped me from going to school and arranged for a marriage in order to cover my two brothers' school expenses. My brothers were then attending secondary school and university, respectively. I was sacrificed to help them continue with their education. **(Child marriage victim 7)**

I went to middle school up to form 2 and wanted to continue, but my parents could no longer afford school essentials. So, they married me off. I was a big girl although I was just 17 years at the time. **(Child marriage victim 8)**

My parents gave me into marriage at an early age that was 16 years. They did it to reduce the financial burden and to secure the future of our eldest sibling who qualified for the university after completion SHS. **(Child marriage victim 9)**

Some parents in this community still think that girls should not go to school. So, when a girl does go to school she may be targeted for early forced marriage. Sometimes a man, a suitor, comes demanding to marry a girl, but if the family does not agree they target the girl and force her into marriage. It's really a big problem. **(Child marriage victim 10)**

It is evident in the interview data that child marriage is a forced marriage. In the Tadze community, it is usually arranged between an adult man and families of the victim without the consent or will of the child, especially girl children. The pre-adolescent girl and adult man type of child marriage occurs through, betrothal, and teenage pregnancy. It

is a kind of promissory marriages which is normally contracted between the parents or families of either a pre-adolescent girl and adult man or an adolescent or teenage girl and an adult man. From the researcher's perspective, child marriage is synonymous with domestic or sexual servitude, child slavery, child labour, child trafficking and child abuse. The finding of this study established that child marriage exists in the Tadze community, and the victims are either forced or coerced into it by their parents and families. Adedokun, Tochukwu and Adedeji (2012) observes that child marriages are often arranged in two distinct ways, within a context of force and coercion, either by parents or other persons in positions of authority in the family arranging their young daughter's marriage to an adult, often a much older man or arranging the future marriage of two children. Other studies by Assefa et. al. (2005) child marriage may be arranged for girls below the age 10. In some cases, girls are married off to pay debts as noted by Tufts University Feinstein International Famine Center (2004).

4.3.2 The factors which account for child marriage in the Tadze community

The data presented and analyzed under this theme seek to answer research question 2 which states "What factors account for child marriage in the community?" To measure this objective, responses to interview question 2 were analyzed.

I married at age 17 when my mother became a widow. I was then in year two of senior high school and wanted to finish my education, but my mother and uncle forced me to marry a 26-year-old male teacher who was posted to our community. This teacher went to my uncle and paid a dowry. I resisted the marriage to no avail. They said, "If you want your siblings to be taken care of, you will marry this man. (Child marriage victim 1)

Even though fishing and farming are our economic activities, we are extremely poor. There are few opportunities for employment here and we didn't have enough to eat every day. So, I thought I can have a good life if I marry. So, I was in courtship with a young businessman who once visited our community to trade in some farm produce. I finally got married to him when I was 18. This happened when I was in junior high school. **(Child marriage victim 2)**

I was 16 when I became a mother. I was forced to break my virginity because of truancy and negative peer influence. My friends deceived me to enter into a pre-marital sexual relationship with one of my male classmates. Alas, I became pregnant, and there was nothing I could do. My parents were afraid to abort or terminate the pregnancy. So, I gave birth, and I married the boy because his father was quite rich. **(Child marriage victim 3)**

In our community, there are strong social pressures to get girls married, in part to prevent them from having a romantic or sexual relationship before marriage. Sexual promiscuity of girls often pushes parents to give away their daughters into marriage to avoid embarrassment. Parents rush to marry off their teenage daughters early due to a fear that it will minimize the likelihood they will be sexually promiscuous prior to finding a husband. **(Child marriage victim 4)**

Our community cherishes virginity and marriage of a girl as a very important matter. Everyone, of all ages here, fears being raped or defiled. I have never been raped or defiled, but I know of a teenage school student who has been raped, and because of that she became pregnant. So, even if the parents know their girl might not be happy or return home after marriage, they arrange the marriage, because of social insecurity. It is extremely difficult, if not impossible, for fathers to marry off daughters who have been victims of sexual abuse as they are considered "tainted" or "dirty". I became a victim of child

marriage because of family pressure to protect the female children and ease pressures on the family resources. **(Child marriage victim 5)**

My father had a second wife and he had a conflict with them, so he gave me away to stay with a distant male friend who hailed from our community, but resided at Ashaiman. He did so in order to settle the conflict with the second wife's family. Unfortunately, I became a prey to this man who sexually abuses me. I became pregnant. Then marriage was arranged by my family, it was not a forced marriage - but I was a teenage girl at the time, I did not know the meaning of marriage and accepted it because I did not know any better. My husband was really harsh with me because of the fact that I did not know what a marriage was, and what the duties of a wife were. **(Child marriage victim 6)**

This is a tradition here in my village (Tadze). Some teenagers get married at 10-18 years old. My father forced me to get married. I was married early - because we are very poor and my father needed money. As the oldest girl (we are a very poor, very large family of nine children), I was sold off. I was very innocent at the time; they pressured me into it so I accepted. This is my ordeal, but I was also very afraid because I did not know anything and definitely did not know the meaning of marriage. When families get a daughter, they are very happy as it is an economic advantage - they sell the girls for money to find some relief to their poverty. Also, they are seen as servants - families marry their sons to the young girls to gain a child servant. **(Child marriage victim 7)**

At age 14, I was surprised when my mother told me I would marry. I cried but I didn't say anything to her. I was smuggled to Togo where I lived with a man who was a trader. I stayed with him till I was 17 years. I was sexually assaulted by this man who saw that I was looking nice. He eventually

impregnated me, and I reported him to my parents who refused to allow me to go to court, as they said I was shaming the family and that it was my fault that it had happened. I began to see and understand that my parents had arranged for this marriage although I was a minor at the time. **(Child marriage victim 8)**

I was told my father divorced my mum when I was 6 years old. Now at age 17, I was taken to meet the man who was going to be my husband. On the way home my mother asked me what I thought, and I said, He's not for me, really, mum. She replied, 'You're going to marry him whether you like it or not, and if you run away, I'll disown you. My mother told me it was my duty to do whatever my husband told me. **(Child marriage victim 9)**

I was too young when I fall victim to child marriage. I was married to a much older man when I was 17 and half years old. At first I refused because I was not ready to get married, but I was told that if I did not do it I would be disowned as the only daughter of my parents. My only option was to co-operate with them. After nine months of struggle in the marriage, I became pregnant. **(Child marriage victim 10)**

The findings of this research identified traditional, customary, religious practices and social norms; poverty, and a lack of educational or employment opportunities for girls as predisposing factors for child marriage in the Tadze community. This finding vindicates Abdallah (2011) who stated that the practice of child marriage is deeply entrenched in tradition, culture and religion. Child marriage is precipitated by social power imbalances, such as increased economic vulnerability of women, lower educational attainment of girls, gender inequality at homes in Tadze as observed by Jensen and Thornton (2003), Otoo-Oyortey and Pobi (2003). This finding confirms that child marriage is greater in the

poorest households, families and countries, rural and impoverished areas, and those with lower levels of education as noted by World Vision (2013), Raj et al. (2012), and the International Center for Research on Women (ICRW, 2007). According to the ICRW (2007), cultural and socioeconomic conditions, poverty, and lack of access to education also influence whether a girl is married early; child marriage is most common in the world's poorest countries and among the poorest households. A 2010 study of 200 child marriages in Afghanistan found that 71 percent of parents who forced their underage daughters to marry were illiterate (ICRW, 2012). Giyan (2009) argues that some religious practices, such as Islam, encourage early marriage and parents imbibe this for fear of their daughters being pregnant out of wedlock and the only available option could be marriage at an early age. In fact, girls living in poor households are approximately twice more likely to marry before 18 than girls living in better-off households (The National Research Council and Institute of Medicine, 2005).

4.3.3 The impact of child marriage on the victims in Tadze community

The data presented and analyzed under this theme seek to answer research question 3 which states "*What is the impact of child marriage on the victims?*" To measure this objective, responses to interview question 3 were analyzed.

All that I'm good for is to be a mother, and a home maker.... I could not complete my education, so I'm either an illiterate or semi-illiterate. My husband physically, emotionally, and sexually abused me. It severely affected my health, and nobody attended to me. His family treated me like a servant and my husband and father in law regularly rain insults on me. (**Child marriage victim 1**)

I often refused to have sex with him because the marriage was forced on me, but he always forced me. He never allows me to go out during the day so that I don't go anywhere, and so that I can have sex with him. Health complications erupted and it had a serious impact on my physical and mental strength. There is no health facility in our village which added to my untold miseries. **(Child marriage victim 2)**

I had fibroids and was in a lot of pain. Sex was painful. If I told my husband I had pain, he would get out shouting that he was going to look for sex elsewhere because I had refused him. Sometimes he would have sex with me anyway. **(Child marriage victim 3)**

I was married to a much older man. On the first day, I had severe bleeding which was caused by tears to my genital and anal area. After my husband had affairs with me. He forced me for sex that day. I think he raped me. I was warned by mother that failure to consummate the marriage would bring her family shame. So, I kept quiet. **(Child marriage victim 4)**

I was sceptical about it because my elder sister, who also had a child marriage, suffered a lot. Her in-laws ill-treated and threw her out of the house within four years of marriage. I did not want to suffer the same fate. Nonetheless, I am now confined at home. My in-laws do not allow me to leave home because they think I will get another man.... I don't even go to the market anymore or see my friends. I faced pressure, physical and verbal abuse from my in-laws. **(Child marriage victim 5)**

Giving birth to a child while myself being a child was the most painful experience of my life. It was a really difficult and painful time for me when I gave birth to the first child. I thought I was going to die, she added, illustrating the serious physical consequences of early motherhood. When I was pregnant,

it was painful and I cried. Also, when the baby was delivered it was so painful because I was a child. Notwithstanding the constant beatings, I did not escape. I compromised with him and stayed for the sake of the children. **(Child marriage victim 6)**

Early marriage brought a shocking change in my life. My husband could not guarantee me a dignified living as he himself was unemployed and a child. I had to take up family responsibility when I did not have exact idea of a married life. My mother-in-law used to abuse me for not being able to concentrate on daily household chores. For this reason, my husband used to have a regular quarrel with me on petty issues like food did not taste as per his expectations or I failed to please my mother-in-law who used to find issues of conflict on daily basis. **(Child marriage victim 7)**

Giving birth to a child while myself being a child was the most painful experience of my life. I was married at a time when I did not have the slightest idea of what marriage does mean to a playful child. I was not happy but could not say no to my parents. In the marriage, I fell pregnant twice. Both children died due to my extremely young age and the beatings. No one could help me - everyone remained silent. I guess they thought this is a tradition that every woman should be beaten by her husband and this is his right to get his demands, to get what he wants. It is a very bad tradition to marry off a teenage daughter. **(Child marriage victim 8)**

He frequently wanted a sexual relationship, but I did not even know what that was at the time, and so he often forced me to get it. My hand was once fractured, and also my eyes suffered injuries and were severely affected from beatings. This type of marriage at such an early age has a really bad effect on my mind and body, and it has led to mental health issues. I always speak to myself, and I am depressed. In early days of marriage too, my husband used to

have a serious fight with me and he could not even give me a single penny or buy anything to me. I was not allowed to play with my age mates and friends rather there were always high expectations from me to behave like a mature woman which I was not. **(Child marriage victim 9)**

I have been very unhappy in this marriage. However, we are still married. My husband always wanted 'sex' from me, but I could not understand what this was, what he wanted ... So, he often forced himself on me, and he beat me up for trying to refuse. The only reason my husband's family married their son to me was because they needed a servant - that's all I was to them ... I got no education like other young girls. **(Child marriage victim 10)**

It is evident in the findings of this study that child marriage undermines a number of rights of the victims in Tadze community. These rights include the right to education as noted by Article 28 of the Convention on the Rights of the Child (CRC); the right to be protected from all forms of physical or mental violence, injury or abuse, including sexual abuse (CRC, Article 19) and from all forms of sexual exploitation (CRC, Article 34), the right to the enjoyment of the highest attainable standard of health (CRC, Article 24), the right to educational and vocational information and guidance (CRC, Article 28), the right to seek, receive and impart information and ideas (CRC, Article 13), the right to rest and leisure, and to participate freely in cultural life (Article 31), the right to not be separated from their parents against their will (Article 9) and, the right to protection against all forms of exploitation affecting any aspect of the child's welfare (Article 36). The findings of this study are also consistent with other studies by Field et al. (2008), UNICEF (2005) which shows that girls who marry at a young age attain lower levels of education, have less reproductive control and encounter higher rates of mortality. This finding also

vindicates Mensch (2005), UNICEF (2005), Save the Children (2004), Bott and Jejeebhoy (2003) who claimed that early marriage leads to early childbearing, with significantly higher maternal mortality and morbidity rates as well as higher infant mortality rates.

It is also found from the study that child marriage limits the education of the victims in Tadze community. This finding supports Field and Ambrus (2008) who observed that child marriages in developing countries are inversely correlated to education among girls. Other studies by (Mathur et al. (2003) and Mensch (2005) found that girls with low levels of schooling are more likely to be married early, and child marriage virtually put an end to a girl's education. This result is also indicative of the fact that child marriage has negative maternal health implications for the victims who are young mothers as noted by Adedokun, Tochukwu and Adedeji (2012); and it leads to social and economic underdevelopment both at an individual and aggregate level as observed by Clark (2004) and Assefa et al. (2005).

4.3.3.1 Intervention measures to curb the incidence of child marriage in Tadze community

The data presented and analyzed under this theme seek to answer research question 4 which states *“What intervention measures could help curb further incidence of child marriage in the community?”* Data for interview question 4 were analyzed to answer this research question.

I was adamant not to accept him as my husband. I told my mother. She realized the kind of a person he was and understood my point of view. My father is very supportive now and since I wanted to study further, and he fully

backed my decision to further education. I am 20-years-old now and have completed the second year of teacher education and training. My aim is to become a teacher and guide young children about issues concerning their lives. Parents should send their children to school to study. Do you know the problems that come with marrying off a child so young? They will miss their childhood. **(Child marriage victim 1)**

I had heard a lot about Plan Ghana, Action Aid, IDEC Ghana and World Vision International. One day, my elder brother approached them and narrated my story. They first counseled both my parents. They advised us to file a petition in court for annulment of the marriage. For an annulment, I had to prove I was underage at the time of marriage. So a birth certificate or a school certificate proved this. These NGOs supported me to go back to school after the annulment of marriage **(Child marriage victim 2)**

Women are getting education and becoming aware of harmful traditional practice. I think parents and the government should place much emphasis on education for children, especially admission, retention and completion of school by the girl child. In my opinion, there should be a law that the age of marriage for men and women must be 21 and 18, respectively. The country should have laws that say 18 should be the minimum age for marriage, but also that these laws actually get implemented. **(Child marriage victim 3)**

Woah! Child marriage is such a big problem in this community, and it can't be that nobody's paying attention. Chiefs, opinion leaders, the media, NGOs, civil society groups, and faith-based organizations need to raise awareness about this issue. We needed to take the taboo away. **(Child marriage victim 4)**

I think communities/society needs to empower girls. The CHRAJ, NCCE, the police, the media, NGOs, CSOs, and FBOs need to make sure that children are aware of their rights. They need to make sure that children and parents realize that child marriage is not a good thing. They need to make them understand that they're actually valued human beings. **(Child marriage victim 5)**

I recommend for peer education, and counselling. I strongly feel that education on child marriage and counselling services would invariably sensitize teenagers and parents about the dangers of child marriage. I think this will mitigate the incidence of child marriage in the long run. What I would say to other young girls is never get married at an early age. If you do you will have psychological problems like I do. I don't get to live like other girls of my age, and I never will. I will tell my message to other young girls that they should never get married so early, and should complete their education. I will tell teenage girls never ever think to marry young! I will encourage them to get educated. I will ask them to look at me, and to look at everything that messed up my life! I would say to girls, don't marry. Enjoy your childhood and go to school - learn. For me, I feel my childhood was robbed. I missed my education - I ended up empty - with nothing! **(Child marriage victim 6)**

I thank the social welfare department, DOVVSU, Plan Ghana and IDEC Ghana for reaching out to me when I did not have anything to eat or drink. They provided me with food and non-food items which turned out to be the most crucial support for me. We need financial help, we need centres in this village where we can be taught skills and work, and earn money for our families so we don't have to be sold as child brides. We also need mental health institutions so people with mental health issues like me can recover. **(Child marriage victim 7)**

I advise that we escape from our husband and in-laws. In my case, I absconded. I will never go back to my husband's house. I was 6 months old when I ran away. I had confided in a teacher and she helped me. Education was not important to my parents - sewing, cooking and serving people in the family were considered much more relevant. I wanted to study so I did, which was fortunate because after I left home I went into nursing, and then social work, and I've done well in 25 years. **(Child marriage victim 8)**

After I ran away, I lived in my teacher's house for a short time, and then went off to become a nurse. I looked after myself by always making sure I was part of a big institution. I did try to make contact with my family, but it was always fraught. My mother turned me away at the door, which was very, very painful. I was told my father had said I was no longer his daughter. Other people in the extended family knew I'd left home, and so I'd brought shame on the family. My final contact was when I decided that I was going to get married to an Englishman when I was 27, and to my family that was really the final straw. It was actually my sisters' husbands more than anyone who made sure none of the family saw me, and my sisters probably wouldn't have been able to stay in their marriages if they had fought for me, but even so, I found that very hard. **(Child marriage victim 9)**

I strongly suggest that the perpetrators should be arrested and seriously punished or tortured well, well. I believe reporting cases of child marriage to teachers, police, counsellors, Social Welfare Department, Domestic Violence and Victims Support Unit (DOVVSU) of the Police Service and others is a crucial step to preventing the further occurrence of child marriage. The police should arrest and prosecute parents, perpetrators, and those who condone with child marriage. I think parents should be more responsible. Good parenting would inculcate good religious, moral and cultural values and practices in the

youth. I am of the opinion that chiefs as well as pastors should be deeply involved and supported to engage in the campaign on zero tolerance for child marriage. There is the need for strict enforcement of laws to discourage child marriage. I suggest faith-based organisations (FBOs), civil society organizations (CSOs) and non-governmental organisations should organise mass education to sensitise parents in the Tadze community on child marriage. Seminars should be organised to educate adolescents about child marriage. I also strongly believe in guidance and counselling. I feel community counselling centres should be established to offer counselling, reformation and/ or rehabilitation of the victims and perpetrators. **(Child marriage victim 10)**

The findings of this study established that the respondents suggested for awareness creation, peer education and counselling, engage opinion leaders such as that chiefs as well as pastors, support for girls' education through rehabilitation and financial support, arrest and prosecution of perpetrators, enforcement of laws as mechanisms to scale up the campaign on zero tolerance for child marriage. This exposure supports UNICEF (2007) view that girls with secondary schooling are up to six times less likely to marry as children when compared to girls who have little or no education. Providing scholarships for secondary school as noted by the World Bank (2008) greatly influences parents' decisions to keep their daughters in school, and that when scholarships are provided to girls ages 11 to 15 from 1994 to 2001, they had a positive influence on girls' enrolment, attendance, and retention rates.

The suggestion for the use of peer education and counselling as mechanisms to prevent child marriage is in line with the views by Gupta, Mukherjee, Singh, Pande and Basu

(2008) who stated that boys could be successfully trained as educators and advocates for delaying marriage among girls, and that boys and men can be a promising strategy in child marriage prevention. This recommendation is also in line with Nwokolo's (2012) views on capacity building for girls.



CHAPTER FIVE

SUMMARY OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

This study examined the nature of child marriage in the Tadze community vis-à-vis national and international legal frameworks on child marriage. This study, which is qualitative, adopted the descriptive using the phenomenological approach. Ten (10) child marriage victims were sampled through snowball and purposive maximum variation sampling techniques. A semi-structured interview guide, and FGD guide were used as instruments. The quantitative data were analyzed descriptively and presented in figures as frequencies and percentages. The qualitative data were transcribed and presented in themes as narratives, verbatim or direct quotations. This chapter highlights the summary of the study, presents conclusions and recommendations drawn from the study and suggestions for further studies are also put forward.

5.2 Summary of findings

The findings of the study are presented below:

- a. Child marriage in the Tadze community occurs through teenage pregnancy (that is the teenage girls get pregnant through which marriage is arranged) and it is forcibly arranged between an adult man and families of the victim without the consent or will of the child, especially the girl child.
- b. Traditional, customary, religious practices and social norms, poverty, and a lack of educational or employment opportunities predispose girls to child marriage in the Tadze community.

- c. Child marriage in Tadze is precipitated by lower educational attainment of girls, gender inequality at homes, and increased economic vulnerability of girls.
- d. Child marriage which occurs through teenage pregnancy in the Tadze community is a limiting factor or barrier to education of the victims.
- e. Child marriage has negative maternal health implications on the victims who are young mothers.
- f. Awareness creation, peer education and counseling, support for girls education through scholarships are highly recommended as preventive mechanisms to scale up campaign on zero tolerance for child marriage.
- g. The use of traditional and religious leader and victims who managed to escape the trap of child marriage and later became successful in life are highly recommended as preventive mechanisms to scale up campaign on zero tolerance for child marriage
- h. Enforcement of laws, arrest and prosecution of perpetrators are also recommended as mechanisms to reduce the incidence of child marriage.

5.3 Conclusions

Child marriage is synonymous with domestic or sexual servitude, child slavery, child labour, child trafficking - all in the confine of child abuse as a gross violation of the rights of the child. Child marriage still thrives in spite of various conventions against the practice. Generally, child marriage undermines a number of rights such as the right to education, the right to be protected from all forms of physical or mental violence, injury or abuse, including sexual abuse, the right to the enjoyment of the highest attainable standard of health, the right to educational and vocational information and guidance, the

right to protection against all forms of exploitation affecting any aspect of the child's welfare of the victims in Tadze community.

Child marriage is intrinsically linked to low levels of education, high levels of violence and abuse, social isolation, severe health risks and harmful power dynamics and results in increased gender inequality and vulnerability to poverty for girls, young women, families and the society as a whole.

5.4 Recommendations

Child marriage is a form of violence and constitutes child abuse, and the key is to prevent it before it occurs. The model for prevention of violence based on World Health Organization's (WHO, 2002) interventions model document is primary intervention: approaches that prevent an abuse before it occurs. Secondary prevention: more immediate responses to violence including pre hospital care, emergency services and treatment of sexually transmitted infections. Tertiary prevention: long-term care in the event of violence – rehabilitation, re-integration and mitigating the effects of trauma. In the light of the findings of this study, the following recommendations are put forward:

- i. The South Tongu District Assembly, faith-based organisations (FBOs) or churches, non-governmental organisations (NGOs) and civil society organisations (CSOs), as well as media institutions should intensify public education to sensitise parents on the dangers of child marriage. They should embark on advocacy, education and awareness programmes and counselling services to prevent pre-marital sex and teenage pregnancy.

- ii. The South Tongu District Directorate of Health Services should provide a targeted education on adolescent sexuality and reproductive health rights services as well as the use of contraceptives to the adolescent.
- iii. The South Tongu District Assembly should also promulgate or make bye-laws to abolish harmful traditional practices such as “trokosi”, and to control activities of the adolescent that lead to teenage pregnancy.
- iv. The South Tongu District Assembly, faith-based organisations (FBOs) or churches, non-governmental organisations (NGOs) and civil society organisations (CSOs), as well as media institutions should carry out regular and a well packaged public education to sensitise parents and adolescent on the dangers of child marriage, importance of education and reporting procedures and agencies to report to.
- v. In the long term, the South Tongu District Assembly in liaising with the Commission on Human Rights and Administrative Justice (CHRAJ), The Domestic Violence and Victims Support Unit (DOVVSU) of the Ghana Police Service, Social Welfare Department, FIDA, Action Aid International, Plan Ghana and World Vision International, other NGOs and non-governmental enforce legislations on ‘zero tolerance for child marriage’ and to abolish negative traditional or customary practices such as child marriage.
- vi. The South Tongu District Assembly should improve access to quality primary and secondary education including comprehensive sexual education in formal and informal settings. The provision of education should address factors threatening the admission, retention and completion of formal education by girls.

Such education must aim to challenge and transform gender equalities, norms and stereotypes. Girls who are married should be allowed to stay in school or be provided with options for re-entry into schooling or non-formal education opportunities.

- vii. The South Tongu District Assembly, CHRAJ, DOVSSU and Social Welfare Department in collaboration with school authorities in the District should break the silence, track child marriage and treat it as a violation of human rights. They should identify or track abusive parents/guardians and other perpetrators for prosecution.
- viii. The South Tongu District Assembly should partner with CHRAJ, DOVVSU, Social Welfare Department, FBOs, CSOs, NGOs and other government agencies to educate the public on the harmful effects of child marriage by organizing awareness and advocacy campaigns through peer education and counseling programmes on zero tolerance against child marriage.
- ix. Parents should also be educated or made to appreciate the fact that investment in their children's education is the surest means to fight child marriage and poverty.
- x. District Directorate of Education should strengthen guidance and counselling services and girls' education support programmes in schools through campaigns, life skills and sexuality education in order to end child marriage.
- xi. The State institutions – GES, GHS, Ministry of Children, Gender and Social Protection etc. at the national level should extend their maximum support to the South Tongu District Assembly and the Chiefs and people of Tadze to end child marriage in the community.

5.5 Suggestion for further research

There is the need to carry out a prospective study to track child marriage in the Tadze community. A follow-up cohort study of victims of child marriage in the Tadze community is further suggested to confirm the exposure that child marriage in the Tadze community is linked to teenage pregnancy as well as traditional, customary, religious practices and social norms, poverty, and a lack of educational or employment opportunities predisposes girls.



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APPENDIX A

**INTERVIEW SCHEDULE FOR VICTIMS OF CHILD MARRIAGE
IN THE TADZE COMMUNITY**

SECTION A: BIODATA

1. Gender:
2. Age:
3. Level of education:
4. Religious identity:
5. Occupation:
6. Income per month:

**SECTION B: NATURE AND PREVALENCE OF CHILD MARRIAGE IN THE
TADZE COMMUNITY**

7. a) In your opinion, is child marriage a common phenomenon in the Tadze communi
- b) If yes, what is the trend of child marriage in the Tadze community?
- c) At what age (yrs) did you become married as a child below 18 years of age?

**SECTION C: FACTORS INFLUENCING CHILD MARRIAGE IN THE
TADZE COMMUNITY**

8. How did you become a victim of child marriage? (betrothal, forced, self-consent, rape, defilement, etc)

**SECTION D: IMPACT OF CHILD MARRIAGE ON VICTIMS IN THE
TADZE COMMUNITY**

9. What do you think has been the consequences (include benefits) of child marriage on you?

**SECTION E: MEASURES TO CONTROL CHILD MARRIAGE IN THE
TADZE COMMUNITY**

10. What measures do you think should be put in place to reduce teenage pregnancy in this community?



APPENDIX B

INTERVIEW SCHEDULE FOR VICTIMS OF CHILD MARRIAGE

Participants were assured of confidentiality and anonymity. Their identity and the identity of any person(s) mentioned in their responses were not disclosed. Participants were identified with alpha-numeric codes: Child Marriage Victim (CMV) 1 – 10.

Date/Time Scheduled		Time In & Out of Venue/Community		Person/Persons Interviewed	Outcome of Interview	Remakes
Date	Time	Entry	Out			
03/08/15	1Hr.	4:00pm	4:45pm	CMV 1	Data Collected	Completed
03/08/15	1Hr.	4:50pm	5:30pm	CMV 2	Data Collected	Completed
04/08/15	1Hr.	4:00pm	4:15pm	CMV 3	Unable to Collect Data	Respondent bereaved Interview Rescheduled To 3:00pm, 11 th Aug.
05/08/15	1Hr.	3:30pm	4:20pm	CMV 8	Data Collected	Completed
06/08/15	1Hr.	4:15pm	5:05pm	CMV 7	Data Collected	Completed
09/08/15	1Hr.	4:00pm	5:00pm	CMV 4	Data Collected	Completed
10/08/15	1Hr.	3:25pm	4:15pm	CMV 5	Data Collected	Completed
10/08/15	1Hr.	4:20pm	5:15pm	CMV 6	Data Collected	Completed
11/08/15	1Hr.	3:00pm	4:55pm	CMV 3	Data Collected	Completed
12/08/15	1Hr.	4:30pm	4:35pm	CMV 9	Unable to Collect	Respondent Couldn't

					Data	returned from a trip Interview Rescheduled To 4:00pm, 14 th Aug.
13/08/15	1Hr.	4:30pm	5:25pm	CMV 10	Data Collected	Completed
14/08/15	1Hr.	4:00pm	4:50pm	CMV 9	Data Collected	Completed

