

Extent, Experiences and Perceptions on the Practice of Child Marriage
in Northern Nigeria

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The candidate confirms that the work submitted is his/her own and that appropriate credit has been given where reference has been made to the work of others.

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ABSTRACT

The thesis is concerned with child marriage in contemporary Nigeria. It examines the primary factors of culture and gender on the one hand, and the secondary factors of religion, education and development on the other hand, and explores how these variables interact in influencing the practice of child marriage. In so doing, it investigates child marriage practices in northern Nigeria, a region where the practice is most prevalent and where customary laws, beliefs and religious values intersect to challenge the Constitution and other legal frameworks impacting on early marriage.

The study adopts a feminist standpoint epistemology which is a unique philosophy of knowledge building that inspires the understanding of the world through the experiences of oppressed women. Using qualitative research methods based on semi-structured and narrative interviews of 40 participants including 15 victims of child marriages to examine young girls' experience in marriage, and the perceptions of stakeholders on the practice in northern Nigeria, the thesis concludes that child marriage is a manifestation of the dominant cultural order within a society. It is this order that interacts with other societal variables to accept, justify, accentuate and entrench the practice in the form being experienced in northern Nigeria. Against this research outcome, the study posits that much as the nature of the law, the enforcement process, and international instruments are critical in addressing the challenges of child marriage, cultural re-orientation remains a vital new approach to be explored if this practice is to be addressed on a sustainable basis.

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ABBREVIATIONS

ACHPR	African Charter on Human and People's Rights
ACPF	African Child Policy Forum
ACRWC	African Charter on the Rights and Welfare of the Child Against Women
CEDAW	Convention on the Elimination of All Forms of Discrimination
CRC	Convention on the Rights of the Child
FIDA	Federation of Women Lawyers, Nigeria
FORWARD	Foundation for Women's Health Research and Development
FOS	Federal Office of Statistics
GBV	Gender based violence
HIV/AIDS	Human Immune Virus/Acquired Immune Deficiency Syndrome
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labour Organization
NDHS	National Demographic and Health Survey
NGO	Non-Governmental Organization
OHCHR	Office of the High Commissioner for Human Rights (United Nations)
RVF	Recto-Vagina Fistula
STI	Sexually Transmitted Infection
UNESCO	United Nations Educational, Scientific, and Cultural Organization
UNFPA	United Nations Fund for Population
UNFPA	United Nations Population Fund

UNHCR United Nations High Commissioner for Refugees

UNICEF United Nations Children's Fund

USAID United States Agency for International Development

VVF Vesico-Vagina Fistula

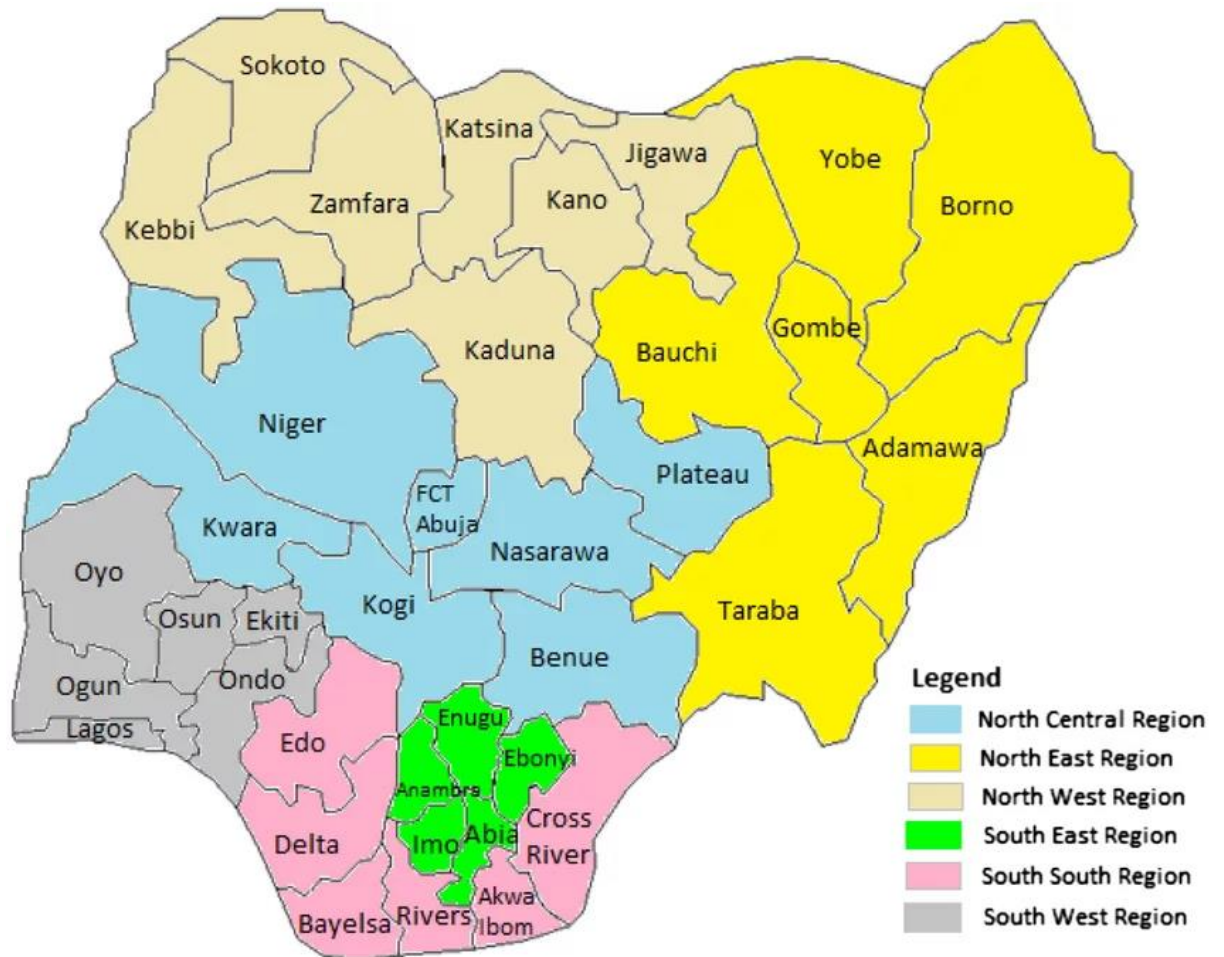
W.H.O World Health Organization.

WRAPA Women's Rights Advancement and Protection Alternative

UNDESA-PD United Nations, Department of Economic and Social Affairs,
Population Division

Frontispiece

Map of Nigeria with the six geopolitical regions



Source: https://www.researchgate.net/profile/Cassio_Turra

Introduction

Background and Rationale

Child Marriage has evolved to become one of the fundamental developmental challenges of the new global order (Nour, 2006). In spite of its cumulative effect on national development (Walker, 2012), developing countries especially within Sub-Saharan Africa, which has one of the highest prevalence of the practice (UNICEF 2005), are yet to develop effective policies towards addressing the practice. Consequently, these child brides are denied access to effective institutional and legal protection, good health, education and economic opportunities, while being exposed to sexual abuse, violence and marital burdens, which are far above their physical and mental capacities (UNICEF 2005).

Studies have shown that girls who marry early are more likely to die from maternal health-related causes and are more likely to be victims of a vicious cycle of reinforced intergenerational poverty (Nour, 2009; Raj et al. 2009; UNFPA, 2013). While child marriage propagates the feminisation of poverty and gender inequalities (Turner, 2013; Okafor et al., 2007) and prevents female children from attaining their full potentials regarding developing their social capabilities. The practice also violates girls' human rights, especially their right to consent; sexual and reproductive choice; and health care (Raj et al., 2009; UNICEF, 1989).

In many developing countries such as Nepal, Bangladesh and Sub-Saharan Africa, child marriages are the strong social norm (Human Rights Watch, 2015; Save the Children, 2013). For most parents, the desire to marry off their young daughters is supported by their belief that early marriage helps in securing financial and social future for their girls. Even though early marriages are often associated with poor social and physical outcomes, 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 (UNHR, 2014; Ford Foundation, 2013). Such outcomes suggest a high impact on larger society, including high population growth, a more rapid spread of diseases, and a higher number of uneducated women (UNICEF, 2005).

Girls of very young ages are forced into marriage, sometimes by desirous parents and relatives, sometimes because of cultural practices and traditions, which require them to get married before or immediately after puberty (Turner, 2013). Cultural practice, religion and economic hardship are some other intertwining factors that have been engaged in explaining or justifying why most parents marry off their young girls. While culture and tradition push to maintain family and societal status quo, the intersection of poverty and lack of education also influence the practice (Seeger, 2013). Lack of educational opportunity combined with poverty often limits girls' potentials and makes child marriage an enduring reality (Otoo-O and Pobi, 2003). Even in situations where there is a help to alleviate poverty, and where education and economic opportunities become more accessible, communities where religious and cultural justifications for child marriage are deeply entrenched barely appreciate the importance of education for the girl child since marriage is more valuable than education in their reckoning.

Child marriage harms not only a girl's life and prospects but the lives of her children as well (Nour, 2009). Children of young mothers are likely not to be educated, and they are likely to experience poorer health and financial prospects than children born to adult mothers. As a result, child marriage could potentially cripple the advancement of entire generations, particularly in developing nations like Nigeria where there are extreme poverty, inadequate health care and limited educational opportunities. Many child marriages end in divorce and separation as studies have shown that early age at first marriage is associated in the long term with a higher rate of divorce and separation, due to the immaturity of the child-bride regarding the capacity for motherhood (Musbau, 2013; Karkal and Rajan, 2005). This happens when young girls realise that they are not ready for the demanding marital responsibilities, particularly with possibly much older husbands who were forced upon them, also when the physical and sexual abuses become unbearable, or when child brides are abandoned because of health complications.

The occurrence and impact of child marriage are analysed and reported in a variety of ways. Scholars such as Nour (2006), and Bunting and Merry (2007) adopted the developmental perspective by considering the practice as a significant barrier to a nation's social and economic development. Otoo-Oyortey

and Pobi, (2003), and Turner (2013) similarly note that the prevalent rate of child marriage is inextricably linked to the level of development of a nation, while a report by UNICEF (2012) provides evidence that one in every four adolescent girls aged 15-19, in most developing countries are currently married or in a union. Other scholars analyse the impact of child marriage from the perspectives of legal, psychological, health, educational and social well-being of the child bride (Bayisenge, 2009; Erulkar and Bello, 2007).

In many countries, where child marriage is pervasive, there exists a body of laws that discourage and impose sanctions against the practice. Similar regional and international legal instruments also exist against child marriage. However, those laws often remain unimplemented. This is because governments of countries with the highest prevalence of this practice are often either unable to enforce existing laws or rectify discrepancies between national laws on marriage age and entrenched customary and religious laws (IPPF, 2006).

Presently, child marriage remains the norm in some regions around the world. Laws also can move in the opposite direction. For example, in Nigeria, the Child Rights Act sets the legal marriage age at eighteen, but the Sharia Law operating in northern part of the country permits marriage at puberty which could be from the age of nine or even younger. While in theory, the Constitution remains the Grand norm of the country, in practice, the Sharia Law supersedes the Constitution and other child protection enactments like the Child Rights Act (CRA) on any issues relating to marriage in Northern Nigeria (Brammah, 2013). The deeply rooted culture of child marriage practices, which is highly supported by Sharia law and customary authorities make the implementation of national policies such as the CRA difficult in most northern states.

The import of this argument is that the protection of human rights, particularly children's rights, has received inadequate attention in Nigeria. The legal framework on children's rights lacks proper implementation just as there is currently no real institutional framework that is specifically dedicated to addressing the grave challenges associated with the practice of child marriage. The practice is widely acknowledged as one of the most well-known violations of children's rights in Nigeria and a major social development question. Beyond the

conflicting legal frameworks, the failure of the government to adequately respond to the threat posed to national development by child marriage could also be a result of the knowledge gap. Furthermore, the inability of policymakers to effectively analyse and understand the complex dynamics that underlie the practice just as it could have resulted from the lack of political will to respond to the child marriage practice.

In consequence, the practice remains pervasive such that today, many girls as young as seven years are betrothed and forced into marriages by their parents, guardians or relatives mostly in Northern parts of Nigeria. According to a UN report (2009), 20% of Nigerian girls are married at the age of 15. This number is higher in the predominantly Muslim Northern part of the country where more than 50% of young girls below the age of 18 years are married (Ford Foundation, 2013). A report by the Ford Foundation (2013) shows Nigeria has the highest rate of child marriage of all West African countries, with nearly 29% (2.5 million) of all Nigerian girls aged 15 to 19 reportedly married (UNFPA 2009).

The increasing threat that the practice of child marriage presents to national development has not only made a resonating subject of national and global discussions; it has also justified the need to interrogate the issue academically. Factors that facilitate exploitative child practices such as child marriage appear to be most prevalent in developing countries, mostly, sub-Saharan Africa (ICRW, 2007). Research into the peculiar, social, legal, religious, cultural and other value systems that motivate child exploitative tendencies and their impact on national development in sub-Saharan Africa mainly, in Nigeria by scholars has received inadequate attention.

Most of the existing studies undertaken by international scholars may not profoundly appreciate or relate to the peculiar social, cultural and religious undertones of such practices. This explains why the existing literature focuses on the impact of child marriage on the victim, community and the national level, while the insufficient academic investigation is directed at the effects of cultural values and other salient but fundamental factors that peculiarly engender, entrench, and accentuate the practice in a country like Nigeria. In instances where attention is extended to these variables, such is engaged from the lens of the global perspective, which most often could be subjective and driven by generalised but

faulty assumptions and hence, unreflective of the peculiarities and realities of the affected local communities where such practice is prevalent. For instance, while the bulk of existing literature engages child marriage from the perspective of human rights violations, in contrast, in most communities in Nigeria, child marriage is not seen as such. It is preferably considered a culturally permissible and acceptable practice.

Understanding the practice of child marriage, therefore, requires an in-depth analysis that appreciates the peculiar cultural values, traditional beliefs, and associated variables of communities in Nigeria by researchers that can relate to such values and variables. The import is that the outcomes of research that does not engage these peculiar realities could remain significantly flawed to the extent that the premise upon which they were conducted might be notably defective. Unfortunately, research activities in this direction have been scant and perfunctory. This creates a profound knowledge gap, which this research intends to fill.

Against this background, this study aims to advance knowledge by exploring a new vista on the prevalence of child marriage in Nigeria through the investigation of salient factors that occasion the practice, their interrelationships and how they manifest in Nigeria. In so doing, the emphasis is placed primarily, on the impact of culture, while a comparative study on the practice is undertaken in the three major ethnic groups within the six geopolitical regions of the country (the Hausa-Fulanis in the north-west and north-east, the Yorubas in the south-west and the Igbos in the south-east). This is to identify the intensity and experience of child marriage across communities with diverse cultural, educational, religious and socio-economic backgrounds in Nigeria. The aim is to analyse and understand why the practice is more prevalent among some ethnic groups than others and at the same time, to question the generalisation of child marriage in the country. The study also critically examines the national and international instruments that affect child marriage to determine their effectiveness and consider their limitations.

In focusing on the child as a research subject, this study recognises that children, particularly the girl child, are the most vulnerable group in every society, yet, they

are the most strategic to sustainable national development (Kelly et al., 1995). The choice of Nigeria is also influenced by the fact that the country is the most populous black nation in the world, which despite its expansive natural resources is categorised as the country with the highest rate of out-of-school children as well as the highest prevalence of the phenomenon in West Africa (UNESCO, 2012a; Ford Foundation, 2013). Also, the wider focus on Northern Nigeria is justified by the reality that the practice and challenges associated with it are most prevalent in that part of the country. This complex situation presents an excellent case study for research of this nature.

This thesis is an empirical sociological study that adopts a qualitative method of research based on semi-structured and narrative interviews in examining the personal and social experiences of young brides and the perspectives of stakeholders and key informant on the practice of child marriage in northern Nigeria. The fieldwork was conducted in northern and southern regions of Nigeria for six months between July and December 2015. By considering the experiences of the victims of child marriages and the reasons for the practice within the thesis, a more holistic account of young brides' lives was gained. The "extent" of the practice in northern Nigeria was explored as a background information to inform the research findings from the interviews. The outcome of the study does not only provide new insights into the practice of child marriage in Nigeria but also help to challenge the past findings on the practice within the country.

Research Questions:

Nigeria is a multi-cultural, religiously complex and naturally endowed country where child marriage remains prevalent and where female children are treated as a commodity (Otoo-Oyortey and Pobi, 2003), the betrothal of which, according to Agbu (2003), is traditionally influenced by financial or material benefits to be derived therefrom or encouraged by religious belief. The complexities and social, cultural and religious dynamics of child marriage in Nigeria raise the question on the possibility of a nexus between the state of underdevelopment of the country in spite of her enormous natural and human resources and child exploitation as manifested in the prevalence of child marriage. This study engages this discourse by using primary and secondary research questions.

The primary research questions of this study are:

1. What is the experience and perception of child marriage in Nigeria?
2. What role do social norms and cultural orientation play in this experience?
3. Why is the practice of child marriage more prevalent in some regions than in others?

The secondary questions include:

1. What are the social patterns of child marriage?
2. What are the objectives, scope, design, coverage and implementation strategies of Policy interventions in Nigeria?
3. What is the performance level of these interventions, and can the impact of these interventions be evaluated?

Child marriage within a global context is explored in chapter one to understand why the habit is culturally accepted in most practising countries especially in Sub Sahara Africa even though it is a violation of the human rights of young girls. It examines how childhood is constructed and the impact child marriage has on childhood. It also studies the historical perspective of child marriage, which indicates that throughout history, child marriage has been a common practice in many cultures globally. The prevalence of child marriage globally shows that the practice is still prevalent in West Africa, South Asia, North Africa, the Middle East, and Latin America and even in the USA. This practice, according to UNICEF, affects about 720 million women globally (UNICEF 2014a). The chapter further explores child marriage within national and international legal and policy frameworks to determine the policies that are available and relevant in combating it.

Chapter 2 examines child exploitation to define child marriage as a component. It explores some forms of child exploitations such as child labour, child sexual exploitation and child trafficking, and explains them in the Nigerian context. The chapter gives a broad overview of child marriage in Nigeria to know how the practice varies by region, the region with the most prevalence of the practice, and why it is commonplace. It explores how young people are educated and prepared

for marriage in a pre-colonial era in Nigeria and examines the development of education in colonial and post-colonial Nigeria to determine the impact on the girl child.

Marriage patterns and the regional practice of child marriage in Nigeria is examined in chapter three. It analyses the historical extent of child marriage among the three major ethnic groups to explain why the practice is no longer common in some regions but still very much prevalent in other regions. The chapter is divided into three sections. The first section examines child marriage among the Yorubas of the southwest, the second section looks at child marriage among the Igbos of the southeast, and the last part focuses on child marriage among the Hausa- Fulanis of the North-east and north-west Nigeria. This chapter also discusses women's access to education in northern Nigeria and why the concept of girl child education has been questioned in that region.

Accounts of marriage laws and child rights policies available in Nigeria is presented in chapter four. The chapter describes the national legal and policy frameworks on marriage, the rights of the Child and especially that of the girl child about child marriage. It also explores the Nigerian Child Rights Act; the relationship between state laws, federal laws and the Constitution of Nigeria within the scope of the right of the child; and how the contradictions within these laws and their enforcement framework affect the practice of child marriage. It additionally critically examines why the Child Rights Act is experiencing poor implementation.

Chapter 5 describes the methodological approach adopted for the research and epistemological considerations that informed the analysis of data obtained from the fieldwork. The chapter also justifies adopting a qualitative approach, semi-structured and narrative interviews as the chosen research methods. It examines the findings and the recognition of the effectiveness and weakness of the methods. For the primary data collection, face-to-face semi-structured and narrative interviews were engaged as the field research method. The chapter also deals with an analytical approach, theoretical framework focusing on intersectionality and gender politics; research design, sampling and selection. It

further discusses the problems and limitations of the research, and data analysis as well as ethical considerations.

In order to understand the experience of child marriage in the northern region, chapter six examines the narrative experiences of 15 young women from North West and North Central part of Nigeria who was married between the ages of 7 – 15 years. The chapter is divided into three sections. The first section examines young brides' expectations in marriage, two case studies were explored in this section. The second section examines young brides' experience in marriage. In this section, young women described their experience of intimacy in very conventional ways, and how they were forced to accept the normative ideas of marriage at the age of puberty. The experiences of these young girls in marriage include domestic violence, sexual abuse and rape, lack of decision-making power, withdrawal from school and denial of access to education. The last section looks at the outcomes of their marriages. The consequences that emanate from their experiences include stolen childhood, divorce, abandonment, prostitution, and early widowhood. Other outcomes include contentment with regrets, unexpected opportunity of education and change in social status.

The response of stakeholders and key informants to the practice of child marriage in Nigeria, why the practice is common in the Northern part of the country and the position of Islam on the issue are presented in chapter seven. The chapter is divided into three sections; the first section examines the general reasons for the practice of child marriage. Based on the response of participants, the chapter submits that the practice is a product of interrelationship between entrenched cultural beliefs and practices on the one hand, and religion, poverty, gender discrimination and protection of girl virginity to upholding family honour on the other hand. The second section focuses on the reasons for the high frequency of child marriage in Northern Nigeria with conflict and insecurity, regional differences in age of maturity and time of marriage, ignorant and lack of exposure to modern values; and the conflicting laws in Nigeria adduced as some of the accentuating factors. It is important to note that themes use in this section were direct words used by stakeholders and key informants. The last section examines the position of Islam on the issue of child marriage. Overall, this study concludes that the practice of child marriage in northern Nigeria is influenced, fundamentally,

by cultural practice as opposed to the widely held assumptions that it is a product of values associated with faith. However, the study also identifies and recognises other intersecting factors, which guide the decisions and behaviours of most parents about the practice.

This research has potentials of contributing to knowledge and enriching existing literature on gender and development in sub-Saharan Africa especially Nigeria, by exposing salient but peculiar factors that explain the prevalence and consequences of child marriage. Also, it may assist Nigerian Parliamentarians and policy makers in understanding the complexities associated with child marriage in their on-going quest to perfect Nigerian Constitution and Criminal Laws about child exploitation in general and child marriage, in particular.

CHAPTER ONE

Understanding the Global Context of Child Marriage

“Child marriage happens because adults believe they have the right to impose marriage upon a child. This denies children, particularly girls, their dignity and the opportunity to make choices that are central to their lives, such as when and whom to marry or when to have children. Choices define us and allow us to realise our potential. Child marriage robs girls of this chance.”

– Desmond Tutu and Graça Machel (UNICEF, 2015)

1. Introduction

The marriage of girls below the age of 18 years is prevalent worldwide and affects millions of young girls. This is despite the existence of international agreements and national laws. Child marriage is a violation of human rights and it robs girls of their childhood, prevents them from acquiring education or vocational skills, enjoying good health, bonding with other children of their age, attaining full age of maturity and ultimately choosing their life partners (UNICEF 2014a). The imposition of a marriage partner on children means that childhood is cut short and their fundamental human rights are compromised as they are denied their right to be children (Forum on Marriage and the Rights of Women and Girls, 2001). Most communities, in developing countries and even in the USA, practice child marriage regularly. While much of the impact remains hidden, it is clear that millions of children and young people, particularly girls, suffer negative consequences (ICRW, 2011).

The understanding of childhood and what constitutes child marriage have been identified as a significant factor in the dissection of the practice. Consequently, this chapter examines the concepts of childhood and child marriage. It defines the concept of childhood, its social construct, the age factor and critically engages the dynamics of child marriage to evaluating its global prevalence. The chapter also examines the International and regional legal frameworks that protect the rights of the child. In this regard, the Convention on the Right of the Child (CRC), the African Charter on the Rights and Welfare of the Child (ACRWC); and other

International Conventions that protect the right of the child, most especially those that address the issue of child marriage are interrogated.

1.1. Childhood in a Global Context

Understanding child marriage requires an intellectual dissection of the concept of childhood. An idea that is understood as a social construction and an institution which provides an interpretive frame for understanding the early years of human life. Also a variable of social analysis which cannot be entirely separated from other variables such as gender, class and ethnicity (James and Prout, 1997). Childhood has been defined as the 'early phase of the life-course of all people in all societies' (James and James, 2008: 22). It is the state of being a child, which is expected to be part of the cycle of human life, associated with the process of 'growing up' and considered a natural stage of development (Morrow, 2011).

The conceptualisation of childhood as a process of growing up indicates that childhood is a stage that individuals go through, as they become adults. Oldman notes that adult enunciations shape what childhood is understood to be, since 'adults control the process of 'growing up' (1994: p.155). Although, the stages and the ages at which childhood begins and ends are not explicitly spelt out (Walters, 2008; James and Prout, 1998), from pre-industrial times, the meaning of childhood has slowly changed in accordance with the broader meanings of context constructed within social, political and economic spaces (Berberoglu, 2011).

The notion of 'child' cannot be discussed outside the concept of childhood and as a social phenomenon. What it is to be 'a child' vary within and between cultures, over time and across generations (James and James 2004). The central idea according to Ndofirepi and Shumba (2014) is that 'childhood' is neither a natural nor a universal category that is determined by biology nor something with a fixed meaning or interpretation. It is a concept that is dependent upon the practices and circumstances within which it is used and experienced. On the contrary, childhood is a historical, cultural and social variable. Even within a particular society, there may be variations in what is meant by and understood as a child. This explains why in most countries of the world, no single law clearly defines the age of children (Walters, 2008).

Within the United Kingdom, for instance, there are differences in guidelines and classifications of a child concerning specific responsibilities. In Nigeria, there are different definitions in legislation as to who is a child (Akinwumi, 2010). In India, various laws relating to children define a child in different age limits (Sikdar, 2012). A child, according to the 1989 United Nations Convention on the Rights of the Child is described as ‘every human being below the age of eighteen years unless, under the law applicable to the child, the majority is attained earlier’. This definition allows for individual countries to determine, according to their national discretions, the age limits of a child in their laws. It also means that in countries where marriage signifies the age of maturity, childhood automatically ends when a person marries.

Just as the nature of childhood is affected by culture, the family, home and setting, it is also influenced by historical events, political orientation, policy, laws and public opinions (Johnston and Nahmad-Williams, 2009). The flexibility regarding when childhood begins and ends often leads to uncertainties over the nature of childhood itself. Therefore, it is believed that ‘child’ and childhood are best understood within a cultural context and an attempt to universalise the concept will mean misrepresenting the world of children (Ndofirepi and Shumba, 2014). The contradiction over the definition of childhood appears to be a reoccurring theme in most societies especially in developing countries where the practice of child marriage affects childhood development.

1.1.1 Childhood as a Social Construct

Childhood is socially constructed and children’s lives are profoundly shaped by this construction whether in compliance, resistance and reinvention (Morrow, 2011). Research from the historical and social perspectives of new social studies established that children’s lives are shaped by social and cultural expectations of adults and peers in different times and places and what childhood appears to be at any given time and place is shaped by many factors external to a child (Wells, 2009). Wells explains further that even in a particular time and place, what is meant to be a child depends on the complex intersection of age, race, gender, class, ethnicity, religious and cultural background. According to Morrow (2011), these social structures not only determine individual children’s experiences but

undoubtedly influence and set boundaries of what is possible, appropriate and expected. Consequently, children are constrained by the various institutions, structures and cultures such as schools, families, or physical geographies in which they find themselves and these in turn shape how they experience childhood (Morrow, 2011).

Johnston and Nahmad-Williams (2009) analyse the four discourses identified by Montgomery (2003) as Western contributions in the construction of childhood. The first is the Puritan discourse which was characterised by the thinking of Thomas Hobbes (1588- 1679). In this period, childhood was considered evil and wild and children needed to be disciplined and punished to break their 'will' and prevent them from sinning. Second is the Tabula Rasa discourse, identified as a period of development. It was characterised by the work of John Locke (1632 – 1704) who described children as a blank slate that needed to be filled and that childhood was the time when adult influenced the developing child. And the third is the Romantic discourse which was characterised by the works and writings of Rousseau (1712 – 78), who saw childhood as a period of innocence as identified in the New Testament. Fourth, Goldson, (1997) and Scott, et al., (1998) attest that children are often viewed in different ways. On the one hand, they are seen as inherently evil and immoral group that required discipline and correction and on the other hand, they are seen as an innocent, naive and vulnerable group that need nurturing and protection.

Scott et al. (1998) explain these perceptions about risk anxiety, as the fear of children and fear for children by an adult. They argue that conceptualising children as weak and passive members of society and with the idea that children can cause harm to themselves and others if they are not supervised, originated from adults' anxiety over children. This is because childhood is not being appreciated from the children's point of view (Scott et al., 1998). Although childhood is socially constructed and the expectation of children differ depending on the society and culture of any specific time and place, the developmental perspective of childhood is rooted in the view that children are in a position of immaturity represented by being irrational, incompetent and uncultured, passive and dependent (Ndofirepi and Shumba, 2014). These, however, are universal

characteristics of childhood. All children by their immaturity have similar needs and limitations.

In all human societies, infants are dependent on adults for physical care such as food, shelter, hygiene and safety (Wells, 2009). Children's need for emotional attachment and forming of a strong emotional bond with an adult caregiver is also a universal feature of childhood in all human societies. Similarly, children are considered socially and culturally immature. Wells argues that although children may not have been born a blank slate, they, however, need teaching on a whole range of cultural practices. Ranging from how to eat and how to live ethically and morally. All these are shared the concern of all human societies (Schweiger and Graf, 2015; Wells, 2009). These general features of childhood do not mean that the social construction of childhood is the same in every society.

In Western societies, the social construction of childhood and general perceptions of children has changed over time (Bourdillon et al., 2010). While children's work was considered legitimate and acceptable during the agricultural era in developed countries, having children work in various other jobs was also once culturally accepted. Similarly, Cunningham (2003) notes that the norm before industrialisation was for children to begin work as soon as they could make a useful contribution to the family's welfare. The understanding of children's work has however changed in contemporary Western society and child-labour is considered a social problem which needs to be addressed (Morrow, 2011). In many Western countries, children and young people's competence is often determined by their educational attainment, which is based on adult standards and consequently, children are often seen as being incompetent (Morrow, 2011; Hutchby & Moran-Ellis, 1998). Morrow (2011) argues that the focus of Western society and its social policies are on what children will become in the future, rather than their childhood and everyday lives as children.

On the contrary, in many developing countries, children are involved in various forms of production because their roles and labour are significant in many household economies (Morrow, 2011; Cunningham, 2009). Children take on significant responsibilities with girls, for instance, playing essential roles in domestic work and in taking care of their siblings as part of their obligations to

their families. Child labour is prevalent in many developing countries and for many children, education has to fit around work commitments. This, conversely, is different from Western countries, where children's work has to fit around their educational obligations.

Morrow notes that just as priorities for children in developed countries are different from those in developing countries, so also their childhood development. On the one hand, child hawking or street trading is still considered legitimate and culturally acceptable for children in most developing countries, especially, in sub-Saharan Africa. On the other hand, street trading by children and young persons is prohibited in the United Kingdom of Great Britain and Northern Ireland (MacLennan, 1986, p.127) due to the changes the society has undergone and these changes reflect modifications in the meaning and construction of childhood.

1.1.2 Rethinking Childhood: The New Sociology of Childhood

Traditional theories of childhood, both in early developmental psychology and early socialisation theories, viewed childhood mainly as preparation for adulthood and considered children only regarding what they become in future, rather than who they are, in their own right (Walkerdine 2004). This makes the notion of 'being' and 'becoming' essential in childhood research. The child as 'being' is seen as a social actor actively constructing 'childhood' and as 'becoming', the child is seen as an 'adult in the making' who lacks the experiences of being an adult (Brannen and O'Brien, 1995; James and James, 2004). Relating this to the African concept of the child, Ndofirepi and Shumba, (2014) note that children are only understood by making reference to what they should indeed become and considering children as being incompetent and incomplete means recognising them as "adults in the making rather than children in the state of being" (Brannen, et al. 1995: 70).

Since the children lack the experience of becoming adults, they have become objects of enquiry for Social policies whose primary focus is on producing adult citizens. Holland et al. (2008) however, note that by prioritising children's future, their everyday experiences as children and the complicated relationship between their past, present and even the future have been neglected. The development now within contemporary social science research, are beginning to emphasise

children not just as 'beings', or 'becoming' but on how children are constituted as both being and becoming (Lee 2001; Prout 2005).

Early socialisation theories which viewed children as passive recipients of social processes and relationships have been widely criticised (Holland et al., 2008; Jenks 1992). Locating children as 'social actors', active in the construction and determination of their social lives, the lives of those around them and the societies in which they live, has led to more complex explorations of the ways in which children exercise agency (Holland et al., 2008; James and James, 2004). This also involves recognising a range of social and cultural norms that heavily regulate children's ability in making choices in numerous contexts from the family to the wider community which continue to construct children as relatively passive and powerless (Holland et al., 2008; Christensen and O'Brien 2003). Rahman and Jackson (2010) point out that one of the reasons why children's agency is undermined or not recognised is because a most adult, especially parents do not consider children participating in, or contributing to, household affairs as anything significant.

Childhood was not only given some status as a stage in its own right but also recognised as a foundational stage for adulthood (Smidt, 2006). From the earlier work of Jean-Jacques Rousseau, childhood was understood in a positive light, and at the same time, children's innate qualities were recognised. Consequently, Rousseau's notions have helped in understanding the new styles of sociological thinking towards the construction of childhood, which also accords children their personhood (James, Jenks and Prout, 1998).

Within the 'new sociology of childhood', it is argued that childhood is a social construct, not a natural or universal state arising from biology. Childhood is instead, viewed as a product of history, society and culture. Seeing childhood as a social construct has been derived from the work of the French historian Philippe Aries. According to Goldson (2001), Aries analysed letters, diaries, pictures and other documents to lay claim that the concept of childhood in Western Europe began after the Middle Ages, around the end of the fifteenth century (Aries, 1962). According to Philippe Aries, the idea of childhood did not exist in the medieval society, though this is not to say that children were neglected, forsaken or

despised, the idea corresponds to an awareness of the particular nature of children (Archard, 2004). Although Aries' work has been criticised concerning the validity and reliability of his data. His work, however, has still been credited as being definitive on the subject of childhood constructions.

What is seen as childhood today is different from how childhood was understood in the past. Drawing on the evolutionary concept of childhood, Goldson, (1997) notes that the 'historical construction and reconstruction of childhood have relocated children from mill, mine and factory into school, and family' (p. 26). Similarly, other scholars have noted that in 1800 the denotation of childhood was vague and not universally in demand. However, by 1914 the vagueness had been virtually resolved to the satisfaction of the middle class and the respectable working class. In consequence, the understanding of childhood became legally, socially, medically, psychologically, educationally and politically established (Hendrick, 2006; Jenks, 2005).

1.1.3 Childhood and the Age question

In analysing the legal position of children affected by child marriage and child soldiers, Swart and Hassen (2016) challenged the idea of interpreting childhood using the 'straight 18 approaches. They argued that childhood is not a homogeneous status and a distinction should be made based on the age and maturity of a child. They advocate a 'sliding scale approach', an approach that varies by the maturity of the child, the cultural context, domestic laws and legal principles such as the voluntariness of children (Swart and Hassen, 2016). According to Swart and Hassen while children under the age of seven do not possess the criminal capacity and cannot give genuine consent to marriage, the situation is more complicated for children who are over the age of seven, because some adolescent children have the will to voluntarily and freely consent to marriage or participate in hostile activities. For this, they emphasise that children who freely consent and voluntarily enter into marriage without force or coercion should not be stigmatised or treated as victims.

Swart and Hassen (2016) made a distinction between early childhood, adolescents and children on the verge of young adulthood. They argue that, since children as young as 14 years are liable for criminal capacity in many domestic

legal systems, mature children should not necessarily escape accountability for any crime committed. They further explain that since legal systems vary regarding the age at which children are considered capable of participating in criminal activities, a correct approach should be one that views childhood slightly differently. Subsequently, Article 4(3) (c) of Additional Protocol II to the Geneva Conventions prohibit the recruitment of children under 15 years in hostilities. This means that between the age of 15 and 18 years children can be considered having the criminal capacity, agency and autonomy to decide voluntarily to enter into hostilities (Swart and Hassen, 2016). Within this age period, a young girl may willingly enter into marriage without being forced or coerced. They explain further that adolescence has become a recognised developmental period in which there are different levels of understanding and maturity, given that 16-year-old children have a better sense of reasoning than 13-year-old children (Swart and Hassen, 2016). Swart and Hassen in their argument failed to consider the psychological and biological maturity in terms of the bodily development of young adolescents in marriage and how this, may affect early pregnancy and the responsibility of motherhood. According to WHO (2017) and UNESCO (2017), adolescent pregnancy remains a major contributor to maternal and child mortality and to intergenerational cycles of ill-health and poverty. WHO (2017) further emphasise that the leading cause of death among 15 to 19-year-old girls globally, is early pregnancy and childbirth complications.

While the Optional Protocol argues that the minimum age for enlistment into states' armed forces be increased to 18 universally, Swart and Hassen (2016) explain that setting the age limit for childhood at 18 should be subject to individual discretion. Huijsmans (2017) however added that the age-brackets attribute to particular life phases such as "childhood" or "youth" is just a matter of definition, which is subjective (p.126). This reflects the importance of age, how it is conceptualised and how it shapes not just migration (Huijsmans, 2017), but child marriage and child soldiers (Swart and Hassen, 2016) as a social phenomenon. It also reflects on how such age frames affect general perception about young people, since referring to young people as children, triggers very different emotions and policy responses than when they are seen as a youth (Huijsmans, 2017).

The concept of age is important in debates about the child and young people, Huijsmans (2017) examines three different theories of age namely chronological age, social age and relative age in exploring the age question on young migrants. Chronological age is measuring of an individual's age based on the calendar date on which he or she was born in days, months and years (Huijsmans, 2016). Chronological age is administratively efficient because it provides a clear eligibility measure for the inclusion and exclusion of programmes and processes for children (Clark-Kazak, 2016). Laz (1998) illustrate that anthropologists, social constructionists and life course theorists are of the view that chronological age is relevant in particular social and historical contexts and interaction, similarly, chronology meaning is used as an organising principle for individual and social life. Furthermore, chronology as a measure of age is a development of modern industrial society. The expectation over age-appropriate behaviour forms a pervasive system of rules that govern the timing of significant life events and constrain social interaction (Laz, 1998).

Huijsmans, (2017) explains that though child migrant by chronological age enjoy specific entitlement, but are at the same time, subject to protective measures that might exclude them from some forms of migrant work as a result of age regulations. Just as young migrants are classified as child migrants by chronological age (Huijsmans, 2017), young girls who marry below the age of 18 are classified child brides or child marriage. Young brides classify as child brides by chronological age are subjected to control in their marriage and to age regulations in accessing medical treatment. For instance, a child bride based on her age needs to be accompanied by an adult to the hospital or clinic before she can receive medical attention. This further shows that children under the chronological age are fundamentally ill-suited to marriage because they are too young for the responsibilities marriage required of them, not just about sex but the emotional maturity to be a wife and mother (Syrett, 2016).

Clark-Kazak, (2016) notes that the dominant emphasis on chronological age has been criticised for several reasons. First, that chronological age is less important than biological and social markers of ageing such as puberty and marriage. In most communities, the biological age, which is the age of puberty and the age at which an individual gets married is more important than chronological age.

Secondly, the construction of age across time and place is also shaped by social and cultural expectations. Thirdly, chronological age implies homogeneity, despite the diversity across individuals and groups. It categorises individuals at different stages of development as one, for instance, just as an infant is seen as a child, a post-pubescent young person is also classified as a child by chronological age (Clark-Kazak, 2016).

Social age refers to the socially constructed roles and experiences attributed to different stages of the life course, as well as intergenerational power relations (Clark-Kazak, 2016). Although social age categories such as child and youth related to chronological age, it is however not defined by it (Huijsmans, 2017). Young people's appearance and performance are ultimately categorised by social age. It is such social facts that render someone a youth or a child. This also means that social age categories are necessarily more flexible than chronological age categories. In this context of marriage, the age of maturity as a social age in most community define the timing of marriage and marriage is a social practice that affirms young girl's adulthood in terms of social age. It could be argued that the change in the social status of a young married girl and the respect marriage bestow shape the concept of age.

The relative age refers to the overall difference in age between individuals within each age group, and may also result in significant differences in performance (Barnsley et al., 1992). In most communities, the fundamental organising principle within the family is seniority and this is based on relative age (Oyewunmi, 2002). In the context of marriage, relative age reinforces subordination between a man and his young bride and between senior wives and the junior wives in a polygamous marriage.

Although the present interpretations of 'childhood' may be contested, the prevailing explanation is, however, sustained. The common belief nevertheless is that, as a matter of principle, children should do whatever adults tell them to do. Accordingly, aside from this reflecting adult authority in general, James and James, note that the phrase 'do as you're told' highlights the ability, and often the wish, of adults to exercise control not only over children but also over their childhood (2004:3). This is because with the present interpretation of childhood

even within the Western societies, children's opportunities for affirming their autonomy are still limited by the structures in adult society. Punch (2001) attests to this by saying that children are living in a world in which adults set the criterion. The specificity of childhood and the social construction of the concept of the child are further complicated when one looks at the age at which societies consider female ready for motherhood or marriage.

The social construction of motherhood and marriage change over time and between different cultural contexts. In the 19th century, it was not only reasonable but also expected that women marry and have their babies at a very young age. This indicates the social construction of the age of maturity and the concept of child marriage in childhood. Throughout history until the 20th century, child marriages were the norm in most parts of the world with girls usually married off before or as soon as they reach the age of puberty with the expectation of reproducing immediately (Warner, 2011). Historically, puberty signals the temporal boundary between childhood and adulthood but in some cultures, reaching puberty means becoming an adult and performing adult responsibilities such as work and marriage (Warner, 2011; Bunting, 2005). From the 20th century, the practice of child marriages started gradually disappearing in developed countries, but in many developing countries, child marriage continued to be practised. This raises the question of the global concept of child marriage.

1.2 Conceptualising Child Marriage

The 1989 United Nations Convention on the Rights of the Child (CRC), defines 'a child as every human being below the age of 18 years' and most international instruments and many countries of the world identify 18 years as the age of maturity. However, in most of the countries especially in Africa, Asia, Latin America and the Middle East, majority of young girls are married out before this age. Even though CRC is relevant to child marriage, it does not specify a minimum age for marriage but provides that State Parties reform their legislation and practice to increase the minimum age for marriage with and without parental consent to 18 years (UNICEF, 2005).

The theories of marriage view marriage essentially, as a social institution and as a rational choice. Turner (2013), describes marriage as a union between two

people as recognised under civil law, religious law or customary rites and understood to be binding by the spouses concerned, their families and the wider community. This brings about the religious connotation of marriage and the importance attached to it as holy and ordained by God. Turner's ideology of the discourse of marriage highlights some fundamental issues. Firstly, as a 'union' between two people, it presupposes that consent and voluntariness are essential components of marriage. Secondly, the nature of existing legal frameworks affects the scope, perception and extent of the validity of the marriage. Thirdly, the values, norms and beliefs of the couple's families and the society, in general, affect marriage. This emphasises the social significance of marriage and defines marriage as a matter for the entire community, not only for the couple themselves.

Implicit in these thoughts is that marriage is a product of interrelationships between the couples, the law (State) and the society (family and community including the values within the society). What is accepted as 'marriage' in any environment is, consequently, defined by the nature and contents of this interrelationship. Similarly, the contradictions within this relationship also affect the perception and practice of marriage in each society. It is in the advancement of this assertion that Warner (2004) observes that marriage exists in all societies as a formalised relationship and a legal, social, and religious arrangement between a woman and a man, in which sexual relations are legitimised, for intimacy, reproduction and child-rearing with state recognition.

Warner's focus highlights the extent to which national values and legal frameworks intersect to define marriage. On the one side, the laws (as influenced by the dominant national cultures, values and norms) of most advanced countries like the USA, UK and other Western nations define marriage from the perspective of Turner (2013) as a union between two people. On the other hand, the laws as influenced by the culture, and national values in most other developing countries define marriage from the perspective of Warner (2004) as a union between a man and a woman.

From Warner's perspective, marriage evolved to protect the cohabitation of women and men and family life. It entails rights, obligations and restrictions to ensure the security and well-being of the family and its members, including its

honour, the legitimacy of children and rights to inheritance (Forum on Marriage and the Rights of Women and Girls, 2000). Conversely, drawing on Turner's perspective, the object of marriage goes beyond childbearing to the manifestation of freedom of choice, cohabitation and consent. The convergent point, though, in these two lines of thoughts is that mutual consent and maturity of the couples remain fundamental factors in defining a validly consummated marriage. Child marriage appears to negate these core marital essentials.

Child marriage which is also known as 'child betrothal' or 'early marriage' is a formal or informal union between two people, of whom one or both spouses are below the age of eighteen (UNICEF, 2011; UNFPA, 2012). It is a union in which the girl is not physically, physiologically and psychologically mature enough or prepared to shoulder the responsibilities of marriage and childbearing (International Planned Parenthood Federation, 2006). The unfair, unequal and slavish relationship that child marriage represents underscores the assertion by the Pan-African Forum against the Sexual Exploitation of Children that the practice amounts to a form of commercial sexual exploitation of children (UNICEF, 2005).

These perspectives on child marriage are premised on the assumption that eighteen years represents a globally acceptable minimum age of full maturity and capacity to act. They also tend to acknowledge that from a child rights and equity perspective, marriage should not be allowed before 18 years of age (IPPF, 2006). While taking cognisance of the fact that an adolescent girl may attain sexual maturity early, critiques of early marriage insist that such does not indicate that a girl-child is physically mature enough to conceive a child, nor be cognitively or psychologically mature enough for marriage and the responsibilities of being a wife and a mother (Bunting, 2005). This perspective on child marriage, however, tends to underplay the critical impact that different societal values, culture, beliefs and national laws play in the definition and accommodation of child marriage. Indeed, the conflict between these national values and orientations of countries remains at the heart of the lack of global consensus on both the definition of child marriage and the evolution of a strong prohibitive framework through the instrumentality of international law.

The practice of child marriage is, nonetheless, interpreted by a broad spectrum of scholars as a violation of human rights, which denies girls the right to decide when and whom to marry. It imposes social isolation on girls, which leads to separation between the young brides, their friends and family; it also brings an end to a girl's chance of continued education and at the same time, denies her access to good health and economic opportunities (Karei and Erulker, 2010). According to Vogelstein (2013), this is not merely a human rights violation; it is a threat to the prosperity and stability of the countries where it is prevalent. In essence, there appears to be an intricate link between the practice of child marriage and national development (Nour, 2006).

The developmental component of child marriage underpins the argument by developmental and rights scholars that the practice is encouraged by poverty, gender inequality, social exclusion, and lack of protection for children's rights. These factors are further compounded by limited access to quality education and employment opportunities, which are reinforced by entrenched social norms; economic and political factors; and deeply rooted religious and cultural practices (Vogelstein, 2013; Plan International 2013). When young girls are forced into marriage at a tender age, they are deprived of the ability to make decisions on issues that affect their lives. This illuminates why the practice is described as forced marriage which from the child rights and equity perspective should be criminalised (UNICEF 2007; Craig, 2010). The assertion of the development scholars (Nour, 2006; Karei and Erulkar, 2010) appears founded as the harmful traditional practice of child marriage is common in rural areas and poor communities as well as within strongly patriarchal societies. Within such communities, problems of child brides are overlooked and are invisible in national policy and programme debates, despite the young bride's unique situation and vulnerability (IPPF and UNFPA, 2006).

Child marriage has also been acknowledged as a public health issue. This is to the extent that young brides are more likely than those who married as adults to report early, frequent, and unplanned pregnancies, typically from lack of knowledge and practice of contraceptive use (Ephraim, 2009; Raj et al., 2009). Such pregnancies have been consistently linked to increased risk of maternal and infant morbidity and mortality (Greene, 2014). This is because of the

tenderness of the child-brides at the stage they conceived, which of course make delivery difficult, leading to a high mortality rate. Furthermore, young mothers are more likely to experience pregnancy complications and death during childbirth than those older mothers. These teenage wives remain more vulnerable to infections, such as HIV/AIDS, sexually transmitted diseases (STDs) and the devastating ailment of Vesicovaginal fistula (VVF) or Recto-vaginal fistula (RVF) primarily due to their physiological tenderness and limited level of sexual and health consciousness.

The practice of child marriage is also recognised as a social rights issue. The practice is linked to other rights such as the right to express one's view freely, right to protection from all forms of abuse, and the right to be protected from harmful traditional practices (Nour, 2006; UNICEF, 2008). Scholars like Walker, (2012); Bunting, (2005); and Nour, (2006) have defined the impact of child marriage about the individual child bride's psychological, health, educational and social wellbeing that has adverse effects on girls' education. Girls with poor education are more likely to be married early, and for those in school, marriage automatically puts an end to their academic potentials (Mathur et al. 2003; Mensch 2005). Lack of education, vocational skills, and social network limit young bride's support systems and her ability to overcome poverty for herself, her children, and even her family (Human Rights Watch, 2013). To examine the practice of child marriage, some theoretical frameworks have evolved. I shall turn to this next.

1.2.1 Theoretical framework

Aside from the broad conceptual distinctions as elucidated above, theories have been advanced by scholars to help in gaining insight into and appreciating the world of an exploited child. Liebel (2004) adopts the classical perspective of Lavallette, (2000) which links child exploitation and abuse to the social and economic contradictions within capitalist societies. He notes that the exploitation of children is a structural feature of modern capitalist economies and that it is important to emphasise this given the widespread opinion that the exploitation of children is essential to be attributed to the moral defects of individuals in dealing with children. This approach assumes that child exploitative practices cannot be

abolished merely by the introduction of modern methods of production or by economic growth. This is buttressed by the fact that the exploitation of children happens in different ways and is still common in advanced economies as much as in developing societies characterised by poverty (Lavallette, 2000 cited in Liebel, 2004 p.203).

This perspective enriches knowledge by indicating how inequalities and their intersections are relevant to political strategies, which may impact on exploitative tendencies (Verloo 2006). Subsuming child exploitation as the only ideological factor will divide argument in a new global order where the line between capitalism and socialism is increasingly eroded, and this may present a misleading outcome. This is more so that researches have established a strong correlation between the prevalence of child exploitative practices and the level of development of a nation (Gupta, 2012; Nour, 2006).

Other scholars have identified the effects of religious, cultural and traditional practices, age, gender, poverty and illiteracy (Ravnbol, 2009; Dahl, 2010; Ephraim, 2009) which are more of developmental than ideological factors. Statistics from a Report entitled '*Profiles of 10 Countries with the Highest Rates of Child Marriage*' by (UNFPA, 2012b) for instance, indicate that of the ten countries with the highest rate of child marriage in the world, nine are from Africa, while one (Bangladesh) is from Asia. All the ten countries on the topmost child marriage ranking are from developing countries with none from the advanced countries. These statistics serve to strengthen the assumption that child exploitative practices are a developmental issue.

The feminist scholar Messerschmidt, (1993) argues that what motivates the power differences and causes sexual assault that exists in relationships within the society and the family, is the complex interaction between existing social structures, conventional attitudes and socialisation, in particular, the differential gender socialisation of males and females in patriarchal society. Scholars such as McCabe and Manian (2010), Williams (1999) and Jackson (2000) attribute the masculine dominance over women to the patriarchal nature of heterosexual relationships in a culture where men are socialised to view women as a means of satisfying their emotional, sexual and daily needs. According to this school of

thought, the messages females receive through such power structures emphasise women's powerlessness, passivity and their role as victim and the unconscious acceptance of these messages generate submissive, compliant and self-effacing behaviours, which offer little or no protection against sexual abuse. This is a common issue in child marriage because most young girls lack basic education and are financially at the mercy of the older men they are forced to marry.

Furthermore, Fitzgibbon (2003), Craig (2010), Brysk (2011), Liebel (2004) and Bales (2003) all argue that there are some similarities between the traditional and the modern forms of slavery in the sense that vulnerable children are being taken advantage of, and treated as commodities sold into exploitation in this modern day slavery. From this perspective, Lee, (2007) notes that although legal ownership may not mark modern-day slavery, it is characterised by debt bondage, forced labour, forced marriage and hyper-exploitative contractual arrangement in a global economic order that deprives children of their childhood. Although the practice of child marriage is frowned upon in the modern day, historically, it has been a general practice in many cultures.

1.3 Historical perspectives on child marriage

Child marriage has been a common practice in many cultures in the historical evolution of the global order. In medieval European societies, girls were commonly betrothed at puberty or even before they attained the age of puberty. They were not allowed to choose whom to marry and, most of the time; they were not given the privilege of seeing or knowing the man before the wedding day (Laiou, 1993). In Ancient Greece, young girls were encouraged to get married and start motherhood early, and boys were expected to marry in their teens (Demand 1994). Mothers educated girls at that time at home on how to cook, take care of children and the house, without formal education on how to read and write. On attaining puberty at the ages of twelve or thirteen, young girls were seen as adults and their marriage often arranged by their fathers.

In Ancient Rome, marriage existed for the production of legitimate children who would be heirs to their father's property. Girls were regarded ready for marriage at the age of 12 and boys when they turned 14 (Hays, 2013). Since most

marriages were arranged for political reason, the higher the social status of a girl, the earlier her betrothal after puberty. Although, the actual wedding was usually put on hold until she was physically mature enough to endure a healthy pregnancy or survive the high risks of childbirth (Hays, 2013). Early marriage and betrothal were legally recognised in Ancient Rome, and for the union to be considered legitimate, both would-be couples are required to lawfully and morally consent to the marriage and brides were expected to be virgins. While 12 years was an average age for girls to get married, it was possible that a girl was betrothed when she was only 7 years old (Dahl, 2010). Young women who were 20 years old and men who were 25 years old and not married were penalised (Hays, 2013).

Before 1860 in India, young girls were married below 8 or 9 years old. The issue of Child Marriage was first addressed in late 1860's when the Indian Penal Code laid down laws related to Child Marriage in a reform, which was pioneered by religious movements such as the Brahmo Samaj and the Arya Samaj (OHCHR, 2013). The law prohibited and punished those who had sexual intercourse with a wife who had not attained ten years of age (OHCHR, 2013; Marion, 2010). However, by 1880, child marriage as a problem became a public issue in India, and following the debate on the Age of Consent Bill in 1886, the first petition against 'Hindu Infant Marriage' was proposed to the Government by the natives of Meerut, and this was finally passed in 1927. It declared that no marriage would be valid unless the girl had completed her 12th year. In spite of laws prohibiting the practice, child marriage continues to be a widespread custom in India (Marion, 2010).

In the Middle Ages, under English civil laws which came from Roman laws, marriages before the age of 16 were common. During the Imperial rule in China, child marriage was also an acceptable norm (Saito, 1996). Friedman (1985) notes that arranging and contracting the marriage of a young girl was the unquestionable right of her father in ancient Israel where most girls were married before the age of 15, often at the start of their puberty (Friedman, 1985).

The regulation of marriage custom and age at marriage can be traced the back to the early 1900s; this follows the change in the notion of childhood at the turn

of the nineteenth century in England, which equally brought an adjustment to the age at marriage (Bunting and Merry, 2003). According to Bunting (2005), some criticisms were raised against the practice of early marriage, which included a lack of consent, and the uncivilised nature of the marriage custom of the colonised locales. Furthermore, the roles of international organisations such as the League of Nations and the United Nations, as well as non-governmental organisations (NGOs) such as the Anti-Slavery Society, were essential in raising the issue of early marriage. Although international conventions urge national laws to stipulate the minimum age of marriage, they are unable to enforce such laws themselves (Bunting and Merry, 2003).

Advocacy on child marriage was linked to the anti-slavery movement of the 1920s, when the League of Nations launched an inquiry into slavery in 1922 and then appointed a Temporary Slavery Commission in 1924 to seek the elimination of all forms of slavery including forced and child marriages. By 1926, the League of Nations passed the Slavery Convention (Turner, 2013; Bunting and Merry, 2003). In 1935, the League of Nations established a permanent Advisory Committee of Experts on Slavery to monitor progress on the abolition of slavery (Forum on Marriage and the Rights of Women and Girls, 2000). In 1956, the United Nations in its Supplementary Convention on the Abolition of Slavery broadened the definition of slavery in the 1926 Convention to include servile forms of marriage. The intervention of the League of Nations and its Slavery Convention of 1926 was crucial in mobilising international attention to the plight of girls in sexual relationships without choice (Turner, 2013; Bunting and Merry, 2003). Nonetheless, the practice of child marriage is still prevalent in many communities both in developing and developed countries however higher in developing nations.

1.4 Global Prevalence of Child Marriage

Child marriage is common in West Africa, South Asia, North Africa, the Middle East, and Latin America. Regionally, 41% of girls under 18 are married in West and Central Africa, 29% in Latin America and the Caribbean, 15% in the Middle East and North Africa and approximately two in five adolescent girls in South Asia are married before the age of 18 (UNFPA 2012). An estimated 2.2 million women

and girls in Europe and Eurasia were married before the age of 18 (USAID, 2012). Also, about 167,000 children under 18 were married in the U.S. between 2000 and 2010 (Baynes, 2017). A report from ICRW (2014) indicates that there are nearly 70 million child brides in the world presently, and one in three girls in developing countries get married before the age of 18 years with this amounting to more than 14 million girls marrying each year (UNPF, 2012). A study by UNICEF (2011) shows that nearly 5 million girls under the age of fifteen are betrothed every year, and some are as young as nine or even eight years old. Although these figures are based on the demographic and health surveys of affected countries, most marriages in rural areas of developing countries are not registered, making it difficult to get the actual statistical data.

Worldwide, child marriage affects both boys and girls, but more girls are married at a younger age than boys (Mathur et al. 2003; UNICEF 2005; Save the Children 2004). According to UNICEF, 720 million women alive were married as children, compared to 156 million men (UNICEF 2014a). In the Niger Republic, for instance, 77% of women aged 20 to 49 were married before age 18 in contrast to 5% of men in the same age group. Even in countries where child marriage is less common, the same gender differences are found. In the Republic of Moldova, 15% of women aged 20 to 49 were married before age 18 compared to 2% of men (UNICEF, 2014a). From birth, girls are treated less favourably than their brothers are. In many countries around the world, they are betrothed, bought, sold or exchanged like products in the marketplace in the name of marriage. This is accepted because it is a custom and because the arrangement is made as part of a more comprehensive framework of connections between or within families with the interest or consent of the girl-child considered immaterial (Mathur et al. 2003). Child marriage is a manifestation of gender inequality, reflecting social norms that perpetuate discrimination against girls (Forum on Marriage and the Rights of Women and Girls, 2001).

Child marriage in some parts of the world where it is prevalent is often motivated by the financial need to pay off a loan or make ends meet and reduce the burden on the family. Once a girl is married, that means one less child to feed, clothe and educate. In Bangladesh, Mali, Mozambique and Niger Republic where more than 75% of people live on less than \$2 a day (ICRW, 2010), more than half of girls

are married before the age of 18 as this reduces the burden on parents. Child marriage can also be a way to protect a girl, a necessary survival strategy in situations such as war. If, for instance, families have the fear that their daughters might be raped in a refugee camp, marriage to a man with authority might give the girl some protection (International Planned Parenthood Federation, 2006).

In developing countries, the costs of marriage have increased drastically in a wide range of settings, and when the bride's family does not meet expectations, there can be strong negative consequences for the young bride's well-being in her marriage (Population Council, 2011). A study from Nepal shows that childhood poverty is closely associated with marriage of young people. While both bride price and dowry commoditise the value of girls, bride price appears to benefit girls than dowry. With bride price, the girl's family is paid by the groom or his family. The worth or value of the girl is based on her maturity, or her level of education will determine what will be paid as bride price. Consequently, some parents slightly delay marriage so that their daughters will have the time of becoming more appealing and of high value. For example, in South Africa, the expectation of future bride price encourages parents to invest in their daughters' education (Amin and Bajracharya, 2011).

India presents an even more intriguing experience whereby the family of the girl bride must pay a dowry to the groom or his family. The worth of the bride measures the dowry to be paid in this instance regarding her educational qualification and social status. Because of this, families prefer to marry out their daughters at a very young age to avoid paying more on dowry to the groom parents at the point of their betrothal. This practice is widespread in South Asia where dowry is associated with age at marriage (Amin and Bajracharya, 2011). Indeed, the pricing of brides in the form of dowry or bride price raises questions on gender equality and justifies the argument that in most societies, girl-child is treated as a commodity to be priced and offered for sale in a demeaning market-oriented process in the name of marriage (Bhattacharya, 2014).

Not all girls face the same risk of becoming child brides, just as not all young bride is forced into marriage. Even within countries, there are some regions where child marriages are more pronounced than others are, and the practice is common

among the specific population, cultural groups and religion. Furthermore, there is a significant gap in the prevalence of child marriage between the poorest and richest (UNFPA, 2012a). Females from the most impoverished families are twice more likely to marry in childhood than those from the wealthiest families (Greene, 2014). This disparity is pronounced in countries practising child marriage. For instance, in India, the median age at first marriage is 19 years for young women from the wealthy families compared to 15 for young women from the poor families (UNICEF, 2012).

According to UNICEF (2014b), the same pattern is also observed in the Dominican Republic, where at least half of the women from the most impoverished families entered into their first marriage or union at the age of 17 years compared to women from the wealthiest families who got married at the age of 21 years. Across all regions, girls who live in rural areas are more likely to become child brides than their urban counterparts are. This difference is especially striking in some countries in West and Central Africa and in Latin American and the Caribbean, where the prevalence of child marriage in rural areas is about twice the level found in urban areas (ICRW, 2007; Plan International 2013).

Table 1.1

Prevalence of Child Marriage in Various Regions of the World

Rank	World Region	% of women aged 20 to 49 years who were married or in union before 18
1	South Asia	56
2	West and Central Africa	46
3	Eastern and Southern Africa	38
4	Latin America and The Caribbean	30
5	The Middle East and North Africa	24
6	East Asia and The Pacific	21
7	Central and Eastern Europe and the Commonwealth of Independent States (CEE/CIS)	14

Source: Worldatlas, (2016)

South Asia has the highest prevalence of child marriage in the world with 56% of women between the ages of 20 and 49 married before their 18th birthday. Countries within this region with a high rate of child marriage include Bangladesh (52%), India (47%), Nepal (37%), and Afghanistan (33%). The major influencing factor in South Asia is the belief that women should become mothers and wives rather than focusing on education or careers (Centre for Reproductive Rights, 2013). West and Central African countries are second in line with about 46% of all married women between the ages of 20 and 49 being in wedlock before 18 years of age. Throughout Africa, the practice of child marriage is common and rooted in poverty (ICRW and UNICEF, 2015). In Eastern and Southern Africa region, about 38% of married women were married during childhood. Many families in these regions believe that marrying their young daughters is a way of protecting them from abuse and unwanted pregnancy. Also in these regions, going against the tradition is a taboo.

In Latin America and the Caribbean, about 30% of young women were married before they turned 18 years old. Although the practice varies from place to place within the region, the rate rises as high as 41% in Nicaragua, 37% in the Dominican Republic, and 36% in Brazil with young girls from poor homes, rural areas and those from indigenous families being more likely to be married in childhood (Girls Not Brides, 2017). In the Middle East and North Africa, 24% of young women were married in their childhood. While the rate is meagre in some countries such as in Algeria (3%), other countries such as Yemen have a high rate of 32%. Gender inequality is a driving force for child marriage in this region since girls are not exposed to equal educational opportunities as their male counterparts (ICMEC, 2013).

East Asia and the Pacific have 21% child marriage rate. The influential factors in this region are poverty, generations-long tradition, and unequal status for women and girls. The region is prone to natural disasters resulting in instability, which increases the prevalence of child marriage. Also, Central and Eastern Europe region have child marriage rate of 14% with the driving factors in this region being poverty and gender discrimination such as lack of value placed on girls' education and potential professional fulfilment (Thomas, 2009). Evidence from the global

regions shows that child marriage is highly prevalent in developing countries and this is influenced by poverty, gender discrimination and traditional practices.

1.4.1 Global Age of Marriage

While the minimum legal age at marriage without parental consent is 18 years or higher in most countries, many countries still permit marriage below the stipulated age, especially for girls. A study by the United Nations, Department of Economic and Social Affairs, Population Division (2011) records that in 2010, the minimum legal age at marriage for women without parental consent or the approval by relevant authority was 18 years or higher in 158 countries. Also, in 29 nations young girls were allowed to marry below the minimum legal age of 18 years without parental consent

The study further states that in 146 countries, girls below the age of 18 years were allowed to get married with parental consent or with judicial approval. Likewise, girls under the age of 15 years could marry with parental consent in 52 countries (UNDESA-PD, 2011). Mortimer (2015) confirms that the State of Massachusetts in the United States allows girls as young as 12 to marry in exceptional circumstances with the consent of a judge. Similarly, Estonia in Europe allows teenagers to marry at the age of 15 with parental approval (Mortimer, 2015).

The legal age at marriage for boys without parental consent or judicial approval in 180 countries is 18 years or higher and in eight countries, boys under the age of 18 years could marry without parental consent or judicial approval (UNDESA-PD, 2011). Furthermore, in 105 countries boys under 18 could marry as long as their parents' consent to the marriage. Studies show that over half of the women aged 20-24 in Bangladesh, Burkina Faso, the Central African Republic, Mali, Mozambique and Nepal were married before age 18 (Raj et al., 2009; UNICEF, 2014). Some countries permit young people from a specific group to get married at a different age from the official marriage age. In Trinidad and Tobago, the official marriage age from 2014 is 18 years for boys and girls. However, Muslims and Hindus have a separate Marriage Act. While Muslims men are permitted to marry at the age of 16 years, their women marry at the age of 12 years, and Hindu

men are allowed to marry at the age of 18 while their women marry at age 14 (Mortimer, 2015).

The table below shows countries where young girls can marry below the age of 18 years. Although, some countries with a high incidence of child marriage, such as Afghanistan, are not included due to insufficient data.

Table 1.2

Countries where girls are most likely to be married by age 15

RANK	COUNTRY	% MARRIED BEFORE AGE 15
1	Bangladesh	52.5
2	Niger	37.6
3	Chad	34.9
4	Ethiopia	31.4
5	India	30.9
6	Nigeria	30.6
7	Mauritania	29.3
8	Mali	25.1
9	Guinea	23.5
10	Mozambique	21.7
11	Cameroon	20.1
12	Eritrea	19.7
13	Uganda	15.9
14	Nepal	15.3
15	Nicaragua	14.6

Source: DHS data. Includes all developing nations for which a Demographic and Health Survey has been conducted since 1998. Data are for the most recent year available for the period 1998-2006 (World Vision 2008).

In South Asia, nearly half of all girls marry before age 18. 7% of girls in Nepal married at age 10 and 40% at the age of 15. The rate is higher in Rajasthan regions of India, where almost 7 out of every ten girls marry before the age of 18. Likewise, In the Amhara region of Ethiopia; Niassa, Mozambique; and Niger, over 40% of girls marry before age 18 with or without parental consent (UNFPA, 2012). In Mauritania, 34% of young girls are married before the age of 18 years, while 14% are married before their 15th birthday. The rate is higher in Nigeria where

about 43% of young girls are married off before they are 18 years and 17% are married before they turn 15. These findings suggest that child marriage with parental consent is still a widespread practice and existing laws on the minimum age at marriage are either weak or not implemented.

1.5 Child Marriage within national and international legal and policy frameworks

Child marriage violates the rights of the girl-child to be free from all forms of slavery, discrimination, inhuman and degrading treatment. Early attempts to recognise the rights of children can be traced to the 1924 Geneva Declaration on the Rights of the Child and the 1959 Declaration on the Rights of Children. However, it was the adoption of the Convention on the Rights of the Child (CRC) by the United Nations General Assembly on November 20, 1989, that is widely seen as the breaking point in the struggle for the promotion of children's rights by the international community.

This Convention according to UNICEF (2000) and Achilihu (2010) was the first international human rights treaty that brought together the universal set of standards concerning children in a unique instrument, and it is the first to present child rights as a legally binding imperative, which recognises that children have their rights. The CRC guarantees children the rights to freedom from violence, abuse, hazardous employment, exploitation, abduction, or sale; freedom from hunger and protection from diseases; and access to free compulsory primary education. It also provides for the right to adequate health care; the right to know and be cared for by both parents; the right not to be separated from one's family; the right to registration, of birth, name, and nationality. Other rights include, the right to an identity and to preserve such identity; equal treatment regardless of gender, race or cultural background; the right to express opinions and freedom of thought in matters affecting them; and safe exposure and access to leisure, play, culture and art (United Nations, 1989). In advancing and protecting the best interests of children, the Convention puts the responsibility of providing the protective environment required to ensure that all children grow up in safety and dignity on governments and parents. The convention further imposes legal responsibility for protecting children's health, education, development and overall

well-being to the best of their capacities on governments and parents (UNICEF 2008).

Child marriage is not explicitly mentioned in the 1989 Convention on the Rights of the Child (CRC). However, since the practice harms the girl child's health, particularly her sexual and reproductive health, which often results in maternal mortality and morbidity due to early pregnancies (Raj et al., 2009). State parties 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, 1989). This provision according to Braimah (2013) is perhaps the most relevant clause against child marriage. This is given the fact that in most countries especially developing nations, practice of child marriage is part of the tradition and, as this traditional practice is detrimental to the health of children, it is seen as apt that the CRC recommends the abolition of traditional practices, which by its intendment include harmful practices such as child marriage. In addition, UNICEF (2000) emphasise that 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 this is often addressed by the Committee on the Rights of the Child.

The CRC defines a child as any human being below the age of 18 years old. However, the CRC gives allowance to this fundamental rule in cases where the state has a legal age, which is below 18 years (for example if 16 years is the beginning of adulthood). The Convention, therefore, ensures that the principal rule is that childhood should end at 18, unless in case of marriage where the legal majority is attained earlier (CRC, 1989). However, ACPF (2011) notes that the protection of the CRC is still applicable in countries that have established a higher age of majority, for example where 21 is accepted as the age of maturity. This definition also involves different minimum ages. For instance, the minimum age for sexual consent, the minimum age for lodging complaints, the minimum age for driving, the minimum age for labour, and the minimum age for marriage among others. The ratification of the 1989 United Nations CRC and the recognition by most nations that the rights of children must be protected did not bring to an end the plight of the world's children. Although governments have passed laws and policies for the protection of children's rights, such rights continue to be violated.

One of the reasons for this according to Mulinge (2002) is that the CRC does not consider the socio-cultural values and economic realities of most member states, especially developing nations.

The imposition of legal obligations on governments and parents appears to generalise the ability of all states and parents to equally perform these duties with scant regards to economic potentials and political will of different states. Also, the influence of national value systems like religion and tradition, as well as the literacy and poverty levels of parents from different developmental backgrounds on the ability and commitment of states and parents to uphold these legal responsibilities are not put into consideration. For instance, the Convention assumes that developing country with high poverty rate; low literacy level and influential religious and traditional influences will have the political will to uphold its obligations as defined under the Convention as an advanced country like the United Kingdom will. This generalisation is a significant factor in the non-adherence of some states and parents, particularly, in the developing world to the dictates of the Convention and the failure of implementation. This is aside from the fact that the Convention while being morally binding on states that ratify it, is not legally binding (Ramseh, 2001).

Emphasising the strengths and weaknesses of the Convention, Ramseh, (2001) notes that though the Convention is comprehensive in its consideration of child rights and is morally binding on ratifying states unlike the Declaration of the Rights of Children adopted by the League of Nations in 1924. Also exhibiting an innovative and integrationist approach to a child's right by combining economic, social, cultural, political and civil rights in a single instrument. However, the implementation and enforcement processes of the Convention are weak.

Perhaps it is in an attempt to address these criticisms that the United Nations evolved complementary international legal instruments as manifested in the World Declaration on the Survival, Protection and Development of Children; and the Plan of Action for Implementing the Declaration on September 30, 1990 (UNICEF, 1989). In these Declarations, world leaders committed to the protection of children's rights and to guarantee their survival and development. They also adopted a Plan of Action, which is to serve as the guiding framework around

which national governments, international organisations, non-governmental organisations (NGOs), and individuals would fashion their programmes of activities (Mulinge 2002).

Before the CRC, there were other international human rights treaties such as the International Covenant on Economic, Social and Cultural Rights (ICESCR). Also, the International Covenant on Civil and Political Rights (ICCPR) both instrument did not deal exclusively with children's rights or child marriage. Nevertheless, they guaranteed the rights of all people, every person and all human being (Njungwe, 2009). In another word, it is logical to say that the rights provided in these Covenants apply to children as well. Aside from protecting children under the general clauses, both Covenants at a point in time focused on children mainly.

The ICESCR for instance, on the one hand, guarantees the protection and assistance to the family for its responsibility and care over dependent children, and that marriage must be entered into with the free consent of the intending spouses. It requires that extraordinary measures be taken on behalf of children and young people, that they should be protected from economic and social exploitation without any discrimination for reasons of parentage or other conditions. Also, children's employment in works harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law; it guarantees free and compulsory primary education and progressive introduction of free secondary school. It also obliges States to take necessary steps in the reduction of the stillbirth-rate and infant mortality and improve healthy development of the child (OHCHR, 1996). The ICCPR, on the other hand, guarantees the child's right to protection by the family, society and the State, the right to be registered at birth and the right to be given a name (ICCPR, 1996)

1.6 International Human Rights Norms that Address Child Marriage

Aside from the Convention on the Rights of the Child (CRC), the ICESCR and the ICCPR, other international conventions further address the issue of child marriage. The first is the Universal Declaration of Human Rights of 1948. Article 16 of the Declaration provides that men and women are entitled to equal rights in marriage without any limitation of race, nationality or religion, during the marriage

and at its dissolution, and that both potential spouses should freely and fully consent to the marriage (UN, 2008). Although this declaration did not specify the age of marriage, it, however, emphasises the full consent of both spouses.

Another convention that addresses the issue of child marriage is the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery. Article 1 (c) of this Convention considers any marriage that is forced upon a girl or woman by her family or guardians a practice similar to slavery. Article 2 urges all State Parties to prescribe, where appropriate, suitable minimum ages of marriage, to encourage the use of facilities whereby the consent of both parties to the marriage may be freely expressed in the presence of a competent civil or religious authority, and to encourage the registration of marriages (OHCHR, 1996 – 2012a).

The 1964 Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages is another convention, which indicates that marriage requires the consent of both parties. Article 1 of this Convention states that “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 after due publicity and in the presence of the authority competent to solemnize the marriage and of witnesses, as prescribed by law” (United Nations -Treaty Series, 1964). The convention calls upon State parties to eliminate the marriage of girls under the age of puberty and requires that States stipulate a minimum age of marriage.

Furthermore, Article 16 of the 1979 Convention on the Elimination of Discrimination Against Women (CEDAW) provides that States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations. In particular, it allows men and women the equal right of entering into marriage with their free and full consent. It further gives the same rights and responsibilities during marriage and at its dissolution; and the same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children. The Convention also provides that in all cases the interests of the children shall be paramount; 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.

The Convention further provides that 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 (OHCHR, 1996 – 2012b). The Convention on the Elimination of Discrimination against Women (CEDAW) addresses the issue of child marriage from a feminist perspective by focusing on gender inequality and discrimination against women and girls and by emphasising equal rights for both men and women.

In addition to these conventions, in Africa before the adoption of the 1990 African Charter on the Rights and Welfare of the Child (ACRWC), the rights of the African child were regionally protected. This was done under two African Union documents, which are the Declaration on the right and Welfare of African child and the African Charter on Human and Peoples' Rights (Njungwe, 2009). While the Declaration, on the one hand, recognises the need to put the appropriate measure in place to protect the rights and welfare of the Africa child. The Declaration called on all African states to review provisions relating to children in their legal codes and rectify the unequal status of female children that may exist in any part of their states, for instance, the discrimination against female child education. The Declaration further urged African countries to thoroughly examine cultural legacies and practices that are harmful to the growth and development of the child such as child marriage and female circumcision; it recommended that legal and educational measure be taken to abolish such practices (Njungwe, 2009).

The African Charter on Human and Peoples' Rights on its part provides that States parties should ensure the protection of the rights of the child as stipulated in the international Declaration and Conventions (Njungwe, 2009). The African Charter on the Rights and Welfare of the Child (ACRWC) was adopted against the background that the rights and welfare of most African children continued to be threatened due to exploitation, hunger, armed conflicts, and natural disasters, socioeconomic, cultural, traditional and developmental factors (African Union,

1999). Article 21 of the 1990 African Charter on the Rights and Welfare of the Child (ACRWC), expects all governments to do what they can in stopping the harmful social and cultural practices, such as child marriage that affect the welfare and dignity of children. Article 27 of the Charter provides that Children should be protected from all forms of sexual exploitation and sexual abuse (most of which occur in early marriages) (African Union, 1999). Nevertheless, all these ratified conventions contain a universal set of standards and principles for survival, development, protection and participation of children and recognise children as human beings and subjects of rights, which remain morally binding on all nations.

Warner (2004) explains that the problem with many of these Conventions, aside from their general lack of vision, is that they are not self-executing. According to her, they constitute promises by the adopting parties to enact domestic legislation and adopt other measures to achieve the desired objectives, which, even if mandatory, are often stated in language too general and aspirational to constitute enforceable norms in those countries. In essence, these conventions do not consider the socio-economic, religious and socio-cultural conditions of adopting parties.

For instance, virtually all of the Conventions that contain provisions on marriage avoid specifying a mandatory minimum age for the parties and leave that determination to individual States, as well as the decision on the age of maturity which is the age at which a person will be considered an adult. And while many Conventions provide that marriage must be freely consented to by the bride and groom, there is no recognition of the specific vulnerabilities of children, whose “consent” can be easily dismissed, coerced or unduly influenced by adults.

Conclusion

This chapter has examined child marriage within a global context and engaged a historical framework and global comparative studies in advancing arguments that child marriage is, historically, an accepted cultural practice in many countries even though it is a violation of the human rights of young girls. It also notes that child marriage does, in fact, constitute sexual exploitation of young girls who are forced into sexual relations below the legal age of consent and that in many

cultures, financial transactions are the basis of the marriage agreement and girls are treated as a commodity by their own families.

The chapter additionally establishes that notions of childhood, maturity and responsibility vary from culture to culture, so does the minimum age of marriage in those cultures. It further advances arguments that child marriage is a developmental issue that is prevalent in mostly impoverished regions. It also observes that there exist international and regional legal frameworks that seek to regulate the age at marriage and other exploitative practices against children. However, most of these international frameworks are non-effectual to the extent that they are not self-executing, thus presenting them as weak frameworks towards regulating abuses associated with child marriage in nations where the practice is pervasive. The combination of legal complexities non-definitive global stand on the acceptable age of marriage and cultural factors heighten child marriage as a component of child exploitative practice, a discourse that the next chapter interrogates more broadly.

CHAPTER TWO

Child marriage as Component of Child Exploitation

2. Introduction

Child exploitation has been a problem throughout history, and it is increasingly becoming a significant social and security challenge, which has acquired new dimensions in the context of globalisation (Estes and Weiner, 2002). As emphasised by Estes and Weiner, the benefits of economic globalisation, internationalisation, and free trade have brought some unexpected sets of social problems among which is the worldwide occurrence of child exploitation, a practice that has become progressively pervasive in both developed and depending societies.

Although all children have the right to be protected from violence, exploitation and abuse, millions of children worldwide from diverse socio-economic backgrounds and across all ages, religions and cultures suffer violence, exploitation and abuse every day (UNICEF 2013). The vulnerability of children to abuse and exploitations transcends gender, race, ethnic origin or socio-economic status, although most of the vulnerable children to this abuse and exploitation are children from ethnic minorities, marginalised groups, children living and working on the streets, and children living in communities where inequality, unemployment, illiteracy and poverty, are highly concentrated (UNICEF 2013).

Furthermore, children who have lost their parents or who are displaced because of a natural disaster may be highly vulnerable to exploitation (USAID, 2007), just as traditional beliefs and cultural norms of some communities expose children to exploitative activities. For instance, in communities where child labour has not been seen as a crime but rather as a cultural practice of children contributing to the welfare of the family and where child marriages are recognised as traditional and religious practices, children in such communities are vulnerable to exploitation. While children from developing countries are susceptible because of poverty, inequality, traditional beliefs and cultural norms, children from developed countries are vulnerable due to advance modern technology through the internet, social network and digital photography (Broughton, 2009). This shows that

children are exposed in different ways and in varying degrees depending on the particular circumstances, place and time.

Against this background, this chapter explores child exploitation with the objective of situating child marriage as a component. It examines some forms of child exploitation and explains them in the Nigerian context of child exploitation. The chapter also explores the concept of child marriage and the development of education in Nigeria to determine the impact on the girl child. It starts by defining the different components of child exploitation.

2.1 Child exploitation

Child exploitation refers to the abuse of a child for some form of remuneration in a way that the perpetrators benefit in some manner. This could be the use of a child in work or engaging a child in other activities sexually and/or taken advantage of the child's lack of power and status, for the benefit of others and to the detriment of the child's physical and mental health, social and educational development (UNHCR, 2001). Child exploitation includes, but is not limited to, child labour, armed violence, and sexual exploitation of children, child trafficking and, early, forced or child marriage.

Unfortunately, there is a large market and interest in using children of all ages for cheap labour, sexual purposes, child pornography, or other forms of exploitative activities. Perpetrators of child exploitation make a lot of profit from selling the services of children, or the children themselves. The pervasiveness of this practice is highlighted in the Global Slavery Index (2014) which estimates that about 35.8 million people including children are living in modern slavery worldwide. These forms of exploitation are also described as modern-day slavery in which an individual or a group of individuals possess and control a child or children in such a way that deprives them of their liberty, freedom to decide what they want and be in control of their own body (Holman, 2008).

This modern-day slavery presents differently from the traditional form of slavery in which people were captured, transported across the Atlantic, kept in slave camps, treated as personal possessions and forced to work in chains (UNESCO, 1979). While this form of slavery is no longer possible in the sense that there are human rights laws that prohibit slave camps and people being kept in chains,

nevertheless, in this modern day variation, children and young people are kidnapped, transported both locally and internationally, treated as commodities and forced into all forms of slavery activities.

In spite of the variations, scholars such as Fitzgibbon (2003); Craig, (2010); Brysk (2011); Liebel (2004) and Bales, (2003) argue that there are some similarities between traditional and modern forms of slavery in the sense that vulnerable children are being taken advantage of, and treated as commodities sold into exploitation in this modern day. While some are kidnapped and coerced by strangers, others are forced by their parents or guardians into different forms of exploitative activities as a result of greed, selfishness and poverty. From this perspective, Lee, (2007), notes that although, modern-day slavery is not marked by legal ownership or been put in chains it's marked by debt bondage, forced labour, forced and child marriages and hyper-exploitative contractual arrangement in the global economic network. Slavery and servitude are still African realities, as children below the age of 18 are forced into child labour and child marriages and are trafficked locally, nationally and even internationally for commercial sexual exploitation, prostitution and domestic servitude.

Fitzgibbon (2003) notes that hundreds of thousands of Africans especially women and young girls still suffer in silence in slave-like situations from which they cannot free themselves. Although this situation is not peculiar to Africa alone, in Asian countries such as India, Pakistan, Bangladesh and Nepal, children between the ages of 5-17 year old are forced into child marriage, forced labour, child trafficking and child prostitution (Kendall and Funk, 2012). In developed nations such as the United Kingdom and U.S.A, young people below the age of 18 years are given out in marriage, forced, groomed or coerced into commercial sexual exploitation, child prostitution, child pornography, child trafficking and forced marriage (Syrett, 2016; Baynes, 2017; Chase and Statham, 2005; Chantler et al. 2009).

2.1.1 Child Labour

Children all over the world perform a wide range of work and activities, while some of these are difficult and demanding, some are hazardous and even morally reprehensible (ILO, 2013). These are described as child labour. Dessy and Pallage (2003) though, argue that not all works performed by children should be

categorised as child labour as children sometimes participate in work that does not involve risks or endanger their lives, and which does not affect their health and personal development or interfere with schooling. Such tasks include helping their parents in taking care of the home and the family, assisting in a family business to earn pocket money after school hours and during school holidays.

These forms of work in some ways contribute to a child's moral and social development and help in building confidence and self-esteem. It also provides them with skills, attitude and experience, that will help in preparing them to be useful and productive members of the society during their adult lives (Acred, 2014; ILO, 2013). Child labour, however, is different from these types of work. It is defined as work that deprives children of their childhood, their potential and their dignity and which is harmful to their physical and mental development. This in its extreme forms, could involve children being enslaved, separated from their families, and exposed to serious hazards and illnesses, and most of the time, these children are left to fend for themselves on the streets of large cities at a very early age (Acred, 2014).

The practice of child labour is a serious global issue. Worldwide, 218 million children aged 5-17 years old are involved in child labour (ILO, 2013). This practice is seen as either paid or unpaid works, which occur in any setting below the required legal minimum age. This may include domestic work, casual work and agricultural work, which are harmful to the mental, physical, educational, social or moral development of the child (UNICEF, 2014). Any work that deprives children of the opportunity to attend school or forces them to leave school permanently, or requires them to attempt to combine school attendance with excessively long and heavy work is considered as child labour (CRC, 1989). Historically in the 19th century, children's work was typical in Europe and North America, but at the turn of the 20th century, this had declined very rapidly. Cunningham and Viazzo, (1996) note that industrialisation in western countries, in the beginning, increased the demand for child labour, but then eventually contributed to its elimination. In developing countries especially, in sub-Saharan Africa, children's work was and is still very common until date.

The Convention on the Rights of the Child (CRC) recognises that every child has the right to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education. Or that is likely to harm the child's health or, physical, mental, spiritual, moral or social development (UNICEF, 2014; CRC, 1989). The prevalence of child labour in developing countries is very high, Africa and Asia account for over 90% of the world's child labourers. While Asia and the Pacific region account for 61%, the highest numbers of working children, Sub Saharan Africa have the highest proportion of child labourers with 32% and Latin America account for 7% of working children (UNICEF, 2014b; Naeem et al., 2011).

In Nigeria, about 15 million children under the age of 14 years are working across the country (UNICEF Nigeria, 2006). This figure is high in comparison to 13 million in Latin America and the Caribbean; and 9.2 million in the Middle East and North Africa. Child labourers in Nigeria are exposed to long hours of work in dangerous and unhealthy environments, with little or no food to eat, earning very little, have no time to attend schools and with no established medical care in case they are ill (UNICEF Nigeria, 2006).

Although, Nigerian children have always worked, they are either involved in domestic work such as cooking, gardening, collecting water, caring for younger children and doing other household cleaning or working with their parents in family businesses, such as helping with sales in their mother's shop or working on the farm with their fathers. These are seen as regular work for an average Nigerian child. However, these days, children both in rural and urban areas especially those living in poverty or from low income earning families are forced to work and make a living for themselves and the survival of their families. The problem with this is that many parents in Nigeria do not view child labour as a crime or see it as something terrible, it is instead seen as part of the socialisation process which gradually introduces the child into work activities and teaches the child survival skills. The benefit most parents derive from exploiting their children in various ways, blind them from the trauma, emotional stress and the psychological effect these exploitations have on the children.

Child labour in Nigeria does not occur in organised private sectors of the economy. It happens mostly in the semi-formal and informal sectors (UNICEF Nigeria, 2006). Semi-formal are mechanics' workshops, barbering and hairdressing salon and cottage industries such as block making factories, water making factories, and building factories where contractors are looking for cheap labours. In this sector, Nigerian children work as mechanic apprentice, bus conductors, carpenters apprentice, tailors and weavers apprentice, hairdressers and barbers apprentice. In an informal sector, children work as Street vendors; beggars, shoe shiners, car washers and watchers, scavengers, feet washers, domestic servants, and farm and quarry workers (UNICEF Nigeria, 2006; United States Department of Labour, 2014). These children have no time, money or energy to go to school.

About six million of these children do not attend schools at all, while one million children are forced to drop out of schools, due to poverty or because of parents' demand, they contribute to the family income (UNICEF Nigeria, 2006; Global Slavery Index, 2014). Although poverty has been described as a significant contributing factor to not just child labour but child exploitation generally, ILO (2013) maintained that poverty is the most significant single force which creates the flow of children into the workplace. Nevertheless, some families live in acute poverty but will not force their children into any form of exploitation. In such families, parents especially mothers prefer to sell all their personal belongings such as clothing and jewellery to feed and care for their children, instead of exposing them at that early age to exploitation.

Nigerian children most especially girls are more vulnerable to all forms of exploitation because of widespread stereotype linked to cultural and traditional practices that discriminate against women and children such as the preference of male children over female children; seeing female children as lesser citizens, or the tolerance of violence against women. All these discriminative attitudes encourage the practice of child servitude in which female children as young as five years old, mostly from poor background are commonly used as domestic servants, locked in domestic servitude, made to suffer in silence and sometimes sexually abused either by their bosses or other male family members. These children are classified as invisible workers because their work is always indoors

and the percentage of this type of exploitation is not known because of its hidden nature.

2.1.2 Child marriage as the worst form of child labour and slavery

While child prostitution and pornography from the definition of child labour are considered the worst forms of child labour, child marriage does not constitute the worst kind of child labour for girls given the definitional priorities. According to the International Labour Organisation (ILO), a job performed by girls in illegal child marriages does not qualify as work, because household responsibilities carried out in one's household do not constitute worst form of child labour no matter how hazardous. Conversely, child marriage fit the criteria of the practices described as worst forms of child labour by the ILO (IRIN, 2017). Just as child labour, child marriage deprives children of their childhood potentials and dignity, and it is harmful to their physical and mental development. Forcing children into marriage at an early age, is psychological, physically, socially and morally dangerous and detrimental to them. It interferes with their schooling by depriving them of the opportunity to attend school and forcing them to leave school prematurely (ILO, 2013). Just like child labour in its most extreme form which involves children being enslaved, separated from their families, exposed to serious hazards and illnesses and left to fend for themselves on the streets at a very early age. Child marriage similarly enslaves children, separates them from their families, and exposes them to early sexual activities, with attendant danger to their health.

Article 3(a) of the ILO Convention No. 182 defines the worst forms of child labour as firstly, "all forms of slavery and practices similar to slavery" and under the international human rights law (ILO, 1999), a child cannot provide informed consent to a marriage. Child marriages are therefore seen as forced marriages, which fall under the slavery-like practices defined in the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery. Turner, (2013) notes that child marriage can be defined as slavery if the child has not sincerely given her free and informed consent for the union. She is subjected to control through abuse and threats; exploited by being forced to undertake domestic responsibilities within the marital

home or labour outside the home; engaged in a non-consensual sexual relationship, and cannot genuinely leave or end the marriage. These attributes, Turner refers to as a lifetime of slavery (2013).

Secondly, an extreme form of child labour is also categorised as including “the sale of children”. The UN Special Rapporteur on the sale of children describes child marriage as a form of sale for sexual exploitation (ILO, 2013). A notable example of this is the commodification of women in marriage. The negotiation of marriage by girls’ families according to payments or transactions commodify the value of girls and reduce them to objects of sale since they are sold to men as property to be used for sex and domestic labour (World Vision, 2008).

Accordingly, the culture of dowry and bride price determine the value of women, as they become a commodity, bought and sold in a marriage market. While in many sub-Saharan African communities, the bride’s family receives a bride price, in India, the bride’s family pay the groom’s family the dowry. The system of bride price and dowry traditionally symbolises a token of appreciation to families but now it has become an economic transaction with beneficiaries and losers (Mikhail, 2002). This traditional practice is however clearly prohibited by the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery. Although Turner, (2013) suggests that the existence of a transaction such as a bride price is not an explicit criterion for slavery or slavery-like practices, it could, however, be considered as an indicator that exploitative practices may afterwards arise in such marriages.

2.1.3 Child Sexual Exploitation

Child sexual exploitation according to Estes and Weiner (2002) is a practice by which an adult achieves sexual gratification, financial gain or advancement from the abuse or exploitation of a child’s sexuality through act such as trafficking, prostitution, sex tourism, mail-order bride trade, pornography, stripping, battering, incest, rape and sexual harassment. This practice of child sexual exploitation deprives the child victim of the right to dignity, equality, autonomy, physical and mental wellbeing (Estes and Weiner, 2002), and it can be seen as commercial sexual exploitation.

The Declaration and Agenda for Action of the World Congress against Commercial Sexual Exploitation of Children 1996 provide a precise and general definition. Commercial sexual exploitation of children is a fundamental violation of children's rights, which involves sexual abuse of a child by the adult and remuneration in cash or kind to the child or a third person or persons. The child is treated as a sexual object and as a commercial object. The practice constitutes a form of coercion and violence against children and amounts to forced labour and a contemporary form of slavery (Chase and Statham, 2005)

This shows that there is an unequal power equation between the adult who wants to achieve sexual satisfaction and the child who is weak, vulnerable and at risk of being exploited. Estes and Weiner note that the imbalance in the power equation is one of the justifications for why the act of child sexual exploitation constitutes a crime. The act of sexually exploiting children is used as a power resource between men or parents in promoting economic, political or social interests, and as a medium of exchange between families, especially in child marriages and child trafficking for commercial sexual purposes. The medium of exchange in this sense is that children are seen as commodities that can be exchanged for goods, for instance, a child especially girls can be traded for money or in anticipation of future favour. This is done primarily, by taking advantage of the vulnerability, weakness or immaturity of the child either by forcing her into marriage at a very early age or exposing her to sexual abuse through street hawking, or using her as a domestic servant in people's home, all for the benefit of parents or some individual.

This practice is common in most parts of Nigeria where it is considered customary for parents to send their children to work as an apprentice or domestic helpers in the houses of wealthy family members or friends (Bhargava, 2009). In some part of Nigeria, according to Agbu (2003), having female children is a way of making money, as parents will give their daughter to any man willing to pay more money for the bride price. Agbu notes that in the traditional African culture, a parent can exchange their child, especially a female child for a plot of land when they are in desperate need of land for farming or as a sign of friendship between two families.

Child marriage is understood as a passage leading to various forms of sexual violence against children, such as trafficking, prostitution, pornography, or exposure to high level of vulnerability that in turn may result in sexual victimisation. Marriage of underage children can be regarded as a form of sexual abuse and exploitation since such marriages involve rampant domestic and sexual violence by intimate partners, early forced sexual initiation, premature onset of sexual activity, Non-consensual sex, early unwanted pregnancy, premature childbearing, and exposure to sexually transmitted diseases which are profoundly harmful to young girls' health and overall protection (Plan International, 2015).

The economic transactions or financial gains that parents and guardians benefit from contracting the marriage of an underage girl justify the idea of child marriage as commercial and sexual exploitation of children. This also includes circumstances whereby child marriage is linked to child servitude, child labour, slavery and bondage, or the payment of bride price or dowry (Turner, 2013; Mikhail, 2002). Unlike child trafficking, slavery and other worst forms of child labour that attracts full attention, sexual abuse and exploitation in child marriage have been generally overlooked. The restriction of girls and women to fixed sex and gender roles as defined by male-dominated power structures that control sexuality and reproduction is seen as culturally acceptable in most societies, especially in Sub Saharan Africa.

2.1.4 Child Trafficking

Trafficking is a significant factor in the child exploitation and abuse chain. According to Article 3 of the UN Palermo Protocol of 2000 (Article 3), "trafficking is the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation" (UNODC, 2006). Globally, one of the fastest growing organised crimes is child trafficking with child victims estimated at 1.2 million per year, of which 32% are Africans (UNODC, 2012; UNICEF Nigeria, 2007).

For a child who is not only vulnerable but by law, lacks the maturity to give valid consent on matters affecting his or her interest or choice, the act of trafficking a child for exploitative purposes is generally considered criminal. This is more so that in this instance, their interests are not only disregarded, but they are coerced, deceived, and trafficked by fraud in a manner that is immoral and criminal, (Chase and Statham, 2005). The movement of people and goods that occur as a result of globalisation has helped in increasing and at the same time made it much easier for traffickers to transport children within and across borders. Thereby, creating a more extensive and more expansive local, national and international network and linkages for those seeking child domestic helpers and also increase the number of destinations for sex tourism and where paedophiles can seek sex with children (Broughton, 2009). In many countries in Latin America, Sub-Saharan Africa and South Asia, globalisation has also increased unemployment and reduced wages and social spending (Quak and van de Vijssel, 2014; IMF, 1998), thus, forcing more families into poverty, which endangers children.

In Nigeria, trafficking of children is a widespread phenomenon. About six million Nigerian children with a ratio of 7:3 females to males are estimated to be at risk of trafficking for domestic and forced labour, prostitution, or pornography every year (USDSP, 2007; USDSP, 2013). Also, Nigeria is categorised as a source, transit and destination country for child trafficking (USDOS, 2013). Currently, external trafficking of children exists between Nigeria and Gabon, Cameroon, Niger, Italy, Spain, Benin Republic and Saudi Arabia. About 46% of these children engage mainly in prostitution, 21% domestic servitude, 15% forced labour and 8% entertainment. Internal trafficking of children in Nigeria was also reported to be for forced labour 32%, domestic servitude 31% and prostitution 30% (UNICEF Nigeria, 2007). The high level of poverty in Nigeria has deprived many families of basic livelihood, which now makes trafficking of children for forced labour and sexual exploitation common among more impoverished families, as some families give their female child out as a housemaid or send them to Italy for prostitution in order to make wealth for the families (King, 2004; Bamgbose, 2002).

2.1.5 Child Trafficking for Forced Marriage

Trafficking of children for forced labour and sexual exploitation is now a common practice among poor families (King, 2004; Bokhari, 2009) with marriage being equally used as a method of recruitment to traffic girls into sexual exploitation. Child trafficking for forced or child marriage is merely another form of traffic, which is not limited to a particular ethnic group, countries, or condoned by any religion. A United Kingdom government study in 2007 found 330 cases of child trafficking that were reported nationwide, one of which was identified as servile marriage. Also in 2007, ECPAT UK's research identified seven Somali girls who had been trafficked into the UK for forced marriage. Annually there are some 300 cases of forced marriages in the UK, of which 30% are children under 18 years old (ECPAT UK, 2008).

The abduction, trafficking and sale of girls and women to become 'wives' in conflict situations amount to slavery since the perpetrators exercise powers of ownership over the victims. A clear example is the abduction of 276 school girls in Chibok Village in north-east Nigeria by the *Boko Haram* insurgency group in which the leader Abubakar Shekau claimed he was instructed by Allah to sell the girls into marriage and slavery. Some of the released girls explained how they were forced to marry their kidnappers and how they were turned to sex slaves, sexually abused and raped, along with other forms of abuse, such as forced labour and forced participation in a bombing in the course of their captivity (Human Rights Watch, 2014).

2.2 Child, Early and Forced Marriage

Child marriage, early marriage, and forced marriage are all interrelated. Often, the concepts are used interchangeably in referring to marriage below the age of 18 years. A review of some international instruments as well as threads in extant literature, however, unearths distinct meanings and clarifications on each of the concepts.

According to Article 16(2) of the United Nations Declaration on Human Rights 1948, "marriage shall be entered into only with the free and full consent of the intending spouses". Article 16(1b) of the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), also states that women have

the same rights as men to freely choose whom they want to marry and enter into marriage only with their free and full consent. Against these suppositions, the Council of Europe Resolution 1468 of 2005 describes forced marriage as the union of two persons of which one of them has not given his or her full and free consent to the marriage. Implicit in this is the assumption that the two persons involved in the union are presumed to be legally mature enough to offer such a full and free consent for such to be considered valid for the marriage. It also presupposes that the marital consent was not obtained by fraud, deceit, or threat of any sort.

Forced marriage, however, involves varying degree of force, coercion or deception, ranging from emotional pressure by family or community members to abduction and imprisonment, which render consent meaningless (Sexual Right Initiative, 2013). According to Swart and Hassen (2016), forced marriage is a marriage in which consent was not given or, where given, coercion influenced it, therefore, cannot be considered true consent. In its most extreme form, forced marriage can involve threatening behaviour, physical violence, rape and, in some cases, murder'. In a forced marriage, the spouses may not necessarily be underage but are forced because of the unwillingness to either marry a spouse chosen by parents or a desire for same sex. Forced marriage can also be interpreted to encompass early or child marriage. Since children, given their age, cannot inherently give free, informed and legally valid consent to their marriage (UNPFA, 2012).

Child marriage, on the one hand, is the union of two persons in which one or both are under 18 years of age, while early marriage on the other hand though being interpreted and interchangeably used as child marriage, is more comprehensive than child marriage. Early marriage refers to marriages involving a person aged below 18 in countries where the age of maturity is attained earlier or upon marriage (UNICEF, 2008). It could also be a marriage in which a young adolescent has freely consented to the marriage (Swart and Hassen, 2016). Early marriage can also refer to unions where both spouses are 18 or older, but other factors make them unprepared to consent to marriage. Such inhibiting factors could include their level of physical, emotional, sexual and psychosocial development, or a lack of information regarding the person's life options (United

Nations, 2014). Since child marriage involves force, and it is prematurely consummated, based on the age of the child as defined by the 1989 Convention on the Rights of the Child (CRC), this study adopts the concept of child marriage in investigating underage marriage.

The Convention on the Rights of the Child (CRC) as mentioned earlier, defines a child as a “human being below the age of eighteen years unless, under the law applicable to the child, the majority is attained earlier” (CRC, 1989). This definition is not universally accepted since different nations allow their citizens to attain majority (which means adulthood) at different ages. While some have age below 18 years, others will enable the majority to be achieved upon marriage. This difference in national laws in defining a child or when a child reaches majority from childhood is a loophole, which is hindering the effective eradication of child marriage in most communities.

In Iran, for instance, girls attain majority at the age of 9 years old, and boys at 15 years. Therefore, the marriage of a 10-year-old girl in Iran, might not legally be considered child marriage (Sexual Right Initiative, 2013). Also in other countries such as Pakistan, boys attain adulthood at 18 years of age, while girls reach adulthood at 16 years, or at puberty. In Indonesia, adulthood is defined differently, but for marriage, it is 16 years for girls and 18 years for boys, while in Niger, a minor (a child) who is sexually promiscuous may attain majority through marriage before the legal age. Aside from that, the legal age for marriage is 15 for girls and 18 for boys (Sexual Right Initiative, 2013).

2.2.1 Child marriage

Child marriage has been a common practice among many ethnic groups in the world. Historically the practice is justified by tradition, culture, and religious practice (IPPF and UNFPA, 2006; ICRW, 2010). It nevertheless, poses major social and developmental problem in most practising countries. In Africa, marriage is an unpleasant and devastating experience for young girls who were forced into it while being below the age of 18 years (Pathfinder International, 2006). The experience is unpleasant since child brides are at risk of sexual abuse and rape; are likely than adult brides to suffer domestic violence, and are least likely to take action against such abuse. It is also devastating in the sense that

the majority of those young girls are at risk of developing severe and complicated health complications during childbirth, which may lead to Vesico-Vaginal Fistula (VVF) or even death. Furthermore, the majority of these young brides are condemned to a life of financial and social insecurity since they have no education or skilled experience (ICRW, 2010).

While more women are marrying in their late twenties and early thirties in developed countries, nearly, 50% of young women are married by the age of 18 or below in the developing world with the highest percentages in sub-Saharan Africa and South Asia (UNICEF, 2014; ICRW, 2010). According to UNICEF (2014a), more than 40% of women aged 20-24 worldwide who were married before the age of 18 live in Sub Saharan Africa; hence, child marriage is one of the fundamental problems in this region.

However, countries in Northern Africa have increased the age of marriage for girls and lowered total fertility rates, with higher education for girls; and increased status for females (Walker, 2012). While 22% of women aged 15-19 were married in Egypt in 1975, by 2003 the figure dropped to 10%. Similarly, in Tunisia, 11% of women aged 15-19 were married in the year 1975, but by 2001 the number had declined to only 1% (UNICEF, 2014). This shows that Northern Africa countries have made the demographic transition in the age at marriage for girls since only 1% of women aged 15-19 are married in Tunisia and Libya, 10% in Egypt and 17% in Yemen which was the highest as at 2001.

In contrast, in sub-Saharan Africa, the percentage of women married below the age of 19 years remains very high. In Central Africa 40% of women married below the age of 18 years, and 49% in West Africa (UNICEF, 2014a). This is relatively high when compared to the 20% in Northern and Southern Africa and 27% in East Africa. West African countries have the highest rates of women aged 20-24 who were first married or in a union by age 15 years (Walker, 2012). Within West Africa, Nigeria has the highest rate of child marriage (Ford Foundation 2013). The continued existence of child marriage in Nigeria engenders socioeconomic underdevelopment of practising communities and the inability of young girls, their children and families to escape cycles of poverty. The practice undermines the progress towards the Millennium Development Goals (MDGs) which include

gender equality and the empowerment of women (Goal 3), the reduction of child mortality (Goal 4), and the reduction of maternal mortality (Goal 5) (UN, 2008).

Bayisenge (2012) notes that the widespread practice of child marriage makes it increasingly difficult for families in developing world to escape poverty, thereby undermining critical international efforts to fight poverty, HIV/AIDS and other developmental challenges, thus, making considerable investments in developmental assistance less effective. It could equally be argued that families in most developing countries could not escape poverty because of the unequal distribution of national wealth, mismanagement and poor leadership, with high and growing income inequality, a trend that according to (Fosu, 2009) increases household poverty, and accentuates child marriage.

The developmental indices of northern Nigeria tend to lend credence to these assumptions. The level of poverty in Nigeria is generally high. It is, however, far more prevalent in the northern part of the country where, parenthetically, the practice of child marriage records the highest national prevalence. UNICEF (2014) highlights a decline of about 1% per year over the past three decades in child marriage from 1985 to 2005, although this appears to be a generalisation for the whole country since there is no regional specification. Child marriage is no longer common in both South-West and South-East Nigeria. Hence, the median age of female marriage in both areas has remained around over 21 years since the mid-1980s (Caldwell et al., 1998). The question, then now is, the 1% decline, is it for the whole country or just the Northern part where the practice is high? This study intends to explore this further by examining the regional variation of child marriage in Nigeria, granted that most studies on child marriage are undertaken in the Northern part of the country where the prevalence is very high.

2.2.2. Family patterns in Nigeria

In Nigeria, one of the main features of the family is the strong collective nature that makes the individual relationship within it interdependent. Most often, the family dictate personal choice and the social group to which individuals belong, just as ethnic or religious backgrounds sometimes determine how an individual achieve a set goal. Nigeria, in general, has common characteristics of strong patriarchal traditions, intergenerational and gender hierarchy, and large-scale

polygyny and exogamous marriage rules, with a high importance placed on fertility and male child (Therborn 2006; Makinwa-Adebusoye 2001).

The difference in gender and social roles through hierarchical and patriarchal values, determine the structure of family organisation and relationship among family members. The firm obligations and responsibilities attached to the family through hierarchy and patriarchy values also determine individual life course. With no exception, however, the Nigeria society is based on a patriarchal structure, which is the power of elders and male supremacy over women. Because of this, women most of the time, lack of individual agency regarding decision-making, even within a broader context of collective decision-making processes. This is more so that within a traditional Nigerian community, respect for seniority as noted by Makinwa-Adebusoye (2001), is central to the Nigerian family and social systems more generally.

In Nigeria just like in most African communities, families and age groups are central features of the social structure. In consequence, respect for elders is not only the social norm but also protected by some legal rules. For instance, Article 29 (1) of the African Charter for Human and Peoples Rights stipulates that every individual shall have the duty to 'respect his parents at all times and to maintain them in case of need' (Therborn 2006). Great respect for age, elders and parents, including rites of passage into adulthood, has some impact on the practice of child marriage. Families in Nigeria are organised traditionally just like all other Africa communities, along with gendered social roles, which is characterised by male supremacy and female subordination. While the man traditionally has decision-making power, control over the economy and public affairs, the woman in most cases maintain the domestic sphere and take care of children (Fenn et al., 2015). A woman is referred to by her relationship with male family members and her identity as either a daughter, a wife or a mother. In her role as a spouse and a mother, a woman is primarily valued after a child is born (Familusi 2012).

2.3 Child Marriage in Nigeria: A broad overview

Nigeria is a multi-cultural, ethnolinguistically configured, religiously diverse and naturally endowed nation. It is the most populous country in Africa with a population of over 166.2 million and over 250 ethnocultural groups (Trading

Economics, 2013). There are three major ethnic groups in Nigeria comprising of the Hausa-Fulanis in the north, the Yorubas in the southwest, and the Igbos in the south-east, and together, they make up more than half of the country's population. The country comprises of six geopolitical regions with 36 States and a Federal Capital Territory. The six geopolitical regions are the North-central with 6 States (Benue, Kogi, Kwara, Nassarawa, Niger, and plateau). North-West with 7 States (Jigawa, Kaduna, Kano, Katsina, Kebbi, Sokoto, Zamfara). North-East with 6 States (Adamawa, Bauchi, boron, Gombe, Taraba, Yobe). South-South with 6 States (Akwa-Ibom, Bayelsa, Cross River, Delta, Edo, rivers). South-East with 5 States (Abia, Anambra, Ebonyi, Enugu, Imo) and South-West with 6 States (Ekiti, Lagos, Ogun, Ondo, Osun, Oyo) (Federal Ministry of Information, 2011).

Nigeria is the 7th most populous country in the world (Population Matters, 2011). It is the largest crude oil producer in Africa; 12th largest petroleum producer in the world; and 8th largest crude oil exporter in the world (World investment news, 2009). Its size and enormous resources make it a strategic country both in Sub-Saharan Africa and within the global economic and political order. One will expect that a country with such immense resources, will be well developed with a more substantial proportion of the population living on averagely high per capita income. Majority of the population averagely educated; have relatively good and quality healthcare facilities for the of citizens, and also a strong child protection policy that can combat and eliminate or reduce to the minimal all forms of harmful traditional practice such as child marriage.

However, despite her oil wealth, Nigeria remains one of the poorest countries in the world. Nigerian citizens suffer from widespread poverty due to poor governance, corruption, unequal distribution of national resources coupled with unrealistic states and federal policies, which limits infrastructural development and social service delivery (ActionAid Nigeria, 2015). All these have significantly affected every aspect of growth in the country and encourage all forms of child exploitative activities such as child marriage. The country is ranked 21st within the literacy chart of African Countries (African Economist, 2013); and 175th out of 205 rated countries in the world with 39% illiteracy rate among women 15 years old age group (CIA World Factbook, 2012).

With poor literacy level, harmful traditional practices as manifested in child marriage are engendered. According to Adedokun et al. (2011), the practice of child marriage is deeply entrenched in tradition, culture and religion, with an estimated 42% of girls married before 18 years. On average, about two out of five girls are married before the age of 18 years (UNFPA Nigeria, 2012). UNFPA (2009) and population Council (2004) note that 20% of Nigerian girls are married at the age of 15, and 40% are married by age 18. A report from UNFPA Nigeria (2012), shows that about 39% of the women aged 20-24 were married or in union before age 18.

Although the practice of child marriage is found among many ethnic groups across the country, the prevalence is highest in the northern part of the nation (Population Council, 2005). By region, among women aged 25-49, the median age of marriage ranges from 15.2 years in the Northwest to 20 years in the Southwest, and 22.8 years in the Southeast (Nigeria DHS, 2008). The practice is prevalent among the predominantly Muslim Hausa-Fulani of the Northwest and Northeast compared to other parts of the country. Statistics have shown that northwest has the highest rate of child marriage with 76%, followed by Northeast 68%, North Central 35%, South-South 18%, South West 17%, and South East 10% (UNFPA Nigeria, 2012).

While average age at first marriage is 18 years nationwide, the average age of marriage for girls is just over 11 years in Northwest and about 15 years in most other parts of northern Nigeria (Adedokun et al., 2011). This puts Nigeria at the top of the ranking table of child marriage in West Africa and as one of the highest in the world with northern Nigeria being the region with the highest prevalence of the child marriage within Nigeria (Ford Foundation, 2013). Instructively, statistics show that the northern part of Nigeria is the region with the highest poverty and illiteracy rates compared to the southern parts of the country (UNESCO, 2012a; Erunke, 2013). This will be discussed in detail in a subsequent section of this study.

Regarding religion, Nigeria is a multi-religious country with three main religions, Islam, Christianity, and African traditional religion. The country's constitution guarantees freedom of religious beliefs and practices. The core northern

population, consisting of the Northeast and Northwest regions are almost Islamic regions whereas the people of the South-south and Southeast regions are predominantly Christians. While the people of the Northcentral region consists of two-thirds Christians and one-third Muslims (Kyari and Ayodele, 2014), the South West population also comprise of one-third Muslims and two-thirds Christians. Adherents of African traditional religion are found all over the country, although in much smaller numbers than Christians and Muslims.

Among the Yorubas of the Southwest, who are both Christians and Muslims, child marriages are not very common, although there are instances where teenage girls get pregnant and have a child without getting married. Erulkar and Bello (2007) give the percentage of young women who married below the age of 18 in urban and rural areas as 1.3% and 4.3% respectively. The decline in the practice of child marriage is because most parents delay the age at marriage (IRBC, 2012), because of high levels of literacy among most parents, urbanisation and the desire of parents for their daughters to be educated.

The practice of child marriages is also not very common among the Igbos (Akpan, 2003), although there are few instances where pregnant teenagers are forcefully married off, to prevent family shame or to restore family honour (IRBC, 2006). According to Erulkar and Bello (2007), the percentage of young people married below the age of 18 years in urban and rural areas is 1.1 and 1.7 respectively. The delay in age at marriage in these two regions is attributed to early western education, Christianity and Urbanisation. Although Amin and Bajracharya, (2011) argue that most parents delay the age at marriage in expectation of the high bride price. However, this is common among the Igbos of the south-east as Isiugo-Abanihe (1995) notes that high and rising bride price in Igbo land is associated with the prevailing economic situation and socio-economic status of bride's parents.

Bride price also is known as bride wealth is a payment made by the groom or his family either in monetary form or gifts or both to the parents or guardian of the bride on account of marriage rite (Dodo 2014; Mbaye and Wagner 2013; Kyalo 2012). Bride price is a typical traditional practice in sub-Saharan Africa; the practice is also common in China, where men of marriageable age are willing to

pay for the privilege of securing a wife (Trivedi, 2013). Jewish tradition similarly, refers to it as the price paid by the father of the groom to the father of the bride (Schauss, 2013). This is in contrast to the common practice of dowry in South Asia whereby the bride's family transfers wealth to the groom at the time of their daughter's marriage (UNICEF: INDA, 2012). The cultural practice of bride price was and is still widely practised in many parts of the world (Ashraf et al., 2016). In Nigeria, the bride price is an important aspect and a well-established principle of marriage in customary law. Bride price has to be paid before marriage can be considered valid and even before permission can be given for church or other civil ceremonies. Bride price in Nigeria is paid in cash with gift items, which include but not limited to, traditional clothing, yams, palm oil, honey, kola nut, bitter-kola, goat, rice, jewellery or any other kind of property (Waheed et al., 2014).

Historically in Nigeria, bride price took the form of labour provided by the groom for the parents of the bride-to-be, in addition to other gift items and drinks that the groom will have to offer. However, with the dawn of the modern cash economy, bride price is mainly paid with money (cash) and gifts (online Nigeria, 1998). There is no uniform rule governing the payment of bride price in Nigeria. However, there are laws within each region that specify what should be paid as bride price. In the East, the Limitation of Dowry Law 1956 regulates and prescribes ₦60 as the maximum bride price payable in respect of marriage in the region. The Marriage, Divorce and Custody of Children Adoptive By-Laws Order, 1958, which applies to Western region prescribes a standard bride price of ₦20. In the North, both the 1971 Borno Declaration of Customary Law of Marriage and the Sokoto State Marriage Expenses (Regulation) Law, 1981 provide for the payment of not less than ₦2 or more than ₦20 (online Nigeria, 1998).

Despite these laws, the payment of bride price still varies from one community to another even within the same state (Waheed et al., 2014). For instance, some communities in the Eastern region, are known for a high bride price, which may range from hundreds to thousands of Naira, while others within the same state take minimum bride price. Isiugo-Abanihe (1995) argues that the high bride price in the Eastern part of Nigeria contributes to the delay in marriage age within the region thereby reducing the rate of child marriage. The high bride price in the

East is not just to reduce the rate of child marriage but also for parents to recoup the cost invested in their daughter's education. They believe that marriage will not allow them to enjoy the benefits derivable from educating her.

In the Western part of Nigeria, some communities accept payment of money, while others within the same region, only accept gift items without any fee. Though where payment is taken, the actual amount to be paid will depend on the outcome of negotiations between the two families and in some cases the bride's family may just ask the groom to pay whatever he considers fit and worthy for a wife (Waheed et al., 2014; online Nigeria, 1998). This idea is a way of demanding for more money than expected from the groom since no man will want to pay what will appear demeaning of his bride. In the Northern region, Islamic Marriage law provides for the payment of money to the parents of a girl as a way of indicating an intention to marry their daughter.

Adedokun et al., (2011) note that child marriages are often arranged in two distinct ways, within a context of force and coercion, by either parents or other members of the family who are in positions of authority within the family. For this, it is ubiquitous to find girls of 7 -14 years already married and living with the families of the husbands (Adedokun et al., 2011). Generally, prospective husbands are selected based on social, religious and monetary factors, and age is not considered an important factor. Husbands are on the average 12 years older than the child brides in monogamous unions and up to 15-20 years older in polygamous unions (Barbieri et al., 2002; Population Council, 2005) and some isolated cases, the age gap between a man and his bride could be several decades' age difference (UNICEF, 2005).

The median age at first sex for girls in southern regions is in the late teens. In contrast, Northern girls have low levels of education, marry very early, and, consequently, experience sexual initiation at earlier ages (Erulkar and Bello, 2007). Educational attainment and levels of literacy also vary between regions and within the area of residence, whether urban or rural. Erulkar and Bello (2007) state that the highest rates of educational attainment with highest levels of literacy are in the southern regions, while the lowest levels of educational attainment and highest rates of illiteracy are in the northern part of Nigeria. In rural areas, 78%

of rural girls in the south have at least secondary education compared to 75% of rural girls in the north who have never been to school (Erulkar and Bello, 2007).

Despite the international instruments that set the age of maturity at 18, most developed countries still allow marriage especially for girls below the age of 18 years. In Europe, most nations set 18 as a minimum age for marriage, but some countries have exceptions permitting marriage at earlier ages with the consent of parents or permission from a judge (Barr, 2016). The age at which a child can marry under these exceptions is 16 in Austria, Germany, Italy, Norway, Spain, and the UK (Barr, 2016). In the United States of America, there is no federal law governing the age of marriage. Although many Americans believe child marriage is prevalent only in developing countries like India, Afghanistan and in African nations. Syrett (2016) reveals that the practice of child marriage was historically far more widespread in the United States than is commonly thought and it continues this day. In half of American states, there is no legal minimum age for marriage, and a significant number of American young people marry under the age of 18 (Baynes, 2017; Reiss, 2017).

In most U.S states, 18 is the minimum age for marriage. Tsui (2017) explains that 18 comes with a host of rights and responsibilities. In the vast majority of states, it is the age when a person can sign a lease for an apartment, open a bank account, serve on a jury and enlist in the military without a parent's permission. However, exceptions to this rule are possible in every state with parental consent or judicial approval. In 38 states, more than 167,000 children mostly girls, some as young 12 were married between 2000 to 2010 to men 18 years or older (Reiss, 2017). Eight-seven per cent of the minors who married across the country between 2000 and 2015 were girls, with majority either 16 or 17 years, and in rare instances, children as young as 10, 11 and 12 years old were granted marriage licenses in Alaska, Louisiana, South Carolina and Tennessee (Baynes, 2017).

The U.S. Congress in 2010 failed to pass the "International Protecting Girls by Preventing Child Marriage Act", and the United States remain one of the two nations Somalia being the second that did not ratify the United Nations Convention on the Right of the Child. And one of the seven countries that did not

ratify the 1979 Convention on the Elimination of All Forms of Discriminations against Women which states that the marriage of a child below the age of 18 years shall have no legal stand (Syrett, 2016; Baynes, 2017). Syrett (2016) stresses that throughout history, Americans have sustained a legal system that supports the belief that sex and childbirth belong within marriage, marriage is allowed, no matter the age of the couple contracting it, especially if they have already had sex. He explains further that Americans' acceptance of child marriage demonstrates their great faith, this, however, is misguided at times in the power of marriage.

Attempts to outlaw the practice have been difficult. Lawmakers are reluctant to entirely ban marriage of all minors since they believe some minors should be allowed to marry under certain circumstances (Baynes, 2017). Also, Lawmakers are afraid that such measures might unlawfully suppress religious freedom as they cling to the notion that marriage is the best solution for teen pregnancy (Reiss, 2017). Baynes (2017) adds that Chris Christie governor of New Jersey failed to sign into law a measure that would ban child marriage without exception by claiming it would conflict with religious customs. Tsui, (2017) noted that concerned advocates and lawmakers who are apprehensive about the continuing practice of child marriage have attempted to rewrite the laws that allow the marriage of minors. These measures have provoked vigorous debate over whether and when state governments ought to sanction marriages involving children.

The question at the centre of these conversations according to Tsui, (2017) is that: Are minors equipped to get married? If so, at what age?

The reality of coping with the responsibilities of marriage for young people can be overwhelming. According to a young woman, Tsui interviewed

“When I first thought about it, I was like, ‘Oh, a wife! That’s going to be fun. Your husband’s working. You get to do all the housework, all the cooking, all the cleaning ... everything,” she said. “And then, after I got married — there has to be a fine line between being a wife and being a slave.” – (Heather from Tsui, 2017)

The difficulties that Heather faced in her marriage are common among young married girls (Tsui, 2017) and this also contributes to the high rate of divorce in child marriages, since young people are now confronted with the differences between their idea of marriage, and the lived reality of actual husbands and wives (Syrett, 2016). The practice according to Syrett is most common this day in rural areas, where it remains hidden from most urban and suburban dwellers. Syrett explains further that the frequency of child marriage in the U.S is a matter of poverty and lack of incentives for delaying marriage and childrearing. Syrett (2016) argues that the reason rural teenage girls continue to wed earlier than their urban counterparts is that religiosity which emphasizes marriage and shuns childbirth out of wedlock modulate social conservatism. Sex is tied to the institution of marriage among those who are religiously conservative and in parts of the country where religious conservatives dominate, marriage is the only way sex is sanctioned (Syrett, 2016). Syrett explains further that the reason why the rural south has the highest rate of early marriage is that 'it is rural, south, poor and religiously conservative' (p.265). These four factors according to him combine and overlap to create a culture that is conducive to early marriage, both for its own sake and as a solution to unplanned pregnancies. Although, Tsui (2017) note that the total number of minors getting married each year has dropped since 2000 by more than half. Conversely, the rate is still very high in states with large rural and low-income populations, such as Idaho, Kentucky and West Virginia (Tsui, 2017).

Even with the widespread practice of child marriage in the United States, the practice is not acknowledged within the country as a social problem. The UN as always describes the practice as a problem in developing countries neglecting the practice in developed nations. In addition, the US every year dedicates millions to combating child marriage abroad through the U.S. Agency for International Development but permits the marriage of underage within the United States. This raises the question of pretence and about the predisposition to portray other countries especially developing nations as uncivilised or archaic. This shows that child marriage is not peculiar only to developing countries as mostly discussed in international discourse on child marriage. Even in highly industrialised and urbanised society such as the USA, child marriage is practised

just as it is in northern Nigeria. This shows that there is a common correlation in this practice, such as poverty, cultural belief, religiosity and rural habitation as noted by Syrett (2016).

Several factors determine the age and timing of marriage, especially in Nigeria. These include ethnicity, religion, region, urban or rural habitation, and economic status, poverty, and family practice (UK Aid, 2012; Adedokun et al, 2011). Ethnicity, in particular, has been described as an important factor affecting the timing of marriage. According to Thapa, (1996) ethnic group as a sub-system within a society, reflects differences in institutional arrangements and determines the starting pattern of reproduction (Thapa, 1996). Kobrin and Goldscheider (1978) note that even in highly industrialised and urbanised society such as the USA, there are ethnic differences in age at marriage and marriage patterns. Lichter et al (1991) also note that white women ages 20 -23 marry earlier than African-Americans women of the same age. Congruent with this finding, ethnicity is seen as one of the determinants of age at marriage in Nigeria, just as it is with the rural south of America. According to Erulkar and Bello (2007), age at marriage is high among the Yorubas and the Igbo ethnic group and low among the Hausa-Fulani ethnic group. Religion has also been seen as a significant factor in determining the age at marriage, particularly for girls (Adedokun, 1999). Syrett (2016) also note that early marriage is common where religious conservatives are dominant. Parents believe they have the religious obligation to marry off their daughters based on their religious practice and belief. Age at marriage for northern Muslim girls is at puberty which can start as early as either 7, 8 or 9 years while Christian girls in the south marry in their early or mid-20s (Caldwell, et al, 1989).

Levels of education, rates of marriage and sexual activity all vary by region. In the southern regions of Nigeria which comprises of the southwest, southeast and south-south, girls tend to be educated and marry quite late, with a median age at marriage being over age 24 in two of the southern regions (Erulkar and Bello, 2007). Historically, according to Mensch et al., (2005), much of what is known about the history and differences in timing and quantity of marriage is due to work of John Hajnal (1965), who describes two basic marriage patterns as traditional or non-European and European pattern. The conventional or non-European

pattern of early marriage has been in practice in most developing nations throughout history; and the European pattern of late marriage with high proportions of those who never marry has characterised Western Europe for at least more than 200 years now (Dixon, 1971).

In describing the European pattern that has been in existence from at least the eighteenth century, Hajnal's theory, according to Mensch, et al, (2005) explains that there is an existing connection between marriage and household formation. When marriage involves the establishment of a new household, as it did in much of Western and Northern Europe, the acquisition of resources and skills was a determining factor in the decision to marry. This view is also supported by Wrigley et al. (1997) in their history of English population from the end of the sixteenth century to the beginning of the nineteenth that the decision to marry depends on the ability to set up an independent household. But critics such as Watkins (1986) who examined marriage in Europe between 1870 and 1960 reveals the inadequacy of Hajnal's explanation in understanding change at the level of geographic collections.

According to Watkins (1986) data from the late nineteenth century reveals that marriage patterns were similar in neighbouring provinces, but not necessarily within regions of a particular country. She argues that regions may share common culture and language, but not necessarily common occupational structures, which signify that societal decisions about the timing of marriage, existed independent of particular economic conditions. This suggests that as much as the decision to get married may be rooted in economic realities, it is equally rooted in societal norms as well. In examining the experience in cities in Northwest Europe, Lynch (1991) argues that late age at marriage represents a set of cultural values although these values emanated, in part, from the economic realities of times past.

This theory can also be used in explaining the timing of marriage in developing countries most especially in Nigeria where age at marriage and bride price are similar in some states and are different in others within the same region. The study of historical Europe is useful in investigating marriage in the developing countries especial for this study on Nigeria because it shows how marriage trends

challenge natural explanation. Although in developing countries age at marriage is sensitive to the economic environment, marriage patterns are shaped by the uniqueness of individual family systems (Mensch et al., 2005).

The two patterns described above fit the age and timing of marriage in Nigeria, while the South-West and South-East region are moving towards the European pattern where the acquisition of resources and skills were determining factors in the decision to marry. The timing of marriage in these regions is delayed so that young girls will have time to acquire education and have a source of livelihood. The non-European pattern of early marriage characterises the northern part. Although the non-European pattern of early marriage was common in the pre-colonial era, however, it was determined by how early an individual can acquire the necessary skills and responsibilities needed to start family life.

Several scholars have given different explanations of the underlying factors that give rise to the practices of child marriage. Archambault (2011) describes child marriage as binaries that distinguish violators from victims, patriarchy from female empowerment, as parents are seen as the violators and young women as the helpless victims that need empowerment. She argues that child marriage happens because of contemporary adjustments to livelihood insecurity, whereby parents see early marriage as a way of placing their young girls in trusted families, in a situation of high-level poverty. Archambault explains further that dominant notions of “tradition,” “culture,” “victimhood,” and “collective rights” (p.633) have hindered the real structural factors that give rise to the practice of early marriage thereby divert attention from effective policy initiatives (Archambault, 2011). In essence, instead of stigmatising parents as human rights violators’ emphases should be on the structural determinants of child marriage. Archambault also note prevention programmes established on rights-based discourses obscured the complexity of the structural and socioeconomic factors that perpetuate early marriage practices

Likewise, Roy (2017) presents the argument of local NGOs who maintain that the culturalist ways of constructing early marriage obscure its structural factors such as “extreme poverty among the urban and rural poor, lack of access to education for girls, and fear of rape and sexual abuse” (Roy, 2017, p.873; Agnes 2013, p.12).

Agnes (2013) explains that the law has not only failed to curb child marriage in India, but also reinforced familial and broader societal control over young women's sexuality. She stresses that legal provision around child marriage is used in preventing young women eloping to marry partners of their choice. On this note, Roy (2017) argues that elopement is one of the major causes of early marriage and not cultural or traditional practice since parents are afraid that young girls may elope with someone they might not approve (Roy, 2017).

Callaghan et al., (2015) argue that the issue of child marriage in Nigeria should not be understood just from religious or ethnic perspective but from a broader range of politico-socio-economic factors. These regional socioeconomic inequalities characterised by factors such as history of colonisation, accessibility of the southern coastal regions to trade, 'an oil-driven economy, political corruption, and a long history of military rule, militarism and ethnonationalism' should be examined (p.507). Callaghan et al, further emphasises that northern underdevelopment contributed to deteriorating internal security that reinforce militaristic Islamist organisations such as 'Boko Haram'. Boko Haram contributes to the increase in the practice of child marriage.

2.4 Pre-Colonial Education and Preparation for Marriage

Pre-colonial education also known as traditional education represents the type of education offered in the preliterate era, within the community and by community members who possessed specialised skills or abilities in various fields of human endeavour (Mkpa, 2013). According to Sulaiman (2012), this form of education existed since time immemorial and been instrumental in solving societal existential challenges in areas such as sustenance, governance, survival, and so on. Children were raised, trained and put through rites of passage to become full-fledged members of their societies; and they impeccably fit in and continued with the works started by their ancestors. Societies, whether simple or complex, has its own way of training and bring up children, and members regarded it as life-long education. This type of education has continued and infused the core of the human race giving it its nature, according to its geographical coloration (Sulaiman, 2012).

Fafunwa (1974), notes that the goals and method of approach of this form of education differ from place to place, nation to nation and people to people. For instance, the Greek's idea of an educated man was one who was mentally and physically fit or balanced. While the Romans placed emphasis on oratorical and military training, in traditional Africa, the warriors, the hunters and the wise men who combined good character with specific skills were adjudged to be well-educated and well-integrated members of their communities (Fafunwa, 1974).

Traditional education introduced young people to society life as it prepared them for complete adulthood. According to Fafunwa (1974) emphases of such education was on social responsibility, job orientation, political participation, and spiritual and moral values. Sulaiman (2012) notes that all the areas of the emphasis were essential areas. Children were encouraged to explore their immediate environment, to observe as well as imitate the adults and to discover new grounds and knowledge (Osokoya, 2002). Adolescents and children were taught geography and history of their communities through storytelling and full involvement in the communal activities, they knew their local hills, valleys, rivers and plants (Osokoya, 2002). They also knew when to expect rain and when to plant, when to hunt, fish and harvest and the elders used proverbs and riddles to develop intellect in the young ones (Sulaiman, 2012; Osokoya, 2002).

Boys were brought up to get involved in whatever occupation their fathers engaged in, in some cases, they were sent to other masters as apprentices to learn various vocations (Mkpa, 2013). They were also engaged in other training activities such as archery, tree climbing and wrestling. Intellectual training includes teaching them how to sit quietly beside their fathers at meetings and listening attentively to learn the process of such tasks and skills such as proverbs and the use of wise sayings, oratory among others (Taiwo, 1980). All these stimulated their sense of rationality and prepared them not just for adulthood but also for the responsibilities that come with marriage. Girls according to Mkpa (2013) were expected to stay back at home with their mothers' and learn domestic work and other duties such as cooking, sweeping, hair weaving, decorations of the body, dye production, weeding of farmland and caring for sibling and other members of the family among other things in order to prepare them for motherhood and marriage.

In the north, Islam was deeply entrenched both in the religious belief and in the educational orientation of the people who had a uniform Qur'anic education policy (Ozigi and Ocho, 1981). Islamic education which was introduced around the 14th century in the northern part of Nigeria was also going on alongside the traditional education (Sulaiman, 2012). Islam as a religion had been firmly established among the Kanem-Bornu, Kano, Katsina, Kebbi and Sokoto areas of the North, where Muslims from the North Africa and the Arabia countries had trade contacts with the people. The acceptance of Islam by the people in the north was apparently based on the fact that Islam, almost bears similarity with the traditional customs of the people thereby incorporating Islam as a religion and a way of life of the northern people (Sulaiman, 2012). Islam had been indigenised by the people in all strands of the triple cord of Myth, Cult and Fellowship because since it was introduced, it had a steady and continuous contact with the people of the interior part of northern Nigeria (Jayeola-Omoyeni and Omoyeni, 2014)

Although, occupations vary in the region according to the geographical areas, the major common ones were farming, trading, craft, fishing, cattle rearing, traditional medicine and blacksmithing. However, Islamic converts were made to read and write the Arabic language in order to understand the Islamic religion. The people learnt about Islamic law, Islamic poetry, grammar and literature of Islam. The Islamic religion also suited the people as it served their needs in the same manner traditional education served the needs of the entire African communities.

The traditional education in Nigeria trained individuals to fit usefully into their society by learning and producing economic skills for self-sustenance, adapting to the role expectations and contribute to the development of the society, though the limitation of the type of education was the inability of people to read and write. In understanding why the practice of child marriage is more prevalence in northern Nigeria, it is essential to analyse the pattern of educational development in colonial and post-colonial Nigeria.

2.5. Educational Development in Colonial and Post-colonial Nigeria

Christian missionaries introduced Western education in Nigeria in 1843. It started with the arrival of the missionaries at Badagry, Lagos in South-West Nigeria in

1842. The Europeans met stiff opposition and distrust from the local communities due to slave trade activities that were ongoing then. Consequently, the missionaries' first challenge was to get the people to trust them by putting an end to the slave trade (Fafunwa, 2004). The mission was not successful due to the strategy adopted with the sole objective of exposing people to the word of God by providing just access to the Bible (Nunn 2010). It soon became apparent that the Bible was not enough. Therefore, the missionaries packaged conversion with benefits, by providing Western education, the building of schools as well as training (Berman, 1974). Intensive missionary work took place between 1843 and 1914, schools were built, and up to ten different types of missionaries were pushing pupils to be enrolled in the missionary schools with the curriculum of teaching focused on reading, writing, arithmetic and religion (Ibewuiké, 2006). Western education as an initial introduction was considered useful only because it prepared boys to be employed such as clerks, interpreters, teachers, catechists, evangelists, stewards, cooks and work in government offices commercial houses and missionaries. Girls were not considered fit for such employment opportunities (Onwuka 2008; Csapo, 1981). It could be argued that western education from its commencement influenced gender discrimination, just as it brought about the regional educational gap between southern and northern Nigeria.

The attempts by the Christian missionaries to open missions and schools in northern Nigeria before 1914, met with stiff resistance (Jayeola-Omoyeni and Omoyeni, 2014; Garba, 2012). Csapo, (1981) and Tibenderana, (1983) note that Western education was conscientiously opposed and rejected with the perception that Christianity is synonymous with supplanting the local values with different values through western education. Garba, (2012) also added that educational opportunities and other social services were seen as threats to the northern status quo. This was compounded by the fact that the Islamic religion controlled by feudal Lords already existed in the North. Hence missionary activities were seen as a way of disrespecting their authority (Imam, 2012). For this, the British policy of indirect rule restricted the activities of the missionaries in the northern part thereby, curtailing the spread of Christianity and western education (Fagbunmi, 2005), this, however, had implications for both planning and policy formulation in education. While grants in aid were given to missions and voluntary

agencies' schools, the Quranic schools were excluded because of their peculiar curriculum (Imam, 2003), leading to a considerable educational gap between the northern and the southern parts of Nigeria (Ogunsola, 1982). Fafunwa (2004) notes that while there were 37,500 primary schools and 11 secondary schools in the south, only 1,100 primary schools were in the north as of 1914.

Turaki (1993) asserts that the colonial policy due to the demand for workforce later allowed a joint educational programme between the government and the native administration, which did not destroy the Quranic schools but allowed them to exist side by side with the new schools. Although Muslim teachers were not happy with the arrangement, leading to religious preconceptions which prevented considerable expansion of the programme. Colonial educational policy in Nigeria, according to Turaki (1993) was a policy of separate development for the Muslim in the north and the Christians in the south. The fundamental basis of this administrative policy was religious and political. Northern rulers according to Garba (2012) were promised religious non-interference and policy of exclusion of Christian missions from the Muslim areas. Colonial administration developed two separate educational programmes, one for the northern region and another for the southern part (Garba, 2012). Davis and Kalu-Nwivu, (2001) note that the ethnic conflict and social division within the regions were traced to Britain's practice of indirect rule in colonial Nigeria that perpetuated separate ethnic and local identities whereby people began to see themselves in racial terms.

Colonial administration from 1906 to 1922 divided Nigeria into the Colony and Protectorate of Southern Nigeria, which included Lagos, and the Protectorate of Northern Nigeria. The amalgamation of the Northern and Southern protectorates of Nigeria in 1914, brought people of different ethnic groups and faith together, as one country thereby creating a diverse society that required the adoption of a federal structure for Nigeria.

2.5.1 Impact of Colonialism on the socio-economic development of Nigeria

The existence of systematic imbalances in the Nigerian educational system produced regional and gender gaps that have continued for years after independence (Jacob and George, 2014). Davis and Kalu-Nwivu, (2001) stress that traditional patterns of ethnic groups in the north and south and cultural

differences among these ethnic groups, coupled with the timing, nature, and contact with Europeans affected and generated a highly differential distribution of education among Nigeria's peoples. Also, Onwuameze (2013) reports that geographical access that favoured the coastal regions of the South was a primary source of the regional imbalance in education. Ethnic groups in southern Nigeria, particularly those near the Atlantic coast, with the most extended history of missionary settlements had more educated elites than the northern parts of the country with remote locations (Onwuameze, 2013; Davis and Kalu-Nwiwu, 2001; Aguolu, 1979). Also, southern Nigeria progressed remarkably in the development of agriculture, particularly cash crop. Agriculture products earned the region valuable foreign exchange far more than the northern region because of the coastal advantage (Jayeola-Omoyeni and Omoyeni, 2014).

Furthermore, Britain's practice of indirect rule in Nigeria perpetuated separate local identities and economic exploitation. Osita-njoku (2016) asserts that British political economy in Nigeria was along the line of commercial exploitation of the colonised by imposing it into the orbit of the European capitalist economic system. The operations and activities of the colonial authorities had no potential for encouraging economic development within the colonised regions. The fact that southern Nigeria has early contact with western education and exposure to urban development influenced their ideology about the practice of child marriage.

Also, Imoh-Itah et al., (2016) note that colonial exploitation destabilised economic transformation and development of Nigeria and Africa as a whole, this, however, has made Nigerians' view themselves as inferior, less productive and non-proactive. Imoh-Itah et al. stressed that colonial imposition of the additional mode of behaviour on the colony through forced cash crops production, taxation, and the imposition of finished imported products, destroyed the natural economy of Africans, thereby dominating the economic through bootie and exploitation (Imoh-Itah et al., 2016). Osita-njoku (2016) point out that exploitative political and economic activities of colonialists led to the dependency syndrome suffered by the Nigerian people after independence, whereby the nation's economy was and is still heavily dependent on the economy of the colonialists. Imoh-Itah et al., (2016) buttress this by stating that Nigerians now suffer from the 'negative

colonial legacies such as corruption, ethnic hostility and intolerance', which have eaten deep into social fabrics of the nation (p.14).

After Independence, South-West and South-East were grouped as a Southern region, and regional policies have extensive influence on educational achievement and attainment, which brought about disparities between the North and the South (Omeje et al., 2016). However, the 1960s post-Independence educational policies sought to address this disadvantage by equalising access and creating incentives for ethno-regional mobilisation (Fafunwa, 2004). Also in 1970, the government implemented the federal character programme with the objective of balancing the educational gap between the North and the South. This programme introduced a quota system for admission into federally-run Secondary Schools, Colleges and Universities (Omeje et al., 2016).

Notwithstanding all these, significant and persistent gender disparity in education existed from the colonial to the post-colonial era in Nigeria. Girls were not given equal educational opportunity as boys when western education was initially introduced. The colonial conception of gender marginalised the women, while it privileged men. Oloruntoba-Oju and Oloruntoba-Oju (2013) explain that colonial narratives of African women, position women within the domestic and public domains as young people who are first under the authority of their fathers and later under the authority of their husbands. Women are portrayed solely in biological and sex determined roles. Mama (1997) states that one factor responsible for women's marginalisation during colonialization was their exclusion from the political and administrative structure and from wage economic, but their relegation to domestic works, which were mostly unrewarded. Omolewa (2002) illustrates that gender inequality has its root in the colonial system of education, which was primarily geared toward meeting the workforce, need of the colonial government that naturally separate women from educational and economic opportunities. Women in Nigeria were affected by poverty than men because female education is not seen as essential and the prevalence of early marriage which tend to further impoverish the women and subjected them to discrimination (Makama, 2013; Ojo, 2002). Anugwom (2009) argues that apart from the domestic tasks, which may be seen as part of socialisation and

convention, women suffer and are victims of a social order that treats them mainly as second class citizens.

Consequently, gender bias against women ranges from labour market discriminations to exclusion from policymaking. When women were eventually given educational opportunity, Arowojolu (2005) emphasizes that it influenced the traditional virtues, values, family dynamics and marriage pattern among the Yorubas' of the south-west. However, gender inequality continues in Nigeria and varies by regions. The gender gap in education in the north is higher than the south, especially in the North West and North East region, where only 39% of females aged 15–19 years had ever been to school compared to 65% of males as at 2008 (Imam, 2012). Even those in schools are often withdrawn in the north to get married. The gender gap in northern Nigeria affects girl child education, as it also influences the practice of child marriage in the regions. The legacy of colonialism (Imoh-Itah et al., 2016), the obstinate political and socio-economic inequalities in Nigeria, undermined regional development and foster gender intolerance that influence the practice of child marriage. Women education in the north of Nigeria will be discussed in the next chapter.

Conclusion:

Child marriage is an important component of the different forms of exploitations that affect children. These exploitations range from trafficking, prostitution, child labour, or exposure to high levels of vulnerability that in turn may result in sexual abuse. Child exploitation is a serious problem that has become even more complicated over the past few decades and the exploitation of children happen among other reasons, because of power inequality and benefit derived from such practices. This exploitation is described as modern-day slavery in which children are treated as commodities and sold into bondage, forced labour, forced and child marriages. While child labour is seen as work that deprives children of the opportunity to attend school, child sexual exploitation treats children as a sexual object. This act is used by perpetrators or parents in promoting economic, or social interests, or as a medium of exchange between families, especially in child marriages.

In the chain of child exploitation, child trafficking is a significant factor, a situation in which children are deceived, forced and trafficked for various exploitative activities. Child marriage is understood as a channel leading to multiple forms of sexual violence such as forcing girls to live in sexually threatening environments, engaging in a premature regular sexual activity, and often becoming victims of physical, psychological, emotional and sexual abuse by their husbands and his family members. The sexual exploitation of children in marriage unlike child prostitution and child pornography does not constitute the worst forms of child labour. Although child marriage fits all the criteria of the practices described as worst forms of child labour, it is however argued that work carried out in one's home could not constitute worst form of labour no matter how hazardous.

The practice of child marriage in Nigeria varies by region. The northern part with low age at marriage has the highest prevalence of child marriage while in the southern areas where age at marriage is high, child marriage is rarely practice. In spite of the differences in the extent of child marriage in each region, the payment of bride price is a common practice in all areas. Girl child education in both southwest and southeast as well as high bride price in southeast help in the delaying the age at marriage in those regions. Gender gap differences in education which can be traced to colonialism and its effects on the socio-economic development of Nigeria and religious practice influence the practice of child marriage in the northern regions. The next chapter will examine the regional practice of child marriage.

CHAPTER THREE

Marriage pattern and regional practice of Child marriage in Nigeria

3. Introduction

Nigeria is home to numerous tribes and ethnic groups with a variety of cultures, languages, and dialects. While some of these ethnic and tribal groups represent vast populations consisting of millions of people, others represent small or minority groups with populations of just a few thousand. All these tribes and ethnic groups have diverse cultural practices. When discussing issues relating to marriage in Nigeria, it is essential to keep in mind the various cultural differences that exist within the marriage institution in Nigeria. Marriage is a common and general practice among all tribes and ethnic groups in Nigeria. It is regarded as one of the essential social customs, which gives respect and status to individuals within their ethnic groups and in society.

However, marriage patterns vary across and within ethnic groups. These variations nevertheless, could be due to both cultural and socio-economic factors. Understanding child marriage within the regions in Nigeria requires a description of the essential characteristics of historical marriage arrangements and an explanation of ways in which these arrangements affect and are affected by the practice of child marriage. It is important to explore the interaction between cultural norms, religion and Western education to understand why the practice is increasing in some regions and almost eradicated in others. Studies reveal that the effect of Western education, Christianity and urbanisation on Nigerian cultural arrangements contribute to the understanding that cultural practice within different regions should be viewed as a dynamic process involving continuous construction and transformation. While this transformation shifts cultural norms in some region to eradicate the practice of child marriage, in other regions, the change is not strong enough to reduce the practice.

Against this background, this chapter provides a general overview of the historical, social and organisational dimension of child marriage in the three major ethnic groups to offer some possible explanations for the persistence of the practice. The chapter is divided into three sections. The first section examines child marriage among the Yorubas of the southwest, while the second section

looks at child marriage among the Igbos of the southeast, and the last part focuses on child marriage among the Hausa- Fulanis of northern Nigeria.

3.1 Child marriage among the Yorubas of the Southwest

The Yoruba people, who occupy the southwestern part of Nigeria, are the second largest ethnic group in the country (Caldwell and Caldwell, 1977). Traditionally, they are predominantly farmers, and their economy is structured around agriculture, trading, and handicrafts. They produce about ninety per cent of the entire volume of cocoa in the whole country (Aderinto, 1999). Customarily, the Yorubas believe that marriage conveys a status of responsibility and this status is manifested at different levels for both men and women. For the Yorubas, it is believed that marriage is an indication of a woman's maturity because she can move away from her father's house to her husband's home (Fapohunda and Todaro, 1988). Also, it shows her ability to manage both human and financial resources as a wife and a mother, while bestowing on her the privilege of belonging to the league of mothers.

In Yoruba land just like in any other ethnic community in Nigeria, there are various women groups, which married women belong to. Some are according to age groups, some according to the position of the husbands in the society, some are within the churches and others are just women's group in the community. All these groups are associations for married women known as a league of mothers. These associations' accord respect and dignity on married women and the only criteria of becoming a member is by marriage, and all these associations still exist today.

In the olden days, marriages among the Yorubas were usually arranged between families of both the bride and the groom (Ogunjuyigbe and Adeyemi, 2003) and in most cases, it was the two parents who initiated the dating or courtship on behalf of their sons and daughters. It was a taboo for the husband and wife to be seen together or to meet even on the street before the marriage night. This conservative behaviour is predicated on the fact that it was considered a social and family dishonour and disgrace for a bride not to be found as a virgin on the night of the wedding when the marriage is traditionally consummated. This means

that premarital intimacy or intercourse is, to the Yorubas, a social taboo or even an abomination (Ogunjuyigbe and Adeyemi, 2003).

Daughters are given out into marriage for various reasons, including friendship, good character, and the bravery of the bridegroom or his family. Parents may arrange the marriage of their daughter to their friend or a friend's son based on the excellent relationship between families especially when it involves people who are highly respected for their wealth, honour, courage and patriotism. This is done to protect family wealth and to strengthen their friendship. In a situation, whereby the two families are neither close friends nor associates who know much about each other's family, thorough background checks are conducted to make sure that there are no communicable diseases like leprosy, lunacy, insanity or any other genetically transferable malformations or defects like barrenness in any of the families. They will also check for criminalities or such social vices within each other's families or lineages.

The family of the bride-to-be will also have to make sure that the groom-to-be is not lazy but hard working and capable of providing and caring for his new family. It is only after the two families are satisfied with the results of the background checks that the family of the man will formally arrange for a special ceremonial visit to inform the girl's family of their interest in marrying her as a wife for their son. This is a unique practice that existed in the traditional Yoruba land. Also, one of the reasons why the Yorubas marry within their locality where family history can easily be traced (Arowolaju, 2005). Parents also consider the bravery of a man or his family in choosing a groom for their daughter. Warriors, those who defend the integrity of their communities during wars are seen as brave men who can also protect their own family in a time of war. Therefore parents prefer such men or family for their children (Arowolaju, 2005). Marrying a warrior then gives a sense of protection to the bride, but it also encourages the practice of polygamy, since their bravery attracts young women.

The traditional Yoruba believe is that a person with good character will be a better husband or wife than someone without a known character, but physically attractive. Someone assessed to be of good character will, therefore, readily be accepted as a daughter or son-in-law by parents, siblings, and friends. In addition,

it is assumed that someone with good character can quickly adjust to any situation since individuals are not from the same background. Canning (2005) explains that emotional characteristics, personality traits and supportiveness, which are good character traits, are qualities that outweigh more notable characteristics such as physical attractiveness in marriage. Good character is one of the reasons why parents arrange the marriage of their children so they can choose people with a good background.

Two forms of arranged early marriages are common among the traditional Yoruba ethnic group. The first is the betrothal of a girl child before she is born. Orubuloye (1987) notes that this practice is common in the traditional Yoruba society, where an unborn child is betrothed to a worthy and respectable family within the community with the hope of being a girl child. If the birth turns out to be a girl, the chosen family will come on behalf of the groom-to-be with gifts and subsequent gifts until the girl was old enough to be taken away in marriage (Orubuloye, 1987).

This form of arranged marriage was common among the royal families and the rich within that society. Ogunniran (2010) notes that the aristocracy of some cultures tends to use child marriage among different factions as a method to secure political ties among themselves. Daughters belonging to a royal family in a weaker community are customarily arranged to marry into the royal family of a stronger neighbouring community to prevent the weaker community from being attacked during wars. Furthermore, families from the lower class often use child marriage as a means to gain financial ties with wealthier families to ensure better financial stability (Ogunniran, 2010).

The second form of arranged early marriage is a situation where a young girl will be given in marriage to a man much older than her before she reaches the age of puberty. In this situation, the consent of the girl is irrelevant, in as much as her father or the head of the family has given his approval. However, the influence of mission schools and government-run schools with western education format altered this cultural value. Both schools taught Christianity, Western family values, and at the same time suggested the expectation of a period of adolescence in which young people were still dependent and unmarried as this

will give them time for maturity and prepare them for marriage (Caldwell et al., 1998). Arowojolu (2005) in emphasising this fact, observes that the effects of industrial revolution, introduction of Christianity and Westernisation, which brought education and western culture, seriously influenced the traditional virtues, values, family dynamics and marriage pattern, especially the practice of early marriage among the Yoruba ethnic group (Arowolaju, 2005). Indeed, the introduction of mission schools and few government schools exposed parents to the concept of family planning as many men started limiting the numbers of children they bear to numbers they could care for and send to school within their available resources.

Although planning and provisioning for girls' spaces in missionary schools were initially difficult, in some parts of Yoruba land, girls were not encouraged to go to school because they were not given the opportunity (Sanni, 1962). The earliest exposure of Yoruba girls to Western education was traced to the end of the 19th century when the first school for girls was introduced in the south-west region, and by late 1930s, the school served not more than one in 20 girls in the region. However, by early 1970s, 86 per cent of girls who attained school age had gone through primary school education, and 81 per cent had secondary education. By 1986, more than half of these educated young girls lived in urban areas (Caldwell et al., 1998). Women's age at marriage increased significantly in the first half of the 20th century. Evidence from the 1986 Ondo State DHS shows that the median age of females at marriage had been close to 20 by 1960 and more than 21 by the mid-1980s. At the same time, 89 per cent of 15-19-year-old women had never married (Caldwell et al., 1998).

Adedokun (1999) also confirms that the rise, from about 19.8 years in 1960 to 23.7 years in 1992 can be mainly attributed to the increased educational opportunities for women, growing preference for monogamy and the influence of urbanisation. All these brought about the significant shift from the practice of early marriage. As observed by Caldwell et al., (1998), schooling largely defined adolescence both by changing the situation of young people for many years and by acting as the major influence in raising the age of females at marriage above puberty. Female education was, and still is, one of the reasons for the delay in marriage or the decline in early marriage among the southwest as the trend

impacted positively on the culture and tradition of the Yoruba people in the late 18th and early 19th centuries especially in relation to the practice of early marriages (Caldwell, 1979).

The increased pace of modernisation, urbanisation and level of education that took place in the southern part of Nigeria especially among the Yorubas of the southwest, shifted emphasis from extended family ties, which formerly existed in most of the rural areas, to nuclear family and this reduced the family involvement in the selection of partners (Ogunjuyigbe and Adeyemi, 2003) entirely. Young men according to Arowolaju (2005) chose to become labour migrants so that they could return with enough money to pay their bride price and select their bride. The shift away from arranged marriages is a contributing factor to the delay in age at marriage among the Yorubas. This situation is similar to what Mensch et al. (2005) describe in Indonesia where there has been an increase in the age at marriage, and this was because decision making on marriage has shifted from parents to children. This shift, Mensch et al. attribute to the increasing educational attainment among young women.

On the one hand, it could be argued that the trends in education and age at marriage are not always closely connected. The Poorest cadre of people in the rural communities of the Southwest Nigeria who could not afford the cost of schooling, still, delay the age at marriage by sending their female children to relatives as domestic servitude instead of giving them out in marriage at an early age. As noted by Mensch et al. (2005) the region with the highest increase in educational attainment among young people in Southeast Asia, is not the region with the highest decline in early marriage. They argue further that years of schooling have increased in Latin America in the past few decades but, no change has occurred in age at marriage. It could also be argued that although an association between changes in schooling and marriage is evident after all. Most developing countries have experienced both a rise in educational attainment and a rise in the age of marriage but there exists a weaker connection than expected, given the determining power often attributed to educational change (Mensch et al., 2005).

The lower prevalence of child marriage in south-west Yoruba land raises questions about the impact of varying cultural values and civilisation as influenced by Western education on the perception and practice of marriage. Essentially, it is to be noted, therefore, that the interaction of the Yorubas with Christianity, their exposure to Western education and values, and their attendant increase in literacy level altered their narratives on child marriage. Implicit in this is that Western education, Christianity and increased literacy level tend to take precedence over cultural considerations and values about early marriages amongst that ethnic group. The extent to which this accounts for the comparatively low rate of child marriage in Yoruba land, was empirically tested in the course of this study. The next section examines the extent of child marriage in south-east Nigeria.

3.2 Child marriage among the Igbos of Southeast

The south-eastern part of Nigeria is occupied by the Igbos as they prefer to be called Ibos. They are predominantly Christians and are the third largest ethnic group in the country. Traditionally, the Igbos just like the Yorubas are predominantly farmers whose major economy is structured around agriculture, trading, and local crafts (Obi, 1970). The Igbos are also highly literate and this, has helped them in securing jobs as civil servants, and business entrepreneurs since Nigeria gained independence in 1960 (Uchendu, 1965a). The cultural, literacy and occupational realities of the Igbos have combined to influence the dynamics of the marriage institution. This section explores these dynamics and the extent to which they affect the practice of child marriage in south-eastern Nigeria.

Like all other cultures in Nigeria, the Igbos' are culturally patriarchal. Marriage is considered an indispensable factor for the sustenance of the family lineage, and children occupy the central point in Igbo marriage (Afigbo, 1981). Although traditionally, women also play important roles in decision making within the family and the community, wives on the average, depend on their husbands both socially and economically (Schwimmer, 2002).

Marriage in Igbo land is consummated according to native law and custom (Anyanwu and Aguwa, 1993; Ukaegbu, 1976). In traditional Igbo culture,

marriage, according to Iroegbu (2007), was not based primarily on love. A wife needed to be discovered, recommended, investigated, and her family formally approached by the parents or agents of the would-be bridegroom. The idea of a man falling in love with a woman before getting married was not common then. The socio-cultural system regulations, which play a pervasive role in marriage practice do not permit engaging in a love relationship before marriage. In fact, if friendship existed between a young man and a woman, it was under the strict supervision and control of their families (Iroegbu, 2007). This socio-cultural control system could be considered as ethically inappropriate and unfair to both young men and women in the community in its reinforcement of beliefs. However, these are the rules that govern the institution of marriage and give it directly within the Igbo communities.

Aside from this, marriage institutions in Igbo land prohibit endogamy wherein close relatives are forbidden from marrying within their paternal or maternal clan (Schwimmer, 2002). This regulation eliminates not only first cousins marriage but also rules out cross cousins marriage such that cousins from father's side and cousins from mother's side are not allowed to be married. This means that in practical terms, Igbo villages could only intermarry with other communities. This is because all the inhabitants of a community usually belong to a familiar paternal or maternal clan. More so, intermarriage with neighbouring communities is seen in Igbo land as a platform for the enhancement of inter-communal friendship, trade, and socio-cultural relationship (Nwoko, 2012). This is the opposite of the Yoruba system of marriage where the tradition encourages one to marry within his or her immediate community.

One of the principles that underpin Igbo marriage is that marriage is not a decision taken by a man and a woman alone. Preferably it is the concern of families and to a large extent the concern of clans or even the entire village (Ukaegbu, 1976). This justifies why marriage within the village is not allowed. In addition, dating or any relationship between a man and a woman before they formally get married is not encouraged (Iroegbu, 2007; Obi 1970). This belief is so strong that traditionally any child born in a pre-marital relationship by a young girl belongs to the young girl's father and not the biological father of the child (Undie and Izugbara, 2011). Similarly, once a woman is married, if she should have an

extramarital relationship, which results in the birth of a child, the tradition provides that the child belong to her legal husband and not to the biological father of the child. The emphasis here is that whosoever paid the bride price has the legal right to the child, and if no bride price has been paid, the girl's father has the legal right to the child.

Traditionally, there are different ways of selecting a bride in Igbo land. This could be through an arranged marriage whereby, choice of partner and betrothal were made by parents when the bride and groom to be still children or even at birth. In this case, two family friends or two royal families could arrange for their children to be married, although the bride price will not be paid immediately, it will be made known to everyone in the community that the child has been betrothed (Ogbeide, 2011; Schwimmer, 2002). Obi (1970) notes that this type of marriage is now very rarely practised.

Another form of marriage was the search for a bride. The process began when a young man was considered mature after he had passed the test of maturity, which was the age-old ordeal meant to test the psychological balance and the sense of responsibility of the boy. These were rigorous training in personal discipline and strict preservation of secrets, the ability to keep his thoughts under control, and ability to prove that he can provide for his family and protect them (Obi, 1970). Further testimony to his maturity is his worth in competitive activities like wrestling, dancing, fighting, and work skill. Once he shows maturity, his parents will begin to search for a bride for him (Iroegbu, 2007).

Young girls were also considered mature when they have learnt necessary home training and can handle household responsibilities. Mothers were also expected to teach their daughters the basic principles of traditional education to prepare them for motherhood and other future marital duties. Such principles include physical, moral and intellectual standards; vocational development; community participation; character development; and the promotion of cultural heritage both in dressing and in manners (Ogbeide, 2011; Fafunwa, 1979).

According to Chiwetelu (2012), a young man who had seen a girl he likes would speak to his parents first about the girl. The parents will then study the girl's character, her physical, mental and moral fitness, resourcefulness, manners and

her general ability to work. They will also investigate her parental background before speaking to her parent about their son's intention. The parents of the girl will equally do the same background checking on the young man who intends to marry their daughter before giving their permission (Chiwetelu, 2012).

In a situation where suitors are not forthcoming, communities will organise their marriageable girls into age-grades and dance groups, men from the village provide musical instrument while women sing different songs, as the girls danced. Learning the dancing steps usually takes several years and lots of hard work. The showcase of the dance takes place over several weeks in several venues and is announced in all villages. Eligible bachelors, men from neighbouring communities, who might have seen or heard of the dance often pick most of the girls (Chiwetelu, 2012). This practice did not only showcase the beautiful young maidens in the community, it showcased the rich cultural heritage of the community and also underscore the fact that historically and culturally, marriage in Igbo land has not been just an affair between a man and a woman, but a communal obligation of the entire community.

In all these various ways of choosing a bride, parental consent and the consent of the bride-to-be was very critical. In traditional society, after the selections, the potential groom sent gifts to the girl and her mother and sometimes helped the in-law in farm work (Iroegbu, 2007). The Igbos used goods and services ranging from farm crops, domestic animals and farm labour provided by the groom for the parents of the bride-to-be as a form of bride price. Though things have changed and the groom is no longer required to provide labour service for the family of the bride. Everything now is in cash and other gift items. The Igbos now pay money of between 50 to 100 thousand nairas or even more as bride price in addition to other prerequisites such as kola nuts, goats, chicken, wine, yam, clothing and many more. This aspect legitimised the marriage and gave the groom legal rights to all the children of his bride (Nwoko, 2012). In Igbo land, the payment of the bride price is significant as it determines whether the groom has the legal right to the children born to his bride.

Marriages in Igbo land were not restricted to males and females alone. To a large extent, marriages were contracted between two women. Traditionally, the Igbos

has institutionalised marriage options permitting woman-to-woman marriages in special circumstances known as "female husbands" (Nwoko, 2012; Iroegbu, 2007; Obi 1970; Ogbeide, 2011). Female husband or woman to woman marriage is when a woman pays the bride price of another woman to obtain a husband's rights over her (Greene, 1998; Murray and Roscoe, 1998). Such arrangements in Igbo land involved two women undergoing formal marriage rites. One of the women paid the requisite bride price as in a heterosexual marriage. The woman who paid the bride price became the husband. The female husband was the sociological father of any children the wife will have. The children belonged to her lineage, not to their biological father (Nwoko, 2012).

In Igbo land, according to Iroegbu (2007), the female husbands are daughters who took on the male responsibility of ensuring that their family lineage survives, in a family where there are no male children to continue the family lineage or sustain the family name. A daughter in such circumstances will marry a woman, pay her bride price and refer to her as her wife (Uchendu, 1965b). Also, women who were considered wealthy, influential and those who had past menopause without a male child or whose husband is dead without a male child, could marry wives for themselves or on behalf of their late husbands. These influential women were usually viewed as men because of the responsibilities bestowed on them by marriage. Woman-to-woman marriage allowed the wife freedom of sexuality, she can have a boyfriend or an anonymous male partner, but whose duty is only to supply sperm. Any child they had belonged to the female husband, and this is legitimate in Igbo society (Nwoko, 2012).

According to Greene (1998) woman to woman, marriage had been documented in more than 30 pre-colonial African societies, including the Yoruba and Igbo of West Africa, the Nuer of Sudan, the Lovedu, Zulu and Sotho of South Africa, and the Kikuyu and Nandi of East Africa. Despite the current notion, that same-sex relationship was alien to Africa, the practice of woman to woman marriage has been in existence for centuries in Africa. Murray and Roscoe (1998) contested the long-standing claims that homosexuality in Africa is non-existent, explaining that even anthropologists and Africans cannot prove or deny the possibility that woman to woman marriages does not include sex or emotional attachment.

Nwoko (2012), however, emphasised that the practice of woman to woman marriage or female husband does not involve a sexual relationship between the couple as opposed to lesbianism. Instead, it was a traditional way of legalising what ordinarily would have amounted to the birth of illegitimate children who, traditionally, would have been denied inheritance. Nwoko explains further that the underlying reason for that kind of marriage is that in Igbo society, a male child is of paramount importance and it was the obsession to have a male child to continue the paternal lineage that leads to the institution of woman-to-woman marriage. However, these forms of marriage no longer exist in the modern day. It is also important to point out that this form of marriage was only contracted by an adult female, women with experience and not between young people.

Although child marriage is no longer prevalent in modern-day Igbo land, researchers had established that the practice was a component of the cultural practices in traditional Igbo Society. This manifests in the form of what Obi (1970) aptly described as 'arranged marriage' where girl-children were betrothed at an early age or at birth as well as an under-age marriage where young girls are married out before the mature age of 18 Years. Traditionally, the age at marriage in Igbo land, according to Obi (1970), was 25-28 years for a man and from 14 to 18 for a girl. It is important to point out here, that child, adolescent or even child marriage were not legally defined under the Igbo Cultural system. As such, 14-18 years was seen as the average marriage age for girls. It was, therefore, the norm to train and prepare girls from as young as five years on necessary motherhood and marital responsibilities starting with learning basic etiquettes, how to sweep, manually grind pepper, cook, fetch water, take care of younger ones among other housekeeping chores.

What was also referred to as child marriage then, in Igbo land was the betrothal of children either from birth or at a very early age before 14 years by their parents. Although it was also called marriage, in the real sense it is more like an agreement entered into by the parents of children, and this does not mean they have to live together. They still have to wait until they are mature enough, when the girl had acquired all necessary training she needed as a wife, and the man can prove that he can provide for his bride (Ogbeide, 2011). The bride price, in this case, is usually delayed until the girl becomes old enough for the real marriage. This type

of marriage was arranged to ensure and secure a lasting family friendship (mainly, among the wealthy and within the Royalty) and also to protect the young bride from any future suitor who may want to indicate interest in the girl's in future.

While the arranged marriage system is not generally practised in the entire of Igbo land (Ogbeide, 2011), it still raises questions on the disregard for the principle of consent, maturity and free-choice in traditional marriage practices in Igbo Land. The marital future of the innocent baby girl will remain mortgaged in a manner that may affect her psychological state much later in the future. However, since the late 1960s, noticeable changes began to show regarding all forms of marriage. Some fundamental factors have been identified as being influential to this change process. These, according to Obi (1970) include the coming of Christian Missionaries (who preached moral rebirth in line with Christian Values) and the impact of Western education as advanced by the Christian Missionaries. In consequence, the clash between Igbo culture and Western culture as professed by Christian Missionaries and Educationists produced a motion that altered the traditional marriage beliefs and practices about child marriage in Igbo land, just like the narrative in Yoruba land.

It has been additionally observed that the attraction of new symbols of wealth in bride price for educated girls, and the changing attitude towards gender equality, helped in positively altering the perception and practice of child marriage (Chiwetelu, 2012). Western education brought about the attraction of a new symbol of wealth in bride price, as parents realise that sending their daughters to school will mean more money from the bride price. The more educated a girl is, the more money will be requested and obtained as bride price. Also, it is important to note that emphasis on gender equality was reinforced in Southern Nigeria by the influence of Christianity and Western education. It was the educational and religious enlightenment that brought about the idea of gender equality. Ukaegbu, (1976) and Nwoko, (2012) add that since the early 1970s, the ages at first marriage in Igbo appeared to be in the twenties. This is contrary to the general belief of early age at first marriage or child marriage in the whole of Nigeria. For most recent marriages in Igbo land, Isiugo-Abanihe (2000), notes that the age at marriage for a girl is 26 year. The increased age at marriage in Igbo land could also be attributed to the prohibitive bride price which tends to cause a delay of

marriage of prospective grooms, and even the inability of the families to offer sufficient financial assistance to their male members intending to get married (Chiwetelu, 2012; Ogbeide, 2011; Ukaegbu, 1976).

The practice of child marriage was as prevalent in traditional Igbo Communities as the traditional Yoruba culture. The nature of the practice among the Yorubas of South Western Nigeria and the Igbos of South Eastern Nigeria also appeared similar as they are linked to betrothal at birth and girl-child marriage. While cultural beliefs remained the critical factor that regulated, justified and advanced the practice among the traditional Yorubas and Igbos, the interaction of both ethnic groups with Christianity and Western education, values and culture, altered the dynamics, perception of, and practice of child marriage such that in modern days, child marriage is no longer prevalent in both ethnic groups.

The analogy of child marriage in Yoruba land and among the Igbos tends to strengthen the assumption that child marriage is a product of cultural beliefs and practices rather than religious and other intersectional factors. The validity of this assumption is further examined in the next section among the Hausa-Fulanis of the Northern Part of Nigeria where child marriage is still prevalent in comparison to other parts of the country.

3.3 Child marriage among the Hausa-Fulanis of Northern Nigeria

Northern Nigeria is the largest part of the country and home to several ethnic groups and religious communities. In the geopolitical equation, it occupies three out of the six geopolitical regions of the country, which are North West, North East and North Central (Canci and Odukoya, 2016). These regions are mostly rural, but with historical urban centres such as Kano, Sokoto, Zaria, Maiduguri and Kaduna which were famous centres for Islamic studies for centuries (Africa Report, 2010). Historically, the dominant ethnic groups are the Hausas, Fulanis and Kanuris, although there are other about 160 ethnic minorities groups within the regions (Hoffmann, 2014). The religious and cultural similarities of the Hausas and Fulanis (the dominant ethnic groups in the North) allow significant integration between them such that these two ethnic groups are now commonly referred to as a single ethnic group known as the Hausa-Fulanis rather than as distinct groups.

The Fulanis in the region do not distinguish themselves from the Hausas neither do the Hausas distinguish themselves from the Fulanis. This is because they intermarry and also to a large extent, it reflects their political strategies (Sampson, 2014). Although the primary occupation of the Fulani is pastoral, while the Hausas are farmers, they, however, complement each other through their relationship. The Islamic religion is generally practised in both North West and North East regions, and this had traditionally, shaped the socio-economic and political framework of the regions long before British colonisation in the early 1900s (Osunyinkanmi, 2014; Elaigwu and Galadima, 2003).

Even though there are minority Christians in these regions, the Jihad war of Uthman Dan Fodio infused the practice of Islam in its purest form in these regions. It equally integrated the people's culture with the Islamic religion in such a way that it has become difficult to draw a line between the traditional practices and Islamic culture. Consequently, these regions do not only practice Islamic religion but also adopt and practice an integrated Islamic and Hausa-Fulani culture in their day to day activities such as in dressing, marriage and even in their social interactions.

The North Central part of Nigeria comprises of different ethnic groups with an equal religious population between Christians and Muslims. These ethnic groups are Tiv, Idoma, Igala, Epira, Kabba, Nupe, Gbagyi, Gwandara, Berom, and Mangu among others (Ostien, 2012). According to Obaje (2009), 50% of Nigerian ethnic groups are inhabitants of northern Nigeria. The primary economic activity of the indigenous inhabitant of northern Nigeria is farming, cotton and peanuts processing which are used locally and also exported. Other economic activities include cattle herding, trading and craftwork such as tanning, leatherworking, saddling, weaving, woodworking, and blacksmithing (Canci and Odukoya, (2016). Most northern men also have the second occupation which includes officeholder, Islamic cleric (Imam), Islamic scholar, musician, and butcher. Muslim women, especially the indigenous Hausa women from the North-West and North-East are in seclusion and therefore dependent upon their husbands for their maintenance (Vaughan and Banu, 2014).

The discourse on child marriage in Northern Nigeria by a preponderance of scholars has been woven around the argument that the prevalence of child marriage is a product of the dominant Islamic religious practices. There are three apparent references which accentuate this assumption. Firstly, reference is often made to the fact that puberty is said to determine the age at marriage in Islam. This tends to encourage the practice of child marriage in northern Nigeria where Islamic principles are prevalent. Secondly, the usual reference to Aisha's betrothal to prophet Muhammad at the age of six and their marriage consummation at the age of nine years. This is often being used to justify the practice of child marriage by northern Muslims. Thirdly is the adoption of Sharia law which does not prohibit the practice of child marriage (Brimah, 2014; Ogunniran, 2010; Hasan, 2013).

Aside these, scholars such as Adedokun et al., 2011; Iman, 2003; Gamawa, 2013; Nour, 2009 have engaged the intersectionality argument which acknowledges that other interwoven factors encourage the practice of child marriage. These include gender inequality, illiteracy, poverty, lack of access to schools, poor quality of education and the attacks on educational facilities, killing and kidnapping of schoolgirls, and forcing them into early marriages by 'Boko Haram' terrorists in Northern Nigeria (Adedokun et al, 2011; Iman, 2003; Gamawa, 2013; Nour, 2009).

A critical review of existing studies on child marriage in Northern Nigeria indicates that they are pedantic and religiously biased. Scant attention is placed on the impact of the traditional culture of the Northern Nigeria ethnic groups (notably, the dominant Hausa-Fulanis) and how this impact on their religion on the one hand and practice of child marriage on the other hand. This study deviates from the extant simplistic argument of Islamic religion being the cause of the prevalence of child marriage in northern Nigeria by exploring the impact of the traditional culture of the people of that part of the country on child marriage.

Unlike the Yorubas and Igbos who are mostly homogenous regarding ethnic and cultural configuration, marriage within the three geopolitical zones that make up Northern Nigeria varies according to their religious, cultural and ethnic heterogeneity. While marriage in North-West and North East is based purely on

Islamic religion and culture, in North Central, marriage is based on individual ethnic group's traditional beliefs, religion and cultural practice which is more or less similar to the Yorubas and the Igbos. Although some ethnic groups in the North Central practice Islamic religion, they do not practice Islamic culture. For instance, the culture of wife seclusion is not common among the Muslims in North Central. Among the Hausa-Fulanis, the culture of early marriage is prevalent and is the largest ethnic group in the regions; Northern Nigeria is described as having the highest prevalence of child marriage in the country.

Among the Hausa-Fulanis, marriages are performed according to what is perceived as the Islamic rite and culture. Their ideal marriage is polygamous with a man allowed to have up to four wives at a time (Pellow, 1996). Contrary to the erroneous belief that this practice is purely an Islamic culture, it is indeed reflective of the traditional polygamous African culture that is prevalent among all other ethnic groups in southern Nigeria and most African societies. It is, therefore, a classic example of the intermingling effect of culture and religion rather than an exclusively Islamic religious tenet. Other instances of erroneous colouration of traditional practices as purely religious practice about marriage in Northern Nigeria also abound.

The Hausa-Fulanis have some differences regarding their traditional marriage practice. While divorce in a marriage is common and acceptable among the Hausas, divorce is by traditional culture, not encouraged among the Fulanis. On the one hand, the Fulanis practice endogamy where marriage between first cousins or cross cousins within the same clan is allowed (Agun, 2014). Agun notes that this is one of the reasons why divorce is not permitted. Age at marriage is in early teens, and the majority of Fulani marriages are arranged marriages, but young men and women also have the freedom to choose their partners especially in special occasions like the young maidens dance (Salamone, 1996). Agun, (2014) explains further that Fulani traditional marriages are performed either in three or two stages depending on the requirement and preferences of the tribe involved. These three stages are: 'Sharo', 'Koowgal' and 'Kabbal'.

Sharo tradition is a public flogging of a potential groom before his wedding. This is a traditional practice which is also performed during momentous occasions

such as chieftaincy coronations, sports, and rite of manhood ceremonies. The Sharo tradition is highly valued and held sacred in Fulani culture. It is believed that going through the pains of flogging shows courage, strength and ability to protect a wife. These are considered vital elements of a man desirous of marriage.

The Kabbal is a traditional ceremony similar to a marriage ceremony but without the bride and groom in attendance. Koowgal is the last and the essential part of the marriage process. It is the payment of marriage dowry, and this is performed by the father of the bride transferring one of his herdings, usually a cow, to the groom to legalise the marriage (Salamone, 1996). This practice is unique only to the Fulanis since no other tribe in Nigeria pay a dowry to the groom. This practice is similar to the Indian dowry custom where the bride has to bring gifts items or pay the groom's family for the marriage (Seeger, 2013). Fulani women enjoy greater independence and freedom of movement than other Muslim women in their region, such as the Hausa women who are mostly in seclusion (Ambakisye-Okang, 2010).

The Hausa's, on the other hand, are not monolithic. So, steps in seeking a girl's hand in marriages vary among different groups within Hausa communities. Their marriage ceremony is not time-consuming and mostly less expensive compared to Igbo and Yoruba traditional marriage. When a man sees the girl he wants to marry, he will first seek permission from her parents. This will require the parent of the groom visiting the bride's family with some gifts items such as Kolanut, chocolates, candies and in some cases bags of salt and some gifts for the girl (Makinwa-Adebusoye, 2006). The groom's parents will make their intention known during the visit, and the bride's family will then investigate the man to ascertain his religious belief, morals, ethics and other issues related to his background (Egbosiuba, 2012).

During this period, the man is not allowed to spend much time with the girl alone according to Hausa tradition. Physical contacts, romance and courtship before marriage are highly discouraged (Vaughan and Banu, 2014). Once the girl accepts the marriage offer, and the bride's parents or guardians give formal approval, the man's parents or guardians will now make an official visit seeking

the permission of the girl's parents to marry their daughter and the negotiation for the bride price begins right away (Vaughan and Banu, 2014). The price starts from the minimum amount to the highest amount the man can afford to pay. Although, the idea behind negotiation, is for the bride price to be as low as possible, based on Islamic teaching which explains that marriage receives more blessing when less bride price is paid (Egboosiuba, 2012). However, these days, parents accept more than what Islamic teaching stipulated, and because of what most parents especially, fathers get from their daughter's marriage; they support the idea of child marriage.

Just like the traditional Yoruba and Igbo cultures, among the Hausa-Fulanis, marriages may be planned among families even before children were born or arranged after their birth. By custom and as reflected in Islamic tenets, there is no fixed age limit for marriage among the Hausa-Fulanis, and so, Hausa-Fulani girls marry between the age of 10 and 14 (Vaughan and Banu, 2014; Madauci et al., 1978; Pellow, 1996). Most Hausa marriages, just like the Fulanis are arranged. Pellow (1996) points out that for the fact that many marriages are arranged does not mean there are no marriages based on love, affection and mutual consent.

Bentley (2011), however, notes that arranged marriages are far more likely to lead to lasting affection than marriages of passion, explaining that those in arranged marriages tend to feel more love as time grows, whereas those in regular marriages feel less love over time. This theory will and may work for an adult who is of a marriageable age when the marriage was arranged but, not for underage girls who do not even know what love and affection mean. Arranged marriage for a ten years old girl may be terrifying, and the child bride may neither grow into love nor affection. For the girl-bride, there is a high risk that she will, in contrary, develop within the marriage full of hatred not just for her husband but also for her parents who forced her into the marriage. This is evidenced by the experience of young women interviewed in this study as will be seen in chapter six.

Implicit in the analogy of marriage in northern Nigeria is the fact that child marriage is a cultural phenomenon that has been merely accentuated by the

substantial impact of the Islamic faith. This is in contrast to other parts of the country where though child marriage was at some point in their history also a cultural experience, but one that was altered by the influence of Christian religion and early exposure to and acceptance of Western education. In other words, both Islamic religion and Hausa-Fulani culture support the practice of child marriage unlike among the Yorubas and the Igbos of the south where the culture support it but Christianity and Western education discouraged it.

Unfortunately, the strong and age-long practice of the Islamic faith has led to a situation where the cultures of the majority of communities in the north are inextricably interwoven with Islamic traditions. Hence to an average northerner, the Islamic religion is not just his or her culture; it is his or her way of life. This, impacts on the perception of child marriage and the acceptance of the harmful practice as a standard and acceptable norm regardless of the consequences on the child-bride as an individual and the developmental status of the geopolitical Zone.

3.3.1 Child Marriage in Northern Nigeria

The practice of child marriage is highly prevalent among the Hausa-Fulanis of the North West and North East as studies have shown that rather than declining, the practice is increasing. Studies have shown that Northern Nigeria has some of the highest rates of early marriage in the world (Girls, not Brides, 2014; UNFPA, 2009; Population Council, 2004). According to Girls Not Brides (2014), 76 per cent of girls in a northern part of Nigeria, married before the age of 18. An NDHS (2003) report also observes that between 1999 and 2002, the proportions of married teenage girls between the age of 15-19 years in the North West and North East regions was 73% and 59% respectively. This has increased between 2003 and 2006 to 76% in Northwest and 68% in the Northeast (Erulkar and Bello, 2007; NDHS, 2008). Another study by UNICEF (2012) shows that between 2007 and 2011 the number of Nigerian girls getting married before the age of 15 increased by 5%.

In spite the fact that the Child Rights Act (CRA) which was enacted in 2003 stipulates 18 years as the age of maturity, the percentage of northern young girls below the age of 18 years that are getting married keeps increasing. Reasons for

this has been explained in different ways, among which is the fact that females' education is still not valued among the illiterate majority and access to education is also limited compared to other parts of the country. Aplerku (2013) equally notes that the increase in the practice of child marriage in northern Nigeria is because the Child Rights Act has not been embraced and domesticated in most northern states. In general, only 24 out of 36 states in Nigeria have passed the Act. Another reason is the increasing activities of the Boko Haram insurgents that are terrorising the Northern regions, kidnapping school girls, forcing them into slavery and selling them into early marriages (Walker, 2012).

Beyond these widely espoused reasons, the increasing practice of child marriage among the predominant Hausa-Fulani ethnic group in northern Nigeria could be interpreted as being the consequence of the similarity and inextricably intertwining relationship between the traditional cultural practices of the Hausa Fulanis in relation to child marriage, and the Islamic religious values as earlier noted in this study. Inherent in this assumption is that rather than explain the menace of child marriage in northern Nigeria as being due to Islamic philosophy, there are more convincing scholarly reasons to link it more to the traditional cultural values and practices of the Hausa-Fulanis. This is the fact that even before the entrenchment of Islam in Northern Nigeria, the practice of child marriage had been prevalent and acceptable in the traditional culture of the Hausa-Fulanis, just as it was among the Yorubas and Igbos. It is, therefore, highly misleading to assume that practice was introduced and entrenched in the northern region following the introduction of Islam.

It does appear that the fact that Islamic values and education share similarity with the cultural orientation of the Hausa-Fulanis only serves to amplify rather than discourage the practice of child marriage in the region. This is in contrast to the Southern part of Nigeria where there appears to be a conflicting relationship between traditional cultural beliefs and practices about child marriage, and the tenets of Christianity (the dominant religion) and Western educational values. In consequence, while the conflicting relationship between culture, religion and educational values in southern parts of Nigeria serves to discourage the practice of child marriage, the similarity between traditional cultural beliefs and practices

and the tenets of the predominant Islamic religion serves to advance the practice in northern Nigeria.

In advancing this debate, Braimah (2013) opines that child marriage in this region is inspired by religious practice and their strict compliance to the Quran and loyalty to Prophet Muhammad. By implication, since the culture and traditions of the Hausa-Fulani intersect with the Islamic religion, these overlapping features determine the expectations of young girls in that region. In effect, these young girls' educational attainment, social interaction, economic development and well-being are shaped, guided, and influenced by traditional Hausa-Fulani culture and Islamic religion, and this hinders their empowerment. This goes to show that there is a connection between development, Islamic practice and empowerment in this region.

For Northern Muslims, early or child marriage is an acceptable practice (Bunting and Merry, 2007). This is evidenced in Population Council Report 2004 which shows that 48 per cent of girls in northern Nigeria are married by age 15, and 78 per cent are married before age 18. As mentioned earlier, reference is commonly made to the Hadith assertion of Aisha's betrothal to Muhammad at the age of six, and their marriage consummated at the age of nine years (Musbau, 2013; Hasan 2013). This is used to justify the endorsement of child marriage by northern Muslims, as they firmly believe that it is by the tenets of their faith. Hasan (2013), however, notes that although the Quran does not contain a specific legal age of marriage, it does make it clear that men and women must both be physically mature and of sound judgement to get married.

The challenge here lies in the interpretation of 'maturity', 'sound judgement' and marriage consent; and whether legal, scientific or Islamic doctrines should regulate the determination of these concepts. To have a sound judgement means the capability to assess situations or circumstances shrewdly and to draw sound conclusions, which a girl under the age of 18 years cannot legally do. This explains why most international protocols and national laws including the Nigerian legal system stipulate 18 years as the age of maturity and valid consent. Despite this legal recognition, the impact of the dominant Islamic culture and dictates, coupled with ignorance engendered by the high illiteracy rate in Northern

Nigeria, has influenced the parochial interpretation of the Islamic provisions to mean any girl child who has attained puberty regardless of age must be married.

The practice of child marriage is also encouraged by religious and community leaders who, traditionally, have a significant influence on their subjects. These religious leaders, constantly remind their subjects that it is an Islamic duty of parents to marry off their daughters before or by puberty to ensure that no shame is brought upon their family (Kibarry 2013). People are being blindfolded by religious beliefs, norms, values, community regulations and the fear of family disgrace. In most communities within Nigeria's northern region, there are strong social pressures on families to conform to values and practices influenced by religion to avoid stigmatisation, ridicule or family disgrace (Uwais, 2013; Musbau, 2013). Poverty, illiteracy and fear of social exclusion intersect to force families to conform regardless of the harmful effects of such practices on young girls.

This appears to inform Braimah (2013) observation that the adoption of Sharia law in northern Nigeria worsens the issue of child marriage. Parents will not want their daughters to be accused of pre-marital sexual engagements or pregnancy out of wedlock which may lead to stigmatisation or social exclusion or even attract their being stoned to death as a penalty in line with Sharia Law. Therefore, girls are often married off as young as nine or ten years old or before they are fifteen at most. Furthermore, physiological development rather than age is another factor that influences marriage in Northern Nigeria. As attested to by Ephraim (2009), little girls who have just started menstruating are considered mature for marriage regardless of her age. Even though menstruation stage varies, a girl of twelve or even younger can be given out in marriage based on the fact that she has started menstruating or attain puberty. This practice according to Bunting and Merry (2007) is considered acceptable in Islam.

Other factors that contribute to the harmful traditional practice of child marriage in northern Nigeria are the discrimination against girl children regarding educational opportunities as gender gaps in education still exist in Nigeria. The national literacy rate for females is 48%, compared to 73% for males, with some regions having even lower rates of female literacy, enrolment, and educational

achievement (Nmadu et al., 2010). Girls' access to basic education, especially in the northern regions, is very low.

According to Nmadu, et al. (2010), less than 20% of women in the North West and North East are literate. On average females in the North West and North East marry more than five years earlier than females in the southern part of the Nigeria where women are better educated. In North West and North East regions, while the percentage of out of school children is very high, the proportion of girls to boys in school ranges from 1:2 to 1:3 respectively (UNICEF, 2012; Nmadu et al., 2010).

In Northern Nigeria women are practically treated as 'second class citizens' and as such their education does not receive the same priority as that of the boys. This is due to the belief that women education is seen as a waste of valuable resources since she will eventually get married and be relegated to domestic duties under the Islamic purdah practice (Imam, 2012). This underscores the Population Council (2004) observation that only 2 per cent of 15-19 years old married girls is in school in northern Nigeria. Instructively, either this two per cent are from wealthy families or married to educated young men who want their wives to be educated (Erulkar and Bello, 2007). Uwais (2013) also notes that 75 per cent of married girls had no formal education, and 71 per cent of these young women cannot even read or write at all.

Evidence shows that young bride's spouses are much older than them with an average age difference of 12 years between husband and wife. Erulkar and Bello (2007) note that 32 per cent of girls who have no formal education have spouses who are 11 to 20 years older than them. Also, young brides in polygamous unions have substantial age differences with their spouses compared to girls in monogamous unions. While girls in monogamous unions are, on average, nine years younger than their spouses, girls in a polygamous marriage are an average of 18 years or more, younger than their spouses (Uwais, 2013; Ephraim, 2009; Bunting and Merry, 2007). Braimah (2013) also notes that those in a polygamous marriage are always under the supervision of the most senior wife of their husbands and they hardly get adequate attention from their husbands except during sexual activity. The marital relationship that evolves from these age

differences contribute to child bride's low-level decision-making power within the household (Erulkar and Bello, 2007) and deprives the child brides of true love and the attention of their spouses in a manner that affect their emotional and physical well-being.

Aside from all these, loss of freedom and limited contact with friends and family are among the most significant changes young girls experience once they are married (Erulkar and Bello 2007). This is because of the Islamic practice of purdah, or seclusion and the idea that married women should not engage in social interaction in public. Kibarry (2013) emphasises that in most families, married women do not go outside of their matrimonial homes except to obtain medical care, attend specific ceremonies with their husband's permission, or occasionally visit relatives. Even in these instances, they are required to wear veils.

In essence, the married girl child is not only denied legal freedoms; she is socially secluded. The continuous practice of child marriage in Northern Nigeria contributes to the socio-economic underdevelopment of the regions and the inability of young girls and their children to escape cycles of poverty (Musbau, 2013). Married young girls according to Musbau experience poverty in marriage compared to their mates who are not married. This is because once married, these girls are cut off from the outside world, and since they lack basic education and skills that would have help in improving their standard of living, they depend perpetually on their husband for all financial support.

Early marriage impacts on the girl child in various ways. Aside from violating the rights of the girl child to be free from all forms of slavery, discrimination, inhuman and degrading treatment, it exposes young girls to the early sexual activity which has a severe effect on their health. A girl may become sexually active from the age of ten, and most of these sexual activities happen within the context of marriage. According to the Population Council (2004), 76 per cent of sexually active girls between 15 to 19 years old in Nigeria are married, and 80.8 per cent of first births to adolescents occur within marriage. Kibarry (2013) and Braimah (2013) note that married girls particularly in northern Nigeria have limited ability to negotiate sex or demand the use of condom or contraceptives for protection, hence, about 41% of married under-age girls have unprotected sex on a daily

basis thereby exposing them to risks of sexually transmitted diseases and unplanned pregnancies.

The ability to negotiate comes from one's intellectual and physical development, an underage girl lacks this ability thereby, becomes more vulnerable to sexual abuse within the marriage. Erulkar and Bello (2007) emphasise that there is a huge regional variation in the level of sexual activity and the proportions of early sexual activity that takes place within marriage in Nigeria. In Northern Nigeria, 80.1 per cent of girls aged 15 to 24 is sexually active compared to 46.5 per cent in the southern part of the country. Also, the average median age at first sex is 15 years in the north whereas it's 19 years in the south (Erulkar and Bello, 2007). In the northern area where child marriage is prevalent, virtually all sexual activity among girls occurs within the context of marriage.

Child marriages also present some health implications. Fistula Foundation Nigeria, (2009) explains that among the health problems young married girls experience in northern Nigeria is early pregnancies which cause higher rates of maternal and infant mortality and cause hormonal and physical changes which complicate the girl child's body growth. These teenage girls are also more vulnerable to infections, such as HIV/AIDS, sexually transmitted diseases (STDs) and the demoralising ailment of VVF/RVF (VVF will be discussed more in chapter six). Furthermore, due to high illiteracy level, child brides from the North have little knowledge about HIV compared to their unmarried mates in the South (Population Council, 2004).

Also, most of these young brides are unaware of the physiological changes in their own body, have no knowledge of sexuality and reproductive health care before marriage, and they are unprepared for motherhood (Erulkar and Bello, 2007). A study carried out by Bunting (1999) also indicates that some young married women point out that they were not prepared for sexual relations with their husbands when they got married and refusing to have sexual relationships with their husbands, most of the time leads to their being violently raped by their husbands.

Unfortunately, wife raping according to Islamic Maliki law, Nigerian Customary Law and practices and Nigerian criminal law is not a crime in as much as the

bride has attained the age of puberty, according to Gamawa (2013). Section 182 of the Penal Code which is built on Islamic values and which is in force in the Northern part of Nigeria similarly provides that sexual intercourse by a man with his wife is not raped if she has attained puberty. The fact that Islamic law and the Nigeria criminal law does not categorise marital sex without mutual consent as tantamount to raping one's wife and as a crime does not justify such an act.

Adamo (2012) explains that rape violates a woman's bodily integrity, freedom, and self-determination. The harm is not mitigated because the abuse occurred in her marital bed. Marital rape can be more traumatic and abusive most especially for young brides who are not yet sexually mature. Rape is a terrifying, and humiliating experience that no woman wants to relate not to imagine child brides being exposed to such. Legally a person should have the right to change their mind about having sex at any point of sexual contact. In the UK for instance, sex without consent is rape, whether it takes place within a marriage or in any other relationship and rape within marriage or in any relationships is clearly recognised within the law as a criminal offence (Rape Crisis, 2004). Arranging or forcing a child into marriage without seeking her consent in most cases has negative consequences. Young brides in some instances become rebellious and take drastic action in their marriage.

3.3.2 Consent and Consequences

Consent is another issue in child marriage. It is not only in sex that approval is required. Before any marriage can be consecrated, the man and his bride-to-be must be able to give their consent. However, this is not the case in child marriage as Erulkar and Bello (2007) explain that the girl's parents arrange most child marriages without her consent. Also, under the Maliki law in Islamic doctrine, the father has the right to arrange the marriage of his daughter regardless of her wishes and without consultation with the mother (Csapo, 1981). Under this law, the father is given the entire responsibility for the daughter's marriage, not just for the first, but for the second, third or even the fourth marriages. The traditional belief that the longer a girl stays unmarried, the higher the risk of her becoming promiscuous; and also the idea that sex outside marriage is a taboo especially in rural communities of northern Nigeria help in fuelling the practice of child

marriage. All these propel parents to arrange their daughter's marriage to spouses who are considerably older; some may even be older than the bride's parents. Some fathers according to Madauci et al. (1978) marry off their daughters to old men out of selfish motives. When it comes to divorce, the father will not want his daughter to divorce her husband for the fact that he has no money to repay the enormous bride price taken even when his daughter is maltreated.

Marriage without consent goes with consequences. Wasila Tasi'u Umaru exemplified this reality, a 14-year-old girl from a poor, strictly Muslim family in Ungwar Yansoro village near the city of Kano who killed Sani Umaru, her 35 years old husband with rat poison after a forced marriage in April 2014 (Keegan, 2014). Wasila claimed her father forced her to marry Sani without seeking her consent and that she does not love the man whom she complains was twice her age (Filani, 2014). Wasila's father, however, insisted that to them in the village, she is not a child and that it is customary in their village to marry off a girl at 14 years. He added that Wasila consented to the marriage in line with their culture and that she was the seventh of his daughters to be so married out at 14 years old (Filani, 2014). Wasila's uncle added that those paying attention to the case have no understanding of their way of life in the village where their girls do not attend schools because they do not have one, not even an elementary school. Hence, once girls attain the age of 14, they are married out. He asked rhetorically, 'what do we keep them at home for' (Vanguard, 2014a).

Although Wasila is currently in custody pending trial for murder at a Juvenile Court in Kano (Shuaibu, 2014), her case presents a classic example of the effect of forced child marriage and strengthens the debate on the importance of maturity, free choice and consent in marriage. It also highlights the intersection between culture, poverty, and child marriage, while also raising issues on forced marriage of young girls to older men, a practice that is also pervasive in northern Nigeria. Similarly, it highlights the relationship between child marriage and lack of educational opportunity in northern Nigeria.

3.4. Women's Access to Education in Northern Nigeria

For centuries, the concept of girls' education has been questioned in the North. This is due to the conflicting priorities regarding control over women, and women's appropriate roles and place in the social order (Imam, 2012). Also, the purpose and extent of Islamic education according to Csapo (1981) depend mainly on the level of education available, which is Islamic education. Csapo notes that for the vast majority of Muslims, both male and female, the essence of education is to acquire basic knowledge for performing prayers or reading some verses of the Koran.

The approach to women's education among Muslims in Northern Nigeria involves granting fathers and husbands' responsibility of training the women themselves by sending them to either Koranic school or arranging for their religious education at home. This second option has been linked to the idea of seclusion, and for the separation of men and women in public places. Due to this approach, most Muslim women especially the less privileged ones were given limited Islamic education in the pre-colonial era, and the issue of access to education or opportunity for continued education rarely come up. Fathers who were supposed to train their daughters, transfer the responsibility to the husband through early marriage and in marriage, attention is always fast shifted from any form of education to childbearing and care, so husbands hardly have time to either home train or send wives to Islamic schools.

Female education in northern Nigeria has been a significant challenge, even before the introduction of western education particularly among the core north (North East and North West). The core north with their long history of Islamic religion and Islamic cultural practice opposed the idea of western education by the missionaries based on the idea that it will convert their children to Christianity (Fabunmi, 2005; Fafunwa, 2004). Tibenderana, (1983) however argues that Northern leaders opposed the development of Western education out of fear that a new educated class outside the Mallam classes which they have control over would challenge their political and religious authority.

The opposition of western education in the north marked the beginning of the disparity in opportunity for western education not just between boys and girls but

also between the southern and northern part of Nigeria. The first primary school in the north was initiated about sixty years after it was introduced in the south (Osunyinkanmi, 2014). The first primary school in the south was introduced in 1842, while the first in the north was introduced in 1906. Osunyinkanmi (2014) argues that at the inception, the first school in the north was exclusively reserved for the sons of the Northern royalty, while girls were excluded entirely. This buttresses Pittin's (1990) argument that since the inception of Western education in the North, it had been controlled by the ruling elite. It could also be argued that the legacy of colonial marginalisation of women in education influenced this exclusion.

Historically, gender and class have been the determinant factors limiting women's educational opportunities in northern Nigeria. The traditional argument according to Osunyinkanmi (2014) was that since western education has the potentials for exposure, girls will be exposed to all sorts of things that may corrupt their mind. They may become rebellious against their parents by refusing to get married at the appropriate age according to Muslim law; girls may want to decide whom they wanted to marry. Also inherent was the fear that western education would disrupt the Islamic way of life and the preference for the Hausa language and culture hinders girls' education. Furthermore, parents did not wish their daughters to mix with the sons of non-Muslims in schools (Csapo, 1981). It is instructive that none of these arguments was raised about western education for boys. This is because, in Northern Nigeria, women are considered secondary citizens and as such their education does not receive the same priority as that of the boys (Csapo, 1981). All these still boil down to gender discrimination and the preference for the male child over the female child and the patriarchy system that sees women as subordinate, which is still very common in most developing countries, especially in Africa and still in practice in northern Nigeria.

Eventually, in 1930, Northern girls had their first form of Western education with 600 females enrolled. This was twenty years after their male counterparts had been introduced to Western education (Osunyinkanmi, 2014). This female education according to Pittin (1990) came with the condition that girls will be permitted to leave school at the customary age of marriage. Age at marriage from time varies between 10 -14 years, this placed an early end to the education of

those girls who have the opportunity of attending schools. Women's access to education at all levels was limited, especially for the less privileged. Priorities of attending schools were given first to daughters of the Emirs, daughters of the rich and affluence, and daughters of some heads of palace staff (Pittin, 1990). To this end, western education in the north was regulated and reserved for the elites, which implies that the individual location within the social class has a significant influence on his or her ability in accessing education within the society. By 1947, western education had gained more ground in the north with about 1,110 primary schools and a total enrolment of 70,962 pupils as opposed, though to the south which had 4,984 schools with pupils' enrolment of 538,391 within the same period (Osunyinkanmi, 2014; Imam, 2012).

By 1955, the Free Primary Education Programme was launched in Western regions and also in Eastern region in 1957 both in the south (Osunyinkanmi, 2014). But this was not extended to the Northern region because of the different regional policies. Despite the increasing number of schools in all the geopolitical zones of the country since independence, the enrolments of girls in the Northern region were still far below average in comparison to the Southern (Osunyinkanmi, 2014). After independence, from 1960 to 1980, Northern region realised they needed to acquire western education to enable them to compete for economic and political development with the southern part of the country. Primary and Secondary schools were established in cities and villages, and so also Teachers Training Colleges were opened in all major towns (Badawi, 2009).

According to Imam (2012), in 1979, the Universal Primary Education, which abolished school fees to bridge the educational gap and reduce the rising level of illiteracy in the country was introduced. Badawi, (2009) explains that, although parents do not pay school fees for primary and secondary education, textbooks, school uniforms, and in most cases transportation cost a lot of money which many of parents could hardly afford. Many young girls were withdrawn from schools and married off because their parents could not afford to pay these expenses. It is important to note that for three decades, the political leadership of Nigeria had been and is still under the stewardship of the Hausa-Fulani political elite, from independence in 1960 to the late 1990 and even to this present day. Throughout

this period, there was no policy implemented to address the issue of child marriage or increase the age of marriage in the region.

To buttress this, Pittin (1990) argues that the Northern government, whether pre-colonial, colonial or post-colonial has always been biasing about women's education. This, according to him, shows the intention in indirectly supporting control over women through marriage, which was demonstrated in its failure to enforce subsequent sanctions forbidding the unauthorised withdrawal of girls from school or to set a minimum age for marriage. Pittin further explains that minimum age at marriage was proposed just after independence in the Northern Regional House of Chiefs and the House of Assembly, but the issue was never resolved. History is repeating itself on the subject of child marriage in Nigeria. While debating the review of the Nigerian Constitution, an attempt was made to expunge a clause in the 1999 constitution of the Federal Republic of Nigeria as contained in section 29 clauses 4 (a) and (b) which deal with citizenship and girl-child marriage. A northern leader who was a former northern governor in the House of Senate opposed this. The issue is yet to be resolved till date.

School participation remains a challenge in Northern Nigeria in addition to lack of access to schools in rural villages; poor school attendance and poor quality of education. Northern Nigeria is hindered by the increasingly brazen extremism of Boko Haram, an Islamist militant group, which is targeting girls' education (Amnesty international, 2013). The violent activities of the Islamist sect, Boko Haram, have led to a reduction in girls' education in Northern Nigeria and have entirely paralysed the educational system in most northern states. Virtually all the schools in the north-east and north-west region of Nigeria have been closed because of Boko Haram attacks.

Boko Haram believes that Western education is forbidden most especially for women. They believe girls should not be educated, but be married out (Dorell, 2014). Because of the violence in this region, many parents are unwilling to enrol their daughters and those already in schools are being withdrawn (Olokor, 2014). Since Boko Haram kidnap and sell young girls into forced marriages, parents prefer to marry off their daughters instead of Boko Haram kidnapping and selling them off. This situation is increasingly encouraging child marriage and depriving

young girls of this region access to educational empowerment. However, it is important to know that differences in levels of patriarchy, cultural belief and religious practice between northern and southern states have partly explained the regional differences in the marriage system. In the Southern part of Nigeria, the patriarchy system is more flexible than what is obtainable in the Northern part. Also, women in the South enjoy more autonomy and freedom on many different aspects of their life than their counterparts in the north. Subsequently, the marital behaviour of females, which includes the age at first marriage, was impacted more by education in the south than in the north.

Conclusion:

Historically, the traditional cultural norms of the Yorubas, the Igbos and the Hausa-Fulanis support the practice of child marriage, and this has been in practice before contact with both Islamic and Christian religions. However, the acceptance of Christianity and Western education by southern Nigeria (Yorubas and Igbos) in the early 19th century brought western culture, which had a positive influence on traditional cultural norms, family dynamics and marriage pattern especially the practice of early marriage. It also discouraged the practice of polygamy and encouraged monogamy. The importance of western education in altering the practice of child marriage in the south cannot be overemphasised. Western education helps in reinforcing gender equality by reducing the wide gap in gender discrimination. With the introduction of mission schools in the south, female children had an early opportunity to enrol just like male children. Gender inequality though still visible in Nigeria, is not evident in female educational enrolment in the south.

The increased pace of education and urbanisation among the Yoruba southwest shifted emphasis from extended family ties that had been in existence in most rural areas, to the nuclear family, and this completely reduced the extended family involvement in the selection of partners. Parents no longer betroth children at birth or forced young girls into marriage. Among the Igbos of the southeast, apart from the fact that western education engenders female education and delays the age at marriage, parents see the education of female children as a way of making more money through the bride price payment system. The more educated a girl

is, the more bride price the groom will have to pay. This also helps in delaying the age at marriage as most suitors will have to work and make enough money to pay the bride price and other financial obligations. Unlike the south, the Islamic religious practice in the north supports the practice of child marriage and also encourages polygamy.

The tradition and the cultural belief of the Hausa- Fulanis, aside encouraging the practice of child marriage, supports women's seclusion, which means, women are not to be seen in public or interacting with the opposite sex. Women, according to Hausa culture are supposed to marry and stay at home taking care of their husbands and children, duties which do not require any special education, and for this, female education is not valued. The enrolment of female children in schools is low in the north compared to the south even before the attacks by Boko Haram. As a result of the fear that Western education might corrupt their children, most northern communities reject Western teaching which left them with little or no educational facilities for children most especially female children. This stimulates the practice of child marriage in the region. Lack of education increases the level of poverty in northern Nigeria, Poverty and illiteracy engender the fear of social exclusion that forces families to conform to strong social pressures of religiously-influenced values and practice of child marriage.

Education has been a core factor in either increasing or reducing the practice of child marriage. Access to education is viewed as a threat to norms because it shifts power dynamics and gender relations in countries (Gumbonzvanda and Richardson-Heron, 2014). Educating girls and protecting their rights for equal opportunities is one way of investing in a nation's wellbeing. The positive influences of education for girls are limitless. These include creating positive outcomes for economic development, increasing earning capacity and reducing poverty, improving and health and socioeconomic status for themselves and their families (Gumbonzvanda and Richardson-Heron, 2014; Mathur et al., 2003). It also reduces the imbalance in gender relations within the society. Access to educational opportunity for female children in both south-west and south-east helps to reduce if not eliminate the practice of child marriage in the regions. Access to education, whether formal or informal, helps in reducing poverty which

in turn reduces the practice of child marriages. In the north, however, lack of access to education increases the practice of child marriage in the region.

Child marriage is fundamental, a matter of cultural choice. It has assumed a dimension leading to the child bride being consigned to eternal marital bondage, condemned to perpetual ignorance by being denied educational opportunities. It reduced young brides to a sex slave granted her limited power to resist advances from the older husband and turned to a child-bearing machine who will not be serviced either by the husband, her family, or the society at large in the event of health challenges. This practice impacts on the educational advancement, social well-being, psychological profile and medical condition of the girl bride. The next chapter will examine policies available to combat child marriage in Nigeria.

CHAPTER FOUR

Marriage Laws and Child Rights Policies in Nigeria

4. Introduction

This chapter examines the national legal and policy frameworks on marriage, the rights of the Child and that of the girl child about child marriage. It also explores the Nigerian Child Rights Act (CRA); the relationship between state laws, federal laws and the Constitution of Nigeria about the right of the child; and how the contradictions within these laws and their implementation and enforcement framework affect the practice of child marriage. The chapter starts by examining the Nigerian legal system, the three types of marriages recognised by the system, the constitution of Nigeria and the Child Right Act.

4.1 The Nigerian Legal System

Nigeria as the Constitutional Federal Republic operates a presidential system of government which is structured on a three-tier system of government - the federal, state and local governments. The state-level comprises of 36 states and the Federal Capital Territory, Abuja, which is the seat of federal power. Each state has its executive, legislative and judicial arms of government, operating quasi-autonomously by the 1999 Constitution of the Federal Republic of Nigeria (Akinwumi, 2010; Onyemachi 2010). At the federal level, bills are enacted into Acts, while broad policy frameworks are also evolved to address the specific national issue. The state and local governments are responsible for the implementation of national policies as defined and monitored by the federal authority. Any Act of Parliament is also expected to be incorporated into the state's laws before it can be implemented in that state and once not enacted, it is not binding. If such state enactments conflict with the Federal statutes or the Constitution, the Federal law and Constitution will take precedence (Akinwumi, 2010).

Furthermore, Nigeria has a well-developed legal system with English Common law having a tremendous influence on the Nigerian legal system, and it forms a substantial part of Nigerian law due to colonial affiliation. In addition to this, the traditional customary law and Islamic Sharia law in the realm of marriage and succession (Nwogugu, 2014). The Customary Laws, where applicable, is the

body of rules governing a particular group of people and Islamic Laws are religious beliefs relevant to those subject to it. Like most countries in Africa, traditional customs, deep-rooted cultural mores and religious beliefs, most of the time compete with and in many cases surpass the statutory laws on some issues especially those relating to women. Likewise, the Nigerian legal system is complicated by the contradictions and inconsistencies created by its legal pluralism, which negatively affect women and children; and by implication affect the practice of child marriage. There are three different types of marriage which are recognised by the constitution and the Nigerian legal system. These include statutory marriage; customary marriage; and Islamic marriage. These three types of marriage can take two form; it can either be monogamy which is a marriage of one man to one woman, or polygyny, a union of one man to two or more wives.

4.1.1 Statutory Marriage under the Statutory Law

Since the colonisation of Nigeria until this present date, the celebration of monogamous marriage has been recognised under the law. It is therefore essential to give a brief history of this statutory development in Nigeria.

After the colony of Lagos came into being in 1861 with the signing of the treaty of secession between the Oba of Lagos and the British Crown, English law was introduced to Lagos in 1863 and the first statutory provisions on marriage came into existence in the same year for the Settlement of Lagos (Ige, 2015). This Marriage Ordinance permitted that licences be given for weddings in settlement of Lagos and its dependencies. In addition to this, the Registration Ordinance of the same year allowed for the registration and solemnization of unions within the Settlement of Lagos alone (Nwogugu, 2014).

In 1884 when Lagos became part of the Colony of the Gold Coast, the Marriage Ordinance of 1884 was endorsed for the entire Colony. It was the first legislation that dealt with all matters relating to the validation of monogamous marriages. This piece of legislation officially cancelled all the earlier enactments in the colony. By 1886, Lagos was separated from the Gold Coast Colony, but the 1884 Ordinance was still applicable in Lagos (Adesanya, 1978; Nwogugu, 2014).

It is important to note that neither the 1884 Ordinance nor those before it applied to the then Protectorate of Nigeria. Therefore, outside the Colony of Lagos,

marriage could be contracted either by a customary law or a Christian monogamous marriage by the rites of the church. However, in 1900 the promulgation of the Marriage Proclamation for the Protectorate of Southern Nigeria bridged part of this gap with the provision of similar Ordinance to that of 1884 (Nwogugu, 2014; Ige, 2015). The Marriage Proclamation for southern Nigeria was revoked in 1906 when Lagos was merged with the Protectorate of Southern Nigeria, then, the Marriage Ordinance of 1884 was made applicable to the whole of the new political and administrative entity (Sagay, 1999; Nwogugu, 2014).

Meanwhile, this development does not include the Protectorate of Northern Nigeria, and so, there was no provision for statutory marriage for the Northern part of Nigeria. However, in 1907, Marriage Proclamation, which was similar to the 1884 Marriage Ordinance of the Southern region was issued for the Northern Protectorate. Conversely, the 1914 amalgamation of the Northern and Southern Protectorate into one new political entity called Nigeria, made it mandatory to streamline the marriage laws. This was achieved through the Marriage Ordinance of 1914, which was then applicable throughout the country. It revoked the Marriage Ordinance 1908, the Marriage Proclamation 1907, and the Foreign Marriage Ordinance 1913.

The 1914 Marriage ordinance is considerably similar to the 1884 Ordinance and based on the same principles of monogamy as the English law of marriage (Asein, 1998; Nwogugu, 2014). Nevertheless, the Nigerian statute has a fundamental principle, which guarantees marriage celebration as a purely civil function that allows parties involved to observe any religious ceremony they want. Although presently in Nigeria, the marriage act regulates monogamous marriages, such marriage is usually referred to as statutory marriage. It is important to note here that in theory, the 1914 Marriage ordinance is applicable in northern Nigeria by federal law, but in practice, monogamy or statutory marriage has never been accepted or practised in the north because it is not by Islamic belief (Nwogugu, 2014).

Like all other African societies, statutory marriage refers to a union between a man and a woman and sexual relations between the two constitute important determinants of such marriage (Mwalimu, 2005). In Nigeria, statutory marriage is

by the federal legislation Marriage Act which makes provisions for the celebration of marriages. The Act is designed only for the celebration of marriage between a man and a woman, and the marriage has to be a monogamous one. Monogamous marriage has been defined in section 18 of the Interpretation Act as a marriage which is recognised by the law of the place where it is contracted as a voluntary union of one man and one woman to the exclusion of all others for the period of the marriage (Nwogugu, 2014).

Monogamous marriage has three characteristics. Firstly, a voluntary union, which is based on the free consent of the man and the woman involved in the marriage. Secondly, the marriage must be intended for the lifetime of the couple involved, but not indissoluble. Thirdly is that the exclusivity of rights, duties and obligations to this one mate is the hallmark of monogamous marriage (Mwalimu, 2005). Those involved in a monogamous marriage cannot take another partner in as much as they are still in the marriage and the law imposes specific requirements on the parties that cannot be freely abrogated without resort to the law.

Furthermore, parties in a monogamous marriage do not fix or determine their terms and conditions upon which the marriage is based. Likewise, divorce in monogamous marriage cannot be possible without recourse to the law that created the union. It is only the law that contracted the union that can dissolve the marriage (Nwogugu, 2014; Mwalimu, 2005). Couples under the Statutory Marriage Act must satisfy the marriage Registrar of the following requirements:

Age: Although the Marriage Act does not stipulate any minimum age for marriage, it merely states that unless a party is a widow or widower, the written consent of either the parents or guardians where such person is under the age of twenty-one years is necessary (Nwogugu, 2014). The Act further provides in section 48 that whoever shall marry or assist any person to marry a minor under the age of twenty-one years, shall be liable to imprisonment for two years. Furthermore, Section 3(l) (e) of the Matrimonial Cause Act 2004 declares a marriage void where either of the parties is not of 'marriageable age', the Act, however, failed to define the term 'marriageable age' (Akande, 1999; Nwogugu, 2014). Not defining the term marriageable age or specifying a minimum age of marriage leaves the Act open for different interpretations in any State where it is in force. Although, Section 12 of the Child Right Act 2003 stipulates eighteen years as the

minimum age of marriage as applicable to the Marriage Act and any person who marries or promotes the marriage of a child under the age of eighteen years may be punished, on conviction, with a fine or imprisonment (Nwogugu, 2014).

Consent. Under statutory marriage, consents of parents of both husband and wife to be, is a legal requirement but, only in cases where either one or both of them are under the age of twenty-one years. Although the Marriage Act is silent on the consent of parties themselves, nonetheless, the Matrimonial Causes Act, 1970 provides that the voluntary consent of both man and woman involved in marriage is essential for the celebration of statutory marriage. Such consent must not be obtained under duress or fraud. And where consent is obtained by mistake, misrepresentation, duress and undue influence, the consent stands annulled and renders the marriage void for lack of consent (Akande, 1999; Nwogugu, 2014).

It is clear that before the enactment of the Child Rights Act in 2003, marriages of minors were contracted under the Marriage Act since no minimum age was stipulated and even now with the Child Right Act in place, marriages of minors are still being contracted in areas where the Act is neither domesticated nor implemented. While the Marriage Act is seen as being in line with the English Marriage Law of one man one wife, it is against the customary marriage or Islamic marriage of one man, several women. The Act however contradicts itself, in the sense that on the one hand, it permits a written consent of parents for marriage of a person under the age of twenty-one years old and on the other hand, made provision for the punishment of any person who marries or assists in marrying a minor under the age of twenty-one years.

Aside the issue of age and consent, marriage under statutory marriage law will not be contracted if any of the parties is married under the Marriage Act and any court of law has not dissolved the marriage; or married under the customary marriage law to another person (Akande, 1999). Section 33 (1) of the Marriage Act provides that no marriage in Nigeria shall be valid where native law or custom already marry either one of the parties to be married to any other person other than the same person with whom such marriage is about to be contracted. It is, therefore, clear that unless the Registrar is satisfied that there is no existing statutory or customary marriage between either the man or the woman wishing

to marry under the Act and another person, he/she will not give permission or issue a certificate of marriage under this Act (Nwogugu, 2014).

Persons intending to get married under the statutory marriage framework must not be within the prescribed degrees of consanguinity and affinity applied to statutory marriages as provided in Schedule 1 of the Matrimonial Causes Act. Consanguinity refers to the relationship by blood, while affinity means a relationship through marriage. A Registrar will not issue a certificate to marry unless he or she is satisfied because of an affidavit by both the man and the woman that they are not related either by blood or by marriage (Nwogugu, 2014). In both cases, the moral values of Nigeria society detest marriages between persons in these groups. On the contrary, the culture of the Fulanis in the northern part of Nigeria, a region where child marriage is prevalent, permits marriage either by consanguinity or by affinity, since the Fulanis practice endogamy where marriage between first cousins or cross cousins within the same clan is allowed (Agun, 2014). Although statutory marriage is neither recognised nor practised in this region as marriage in the area is based on Islamic law.

4.1.2 Customary Marriage under the Customary Law

Customary law is one of the sources of Nigerian Law. Its influence on the Nigerian legal system is enormous. It is an indigenous law that reflects the customs, culture, values and habits of the people whose activities it governs (Dina et al. 2005). According to Malemi (2012), customary laws are the customs, rules and traditions which govern the relationship of members of a particular community. It is dynamic to the extent that it provides guiding principles of interrelationship from one generation to the other, and it is seen as “mirrors of accepted usage” in areas where it is applicable. This means that its rules change from time to time to reflect changes in the social and economic conditions of the society (Nwogugu, 2014).

Customary law is dominant in the area of personal and family relations like marriage, divorce, guardianship and custody of children and succession. The law is not uniform across ethnic groups and communities due to differences in language, origin, history, social structure and economy of the different ethnic groups. For instance, the marriage customs and inheritance rules of the Yorubas of South Western Nigeria differ from those of the Ibos of South Eastern Nigeria

(Dina et al. 2005). Also, the customary values and systems of various Yoruba sub-ethnic groups differ even though they are within the same State (Dina et al. 2005). The customary law of an ethnic group in one community may be different from the customary law of another ethnic group in a neighbouring community even though the two ethnic groups have a very close relationship, share boundary, speak the similar language or situated within the same state (Okany, 1984; Malemi, 2012). This is reflective of the diverse composition of Nigeria.

Unfortunately, customary laws are unwritten, uncertain and difficult to ascertain. This means it cannot be found in any statute book because it is not enacted by any legislature such as the National Assembly. However, it is flexible and can adapt to social and economic changes without losing its character (Nwogugu, 2014). Customary law is usually enforced in customary courts, which are at the lowest rung of the hierarchy of courts in Nigeria and most cases the customary courts are presided over by non- legally trained personnel (Akande, 1999; Dina et al. 2005; Nwogugu, 2014). Customary law has a significant influence on the celebration of marriages in Nigeria just like in all other African countries. Most marriages in Nigeria are contracted under the customary laws in line with the native customs of the people.

There are as many customary forms of marriage in Nigeria as there are diverse ethnic groups. Customary marriage is defined as the union between one man and one or several women (Nwogugu, 2014). This makes most customary marriages polygamous as one of the essential characteristic of a customary marriage is the freedom of a man to take more than one wife at a given time. Under the customary marriage, a union remains one where there is only one wife provided the man retains the rights to take additional wives (Sagay, 1999; Nwogugu, 2014). There is no limitation to the numbers of wives that can be taken under the customary marriage.

In Nigeria, customary laws of more than 250 ethnic groups govern polygamous marriages (Mwalimu, 2005). The association of Polygamy with the customary marriage is an indication of social standing and sign of affluence, and it is seen as a substantial economic and social investment. Polygamy encourages the practice of child marriage as most married men pick young girls as second or

third wives in accordance with their customary rite. One essential characteristic of a customary law marriage is the payment of bride price or dowry by the prospective husband to the family of the wife to be, and there must be a ceremony whereby the wife is handed over to the family of the husband (Nwogugu, 2014). Furthermore, marriage under customary law creates an informal contractual relationship between the family of the man and that of the woman or women; and also between the man and the family of each of the wives. Intending couple under the customary marriage must possess the capacity under the customary law to be married.

Customary law in Nigeria does not recommend any age for customary marriage. This means that marriage can be contracted at any age. The gap in the rule of customary law has to a large extent encouraged the practice of child marriage without any consideration in most cases for physical and mental development of the bride to be (Nwogugu, 2014; Mwalimu, 2005). The issue of age in marriage affects mostly young girls who are forced into marriage before they attain full maturity. While child betrothal is common under customary marriage in some areas, marriage proper according to Sagay (1999) does not take place until the parties have attained the age of puberty. The implication here is that if a girl is betrothed at the age of 7 years and she attains puberty at the age of 10 years old, it means she is ready for the real marriage, and the marriage can be consummated at that age.

Under the customary law, the consummation of the marriage of a girl under the age of sixteen years does not constitute the sexual offence of having unlawful carnal knowledge of her under the Nigerian Criminal Code Act. This is because Section 6 of the Criminal Act defines 'unlawful carnal knowledge' to exclude sexual relations between husband and wife (Nwogugu, 2014). Even if she is ten years old, in as much as they are married, he is justified under the law. Although, the provision of the Act applies only to husband and wife under a statutory marriage, and this is specified. What this means is that the criminal code is not applicable to marriage under the customary law especially those under the Islamic Law, even where such Act is applicable, sexual abuse in marriage is not a criminal offence in Nigeria.

In some parts of the country, the minimum age for customary marriage has been fixed by legislation. In Anambra, Ebonyi, Cross River and River State, consenting to the union of a girl under the age of 18 years old are prohibited, and this is punishable with a fine or imprisonment (Nwogugu, 2014). Age of marriage law 1956 also governs the age of marriage under customary law in some Eastern States of Nigeria. Section 3(1) of the Age of Marriage Law provides that 'marriage between or in respect of persons under the age of sixteen shall be void' (Mwalimu, 2005). This Law is enacted, implemented and enforced only in the south-eastern part of Nigeria and that is one of the reasons why the practice of child marriage is not common in the region.

Furthermore, in four Native Authority areas in three of the North Central States of Nigeria, Biu (Borno State), Idoma and Tiv (Benue State), and Borgu (Kwara State), the age of marriage for girls has been fixed by the various Declarations of Native marriage law and custom Orders made in respect of these areas (Mwalimu, 2005). The following ages of marriage have been set in these areas for girls: Biu - fourteen years; Idoma - twelve years; Tiv - age of puberty;" and Borgu - thirteen years. In both Borgu and Idoma, any man who marries a girl below the stated age, and the father or guardian of such girl who permits such marriage, is guilty of an offence punishable with a fine of 100Naira or imprisonment for six months, or both (Mwalimu, 2005). All these prescribed ages of marriage are still below the stipulated national age of marriage which is 18 years, but since the federal legislation and policies regulating the age of marriage in Nigeria cannot override customary law on such matter, it is difficult to challenge those prescribed ages.

Aside from the age of marriage, under the customary marriage, parental consent is essential before a valid marriage can take place. As noted by Ukwuoma (2014) there must be parental consent and agreement between the parents of both parties. The basis for this principle is based on the fact that, to some extent, customary marriage constitutes a transaction between two families and not just between the man and the woman or women as the case may be. The most important part of a customary marriage is the consent of the intending couple which is necessary for a valid marriage.

According to Nwogugu (2014), whenever the parties are capable of expressing their consent to the marriage, such consent is specifically demanded and obtained before the wedding is contracted. The importance of consent of parties in marriage cannot be over-emphasised. Under section 361 of the Criminal Code Act, it is an offence punishable with seven years' imprisonment for any person who with the intent to marry a female person of any age or force her to marry any person by taking her away or detaining her against her will (Ukwuoma, 2014; Nwogugu, 2014).

In most customary marriages among the Yorubas of South-West Nigeria, a woman is expected to give her consent willingly in the presence of witnesses during the engagement ceremony. If at that point, any of the parties to be married objects to the marriage, he or she may refuse to go through with the ceremony. Even in those areas where child marriage is still prevalent, the consent of the parties is required when they come of age. At that point, any party, which did not consent to the marriage may abrogate the union by abandoning the other party (Nwogugu, 2014). The problem here is that the marriage would have been consummated before the girl comes of age or become mature enough to repeal the marriage. This, however, is very common in Northern Nigeria and it contributes to the high rate of divorce in the area. Not seeking the consent of parties to be married has some adverse effect on the marriage as this is evidenced in the practice of child marriages where most child brides abandon their marriages.

4.1.3 Islamic Marriage under the Islamic Law

Islamic law also is known as Sharia law is associated with the Islamic religion and has become an institutionalised law in Nigeria. This system of law is based on the Holy Koran and the teachings of Prophet Muhammad (Nwogugu, 2014). The 1999 Constitution recognises Islamic law of the Maliki School of jurisprudence in respect of Islamic personal law. Unlike the customary law, Islamic law is written, and its principles are clearly defined and articulated (Mwalimu, 2005). In some areas, Islamic law replaced completely the established system of customary laws while in other areas, it was incorporated with customary law and is jointly administered.

Islamic law has its distinct court - the Sharia court. The Sharia courts operate in the predominately Islamic States and other States that require it. By implication, it is not every State in Nigeria that has Sharia Court. According to section 277 (1) - (2) of the 1999 Constitution, Sharia court has jurisdiction on civil proceedings relating to Islamic marriage, family relationship or the guardianship of an infant, where all the parties to the proceedings are Muslims, and federal legislation or policy cannot override or supersede such jurisdictions (constitution of Nigeria, 1999). What this means is that any marriage or child marriage consummated under the Sharia law or any action on child proceedings deliberated upon by Sharia court cannot be annulled or overruled regardless of the extent of conflict with the Child Rights Act. Or any other enactment of the Parliament, unless submitted for appeal at the Sharia Court of Appeal which is similarly guided by the tenets of Islamic law. This is particularly so if the action occurred in the predominantly Islamic Northern region and most especially, where both parties are Muslims.

Marriage under Islamic law possesses most of the features of customary marriage already discussed; it is, however, necessary to consider, the system separately. The principal requirements of valid Islamic marriage are consent of the parties and parental consent. However, under the Maliki School of Islamic law, a father has the right to conclude marriage arrangement on behalf of his young son and his virgin daughter. This is known as the power of *Ijbar* (Ukwuoma, 2014) which is a practice under Imam Maliki's school of thought, and this mostly results in child marriage. According to Ciroma (2009), *Ijbar* as a product of Islamic jurisprudential thought which has no basis either in the Holy Qur'an or Sunnah of the Holy Prophet, which means it is not an Islamic religious injunction given by the Prophet. Although the power of *Ijbar* can be overruled by the right of a girl child to reject the marriage contract on the attainment of the age of puberty as the explained earlier consummation of the marriage occurs before the child understands that she has the right to repeal the marriage.

Likewise, as in other systems of customary law, parental consent is necessary for the valid marriage to take place under Islamic law. In the case of a girl, there must be a marriage guardian, whose consent is mandatory. This is usually the father or an uncle of the bride-to-be (Ukwuoma, 2014; Nwogugu, 2014). Parental

consent permits the practice of child marriage. As mentioned in chapter three, the majority of the underage marriages are arranged by the bride's parents and the husband-to-be or between the two families. In either case, the young girl's consent is hardly sought. Navai (2008) notes that on this issue, the girl's consent does not matter in as much as the father has given his approval and even when the girl does give her consent, she does not know the meaning or the implication of what she's doing at that young age. Jackson (2000) emphasise that a child does not understand how one gives consent.

In Islamic marriage, the age of marriage is determined by the attainment of puberty which can be from 8 years upwards. Parents do take advantage of their privilege of parental consent to derive pleasure in the practice of giving their young daughters out in marriage without seeking their approval since most of them hide under the power of *Ijbar*. This is based on the impression that a young girl's ideas are of no value. Hence, decisions have to be made on her behalf. This can be seen as the deprivation of the child's rights, and a negation of the legal principle that every child has rights and these rights must be protected.

4.2 The rights of the Child in Nigeria

There is no doubt that children constitute the most vulnerable and powerless members of society. However, the concept that children have specific rights which require enforcement and protection is relatively a new development. The widespread assumption from time had been that most adults especially parents care for the best interest of the child and for that, there was no need for child rights (Ayua and Okagbue, 1996). Unfortunately, these same adults exploit and deprive the child of the fundamental rights.

The articulation of child rights in a multilateral convention served to highlight necessary but universally acceptable standards, which all signatories became obliged to incorporate in their national laws and policies (OHCHR, 2012). These standards extend to the protection of the child's life, the promotion of health and educational opportunities and the prevention of exploitation, and physical and sexual abuse. It further emphasises that every child is entitled to opportunities and facilities that guarantee healthy and normal development. Although these Declarations affirm a strong desire on the part of the international community to

bring an end to the suffering of children, they were only statements of principle and are not binding documents.

The welfare of children was first statutorily recognised and protected in Nigeria in 1943 through the Children and Young Persons Ordinance. The Ordinance was made applicable to Lagos in 1946 and was extended to the Eastern and Western Regions of the country by Order-in-Council No. 22 of 1946. The Ordinance which is now an Act, later became chapter 31 of the laws of Nigeria as revised in 1948 and was retained as chapter 32 of the laws of the Federation of Nigeria and Lagos as amended in 1958 (Ayua and Okagbue, 1996).

In 1967, with the adoption of state structure, many states enacted their Children and Young Persons Laws which are almost the same as the original Act, and with this, the Act was omitted from the federal law revision exercise in 1990 because it had become state law (Ayua and Okagbue, 1996). Nonetheless, in 1979, the protection of children was entrenched explicitly in the Nigerian Constitution which states that “children and young persons should be protected against any exploitation whatsoever and moral and material neglect” (Constitution of Nigeria 1999). Section 18 of the 1979 constitution also made it obligatory for the government to direct its policy towards ensuring equal and adequate educational opportunities for children at all levels (Ayua and Okagbue, 1996).

Nevertheless, being a State law means every state will have Children and young person law that is applicable and acceptable in their State. The adoption of the State structure gives States the autonomy to enact the Children and Young Persons Act suitable for their State. This weakens any federal policy on the rights of the child, because any federal policy that is not by the dominant religion or customs of some State will not be enacted in such state, and such policy cannot be implemented or enforced in that State. Example of such policy is the Child Rights Act, which up to date has not been enacted in some States of the country. The reasons for this forms part of discussions in a subsequent component of this study.

Furthermore, the State’s social and welfare responsibilities in bringing up a child are quite minimal and since the majority of the material supports are provided by the parents or family members, implementing and enforcing laws or policies on

the rights of the child is always difficult especially those relating to religion. The Children and Young Persons Act have not been adequately enacted and implemented in most States of the country. This is because its legal provisions fall short of the rights stipulated by the African Charter on the Rights and Welfare of the Child (ACRWC); the United Nations Convention on the Rights of the Child (CRC); and United Nations Standard Minimum Rules for the Administration of Juvenile Justice (RCW 2005). The Child Rights Act was adopted in 2003 by the federal government to domesticate the Convention on the Rights of the Child.

Nigeria signed and ratified all these international instruments except the 1964 Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages. Withholding assent on this is a clear manifestation of the depth of the controversy that age at marriage and related issues have always been in Nigeria. Nevertheless, all these ratified conventions contain a universal set of standards and principles for survival, development, protection and participation of children and recognise children as subjects of rights.

4.3 The Child Rights Act 2003

The Child Rights Act 2003 (CRA) incorporates all the rights and responsibilities of children, consolidates all laws relating to children into a single law and specifies the duties and obligations of government, parents and other authorities, organisations and bodies. The Act defines a child as a person below the age of 18 years and states that the best interest of the child shall remain paramount in all considerations. It also provides that a child retains the right to survival and development and a name and registration at birth, and shall be given such protection and care as is necessary for his or her wellbeing (CRA, 2003).

Also, the CRA provides for freedom from discrimination on the grounds of belonging to a particular community or ethnic group, place of origin, sex, religion, the circumstances of birth, disability, deprivation or political opinion; and it states that the dignity of the child shall be respected at all times. The Act also declares that no Nigerian child shall be subjected to physical, mental or emotional injury, abuse or neglect, maltreatment, torture, inhuman or degrading punishment, and attacks on their honour or reputation. Most significantly, the Act prescribes that no person under the age of 18 years is capable of contracting a valid marriage,

and accordingly, a marriage so contracted is null and void and of no effect whatsoever (CRA, 2003).

Furthermore, the CRA prohibits parents, guardians or any other person from betrothing a child to any person and a person who marries a child; or to whom a child is betrothed. Or who promotes the marriage of a child; or who betroths a child commits an offence for which he or she is liable on conviction to a fine of ₦500,000 (five hundred thousand Naira, (equivalent of £1063) or imprisonment for a term of five years or to both such fine and imprisonment (CRA, 2003).

In essence, the Act takes cognisance of every person and individual concerned in the care and concern of children. The provisions of the Act, according to Akinwumi (2010), supersede all other legislation that has a bearing on the rights of the child. Having been enacted at the national level, the states are expected to formally adopt and adapt it for domestication as state laws since issues of child rights protection are on the residual list of the Nigerian Constitution, which gives states concurrent responsibility and jurisdiction to make laws relevant to their specific situations. Also, any state laws contrary to the rights of the child are to be amended to conform to the Act and the CRC (UNICEF Nigeria, 2011).

While the Child Rights Act incorporates the general standards of children's rights as contained in the CRC and the ACRWC, ACPF (2011) and Jacomy and Stevens (2005) note that significant progress had not been made regarding the actual implementation of the Act. This is because the Act has not been accepted in some of the states of Nigeria especially in the Northern part of the country to the extent that it fundamentally conflicts with their cultural orientation and religious values. UNICEF Nigeria (2011) explains that only 24 out of the 36 states in Nigeria have enacted corresponding state laws on the Child Rights Act through the state legislative arms of government. Even in those 24 states, the implementation of the Act has not been effectively undertaken (Akinwumi 2010). The protection of children's rights as stated by the CRC and the ACRWC is not yet guaranteed in all states of Nigeria. In states where the Child Rights Act has not been adopted and domesticated, governments of those states are under no legal obligation to fulfil the protection of those rights (Jacomy and Stevens 2005).

4.3.1 Reasons for poor implementation

The Child Right Act had been enmeshed in controversy even before the bill was passed into law. On several occasions, the Nigerian Parliament rejected the Child Rights Bill because Bill's content was contrary to culture, tradition and Islamic values of northern Nigeria. This prepared grounds for the implementation challenges that the Act was to experience upon being enacted into law. Beyond this, several other factors could be identified as being responsible for the implementation complexities associated with the CRA.

The first problem of the Act is from the definition of a child. Child Right Act passed into law in the Federal Capital Territory (Abuja) defines a child as a person who has not attained the age of eighteen (18) years. However, Section 2 of the Children and Young Persons Act, enacted in Eastern, Western and Northern regions of Nigeria and which is still in operation in most states, defines a "child" as a person under the age of fourteen years, while "young person" means a person who has attained the age of fourteen years and is under the age of seventeen years (Akinwumi, 2010; Onyemachi, 2010; RCW, 2005).

Also, while the Matrimonial Causes Act puts the age of maturity at 21 years, the age for the end of compulsory education is fixed at 15 years (ACPF, 2012). Furthermore, while the Immigration Act defines a child as a person below the age of 16 years, the age of criminal responsibility under the Criminal Code, which is applicable in the Southern part of the country is from 7 to 12 years. Under the Penal Code which is applicable in northern Nigeria, the age of criminal responsibility is set at 18 years or the onset of puberty. Similarly, since the federal character of Nigeria makes it possible for each state to have different ages for different aspects of matters concerning children, this makes it difficult to have a uniform age despite the provision of the CRA in compliance with international law (Onyemachi, 2010). The conflict in different pieces of legislation in Nigeria as it relates to a child do not only highlight the conflicting values that underlie the understanding of child rights and interests but makes it difficult to apply a uniform standard in the implementation of the CRA nationwide.

Secondly, the Child Right Act is seen as contrary to culture, tradition and Islamic values of the northern states, particularly about the minimum age of marriage.

While the law sets the age of a child to be under 18, in Islam there is no stipulated age of a child. A child's maturity is established by signs of puberty such as menstruation, the growth of breasts and pubic hair. To further buttress the argument that age is a contributing factor in the reluctance of many northern states to pass the CRA, Braimah (2013) notes that when Jigawa State, one of Nigeria's northern states, accepted to domesticate the CRA, its state law did not adopt the age of 18 specified in the Act. Instead, it determined the minimum age of a child about puberty in line with the dominant Islamic standards in the State.

Aside from the age conflict between the CRA and Islamic Sharia law, the CRA also creates a conflict between human rights and religion, which is arguably one of the other significant reasons for its rejection by most Northern Nigerian states. For instance, while the CRA is aimed at protecting the rights of children, it also infringes the religious freedom as guaranteed by the Constitution. Section 38(1) of the 1999 Constitution says "every person shall be entitled to freedom of thought, conscience and religion, including freedom to change his religion or belief, and freedom (either alone or in community with others, and in public or in private) to manifest and propagate his religion or belief in worship, teaching, practice and observance" (Constitution of Nigeria, 1999). In line with this provision, marriage at the age of puberty is seen as a subject of religious belief and practice which the CRA is seen as infringing upon. Aligning with the provisions of the CRA as it concerns its prescriptions on child marriage, is, therefore, and interpreted by Muslim faithful as denying them the freedom to manifest their religious freedom as guaranteed under the fundamental human rights provisions of the constitution of the Federation.

Since the constitution naturally takes precedence over other laws, this presents a complex and highly sensitive interplay that impacts on the enforcement of the provisions of the CRA, and brands the enactment of the CRA as a sheer hypocritical national initiative designed to merely pretend to align to international Child Rights order while veiling the global community off the cultural and religious realities of the country in relation to the rights of the child. In essence, even from conception, the CRA appeared doomed to fail to the extent that national sensitivities occasioned by deep-rooted cultural and religious realities have combined to make it un-implementable.

Lastly, as discussed earlier, the legal system of Nigeria is based on three different legal traditions comprising of the English Common Law; Customary law and the Islamic Sharia Law. The 1999 Constitution of Nigeria, which provides for an independent judiciary for the determination of matters of civil rights and obligations, plays a significant role as the supreme law governing the affairs of the country. It defines the Legislative Powers to include the formation, annulment and dissolution of marriages apart from marriages under Islamic law and customary law including matrimonial causes (Akinwumi, 2010; Onyemachi, 2010). Theoretically, the Constitution can void any other act, which is inconsistent with its provisions. However, the practical implication of the tensions between the constitution and various religious laws, customs and cultures is a significant challenge confronting the implementation of laws affecting children in Nigeria.

Conclusion:

The issue of child marriage is no doubt complicated by laws protecting traditional customary or religious practices under the rubric of freedom of religion. Unfortunately, these serve as hindrances to law, policy or regulation that is meant to prevent child marriage practices (Warner, 2004). This problem is not peculiar to Nigeria alone. It is a common occurrence in countries where child marriage is being practised. Religion has been a significant influence on the practice of child marriage, and customary law or Sharia law as in the case of Nigeria backs this in most country. This is because most marriages are conducted according to customary or religious rites (ACPF, 2011). In most developing countries, customary practices and personal laws of different religions govern family matters, and this makes it difficult for the implementation of national policies on such matters.

Also, the legal pluralism under which the Nigerian Federation operates has left a gap that permits the choice of laws. Depending on the place of residence, type of marriage, ethnic group, or religion, a woman's right and responsibility to marriage is governed by one of these laws, and as a result, the interest of a woman and that of the girl child is affected by these multiple legal systems governing family law. The multiplicity of the applicable legal system has been a problem for the courts as they are faced with determining not only the problem of the different

laws but also the problem of not having legal jurisdiction to act on civil proceedings relating to customary and Islamic marriage even if is a case of child marriage. To effectively situate this study within intellectual standards, the next chapter will highlight the methodology and research design employed. This is to prepare grounds for the qualitative instrument engaged by the researcher towards arriving at the study outcomes about the object of the research.

CHAPTER FIVE

Research Methodology

5. Introduction

This study is a scholarly exposition, which utilises real research tools to explore the experiences and perception of child marriage in Nigeria. It aims to understand the socio-cultural dynamics of child marriage and to engage comparative studies standards in dissecting and understanding why the practice is prevalent in some regions of Nigeria more than others. At the same time, the study examines the contextual factors that influence the vulnerability of young girls to the practice of child marriage, while aspiring to provide new scholarly insight into the notion of child marriage by questioning the generalisation of the practice. This is more, so since child marriage is not a general practice across the entire country.

Against this context, this chapter starts by explaining the analytical approach, theoretical framework, and the epistemological stance of the study. Methods for data collection and sampling strategy are also discussed together with the data sources, the strategy for entering the research site and conducting fieldwork including the process of rapport building and practical use of gatekeepers. After that, the reasons for adopting semi-structured and narrative interviews as the tool for data collection are examined alongside the structure of interview guides.

The chapter highlights the importance of ongoing reflexivity in the research process as well as the ethical considerations, such as informed consent, anonymity, confidentiality of the participants and the researcher's fieldwork experiences. In concluding, the chapter examines the procedures for transcribing and analysing the data employed in the research.

5.1. Analytical Approach

The situational analysis involves deep roots in the grounded theory method towards a constructivist approach where the emphasis on meaning gives rise to an interpretative understanding of the social phenomenon. The interpretative position is concerned with drawing out the rich and unique experiences of individuals, and how their social worlds are interpreted, understood and produced. Interpretivism emphasises the subjective meaning of social action and

gives priority to seeing the world through the eyes of those who are being researched (Bryman, 1988). As highlighted by Charmaz (2006), the role of the researcher within the field, and in questioning the data collected is primarily one of interaction, and it is an implicit assumption of the constructivist approach. Charmaz explains that the constructivist approach places priority on the phenomena of study based on the fact that both data and analysis are created from the shared experiences and relationships between participants and other sources of data. This means more than looking at how individuals view their situations; or theorising the interpretive work that research participants do, but also acknowledging the fact that the resulting theory is an interpretation of data collected (Charmaz, 2006).

Accordingly, this research is underpinned by the constructionist perspective and abductive interpretive epistemology which acknowledges that social actors construct social reality and cultural norms through everyday experiences, understanding and practices (Blaikie, 2000; Neuman, 2011). These, according to Mertens (2015), have different meanings for different people, nonetheless, the expectation of this approach is for researchers to seek to understand the world by focusing on specific contexts in which people live and work in order to understand the historical and cultural setting of participants in a research study (Creswell, 2003).

Therefore, the goal of a researcher is to rely as much as possible on the participants' views of the situation being studied. This is to the extent that the meanings people attribute to norms happen through interaction and it is because peoples' social and cultural encounters are essential elements of their daily experiences, which impacts on their sense of belonging (Creswell, 2003), ways of lives, what they practice and by extension, on the practices of child marriage. This explicates that the interpretations people have of the social world are culturally derived and historically situated (Crotty, 2004).

This approach accounts for several realities but focuses on subjective experiences as important sources of evidence. Drawing on this framework, the researcher sought to construct theory by describing the social meanings and practices of child marriage as articulated by the participants themselves. In this

way, the scholar conceptualised 'everyday' activities and meanings to form the basis for understanding the key research themes which are the experiences and perceptions of child marriage in Nigeria; the role social norms and cultural orientation play in this experience; and the implications of early marriage on victims' health and social development.

5.1.1 Theoretical Framework: Intersectionality and Gender Politics

The theoretical framework of this study focuses on how the gender question and its impact on community, national and global development have been defined through intersectionality, and how intersectional analysis could be more widely used to inform understandings on how individuals make decisions and conversely, how decisions are made on behalf of individuals. The Intersectionality school of thought, which is an innovative, evolving and integrative theory, provides a critical but comprehensive framework for the dissection of the interrelationships between racial, ethnic, class, ability, age, sexuality on the one hand and how they impact on gender stratifications on the other hand. It evolved to challenge existing methods of engaging the structures of inequality to transform knowledge as well as the social institutions in which they manifest (Dill and Zambrana 2008). This study embraces Intersectionality as the theoretical approach to analysing the overlapping categories such as age, gender, religious practices, class differences, ethnicity and cultural belief that influence the practice of child marriage in Nigeria.

Intersectionality is a broader and more general theoretical approach that can be engaged in examining any group or community by placing them at the centre and understanding where they sit within the matrix of dominations. The intersections of race, class and gender are an accepted reality in the fields of women studies and feminist theory (McCall, 2005; 2006; Weber, 2001; Yuval-Davis, 2006). Intersection, or intersectionality, has become such a favourite subject in analysing, illuminating, describing and examining different categories of oppression in scholarly ventures.

In emphasising the import of this approach to a study of this nature, Dill (2002) suggests that in order to understand the impact of structured inequality that affects individual's life, it is essential to analyse the overlapping categories such

as race, gender, age and class; and the multiple sources of power and privilege that exist within the society. She, however, added that this could only be done by using a theoretical framework that will question socially constructed categories and also review their interaction and placement within the society.

Intersectionality is a particular way of understanding social location regarding multiple systems of oppression (Collins, 2000). It is an “analysis which claims that systems of race, social class, gender, sexuality, ethnicity, nation, and age form mutually constructing features of social organisation, which shape Black women’s experiences and, in turn, are shaped by Black women” (Collins, 2000: 299). It involves studying multiple systems of oppression and discrimination, which can explain how various biological, social and cultural categories such as gender, race, class, sexuality interact on various levels in contributing to systematic injustice and social inequality (Walby, 2007).

Providing a framework of how gender, race, and age intersect in family discourse and practices, Collins (1998) explains that social class is, without doubt, important across multiple social hierarchies. Likewise, ethnicity and religion also constitute categories of belonging that are connected to family discourse since these are closely linked to issues of gender identity, reproduction, sexuality and age which are also crucial in constructions of the family (Anthias and Yuval-Davis, 1992). In essence, Intersectionality is a useful, comprehensive theory that aims to make visible the multiple positioning that constitutes everyday life and the power relations that are central to it.

While gender is an institution that is embedded in all the social processes of everyday life and social organisations, gender difference is a way of defending sexual stratification, which makes gender so pervasive because, without differences, inequality cannot be justified (Lorber, 1994). Lorber provides much cross-cultural, mythical, and scientific evidence to show that gender difference is socially constructed and commonly used to justify stratification, by explaining that the main reason why gender is seen as a modern social institution is to construct women as a subordinate group within the society.

One of the significant contributions of Intersectionality to the realm of study is the fact that it points to the limitation of gender as an independent and single

analytical category, by showing that it is not possible to analyse women's lives by looking at one aspect of their complex and multidimensional identity (McCall, 2005). By implication, intersectionality allows for theoretical consideration of other categories, such as class, age, religion, ethnicity, and culture (as in the case of child marriage), the relationships between these categories, and how these relationships affect people's experiences. In the case of child marriage, it is impossible to pick on one category such as religion, poverty, or gender inequality as the sole cause of the harmful practice as there are other intersectional factors such as, cultural practice, age, ethnicity, education, socio-economic, insecurity, family honour and geographical location that interweave to influence the practice.

While intersectionality helps to appreciate the connectivity between the different categories that influence child marriage on the one hand, on the other hand, the collective practice of child marriage is ultimately a cluster of individual behaviours, and to understand this, the researcher seeks to understand why individuals behave in specific ways. Bicchieri (2006) explains that people's actions are often influenced by what others do and what others think should be done. This is a false consciousness that hinders people from seeing things, especially exploitations and oppressions for what they are. People are being blindfolded by what others say; what others do; by community regulations and status quo of how things should be done. McCarney (2005) refers to this as the systematic misrepresentation of dominant social relations in the consciousness of subordinate classes. Bicchieri et al. (2014) however, refers to such influence on behaviour as the social norm, the customary rules that govern conduct in groups and societies.

Social norms may be based on objective or subjective grounds (Morris et al. 2015). Widespread behavioural regularities and beliefs constitute objective social standards. Both are perpetuated in a given social setting because individuals are in constant interaction, experience the acceptance of a given behaviour which contributes to, transmit and enforce shared beliefs and attitudes (Bicchieri et al., 2014). Compliance with norms, therefore, enhances social interactions, and social norms are reinforced in social interactions. In this sense, social norms, as the shared and accepted standards of behaviour of a given social group, contribute to the regulation of society. The assumptions or interpretations of

action can also characterise norms based on the perception of others' behaviour in a given situation since the expectations of other peoples' attitudes also shape behaviour. And this becomes instituted when the awareness of social approval or disapproval is attached to given action, and normative expectations converge (Bicchieri and Chavez 2010).

Within society, people have the opportunity to learn from each other's behaviour through interactions and this influences groups' attitude and behaviour. As social constructionism generally suggests, our taken for granted understandings of the world are produced and understood about the social context that surrounds and permeates us. According to Cunliffe (2008:124) "Social reality is not separate from us, but that social reality and 'ourselves' are intimately interwoven as each shape and is shaped by the other in everyday interactions". In other words, an individual's behaviour can be influenced by various intersecting factors within the family and the society. The pressure to marry early is always from girls' families, their communities and the broader cultural beliefs based on the influence of groups' attitudes and behaviour.

In summary inference from this exposition is that while the theoretical framework incorporates social norms and cultural perspective to the practice of child marriage as a useful guide of this research, it also integrates Intersectionality as a tool for analysing and advocating for policy development.

5.1.2 Epistemological approach

This research adopts a feminist standpoint epistemology which, as described by Brooks (2007), is a unique philosophy of knowledge building that challenges us to understand the world through the experiences of oppressed women and apply the vision and knowledge of oppressed women to social action and change. According to Brook, feminist standpoint epistemology entails the mixture of knowledge and practice, which is a theory of knowledge building and a method of undertaking research, and an approach to knowledge construction and a call to political action.

Feminist standpoint epistemology requires us to place women at the centre of the research process because women's actual experiences provide the starting point of building knowledge since it will give an accurate and authentic understanding

of what life is like for those women (Brooks 2007; Collins, 2000). Collins (2000) also points out that women's experiences and knowledge gained from oppression can be used as a means to draw attention to the inequalities and injustices in society as a whole. Adopting feminist standpoint epistemology will enable both researcher and the reader to understand the experiences of young girls who are forced into early marriage at a tender age without any education, skills or even being fully mature to shoulder the responsibilities of motherhood. Also, the adoption of the feminist standpoint would also enhance the understanding of the key respondents about their positions as females which could strengthen their emancipation.

This research strives to give voice to young girls' lives that have been silenced and ignored and to uncover hidden knowledge contained within their experiences to bring social change (Brooks 2007). In achieving this, attention is drawn to gender inequality and injustice that young girls experience as a result of early child marriage. The study, therefore, acknowledges that various units of analysis such as gender, class culture, religion and ethnicity are at the core of the analysis of the experiences of child marriage as well as the construction of social reality. Furthermore, the existence of some independent realities such as socio-economic factors, which equally shape experience, are also acknowledged.

5.2 Research Design

To understand and explain the general attitude and perceptions of Nigerians towards the practice of child marriage; how the practices have changed over time in some parts of the country; what social processes influence these changes and why the practice is still prevalent in some part of the country. A qualitative research approach was adopted in collecting and analysing data from the three main regions of the country. Qualitative research is methods that help to describe and improve the participant's social world (Elwood and Martin, 2000). The method also aids in the contextualisation of an individual's account while also helping in illustrating not only the narrative itself but also the delineations of the stories by victims of child marriages and key informants as related to the study. The method was chosen because the study seeks to understand participants' experiences and perceptions in their own words and frames of reference. This is based on

data collected through in-depth interviews with victims of child marriages, their parents, community and religious leaders, and governmental and non-governmental officials.

In engaging in this approach, the study explores the perceptions of different stakeholders regarding the causes and consequences of child marriage and the efficacy of policies and programmes in addressing these factors. It also seeks to apply the approach towards the understanding of the focus of the research, primarily from the perspective of young women who were exposed to the harmful practice of child marriage. The primary research questions this study strives to answer through the engagement of qualitative research tools are – ‘What is the experience and perception of child marriage in Nigeria and what role does social norms and cultural orientation play in this experience’?

In addressing this question, the research deploys qualitative research tools to examine the practice of child marriage within three geopolitical regions of the North-West, North-Central and South-West Nigeria, to determine what had changed, as well as how and when this change occurred. Also, to explain issues relating to oppression in child marriage, victims and other individuals were interviewed at length to determine how they have personally experienced oppression occasion by girl-child marriage as well as how they relate to such practice.

5.2.1 Methods

The study adopts a qualitative method of semi-structured and narrative interview. The purpose is to provide a deep understanding of the social meanings and the realities of the experience of victims of child marriages and the perception of stakeholders and informants through rich and detailed empirical data garnered in the research process. The aim is to explore the differences, changes, dynamics and complexities surrounding the practice of child marriage in Nigeria in great details and real-life context. The choice of interviews is based on the idea that elements of the social can be explored by listening to, interpreting and gathering knowledge from the participants (Mason, 2002). Primary data were collected by asking an individual victim of child marriage, stakeholders and informants to 'report either on their own or other people's activities, attitudes and motives or on

social processes and institutionalised practices' as advanced by Blaikie (2000: 25).

The interview method allows the researcher to instantly seek information and generate unexpected data (Walsh, 2001). The design of the interview determines the depth of information that is obtained from participants as well as how the data is constructed. Furthermore, cues on the next question to be asked can be taken from the response rather than following the script (Mason 2002). Qualitative interviews have been suggested to be well suited to the interpretive research of this nature. It emphasises notions of situated knowledge and personal understanding (Heath et al., 2009), which can bring about or generate data that is concerned with the individuals' interpretations of knowledge and meaning.

Qualitative interviews also allow participants to tell their stories, on their terms, in their emotions, and in their own words. By allowing participants to give their personal individualised accounts, qualitative interviews can be particularly friendly as noted by Heath et al. (2009). Furthermore, interviews are seen as powerful tools in giving vulnerable people a voice. This is especially important when societal attitudes often marginalise them and their viewpoints. The questions used in the interviews are open-ended with the intention of giving some flexibility space which will provide participants with the needed freedom to answer the questions in their own words and ways. Semi-structured interviews were conducted with key informants and stakeholders while narrative interviews were conducted with victims of child marriages.

5.2.2 Semi-structured interviews

The use of semi-structured interviewing tools as a qualitative research method for data collection is one which has become increasingly universal (Bryman, 2008, 2012). Semi-structured interviews are structured around an interview guide. The interview guide maps out the broad research areas that may contain some critical questions (Arksey and Knight, 1999). The approach was chosen as the most appropriate interview format for stakeholders and key informants on the practice and experience of child marriage in Nigeria as it is considered suitable for research of this nature which has a clear focus (Heath et al., 2009).

In the case of this research, the method was employed in explicitly exploring the following themes. The effect of early marriage on education and general development. Factors affecting age and timing of marriage; the knowledge of Child Right Act and the effectiveness of the Act in preventing child marriage; parental involvement in mate selection; the influence of social; cultural norms on decision making and the role of community and religious leaders in either supporting or preventing the practice.

In adopting this approach, the researcher is cognisant of the fact that although interview topics are not necessarily explored through the use of a direct questioning setup during the interview, a respondent might be asked to merely reflect on their experiences of a particular situation (Heath et al., 2009). Furthermore, consideration is given to the use of non-directive questioning guide against participant's awareness of providing a 'right' or a 'wrong' answer during an interview. Non-directive and open-ended questions helped to provide participants with the opportunity to bring in topics and modes of discourse that are familiar to them (Eder and Fingerson, 2003). While semi-structured interviewing allows participants to answer questions on their terms, it also offers the researcher insight and understandings from the participants' perspectives, which is in line with the study's interpretive position.

Additionally, the flexibility of the semi-structured interview permits the researcher the opportunity not only to explore participants' volunteered information but also the opportunities for further explanations and clarification, without interrupting the subject's train of thought (Millwood and Heath, 2000). Semi-structured interviews were conducted with NGOs who are involved in advocating for the eradication of child marriage in Nigeria and some professionals who provide health care services for patients of Vesico Vaginal Fistula (VVF), of whom the majority are victims of child marriages. Others interviewed in this category are policymakers, religious leaders, and government officials from the ministry of women affairs, a lawyer and a police officer. Questions were built around these themes to enable more detailed analysis.

Semi-structured interviews also allow research themes to be compared across the sample of research participants. A total of 25 semi-structured interviews were

conducted in furtherance of this study. Structured interviews were considered inappropriate due to their quantitative and positivist approaches (Denscombe, 2002). Since the study has a structure and a purpose to the data generation process, accounts could also not have been collected through the use of unstructured interviews (Mason, 2002) for a study of this nature.

5.2.3 Narrative interviews

The interviews with victims of child marriage took a narrative form. This approach enables a move away from a rigid way of question and answer style of discussion and allows the interviewer the flexibility to respond to the narrator. It helps in capturing people's ordinary life experience without disrupting, destroying, or reducing its narrative character (Neuman, 2011) and also brings to open rich and detailed personal perspectives (Alasuutari et al., 2008). One of the essential features of the narrative interview is that questions are open-ended so that stories may be told without inhibition. The researcher does not intrude until the respondent stops talking and then asks further questions to follow up on the developing themes. Storytelling can be seen as an everyday activity in which all people in some ways engage. People also tend to be familiar with this way of communicating their experiences. Data generated through narrative account are accessible and relevant to people both within and outside the academia (Squire, 2004), thereby enabling the dissemination of research to a wide range of audience.

The use of narrative interviews allows engagement with the life experience of participants, and "illuminates the intersection of biography, history and society" (Riessman, 2001:5). The personal narrative provides a wealth of information since it captures own experiences and offers detailed information regarding events and actions (Jovchelovitch and Bauer 2000; Wengraf, 2001). Through narratives, changes in social, cultural and economic contexts over time can be captured adequately by providing details of how such changes were experienced or embedded by individuals and groups.

Riessman (2001) notes that stories gathered about divorce in her research established the changing social and cultural attitude towards gender and marriage. Indeed, narrative interviewing reflects the complex and diverse

experiences and also captures the political, ethical and moral dimensions of life (Azzopardi, 2004). The capacity of narrative to represent multiple aspects of experiences within the society, which focus on a range of complicated social life, policy, practice, relationships and everyday interaction is a useful tool for this research. Within this context, narrative interviews were conducted with 15 young women in the course of this study. The focus here is for them to narrate their lived experiences as child brides.

Both semi-structured and narrative interviews were conducted on one-to-one bases. This interview format was used in the research as the most common form for both methods. A one-to-one interview involves a meeting between one researcher and one informant, which is relatively easy to arrange and to control, as well as to be straightforward for the researcher to locate specific ideas with the interviewee (Denscombe, 2003). The language and explanation of questions can also be made appropriate to the individual respondent (Millwood and Heath, 2000). This is advantageous as every person is different and will have different needs and preferences for their interview encounter. By using a one-to-one interviewing technique, the researcher was able to engage and adapt the interview process by the respondent's requirements, despite the language differences. Although, for some of the interviews, an interpreter was hired to translate the questions and answers between English and Hausa.

Furthermore, in comparison to questionnaires, observations and experiments, there is a more personal element to the interview method, as Lapadat (1994) notes that meanings and communication are jointly constructed through conversation. Also, people may enjoy the chance to talk about their ideas at length to a person whom they notice will listen and note down ideas, without being critical. Denscombe (2003) suggests that interviewees may benefit or be personally empowered as a result of the interviewing process, although it has been argued that research interviews are not a social dialogue, and for that, it may make respondents feel they are personally interrogated (Denscombe, 2003).

Likewise, interviews have been suggested to be wonderful tools for data collection, which can only produce contextually based results (Dingwall, 1997). Nevertheless, the advantages of using qualitative interviews, such as listening to

the lived experiences of participants, the understandings of informants, the personal nature of the interview encounter and by allowing respondents to speak on their terms in their own time, are attributes seen to outweigh the limitations of interview strategies for data collection. However, problems inherent in the use of interviews, such as power dynamics between the interviewer and interviewee and language issues were still fully considered within the data collection process and analysis stages.

The power relations and dynamics between the researcher and the participant must be recognised, including the implications of the interview location. Concerning the interview site, "physical space is rarely neutral but instead has the potential to confer an advantage on one or the other party of the interview to the disadvantage of the other" (Heath et al., 2009: 93). Not only can the interview sites affect the power relations between the interviewer and interviewee, but it can also change both the responses and engagement of the respondent in an interview (Denscombe, 2003). For instance, the interviews with those engaged in prostitution which was formally scheduled to be held in an individual apartment were moved to one of the NGO's office, because respondents were afraid of the possibility of being overheard by the owner of the brothel when discussing. If the interviews were to be held at their apartment as earlier scheduled, it could have affected the respondent's willingness to discuss or to engage in specific topics within the dialogue.

Furthermore, language can be challenging during the interview encounter. For instance, in a small number of cases, an interpreter was used to translate interviews while the researcher was interviewing. When hiring an interpreter, Kapborg and Bertero (2002) note that personal, cultural perspectives or bias may arise in language translation. Though the researcher had a basic knowledge of Hausa language, nonetheless, there are still temporary differences in the meanings of words, which may not be fully understood or translated appropriately.

Translation is not a straightforward process, and some words may not be translated into English because of cultural differences, or because there are no equivalent words (Kapborg and Bertero, 2002). Language use is seen to create

and express different realities and as a way of organising the world (Patton, 1990). As such Mason (2002) suggest that researchers need to engage with the 'politics of talk' which means researchers should recognise what counts as language, its nature, who uses it, and what language can mean and do, just as words are not merely part of a neutral and given reality, but can be products of power relations and struggles.

5.3 Sampling and Selection

The sampling of respondents was based on relevance to the research topic rather than their representativeness (Neuman 2011). The study adopted a purposeful sampling strategy which according to Babbie (2008) will allow a researcher to carefully select individuals who have direct relevance to the subject of study. The aim, in this case, is to interview the groups that are directly affected by the practice of child marriage and find out the factors that shape interpretation, evaluation and response to the practice. Also, the sampling strategy was guided by the theoretical and analytical considerations and thus implies theoretical sampling (Coyne, 1997, Mason, 2002). As earlier noted, the data source included young women who are victims of child marriage, their parents, government officials, NGOs' officials, community and religious leaders, health care practitioners, policymakers, law enforcement officers and lawyers.

Participants' child brides were recruited from two places. Those with VVF were recruited in a Vesico Vaginal Fistula (VVF) centre and from family health care centre both in Sokoto State, while those in prostitution who are victims of child marriage were recruited in a beer parlour in Abuja. All recruitments were done with the help of a gatekeeper using snowballing techniques. In recruiting the stakeholders, a friend of the researcher who works with an NGO made an invite on NGOs' network group requesting friends to participate in the research. The researcher also visited some government offices and the National Assembly to process invitation requests.

After the selection, an introductory email was sent to potential participants as well as a participant information sheet, which gave details of the voluntary nature of the participants' involvement in the research and their ability to withdraw at any moment up to two months after the date the interview took place. At the beginning

of the meeting, the researcher explained the purpose of the research to the participants as well as all the points covered in the participant sheet. Participants were asked if they were happy to proceed having considered all aspects of the scope of the interview within the context of this research and they all gave verbal consent. Both the explanation of the study as well as the oral consent were tape-recorded.

5.3.1 The Sample

The researcher was clear about the relevant categories of people to be interviewed while choosing the sample. Age, as a factor, was considered when selecting a sample of child marriages victims. Targeted age group, are victims of child marriage between the ages of 18 - 22 years old, the reason for this age group is that since most child brides are no longer with their parent and their husbands may not be willing to give consent for interview. This targeted age range will rule out the issue of parental consent to speak freely to victims. Also, participants in this age range will be able to consent and talk about their lived experiences without the fear of their parents and husbands. Placing the respondents into different categories guided the theoretical logic, and selecting a sample from within the categories ensured that there are some differences in the sample chosen, which helped in understanding the social phenomenon more profoundly and in a diversified way in line with the observation of Neuman (2011).

Research participants were divided into two categories; the first category is the victims of child marriages, while the second category is the stakeholders and the key informants. Table 5.1 below shows the victims of child marriages, their age at the time of interviews, their age at the time of marriage, their husbands' age, their level of education, and their present status.

Table 5.1: Research Participants: Child Marriage victims

Name	Age at interview	Age at marriage	Husbands' age	Level of education before marriage	Present status
Abibatu	21	15	35	No education	Helped by WRAPA, now married
Zainab	18	11	65	Primary 3	VVF patient, divorced by husband and abandoned by her parents, now a prostitute
Aminat – Married twice	21	7, 13	70, 48	No education	House help
Hadiza	20	10	54	In primary school	Ran away from marriage, now a prostitute
Rashidatu	19	11	27	Finished primary school	Went back to school, finished Secondary School
Hawawu	21	14	Don't know	No education	VVF patient – on follow up treatment
Hamida	19	12	65	JSS 1	VVF patient, divorced by husband and abandoned by her parents, now a prostitute
Aisha Sani	20	12	55	JSS 2	VVF patient – on follow up treatment after two VVF repair surgeries
Sadiat	20	10	72	No education	Ran away from the marriage with pregnancy and had an abortion, now work in a restaurant and as a prostitute
Sefinatu	22	12	62	JSS 2	Ran away from marriage, now a prostitute
Bilikisu	22	15	Don't know	No education	Working with NGO
Aisha Idris	18	14	young	No education	VVF patient – still undergoing treatment
Oyeye	19	13	45	Finished primary school	Ran away from the marriage, had two children for two men
Hafusat	20	11	20	Going to JSS 2	VVF patient, divorced by husband – now prostitute
Rukayat	18	11	Btw 25 – 28 years	No education	Still married

Table 5.2: Research Participants: Stakeholder and Key Informants

Parents		
<i>Interviewee's No.</i>	<i>Name</i>	<i>Location</i>
16	Amina Aliyu	Sokoto
17	Hajiah Rakiatu	Minna
18	Hajiah Zariah	Sokoto
19	Hajiah Dije Musa	Sokoto
20	Hawawu Abubakah	Sokoto
Government Officials, Police and Lawyers		
21	Officer Lukman	Sokoto
22	Lawyer Armstrong	Abuja
23	Hajiah Zainab	Sokoto
24	Mr Bello	Abuja
Religious Leaders		
25	Mallam Yusuf	Abuja
26	Mallam Idris	Abuja
27	Mallam Ibrahim	Lagos
28	Mallam Hassan	Abuja
29	Mallam Adamu	Minna
NGO'S		
30	Hajiah Maryam	Abuja
31	Abdulganu Abubakah	Sokoto
32	Hajiah Suliya - FIDA Minna	Minna
33	UNICEF Nigeria	Abuja
34	Musa - WRAPA Minna	Minna
Healthcare Practitioners		
35	Doctor Kamal	Minna
36	Hajiah Afusat - Matron	Sokoto
37	Dr. Isah – USAID	Sokoto
Law Makers (Members of Parliament)		
38	Hon. Dave	Abuja
39	Hon. Rita	Abuja
40	Hon. Peter	Abuja

5.3.2. Gatekeeper / Translator: Concept, Practice and Use.

Field research sometimes requires the support of a gatekeeper to gain access to a research site. Gatekeepers are those who have formal or informal authority to control access to a research site (Neuman, 2011). They help the researcher in getting access to key resources needed in researching a particular location, be it logistics, human, institutional, or informational resources (Campbell et al., 2006). In this research, a gatekeeper was used in recruiting victims of child marriage

from different locations. With the help of the gatekeeper, participants were recruited from the VVF Centre and also from a beer parlour. The gatekeeper in this research also serves as a translator.

Since the researcher does not speak Hausa fluently and cannot translate some words in Hausa correctly into English, it became expedient to engage the service of a translator who speaks both English and Hausa fluently. The gatekeeper was perfect for the job since she is from the northern part of Nigeria and speaks both languages fluently. As a translator, the gatekeeper helps in building rapport with respondents to make the research process seamless without losing its credibility, authenticity and reliability elements.

The gatekeeper is a Police Officer-in-charge of the Gender Unit of the Nigeria Police in Abuja; she has worked with both governmental and non-governmental organisations on gender-related issues involving children and young people on cases such as child abuse, child trafficking, child marriage, child servitude and domestic violence. Due to the nature of her work as a Police Officer, the gatekeeper/translator understands the ethics of conducting research and the importance of maintaining confidentiality.

5.3.3. Building Rapport

The key to successful interviews is building trust and creating a comfortable, friendly atmosphere while ensuring not to deviate from a conversation with a purpose (Mason 2000). Maintaining open attitudes and willingness to adapt to participants' cultural situations was important. Rubin and Rubin (2009) stress that for a qualitative interview to be successful, the researcher must learn the interviewees' culture. They explain further that in the context of qualitative interviewing, it is through a culture that people develop a shared understanding and interpret the world around them (Rubin and Rubin, 2009). Showing respect for their cultural and religious practice and having adequate knowledge about their practice was also helpful in engaging meaningful conversations and building rapport with participants.

The researcher was involved in negotiating and confidence-building process with the gatekeeper and respondents all through the interviews. No doubt or

discomfort was noticed in participants in the interview process by their being interviewed by someone from another cultural or religious background.

Also, while listening to their stories, the researcher used her full research skills and in-depth knowledge of ethical guides in understanding and managing the interview setting and endeavoured to 'accept people for who they are' (Berg, 2009:135), and not being judgemental of those in prostitution. This helped in developing an equable and trustworthy relationship with all participants and also reduced any hostile reactions during the interview (Neuman, 2011). Although few respondents from the stakeholder's category complained that they had interviews in the past and the researchers had not shown respect for their culture and religion by the way they portrayed their cultural and religious practices, a concern that was taken into cognisance in the course of the fieldwork by this researcher.

5.3.4. Researcher's experience

Discussing the issue of child marriage and other gender-based matters proved a lot more difficult in Nigeria than anticipated, especially within the socio-cultural and religious communities of the north-west and north-central that felt their culture and religion were under attack by anybody that brings up such issue. The researcher experienced this when one of the religious leaders, an Imam, accused the researcher of criticizing and judging their religion on the practice of child marriage, according to him "the practice of child marriage is allowed in Islam, and it is a religious practice for Muslims, so why treating it as a crime"? The researcher tried to explain that the research is not about religion but to examine the social, cultural and other hidden factors that influence the practice of child marriage within the regions. It turned out that individuals within different socio-cultural and religious groups are more sensitive and protective of their practices from others than the researcher could earlier anticipate.

Given the sensitivity of the topic, gaining the confidence of participants most especially the victims of child marriage was essential at all stage of the fieldwork to spend more time with participants during the interview and to address any unanticipated implications for the research. The fieldwork experience has a more emotional effect on the researcher than expected.

At a point, the researcher was traumatised when she was introduced to a 14 years old girl VVF patient who was abandoned by her parents and divorced by her husband the same day, the young girl was helpless and had nowhere to go. However, the researcher was able to recognise her subjectivities thereby detaching her emotions from the professional self to focus on data collection. Unfortunately, the researcher was not able to interview the girl because she was below the targeted age group.

5.4 Data Collection

Data collection for this research was conducted over a period of six months between July 2015 and December 2015 in the north-west, north-central and south-west Nigeria, mainly in Sokoto, Minna, Abuja and Lagos. The semi-structured and narrative interviews were completed with a total of 40 participants. 15 victims of child marriages were interviewed in three places, 6 in Sokoto in north-west, 4 in Minna in north-central and 5 in Abuja; 5 NGO's officials were interviewed, 2 in Minna, 2 in Abuja and 1 in Sokoto; 5 religious leaders were interviewed, 3 in Abuja, 1 in Minna, and 1 in Lagos; 3 policymakers were interviewed in Abuja. Furthermore, five parents interviewed comprising of 4 in Sokoto and 1 in Minna; 3 healthcare practitioners interviewed, 2 in Sokoto and 1 in Minna; 2 government officials were interviewed - 1 in Sokoto and 1 in Abuja; 1 lawyer and one police officer were interviewed in Abuja. Locations chosen for fieldwork were selected based on statistical prevalence rates of child marriage, population diversity regarding regions and population density.

All the interviews were conducted in face-to-face conversations. All respondents were interviewed individually except for three of the religious leaders who did a group interview. The meetings took place in the individual's offices for the NGO's officials, the policymakers, health care practitioners, government officials, the police officer and the lawyer. For the victims of child marriage and their parents, interviews were conducted at the hospital for the VVF patients and one of the NGO's office for the sex hawkers. The interviews varied in length between 30 to 45 minutes for stakeholders and up to an hour with victims of child marriages. All interviews were tape recorded.

Interviews were carried out in different categories and questions varied according to each group. In each category, for instance, victims' category, questions were designed to cover a wide range of issues such as victims' experiences as a child bride, educational history, community involvement in the practice of child marriage, parents' financial abilities, decision making in marriage and relationship with spouses and in-laws. Many other ideas and questions emerged from proactive interactions during the interviews. In the end, these questions were used to gather data on individual experience of child marriage, the impact of the practice on the victims and on the nation's economy, the religious and cultural interpretation and involvement, policy implementation on the practice of child marriage, which happen not to be available; and the general attitude towards the practice.

With the victims of child marriage, the primary focus was on their experiences and how they felt as they pass through this lived experiences as children. Most victims of child marriage were enthusiastic and cooperative, giving the researcher great support throughout the engagement. The conversations were comprehensive at the beginning but moved into details on specific topics. Respondents were asked to narrate their experience as child brides, and this was followed by specific questions on parents' involvement in choosing a partner, community and religious leaders' support for early marriage, and sexual life among others. Although some of the respondents could not give a detailed narrative of their experience as a child bride, however, they were able to answer subsequent questions.

Respondents were often encouraged to stop when they show emotions and counselling supports were provided for them at the Counselling Unit of the hospital at the end of each interview. Researcher paid attention to respondents' narrative and non-verbal expression so as not to miss any key element in their story. Repeating what they have said was very useful as it helps the researcher in clarifying and confirming what the respondent said without misinterpretation. In doing this, both the researcher and respondents were able to make the necessary correction given the sensitivity of the topic and the complexity of victims' feelings.

Interviews began sequentially with less sensitive questions and moved to more sensitive ones. However, whenever respondents are unwilling to discuss specific sensitive matter such as domestic violence or sexual abuse, they were not asked any further question on that topic. This is because avoiding upsetting or embarrassing participants during interviews are part of the researcher's ethical responsibility, and also respect for their dignity takes precedence over the data collection.

Some interviews were conducted in English and some were done in local Hausa language. Interviews with victims of child marriage at the VVF centre and their parents were conducted in Hausa. 10 interviews were conducted in Hausa, 6 with victims of child marriages and 4 with parents. Interviews conducted in Hausa were translated into English with the help of a translator who is also the gatekeeper as mentioned earlier. At the end of each interview, the researcher asked participants if they would like to add anything else in case they want to add to what has been discussed. With participants' agreement, all interviews were recorded.

5.5 Problems and Limitations of the Research

One of the limitations of this study is that in as much as the research findings may be replicable in most developing countries, they may not generally apply to global contexts as it is limited in scope to child marriage in Nigeria. A significant concern with research of this nature is that the time required in collecting and analysing data means that the sample size must be limited. The sample size does not allow for generalisations to a larger population. So, while the variables employed in the sampling strategy provide diversity to the sample, the researcher does not intend to show that her sample represents the entire population of child marriage victims. Her argument, therefore, is that the cultures and communities drew upon remaining diverse and heterogeneous to the extent that the issue of representativeness may be deemed to be of no importance in a small-scale study of this kind.

Limiting the age of child marriage victims' participants also meant that the researcher was unable to interview all the people who were interested in participating in the research. Most victims of child marriage who could have been

involved in the study were below the age limit, and those who were discovered to have lied about their ages were dropped during the interview. Research findings then, do not presume to be representative of the entire child marriage victims in Nigeria.

Research size was also limited by the security challenges in the Northern part of Nigeria, which constitutes the significant part of the research area. This is due to a protracted crisis of *Boko Haram* terror activities in the region since 2002, which creates a constant fear of insecurity. Although residents still carry out their normal daily activities, the researcher could not visit most of these places as part of the field work for security and ethical considerations. In consequence, the security realities as represented by the sustained attacks on communities leading to suicide bombing attacks, the killing of innocent people, kidnapping of school girls and forcing them into early marriages limited the researcher's ability to interview more victims from the northern part where the prevalence of child marriage is very high.

Likewise, it was quite tricky getting participants from government Ministries because no particular department or unit within government Ministries handles the issue of child marriage in Nigeria. Even within the Ministry of Women Affairs, child marriage is seen and treated as one of the barriers to girl child education and not as a problem on its own. Also, accessing policymakers was one of the most challenging aspects of data collection, as politicians are hardly in the office, they are either in a meeting, on recess or just not available. Reflections on methods of research with 'elite' groups by Hertz and Imber (1995) have shown that securing access to such people can be challenging due to their power and ability to position themselves beyond scrutiny.

Furthermore, within the National Assembly where laws of the nation are made, discussing the issue of child marriage is always problematic as some members of the assembly see it as interfering in their religious obligation, and for that, the topic is hardly discussed because of its religious sensitivity. In essence, those who are supposed to make laws directed at eradicating the practice do not see child marriage as a problem. Another aspect considered as a limitation of the research is the sensitivity of the research topic itself. Sensitive questions were

not discussed in details because some respondents were traumatised and emotionally unable to answer such questions.

Additionally, personal feelings and experiences of the researcher could also have influenced the research (Lamb and Huttlinger, 1989). As such, researchers according to Edwards (2001) should acknowledge how they affect research and how their interactions with participants may lead to a renegotiation of meanings, understanding and practices. Mason (2002) argues that researchers need to be aware of how the social and cultural factors encountered by both researcher and participants affect the process of interviews. Being self-reflective is a way of acknowledging personal feelings and experiences in the research process. This is common with qualitative research and by the social constructionist position where people's perceptions and understandings are not only influenced by the prevailing culture at a particular time but are also constructed through relationships and encounters with other individuals (Bicchieri, 2006). Reflexivity and awareness of the variables that could have influenced the research process is essential at all times.

5.6 Analysis

The analysis of the data draws on a grounded theory, which generates theories regarding victims' lived experiences and also on the ability of the researcher to read and re-read the interviews, look for core ideas and concepts, recognise sensitive stories and find essential themes (Rubin and Rubin, 1995). Data presented are linked to theoretical concepts to show the link between empirical evidence and new theory (Eisenhardt and Graebner 2007). Existing theories are engaged in shedding light on the research topic, correctly analyse collated data and explore other studies on child marriages. The researcher also related to the observations of Altheide (1987) and Thomas (2009) that data collection is an on-going process, which begins in the field and continues in transcription and coding.

Consequently, the researcher coded and grouped data to interpret thematic categorisations, search for discrepancies and contradictions to generate conclusions about what is happening and why (Skukauskaite, 2012).

In furtherance of this process, audio recordings of both semi-structured and narrative interviews were manually transcribed as quickly as possible after

completion. This allows for correct reproduction of the aural record and, the importance of this is that it helps in identifying and rectifying any problems in the data collection process (Poland, 1995). Furthermore, the researcher realised that it would be inappropriate to employ a transcriber in the sense that transcribing the data herself will give her deep insight and more understanding of the data and become aware of emergent themes as opined by Bird (2005).

Interviews were transcribed, coded and analysed using NVivo. This qualitative data management software is used for efficiency to ensure that data and findings are adequately organised. This coding enabled the researcher to discover in detail significant themes and the concepts embedded in respondents' narratives. It was useful in providing accurate and detailed interpretation on the subject area and was also crucial in organising the data carefully, refine the concept, and in creating clear description and explanation of the topics (Rubin and Rubin, 1995). In this research, the refined concepts linked together produced meanings of the social worlds about the practice of child marriages.

Interviews conducted in Hausa were translated into English as the meetings were going on. This helped in getting the context and nuances of language and choice of words used correctly and to clarify meanings of words from the respondents. Also, following the advice of Hammersley (2008), the interpretations of interview data were checked through observation made on participants during the interview. This gives the researcher the possibility to analyse participants' social cues to validate the accuracy of the discourse.

The two analysis chapters are 6 and 7. In chapter 6, the emphasis was placed on the expectations, the different experiences encountered by young women who were forced into early child marriages and the outcomes of these marriages, while chapter seven focus on the reasons and intersecting factors that influence the harmful practice. In analysing the lived experiences of victims, the phenomenological approach proposed by Creswell (2013) is adapted to sift the lived experiences of women. Themes were then built to facilitate identification of common and essential elements of coping as child brides. Additionally, the researcher kept a fieldwork diary in which she writes thoughts, feelings and details of impressions about events. This she used during fieldwork in refining the

interview questions and also during the analysis process to enrich and complement data. Notes made during the interview process regarding participants' body language and looks were all analysed.

5.7 Ethical Considerations

Ethical considerations were paramount in this research. The researcher followed Hollway and Jefferson's criteria for social researchers in which 'the ethical principles of honesty, sympathy and respect would be central' (2000:102). However, the researcher was aware that the particularly sensitive nature in researching child marriage issues demands that she undertakes the research as strictly as possible within ethical considerations. This is more so that social discourses of this nature are captured by lived experiences that have emotional and embodied consequences for individuals (Gunaratnam 2003). Engaging such issues result in an individual narrating describing personal and highly emotional experiences such as being victims of rape and domestic violence. Some victims of child marriages who were repeatedly violated physically and sexually by their husbands were traumatised when narrating their experiences and answering some questions regarding this experience seems embarrassing for some respondents. Some emotions require management within ethical standards as acknowledged by this researcher.

Researching this nature imposes an ethical responsibility of the researcher. This is against the backdrop of the observation by Bailey (1978) that harm is not only dangerous medical experiments but any social research that might involve such things as discomfort, anxiety and harassment, invasion of privacy, demeaning or dehumanising procedures. In line with this, the researcher's ethical responsibility in this situation was avoiding upsetting, embarrassing or causing any further harm to those respondents. Proper arrangement for counselling was put in place with the Healthcare Unit of the hospital, and a list of alternative support services available was provided, and participants were encouraged to attend counselling meetings.

Other ethical considerations of this research include respecting and protecting the rights, dignity and safety of those participating in the study (Denscombe, 2003). For instance, informed written and verbal consent was obtained from all

participants before interviews began (Oates, 2006). All participants were fully informed of the purpose of the research and what their participation entails. They were notified that the study is being conducted as part of a PhD thesis and will be published. Also, participants were informed that pseudonyms would be assigned to each respondent after the interview to keep their identity anonymous. These pieces of information were provided through emails and phone calls for stakeholders and the gatekeeper for victims of child marriage before the interviews, and written copies, which include researcher contact details were given to participants to keep at the time of the interview. Written consent was verbally translated in Hausa for participants who are unable to speak English. The researcher ensured that participants were given sufficient information to make an informed decision about whether or not they wish to participate, and recorded verbal consent as part of the audio recording.

The participants in this research were not under any obligation to take part, as the researcher made sure that no one was coerced into participating in the study. The importance of this was emphasised to the gatekeeper and healthcare practitioners in charge of child marriage victims and also in the consent form before the interview. One of the reasons for defining the target group and choosing 18 - 22 years was to minimise coercion and for participants to have the free will to decide whether or not to participate. Researching with the interview is complex and cannot be considered a simple or straightforward procedure (Birch and Miller 2000). Regardless of the limitations, interviews should be seen as legitimate and convincing methods in research, as they are based on the participant's real worlds and experiences (Gabb, 2008).

Conclusion

This chapter has presented the methodology and analytical approach adopted in this study. While the purpose of this research is to generate new knowledge about the topic through an in-depth understanding of the social meanings and realities of the practice of child marriage within the practising communities with the help of rich and detailed empirical data, it also seeks to disseminate knowledge for policy development.

Although limitations were acknowledged, the researcher drew on ethical practices and research standards to ensure that such restrictions were mitigated in such a manner as not to affect the reliability, credibility and authenticity of the research process and outcome. This method produced a new robust data set of 40 interviews conducted in Sokoto, Minna, Abuja and Lagos with victims of child marriages and stakeholders and key informants. Interview topics were designed to collect data on victims' lived experiences and stakeholders' perception of the causes and consequences of child marriage and the efficacy of policies and programmes; and the social and cultural implications. Against these expositions, the next chapter examines the experiences of child marriage victims in northern Nigeria.

CHAPTER SIX

The Expectations, Experiences and Outcomes of Child Marriage.

6. Introduction: Daily Life as Experienced by Child Brides

This chapter explores how the various intersecting experiences of child marriage impacts the lives of young girls who are forced into marriage below the age of 18 years. It focuses mainly on the expectations, experiences and outcomes of the marriage of 15 young women from North West and North Central part of Nigeria who were forced into marriage between the ages of 7 – 15 years. The chapter is divided into three sections; the first section focuses broadly on young brides' expectations and the benefits of early marriage. The section examines two young brides' narratives in relations to other young brides in the study to analyse the expectations and benefits of child marriage. The second section explores what happens within the union. It looks at the experiences young brides had in marriage. These experiences manifest in the form of domestic violence, sexual abuse and rape, lack of decision-making power, withdrawal from school and denial of access to education. Others include early childbearing with attendant health complications and lack of consent and the effect of refusal. The last section examines what happened after, the consequences that emanate from their experiences include stolen childhood, divorce, abandonment, prostitution, and early widowhood. Other outcomes include contentment with regrets, unexpected opportunity of education and change in social status.

The plight of the female child in Northern Nigeria in early and forced marriage has remained a controversial and sensitive subject. While within Nigeria in general, the median age of marriage for females vary between 20 to 26 years. It is however different for women in northern Nigeria, little girls who have just started menstruating are considered mature and ready for marriage. This is without consideration of the fact that menstruation stage varies between girls. The consequence is that a girl of ten years can be given out in marriage because she has started menstruating. In some cases, girls younger than ten years old and who have not started menstruating may be given out in marriage based on the religious or cultural beliefs of the parents. In the rural villages of northern Nigeria, the practice of child marriage is a common phenomenon. It is a way of life, and it

is seen as usual. Thus, as mentioned in chapter two, the expectations of young girls in most northern villages of Nigeria are determined by the intersecting fabric of Islamic culture and religion, class politics, familial loyalties, Hausa ethnic identity, gender discrimination, and the general politics of the regions (Braithwaite, 2014; Erulkar and Bello, 2007). These young married girls experience all kinds of discrimination and humiliation in marriage. Many societies have norms that limit young girls' age of marriage. However, in some cases, this age limit does not take into consideration the physiological readiness of these young girls. While some girls who are forced into marriage are too young to make an informed decision (Turner, 2013; Pathfinder International, 2006). Others see early marriage as a standard practice that bestows on married women respect and social status within the community.

Fifteen young women were interviewed from northwest and north central Nigeria comprising of Sokoto, Minna and Abuja, the average age of these women at the time of marriage were twelve years. Two were married at the age of ten, four were married at the age of eleven, three at the age of twelve, one at thirteen, two at fourteen, two at fifteen, and one was married twice at the age of seven and the age of thirteen. While eight of these young women were withdrawn from school to be married, seven had never been to school. The benefits, expectations, experiences and outcomes of marriage for these young women vary widely. For those who had never been to school, marriage was a desirable thing that will change their status, give them freedom and respect in the community, since it is a general practice in their communities, but their experience in the marriage was different from their expectations. And for those who were withdrawn from schools, marriage was an unexpected separation from childhood.

6.1. Young brides' expectations and benefits of Marriage.

18 years old Rukayat, got married at the age of 12, believes that her marriage bestows on her respect among her friends and in the village. She narrates her story:

I got married at the age of 12. I didn't know my husband before we were married, I had never seen him before, but I know he would have seen me. My parents called me one day and said it's time for me to get married that most of my friends

are married and that people in the village are asking when will I get married. My family believed that it's better for girls to get married early. My sisters all got married before they turned 15. My father said a young man working with the local government in the city has asked for my hand in marriage and they accepted the proposal. My mother said he is a good man, I was happy that he is a young man and he has no wife because most of my friends got married to men who are very old and already had wives. Also that he is from the city and he works with the local government, he has a government job. Not many young girls in my village have the opportunity to marry a young man. I did not go to school; my parents believed that schools are not safe especially for girls. For the wedding, my parents made all the preparation for the ceremony, and before my wedding day, my mother called me into her room and explained to me all what a woman needs to do in the home, how to take care of my husband, myself and the house. I was happy, and at the same time, I was worried because I do not know what to expect and how to relate to my in-laws, and how they will relate to me. But when I was told I would be living with my husband in the city, I was so happy. Although I have never been to the city, I was happy that I would live alone with my husband in the city.

My husband's age, I'm not sure, but he was around 25-28 years old when we got married. Life in the city for me was different from the village, I had no friend, and I don't go out. My husband takes good care of me, and I have peace because I'm his only wife, we make all decisions together, and we talk about everything. Although I find it difficult going out when he is not around because people in the house we live called me small wife that I'm too young to be a wife, some called me his younger sister. All these made me uncomfortable, and for that, I usually stay indoors. Sex was painful at the beginning; I cried whenever we had sex because it was very painful and sometimes I will refuse to have sex with him, he will beg me and say it will not be painful but it was still very painful, and after a while, I got used to it. I had my first child two years after marriage; I was so happy when I got pregnant at 14. I had no problem throughout my pregnancy, except that I felt sick for a few months, my husband registered me for antenatal, and I had no complications during delivery. My husband is peaceful; he looks after us the children and me; he does everything he can for our family. I know many of

my friends who married early just like me, are unhappy, but I was fortunate. My husband loves me a lot I'm happy with my husband we have no problem. Whenever he wants to do something, he will tell me, and we talk about it, and if we're going to buy something, he will ask me if I like it or not, he does not hide anything from me. He asks me before taking any decision, and if he wants to do something and I say I do not like it, he will not do it. He respects me. The only regret I have is not going to school; I wish I have some education so that I can get a good job like most women here but, that is too late now I have two children and more responsibilities, I cannot go to school, where will I even start. It's difficult being a mother. I don't have time for myself anymore. My second child cries a lot, and I have to stay at home and take care of her and her brother, it is hard work. Before I had children, I go out with my husband whenever he is going out after work, but since I have children, he goes out alone leaving me at home with the children. I know my daughter will not let married early like me because here in the city, young girls go to school and will finish at least secondary school also, parents here do not give girls out in marriage until after they finished school.

Rukayat was excited about getting married because most of her friends are married and her marriage gives her respect and change her status within the village. Also, she gains exposure, leaving the village and moving to the city with her husband was a form of independence for her. She explained that she was happy and at the same time was worried because she does not know what to expect or what will be expected of her. She was also concerned about how life in the city will be since she had never been to the town before. However, she describes her marriage as perfect without any problem. She was chosen out of love by her husband, who is a young man and financially stable, with the support of her family as well as his family. Interestingly, even within this successful marriage, she regrets not going to school and sees going to school as something she can never achieve due to family responsibilities. Singh and Samara, (1996) note that women who marry at a young age are likely to find motherhood the sole focus of their lives, at the expense of development in other areas of their lives such as formal education, training for employment and personal growth. Studies also show that domestic work, childbearing responsibilities, and the prevailing social norm that marriage and education are incompatible, make continuing with

schooling difficult for young brides (Plan UK 2013; UNFPA, 2014). This is common with most young women in this study especially those withdrawn from schools. Although Rukayat, did not regret marrying early, she, however, will not allow her daughter to marry early because she wants her to acquire a good education, the opportunity she never had. From her point of view, the most crucial factor in her marriage is the fact that her husband loves and respect her. Unlike Rukayat, Hawawu's expectations of marriage were not as she expected.

Hawawu, 21 years old, got married at the age of 14 to her uncle's friend who already had a wife and three children.

My uncle came to our house one day and told my father he has seen somebody who wants to marry me, he said he is his friend and a nice man. My parents accepted and told me I'm getting married. My mother was so happy that I'm getting married and I was happy too because nobody will again ask my mother why I'm not married. In my village, girls who are older than me and not married are always harassed and condemned by people in the village and old women gossip about their parents. My father invited him into the house, and he brought lots of gifts for my family, he told my parents he has a wife, but there won't be any problem. My father asked me if he should accept the marriage proposal and I said yes because I see it as an opportunity to start living like an adult. My parents fixed the date of the wedding, and we got married. Few months after the wedding, the first wife started complaining that he is giving me too much attention and we started having problems. She was far older than me with three daughters, though none of them is my age mate (means younger than her), they were always looking for my trouble. I tried to do what I'm supposed to do in the house, but my senior mate and her children are never satisfied with whatever I do.

When I got married, I felt it was a good thing because that was what every young girl of my age in the village was doing, so when someone asked for my hand in marriage, I was very happy. Also because all my friends were married and people in the village respect married women, even if you are a small girl, once you are married, people look at you and your family with respect. But when I realise I have to be sleeping with my husband every time and again with the problem with my senior mate, I became very sad and wished I could go back to my parents' house.

(Senior wife in Nigeria context refers to as senior mate, a junior or a younger wife refers to the senior wife as a senior mate and this is used frequently in this narrative).

I thought I will have peace of mind just like what my mother have with my father. My father has three wives, and my mother is the second wife, she does not have any problem with the first wife, they were just like sisters even with the last wife, they all relate very well. So I was expecting to have such a relationship with my senior mate, but she does not like me. My husband treats us the same; he will tell us whatever he wants to do or if he wants to buy anything for the house and he shares things equally for us. I thought with marriage, I will have the freedom that adults have, but that is not true, I don't have any free time for myself, I have to do the household work. When I got pregnant the first time, I was very sick always vomiting, and I was still doing the housework, my senior mate and her children were not helping at all, it's only when my husband is around that they will help. When I was in labour, I did not go to the clinic because the clinic was far from us and I could not go there alone, for the whole day, I was at home in pains, and when I got to the clinic the next day, the baby was already dead, I became very sad. And the second time I was pregnant, I lost the baby again due to prolonged labour, and my womb was damaged. I was in labour and was not taken to the clinic on time again because my husband was not at home and the baby was too big, he gave me a very big cut, I was operated, but the baby died. My husband was not happy because both babies were male and he wanted a male child. Since I had VVF and may not be able to get pregnant again, he became hostile to me, and he does not care about my health. I undergo surgery for VVF repairs twice; he only came to the hospital to see me twice. My parents were the one taking care of me, and my mother is always here with me. My father wants me to return to my husband after my treatment, and I will return so that our family will not lose the respect will have in the village.

Hawawu just like Rukayat was happy that she was getting married. She expected to have a marriage just like her mother's, where she can live in peace and unity with her senior mate (wife). She accepted the marriage proposal because she knew marriage would change her status in the village and also accord respect to her and her parents. Hawawu wanted a better life with a husband who she

believes can take good care of her. She viewed her marriage as an opportunity to fulfil her dream of living like an adult. She thought maybe life in her husband's house would be different from what she had in her parents' house.

What Hawawu was not expecting was having sex with the husband immediately after the wedding. Girls who married at a very young age are sometimes considered too young to enter sexual relationships straight away (FORWARD UK, 2014). Studies also show that most young brides were not prepared for sexual intercourse after the wedding (UNFPA, New York, 2012; Nour, 2006; ICRW, 2003), this most of the time leads to problems in the marriage. Hawawu was also not expecting to have any problem with her senior mate (wife) since her husband had promised there will not be any problem. She explains that her senior mate's children were far younger to her but always disrespect her. Hawawu did not make many references to education because of the belief that marriage is more important to a woman than schooling but regretted losing two babies at birth which caused damage to her womb due to lack of prompt health care services.

Like Hawawu, Zainab, Aisha Sani and Hamida all had complications during childbirth and lost their babies due to lack of access to health care services. Study shows that child brides access to reproductive health services may also be limited, either because of a lack of appropriate and accessible services or because husbands and in-laws do not approve their attending clinics (UNFPA, 2014). Hawawu was not happy in her marriage but hope to continue with the union after her treatment because she does not want to bring shame and dishonour to her family despite being abandoned at the hospital by the husband. Her determination shows the importance of family honour. Family honour in most communities enhances the father's status (Plan International, 2017). In most traditional societies, the fear of shame is deeply embedded in girls and young women since they are brought up to believe that the honour of the family rests on their behaviour, and most of these young women behave accordingly. Hawawu hoped to receive attention and love by getting married but instead received the opposite.

Young brides make sense of marriage in different ways. Although, most of these young women especially those that were not in school expected that marriage

would come at some point. However, while some were not expecting to be married to very old men, others expected that they would attain puberty before getting married. Sadiat 20, who got married at the age of 10 to a 72 years old, cattle merchant, said

“I know I will get married at a point since I was not going to school but I was not expecting my parents to marry me off to an old man who was far older than my father. I would have like to marry a man not as old as my father”.

She expected to marry a young man that can give her a better life, a man not as old as her father. Like Rukayat and Hawawu most young women interviewed, in one way or the other note that their marriages bestowed on them respect and social status within their communities. Some explained that when a young girl attains a certain age, and she is not married, people within the community will look at her as an irresponsible girl, but when she is married, she will be accorded some form of respect no matter her age. The general expectation within most of these villages is for young girls to be married at the age of puberty. This attitude is prevalent in communities where child marriage is practised. A study by Plan International (2017) in West Africa and Central Africa, notes that some young women in Mali described their marriage as a way of gaining respect from the community, and it allows them to be safe and to remain dignified in their community. Also, UNFPA (2014) explains that young girls may choose to marry to protect themselves from harassment from boys and men. Early marriage according to an advocacy worker in Mali, ‘safeguards young girls from boys with bad intentions’ (Plan International, 2017). Nevertheless, young women who were withdrawn from schools see marriage as a denial of childhood and a hindrance to educational attainment. Regardless of a girl’s age, once she is married, she is considered an adult with adult responsibilities. This means it is no longer necessary for her to be in school which is considered a place for children (Plan International, 2013). Although in Sefinatu’s case, she accepted the marriage with the expectation that her husband who was their landlord will reduce their house rent and sent her to school since her mother could not afford to pay her school fee, her husband never allows her to return to school.

Both Rukayat and Hawawu viewed their marriages as a way of achieving independence, social identity and as an essential part of their transition to adulthood. Their expectations of marriage include respect, peace, love, and autonomy in decision-making with their husbands. The benefit of this, is that marriage be it, child or adult, guarantees married women a position of respect within society. In Niger, one study shows that early marriage is valued, given the fact that it enhances young brides' social standing and increases their dignity and respectability within the community (Barroy et al., 2016). Among the Yorubas of South West Nigeria, it is believed that marriage conveys a status of responsibility and this status is manifested at different levels and bestows on women the privilege to belong to the league of mothers. A girl who is not married will never benefit from the same level of respect that a married girl has, regardless of how successful she is professionally (Plan International, 2017). Syrett, (2016) also added that child marriage reveals that marriage has always been about the privileges of adulthood, demonstrating the ways that the symbolic power of marriage continues to be a way of discriminating against those who are unable to or those who choose not to marry.

While Rukayat was fortunate to marry a young man who lived in the city with a good stable job and had no previous wife, Hawawu was given in marriage to a married man with three children. Unlike Hawawu who lived in the village with her husband and his family, Rukayat lives alone with her husband in the city. On the one hand, Rukayat being the only wife has less responsibility in taking care of her husband and the household, on the other hand, Hawawu as the junior wife was responsible for taking care of the home, her husband and other family members. Living in the city gave Rukayat access to proper medical care during pregnancy and safe delivery. For Hawawu, access to medical care in the village was difficult, because of the distance, this contributed to the prolonged labour and loss of her two babies. For Hawawu, the same notions of happiness, respect, and love that she hoped for from the marriage were exactly what the marriage destroyed. These two young women, though see early marriage as a good thing with a prospect and high expectations but had different experiences in marriage.

6.2. The Experiences of Child Brides in Marriage

This section examines the various aspects of young brides' lives about their lived experiences in marriage. Child brides face huge challenges because they married as children, this section illustrates the hardship faced by these young women. On young brides' experiences in marriage, five major themes arose from the data collected: domestic violence in marriage; sexual violence and rape; lack of decision making power; denied access to education; and health complications during childbirth. Young women were asked to narrate their daily lived experiences as child brides, and for some of them, domestic violence is a common occurrence in their marriage.

6.2.1. Young married women experience domestic violence in marriage

“The first day my husband attempted having sex with me, I refused and ran to my mother’s place, but my mother and brother beat me and dragged me back to his house. My husband beat me even more with a belt and locked me in a room for the whole without food; he said I would learn to behave well” (Sefinatu 22, was forced to marry their landlord at the age of 12 as his fourth wife).

This study demonstrates that there is a strong correlation between early child marriage and the risk of experiencing domestic violence. Nine out of the fifteen women interviewed narrated how they suffered domestic violence not just from their husbands, but from their in-laws and their senior mates. They explained that they were beating for not doing the house works; for visiting friends and for not having sex with their husbands. These findings attest that girls who married before the age of 18 are most likely to experience domestic violence in their marriage than women who married later (UNICEF, 2014; Girls Not Brides, 2014). Also, according to one of the Imams interviewed in Abuja, in Islam, *“a man has every right to beat his wife just as his child when she has done something wrong”*.

The young women interviewed explained that verbal abuse in their marriages was common with senior mates, in-laws and step-children while physical abuse such as beating is common with their husbands. These young women expressed their feelings of being controlled by their husbands and families. Some shared how they felt more like housemaids than a wife, responsible for all the household work even when they had senior mates and children in the family who could have help

in household work. Studies show that married young girls suffer from prolonged domestic violence from their husbands, their in-laws and their senior mates than matured married women (Equality Now, 2014; UNICEF, 2005).

Hadiza 20, got married at age ten explained that her husband beat her with a horsewhip and locked her in the room for visiting her friends without his permission after he had warned her not to make friends with city girls:

“One day I went to my friend’s house, and when he came back I was not at home, his wives told him I don’t stay at home that I’m in my friends’ house. When I came back he beat me with a horsewhip and locked me in the room, that night as he wanted to have sex with me I refused him, he beat me more and said I’m learning bad things from my friends.”

Hadiza explained that she decided to have friends because her senior mates (wives) were maltreating, insulting and called her terrible names whenever her husband was not around

“I have friends because his wives used to maltreat me whenever he is not around, so when they started insulting me, I will leave the house and go to my friend’s house”.

Being from the village, Hadiza’s husband believed her interaction with city girls as friends will corrupt her. Hadiza’s experience aligns with studies conducted by UNICEF (2014) and World Bank Group (2014). These studies found that more than half of married young women aged 15 to 19 especially in sub-Saharan Africa, North Africa and the Middle East think a husband is sometimes justified in physically assaulting his wife. Under certain circumstances such as if the wife argues with him if she goes out without telling her husband; if she neglects the children; or if she refuses to have sexual relations with him. Most women in the World Bank Group (2014) reported having no say over visits to family or friends. Not allowing Hadiza to associate with her friends is a way of socially excluding her and gaining full control over her. In northern Nigeria, this is a common trend since young brides are excluded through ‘*Purdah*’. These young girls are so caged by their ‘master-husbands’ to the extent that it infringes on their freedom of movement and interaction, and if they try to resist, they are beaten and treated like slaves.

Young women further reported been beating for not understanding their responsibilities as wives. Rashidatu 19, who got married at the age of 11 years explained how her 27 years old husband beats her repeatedly for not performing her duties as a wife. She said:

“Salisu abused and beat me whenever I refuse to sleep with him; he will lock me in the room and refuse to give me food, he claimed I don’t know how to perform my responsibilities as a wife”.

At that age, Rashidatu does not understand what her responsibilities are as a wife and for that she experienced domestic violence from her husband. Sometimes the abuse is not at the hands of a girl’s husband but from her senior mates. While some complained of their husbands’ hostility for not performing their marital responsibilities, others described how their senior mates maltreated them. They explained that as the youngest brides, they were expected by their senior mates to do all the household work and sometimes faced abuse if they were not doing what they were expected to do. Hadiza explained that her senior mates turned her into a housemaid and whenever she failed to do the housework, they subjected her to insults and beating. Also, the children made a mockery of her. She added that she had miscarriages because of the stress of the household work she said:

“They turn me to their housemaid, I will do all the work in the house, and if I complain they will beat me and called me awful names that I’m the youngest in the house, I should do all the work. Two times I got pregnant and miscarried because of everyday sex and the work I do in the .house.”

“I had two senior wives and life with them was like hell, they insulted me endlessly, and made me do all the housework, and when I say I’m tired, they will beat me that I’m lazy (Hamida, 19).

Hamida experienced domestic violence not just from her senior mates but also from her husband after the death of her child, and he eventually divorced her. Hamida’s husband blamed her for the death of their child. He gave her a divorce letter at the hospital the same day she had a VVF surgical repair. Her parents also abandoned her at the hospital on claims that she had brought shame upon their family. She said:

“More painful was the fact that my husband came to inform me that he is divorcing me. He accused me of killing his child and asked me never to set foot in his house again”.

Hamida’s mother who was supposed to take care of her while at the hospital abandoned her too. She explained that her mother came to the hospital and warned her not to bother returning to her father’s house because she is no longer welcome:

“She said no one would welcome me back into my father’s house since I brought shame upon the family that I should find a way to settle thing with my husband”.

Abandonment and rejection represent another form of emotional violence that brings about psychological trauma (Guidelines GBV, 2014). Being rejected by members of her family who are supposed to comfort and support her complicated Hamida’s health. Also, child brides, particularly in situations such as debt bond, experience emotional abuse and discrimination from their husbands and in-laws. Oyeye was given out in marriage at the age of 13 as a ransom for the debt her parents could not pay. According to her, her parents borrowed money from a native doctor for sacrifice, and when they could not pay back the money, she was forced to marry the man to offset the debt. She experienced both physical and emotional abuse from her husband who sees her as his personal property. She was completely isolated from her family and the general public; even when she was sick, her husband did not allow her family to see her.

“He called me his personal property, he will beat me like a child when I do any wrong, he will not allow me to go out or allow anybody to come and visit me, even when I was sick, he did not allow my mother to come and take care of me”.

This buttresses the fact that married young girls are cut off from their families and peer networks and thrust into hostile environments where they are only obligated to their new husbands and in-laws (UNPF, 2015).

These young women experienced violence not just in their marriages but also with their families, either because they refuse to get married or because they kept running away from the union. They shared their feelings of anger towards their parents and families for forcing them into marriage before they are ready. Hafusat

explained that her father threatened to disown her and send her mother out of their home if she refuses to get married.

I told him I don't want to get married and he said he will send my mother and me out of the house if I ever say that again. My mother beat me and said did I want to turn myself into a bad girl that is only bad girls that disobey their parents and bring shame to their family. She begged me not to allow my father to throw her out of her marriage because of my disobedience.

"I told my father that he wouldn't do that if he truly loved me but he brought out a whip and started flogging me. He said he had accepted five cows for my hand in marriage" (Hamida).

Rashidatu explained that she was expecting her father to call her husband and caution him from beating her, but instead, her father beat and sent her back to her husband.

I ran to my father's house and rather than my father calling Salisu and talk to him, he beat me and returned me to my husband's house. Salisu humiliated and slapped me repeatedly in the face, jerking my head from side to side with the force of his blows.

Zainab and Sadiat ran back to their parents' house out of the fear of marriage consummation but were beaten and returned to their husbands' house. According to Zainab -

"My mother slapped me in the face and said I should not disgrace the family. Then my brothers tied my hands with rope and flogged me with horsewhip then returned me to my husband's house."

Refusing a marriage proposal or running away from the marriage will bring shame to the family that is why most parents beat their daughters to comply. The trauma of domestic violence has had a long-time effect on most of these young women. The fact that they talk about it with anger and hatred not just for their husbands and their senior mates but also for their own families. It is clear that these young women experience great psychological distress, suffered physical and emotional harm and were put under pressure to comply with their parents' decision to get married; and in their marriages, they suffered physical and emotional abuse from

their husbands and senior mates. Young brides suffered not just domestic violence but sexual violence, rape in their marriages.

6.2.2. Sexual Violence and rape is acceptable within the context of marriage

Young women interviewed explained how they were sexually abused and raped on several occasions. They expressed their bitterness and the feeling of experiencing sex in the absence of prior knowledge about sexuality and established they were not prepared for a sexual relationship with their husbands when they got married. They further explained that despite making their husbands aware of their unwillingness to have sex and the pain they suffered during sex, young brides were beaten violently and raped repeatedly. Rashidatu, married at the age of 11 years, saw herself as being used as a sex object, she said

“He turned me to a sex object, and anytime I refused him, he will beat me and locked me in a room without food. He always says he has the right to have sex with me as many time as he wants. At first, I used to bleed, but after some time I stopped bleeding, well he doesn’t care”.

She explained that the main reason for the dispute in her marriage was sex, she complained of her husband demanding sex every night. She described how her husband forcefully had sex with her on several occasion and beat her whenever she refused his sexual advances. Studies mainly from sub-Saharan Africa, indicate that the first sexual experience of girls is often unwanted and forced (Moore et al., 2007; Nour; 2009). Almost all the young women interviewed complained that they were expected to comply with their husbands’ sexual demands regardless of their pains and state of sexual maturity.

Sefinatu 22, described how her husband beat, dragged her to the floor and forcefully had sex with her because she ran to her mother’s apartment.

“He dragged me to the room, beat me and raped me repeatedly until I became unconscious.”

Another young woman Sadiat also said:

“He forced himself on me, it was very painful I started crying he said Allah is being blessed because he is performing his marital right. He bruised me so badly that for some days, I couldn’t walk very properly”.

Young women described their first sexual intercourse as frightened, and for some of them, it was traumatic. Aminat one of the young women interviewed, first got married at the age of 7, and the marriage consummated when she was 9, she described her experience of first intercourse as follows:

“The first three nights, I got to his house, I slept in his first wife’s room. After I was given my room, the first night he came to my room, he put me on his lap, and he started touching my private part. I started crying, but he said I should not cry that he will buy me whatever I want. When I could not bear the pain I started crying, and he said with time, it would not be painful anymore. I had bruises, and for some days I could not walk very well. Every night he kept coming and do all sort of things with me, the thing that a mature girl will never allow any man to do with her, things I’m even ashamed of saying, but then what can I do”.

Their first sexual encounter was not of love and affection, but of power where they had to give whatever their husband wanted from them. Sex for them is either violence or rape on a daily bases. They explained the humiliating and disgusting manner in which they were forced to have sex. Some of them were held in bed by family members, for their husbands to have forceful sex with them. Abibatu, 21 forced into marriage at the age of 15, narrates how she was coerced and held down by her father, her husband’s father and her uncle for her husband to have sex with her because she utterly refused her husband touching her, and even threatened him with a knife. She said:

“When he came and wanted to sleep with me, I brought out the knife to threaten him that if he comes close to me, I’ll kill him and kill myself after some time he told his parent who informed my parents. My father and his brother with his parents forced me on the bed and asked him to sleep with me in their presence. I was held down on the bed by my father, his father and my father’s brother while he forcefully made love to me, I was humiliated by the fact that my father can hold me down for a man to have sex with me”.

Similarly, Zainab narrates how her brothers tied her hands and flogged her with horsewhip as they took her back to her husband's house, and held her down on the bed for the husband to consummate the marriage. It happened some weeks after her circumcision which makes the experience more traumatising. She said:

“They took me back to my husband’s house with my hands bounded together, and my legs held firmly apart by my brothers so he can sleep with me. I was still in pain of the circumcision; I started bleeding as he tries forcing himself on me. I begged my brothers to release me; I pleaded with them to stop holding me down for Baba Ahmadu, but they refused”.

In consummating the marriage, some husbands will invite family members to help clench down their wives in a situation where wives refused sexual relations with them. This practice is common in Minna, one of the cities where interviews were conducted. According to a lawyer working with WRAPA in Minna, men whom their young brides refused to have sex with them usually hire men or family member to clasp those wives down in bed while they have sex. These young women saw this as humiliation and ill-treatment from their husbands and families.

Husbands' used sex as a way of exercising their legal 'right' and gaining complete control over the body and sexuality of their wives. Rashidatu, Sefinatu, Sadiat, and Zainab all explained that their husbands always claim that having sexual intercourse with them is marital 'right'. The fundamental social structure and value system of most African communities especially Nigeria support and perpetuate this assumed 'right'. Some recent studies corroborate this observation. A survey conducted in northern Ethiopia reveals that 81% of child brides interviewed described their sexual initiation as forced (FORWARD, 2014). Similarly, in India, young brides are three times more likely to report being forced to have sex with their husbands than girls who married later (UNICEF, 2012). Studies have also found that child brides typically continue to experience non-consensual sex throughout their marriage (UNICEF 2005; Mikhail, 2010).

The marriage of young girls is often made more traumatic by the absence of public or familial discussion of sexuality and puberty. All the young women interviewed emphasised that sex is a topic that was never discussed either in their homes or schools. Rukayat and Sadiat explained that they did not

understand what sex is all about before they got married. For Rukayat, although her mother never discussed sex with her, her husband was understanding, and he patiently taught her what to do. While Sadiat who married her grandfather's 72-year-old friend explained that most parents believe sex is something you learn in marriage, she added that parents' feel it is inappropriate to discuss sex with your children. She explained further that as at the time she got married, she does not understand what having sex means. In Nigeria, girls' access to information on sexuality is restricted, and this is even worse in most villages in a northern part of the country where girls usually begin marital sexual relations in ignorance of what sex entails.

Young women with husbands' who were far older than them, complained that after having sex with their husbands, they were bleeding with bruises and could not walk for days. According to them, it happened on several occasions. In a study in Barouéli in Mali, young men described the case of a young bride who was hospitalised for three months because she was unable to withstand sex with her husband (Plan International, 2017). The study corroborates Sefinatu's story that her husband raped her repeatedly until she became unconscious.

Contrary to the common perception, and less common practice of sexual abstinence until girls began to menstruate, most of these young women who had not started their menstruation before marriage explained that their husbands forced them to have sex and most times raped them before their periods even started. Sadiat, Rashidatu, Hadiza and Aminat were having sex with their husbands before their menstruation started. Aminat explained that after the wedding ceremony, she was at her parents' house for two years and when she was nine years old, she moved to her husband's house. Although she slept in her senior mate's room for three days and after that, she had a room where her husband comes to sleep with her. He started having sex with her from the age of 9 years, and she started menstruation when she was 11 years. For most of these young women, especially those living far from their families in other villages, like Hadiza, Hamida and Hafusat, their first sexual experiences were instrumental in making them submissive to their husbands' wishes.

Sexual abuse and rape of young married girls generally remain unrecognised when perpetrated within marriage. Married girls forced into non-consensual sexual activities are in essence victims of acts that would consider crimes if carried out outside of marriage. Also, Islamic law and Nigeria criminal law do not recognise wife raping as unlawful carnal knowledge, and hence, not considered a crime. In as much as the bride has attained the age of puberty, her consent to sexual advances of her husband becomes inconsequential (Gamawa 2013). Where a man marries a child even in circumstances where the girl was coerced, the consummation of that 'marriage' does not constitute unlawful carnal knowledge of the girl by the man.

This implicitly makes it easy for older men to abuse young girls within the context of marriage sexually. What this implies is that by Nigerian law, married women, irrespective of their age are denied the right to abstain from marital sex which may subject them to routine sexual violence with attendant trauma. Implicit in this reality is that while there exists a law which protects a 14 years old girl who is not married from rape, the same rule cannot protect a 12 years old married girl from marital rape. Arguably, therefore, the right to liberty and security of the person is violated by laws which restrict women's control over their sexuality, by denying them the right to consent or not to consent to sex.

While marriage may offer social respectability and sanction to girls' sexual activity, it does not ensure that sexual relations are safe, voluntary, or pleasant. Indeed, young brides are usually expected at all times to meet their husbands' sexual demands and are likewise under pressure to bear children, regardless of their desires and needs. Indeed, the issue of sexual violence and rape is a manifestation of the power imbalance in decision making in child marriage.

6.2.3. 'My husband makes all the decisions': Lack of decision making power

Young women interviewed explained that they had little or no voice in household matters or on matters that impact their lives. Although their primary responsibilities centre on managing the home, taking care of their husbands, and other family members but decisions on household matters are taken by either their husbands, in-laws or their senior mates. Therefore, young age, lack of education and limited capacity to articulate her needs and rights, confine a young

bride to a marginal role (Plan International, 2015), thereby affecting the ability of the child-bride to make decisions in her marriage.

Young women were asked whether they had a say over decisions on visits to family and friends, household budget, daily household shopping, what food to cook each day, and their health care. Most of them explained that they were not allowed to take decisions on their own and that they receive instructions from their husbands, their senior mates and their in-laws. Visiting family and friends are decisions that their husbands alone take. The husband can decide whether the wife can visit her family, have friends or attend social activities.

Her husband took Hadiza from her village to the city where she has no family and friends. She was stranded in an unfamiliar environment without any support and was forbidden by her husband from making friends with 'city girls' whom he claimed will corrupt her.

"He said I'm from the village, I should not befriend city girls; they will corrupt me".

Her going against the husband's decision and having friends in their neighbourhood led to her beaten on several occasions. The ability to make decisions about visiting family and friends is considered indicative of a woman's freedom of movement which most of these young brides are denied. Decision making over their health about childbearing, whether or not to have sex and to attend the clinic for delivery, was taken by husbands and in-laws.

Hafusat explains that she lived with her husband's parents and consequently, most of their marital decisions were taken by her in-laws especially the mother-in-law. According to her, the decision to deliver at home was made by her mother-in-law who believes that women should deliver her babies at home. She said:

"When I was in labour my mother-in-law did not take me to the clinic, she said a strong woman delivers her baby at home."

This decision led to her having a stillbirth and developing Vesico Vaginal Fistula (VVF). She explains that her inability to decide on what she wants and about her life has caused her so much pain in the marriage. To buttress her story, Dr Isah of the UNSAID Sokoto explains that delay in deciding whether or not to come to the hospital during labour is one of the reasons for VVF.

Also, young brides are not allowed to decide their health, especially during childbirth. This often results in serious health challenges. Like Hafusat, Hadiza's marriage was no different. She explains that her husband takes decisions regarding personal, as well as social affairs on behalf of all his wives. She said none of the wives could do anything in the house if their husband has not given the permission. Even the most senior wife who is much older and has been in the marriage for years has to take approval from their husband before she can go out. She said

"My husband makes all the decisions, even for his other wives, nobody has the right to do anything without his permission, if you do anything without his permission, and he will beat you with horsewhip".

Women who marry young, irrespective of their years in marriage, are still under their husband's control, and unable to decide their life and even the lives of their children. This was evident in the interviews with some of the mothers, most of whom explained that their husbands made the decision to betroth their young daughters and there was nothing they could do about it. 38 years old Fatima Abdullah one of the mothers interviewed, also got married at the age of 13 explains that her husband took the decision to marry off her daughter and she has no say in it.

"My daughter married at the age of 14, it was not my decision, and I don't have the right to say no when her father said she should get married..., I don't have the power or right to say no to my husband."

In a patriarchal society such as Nigeria, most men make all the decisions within the family without recourse to their wives. This was evident in most of the interviews with young women and mothers. Jan and Akhtar (2008) note that men take decisions on various family matters without consulting their wives. This may be because, among men, there is the feeling that women are incapable of expressing their choices, due to a high level of illiteracy among them. It would mean that if women were educated, they would acquire the capacity to participate in decision making. Although, contrary to the assumption that all decisions are taken solely by the husbands, some young women interviewed explained that they equally make decisions in their marriage. According to Rukayat, Aisha Idris

and Hawawu, decisions in their marriages were taken jointly or with their consent. For Rukayat, her husband seeks her approval before making decisions

“He asks me before taking any decision, and if he wants to do something and I say I don’t like it, he will not do it. He respects me”.

Seeking one's wife consent before taking a decision is a sign of respect for her. Rukayat emphasised this in her narrative, that because her husband respects her, he does not make decisions without her consent. This was supported by Aisha Idris who explains that decisions on household budget and all daily household shopping were undertaken jointly by herself and her husband or by the in-laws. According to her -

“We make the decision together, and sometimes his parents will decide for us, we talk about whatever we want to do before doing it”.

For Hawawu, her husband does the household budget and daily household shopping, but with both wives consent, he does not take any decision without asking them first. Rukayat lives with her husband in the city, living in the town is entirely different from the village and be the only wife; all decisions are taken jointly.

The age gap between young brides and their husbands contributes to power difference in decision making. Young brides with young spouses such as Rukayat and Aisha Idris can negotiate or make decisions with their spouses compared to brides such as Hafusat and Hadiza who had older husbands. Also, young brides in monogamy marriage can negotiate decision with their spouse better in comparison to those in a polygamous marriage. Both Rukayat and Aisha Idris are in monogamy marriage which makes decision making with their husbands easy. Although Hawawu is in a polygamous marriage, her husband, however, involves his two wives in decision making to be fair to them.

The inability of a young bride to decide on marriage as revealed in their narratives places the young bride under the control of her husband and often in-laws, limiting her ability to voice her opinions and follow her aspirations (Parsons et al., 2015). The inability of young girls to make decisions is not just in marriage but also before the wedding. Young girls are deprived of the right to decide on whom to

marry and when to marry. Most of these young complained that the decision to get married was imposed on them by their parents. Some explained that they were unable to make appropriate decision concerning their marriage because of their age and could not anticipate the consequences of their choices. They, therefore, accepted the decision made by their parents. Aisha Sani states that it was her father's decision and she agreed to it.

“My father said he had seen a man that will take care of me in the village; he said he is a good man, and his wife is a nice woman that they will take good care of me. I said I don't want to marry him because he is too old and that I want to continue with my schooling but my father said old men take good care of their wives than young men or do I want to marry a man that cannot feed me or buy cloth for me, so I accepted”

Although in most cases, mothers have the responsibility of informing their daughters about getting married, this was confirmed by almost all the young women that their mothers informed them about the marriage proposals. Some of the young women complained that they were informed of their marriage only days before the wedding, and they were not asked for their opinion or approval or given any choice. According to Hafusat:

“My mother said a family from the next village wanted a wife for their son and they want me to marry their son, and the marriage proposal has already been accepted”.

Zainab narrates how she was informed of her marriage on her wedding day.

“one evening, my mother brought some new clothing and said they are for me, I was so happy, I tried some on. In the morning the following day I saw my parents preparing for a ceremony, cooking and people started coming into the house. One of my aunts came to me that it's time I should start dressing up, I asked her for what and she said I'm getting married today, I asked her to get married to whom, she said to baba Ahmadu my father's best friend. I started crying, baba Ahmadu is my father's friend but he is older than my father, and I was not even up to 12 years old”.

Likewise, Abibatu narrates how she was deceived by her uncle to go to the village where she was forcefully taken to her husband's house, the man she has never met.

“One of my uncles came from the village to tell me that my father was very sick that I should come to the village right away, my master gave me money and I went to Mangu. When I got to the village, my mother told me that my father was not sick. They want me to come home and prepare for my marriage. I told her I don't want to be married now, but she said the family of the man is disturbing them that they want to take the bride now, I told her I don't know them, and I don't want to get married now. My mother said the family have already paid for the marriage rite that I have to go to my husband's house”.

This deprivation of the right to decide when and who to marry is an everyday practice, experienced by young girls forced into marriages in most northern communities, based on normative beliefs that young girls are weak and unable to make their own decisions. Young brides' response to lack of decision making power in marriage shows how discriminatory gender norms ignore the human rights of girls. Since parents' take the decision concerning marriage without consulting with young girls involved, this raised the question about where girls have the opportunity to refuse marriage. This study reveals that most young girls do not have the opportunity to reject a marriage arranged by their parents, but are obliged to be submissive and accept the marriage imposed on them by their families. This raises the question of consent and what happens if a young girl refused to get married?

6.2.3.1. Lack of consent and the consequence of the refusal

While love and passion are the core principles that sustain marriage union, it is expected that couple in a conjugal relationship is mature, and marriage should be based on their mutual and well-informed consent (UNICEF, 2008). Child marriage denies young girls the right to consent to marriage. Knowledge and consent are vital and necessary elements for entering into marriage, but these are hardly present when a child is given away in marriage to an adult who is much older than her. Consent has been defined as the 'legal competence and the factual ability of the affected individual to dispose of the protected interest under

attack', however, an individual may liberate a perpetrator from legal responsibility by giving genuine consent. (Swart and Hassen, 2016).

While some young girls are forced into early marriages by their parents or relatives, others were just too young to understand what giving consent means, they accepted without recognising what they are doing. Okafor (2014) explains that to consent to something, you must be fully aware and can comprehend what you are consenting to, but children lack this ability. Swart and Hassen (2016) also add that genuine consent cannot be given or impossible where coercive factors can be proven. Consent cannot be said to have been given in marriage by a girl between the ages of 10 to 14 years or a girl who has just attained puberty which could even be below the age of 10 years. Since, at such an early age, a child cannot be expected to understand the implications of accepting a lifetime partner (UNICEF, 2005).

The testimonies of the young women interviewed shows clearly that most of them were neither aware of their marriages before the wedding day nor gave their consent to the union. While some of them said they were threatened to be disowned, others explained that they were severely beaten to accept the marriage proposal. Abibatu was neither informed of her marriage nor was she aware of whom she was marrying until the day she was deceived and taken to her husband's house. Also, she was denied the right to consent to the marriage; she was also forcefully violated not just by her husband but by all those that held her down for the consummation of the wedding. Abibatu was fortunate to get help from WRAPA who charged the case to court and the marriage annulled for lack of consent.

Just like Abibatu, Rashidatu did not give her consent to the marriage; her father only informed her that she is getting married and the wedding ceremony is coming up in two days, and she should be prepared. Although she knew the young man as the son of her father's friend, she never knew she would be getting married to him.

"My father did not care whether I gave my consent to the marriage or not, he believes a father has every right to give his daughter out in marriage to any man

he chooses and the daughter must accept her father's decision without questioning".

She explains further that questioning or rejecting the decision of one's father has consequences, *"you will be tagged as been rebellious, wayward, disrespecting your parents and bringing shame upon your family"*.

Consent in marriage according to the Marriage Laws in Nigeria is very important. Both the Customary Marriage Law and the Islamic Marriage Law provides that parties to be married must freely consent to the union but the national legislation of Nigeria is generally inactive regarding protecting the right to consent to marriage on the issue of child marriage. Young girls are not given the right to agree in as much as the father has already approved. Some of these marriages were influenced by community leaders, who in most cases act as intermediate negotiators between the brides' and grooms' families and work to get themselves heard and respected.

Furthermore, most parents in northern Nigeria take advantage of the power of *Ijbar*, as mentioned in chapter 3, an Islamic jurisprudential thought, and the right of parental consent, to give their daughters into marriage. The principle of *Ijbar* found in Sharia law justifies paternal decision-making power in marriage. Islamic lawyers and scholars restate that a daughter has no right to protest her father's choice. As one of the Imams interviewed in Abuja stated: *"a girl has no said if her parents say she is ready to be married"*.

Refusal of parents' choice of husband is seen as disobedience which on the one hand, has consequences for a young girl, which could be total neglect and ostracism by her family. On the other hand, it could bring shame to the family, as parents will be seen within the community as irresponsible and this could lead to the family being isolated from communal activities. Because of the fear of being isolated or excluded from community activities, parents tend to force their daughters into early marriages. Also, most parents especially fathers want to enjoy what Taylor (2003) calls 'the benefits of being one of 'us' and also be seen as having total control in their families and over their daughters. As a result of this, young girls' consents are seen as irrelevant in as much as the father consented to the marriage.

6.2.4. Young married girls are denied access to education

“I was in JSS1 when I was forced to stop and get married. I told my parents I would like to go to school and marry after I finished my school, but they said no”. (Hamida married at age 12.)

Disruption of education was one of the experiences that young women reported. Out of the fifteen young women interviewed, eight of them were withdrawn from school to be married, while seven of them have never been to school. Four out of the eight withdrawn from school were in secondary school, two had finished primary school about going to secondary school, and two were still in primary school. While some of those who have never been to school explained that there were no schools in their villages, others said girls' education is not valued in their communities. Aminat, for instance, has never been to school because the only school in her village collapsed years ago and was never reconstructed. She said *“We don't have schools in our village. The only school we had collapsed years back schools are very far from our village, and nobody from my village is going there”*.

Hawawu added that nobody in her village goes to school because schools are far from the village.

“We don't have schools in my village, not even Arabic school and nobody in my village go to school; schools are very far from the village”. (Hawawu married at age 14)

Similarly, Sadiat explains that in her village there are no schools and where there are schools, parents will not allow their children especially girls to go there for schooling. She said

“We don't have school in our village though there are schools in villages around our village nobody from our village goes to school in those villages.”

The inaccessibility of schools in most communities may have pushed many parents to marry off their daughters at an earlier age. Furthermore, parents not allowing their children to attend schools in neighbouring villages may be as a result of the lack of value for education by people in the rural area who do not

appreciate the importance of western education for their children especially girl child. Western education to some parents is a way of transforming and initiating young people into detrimental materialism, promiscuity and inculcation of western cultural ideologies (Csapo, 1981). It could also be because of various attacks on schools and schoolchildren in the recent past in most of the northern communities. Education in the north of Nigeria has been under attack since 2009. A report by Amnesty International (2013) confirms that at least 70 teachers and over 1001 schoolchildren and students have been killed or wounded due to attack by Boko Haram insurgency. Also, about 50 schools have either been burned or severely damaged, and more than 60 others have been forced to close. Thousands of children have been forced out of schools across communities in the north. These attacks have a significant effect on not just girl child education but education generally in northern Nigeria. Although it has been observed that girl child educational enrolment in northern Nigeria had been very poor even before these attacks (Imam, 2012; Erulkar and Bello, 2007).

Hamida's story confirms that even where there are schools, most parents do not allow their girl child to attend schools. She said –

“There are two primary schools in my village, but my parents believe it's only wayward girls that go to school, that responsible girls will get married and stay in their husband's house”.

This has to do with parents' cultural and religious belief, which also intersect with their level of education, their level of exposure and interaction with people outside their community. Furthermore, the enrolment of girls in school poses a severe threat to the institution of purdah, since girls are expected to practice purdah after the wedding. Purdah is a religious and social practice of female seclusion common among some Muslim communities, whereby the movement of a woman is restricted outside her home (Blakemore and Jennet, 2001). Women in purdah are expected to cover their face with a veil when going out to avoid being seen by other men and the public. Aisha Idris states that even if a girl is in school, she will have to drop out to get married and practice purdah.

“If a girl is in school when is 12, she will have to leave school and get married because, after the wedding, she will have to stay at home”. (Aisha Idris)

What Aisha meant by 'stay at home' is to be in purdah, staying at home and not going out except for important purposes only with the husband's approval.

Zainab who was in primary three before she was withdrawn to be married explains that men in her village prefer to put their wives in purdah, and for such husbands, women's education has no value. While some parents believe that since girls' role will be restricted to the home, there is no need sending them to school, others believe education cannot be considered a viable alternative to marriage for their daughters and for that, they are not willing to support young girls' education after a certain age, especially after puberty. This means that once a girl attains puberty, even if she's in school, her education has to be suspended. Rashidatu, for instance, was planning to go to secondary school when her father forced her into marriage. To him, marriage is more important for a girl than education. She was however lucky to have an aunt in the city who came to her rescue and sent her back to school when the domestic violence in her marriage became unbearable. Not all young brides who were withdrawn from school have the opportunity of going back to school. All the young women withdrawn from schools were interested in continuing their education but were refused either by their parents or husband. Hadiza wanted to continue with her education, but her husband refused with the claim that she will not understand what is being taught since she is from the village. She said:

"I asked if I can go back to school, he said schools here are different from village schools that I will not understand what they are teaching and that now I'm married, I have other responsibilities that are more important than school".

Hafsat also wanted to return to school; she recalls how she was performing excellently in school before she was withdrawn by her father to be married despite her outstanding performance and potentials. Parents in most northern communities have a poor attitude towards girl child education. This could be linked to reasons such as Western education for a girl in some villages is still seen as "*haram*"- forbidden; also, the fact that school for girls is not as important as marriage because they will have to stay at home and take care of their children, husbands and families. Lastly, marriage is seen as the best option that will secure the young girls future.

Child marriage blocks young girls' educational opportunities and other life choices, at the same time, hamper their personal and social development, which reduces their self-esteem. One of these women expressed that her lack of education makes her felt inferior and of 'lower status' whenever she sees young, educated women of her age.

"Whenever I see young, educated girls of my age the way they talk and behave, some are married, and some are not married, I always feel inferior, I can't even stand beside them or talk to them that made me regret ever getting married as a child". - Aminat

Girls who married young are not likely to acquired vocational skills or developed their capacity to manage situations that may affect their welfare and economic well-being (UNICEF, 2008). Young brides' opportunity to learn life skills, which would have enabled them to escape poverty-related conditions, is diminished once married. All these young women explained they had no source of income and were dependent on their husbands. Rukayat who describes her marriage as perfect without any problem regrets not going to school or acquired any vocational skill which could have to help her in securing a job as a source of income. She explains that her lack of education and skills to work and earn money makes her dependent on her husband for everything.

"The only regret I have is not going to school; I wish I have some education so that I can get a good job like most women here because I depend on my husband for everything". - Rukayat

For Sefinatu, Hamida, Zainab and Hafusat, not having a source of income does not just made them dependent on their husbands but, also submissive to their husbands' demands and under his total control financially. Young women explained that buying regular sanitary pad; they have to demand money from their husbands and explain what they are using the money to buy. In the event of marital breakdown or abandonment, these young women were left without financial support.

6.2.5. 'Too young to give birth': Young brides experience health complications

Child marriage is globally recognised as a public health problem, which threatens the health and lives of many young married girls (WHO, 2011). This is because the marriage of young girls is closely linked to early childbearing, which has severe consequences on the health of young mothers. Aside the physical pain associated with sexual intercourse due to the physiological immaturity of the sexual organs of these young brides, infections such as HIV/AIDS, sexually transmitted diseases (STDs), and complications resulting from early pregnancy and childbirth are part of the suffering these young girls experience in marriage (WHO, 2014). Also, these girls lack power within the union to demand the use of protection, such as condoms by their husband.

Young brides are often expected to bear children almost immediately after marriage, which makes them vulnerable to pregnancy and childbirth complications. According to UN Women (2013), pregnancy and childbirth present one of the strongest causalities in early marriages and it is the second leading cause of death among teenage mothers aged 15-19 years old globally. Report from WHO (2014) emphasises that girls aged 10-14 are five times more likely to die during delivery than mothers aged 20-24, and girls aged 15-19 are still twice more likely to die during childbirth than mothers who are 20 years and above. Reasons for these are due primarily to girls' physical immaturity where the pelvis and birth canal are not fully developed (WHO, 2014). Complications during pregnancy and labour are worsened where there are no healthcare facilities and where emergency obstetric services are not available, such as in the case of most villages in northern Nigeria.

Young brides who are pregnant for the first time often have a minimal idea of what to expect during delivery since they have limited access to adequate information regarding antenatal care. Virtually all the young women interviewed explained that they knew nothing about pregnancy at the time of their marriage which made the pregnancy and childbirth experience a traumatised one. They narrated the difficulties and pains they went through during pregnancy and delivery.

The physical consequences of early pregnancy are clear because these young mothers are not yet physically mature, so they are at risk of dying in delivery, or need to deliver through Caesarean section. Eight of the young women interviewed had stillbirth during their first delivery, and two of them had endured the death of two previous babies. Most of these young women commenced childbearing between the ages of 12 and 13 years, and they did not receive any antenatal care during pregnancy and had experienced at least one severe pregnancy or birth-related health problem which include excessive bleeding during labour, obstructed or prolonged labour, miscarriages; prolonged sickness after childbirth and Vesico Vaginal Fistula (VVF).

Hadiza, explains how she had miscarried twice due to regular sex and excessive housework, and on both occasions, she was not taken to the clinic. She said -

“Two times I got pregnant and miscarried because of everyday sex and the work I do in the house, and I did not go to the medical centre... because I could not go on my own and nobody will take me there”.

Hawawu had a ruptured womb after a stillbirth. She explained that her womb got damaged due to the size of the baby and prolonged labour without been taken to the clinic on time.

“I was told my womb got damaged because of long labour and that the baby was too big, he gave me a very big cut, I did not know the baby was big because I did not go to the medical centre for a check-up”.

Hadiza did not attend the clinic, because she needed her husband permission and also somebody to go with her because of her age, but her husband was not around. Similarly, Hawawu’s husband was not available to take her to the clinic, and her senior mate could not because she also needed her husband permission to go out. These women’s health was complicated because they are young and lack the abilities to take decisions on issues that affect their lives.

Early childbearing is risky for both mother and child, as young mothers and their babies suffer devastating health consequences (Raj et al., 2009). Young married girls experience early pregnancies that cause higher rates of maternal and infant mortality, hormonal and physical changes which complicate their body growth. A

World Health Organisation report shows that when a girl marries as a child, the health of her children suffers due to lack of parenting skills and decision-making powers regarding the care of her baby and also lack of access to medical advice after birth (WHO, 2014).

Both Hamida and Sadiat had their babies at the age of 13 years, but due to birth complications, both babies died. Hamida baby did not cry or breathe properly, her lack of parenting skills and access to medical advice led to the death of the child. According to her-

“My baby never cried; I tried to breastfeed him but he refused to feed, he hardly breathe...., they said it was his heart that got bloated, I was not able to take him to the clinic because my husband was not around and I cannot go to the clinic on my own”.

Some intersecting factors complicated Hamida’s situation. She had no means of communicating with her husband who was on a business trip, she has no access to medical care because of the distance, and her senior mates were not willing to assist her in any way because of their resentment towards her. Also, she lacks parenting skills to take care of her baby because of her age. Although, Clark-Kazak, (2016) notes that in most communities, the biological age, which is the age of puberty and social age, the age at which an individual gets married is more important than chronological age, however, chronological age determine an individual eligibility to seek medical attention without adult assistance.

Just like Hamida, Sadiat lost her baby two weeks after delivery because the baby had lower birth weights and weak immune system -

“When I was 13, I was pregnant but lost the baby two weeks after delivery because, the baby was very weak, small, and she could not eat”.

Sadiat’s baby died of lower birth weights, and the weak immune system shows that during pregnancy she was neither eating good food nor attending antenatal care for a proper check-up. While the child of a young bride is at a higher risk of perinatal infant mortality, morbidity and stillbirths, death of new-borns are 50% higher in mothers under the age of 20 than in women who are older (UNICEF,

2014; Who, 2014), just as young mothers are at risk of developing VVF due to prolonged labour.

6.2.5.1 Vesico Vaginal Fistula (VVF) as a result of prolonged labour among young mothers

Another severe health risk that young married girls face is the obstetric fistula, a devastating condition that tears the walls of the vagina and or rectum that results in chronic incontinence of urine and faeces (Fistula Foundation Nigeria, 2009). This condition is prevalent among first-time mothers and young girls whose bodies are not fully mature for childbirth. Obstetric fistula can occur when the baby's head and or shoulders are too large for the mother's pelvis, (as in the case of Hawawu). This often results in obstructed labour which can last for several days. Without urgent medical attention, obstructed labour can often lead to the death of the baby.

Six out of the young women interviewed have VVF of which three were still undergoing treatment at the time of the interview. While two of the three undergoing treatment were being taken care of by their parents, the other one was there alone without any family member to support her. The other three who had completed their treatment explained that both their husbands and their families abandoned them at the onset of their treatment. It is important to note that VVF is also common in other parts of Nigeria, although the occurrence is more conspicuous in the northern part of the country where maternal mortality and morbidity rates are very high, and child marriage is highly prevalent.

Prolonged labour may occur when there is no accessible medical care within the community, and the distance to the nearest available medical centre is far. Also, prolonged labour could be as a result of the belief that a strong woman delivers her baby at home. While some of these young women explained that there is no available medical centre in the villages, others said their in-law insist they deliver their babies at home. Both Aisha Sani and Aisha Idris explained that there are no medical centres in their towns and the village with the medical centre is quite a distance from their communities. Aisha Sani described her delivery experience that led to VVF.

“I was in labour for two days, and the baby was not coming, going to the clinic was very difficult because of the distance, nobody in my village has a car to take me there, and I could not walk. My husband put me on a wheelbarrow and pushed to the clinic, it took us hours, and I was bleeding, by the time we get to the clinic, I was unconscious, and the baby was already dead”.

For Zainab and Hawawu, their prolonged labour was as a result of their in-law's beliefs. Zainab said:

“During delivery, I had complications from prolonged labour; I was not taken to the hospital on time. The women that were with me when I was in labour said that a strong woman delivers her baby at home, so I was in labour for two days at home, and the baby died, and I suffered a severe case of obstetric fistula. At the onset of the disease – Vesicovaginal fistula (VVF), my husband abandoned me. He took me to the clinic and abandoned me there. He said I was destroying his home with urine and faeces.”

Although Hamida had a midwife attending her during delivery, she however developed VVF because her pelvis is small which coursed her prolonged labour. She said:

“The midwife said my waist was too tiny to birth a child and I had lost too much blood. After three days of painful labour, I was delivered in my room. I was there for about three days. I experienced serious pains and bled continuously”.

While it is quite difficult to precisely assess the prevalence of the condition in girls in most rural areas, research shows that adolescent mothers are at particular risks because their pelvises are underdeveloped (WHO, 2014; Fistula Foundation Nigeria, 2009). Each year between 50 000 to 100 000 women are affected by obstetric fistula worldwide, and more than 2 million young women live with untreated obstetric fistula in Asia and sub-Saharan Africa (WHO, 2014). In Nigeria, the problem is persisting as the general development of the communities worsens. National Demographic Health Survey (2012) estimates that about 12,000 Nigerian women develop Vesico Vaginal Fistula (VVF) every year. The number has drastically increased to between 40,000 and 80,000 leaving Nigeria with the highest prevalence of VVF in the world (UNFPA Nigeria, 2014).

According to NDHS (2012), VVF is common in localities where ignorance and poverty are prevalent as in most northern villages in Nigeria.

Vesico Vaginal Fistula is one of the most dehumanizing disorders of childbearing which accounts for 75% of loss of babies and is responsible for 55- 60% of divorce rates in the country as most victims of VVF are often abandoned by their husbands and their parents due to their condition (Fistula Foundation Nigeria, 2009). The majority of VVF victims are young women usually between 12 and 20 years of age, and mostly from the low socio-economic background, uneducated, rural women whose access to medical facilities are limited. Also in Nigeria, about 65% of the population live in rural areas, and only 6.5% of this population have access to health-care services on regular bases (Shehu, 2002). When these child-brides develop VVF, their husbands desert them, and their relatives consider them as having brought shame to the family. The smell of urine makes them socially intolerable and this result in their low self-esteem. Ultimately abandoned by their husbands and rejected by their families and sometimes their religion, they then leave their homes and become destitute until the fistula can be repaired (Agboola, 2006). The six women with VVF had repair but four were abandoned by both their husbands and parents and three of the four now engage in prostitution. The last section looks at the outcomes of these marriages.

6.3 Outcomes: High rate of divorce, abandonment, prostitution and early widowhood

The last section examines consequences that originate from their experiences include prostitution, divorce, widowhood, and abandonment, contentment with regrets, unexpected opportunity of education and change in social status.

Aminat 21, was married twice, first at the age of 7 years to a 70 years old man who died when she was 12 years old and pregnant. She was again forced into another marriage at the age of 13 with a 48 years old man. Aminat's narrative is used as a case study in this section.

I was married twice; the first marriage was when I was seven years old; I was given to an old man as his second wife after the death of one of his wives. My mother called me one afternoon and said your father said someone has asked for your hand in marriage and he has brought gift items for the family and that my

father and the man are making preparation for the marriage rite. I don't even know how to react then; I know girls in the village are getting married but not at the age of 7 years, so I don't know what to say. One of my mother's sister asked my mother if I will go to my husband's house immediately after the marriage ceremony and my mother said no that I will still stay at home until I'm nine years old. So after the wedding ceremony, I stayed with my parents for two years until when I was nine years old, and they took me to his house. When I was in my parents' house, he used to come, and he will bring different gift item for my family and me, I used to be very happy because then I don't know what marriage means. When I was nine years, I was taken to my husband's house. The first three nights, I got to his house, I slept in his first wife's room. After that I was given my room, the first night he came to my room, he asked me to sit on his lap. He started touching my private part, I started crying, but he said I should not cry that he will buy me whatever I want when I could not bear the pain I started crying. He said with time it would not be painful anymore, I had bruises, and for some days I could not walk very well, but every night he kept coming and do all sort of things with me, all sort of thing that a mature girl will never allow any man to do with her, but then what can I do. With all the pains, I still have to do the housework; I will wake up 5 am in the morning to sweep the compound, boil water and help the senior wife with cooking. I felt pain all the time in my private part, and the older wife said I should put salt in hot water and be sitting on it so that the bruises can heal fast; even then, I have not started seeing my period. I started seeing my period when I was 11 years old. He passed away when I was 12 years old. I was pregnant at the time but lost the baby after prolonged labour, which went on for hours before I was taken to the health care centre.

After his death and since I lost the baby, I returned to my parents' house, and when I was 13 years, my father arranged my marriage with another. I was afraid because I don't want what happened before to happen again, I don't want him to be having sex with me all the time, but maybe that is what marriage is all about. Although he is not as old as the first man, he was 48 years old and has three wives, His wives do not like me they said I should not kill their husband, so they used to gang up to fight me, sometimes I fight them back and sometimes I will just be crying because I hate everything around me. When I was not able to get

pregnant on time, my husband started maltreating me, and after a year I got pregnant and had a miscarriage, he and his wives called me a witch that I killed the baby. I went to my parents, but my father said I couldn't come to the house that he has tried getting me a husband so that I will not bring shame to the family and that if I can't manage my marriage, it's my problem. I return to my husband's house in tears without anybody to share my pains with; I live like an outcast. One day I went to the village market, and there I met a girl of my age we became friends, she told me all that she was going through in her marriage that her senior wives don't like her that they are maltreating her just like what I was going through. She said her sister works in the city and that she will be going to the city to work with her sister, I begged her if I can come with her, she said yes, that was how I ran to the city with her and her sister got me this job (as a housemaid).

Child marriage has been linked to wife abandonment, and the increased rate of divorce or separation among young married women and in most cases pushes young girls into prostitution (UNICEF, 2014). Child brides also face the risk of becoming a widow since their husbands are often considerably older. In such instances, the wife is likely to suffer additional discrimination as in many cultures divorced, abandoned or widowed women experience the loss of status, and may be ostracised by society and denied property rights (Tilson and Larsen, 2000).

In communities where child marriage is practised, desertion by husbands may have a significant, devastating effect on a young bride than the early marriage itself because of the stigma. Child Marriage in most cases detaches young girls entirely from their parental homes which means, young married girls can no longer move back to live in their parents' home (as in the case of most young women in this study). And when separation from such marriages arise either through abandonment or divorce, these girls no longer belong to anyone or anywhere. They are usually left with the responsibility of raising children without their husbands' or families' financial support.

Outtara et al., (1998) observe that girls who marry early are three times more likely to be divorced than those who get married at a mature age. However, the causes of divorce in early marriage and their impact on young brides and the society at large are neither seen as essential nor fully understood by most people especially parents (Tilson and Larsen, 2000). In Nigeria, the high rate of divorce

and more often extra-judicial divorce among young married people in some part of the country especially some northern states have been attributed to the practice of child marriage (Muhammed, 2006; Ukwoma, 2014). According to one of the NGO's officials interviewed in Abuja, the reason for divorce in child marriage is because the young girls who were forced into marriage at a very tender age, have now grown to understand that the men are either too old for them or the marriage is not what they want. She explains that most of these young brides end up running away from their marriages because they now realise what they want.

Young brides are also exposed to untimely widowhood because of the wide age gap between them and their husbands. These husbands are older men who also have other wives and many children. When these men die, their young brides become widows at a very tender age and in most cases with little or no means of livelihood and may be left alone to fend for their children. These young widows are sometimes enslaved by those providing assistance to them. In several cultures, widows are severely neglected and discriminated against and are pushed to the margins of their communities. After their husbands' death, most of them are neither able to exercise their right of inheritance because of their age nor continue to live in their marital home (Ukwoma, 2014). This was the predicament Aminat was confronted with.

Young girls who are unable to cope with their husbands' sexual and abusive behaviour often run away from the marriage and being rejected by their families and relations are tempted to take prostitution for survival. As accentuated by Muhammed (2006), forced and early marriage which is contracted before the age of puberty have been identified as one of the causes of high rate of divorce and prostitution in northern Nigeria as the young brides flee their marriage and take refuge in brothels known as 'Gidan Karuwai' in the Hausa language. When this happens, these young brides are believed to have disappeared into the world to become 'mistresses' on their own.

Zainab affirmed this in her statement by emphasising that she now owns her body and any man that wants her body must pay without maltreating her. This appears to be a universal trend as a report by UNICEF (2015) established that two-thirds

of young married girls and women engaged in prostitution in Nepal are mothers who cited providing for their children as the main reason for working as a prostitute following their husbands' abandonment (UNICEF, 2005). Research carried out in Mexico on whether child marriage and adolescent motherhood increase the risk for commercial sexual exploitation of young girls currently engaged in prostitution, similarly reveals that husband abandonment plays a primary role in young married girls participating in prostitution (UNICEF, 2014).

Furthermore, young women who were either abandoned, widowed or divorced usually find it difficult to engage in any meaningful work after being segregated from the marriage and families. Since they are denied the opportunity to develop marketable skills due to lack of education and trained vocation, most of them either work as domestic servitude or engage in prostitution. This is more so that ostracism is likely to affect them more than their husbands. This will further reduce their possibility of building a new life for themselves (Mikhail, 2002). Vulnerabilities were found to be higher in adolescent mothers, who had to bear the responsibility of providing support for their children (Silverman, 2015) as in the case of Oyeye, the 19 years old young mother who was abandoned with three children to cater for.

Of the fifteen young women interviewed, eleven were no longer in the marriage. One became a widow at the age of 12 years, five ran away from the marriage, and five were divorced by their husbands and abandoned by their parents because of their VVF condition, and as a result, they became prostitutes. Those that ran away from their marriage explained that on several occasion they ran to their parents' house, but they were beaten by their parents and returned to their husbands' houses. Some said their parents threatened to disown them if they ever escaped from their husbands' house again, according to them that was why, when they eventually ran away from the marriage, they never bothered returning home to their parents. Some of these young women complain bitterly about their husbands' sexual abusive behaviours. While some explain that they end up in prostitution because of the maltreatment they received from their husbands, in-laws and senior mates (wives), while others say it's because their husbands divorced them and abandoned by their parents.

Hadiza, for instance, explains that it was because of the maltreatment from her husband and her senior mates that made her run away from the marriage at the age of 15 and since then she engaged in prostitution for survival. Zainab was abandoned by both her family and her husband at the hospital. She explains that after the death of her baby she suffered a severe case of obstetric fistula and while at the hospital, her husband abandoned her and her father who was supposed to stand by her sent her elder brother to give her some money and warned her never to return to the family house. She said -

“My husband abandoned me, my father sent my belongings to me at the hospital with a sum of N900 that I was not expected back home since I had brought shame on my family”.

These young women's issues highlight the profound vulnerability of young married women. They have done all that was expected of them. They have performed their roles of being obedient to both their parents in accepting the marriage even without their consent and to their husbands as respectful wives, doing domestic chores, getting pregnant. But at the end of it all, they were either abandoned or divorced. This buttresses the observation that challenges associated with child-marriage engender social exclusion and abandonment by their husbands and families leading to loss of status and a life of poverty and misery (Ukwoma, 2014).

Conclusion

The discussion in this chapter has revealed the expectations, experiences and consequences of child marriage on young girls in northern Nigeria based on their lived experiences. While some young women described marriage as enhancing their social standing and increasing their dignity and respectability within the community, others expressed their experience of marriage in a very conventional way, and of restraining to normative ideas of marriage at the age of puberty. They described themselves as poorly prepared for marriage, with marriage itself experienced as a traumatic separation from childhood. From their substantial pieces of evidence, it is discerned that marriage though accord married women respect and status within their communities, child marriage, however, has a wide range of adverse impacts on young girls' social, physical and psychological

development. It is also established that young brides are vulnerable to domestic violence, sexual violence and rape. Although young women's vulnerabilities to violence are shared with those of adult women, these young girls experience vulnerabilities in specific ways because they are children and lack understanding at that age.

Girls who marry early have little or no decision making power within their homes mostly due to the wide age gap between them and their husbands and child marriage result in early sex and early childbearing which often leads to complication in childbirth and complex medical problems such as VVF. Girls who married before they turn 18 are likely to be withdrawn from school or never have the opportunity of being to school because there are no schools in their communities. The experience of young brides in marriage is motivated by the reasons for the marriage in the first place. Reasons for child marriage are similar everywhere, and this will be the focus of the next chapter.

CHAPTER SEVEN

Knowledge and Attitudes towards the Practice of Child Marriage

7. Introduction

There are varied reasons for the practice of child marriage. These motivations could, however, be products of the interplay of social norms, economics, structures and familial motivations. This chapter examines the response of stakeholders and key informants to the practice of child marriage in northern Nigeria about the stimuli for the practice and rationalisations on its prevalence in the north of Nigeria.

The chapter is divided into three sections. The first section broadly examines the reasons for the practice of child marriage and explores the knowledge of the meaning of a child and child marriage from the perspective of the respondents with the discourse focusing on factors that they consider as engendering the practice. The respondents emphasised in this regard on elements encompassing poverty, protection of virginity and upholding honour, the high cost of education, and limited educational opportunities. The second section focuses on the factors explaining the high prevalence of child marriage in Northern Nigeria with the discourse centring on religion and cultural practice, conflict and insecurity, regional differences in age of maturity and time of marriage, ignorance and lack of exposure to outside communities and conflicting laws in Nigeria. The last section examines the position of Islam on child marriage.

7.1 Reasons for Child Marriage

7.1.1 Knowledge of the Meaning of a 'child' and 'child marriage.'

The definition of a child in Nigeria, as discussed earlier in chapter four, varies from one state to another, and most people are not aware of what the law says about who is a child. Also, the level of understanding differs from one region to another as there are differing ages in different pieces of legislation within the country. Different stakeholders define the Child according to the accepted age in various States. The definition of the Child Rights Act is hardly recognised by most stakeholders most especially those from the northern states who believe the

Islamic period of puberty should define the child. From an Islamic point of view, the child is set in different ways.

Respondents from NGOs, government officials and the lawmakers define a child as anybody from age 0 to 18 years, or anybody who is under the parental care and still in education either in primary school, secondary school or at tertiary level. Religious leaders and most parents define a child based on the Islamic age of puberty. One of the religious leaders, Mallam Ibrahim (interviewee 27) explains that:

‘The word ‘child’ connotes someone little, maybe a toddler, or someone who is still in elementary school and has not reached puberty’.

Most of the religious leaders lowered the inception of adulthood from childhood to between 10 and 14 years. Another Imam, Mallam Hassan (interviewee 28) explains that:

‘From an Islamic perspective, one can be considered a child as long as he or she has not reached the age of puberty. The age of puberty is determined in Islam for a lady mostly by her first menstrual period. It could be from 9 years, ten years or 11 years’

For some of the parents, a child is any person who still lives and depends on his or her parents for everything. Some are of the view that anyone who has attained puberty even if he or she is still in school has become an adult and can no longer be regarded as a child. Therefore, if one marries such a person, it is not considered child marriage. This range of responses perhaps reveals the lack of a single legal guide as to when exactly childhood ends, and adulthood begins. The lack of knowledge on this affects negatively on children’s rights and livelihood in Nigeria generally.

Knowledge of the definition of child marriage was a subject of controversy during the various interviews. Although, all the respondents understood what child marriage mean, their interpretation differs based on the definition of a child. Respondents from NGOs, government officials, the lawmakers, and some health care practitioners define child marriage as marriage below the age of 18 years, which is believed to be common with young girls in some part of Nigeria. Religious

leaders and some parents from the north responded that marriage at the age of puberty even if it is from the age of nine is not child marriage because according to them, puberty marks the beginning of adulthood.

For instance, Mallam Adamu, one of the Imams from the north (interviewee 29) states that:

'In Islam, age does not determine marriage, its maturity, and once a girl reaches the age of puberty, she is mature enough for marriage. Islamic sees the age of puberty as the age of maturity.'

One of the NGO workers Abdulganu (interviewee 31) also added that in most of the communities where he works, parents do not regard the marriage of a 12-year-old girl as child marriage. To them, a 12-year-old girl is mature enough for marriage. The variation in the definition of child marriage shows the extent to which young girls in northern regions are at significant risk of being married off since there is no clear distinction between the marriage of a girl child or a grown-up woman. In fact, for some parents, it may be a case of the earlier the wedding, the better since they will be relieved of the responsibilities of taking care of their girl child. Yarrow et al. (2015) note that child marriage is a coping strategy and a means of survival for families living in poverty.

7.1.2 Poverty a Contributing Factor and Consequence of Child Marriage.

Poverty is one of the underlying factors that influence the practice of child marriage. Globally, poverty is a significant cause, as well as a consequence of early marriage for many young girls under the age of 18. In many traditional settings, low-income families use the early marriage of their daughters as a strategy for reducing their economic vulnerability by shifting the financial burden related to a daughter's care to the husband's family (Otoo-Oyortey and Pobi, 2003). Research indicates that the poorest countries of the world have the highest rate of child marriage and the practice is common within the most impoverished regions, with the lowest gross domestic product, and within these impoverished regions, child marriage is common among the poorest households (ICRW 2006; ICRW, 2015). Even in a developed nation such as the U.S.A, Syrett (2016) notes that early child marriage among poor rural communities.

A survey by UNICEF (2005) on women ages 20 to 24 in 49 countries, shows that child marriage is most common among at least 20% of the most deprived households in every country. More than 50% of girls living in the poorest households and those lacking primary education in the developing world are more likely to get married at a younger age than those with primary education or from wealthier families (Nour, 2006; Glinski et al., 2015). A similar exercise indicates that a girl from the most impoverished household in Senegal is four times more likely to marry before the age 18 than a girl from the wealthiest family within the same region (UNICEF 2005). In Nigeria, 80% of girls from the most impoverished families especially in northern Nigeria marry before the age of 18, compared to 22% of the wealthiest families in the same regions (UNFPA 2003).

In consequence, child marriage aids the maintenance of the cycle of poverty by ending young girls' education, forcing them into early and repeated pregnancies, and restraining their opportunities for employment (Girls Not Brides, 2016). In communities where there is extreme poverty, many parents, on the one hand, believe genuinely that marriage is in the best interests of their daughters because it will secure their futures since parents feel they have fewer resources to invest in alternative options for their daughters (Mathur et al., 2003). Cohen (2004) relatedly notes that in most impoverished communities, getting married and bearing children are often the only way young girls can secure identity in families and the status of adulthood in society. On the other hand, parents may force their daughter into marriage to release themselves from the economic burdens of her upbringing (UNICEF, 2014).

Girls, within this context, may be viewed as an economic burden that needs reducing by marrying them off; a commodity that can be exchanged; a means for settling familial debts or disputes; or means of securing social, economic or political treaties (UNPF, 2012). Likewise, some parents because of selfish ambition and avarice motivate forced their daughters into early marriages, to reap economic benefits from bride price or dowry paid on their daughters. Bride price and dowries create additional incentives for parents to arrange the marriage of their young girls at an early age. Cohen (2004) notes that in Bangladesh, the price of the dowry increases with the age of the young woman.

In Nigeria, about 112 million people are living below the poverty level, according to statistics from the National Bureau of Statistics (Premium Times, 2012). A survey by the National Bureau of Statistics shows that from 2004 to 2010 the percentage of people living in extreme poverty has increased from 54.7% to 60.9%. The number of Nigerians living in absolute poverty increased from 86 million in 2004 to 100million in 2010 (BBC NEWS, 2012). Instructively, statistics have also shown that Northern Nigeria has the highest poverty and illiteracy rates compared to other parts of the country (UNESCO, 2012a; Erunke, 2013; DFID, 2011), with Sokoto state having the highest poverty rate 86.4%. In the north-west and north-east of the country, poverty rates were recorded at 77.7% and 76.3% respectively, compared 59.1% in the south-west (BBC News, 2012). The increasing level of poverty and the poor living condition of the populace, which have worsened over the past years when compared with previous years, especially in northern Nigeria undoubtedly fuels the practice of child marriage.

Some of the young women, mothers and some of the stakeholder interviewed cited poverty as the driving force for early marriage. Six of the young women interviewed gave poverty and parents' greed as a reason for their early marriages. One of these young women is Oyeye who was married off at the age of 13 to settle her parents' debt. Oyeye's parents needed money and goat for sacrifice which they could not afford. Consequently, they borrowed money from the herbalist who made the sacrifice for them, and since they could not pay back the money, as years went by, the herbalist demanded to marry Oyeye as a way of offsetting the debt. She said:

"My parents could not pay the money they owed the man; he asked that I should be given to him as a wife to clear the debt".

According to her, her parents' poverty was the reason for her predicament in life. Bilikisu in her own story explains that although there are no schools in her village, there are schools in nearby communities where children from her locality attend. But because her parents are destitute, they could not afford to buy her books, and school uniform or give her money for her daily feeding at school, hence, she could not go to school.

Poverty also influences parents' greedy attitude in giving out their daughters in marriage for desired property or commodity. Rashidatu states in her story that it was her father's greed that pushed her into early marriage. She explains that although they were not rich at the same time, they were not poor compared to other people in the village. However, because of her father's excessive desire for money, he arranged her marriage to his friend's son after taking £120 (N35, 000) from his friend. She explains further that her father as a big-time farmer could afford more than the money he took from his friend, but the desire to get free money from his friend in exchange for his daughter was the reason for the marriage. In Hamida case, it was her father's desire to acquire cows that forced her into early marriage. According to her -

"My father said he had accepted five cows for my hand in marriage, and more cows will still come, so I cannot say no to the marriage..."

Hajjah Maryam (interviewee 30) and Hajjah Suliya (interviewee 32) both explain that poverty is a major problem in northern Nigeria, especially in the rural areas. Having a source of livelihood is difficult, and despite that, poor men in rural areas have more than one wife with so many children than they can provide for and the only way to reduce their responsibilities is to force their young girls into marriage. Hajjah Suliya further explains that:

"Since it is difficult to make ends meet especially in rural areas, once they notice that a girl is ripe and due for marriage they give her out to whoever they see as the richest bidder. Yes, it is based on poverty, because they won't force her into marriage with somebody who is a pauper."

Similarly, Hajjah Maryam also said:

"Because they are poor and don't have money, first, they won't send their children to school especially the girl child because of the high cost of education and secondly, they won't go to the hospital when they are pregnant, so everything has to do with poverty."

A director in the Ministry of Women Affairs in Sokoto (interviewee 23) explains that poverty in northern Nigeria affects more women than men because most women marry at an early age without education and have no source of livelihood,

they depend on the husband and are not able to make an independent living. She said -

“Mothers are at disadvantages because they lack education, basic skills and the ability to support their children”.

One of the NGO workers Abdulganu (interviewee 31) explains that it will be difficult for any woman to concentrate and contribute to the growth and development of her family if she marries at a tender age before she even begins to discover who she is and without having any primary education. This buttresses Otoo-Oyortey and Pobi (2003) assertion that early marriage violates girls’ right to a future, and perpetuates the feminisation of poverty by denying girls the opportunities for education, livelihood skills and personal growth. A young girl who is forced into marriage and put under pressure to become a mother without any preparation for such a role, will not only lack decision-making and negotiating skills, but also lack other resources and experiences which should have help her to develop, and ensure the development and well-being of her own children (Otoo-Oyortey and Pobi, 2003)

Similarly, inadequate of employment opportunities for girls once they complete their education tempts most poor parents from choosing between investing their limited resources on education which may not profit them and marriage that will bring much more financial and material benefit for them. For this, most poor parents, especially in rural areas, choose marriage over education. Their perception is that education will have no long-term benefit for their daughters once married, and in these circumstances, marriage can be considered the only viable option to safeguard girls’ future and relieve the poor parents of the economic burden through gifts and financial support from their in-laws. According to Hajiah Maryam -

“The prosperity of education doesn’t give these poor parents much hope that education is the way out because parents see the children as their pension. When they grow old, the children are the one that will look after them, but when these children finish school and could not get a job, or not employable because of the kind of education we have is not aligned with the kind of productivity you expect, they get discouraged.”

While arguing the impact of poverty on child marriage, it is essential to consider the astronomical amount of money most parents spent on their daughter's wedding. Abdulganu NGO staff explains that although most parents claim their reason for early marriage is poverty. They spent a lot of money on the wedding ceremony, at the same time buy expensive household furniture and kitchen utensils for their daughters because in Hausa land the man pays the bride price, but the bride must come with all household furniture. For that, most parents forced their daughters out of school to hawk to raise money for the wedding. He explains further that such funds could be put towards the education or vocational training of these young girls. In the words of Abdulganu -

“Giving poverty as a reason for early child marriage is baseless because other poorer parents will prefer to sell their property to give their daughters a better future than forcing them into early marriages”.

This reinforces Turner (2013) emphasise that the links between child marriage and poverty are not straightforward, therefore should be interpreted with caution. The practice of child marriage is not restricted to 'the poor' or 'poorest' within a given community. Turner argues that in most cities, children, especially girls, are treated as capital or commodities to be exchanged in return for goods, money or livestock, so with or without poverty, the cultural perspective in those communities is that female children are commodities that can be exchanged for an economic benefit. She notes that while a family living in absolute poverty may find it difficult to force their daughter into marriage to reduce the financial burdens because of their passion for education, a family who may be relatively more economically secure may marry off the daughter because of the benefit they will get (Turner, 2013).

Although, poverty may not be a significant factor in the practice of child marriage, when analysing it with other intersecting factors such as education, exposure, geographical location and group or social pressure, one will see poverty playing a significant role. A low-income family without any education or exposure, living in a rural community where there is pressure for early marriage will be compelled to force their daughter into marriage. However, review of the literature on the link between child marriage and poverty shows that in wealthier countries where girls

have access to quality education, training and other employment opportunities, child marriages are not common, in the in Canada it is 1%, while in the UK is 2% (UNICEF, 2016). This shows that girls from wealthy nations benefit from delayed marriages because of access to education, skills and employment opportunities before they marry than girls from poorer countries. Poverty influences gender discrimination since most poor parents prefer to send their little resources to their male children.

7.1.3 Child marriage is rooted in gender discrimination

There is a strong correlation between early child marriage and gender discrimination, in many societies, women and girls are subject to deep-rooted norms, attitudes and behaviours that assign them a lower status than men and boys within the household, the community and in society at large (Plan International, 2014; Tuwor and Sossou, 2008). Historically, there exists an unequal power equation between men and women in most communities. Women have been either denied access to or granted unequal access to economic opportunities, power, status and privileges, they experience unequal access to resources and decision-making processes, with limited mobility in most countries (Alemika and Agugua; 2001; Tuwora and Sossou, 2008). Child marriage as a product of social and cultural norms, devalue women and girls by discriminating and limiting their roles to domestic realm and consequently preventing them from accessing educational, vocational or economic opportunities outside their homes. Such discrimination according to UNICEF (2007) manifests in the form of domestic violence; marital rape; lack of access to information, education and health care; and to general impediments to mobility.

In one of her public speeches, Flavia Pansieri, the Deputy UN High Commissioner for Human Rights, notes that Child marriage is rooted in unequal gender status and power relations that result in the perpetual subjugation of girls and women. She explains that in the absence of possible legal remedies, discriminatory cultural practices based on stereotypical views of women's roles and sexuality is part of the structural causes of child and forced marriages (UNHR, 2014). Gender prejudice is entrenched in many cultures, and this engenders a massive gap in the way boys and girls are perceived. The unequal

gender norms manifesting in the practice of early child marriages affects girls more relatively than boys (Hodgkinson, 2016). Roughly 16% of girls in developing countries between the ages of 15 and 19 are married compared to their male counterpart, suggesting that discriminatory beliefs and practices continue to undermine women's rights globally (Ford, 2014).

In many societies in developing countries, a higher value is attached to male children. Sons are considered formally and economically desirable because they ensure the continuation of lineage and family name and are also expected to be of economic support to their parents in their old age (Barooah, 1999). Thus boys are encouraged to succeed in school, prove their sexuality, engaging in physical activity, and demonstrate their ability to shoulder household financial and social responsibilities. While girls are viewed as a burden that needs the protection of others to be secure thereby define regarding entry into the marital state. Consequently, the emphasis on girls is on domestic work and obedience, traits seen as essential for becoming good wives and caring mothers (Yarrow et al., 2015; Saxena, 2007).

Studies also indicate that the gender norms surrounding the division of labour in household suggest that the roles and responsibilities of females are restrained to reproduction and caregiver, while that of a male as the head of the family (Hodgkinson, 2016; Walker, 2012). This means that physical and biological factors such as puberty and menarche define when a girl child is old enough to marry. A girl is valued in these responsibilities and not in her skills or her intellectual abilities. On the contrary, Yarrow et al., (2015) note that a male's readiness for marriage is defined by his cultural, social, economic and educational achievements which allow him to earn and provide for his family.

Gender discrimination cited by some of the young women, parents and government officials interviewed as one of the factors influencing the practice of child marriage about girl child education, age at marriage, and social and financial responsibilities within the family. Many respondents described how gender roles affect all aspects of girls' lives and prevent them from attaining their full potentials. Response from stakeholders shows how traditional and cultural norms define women's place in the home, and how these limit their decision making power.

This exemplified by the fact that traditionally women are seen as being responsible for shouldering the burden of all domestic work, yet are commonly undervalued and seen as weaker sex by men (FORWARD, 2014).

some of the respondents explain the general attitude of most parents about the view that girl child's ultimate destiny and highest ambition is to be a good housewife and a caring mother who does not require any formal education or particular vocational skill. Others explain that to most parents investing in girl child education is a wasted effort as she will eventually get married and move to another family where her education will be of no use. A Director in the Ministry of Women Affairs (interviewee 23) corroborates this view by stating that -

'Parents' believe girls are more useful at home, helping with housework and taking care of younger ones who will eventually be her role when she gets married'.

Similarly, Abdulganu (interviewee 31) one of the staff of an NGO working with communities and creating awareness on the eradication of child marriage also explains that most parents believe that the money an educated woman earns belongs to her husband's family rather than them. This results in the perception that families will get no reward for their investment in their daughter's education. He notes:

'The question most fathers ask is - why should I send her to school when the money she will earn after school will be for her husband and his family. What then will be my gain for sending her to school?'

This ideology has contributed significantly to the low enrolment ratio of female children in schools. In Nigeria, girls' access to basic education, especially in the north, has remained low and the proportion of girls to boys in school ranges from 1 girl to 2 boys and even 1 to 3 in some states (UNICEF Nigeria, 2007). In 8 Northern states, over 80% of women are unable to read and write compared with 54% of men. In Jigawa one of the northern states, 94% of women are illiterate compared to 42% of men (British Council Nigeria, 2012).

The gender construction of boys and girls has a significant effect on the decision to marry early. Furthermore, the age disparity at marriage between men and

women is rooted in stereotypical gender roles that remain in most cultures since girls are identified with their future roles as mothers and wives and boys as providers and leaders in the home (UNICEF Nigeria, 2007). Girls, therefore, are deemed to be ready for marriage at an earlier age than boys who ought to be ideally financially secure (Bunting, 2005). One of the mothers interviewed, Hajiah Zadiah (interviewee 18) states that girls from her village marry from the age of 12 while boys marry from the age of 20. According to her:

“Boys have to work and make money to provide for their families before thinking of marriage; girls must marry early, start childbearing, and take care of the family”.

In giving credence to the stereotyping of women, another mother Hawawu Abubakah (interviewee 20) highlighted a new angle to the argument by observing that the age at marriage in her village for girls is between 12 and 15 years, while it is between 25 to 30 years for boys. She also states -

“No single man will be willing to marry a girl of 16 years except a married man because at that age, she will not be submissive and her husband will not be able to control her. But young girls married from the age of 12 or 13 years are always submissive and obedient”.

These cultural norms, hierarchies and control secure the male a position of dominance in the household, allowing him to exercise his power over many critical issues, control the family finance and assets, and make decisions for the family. Beyond these, they also impose on him the authorities to monitor the activities and movements of his wife, since her role is considered inferior (Yarrow et al., 2015). In a patriarchal society, Spencer, (2015) and Karkal and Rajan (2005) note that women are expected to live under the dominion of a male family member, either the father, husband or son. The interdependencies between family members in patriarchal systems are explicitly hierarchical, men defined the women's role within the family (Yarrow et al., 2015). Marriage in this setting is a way through which a father transfers his patriarchal rights over his daughter to her husband; secures his social status as a dominant male and improves his economic ties through financial rewards from dowry or bride price for transferring this right (Yarrow et al., 2015). This transfer, according to Karkal and Rajan (2005), is expected to be carried out at an early age before a young girl can

question the decision. This marriage also ensures that both the father and her husband retain dominance over her since young girls are considered to be obedient and respectful.

Studies indeed suggest that in Nepal, Pakistan, Bangladesh and in most African countries, a young girl is described as a good daughter and a suitable bride by being submissive, respectful and well behaved (Samuels and Ghimire 2014; Engebretsen and Kabore 2011). Bunting (2005) equally notes that in Pakistan, Bangladesh and Nigeria girls are socialised to maintain a home from the age of 12 and considered ready for marriage at puberty. The assumption underlying this is that a useful and valuable daughter is supposed to be submissive, docile and shy at such age (Samuels and Ghimire 2014; Engebretsen and Kabore 2011).

Respondents state that the role of a wife and a mother is instilled in female children right from an earlier age to prepare them for the challenge of motherhood. Girls are expected to stay close to their mothers to learn how to cook, take care of children and keep the house clean. While boys stay close to the father, take lessons on manly activities and how to protect the family. One of the mothers Hawawu Abubakah (interviewee 20) said:

"I was taught from a small age that a place of a woman is in her husband's home, taking care of her children and husband. Marriage is very important in our village and those who are not married at the right age, are not treated with respect."

Child marriage does not only reflect and support gender hierarchies, but it also prescribes how a young girl should behave. The desire for a husband to dominate his wife is considered one of the critical reasons for the significant age gap between child brides and their husbands since this age gap ensures that the bride will be more submissive. Beyond this, the belief that young girls are virgins makes them more attractive to men (Yarrow et al., 2015). This social-cultural factor has generated identity-protective perception on the issue of child marriage. Likewise, hierarchical communal men are most interested in the claim that a girl will become promiscuous if allowed to go to school and have a good profession, because to them (these men), girl child education threatens their identities of being the breadwinners and cultural beliefs of women being the home keepers (Spencer, 2015). To them, therefore, an educated and a professional woman symbolises

the vilification of motherhood and a challenge to an established patriarchal society known and acceptable to men. According to Hawawu Abubakar:

'My husband thinks most educated girls are arrogant and cannot be good wives, he said they are not always obedient to their husband, most men do not want to marry them'.

In many countries, the disparity between when women and men are married is reflected and arranged in law. It is common to find that the marriageable age for girls is one or two years less than that of boys. In Colombia, according to the national youth policy (2014), Age of maturity for girls is 14 years with parental consent and 18 years for boys. In Algeria, the age of marriage is 21 years for male and 18 years for female, while in Burkina Faso, it is 20 years for a man and 17 years for a woman (UN, 2008). In Nigeria, the legal age of marriage for both boys and girls is 18 years, but this legal age is neither implemented nor enforced in most northern states where child marriage is being practised. Girls from north of Nigeria marry from of 10 years or lower by being subject to Sharia law, common religious practice in the region. In general, while child marriage engenders gender discrimination, it is often rationalised on the basis that it enhances the protection of young girls' virginity to prevent them from bringing shame and dishonour to their families.

7.1.4. Girls are to protect their Virginity to Uphold Family Honour

A woman's sexuality in many cultures around the world is not her own to control, but the responsibility of her father, husband, and her family or her entire ethnic group. For this, the decision to marry and initiate sexual activity most of the time is not from young girls' but their family members, whose honour and shame are defined by whether young girls are virgins before marriage or not (Mathur et al., 2003). Honour in this perspective according to Alanen (2016) is a complex set of rules that a young girl has to follow to protect the family name and maintain family position.

The family can severely punish a young girl who is perceived to have violated this family code through premarital sex or pregnancy out of wedlock in the name of protecting or defending the family's honour. Once a girl begins the menstrual period, the primary concern of her family members who are accountable for

safeguarding her sexuality is the fear of her engaging in a pre-marital sexual activity or becoming pregnant. In some cultures, a girl can incur the stigma of being sexually promiscuous by merely looking at a man, smiling, or appearing in a location or setting that is considered inappropriate for young girls.

Thus, the timing of a girl's first menstruation is associated with the first steps towards marriage in many cultures (Mathur et al., 2003). Amongst many communities, virginity is highly placed, and child marriage is used as a way of preventing a girl from engaging in sexual activity and protecting her from unwanted pregnancies. The value of virginity is so high that parents will give their daughters in marriage at or even before puberty to protect themselves from shame and dishonour. In furtherance of this, girls are often withdrawn from school as soon as they begin to menstruate out of concern that their exposure to male pupils and teachers may place them at risk.

The significance of virginity and the socio-cultural values like honour reinforces child marriage. The belief is that to ensure the chastity of the girl she must marry a child (Bhat, 2005). In case a girl engages in sexual activity before marriage, her entire family will be stigmatised and other young girls in her family might because of that not get any man in the community to marry them. A study by Plan International (2013) in Bangladesh, India and Nepal shows that parents were responsible for their daughters' early marriage to protect their integrity until marriage.

In Northern Nigeria, child marriage is seen and engaged in as a way of preserving young girls' virtues. The rationale for this is to ensure the protection of young girls' virginity and, also, that they do not become pregnant out of wedlock. Based on these reasons, it is common to see a young girl of 12 years old or even younger already married. Furthermore, aside from the justification that child marriage protects girls from illicit sex, the practice is carried out also to preserve family honour. Therefore, to avoid dishonour and the shame attached to pre-marital sex, most parents marry off their young girls before the age of puberty.

The primary rationale for child marriage as expressed by most of the religious leaders interviewed is the risk of girls engaging in sexual activities before they are married. Marriage before or at puberty is, according to them meant to

safeguard their fidelity by ensuring that they are already with their husbands by the time they attain sexual maturity. Parents and NGO workers mentioned concerns about consequences of sex outside marriage in diverse ways, ranging from sexually transmitted disease, unwanted pregnancy, social stigmatisation, dishonour and shame to the family, and exclusion from the family. Some of the Imams explain the practice of child marriage from the religious point of view that Islam allows early marriage to prevent promiscuity and to avoid illicit sex and other immoral acts noticeable in the society. NGO workers emphasised how their parents abandoned girls who had sex outside marriage, and those who became pregnant before marriage were ostracised from the family and the community with their babies. According to Mallam Ibrahim-

‘The prophet encourages us that when a girl is of age, once she understands the secret of sex then she should get married that is why most Muslims parents give out their daughters in marriage at an early age when they see that they are mature physically’.

The rationale for this according to Mallam Ibrahim is the assumption that for any girl that has attained the age of puberty, the chances of committing adultery are greater. The only solution to protect a young girl from having sex before marriage, therefore, is to give her out in marriage and help her to live according to the will of God. He explains further that by Islam standard, young girls are not supposed to be sexually active before marriage because marriage is a holy union in which a young woman has to be ‘pure’ before entering into it. To be pure means to be a virgin, which brings honour and respect to her family. And if a girl participates in sexual intercourse before marriage, she is seen as a wayward girl who has brought shame and dishonour not only her family but her entire community as well. One of the NGO workers Musa (interviewee 34) similarly emphasised that most parents in northern Nigeria regard early marriage as a way of ensuring that their daughters have dignity and are socially accepted within the community. Furthermore, a mother Hajiah Dije states that-

‘Virginity is the most precious thing for a girl, and how she earns her respect in the village. Losing it before marriage means losing everything she has in her life’.

Similarly, another mother explains that it is circumstances that sometimes push them to marry out their daughters at an early age. According to Amina Aliyu (interviewee 19)-

“...we are not forcing our daughters to get married earlier. It is the circumstances that forced us. Imagine I have two daughters, we don't have schools in our village, and we don't have money to send them to school in other villages. They have nothing to do, but sit at home and sometimes go out to visit friends. This is very dangerous for young girls because if they get pregnant, the shame will be on the family”.

Three factors can be drawn from her explanation, lack of schools, poverty and family honour intersect to influence her daughter's early marriage. NGO worker Musa (interviewee 34) explains that religious and community leaders influence parents by encouraging them to arrange the marriage of their daughters early either before or at the onset of puberty. Due to a perceived need to preserve girls' virginity and to protect themselves and their daughters from the risk of shame or dishonour attached to the immoral or inappropriate behaviour of sex outside marriage. To bolster this fact, Hawawu Abubakah notes as follows -

'We were always advised by our elders and leaders that we should not allow our girls to be promiscuous so that their sins will not be on us, a girl who is not married after puberty will be promiscuous, and her sin will be on her parents'.

Fear of promiscuity which leads to sin not just for young girls but their parents pushes parents to early child marriage. Elders in most communities talk of the shame which would be brought into a family if their daughter becomes pregnant out of wedlock. Rather than confront teenage sexuality and encourage safe and protected sex, parents and religious leaders promote early marriage for girls. Those who explain a girl's readiness for marriage about her physical maturity do not discuss her psychological and emotional maturity nor her level of education.

In some cases, parents believe marrying off their daughters at a young age will protect them from contacting sexually transmitted diseases. They think that giving out girls in marriage from such an early age, creates a sense of security against sexual promiscuity and protection from sexually transmitted infections. Young girls also regard their virginity as a way of gaining social status, which will

ultimately improve their economic situation. This perception, in practicality, is not correct because most of the time young girls are forced into marriage with older men who have multiple partners and have enjoyed abundant sexual voyages, thereby, placing those young girls at the danger of contracting sexually transmitted diseases such as STD and HIV/AIDS (Salaudeen, 2015). Also, the imperative of virgin brides seems to drive early marriage in many places. Apart from protecting virginity to uphold family honour, the costs of schooling coupled with inadequate and lack of quality education, together with limited employment prospects for girls, are among the factors that lead to child marriage.

7.1.5 High Cost of Schooling and Poor Quality of Education

For so many children around the world, getting to school is as comfortable as entering a school bus or walking a few blocks on a straight sidewalk. But not for millions of others living in dangerous environments, oppressed by conflict, poverty and social norms that limit or eliminate their access to education (CARE, 2014). Parents with little or no means of livelihood are most of the time faced with impossible decisions about their daughters' lives, leading too often, to marriage because they cannot feed, clothe or avoid the cost of sending them to school. With no income and little opportunity, even girls themselves sometimes choose marriage with the hope of escaping poverty's tenacious grip (Colclough et al. 2000).

Many girls are not in education because schools are inaccessible or expensive, or because parents do not see the value of education for their daughters, either because it is of poor quality or not seen as relevant to their lives. With few alternatives available, parents often see marriage as the best option for their daughters (Plan UK, 2013). Education can be one of the most powerful tools to enable girls to avoid child marriage and fulfil their potentials if it is accessible and of good quality. When girls have access to safe, quality education, the family and the larger society felt the benefits. Educated girls develop skills, knowledge and confidence to make informed decisions and being in school also supports the perception that girls are still children and are therefore not suitable for marriage at that age (CARE, 2015).

Reasons, why young girls are discouraged from attending schools or dropout from schools, are numerous and interrelated. These include cost, distance to and from schools, scarcity or inadequacy of teaching and learning materials, inadequate facilities, overcrowded classrooms, the inappropriate language of teaching, shortage or lack of female teachers and, the general absence of learner-friendly and safe environment for girls (Colclough et al. 2000). The general lack of resources in the school system harms the learning outcomes of both male and female students. Poor school conditions, particularly an unsafe and unsupportive environment for girls, have a more significant adverse effect on girls and discourage their attendance. Some co-educational schools do not have separate toilets for girls and boys. Having to share toilet facilities with male pupils and teachers further dissuade young girls, who are struggling to cope with being outnumbered and being potential targets for sexual abuse, from attending school (Plan UK 2013).

The prevalence of child marriage in northern Nigeria is closely tied to girls' low rate of attendance at school. NGOs and government officials interviewed affirmed that improving the quality of education for girls in northern Nigeria is the government's primary responsibility. Hajiah Zainab, (interviewee 23) expressed concern, stating that the state government seeks to address a large number of school-age girls who are not in school. According to her one reason why the education of young girls is so important is that girls who are not attending schools are more likely to be married early. She explains that majority of primary schools, especially in rural areas, lack water, electricity and toilet facilities and that even where there are toilets, it will be one toilet for a whole school of about 500 pupils and teachers. In the same vein, Mr Bello (interviewee 24) explains that-

'The school environment is not conducive, most schools have dilapidated structures, no water, and there is poor sanitation. Young girls find it difficult to take care of themselves most especially those transiting to adolescence'.

Despite a political commitment in trying to reverse years of neglect in the education sector, a significant improvement have not been seen in most rural communities and in the availability of options to access quality education. This, however, shape decision-making of parents regarding the continuation of children

especially girls' schooling. Perceived quality of education and the ability of children to make progress through the school system can affect the priority placed on studying within the household (Plan UK 2013).

School safety seems to be an essential factor in retaining girls at school as they are often not sent to school because parents fear for their safety and security. This is because school environments can be unsafe for girls and they can face sexual harassment or violence from male teachers and other male students, especially in a co-educational system. A study by Spencer, (2015) in Malawi found sexual abuse of adolescent schoolgirls to be shockingly common. Teachers and fellow students perpetrate this act while the abused thrive in silence. The study indicates that young girls often agree to engage in sexual behaviours with teachers or other older men for much-needed money or grades. As a result, parents withdraw their daughters from school, to avoid harassment, statutory rape and sexual misconduct.

In most rural areas, girls are kept from going to school due to the long distance they walk to and from schools where transportation is not available. The threat of abuse and hunger weakened the desire for learning. This daily walk, according to most parents is dangerous because young girls are at risk of being abducted or raped at any time. Hajjah Dije, one of the interviewed mothers notes as follows

'It is too dangerous for us to allow young girls to leave home as early as 5 am in the morning walking about 5 to 6 kilometres to and from school every day, anything can happen, they can be kidnapped or raped along the way'.

The threat of sexual harassment or violence occurring is deemed worse given the shame this will bring on the family. Furthermore, parents are also afraid of the lack of supervision in a most co-educational system, which they perceive could result in pre-marital sexual relationships which would, again, bring shame to the family. NGO worker, Abdulganu notes that most parents in rural villages will not allow their daughters to attend mixed schools because of the fear of having sexual relations and losing their virginity before marriage.

The cost of school fees contributes to high drop-out rates, especially for girls. Families facing severe financial constraints often decide that the prices of sending their daughters to school are too high, mainly when those costs compete with the

school fees of male siblings (Plan UK, 2013). The overall costs of attending school are significant enough to deter families from supporting their daughters' education, thereby increasing the likelihood of girls marrying at an early age. Abdulganu, one of the NGO workers in Sokoto, explains that school fees, uniforms and other school materials are highly expensive for low-income families who have many children. He notes that when resources are limited, parents will rather prefer to cover the costs of their sons' school fees instead of their daughters'.

Female students have few women role models who have realised their dreams through education. The presence of female teachers is one of the ways of encouraging young girls to stay in schools (Plan UK, 2013). The absence of female teachers reduces young girls' hopes for achievement and their motivation to remain in school. While emphasising the impact of the poor resource base and its impact on girl-child education, Mr Bello states -

'Most rural communities don't have primary schools and those that have, teachers are not there, and there are no learning materials'

NGO worker Musa (interviewee 34) from WRAPA, Minna, similarly stresses that in remote and undesirable areas, finding teachers, and especially female teachers, is challenging. He notes that married female teachers often lack the support from their husbands and family members to work in such areas, especially in villages where there are no water, electricity and good roads. Making it difficult for most schools in rural areas to employ qualified teachers, particularly female teachers. Sometimes cultural or religious leaders insist that female students be taught by female teachers only and shortage of such female teachers means parents will not enrol or send their daughters to school, which means those young girls will miss the value of exposure to positive female role models.

7.2 Reasons for the High Prevalence of Child marriage in Northern Nigeria.

This section examines why the practice of child marriage is still widespread in northern Nigeria. Reasons given for this continuous practice include religion and cultural tradition, conflict and insecurity, regional differences in age of maturity and time of marriage, ignorance and lack of exposures, and the conflicting laws

within the country. It is important to point out the themes of this section are based on the direct words of the respondents.

7.2.1 'It is a common practice that our religion permits': Child Marriage as a Cultural and Religious practice.

Cultural and religious beliefs play a significant role in the practice of child marriage. Harmful cultural and religious norms perpetuate and help in justifying the practice of child marriage not just in northern Nigeria, but in most practising countries. Most respondents explain that the acceptability of the practice is to preserve the culture of honour among young married girls. If something does not fit into the existing classification system on which social order is founded, it is thought to be contaminated, polluted, and therefore not acceptable (Douglas and Wildavsky 1982). Behaviours such as promiscuity, pregnancy out of wedlock and sexual violence by a stranger are strict social order within communities in northern Nigeria. Hence, such acts are vehemently opposed in the region.

In many communities, most especially in patriarchal societies where fathers select spouses for their children, the emphasis is placed on girls' virginity, which is closely tied to a family's honour. The importance of preserving family honour and girls' virginity make most parents push their daughters into marriage before they are mature enough to handle marriage responsibilities. Most parents believe that by so doing, they are upholding tradition, safeguarding the chastity of their girls and preventing the risk of their daughters having children out of wedlock (UNICEF, 2012). The prevalence of child marriage in Hausa-Fulani communities in Northwest Nigeria also lies along religious lines. Prepubescent marriage is a cultural norm, and to a large extent, Islamic religion endorsed the marriage culture.

Dr Isah of USAID Sokoto (interviewee 37) explained that cultural belief promotes child marriage, and there are some justifications in the religion, even though these justifications are not the essential ones. He explains further that culture has always supported marriage at an early age even before the coming of Islam. According to him:

“Our forefathers felt that the earlier you marry, the better you raise your family, the more you multiply, and those children will help you in the farm, they will help

you to farm, help you to have a big family and have status. That is even before the coming of Islam”.

Dr Isah who carried out a study on child marriage and fistula in 2012, emphasised that one of the reasons given for child marriage in Zamfara state, a state in northern Nigeria with a high prevalence of child marriage is a family honour. He explains that it is a great shame in a community where everyone knows one another to keep a girl whose body has developed rather quickly for her age or who have reached the age of puberty without giving her out in marriage. The risk or possibility of her getting pregnant out of wedlock is a family shame, which goes from one generation to another. There is a widely held belief that the longer a girl stays unmarried, the higher the risk of her becoming promiscuous.

Sex outside marriage is still taboo, especially in rural communities in northern Nigeria where pregnancy out of wedlock remains the worst shame a girl could bring to her family. To avoid the consequence of premarital sex, most parents prefer to give out their daughters in marriage even before menstruating. Studies have shown that where girls become pregnant, through either consensual sex or rape, the stigma attached can lead families seeing the girl's rights and wellbeing as secondary. Also, families could be excluded from community activities or worse, their daughters or other family members may become victims of violent attacks as a sign of family rejection in the community. (Plan UK, 2011; NICEF, 2012). This community rejection of the family or victimisation of the girl through physical or verbal attacks and gossip are what most families cannot afford to risk.

When asked whether early marriage is as a result of cultural or religious belief, six out of the fifteen young women interviewed believe that child marriage is a common practice within their communities. To them, early child marriage is something everybody in their community practice. This to them, a cultural and historical tradition that has been on for a very long time within their various communities. Sadiat, who got married at the age of 10 years says -

“I know it is what everybody in the village is doing. When a girl is 10 or 11 years, the parents will give her out in marriage, and at that age, if you don't marry your daughter out, people will start asking questions which most parents don't like”.

Aisha Idris 18, corroborates Sadiat by stating as follows on young girls' marriage

“Is what everybody in the village does and if you have a girl from the age of 12 years you start thinking of how to get her married before the villager start gossiping about you”.

Also one of the mothers Hajiah Dije (interviewee 19) explains that both their culture and religion permit the practice of child marriage. She notes -

“Islam allows marriage at puberty and also in the village you see girls at the age of 12, 13 getting married and if your daughter is not married at that age, as a mother you begin to get worried because you don’t want people in the village to start saying your daughter is wayward.”

Hawawu 21, married at the age of 14, also explains that in her village, girls marry between the ages of 12-14 years. Some are married to young men while some to older married men who already have either one or two wives. According to her, whom a girl marries depend on whom her parents or family can get or the man that seeks her hand in marriage. It could be argued that societal pressure, fear of sanction and the status quo of how things are done and should also be done contribute to the cultural practice of child marriage. Most parents are afraid of being rejected or losing the benefit of belonging in the community if they do not marry off their girls at a certain age.

There is a common belief in some cultures that when a woman is educated no man will be willing to marry her. Education in such communities is seen as an encumbrance to marriage, hindering young girl from getting married at the appropriate age or leading to some getting pregnant while in school, which in both ways will bring shame to the family. This was the reason given by Rashidatu’s father to force her into marriage. Rashidatu said -

“My father believes that going to school means nobody in the village will marry me, and that will bring shame to the family and that if I go to school I may get pregnant and that will even bring more shame on the family.”

She further explains that in her village if parents allow their female child to attain the age of 15 in their house, they are seen as irresponsible, and their children will be insulted. At 15, in some villages, a young girl who is not married is considered a disappointment because all of her mates are married. No man in the village will

want to marry her because, at that age, men believe such girl will not be submissive or be a virgin.

The main reason for this is the high value placed on a girl's virginity before marriage and the fear that for each year a girl advances from the age of puberty, there are increasing doubts about her virginity. The practice of child marriage is also upheld vigorously in communities where there is a shortage of female children. In these communities, female children are often exchanged between families. What they do in essence is that if family 'A' has a female child, they will give her in marriage to family 'B' with the promise that when family 'B' has a female child, she will be given back in marriage to the family 'A'. This is the cultural practice in Abibatu's village, in Niger state and the reason she was forced into marriage at the age of 15 years.

Abibatu's family has taken a wife from the family of the man she was forced to marry with the promise to give a wife back whenever a female child is born in their family. Although her parents deliberately delayed the timing of marriage, by sending her to Minna to work as a housemaid but, when the pressure from the man's family was too much, she was asked to come to the village under the impression that her father was sick. On arriving in the village, she was taken to the man's house. Right from birth, she has been betrothed to the man's family without her knowledge. Abibatu said -

"My family had promised the man's family that whenever a female child is born in our family, she will be given to the man's family in marriage. I was not aware of this until that very day I was taken to his house as his wife".

Child betrothal is a violation of the human rights of the victim. The Convention on the Elimination of All Forms of Discrimination of Women (1979) states that the betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, should be taken to specify a minimum age for marriage. In this instance, Abibatu's right to personal liberty and freedom especially her freedom of choice has been denied. Unfortunately, laws that are meant to protect girl child's right in Nigeria are not recognised by practising communities because of their religious beliefs.

People of various religions support and justify the practice of child marriage, which is contentious within many religious communities. This justification is common in families of many faiths, including Muslim, Hindu, Buddhist, Sikh and the even Orthodox Jewish community (Reiss, 2015). In Ethiopia, for instance, strong justifications also underlie the practice of child marriage among Orthodox Christian communities like those in the Amhara region (King et al., 2014). In Zimbabwe, among the religious sects, mostly in the apostolic faith, young girls between the ages of 12 and 16 often marry much older men. According to Human Rights Watch (2015), as soon as a girl reaches puberty any man in the church can claim her for a wife to make sure that young girls do not sin by having sexual relations outside marriage.

In Nigeria likewise, the discussion of early marriage is associated unavoidably with religious discourse, and this is a sensitive issue in the northern part of the country. Any criticism of the practice is seen as attacks on the Muslim religion and local culture. Those Muslims who follow a conventional interpretation of Sharia argue that Islam permits child marriage as the Quran specifies that young girls can get married when they attain the age of puberty. For instance, Sani Ahmed Yerima a 56 years old senator of the federal republic of Nigeria who married a 13 years old girl from Egypt stated in an interview with Channels News in 2013 that -

“Islamic law allows marriage not by age but by maturity, which is attained once a girl reaches the age of puberty”.

Interpretations of religious beliefs often appeared in the literature as reinforcing the acceptance of child marriage and providing a powerful means of justifying it. Studies revealed that some individuals believe that child marriage was not just permitted, but required, under Islam, considering it to be a sin to have an unmarried daughter reaching puberty (Warner, 2004; Turner, 2013). Six out of fifteen young women interviewed explain that their marriage was as a result of their religious belief and by the prophet teaching. Also, parents have the right to marry their daughters out as soon as they attain the age of puberty. Aisha Sani explains that:

“The Quran support a father to give out his child in marriage at an early age, and you have to do what your father say and even when I say I will not marry, my father said I’m going against the will of Allah.”

Bilikisu who married at 15, recalls her father emphasising the practice of child marriage as the prophet teaching and deeds and that there are blessings in doing what the prophet teaches. Aminat forced into marriage at the age of 7 says-

“My father said the prophet married one of his wives at the age of six years old and she moved to his house when she was nine years old, and that was why they sent me to his house when I was nine years old”.

Similarly, two of the religious leaders interviewed explain that early marriage is allowed in Islam because the prophet practised it. The first Imam Mallam Adamu (interviewee 29) said early child marriage is one of the Sunnah of the prophet which all faithful followers must abide. He notes -

“Child marriage is common in Islam because anything that the prophet did either you like it or not you must copy it because, in the Quran, Allah said the prophet is a good example for those who believe in him”.

He also quotes one Hadith which says:

“Marriage is my Sunnah (practice). Those who do not follow my Sunnah (practice) are not from me.”

The second Imam, Mallam Ibrahim (interviewee 27) explains that the prophet allows early child marriage to prevent sexual immorality among young people in the society. He said –

“Islam allows it, because of the promiscuity and to avoid the illicit sex and illegality that is common within the society”.

In contrast, however, religious beliefs were also found to support the opposite view, as Turner, (2013) indicates that it is a sin for children to be married before they are physically and psychologically mature. Such beliefs equally found it to be a sin for parents to refuse their children the right to choose their spouse, neglect or ignore their opinions on such matter (Turner, 2013). One of the stakeholders, Hajjah Maryam (interviewee 30) also argue that early marriage was

not the only Sunnah of the prophet that can be emulated as the Prophet equally married Khadija who was 15 years older than him, he married widows and divorcees with children. Those Sunnah are not followed because men like to take advantage of younger innocent girls. Abdulganu (interviewee 31), one of the NGO workers, also explains that there is no religious connotation to the practice of child marriage that it is just misconception and manipulation of religious teaching and doctrine by those with power and in control. And of course, religion changes all the time, the things that were committed to belief in over a hundred years ago are no longer permissible in modern society

As revealed by interviews, the practice of child marriage is a tradition that most people adhere. This would imply that community members follow norms without critically questioning the essence of the practice. While religious justification often masks parents' desire to protect their family honour and reputation, cultural beliefs and practices, are continually reinforced by parents and other community members. These beliefs and practices could also mean that forcing young girls into early marriage is an aspirational social norm, which is sometimes influenced by parents' ambition and pressure from the society. The high prevalence of child marriage in Northern Nigeria can be attributed commonly to the fact that Islam in the region endorses the culturally embraced practice of child marriage. However, Hajjah Maryam (interviewee 30), a lawyer and NGO coordinator is of the opinion that the practice is endorsed because politicians in northern Nigeria are reluctant to come out against child marriage for fear of losing popular support. According to her -

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

Closely linked with cultural and religious norms is the high rate of conflict and insecurity that occur in northern Nigeria on a regular basis. Parents prefer to marry off their daughters than young girls been kidnapped and forced into marriage by kidnappers.

7.2.2. Conflict and insecurity in Northern Nigeria Influence, the Practice of Child Marriage

Parents living in areas where there is constant on-going civil conflict may genuinely believe that marriage is the best way to protect their children since young girls are victims of rape, kidnapping and trafficking in such areas (CARE, 2014). The high rate of child marriages in countries such as Afghanistan, Burundi, Northern Uganda or Somalia, have been attributed to the constant civil war in those countries (ICRW, 2010). According to Wijeyesekera (2011) in Sri Lanka, parents marry off their daughters to avoid being abducted for forced marriage or being forcefully recruited to join the terrorist groups that operate in the area. A report by World Bank (2008) shows the high prevalence of child marriage in areas where there are high rates of insecurity. This may be as a result of gender-based violence or the desire to protect girls from dangers. A study by Save the Children (2013) indicates that approximately thirty million children in conflict-affected nations were subjected to various kinds of violence or abuse such as child trafficking, child labour, child soldiers, child prostitution and child neglect before they attain the age of 18 years old (UNICEF, 2001). With the intention of protecting young girls from such harm, most parents agree to child marriage.

One of the reasons why the practice of child marriage is common in northern Nigeria is the conflict caused by Boko Haram terrorists operating in the region. This conflict has not only brought about fear and tension; it has increased the level of poverty in the area and also affects the lifestyle of the people. These constant conflicts in most northern States have led to the destruction of lives, properties and businesses as well as the closure of schools in the region. Virtually all the schools in the north-east and north-west part of Nigeria have been closed because of Boko Haram attacks. A report from Amnesty International (2013) shows that from the beginning of 2012, over 50 schools have either been burned or severely damaged and more than 60 others had been forced to close. When schools are attacked, girls are kidnapped and forced into marriages by the Boko Haram insurgency.

A typical example of such conflicts was the attack on Government Girls Secondary School in Chibok, Borno State. North-East Nigeria on the night of 14th

April 2014, where about 276 school girls were taken away in trucks, into the Konduga area of the Sambisa forest by Boko Haram. Some of those girls were used as sex slaves, fighters and even suicide bombers (Amnesty International, 2013). Out of the 276 abducted, 57 of the girls managed to escape in the immediate aftermath of the abduction; only 21 were released on the 12th of October 2016, the rest are still missing. In a video, Abubakar Shekau the leader of Boko Haram claimed responsibility for the kidnapping by saying Allah instructed him to sell the girls and he will carry out the instructions. He said slavery is allowed in his religion, and he will capture more people and enslave them. He said the girls should not have been in school but should be married, according to him, girls as young as nine are suitable for marriage in his religion (Maclean, 2014).

Conflicts in the north-west and north-east regions of Nigeria exposes young girls to sexual violence and assaults. One of the NGO workers in the region Abdulganu (interviewee 31) explains that Boko Haram deliberately targets school girls because they do not believe in girl child education. He said even when young girls are not kidnapped; they are raped and abandoned to prove a point that girls are not supposed to be in school. Girls who are not married are at risk of being attacked by sexual predators such as the Boko Haram insurgents. Consequently, a girl travelling long distances alone is in danger of being attacked. Sexual assault on a young girl will not only traumatise her; it will threaten her prospects for future marriage and hence her place in society, as well as her family's honour. With the risks so high, many parents that want their daughters to get an education, end their schooling to prevent not just the attack but the after effect of it all. One of the mothers Hawawu (interviewee 20) explains that due to constant conflicts in their area, schools are no longer safe for young girls. She observes -

'Kidnapping of girls on their way to or coming from school can happen anywhere in this area, and we are afraid of losing our girls or having them kidnapped or dishonoured by strangers'.

She added that most families married off their daughters when they noticed that the activities of Boko Haram are becoming rampant in their areas because people are afraid of what might happen to unmarried young girls whenever they go out.

Parents see the abductions of young girls by the Boko Haram sect to be forced into marriage or used as suicide bombers as slavery. These young girls are taken away never to see their parents again, their movement is restricted, and they are subjected to controls like personal property. Most often their relationship with their so-called husbands is like master and servant. Even though marriage protects the girls from various attacks and sexual violence and rape, it, however, limits young girls' educational and economic opportunity and equally subjects them to sexual abuse and rape within the context of marriage. Even before the rise in Boko Haram attacks, the prevalence of child marriage in northern Nigeria has been on the high side. Some respondents attributed this to the regional differences in the age of maturity and time of marriage.

7.2.3. Regional differences in Age of Maturity and Time of Marriage

Each region has its mores and cultural practices which have been in place even before colonialism. With girl child education and urbanisation those traditions in some areas gradually faded away while in the other regions, such cultural practices strongly adhered. Child marriage is one such cultural practice that girl child education and urbanisation have progressively washed off in southern Nigeria but still much practised in the north. There exists regional differences in the traditions and cultural practice between the northern and southern Nigeria concerning the age of maturity and time of marriage, and this has influenced the practice of child marriage. While some of the respondents from northern Nigeria see child marriage as a standard practice and a tradition that protects young girls from promiscuity, respondents from Southern Nigeria see it as a hindrance to girl child education. Respondents from the south emphasise the importance of education over marriage at an early age and explain that before parents consider their daughter for marriage, she would have completed basic education or acquire necessary skills that will encourage her to be resourceful in her marriage.

Imam Idris (interviewee 26) explains that although, child marriage was once practised generally in the whole of Nigeria, but with western education and Urbanisation, the practice has dramatically reduced if not eradicated within the southern regions and most parents now prefer their children both boys and girls to attain at least some level of education before marriage. Education is essential

to most families in southern Nigeria and has to come before the wedding. Imam Idris added that among the Yoruba of the south-west, traditions or customs does not permit parents forcing their daughter into an early marriage without education, except the child becomes pregnant while in school. Forcing a child into marriage will bring shame and embarrassment to the family, he said. On the contrary, Mallam Yusuf (interviewee 25) explains that as far as child marriage in the north is concerned, it is more of cultural practice. According to him, in the Hausa-Fulani culture, marriage is more important than education. Parents are encouraged to marry off their daughters at an early age to avoid any embarrassment delay marriage may cause. He notes:

“Early marriage is part of the Hausa-Fulani culture, and most often than not, people mix culture and religion which is hazardous, it becomes toxic. Religion is a way of life which has a backing of scripture, culture is a way of life, the backing it has is what you met your parents doing, it does not have a scripture or documented file you can verify but religion is not so, religion has a scriptural backing”.

He, however, added that although there is a bit of religious aspect to the practice, in the sense that the religion sees the age of puberty as the age of maturity and readiness for marriage. Preparation for marriage is attributed mainly to attaining the age of puberty for girls among the northern Muslims, even though puberty is not defined by or linked to one's age. To some respondents especially mothers and some religious leaders, puberty is the time when a girl can have sexual intercourse and become pregnant, and when a girl attain that stage, she is believed to be ready for marriage. Hajjah Dije (interviewee 19), one of the mothers, states that a girl is ready for marriage when she reaches the age of puberty. According to her-

‘When a girl reaches the age of puberty for sure she can become pregnant and give birth to a child. Sometimes the birth is difficult, some with complication and some without but around here they give birth every day’.

Even though she acknowledges that early childbearing can lead to complications, Hajjah Dije is of the view that a girl should get married once she attains the age of puberty. One of the Imams interviewed gave a similar response indicating that

puberty signals readiness for marriage among both boys and girls. To them, puberty symbolises the ability to reproduce offspring. They nevertheless added that boys are encouraged to delay marriage to acquire necessary skills that can enable them to earn a living to shoulder marriage responsibilities. On the contrary, Imams from the south are of the view that completion of education and securing a good job are important and of higher priorities for both boys and girls, and even their parents than marriage. Mallam Idris says-

“Reaching puberty is just a physical maturity that has no relationship with psychological readiness and maturity for marriage responsibilities for young boys and girls”.

Religious leaders from the South explain that children these days seem to mature early compared to children in the past because of the food they eat. Therefore puberty cannot be used to judge their readiness for marriage. Using puberty to determine the age of maturity and marriage is described as ignorance by some stakeholders.

7.2.4. Most parents are ignorant, and they lack exposure to outside communities.

Stakeholders and key informants describe how parents' ignorance and lack of exposure to other communities influence the practice of child marriage in northern Nigeria especially in rural villages where parents are not educated. Some stakeholders emphasised that ignorance makes most parents feel it is better and safer to give away their daughters in marriage once they attain the age of puberty to avoid the shame of early pregnancy. Furthermore, stakeholders explain that it is ignorance that makes parents feel child marriage allows a daughter to have the blessings of her parents for respecting their wish. In some societies, it is believed that child marriage protects young girls from sexual promiscuity, violent attacks and rape (UNFPA, 2013). All these are lack of knowledge because young brides are vulnerable to abuse and sexual violence in their marriages than unmarried girls.

Stakeholders refer to ignorance in different ways. While some of them explain that most parents are ignorant of religious teaching, others emphasise that some parents are unaware of the importance of education, the laws on child marriage and of the rights of the child. Where parents are uneducated, they are likely to be

apprenticed of the rules that prohibit child marriages as well as the dangers and consequences of the practice (Sabbe et al., 2013). Due to delightedness, parents do not see any benefit in educating female children. Since a girl's role within the family involves typically cooking, cleaning, tending the family and responsibilities around the house, her education is regarded as wasteful expenditure, especially where the little money the family has can be used to educate the male children (UNFPA, 2013).

NGO officials working in rural areas see ignorance as a significant problem in most communities. One of the NGO coordinators, Hajjah Suliati (interviewee 32) explains that because most parents are not educated, they ignorantly believe whatever their religious leaders told them. According to her, parents always say their religion teaches them to prepare their girls for marriage, instilling in them values that will help them become good wives and good mothers and be obedient to their husbands, ignoring the aspect of the religion that talks about education. She adds -

“It is ignorance that makes people marry off their daughters without education because the Quran even encourage education.”

To bolster what she said, one of the mothers Hajjah Dije (interview 19) explains that during a wedding celebration, religious leaders insist on the benefits of marriage and urge parents to quickly prepare their daughters for this new life that will strengthen their faith and bring them closer to God. She adds that religion focuses on the place of women in the home to take good care of their children. She observes -

‘I know in the south, and among Christians, girls go to school, they complete lengthy schooling and work. But among us Muslims, what we prepare our girls for is marriage which is more important. I’m not against girls attending school, but marriage marks the end of the school for girls because our religion places marriage above the school.’

On the contrary, one of the religious leaders Mallam Hassan (interviewee 28) explains that it is ignorance of the religious teachings that makes parents feel girl child education is not essential. He stresses that because most parents in the rural villages are not educated, they lack understanding of what the Quran says

about marriage and since they have never gone out of their community, and they do not know what is obtainable in other places except what their leaders teach them. Musa (interviewee 34) explains that most people in the rural areas believe whatever they are told especially when it comes from their religious leaders and since they cannot read to confirm whether what they are told or taught is true or not. He explains further that people in the village are ignorant of the various laws that prohibit child marriage and protect girl child from such marriage. He also states that even when parents are made to understand these laws, they ignorantly believe such law makes young girls rebellious against the religious teaching that specifies marriage at puberty.

Another NGO worker Abdulganu (interviewee 31) emphasises that lack of exposure of the rural people equally influence the practice of child marriage in northern rural communities. He explains that most of the people in the rural areas have never gone out of their village since they were born, has no access to the outside communities, no electricity to connect to social media, and they lack good roads which hinder their movement from their village to neighbouring villages. The lack of necessary infrastructural facilities hinders people who are supposed to be mentors and role models to young people from going to such rural communities. Young people especially young girls in rural villages do not have adult role models whose behaviour, example, or success can be emulated. Abdulganu is of the opinion that because people in the village lack exposure, coupled with the fact that they are not educated, they rely entirely on their religious leaders who will always encourage them to marry off their young girls at the age of puberty without telling them the consequences of such early marriages.

Similarly, Hajiah Maryam (interviewee 30) explains that northern Nigeria has the highest numbers of rural communities compared to the south, and these communities lack essential amenities that could connect them to modern civilisation. Adebusoye (2006) who, following a survey, posit that 94% of the Northern population lives in rural areas corroborates this assertion. Aside from this, the high frequency in the practice of child marriage in northern Nigeria is also attributed to the different laws in Nigeria.

7.2.5. Conflicting Laws in Nigeria Affect the Practice of Child Marriage in the North

Legal frameworks play an influential role in transforming social norms and protecting girls' rights. In an attempt to meet its international commitment, the Nigerian Government enacted the Child Rights Act (CRA) in 2003, which established 18 years as the minimum age of marriage for both boys and girls and prohibits the betrothal and marriage of children under the age of 18 (CRA, 2003). While many human rights activists in Nigeria welcome the Act as a step in right direction of the eradication of all forms of harmful practices against the girl child, some Muslim organisations called for its absolute rejection, claiming the Act opposes Islamic belief (UNHCR, 2012). The most controversial provision of the Child Rights Act has been fixing the minimum age of marriage at 18 years. However, one of the principal reasons why up to date it has been difficult for the Northern Houses of Assembly to adopt and replicate the Act in their respective states. The Act is believed to be contrary to the culture, tradition and Islamic values of the northern states, particularly about the minimum age of marriage and parents' right to give out the daughters in marriage.

NGO Coordinator Hajjah Suliya (interviewee 32) explains that many people in the rural areas ignorantly believe that if a girl does not marry before the age of 18 years old, she will not be able to produce more than two or three children, limiting the numbers of children she is supposed to have if she had married much earlier. According to her, even some religious leaders believe that the enactment of the CRA in Nigeria which set the minimum age of marriage at 18 years, is a strategy to introduce Western standards with the aim of reducing the Muslim population. Unfortunately, the CRA as a federal law cannot be implemented in a state until it has been domesticated as state law. Up until now, only 24 out of the 36 states of the federation have tamed the Act as state law. Of the remaining 12 states, the CRA has been firmly opposed and rejected because it infringes on their religious rights and belief.

The issue of child marriage in Nigeria also has to do with what is defined as a crime. Some crimes are peculiar to some states and states where the Child Rights Act is enacted, marriage below the age of 18 could be seen as a crime.

The set of rules that control and regulate specific acts, which are criminal in the society also influence the practice of child marriage in Nigeria. According to Hon. Peter of the House of Representatives (interviewee 40), two Acts define crime and regulate criminal behaviour in Nigeria, the Criminal code which is operated in the south and the penal code for the north. He said because the north is predominantly Muslims the penal code was made to conform mainly with the Sharia law, while in the south the criminal code is set out to conform mostly to common law. Common law is English law, and English law is Christian law. So the criminal justice system in Nigeria has a religious connotation. Hon. Peter observes -

“In the south where the criminal code is in place, any marriage below the age stipulated in the child rights Act is against the law, whereas in the north, the penal code is in line with the Sharia law which proposed marriage at the age of puberty. So any underage marriage conducted according to Islamic rites is not against the law. Most states in the South except Enugu state enacted the Child Rights Act into the state legislation, and the legal age of marriage in those states is 18 years, unlike in the north where the age of marriage varies and depend on the time of the first menstrual period”.

The existence of many laws contradicting one another on the age of marriage is quite confusing leading to complications in resolving the issue of child marriage in the north. The primary concern on this issue is that lack of uniform legal age of marriage, and absence of appropriate enforcement architecture designed and dedicated to prosecuting culprits have led to the increase in the practice in most northern states. The next section examines the position of Islam on the issue of child marriage.

7.3 Position of Islam on the practice of child marriage

Muslim women in Northern Nigeria, like women in other societies across the world, have been subjected to practices that violate their rights. Some of these violations are carried out in the name of Islam even though such practices are against the teachings of Islam and Islamic instructions regarding women (DFID, 2006). The adoption of Sharia in most Northern states provides an opportunity to question these violations by assessing them according to Sharia practice (DFID,

2006). This section highlights the position of Islam on the issue of child marriage by examining responses from Islamic scholars on the practice vis-a-vis what the Quran recommends. Narratives of respondents are in two parts, the first group gave conflicting stories on the marriage between the prophet and A'isha, and whether it encourages the practice of child marriage, and the second part is the Quran's explanation of the age of marriage and consent

7.3.1 Conflicting Narratives on the Age of Aisha

The marriage between Prophet Mohammed and Aisha is always used as an example and rationalisation for the practice of child marriage that remains prevalent in many states that observe Islamic Sharia law. Aisha was believed to be six years old when she was betrothed and nine years when the marriage was consummated. The question is whether Aisha's marriage permits child marriage, whether age determines the time of marriage and whether the prophet would endorse child marriage as it exists in this twenty-first century. Various scholars gave response to this issue.

Mallam Idris (interviewee 26) states that even among the Islamic leaders, the age of Aisha has been debated on several occasions and that some believe she was older than nine years when she was betrothed. He explains further that while some Islamic leaders, had argued that A'isha was in her twenties when she moved into the Prophet's house, others claimed she was twelve years old when she was betrothed. To support this argument, Liepert, (2011) notes that Aisha was married in 622 C.E., although her exact birthday was not known. According to Liepert, the account of Abu Ja'far Muhammad ibn Jarir al-Tabari record shows that Aisha accepted Islam shortly after it was revealed which was 12 years before her marriage. Liepert, (2011) argues that there is no way she could have accepted Islam as an infant or a toddler.

Mallam Adamu (interviewee 29) on the contrary argues that A'isha was betrothed at the age of six but, did not move to the prophet's house until she reached the Islamic age of maturity which was by the norms of their society. He explains that nobody complained, about the marriage not even the enemies of the prophet because early marriage was the custom at that time. Mallam Adamu added that the marriage between the prophet and Aisha was conducted with the full consent

of her parents before she attained the age of puberty and it was consummated with her full consent when she attained maturity.

Mallam Ibrahim (interviewee 27) explains that contrary to the argument that A'isha's betrothal to the prophet encourages Muslims to marry off their daughters, the Quran states that a woman's consent is essential, and the Sunnah confirms that both Aisha's betrothal and consummation occurred with Aisha's wholehearted agreement. Mallam Ibrahim explains that the Prophet did not rule that every Muslim must marry a nine-year-old girl or give their daughter in marriage at that age. He points out that child marriage is cultural, although there is no definite age set in Islam for a girl to marry because marriage is based on the sense of maturity, and maturity changes according to different societies, climates and environment.

Mallam Adam states that the marriage between the prophet and Aisha was an example of a good Islam marriage and one of the Sunnah of the prophet. To buttress his assertion, he quoted one of the Sunnah that says: *"Marriage is part of my Sunnah, and whoever does not follow my Sunnah has nothing to do with me. Get married, for I will boast of your great numbers before the nations..."*

In contrary to this, Mallam Ibrahim (interviewee 27) explains that marriage is not compulsory in Islam, but when it happens, it depends on the physical and mental development and the girl's ability to carry a pregnancy and deliver a child. In line with this argument, Walker (2015) cited a Hadith, which says *"he who can marry should marry, and he who is unable to marry should be fasting."*

Similarly, Lawyer Armstrong (interviewee 22) explains that marriage in Islam is a Sunnah and not a command from Allah. He said in Islamic jurisprudence when practice is a commandment, such as praying five times a day or fasting for a whole month during the month of Ramadan, the State cannot legislate against such otherwise it will be legislating against the religion. But when it is a permissible practice such as the practices of the prophet known as "Sunnah", there are some options and flexibility on such practices, and as such, the state can legislate against it in consideration of public interest. Hajjah Maryam (interviewee 30) in supporting this argument, states that child marriage is not a religious commandment that was given by Allah such as praying, fasting and

going to the Mosque on Fridays. For that, the state can legislate on it but because men especially those in power benefit from marrying young girls, they are reluctant in legislating on the issue.

7.3.2 Quran's explanation of the Age of Marriage and Consent.

Respondents gave a different explanation on the age and timing of marriage. Mallam Idris explains that in Islam, the age of marriage is likened in the Quran to the ability to make mature and sound judgments. He quotes a verse in the Quran:

“Test the orphans until they reach the age of marriage; if you then find sound judgment in them, release their property to them... When you release their property to them, take witnesses in their presence.” (Quran, 4:6).

Illustrating that before marriage can take place, an individual must be mature intellectually to give a sound judgment. The Qur'an indicates maturity and sound judgment as marriageable level, an age in which a person can responsibly handle their possessions. This kind of intellectual reasoning that is required in marriage, Mallam Idris stresses, is rarely found in young people below the age of 18 years. He emphasises that marriage is no child's play, it demands a massive amount of responsibility from both individuals, something children are not ready for. He explains that child marriage is harmful to children and Islam will not permit anything that will cause harm to people. Mallam Yusuf (interviewee 25) also reveals that before parents can consider giving out their child in marriage, they must have performed their responsibility of educating or training the child intellectually. He said parents have to educate their children especially in Islam where the emphasis is on educating female children. According to him, the first commandment given in the Quran is to read and understand. He quotes the Quran (96:1-5)

“Read in the name of your Lord who created man from a clinging form. Read! Your Lord is the Most Generous, who taught using the pen; taught man what he did not know”.

He explains that the prophet emphasised the importance of seeking knowledge in different ways, first is time: "Seek knowledge from the cradle to the grave". Second is the place: "Seek knowledge even if it is far as China", and the third is

gender: "Seeking of knowledge is a duty of every Muslim". A child who is forced into marriage at an early age is denied the opportunity of seeking this knowledge. He, however, said although some husband will allow their wives to continue their education. However, the percentage of such husbands is very few.

Mallam Hassan (interviewee 28) in his explanation emphasises that Islam does not categorically permit the practice of child marriage, at the same time, it does not prohibit it entirely. He explains further that anything, which is physically harmful, Islam will not agree to it or anything that will bring harm to women, Islam will not permit it. He said:

"When we say Islam allows early marriage, it did not also encourage it, when we say encouragement, it did not say give them out in marriage early, and it did not also say you should not".

So Islam expects parents to examine their children and the situation before making the marriage decision. In Islam, consent is essential before marriage. Mallam Yusuf (interviewee 25) explains that both parties to the marriage must give their full permission before they can get married. He stresses that consent should not be one-sided while noting -

'The lady has to be able to give full consent to the marriage and must have equal right in the marriage'.

He further explains that there are several periods in the lifetime of the prophet whereby a lady will go to him and complain that she has been forced into marriage without her consent, and against her wish, and the Prophet will ask if she now has a feeling for the man. If she says yes, the Prophet will say may God bless you but if she says no, the Prophet will dissolve such marriage. Mallam Yusuf added that you could not force a woman to live with a man without being comfortable with him. Explaining that the Quran forbids forcing a woman into marriage by coercion, quoting the Quran verse that says:

O You who have chosen to be graced with belief! It is not lawful for you to force women into marrying or holding on to them in marriage against their will. (Quran, 4:19)

He said forcing a child into marriage is like torture and it will go against part of the Quran whereby Allah says that it is out of a sign that he has instituted the institution of marriage and then the reason for this is for men and women to find comfort. So if a girl is forced into a marriage that comfort is taken away, it goes against the sign of God. Just as the Quran did not say, a woman should be locked up within the four walls of a house without doing anything He explains that even the wives of Prophet Muhammed were not locked up within the four walls of their home.

On the contrary, Mallam Hassan (interviewee 28) said that in Islam, a father could marry out his daughter without consulting her because he knows that the man he has chosen is a righteous man and his daughter will be well cared for. He said the young woman would understand this later in her life and she will appreciate it. Mallam Yusuf concluded by positing that in marriage as far as Islam is concerned, is not just about the child showing physical bodily signs of maturity but there are other things parents need to put into consideration. This includes question such as is the girl well educated? Can she play the role of a wife in a home and has she given her full consent? The argument is that child marriage is tolerated in northern Nigeria just like any other Islamic practising society based on the socio-cultural motivations and the misinterpretation of the Prophet's marriage to Aisha which is made worse by the lack of proper documentation, of not just marriages, but also for births and ages at that time (OHCHR, 2013).

Conclusion:

This chapter analyses the responses from stakeholders on the reasons for child marriage in Nigeria, why the practice is common in the northern part of the country, and the position of Islam on the issue. Responses from those interviewed point to the fact that the problem of child marriage, being a part of socio-cultural practice, continues to prevail primarily because of cultural belief and the intersection between culture, religion, poverty, gender discrimination and social factor touching on the protection of girl's virginity as a way of upholding family honour. It was revealed that in communities where there is acute poverty, while some parents may genuinely think marriage will be the best way to secure the future of their daughters, others might view the girl child as a burden that should

be relieved through marriage for family benefit. It was also revealed that discriminatory cultural practices based on stereotypical views of women's roles and sexuality are part of the structural causes of child marriage.

On the reasons for the high prevalence in the north, responses revealed a correlation between insecurity, illiteracy and child marriage. Furthermore, regional differences in the traditions and cultural practice between northern and southern Nigeria where the age of maturity is defined in the north by puberty and defined by education and level of achievement in the south also presents a conceptual challenge which impacts on enforcement of child rights laws. It was further revealed that because most parents are not educated and lack exposure to what is happening in other communities, they are ignorant of religious teachings, the importance of education and laws that protect girl child from harmful practices. Likewise, the existence of many conflicting and contradicting laws on the age of marriage leads to complications in resolving the issue of child marriage in the north. Lastly, the position of Islam on the practice of child marriage reveals that although the age of marriage is not set, however, Islam did not categorically permit the practice and at the same time did not prohibit it entirely. Essentially, the chapter established the fundamental fact that child marriage is a cultural practice which is permissible in Islam.

Conclusion

Introduction

The purpose of this study has been to examine the experiences of young girls who were forced into marriage at an early age and to determine the role that social norms and cultural orientation play within this experience. It, therefore, engages in theoretical approaches to analysing child marriage by informing social and public policy on the practice in northern Nigeria. Against the backdrop, while the pervasiveness of child marriage in Nigeria has been documented in various ways, the preponderance of existing studies adopts a generalised perspective. This fails to undertake a comparative study of the different cultures and ethnic compositions about differing views on the experiences and perceptions of the practice of child marriage in the country.

This researcher sets out to fill this knowledge gap by challenging the national generalisation of the practice in Nigeria. It understudies the dynamics of child marriage across the three major ethnic groups in the country and highlights that child marriage is particularly prevalent in northern Nigeria in comparison to other regions of the country owing to differing cultural, historical and religious, social and developmental experiences and values. Against this background, this chapter reviews the study outcome and proffers suggestions directed at addressing the child marriage challenge on a sustainable basis.

General Summary

This study adopted a qualitative method of semi-structured and narrative interviews in analysing a wide range of dimensions of power that influence the practice and experience of child marriage in northern Nigeria, a region in which Islamic religion is predominantly practised, and which also has low literacy level, high poverty rate and high prevalence of child marriage. By applying intersectionality approach, the study examines the interrelationships between child marriage, cultural practices, religious beliefs, poverty, and illiteracy, while also critically analysing the overlapping categories such as age, gender, tribe, class differences and traditional beliefs that impact collectively on child marriage in northern Nigeria. In situating arguments within this approach, this study

appreciates that the factors, which engender child marriage in the north of Nigeria are multifarious, complex, sensitive, and inextricably interrelated but profoundly influenced by cultural beliefs and accentuated by religious practice.

As noted in chapter one, within the global context, child marriage appears to be an acceptable cultural practice in many countries even though it is a violation of human rights, as well as representing sexual exploitation of young girls who are forced into sexual relationship below the legal age of consent. Far from being a time of innocence, pleasure, and freedom, childhood for young married girls in many countries is experienced through danger and potential pain.

It is, therefore, established in this study that the cultural notion of childhood, maturity and age of responsibility differ from one culture to another and this determines the age and time of marriage in those cultures. The study further advances arguments that just as child marriage is prevalent in developing countries and mostly in impoverished regions, it is also practice in highly industrialised and urbanised society like the USA, and common correlation among practising communities are poverty, cultural belief, religiosity and rural habitation.

Although there exist international and regional legal frameworks that seek to regulate the age at marriage and other exploitative practices against children, most of these international frameworks lack vision and are not self-executing. This thus justifies the perception that the structures are not effective enough to discourage the practice of child marriage in countries where it is prevalent. This study further reveals that systematic imbalances in the educational system in Nigeria produced regional and gender gaps. While British indirect rule perpetuated separate ethnic and local identities, colonial exploitation destabilised economic transformation and development of Nigeria. Western education as it initial onset marginalised women by excluding them from the political and administrative structure and also from wage economic. Also, the legacy of colonialism of persistent political and socio-economic inequalities in Nigeria undermined regional development and also foster gender intolerance that influences the practice of child marriage

While undertaking a comparative study of the practice across the major cultures and regions in Nigeria, the study established that historically, the cultural norms of the Yorubas, the Igbos and the Hausa-Fulanis support the practice of child marriage. However, the introduction and acceptance of Christianity and western education by the Yorubas and Igbos in the southern part of the country brought about changes in cultural norms in such a way that it discouraged the practice of child marriage among those ethnic groups. These factors also aided in strengthening gender equality and reducing the wide gap in gender discrimination which brought about changes in social norms and cultural orientation among peoples in the southern part of Nigeria. Conversely, Western education in northern Nigeria was seen as a suspicious strategy to corrupt their children and introduce Christianity in the region, thereby undermining the Islamic religion and the Hausa- Fulanis' cultural belief which of course, supports women's seclusion and the practice of child marriage.

Child marriage in northern Nigeria, as established in Chapter three, is a matter of deep-rooted cultural belief which has evolved historically to become an integral part of the value system of the dominant Hausa-Fulanis in the northern part of Nigeria. However, unlike among the Yorubas and Igbos in the southern part of the country where the conflict between culture and the dominant religion occasioned the eradication of the practice, the unity between cultural values of the dominant religion among the Hausa-Fulani ethnic group in the northern part of Nigeria serves to accentuate the practice in that part of the country. In consequence, child marriage has evolved in northern Nigeria to become a public health, legal, and social issue that constitutes a major barrier to development in the region. Unfortunately, a critical analysis of existing international and national policies and legal frameworks to address the practice shows that they are ineffective to the extent that they conflict with religious and traditional values and beliefs of the people as contained in the Customary and Sharia law and as protected under the Constitution of the country. Also, they are subsumed under political and religious interpretations, just as the national enforcement framework is weak and ineffectual.

Findings

About the research questions of this study, the following outcomes were established based mainly on the aggregated opinions of the research participants, whose responses were referenced throughout the thesis to support arguments, as well as other research sources that were referenced in the course of the study:

Experiences of Child brides, Social Norm and Cultural Orientation

On the primary question of the experience of child marriage in Nigeria and the role that social norms and cultural orientation play in this experience, evidence from this study confirm that child marriage is still highly prevalent in northern Nigeria, and it constitutes a major social, health and developmental issue in the region. The study affirms a nexus between the low level of development of northern Nigeria (in comparison with the southern part of the country) and child exploitation as manifested in the prevalence of child marriage in the region.

Also, it was established in Chapter six that young brides are vulnerable to domestic violence and sexually transmitted infections (STIs) on account of their poor knowledge of personal hygiene and sexual education. The vulnerabilities of these young girls in marriage is far higher than those of adult married women. This is because they are children who lack knowledge on adult issues such as marriage and sex. Sex, pregnancy and childbirth are traumatic and painful experiences for these young brides. Complications during birth are common, and most child brides interviewed in this study lost their babies during delivery because they were not given necessary information, advice and support during pregnancy and childbirth. Also, these young brides were not physiologically mature enough to bear the discomfort of labour and the pains of experiencing natural births which they were exposed to in an environment where access to quality health support is highly limited. This experience is further compounded by the fact that sex is a 'taboo' topic to discuss either with parents or in schools before marriage in northern Nigeria, in particular, and across other cultures in the country. As a result, most young brides have no idea of what sex entails. Coupled with this, parents rarely talk to their children or help prepare them for marriage. The study also established that not all young brides describe early marriage has

a terrible experience. While some viewed their marriage as an unexpected separation from childhood, others describe it as a change in status, a way of gaining independence and respect in the community.

One common issue with child marriage as established in this study is that young brides are forced to grow up too quickly and deal with adult issues because they are married. Marriage is presented as the only appropriate way for young girls to grow into womanhood which is believed to be a developmental achievement for mature women. Young women described in very conventional ways their experience of marriage and how they were confined to normative ideas of what it means to be a woman, wife and mother. They described themselves as poorly prepared for marriage, with marriage itself experienced as a traumatic separation from childhood. Most of the young women interviewed explain that they feel inferior or of 'lower status' whenever they have contact with their unmarried friends. They spoke about feeling 'trapped' in a marriage in which they have 'no say', and they were also cut off from a network of friends and family. Although, some of these young brides and most parents believe that the only way to acquire social status and a secure future is through such early marriage. For some families, the social status conferred by marriage is more important than advancing education, especially for female children.

Young women interviewed complained of been controlled by their husbands and in-laws and are treated like servants rather than wives. These young women spoke of their dislike and even their reluctance to engage in sexual activities with their husbands as they rarely have a natural affection for their husbands' as expected in a voluntary love or marital relationship. This, in most cases leads to violence, sexual abuse and rape. Many were sad because they were forced out of school, they missed the opportunity of attending school and also the chance of a relationship based on love and attraction before marriage. The sudden end of childhood, coupled with the physical and sexual abuse that young brides suffer also has profound effects on their psychological health.

In most marriages, families arrange for their daughters to be married, with some girls resisting the arrangement with attendant consequences. Others accept it based on the fact that it is a historically accepted and cultural practice in their

community. The study further established that husbands' of young brides in this study are much older than brides, with an average age difference of 15 - 25 years between husband and wife in a monogamy marriage. In a polygamous marriage which is very pervasive in northern Nigeria, the age difference increases to an average of 35 - 40 years for most participants in this study. Age differences in marriage contribute to young brides' low level of decision-making power in their homes. Polygamy remains a strong cultural norm in most northern communities, backed up by both religious and ethnic principles for men.

It was also revealed that traditional gender norms and expectations within marriage remain strong, with the husband considered the head of household and chief decision-maker while the wife is valued primarily for her reproductive role and tasks. Husbands made virtually all the decisions in the home, not only on major issues such as household budget, but also on everyday matters such as visiting family and friends, what food to cook each day, and also on wives' health care. The study further established that child marriage has a profound, physical, psychological and emotional effect on young girls who are subject to the practice just as it hinders their personal growth and fulfilment and violates their rights to personal freedom. The practice is a barrier to the education and empowerment of young girls.

The Prevalence of Child marriage in Northern Nigeria

On the research question of why child marriage remains prevalent in northern Nigeria, the study established a discernible link between the culture, religious belief and the prevalence of the practice of child marriage in northern Nigeria. It was recognised that the intermingling of the deep-rooted cultural beliefs of the people with Islamic values represents the most fundamental factor that encourages underage marriage in the region. This finding challenges the generally held notion that child marriage is a sole product of Islamic values and practices. On the contrary, it established that the practice had been pervasive as a cultural value in northern Nigeria before the interaction of the people of the region with the Islamic faith, just as it was noticeable as a cultural practice in other parts of the country where the Christian religion is practised.

It is, therefore, intellectually faulty to subsume the explanation of child marriage in northern Nigeria under Islamic values alone without appreciating the cultural component of the practice that has historically entrenched the practice in the region. It is similarly faulty to assume that child marriage is traditionally peculiar only to northern Nigeria without appreciating that it was also part of the cultural and historical evolution of other ethnic groups in the southern part of Nigeria. The turning point in the narratives, however, is that Christian religion and Western education served to weaken the practice in the southern part of the country. Islamic values (which shares similar values with the cultural ideals in the region about child marriage) serves to strengthen the practice among the dominant ethnic groups in the northern part.

Conversely, illiteracy, poverty, conflict and insecurity, ignorance-driven religious teaching and the absence of a unified legal framework that consensually defines the age of marriage and criminalises underage marriage compound these factors. The implication is that child marriage is accommodated within the perfunctory tenets of Islam while parents, scared of communal backlash, are forced to conform to the harmful practice in spite of the consequences. Implicit in this finding is that addressing the challenge of child marriage in the northern part of Nigeria requires a deep understanding, appreciation and respect of the cultural values and history of the people, the intricate relationship between these values and the influence of the dominant Islamic faith. Also, understanding the interconnection between these fundamental factors and weak educational base of the region as well as the effect of the absence of a strong prohibitive or criminal legal framework and useful enforcement framework.

Furthermore, it was established that there exist regional differences in age of maturity and time of marriage in Nigeria. While puberty determines the age of maturity and time of marriage in the northern part, education and level of achievement determine the age of maturity and time of marriage in the southern region. As a result of child marriage and the problem with access to education in most rural communities, northern Nigeria has the highest rate of female illiteracy in the country, and this accounts for the adverse health outcomes in the region, which include highest national maternal mortality and infant mortality rate.

Social norms based on acceptable standards of behaviour of what people think is right, enhance the practice of child marriage in northern Nigeria. Most parents in the rural communities embrace the practice as a culturally and historically acceptable standard of relationship rather than as a socio-legal and developmental challenge. The practice is entrenched through a socialisation process which has made it a tradition that has been maintained through generations. While some parents claimed to be unaware of the dangers involved in forcing a young girl into marriage or do not believe that those dangers are as a result of early marriage, others think the risks are justified for cultural or economic reasons. Even where parents understand the negative implications of child marriage, societal pressure to conform is so enormous, for instance the shame of pregnancy out of wedlock, which can lead to family dishonour, or the Sharia law of stoning a promiscuous person to death or even public flogging are some of the humiliations most parents could not bear.

The study also engaged the on-going Islamic fundamentalist insurgency campaigns in northern Nigeria to strengthen the argument that there is a connection between insecurity, the weak educational base of the region, Islamic fundamentalism and child marriage. The kidnapping and forcing of young girls into marriage with strangers, using young girls as suicide bombers or selling them into slavery, especially the abduction of 276 schoolgirls in Chibok, Borno State, north-east Nigeria by 'Boko Haram' insurgents drive the argument. The Islamic insurgency is creating a form of socially constructed categories of difference and inequality, and a system of interlocking domination and oppression which is harmful to the girl child and engender the practice of child marriage within the region.

Objectives, Scope, Design, Coverage and Implementation Strategies

This study established that there are in existence international Protocols and national laws that regulate or prohibit child marriage. As discussed in chapter one, the identified international instruments include the 1924 Geneva Declaration on the Rights of the Child; the Universal Declaration of Human Rights of 1948; the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices. Similar to Slavery which considers any marriage

that is forced upon a girl or woman by her family or guardians a practice similar to slavery; the 1959 Declaration on the Rights of Children; and the 1964 Convention on Consent to Marriage, the Minimum Age for Marriage and Registration of Marriages;

Others include the 1979 Convention on the Elimination of Discrimination Against Women (CEDAW). The 1989 UN Convention on the Rights of the Child (CRC) that is widely seen as the watershed in the struggle for the promotion of children's rights by the international community. Also by the World Declaration on the Survival, Protection and Development of Children and the 1990 UNICEF Plan of Action for Implementing the Declaration; and Article 21 of the 1990 African Charter on the Rights and Welfare of the Child. In addition, national legal frameworks that include the Fundamental Human Rights provisions of the 1999 Constitution of Nigeria; Children and Young People's Act (CYPA); the Child Rights Act 2003 and the Sharia Law which is meant to address abuses associated with the practice of Islamic tenets including child marriage issues were identified in Nigeria.

In spite of the existence of these regulatory and prohibitive frameworks, the study notes that they have not been effective in prohibiting child marriage. This failure is due to some factors touching on the principles of international law which makes such laws morally binding but not legally binding on states. Also, on the one hand, the conflict between Sharia law which is built on Islamic doctrines and Customary Law and the other hand, the Child Rights Act particularly about the definition of child marriage and limited scope of enforcement of the Act also represents another sore point in the implementation process. Above all, the study revealed a fundamental conflict between provisions in the Nigerian Constitution and issue of religious practices as it confers on citizens, the right to freedom to practice one's religion (under which child marriage falls in relation to Islamic faith) while not outlawing the influence of religious belief on the practices of child marriage.

Also, Nigeria has no national policy to regulate the implementation framework of existing laws on child marriage, just as the law enforcement process is known to be weak due to national sensitivity to religious issues and political considerations. The complexities associated with the legal framework and enforcement process

explains why child marriage is defined as a political issue in Nigeria. This is to the extent that political leaders are scared of weakening their electoral value by being seen as challenging the core cultural values and upsetting the religious sensitivity of the electorates by publicly supporting programmes, legal initiatives and policies against child marriage. This explains why the judicial clarification of the definition of child marriage, the extent of criminalisation of the practice and the will to enforce restrictive laws are perennially entangled in political calculation of the religious and political fortunes of the dominant political order. For these reasons, the issue of child marriage is not open for discussion even within the National Assembly. An attempt to increase the age of marriage has met with opposition from both northern and southern Muslims especially, the politicians. Likewise, in the USA, Lawmakers are afraid that measures to ban marriage of all minors might unlawfully suppress religious freedom.

On the research question of the performance level of these interventions, and whether the impact of these interventions can be evaluated, the study recognised that the existing interventions have largely failed to prohibit child marriage in northern Nigeria. Aside the conflicting laws and values that have been identified as significant weaknesses, the emergence of 'Boko Haram' Islamic insurgency in Northern Nigeria and their targeted attacks on educational assets, teachers and students have further weakened the performance of these intervention mechanisms. While the 'Save our School' initiative has the long-term capacity of restoring the educational facilities, there are doubts that such intervention will discourage child marriage unless it goes with a strong prohibitive legal framework that will criminalise the practice and evolve strong enforcement framework that will cut across enhanced law enforcement and judicial capacity.

About intervention evaluation framework, the study notes that there are some international bodies under the auspices of the United Nations that routinely evaluate the performance of extant intervention initiatives. The Federal Government through the Bureau of Statistics, Ministry of Education, the Central Bank of Nigeria and the Ministry of Finance coupled with some research bodies do conduct evaluative studies and evolve evaluative indexes that could be utilised for national planning and intellectual engagements. However, such initiatives are not coordinated as they operate independently of each other.

Recommendation for policy implications,

The complex nature of child marriage calls for responses to challenge the interwoven factors that engender this harmful practice. To address the issue of child marriage especially sexual violence against young married girls, it is essential to adopt a holistic approach that will include legal, policy, social and developmental frameworks, and also build political commitment that will ensure accountability at all levels. There is also a need for interventions to support both married and unmarried girls. Young married girls should be assisted by ensuring that they are protected from sexual abuse and exploitation through a law that will prohibit marital rape and sexual violence. There should be an opportunity for victims to further their education and law, and law enforcement agents should protect their rights and freedoms.

Girls' empowerment can be supported through education and life skills training. Girls' education is linked to delayed marriage. A girl who is still in school should be considered a child too young for marriage. Also, increasing the level of compulsory education can be an effective strategy for prolonging the time of marriage for young girls. Both primary and secondary schools need to be extended to marginalised young people living in remote or underserved areas, which are more prone to early marriage and sexual victimisation. Towards this end Schools that were destroyed due to activities of insurgents in northern Nigeria, need to be reconstructed through a dedicated funding and educational re-development programme. Similarly, strong security services should be provided for schoolchildren and their teachers in areas experiencing terrorism and where access to basic education and other social empowerment programmes have been weakened.

Also, there is a need for sensitisation and awareness-raising campaigns that will involve all stakeholders, such as religious leaders, teachers, healthcare personnel, social workers, the police, members of local government institutions, parents and the young people at both national and local levels. The campaign should emphasise the importance of education especially girl child education and also enhance knowledge on the rights and duties of children, the Child Rights Act, and the harmful practice of child marriage, which include maternal mortality,

early withdrawal from school, and poverty. Engaging and informing traditional leaders, such as village chiefs is a genuine grassroots, community-led approach that can aid towards mobilising the citizens to discourage their communities from practising child marriage and promoting girl child education.

The legal framework requires reform that will bring in a uniform definition of childhood, prescribe the minimum age of marriage, and remove the contradictions in current legislation and all loopholes that permit the marriage of underage girls. Similarly, the rights of women and children, gender equality and the risks associated with violent sexual practices, such as child marriage, female genital mutilation, child trafficking and several forms of child labour should be included in the school curricula so that children and young people can learn the implications of such practices. Also, the Child Rights Act should be translated into local languages, and a child-friendly created for distribution in schools.

At the national level, there is the need to emphasise the importance of federal legislation where such laws may conflict with other forms of regulation or practices operating within the State's jurisdiction, such as religious or customary laws. The State must ensure that relevant authorities comply with the national legislation especially those affecting the rights of the child, while a framework for extending emotional and social support to victims of child marriage should also be put in place.

Child marriage is more prevalent among poor families, eradicating child marriage implies tackling the cause of poverty. Financial incentives should be given to indigent families who are willing to send their girl child to school but have no financial means to do so. Also, economic opportunities should target the impoverished or families who are in debt and at risk of forcing their daughters into marriage offset their debt. Furthermore, to adequately address the deep-rooted cultural beliefs that have been identified as a fundamental factor that has historically, justify and engender the practice in northern Nigeria, there is the need to evolve national policies and actions that will be directed at altering these cultural beliefs. Above all, leaders at all levels of government must demonstrate the strong political will and genuine commitment towards addressing the challenge of child marriage in the country.

Conclusion

The narratives presented in this study give a clear insight into both the lived experience of young brides and the regulative cultural constructions that secure the practice of child marriage. Child marriage in northern Nigeria is an educational, security, political, legal, policy and health issue which is profoundly influenced by cultural and religious practices. The practice is a social identity in communities where it is pervasive, and this identity needs to be altered. Although, keeping girls in school does not provide sufficient response to the discourse of maturity that holds cultural practice of child marriage in place, however, educational emancipation is vital to girl-child empowerment. The assumption is that if girls are educationally empowered, they will be emancipated from the risk of early child marriage and freed from mental enslavement occasioned by inherited but harmful and archaic cultural values, as well as Islamic extremism. They will have the freedom and intellectual ability to take decisions on issues that affect their lives and assert their rights where attempts are made to violate such rights. The study on this note concludes that for child marriage to end in northern Nigeria, there is a need for strategies that will secure the girl child's future through increased access to education with other incentives such as financial support for parents; change in social and cultural norms and reform in legal and policy frameworks.

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APPENDIX 1

Brief Description of Victims of Child Marriage

Abibatu, 21 years old, from Mangu in Niger State had no formal education, was forced into marriage with a 35 year old man at the age of 15, she escaped from the marriage after being forcefully held down on the bed by her father and her father-in-law for her husband to consummate the marriage. She was helped by WRAPA through court injunction to annul the marriage. She later remarried to a man of her choice.

Zainab, 18 years old, was in primary 3 when she was forced to marry her father's 65 years old friend at the age of 11 years just two weeks after her genital circumcision. She had complications during delivery from prolonged labour, lost her baby and developed Vesico vaginal fistula (VVF). Both her family and husband abandoned her at the hospital and after her treatment, she came to Abuja where she is now engaged in sex work for a living.

Aminat, 21 years old, had no formal education was married twice, first at the age of 7 years to a 70 years old man who died when she was 12 years old and pregnant. She lost the baby and when she was 13 years old. She was again forced into another marriage with a 48 year old man who already had two wives. After two miscarriages and constant fighting with co-wives, she ran away from the marriage and now works as a house maid in Abuja.

Hadiza, 20 years old, was in primary school, at the age of 10 years old, she was forced to marry a 54 years old contractor who come regularly to work in her village. Due to the maltreatment from the two senior wives and her husband, she ran away from the marriage at the age of 15 years and became a prostitute.

Rashidatu, 19 years old, completed primary school at the age of 11 and was forced to marry her father's friend 27 years old son, after her father took £120 (₦35, 000) from his friend as dowry. She ran away from the marriage to her auntie's house after several sexual abuse and violence. She went back to school and finished her secondary school education.

Hawawu, 21 years old, had no formal education, got married at the age of 14 to his uncle's friend who already has a wife and four children. She was pregnant

after a few month into marriage, but lost the baby during delivery. Due to the prolonged labour and the size of the baby, her womb was damaged and she developed Vesico Vaginal Fistula (VVF). At the time of the interview, Hawawu was on follow-up medical check after initial treatment.

Hamida, 19 years old, at the age of 12 and while in Junior Secondary School Years One (JSS1) was forced into marriage with a 65 year old cow merchant three weeks after her circumcision. Her father took five cows from the merchant who already had two wives, in exchange for her hand in marriage. Her getting pregnant before the two senior wives of her husband caused so much problems in the marriage, she had complication during delivery, developed VVF, and her baby was born with serious health challenges. Hamida lost her baby on the day of his naming, was divorced by her husband and abandoned by her family at the hospital. At the time of the interview, she was working as a sex worker.

Aisha Sani, 20 years old, lost her mother at the age of 8 years. While in Junior Secondary School Two (JSS2) at the age of 12 years, her father forced her to marry a 55 year old married man. Her father claims he could no longer afford the cost of her education. Aisha had three miscarriages and had to undergo two fistula surgical repairs. Her husband later divorced her and she now lives with her aunty. At the time of the interview, she was on follow-up medical check for her second Fistula repair surgery.

Sadiat, 20 years old, had no formal education and at the age of 10, she was forced by her father to marry her grandfather's 72 years old friend. At the age of 11, the marriage was consummated and at the age of 13 she was pregnant. She lost the baby two week after delivery because the baby was very weak and too small. She ran away from the marriage with her cousin during the second pregnancy at the age of 15 and had an abortion but never returned to her husband. Now, she works in a restaurant during the day and as a sex hawker at night.

Sefinatu, 22 years old, was in Junior Secondary School Two (JSS2) when she was forced by her mother to marry their 62 years old landlord at the age of 12. Her mother told her the landlord had promised to send her to school and will also support their family financially. The landlord rather than keeping to his promise,

evicted her mother from his house and started maltreating her. She ran away from the marriage after repeated severe violence, sexual abuse and rapes. She is now into prostitution.

Bilikisu, 22 years old, got married at the age of 15 to a man she has never met before. She was told a man had paid her bride price and she has to marry him. The man beats her at any slight provocation and when she refused sexual intimacy with him. She sought and obtained a divorce through the help of the NGO she now works for.

Aisha Idris, 18 years old, got married at the age of 14 to a young man who proposed to her through her parents. She accepted the proposal and they got married. She had no problem in her marriage except for the complication during child birth and the Vesico Vaginal Fistula she developed. Despite that, her husband and parents were both taking good care of her while at the hospital. At the time of the interview, she was still undergoing medical treatment.

Oyeye, 19 years old, after her primary education at the age of 13, she was forced by her father to marry a native doctor in order to clear the debt her parent owned the native doctor. Her parents borrowed money with goat from the native doctor for sacrifice which they were unable to pay back, so he demanded her hand in marriage to offset the debt. She ran away from the marriage after repeated physical and sexual abuse. She now has two children for two other men and is living on her own with no means of livelihood.

Hafusat, 20 years old, was in Junior Secondary School One (JSS1) and going to Junior Secondary School Two (JSS2) when her parents said they could no longer afford the cost of her education and that they have seen someone who will marry her. At the age of 11, she was forced to marry a 20 year old young man. Hafusat's problem began as a result of her husband's uncontrollable sexual urge. She lost three pregnancy due to excessive sex and the fourth due to prolonged labour. While at the hospital, her husband married another wife. The new wife became pregnant and had a child and due to her constant fighting with the new wife, her husband divorced her and since her parents will not accept her back in their home, she went to the city with her friend where she is currently engaged in prostitution.

Rukayat, 18 years old, has no formal education and married at the age of 11, and her husband's age at the time of marriage was between 25-28 years. She has no problem in her marriage, although she has delay in having children but has two children now and still married to her husband as his only wife.

APPENDIX 2 Other interviewees (Stakeholders and Key Informants)

No.	Name	Gender (M/F)	Occupation	Location	Ethnicity	Geo-political Region
16	Amina Aliyu	Female	Housewife	Sokoto	Hausa	North West
17	Hajiah Rakiatu	Female	Housewife	Minna	Nupe	North Central
18	Hajiah Zadiah	Female	Trader	Sokoto	Fulani	North West
19	Hajiah Dije Musa	Female	Housewife	Sokoto	Hausa	North West
20	Hawawu Abubakah	Female	Housewife	Sokoto	Fulani	North West
21	Mr Lukman	Male	Police Officer	Sokoto	Hausa	North West
22	Mr Armstrong	Male	Lawyer	Abuja	Igbo	South East
23	Hajiah Zainab	Female	Director, Ministry of women Affairs	Sokoto	Fulani	North West
24	Mr Bello	Male	Assistant Director, Ministry of women Affairs	Abuja	Hausa	North West
25	Mallam Yusuf	Male	Imam Hamadiyah Mosque	Abuja	Ebira	North Central
26	Mallam Idris	Male	Imam NPF Mosque	Abuja	Igala	North Central
27	Mallam Ibrahim	Male	Imam Central Mosque Ketu	Lagos	Yoruba	South West
28	Mallam Hassan	Male	Islamic Scholar	Sokoto	Fulani	North West
29	Mallam Adamu	Male	Imam Minna	Minna	Nupe	North Central
30	Hajiah Maryam	Female	Founder Isa Wali Empowerment	Abuja	Fulani	North West
31	Abdulganu Abubakah	Male	USAID field staff	Sokoto	Yoruba	South West
32	Hajiah Suliat	Female	Chairperson FIDA	Minna	Nupe	North Central
33	UNICEF Nigeria	Female	UNICEF Representative	Abuja	Idoma	North Central
34	Mr Musa	Male	WRAPA	Minna	Nupe	North Central
35	Doctor Kamal	Male	Medical consultant	Minna	Nupe	North Central
36	Hajiah Afusat -	Female	Matron VVF hospital	Sokoto	Hausa	North West
37	Dr. Isah	Male	USAID Representative	Sokoto	Hausa	North West
38	Hon. Dave	Male	Member House of Representative	Abuja	Idoma	North Central
39	Hon. Rita	Female	Member House of Representative	Abuja	Igbo	South East
40	Hon. Peter	Male	Member House of Representative	Abuja	Tiv	North Central

APPENDIX 3

Interview Questions

Victims of Child Marriages (Questions)

1. Tell me about your experience as a child bride
2. What kind of impact does this marriage has on your life?
3. Were you forced to marriage because your parent can not afford to send you to school? How does this make you feel?
4. Was your marriage as a result of your religious belief? Do you really think religion should determine when one should be married?
5. Have you ever being to school, if yes, do you like school, will you have prefer going to school than getting married , why?
6. Are there schools in your community which you can attend if you want to go to school?
7. Can your parents afford the cost of sending you to school?
8. Does your community and religious leaders support the idea of young girls getting married early?
9. What was the decision making situation in your marriage like?
10. How is your relationship with your husband and your in-laws?
11. What do you say about sexual intercourse?
12. What do you think are the positive impacts of being a child bride?

NGOS

1. What can you tell me about child marriage?
2. What is the average age that girls are married?
3. In your view, what are the major reasons for early marriage in Northern Nigeria?
4. Is there any Domestic Violence or Victim Support Unit dedicated to address issues of child marriage by government?
5. Are there any educational campaigns on the implication of child marriage?
6. What effect does this marriage has on social life of the child bride?
7. Child marriage is not common in Southern Nigeria. What do you think is the main reason for it high prevalence in the North?
8. Are there any programmes particularly targeting girls, informing them about their rights on this issue?
9. Does the Nigeria government or the Northern states government have laid down policies for educating the female child and how has this been enforced?
10. What are the educational patterns among girls and boys and what effect does this have on delaying marriage?
11. Are there any cash incentive programmes in Nigeria (national /regional) to support education, nutrition, health-related outcomes for girls especially those child brides?

Parents

1. Can you tell me about your marriage?
2. How many children do you have and how many are in school
3. Why are girls married at such a young age and not boys?
4. Are there schools in your community for both boys and girls?
5. How expensive is the cost of education in your community?
6. Islamic law allows marriage not by age but by maturity, which is attained once a girl reaches the age of puberty, is that the only reason why you give your daughter out in marriage so early?
7. Aside religion, does your culture encourage child marriage and at what age?
8. What is the average age that girls are married in your community?
9. Who makes the ultimate decision regarding marriage and what role does female children play in marriage decisions?
10. What happens when girls try to resist early marriage?
11. Can you give me examples of people you see as role model for your daughter in your community?
12. Why do you think is important to give your daughter in marriage at a very young age? Are there other reasons?
13. How happy did you think your daughter is in her marriage?
14. Do you think your daughter has the right to decide what she wants or who she should me?
15. What is the highest level of education in your community before marriage?
16. Tell me if there are opportunities will you allow your female children to go to school

Community and Religious Leaders

1. What do you think about marriage?
2. What do you say about child marriage?
3. In your view, what are the major reasons for early marriage?
4. What role does culture and religion play in marriage generally and child marriage particularly?
5. Islamic law allows marriage not by age but by maturity, which is attained once a girl reaches the age of puberty, is that the reason why young girls are given in marriage so early?
6. How are child bride victims of VVF treated within the community?
7. Child marriage is not common in the South, What do you think is the main reason for its high prevalence in the North?
8. What factor(s) determine the age young girls get married in community or religion?
9. Do/ would you ever advise parents to marry off their daughters below the age of 18, if yes why?

Healthcare practitioners

1. What impact does child bearing have on child bride?
2. What types of complications does child bride have during pregnancy?
3. What are the health implications of these complications on child bride?
4. How are victims of VVF treated by their families, husbands and within the community?
5. Are there organisations within community that provide support such as rehabilitation programmes for the child brides?

6. Are services available and accessible for victims?

Policy Makers

Do you think early marriage is a problem that should be addressed? If so, what needs to change to address this issue?

In your view, what are the major reasons for early marriage?

What is the position of the National Assembly on the issue of Child Marriage?

What impact does child marriage has on the nation economy

Does the Nigeria government or the Northern states government have laid down policies for educating the female child?

How is this legislation implemented and enforced?

What are the main obstacles to the enforcement of this/these legislation (s)?

What is/are the missing link(s) to fully implement/enforce legislation in Nigeria?

Is there any Domestic Violence or Victim Support Unit dedicated to address issues of child marriage by government?

What is the educational patterns among girls and boys and what effect does this have on delaying marriage

APPENDIX 4

Information sheets and Consent form



UNIVERSITY OF LEEDS

Information Sheet for victims of Child Marriages

I am currently studying for a PhD in Social Policy at the University of Leeds in UK and I'm researching Extent, Experiences and Perceptions on the Practice of Child Marriage in Northern Nigeria

You are invited to take part in this research project. Before you decide, it is important for you to understand why the research is being done and what it will involve. Please take time to read the following information carefully and discuss it with others if you wish. Ask us if there is anything that is not clear or if you would like more information. Take time to decide whether or not you wish to take part.

This research explores the extent and experience of child marriage in Nigeria. The aim of this research is to understand the under-researched factors that explain why the practice of child marriage is more prevalence in some part of Nigeria than others. As part of this research, I would like to speak with you about your experience as a child bride, what are your expectations before getting married, how as this marriage change your life, were you happy to be married, did you freely give your consent or were you forced in to marriage?

This would be an informal conversation, which will be in a narrative interview form; this will take about an hour and half, at a time and a place that is convenient for you. Also I will like to record the interview, to help me remember what you tell me.

It is your choice whether or not you take part. If you say yes, you can change your mind and stop at any time without having to give a reason, you can also choose not to answer any questions that you do not wish to answer and can withdraw from the study at any time before data analysis began which will be about 2 months after interview.

If you do agree to take part in the study, your words may be quoted in presentations and publications but your name will never be used and nobody will be able to identify you.

Thank you for considering participation in this project.

If you have any queries about it, please do not hesitate to contact me:

Folayemi Owohunwa, tel., gs13foo@leeds.ac.uk



Information Sheet for key informants and stakeholders

I am currently studying for a PhD in Social Policy at the University of Leeds in UK and I'm researching Extent, Experiences and Perceptions on the Practice of Child Marriage in Northern Nigeria

You are invited to take part in this research project. Before you decide, it is important for you to understand why the research is being done and what it will involve. Please take time to read the following information carefully and discuss it with others if you wish. Ask us if there is anything that is not clear or if you would like more information. Take time to decide whether or not you wish to take part.

This research explores the extent and experience of child marriage in Nigeria. The aim of this study is to understand the under-researched factors that explain why the practice of child marriage is more prevalence in some part of Nigeria than others. As part of this research, I would like to speak with you about the practice of child marriage in your community, what is the general attitude towards this practice; what are your views of this practice; and what are the intervention programmes or policy(ies) available for safeguarding female children from child marriages or eradicating the practice.

This would be an informal conversation, which will be in a semi-structured interview form, this will take about 45 minutes, at a time and a place that is convenient for you. Also I will like to record the interview, to help me remember what you tell me.

It is your choice whether or not you take part. If you say yes, you can change your mind and stop at any time without having to give a reason, you can also choose not to answer any questions that you do not wish to answer and can withdraw from the study at any time before data analysis begins which will be about 2 months after interview.

If you do agree to take part in the study, your words may be quoted in presentations and publications but your name will never be used and nobody will be able to identify you.

Thank you for considering participation in this project.

If you have any queries about it, please do not hesitate to contact me:

Folayemi Owohunwa, tel., gs13foo@leeds.ac.uk



Consent form

Extent, Experiences and Perceptions on the Practice of Child Marriage in Northern Nigeria

	Add your initials next to the statements you agree with
I confirm that I have read and understand the information sheet dated September/2015 explaining the above research project and I have had the opportunity to ask questions about the project.	
I agree for the data collected from me to be stored and used in relevant future research in an anonymised form.	
I understand that relevant sections of the data collected during the study, may be looked at by individuals from the University of Leeds or from regulatory authorities where it is relevant to my taking part in this research. I give permission for these individuals to have access to my records.	
I agree to take part in the above research project and will inform the lead researcher should my contact details change.	
I agree that interviews may be digitally recorded.	

Name of participant	
Participant's signature	
Date	
Name of lead researcher	Folayemi Owohunwa
Signature	
Date*	

*To be signed and dated in the presence of the participant.

Once this has been signed by all parties the participant should receive a copy of the signed and dated participant consent form, the letter/ pre-written script/ information sheet and any other written information provided to the participants. A copy of the signed and dated consent form should be kept with the project's main documents which must be kept in a secure location.