


**AN EXAMINATION OF THE IMPLICATIONS
AND GLOBAL INTERVENTIONS OF CHILD
MARRIAGE IN SUB-SAHARAN AFRICA: A
CASE STUDY OF BURKINA FASO**

The crest of the University of Ghana is a shield-shaped emblem. It features three golden palm trees at the top, a central golden cross with four curved ends, and a golden scrollwork design at the bottom. The entire crest is set against a light blue background.

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**THIS DISSERTATION IS SUBMITTED TO THE UNIVERSITY
OF GHANA, LEGON IN PARTIAL FULFILLMENT OF THE
REQUIREMENT FOR THE AWARD OF THE MASTER OF
ARTS (M.A) INTERNATIONAL AFFAIRS DEGREE**

DECLARATION

I, hereby, declare that this dissertation is the result of an original research conducted by me under the supervision of Dr. Afua Boatemaa Yakohene. All sources referred to in the study have been acknowledged and that no part has been submitted anywhere else for any other purpose.



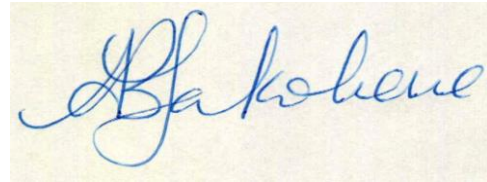
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DEDICATION

This dissertation is dedicated to my parents, Mr. and Mrs. Ansong and siblings Matilda, Audrey and Junior for their love, support and prayers.

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My profound gratitude first and foremost goes to the Almighty God for the protection, guidance and wisdom granted me during the course of this study and seeing me through its completion successfully.

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LIST OF ABBREVIATIONS

CEDAW	-	Convention on the Elimination of Discrimination against Women
CRC	-	Convention Rights of the Child
CPR	-	Civil Political Rights
CSO	-	Civil Society Organization
ESCR	-	Economic, Social and Cultural Rights
FGM	-	Female Genital Mutilation
HIV	-	Human Immune Deficiency Virus
HDI		Human Development Index
ICRW	-	International Center for Research on Women.
IPPF	-	International Planned Parenthood Federation
MDGs	-	Millennium Development Goals
NGOs	-	Non-Governmental Organizations
UDHR	-	Universal Declaration of Human Rights
UN	-	United Nations
UNDP	-	United Nations Development Fund
UNFPA	-	United Nations Population Fund
UNICEF	-	United Nations Children's Fund
SDGs	-	Sustainable Development Goals

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ABSTRACT

Child marriage has been a very serious problem in sub-Saharan Africa, having links to several other systemic problems on the sub-continent. Using Burkina Faso as a case study, this study examines the state of child marriage in sub-Saharan African, focusing on uncovering the underlying factors that perpetuate child marriage in Burkina Faso, the implications that the practice have on young girls, as well as the successes and challenges that interventions put in place to address the problem have achieved and faced, respectively. Using a qualitative research design, the main data collection method was interviews, coupled with extensive literature review. The analysis of the data identified poverty, high illiteracy rate, a lack of sensitization, religion and the predominant family structure as the underlying factors perpetuating the practice in Burkina Faso. The practice infringes on the human rights of the young girls by, amongst other things, creating slave-like conditions for them in their ‘marital homes’, and traumatizing them physically, emotionally and psychologically. The national legislations, international instruments and efforts of international organizations to address the issue have seen some successes, including setting the legal age for marriage in the country, and establishing a few shelters for at-risk girls and child brides, amongst others. However, its main challenges in meeting its goal of eradicating child marriage in Burkina Faso includes poverty, loopholes in the national legislations, the absence of national legislations and the severe lack of sensitization which results in a lack of knowledge on the dangers of the issue, as well as the various remedies available for victims and potential victims. The study concluded with recommendations for, amongst others, future detailed research on the challenges identified that militates against addressing the problem in Burkina Faso, as well as intensification in civil society activities to address the problem of child marriage in the wake of the government shortfalls.

CHAPTER ONE

INTRODUCTION

1.0 Background to the Research Problem

Child marriage has been defined by various scholars. Child marriage often means for the girl “a life of certain sexual and economic servitude”.¹ The subordination of women is considered both as a cause of and consequence of child marriage.² Child marriage has been referred to as “early marriage or child brides, but these terms are not optimal”.³

Marriage has been described as “a union between two people, that is a man and a woman such that the children born to them are recognized as legitimate of both man and the woman”.⁴ Some authors have described marriage as the “public recognition of two adults who freely show their intimate and emotional commitment to each other’s well-being” and therefore formally “create certain mutual rights, duties, and obligations”.⁵ There is therefore no agreed definition of marriage as at now because of the influence of modern cultural and societal norm on marriage. Some people argue that “marriage, as a structured, publicly-proclaimed, communally-supported relationship of mutual commitment, should have no legal definition as it is ‘solely a religious and cultural institution’”.⁶ The role of marriage in societies in recent times has also become indistinct to the extent that, as some argue, the very definition of family is now disputed.

Marriage creates a secure environment where couples acquire some level of social status and are therefore regarded as “emotionally, morally, practically, and legally joined to one another”.⁷ The above connotation of marriage is uttered by Meyerson (2013) who argue that “the additional value attached to the marriage is the society’s constitutive recognition, the substantial moral

approval and the intricate normative justification of the relationship that it names and is intended to reconstruct the most intimate facets of self-understanding”.

Various national laws back “civil marriage prior to and subsequent to it being redefined, over other known informal domestic relationships and marriage remains the legally favored model for family life”.⁸ The recognition and protection the laws bestow on marriage “serves to encourage an authoritative and symbolic concept whereby the marital form of family life is seen as morally superior and as socially approved”.⁹ Thus, marriage has, as a result, become an essential institution in human society. The importance of marriage for the society as a whole is that “it unites people from different families and represents the making of a production and consumption unit as well as one for the exchange of goods and services”.¹⁰ The various different definitions of child marriage point to the issue of forcing a female to marry a man. While certain schools of thought regard child marriage as an element of forced marriage and as such, a denial of the rights of the child to fully mature and make their own decisions.¹¹ Child marriage affects both boys and girls, even though girls are the most disproportionately affected. According to UNICEF, “an estimated 115 million boys and men around the world were married as children. Of these, 1 in 5 children, or 23 million, were married before the age of 15”. “Using data from 82 countries, the study reveals that child marriage among boys is prevalent across a range of countries around the world, spanning sub-Saharan Africa, Latin America and the Caribbean, South Asia, and East Asia and the Pacific”.¹²

Marriage steals childhood, as “child grooms are forced to take on adult responsibilities for which they may not be ready. Early marriage brings early fatherhood, and with it added pressure to provide for a family, cutting short education and job opportunities”. “They are usually forceful marriage is characterized by a period, arrangement and justifying norms. Girls were usually

married off as soon as they reached puberty or sometimes even prior to that.¹³ Most of these marriages are arranged by parents. The girls rarely meet the man before they are married off to him. In most communities, “the girls know that after the wedding they will move to their husband’s household, become the responsibility of their in-laws, and might not see their own family or friends for some time”.¹⁴

Until the 20th century, child marriages were the norm in many parts of the world.¹⁵ In recent times, forced marriages or child marriage is rising in Nigeria and posing challenges in Burkina Faso. As at June 2017, Niger recorded the highest rate of 76% prevalence rate in child marriage, Central African Republic had 68%, Chad had 67% and Burkina Faso 52%.¹⁶ “The Burkinabe government has passed legislation to prevent discrimination against girls and women on a range of issues”¹⁷. In Burkina Faso, “the legal age for marriage is 20 years for males and 17 years for females”¹⁸. Both spouses must agree to the marriage and decide between themselves what form of marriage they want – monogamous or polygamous.¹⁹ This research will focus solely on girl child marriage in Burkina Faso due to its high prevalence rate and legal disparities. More so, Burkina Faso’s law allows males who are 20 years and above to be married and this age is clearly out of the issue of childhood which clearly indicates that child marriage in Burkina Faso is more inclined to affect the young girls than boys. “Laws often have little influence in rural communities where traditional practices and customs limiting the rights of women persist”.²⁰ For instance, contrary to civil law, many ethnic groups prohibit women from owning property.

Recent forced marriage trends are observed in both developing and developed countries. Although not largely found in developed countries, child marriage is a common practice in several developing states where religion and tradition are deeply inculcated. According to UNICEF, “lower levels of child marriage are found in Latin America and Caribbean (25%), the Middle

East and North Africa (17%) and Eastern Europe and Central Asia (11%)”.²¹ Before long, the practice started reducing in number and attitudes in the global north.

The challenges posed by child marriage in Burkina Faso are related to issues of marrying a girl below 18 years, unequal power, illegitimacy and violation of freedom. Child marriage has gradually become a global issue and Sub-Saharan Africa has over the years witnessed increasing rates.²²“Every two seconds, a girl is married before she is physically or emotionally matured enough to become a wife or a mother”.²³“Globally, 720 million women were married before they turned the age of eighteen. Each year, these women are joined by 15 million child brides”.²⁴ Child marriage is one of the most open demonstrations of power imbalance between men and women.²⁵

Clearly, marrying off a young person before the legal age of marriage is illegitimate and as long as the marriage is not approved by either of the parties involved, there is a breach of human rights. Legal framework governing marriage under Muslim Law in Sri Lanka is an issue towards eliminating child marriages.²⁶ Sri Lanka being a legal pluralistic country, there are different statutory laws that affect marriage consequences. For example, under Muslim law, there is no specific minimum age for marriage. Moreover, in both law-suits *Nabiza Umma v. Sale and Alim v. Mohamed Musthapha*, the court recognized these marriages as valid under the law, even though the parties were minors under age of twelve years. Additionally, Pakistan’s law relating to the minimum age requirement for marriage is established on a more considerable tone. Thus, child marriage is a widespread violation of human rights.²⁷ The most substantial premise of child marriage has to do with the violation of human rights and freedoms.²⁸

A closer look at child marriage and violation of freedom is revealing. It shows why it is not good and the risks it involves. More than half of the Sustainable Development Goals (SDGs) reiterates the urgent need to eradicate certain practices which hamper the development of young girls around the world. Ending child marriage is critical to achieving more than half of the SDGs including “Good Health and Well-being (SDG 3), Inclusive and Quality education (SDG 4), Gender equality (SDG 5), Economic growth (SDG 8), Reduce inequalities (SDG 10), Peace, justice and strong institutions (SDG 16) which targets creating safe places for young girls to blossom into an empowered world where their potentials can be fully harnessed”.²⁹

It also brings to bear criticisms and the defeated purpose of child marriage. Among several states, the practice nonetheless received criticisms. Beginning as a “practice to protect unwelcome sexual advances and to gain economic security, child marriage has undermined the very purposes it was meant to achieve”.³⁰

The defeated purpose of child marriage is “obvious in the light of reasons justifying child marriage”.³¹ During that period, the average life expectancy was only about 40-45 years. Therefore, child marriages became a faster way to reproduce.³² Criticisms of child marriage were based on beliefs.³³ Traditional and cultural practices hold the belief that marrying off the children especially girls will prevent promiscuous living and guarantee a safe family. Traditional cultural practices reflect the values and beliefs of a community over long periods of time. “Every social grouping in the world has specific traditional cultural practices and beliefs, some of which are beneficial to all members, while others have become harmful to a specific group, such as women”.³⁴

It appears, expected sexual conduct is one of the consequences of child marriage. This raises the question of what are the underlying factors for child marriage in Sub-Saharan Africa in general, and Burkina Faso to be specific. There are different perspectives and thoughts. Clearly, Child marriage is a global issue that has been addressed by different scholars from various perspectives.³⁵

1.1 Statement of the Research Problem

Child marriage is increasingly becoming a global issue. Although it has been addressed by different scholars from various perspectives³⁶, underlying factors and effects of child marriage in sub-Saharan Africa and Burkina Faso has received little research attention. Connected to the problem of child marriage is the questions raised on the implications of Child marriage on affected young girls in Burkina Faso. This study gives a general assessment of the inherent causes of girl child marriage in Burkina Faso, with focus on the existing and projected implications on affected young girls, the successful and possible interventions to control and eradicate as well as challenges encountered in the implementation of such interventions.

1.2 Research Questions

In undertaking this study an attempt would be made to answer the following questions as a guide to the study.

1. What are the underlying factors for Child Marriage in Sub-Saharan Africa and Burkina Faso?
2. What are the implications of Child Marriage on affected young girls in Burkina Faso?
3. How successful are the interventions geared towards ending Child Marriage in Burkina Faso?

4. What are the established challenges facing the efforts to intervene and eradicate child marriage in Burkina Faso?

1.3 Research Objectives

The objectives of this research are:

1. To establish the underlying factors and justifications of Child marriage in Sub-Saharan Africa and Burkina Faso
2. To assess the implications of Child marriage on affected young girls in Burkina Faso.
3. To assess the successes of the interventions at the international, national and local levels geared towards ending Child Marriage in Burkina Faso.
4. To assess the challenges encountered in the effort to end child marriage by stakeholders at the international, national and local levels.

1.4 Rationale

The study is significant because it establishes the underlying factors and justifications of Child marriage in Sub-Saharan Africa and Burkina Faso. This will contribute to the body of literature on child marriage. In addition, implications drawn from Child marriage and affected young girls in Burkina Faso will provide insights for interventions and policy making at the local and international level.

1.5 Scope

This study examines sub-Saharan Africa with focus on Burkina Faso between the periods of 2010-2019 due to an upsurge in child marriage.

1.6 Thesis Statement

Child Marriage in Burkina Faso is still rampant despite the existence of national and international mechanisms of intervention.

1.7 Theoretical Framework

The theory underpinning this study is that of Human Rights. The Universal Declaration of Human Rights is an “embodiment of the rights and freedoms of all persons which was adopted by the United Nations General Assembly in 1948”.³⁷ The Universal Declaration of Human Rights (UDHR), which is currently considered as a customary international law, “recognizes the equal rights of both men and women”.³⁸ It categorically establishes individual rights of equality, dignity, protection against discrimination among others.

However, the United Nations Charter established the fundamental human rights and equal rights of men and women without any distinction based on gender.³⁹ In view of the fact that “all human beings are born ‘free and equal in dignity and rights’, the principles of non-discrimination and equality represent the ‘twin pillars’ upon which the whole edifice of human rights law is established”.⁴⁰ These two principles are incorporated in various international and regional human rights instruments.

The principles of UDHR have birthed several conventions and treaties which protect the rights of all individuals, including children and the vulnerable in society. One such instrument is the Convention on the Rights of the Child (UNCRC).⁴¹ The UNCRC “consists of 54 articles that set out children’s rights and how governments should work together to make them available to all children”.⁴² Under the terms of the Convention, “governments are required to meet children’s basic needs and help them reach their full potential”.⁴³ Central to this is the acknowledgement

that “every child has basic fundamental rights, including the right to life, the right to survival and the right to development, protection from violence, abuse or neglect, an education that enables children to fulfill their potential, be raised by, or have a relationship with, their parents as well as express their opinions and be listened to”.⁴⁴

Since it was adopted by the UN in 1989, 194 states have signed. The states that have ratified it are bound by international law to ensure its implementation within their borders. The implementation is monitored by the Committee on the Rights of the Child.⁴⁵ UNICEF has been very instrumental in the implementation of the rights of the Child, as well as the “launch of the Global Program to Accelerate Action to End Child Marriage, with well-established country presence, UNICEF and UNFPA bring strong partnerships and robust expertise to ensure prevention, protection and care services across sectors for girls at risk of and affected by child marriage”.⁴⁶ Since its launch, the program has “engaged key stakeholders, including international and regional officers, heads of state, young girls and young boys”.⁴⁷ Partnerships that are vital to meeting the goals and achieving meaningful change are being formed, including with continental bodies like the AU, CSOs, and the private sector.⁴⁸ It has inspired governments to “change laws and policies and make investments so that more children finally get the health care and nutrition they need to survive and develop, and there are stronger safeguards in place to protect children from violence and exploitation”.⁴⁹ It has given children a voice and a chance to participate in their societies. Despite the achievements of the convention, it is still not fully implemented or adequately sensitized, as millions of children worldwide continue to suffer human rights abuses.⁵⁰

Early child marriage is widely recognized within international agreements as a violation of the human rights of children to health, education, equality, non-discrimination, and to live free from

violence and exploitation enshrined in the Universal Declaration of Human Rights, the Convention on the Rights of the Child (CRC) backed by international law and binding on all states. Based on the principles of human rights, as established under the UN Charter, the African Union (AU) has also launched a campaign to end child marriage in Africa. The campaign, launched in 2014, aimed to “enhance the implementation of related AU policy and legal instruments”.⁵¹ The AU legal instruments include, the African Youth Charter, the African Charter on the Rights and Welfare of the Child, the African Union Social Policy Framework, the AU Continental Policy Framework on Sexual Reproductive Health and Rights and the Maputo Plan of Implementation, and so on. The plan recognizes that child marriage occurs within specific socio-economic and cultural context, and aims at accelerating the movement to end child marriage through support for policy action to protect and promote human rights specifically focused on addressing violence against girls and women and promoting gender equitable social norms; mobilizing continental awareness of child marriage and the desire to end it; removing bureaucratic barriers and bottlenecks at the level of law enforcement; and building the capacities of non-state actors to “undertake evidence-based policy advocacy”.⁵² These aims are to be achieved through advocacy campaigns, monitoring and evaluation, and the facilitation of technical assistance and capacity-building.

The universality of human rights notwithstanding, its significance to the eradication of child marriage has been criticized by Fanz Boas’ theory of Cultural Relativism which establishes cultural values and ethics as the principal source of morality in society.⁵³ Cultural Relativists, however, admonishes the disregard for cultural and religious norms on the basis of human rights. Radical cultural relativists assert that culture is the sole source of the validity of a moral and as such supersedes the logic of human rights which is considered alien or western.⁵⁴

In universalism, “an individual is a social unit, possessing inalienable rights, and driven by the pursuit of self-interest”.⁵⁵ In the cultural relativist model, “a community is the basic social unit. Concepts such as individualism, freedom of choice, and equality are absent. It is recognized that the community always comes first”.⁵⁶ Several states have taken advantage of this doctrine, which publicly denounces any “impositions of western rights” as cultural imperialism, because of their disregard of the fact that they have adopted the Western notion of the state, its goal of modernization and economic prosperity.

In spite of the criticisms leveled against the theory of human rights, it is important to note that while cultural relativism is society specific, what one society culturally permissible is seen as impermissible in another cultures. Human rights, however, is extra-cultural and cuts across all societies. Thus, the need to uphold and respect the fundamental human rights is crucial to increase advocacy and contribute to interventions geared towards eventually ending the practice of child marriage.

The theory of human rights is useful in assessing the successes and challenges of the interventions geared towards ending Child Marriage in Burkina Faso. It tackles the issue of human rights and applicable to child marriage driven by cultural contexts. Understanding the socio-economic and cultural context within which child marriage occurs, a framework focused on exploring the causal factors and effects of child marriage in Burkina Faso as lapses in ensuring that children in Burkina Faso, especially girls, have basic human rights is explored. To that end, the framework allows for discussions into how cultural and religious practices, and weak law enforcement rids children in Burkina Faso, especially girls, of their human rights and subjects them into early marriage, which impacts their economic, social, physical and psychological states. As a result of this linkage, interventions in the form of ensuring the human

rights of children in Burkina Faso could prove effective in addressing child marriage in Burkina Faso, as is discussed in this study.

1.8 Literature Review

This section reviews varying literature on child marriage in the countries under study.

1.8.1 Child Marriage in Burkina Faso

The issue of Child Marriage at Burkina Faso is enormous. Burkina Faso's Personal and Family Code 238, under the National Constitution, "sets the legal age of consent for marriage at 20 years for boys and 17 years for girls".⁵⁷ And also, "the civil courts have the power to grant consent and approve a marriage of a male between ages 18 and 20 and a female between the ages 15 and 17".⁵⁸ Under Burkinabe traditional practices, "a girl as young as 10 or 12 can be married, contrary to the provisions of the Burkina Faso Family".⁵⁹

1.8.2 Child Marriage and Underlying Factors

Previous research on child marriage has explored the subject in the context of faith and affiliation. Jack Donnelly, in his book "Cultural Relativism and Human Rights", "leads up to his main premise that human rights are equal, inalienable, and universal, even with considerations of cross-cultural relativism".⁶⁰ He ultimately argues that "human rights are not culturally relative because culture is not the cause or a factor in the development of human rights ideas and practices and is not necessarily for or against any particular human rights". Donnelly states, "No particular culture or comprehensive doctrine is by nature either compatible or incompatible with human rights. It is a matter of what particular people and societies make of and do with their cultural resources. Cultures are immensely malleable..." He argues that "there are indeed moral

justifications underlying the claim that various practices and beliefs differ from society to society and should be accepted as being relative to other cultural beliefs”.⁶¹

On the subject of child marriage researchers has made various attempts to understand the dynamics. Several scholars and researchers have analyzed the issue of Child marriage from different perspectives. While some make a comparative analysis of international and domestic laws pertaining to child marriage, others have expressed their opinion from the angle of human rights, religion and culture.⁶² However, it is not clear the universal factors that define the prevalence of child marriage. According to Elizabeth Warren, “while the prevalence of child marriage cuts across many different countries with different cultural and religious traditions, certain factors pertaining to the practice are nearly universal”.⁶³She continues that “the marriage of girl-children is almost always arranged by their parents or guardians; whose desires take precedence over the wishes of the child”. The marriage is a bartered transaction and the child bride in this case is traded off as a commodity for exchange.

1.8.3 Repercussions of Child Marriage

Research indicated that child marriage has some effects. Child marriage is “an impediment to social and economic development, and it is rooted in gender inequality”.⁶⁴According to Parsons et. al. (2015), “the low value placed on girls and women perpetuates the act and acceptability of child marriage in societies where the practice is common”.⁶⁵

The infringement of the rights of the girl cannot be overemphasized, as its implications go from physical to psychological and beyond.⁶⁶ This psychologically increases the risk of depression⁶⁷However, two effects have been noted. The infringement of the rights of the girl cannot be overemphasized as its implications goes from physical to psychological and beyond.⁶⁸

This affects psychologically increases the risk of depression.⁶⁹ Child marriage occurs in poor, economically deprived communities. According to the World Policy Center, child marriage directly affects the girls' health and education. Most of the girls drop out of school without completing their primary or basic education. "Early marriage jeopardizes girls' health due to abuse, limited control over their own bodies and their sexual and reproductive health decisions, and early pregnancy and childbearing".⁷⁰ "Women who marry before eighteen (18) years of age are three times more likely to be beaten by their spouse than women who marry at age of twenty or older".⁷¹ It worsens the health of girls due to work overload at home. For instance, the girls are engaged in cooking and cleaning and other household chores every day. Girls become pregnant at an early age, in spite of maturity, which leads to increased maternal and child mortality rate.

Gynecol (2009) mentioned child marriage consequences to include "isolation, depression, sexually-transmitted infections, cervical cancer, infant and maternal mortality, and so on".⁷² After the marriage, "girls have to perform the role of the wife, domestic worker, as well as mother at their husband's household" (Nour, 2009).

1.8.4 Child Marriage Interventions

It appears interventions of child marriage are beset with difficulties including African Traditional Practices. In Ssenyonjo's *Culture and the Human Rights of Women in Africa: Between Light and Shadow*, he asserts that "Although African states have ratified several human rights instruments protecting women's human rights, generally the severe political, economic and social difficulties facing African states have had a negative impact on the efforts to respect, protect and fulfill the human rights of women".⁷³

Ssenyonjo (2007) stated that “the prevalence of prejudicial traditional practices and customs that legitimize women's inequality in rural areas of most African states hamper the effective implementation of human rights generally, and of women as a vulnerable group in particular”. She continued that “although obstacles to the realization of both the civil and political rights (CPR) and the economic, social and cultural rights (ESCR) of women, traditional practices and customs disproportionately affect ESCR since traditionally this category of rights has been often marginalized rather than prioritized”.⁷⁴

This African traditional practice is in conflict with prescriptions of individual rights and freedom.⁷⁵ African traditional practices seemingly ignore marriage consent, age; and these discriminate against women. Article 16 establishes the right to consent to marriage by both partners.⁷⁶ The United Nations General Assembly on November 20 adopted the convention on the rights of the child in 1989 after ten years of consultations and negotiations, and it came into force on September 2, 1990.⁷⁷ The Convention on the Rights of the Child (CRC) aims at protecting the rights of children globally. The CRC has clearly mentioned that every human being below 18 years of age is a child, even though, under Muslim Law a girl child who is below the age of 12 years is permitted to marry.⁷⁸ While the CRC does not “explicitly address early marriage, nearly the entire convention is relevant to its harmful consequences, especially the right to protection from violence (Article 19), the right to health (Article 24), the right to education (Article 28), and the right to protection from sexual exploitation and abuse (Article 34)”. The CRC committee includes child marriage in its reports and recommends that countries adopt higher legal minimum age and eliminate gender disparities in minimum age laws.

The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) provides sufficient legal protection to abolish ‘under-age marriages which take place early in the

life of children. Furthermore, CEDAW, which is the most important document for women, prohibited child marriages under Article 16 and recommended that “state parties should specify a minimum age for marriage”.⁷⁹ The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Committee on the Rights of Child considers a child as a human being below 18 and the minimum age for marriage must be 18 years for both men and women.⁸⁰

1.9 Sources of Data

To answer the research questions and achieve the objectives of the study, the study shall depend on both primary and secondary methods of data collection. Primary sources include face to face interviews with identified resource persons from CSOs, Academia, and so on. The secondary sources will include journal articles, books, published research, and reports relevant to the study.

1.10 Research Methodology

This section discusses the steps, methods and processes that are undertaken to conduct this study.

1.10.1 Research Design

The research design encompasses “information required for the study, methods required to gather and analyze data and how the information answers the research questions”.⁸¹ It outlines how the research is carried out and the various elements that go into it. This study is qualitative in design as information considered for the analysis is non-numeric and not quantified. Qualitative research gives an “in-depth analysis and description of the values, attitudes, behaviors and interpretation of events”.

Pauly (1991) defines qualitative approach as “a five-step process: (a) finding a topic, (b)formulating research questions, (c) gathering the evidence, (d) interpreting the evidence, and

(e) telling the researcher's story".⁸² Bogdan and Taylor (1975) maintained that "the qualitative approach refers to research procedures that examine settings and the individuals within those settings holistically; that is, the subject of the study, be it an organization or an individual, is not reduced to an isolated variable or to a hypothesis, but is viewed instead as part of a whole".⁸³

The research is also a case study, focusing on Burkina Faso. Burkina Faso has been known to be one of the countries in the world that is most afflicted with the problem of child marriage. That, in addition to its proximity to the researcher, very much informed the researcher's decision to use that as the case study.

1.10.2 Sample Methods, Sample Population and Size

"A population is a complete set of people with a specialized set of characteristics, and a sample is a subset of the population".⁸⁴ In this study, the sample population comprises experts in human rights, policy makers and stakeholders at the local, national and international levels. In this design, potential or victims of child marriage were interviewed using a semi-structured interview guide. Informants from civil society organizations and political parties are also interviewed. The varied population brings different perspectives to the analysis.

A sample is "a portion of the target population. A sample size is therefore referred to as the sum of selected portion of the population capable of representing characteristics of the entire population".⁸⁵ The study employs purposive sampling to select the target population for the analysis. The purposive sampling technique, "is the deliberate choice of an informant due to the qualities the informant possesses".⁸⁶ In simple terms, "the researcher decides what information is relevant and sets out to find pertinent human resources who can and are willing to provide the information by virtue of their knowledge or experiences in the field".⁸⁷

1.10.3 Data Collection

Method of data collection refers to methods that the researcher uses to acquire data that is relevant to the study in order to achieve the objectives of the research. Data is collected through in-person and virtual interviews using a semi-structured interview guide respectively with the selected sample population. Additional information is also gathered through secondary sources including reports from relevant organizations including CSOs; such as Child Rights International, UNICEF, UNFPA, Plan International and The Embassy of Burkina Faso. This approach will analyze and approve published materials, journal articles and research papers related to the search of data collected to ascertain its relevance to research. This research shall satisfy ethical principles by ensuring integrity and quality, respecting confidentiality, anonymity and consent.

1.10.4 Data Analysis

Thematic analysis as an independent qualitative descriptive approach is mainly described as “a method for identifying, analyzing and reporting patterns (themes) within data”. This approach is used to analyze the role of stake holders in combating child marriage in Burkina Faso by “assigning preliminary codes to the data gathered from the interviews; searching for patterns or themes in the codes across the different interviews; reviewing the themes, and defining and naming them to produce a report. This method of qualitative analysis aids in answering the research questions”.

1.10.5 Ethical Considerations

During the conduct of this study, children who have fallen victim to child marriage in Burkina Faso were interviewed, in addition to other female victims who were married as child brides, government workers working within the government of Burkina Faso, and workers with civil

society organizations. The researcher understands and appreciates the vulnerabilities of some of the people interviewed for the study. Thus, it was explained to them in detail what the study is about and the confidentiality of the information being provided. Their full permissions were given, and for minors, the proper permissions were attained, before interviewing them under the agreement of anonymity.

1.11 Arrangement of Chapters

The report of this research shall be organized in four chapters;

Chapter One covers the Introduction.

Chapter Two seeks to critically assess the underlying factors, implications, interventions, successes and challenges of Child Marriage in Sub-Saharan Africa.

Chapter Three focuses on Burkina Faso to establish the loopholes in its laws on marriage, the implications on young girls, the successes and challenges of interventions and role of stakeholders towards ending child marriage.

Chapter Four looks at the summary of findings, conclusion and recommendations.

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CHAPTER TWO

OVERVIEW OF CHILD MARRIAGE IN SUB-SAHARAN AFRICA

2.0 Introduction

This chapter provides an in-depth overview of child marriage in sub-Saharan Africa. The chapter provides in-depth discussions around the underlying factors, experiences, and responses to child marriage in sub-Saharan Africa. These discussions would properly situate the examination of child marriage in Burkina Faso within a broader global and regional context. The chapter, first, delve into definitions and explanations of marriage and child marriage. It then examines the global instruments on early marriage, then the global trends of child marriage, before the underlying factors of child marriage. The implications of child marriage, the strategies and interventions in ending child marriage in sub-Saharan Africa before conclusions.

2.1 Marriage

In most societies, a marriage is considered a “permanent social and legal contract and relationship between two people that is based on mutual rights and obligations among the spouses”.¹ Ember et. al. (2002) remarks that marriages are often but not always based on a romantic relationship. It, however, “typically signals a sexual relationship between two people but it does not simply exist between the married partners”.² According to Ember et. al. (2007), “it is codified as a social institution in legal, economic, social and spiritual/religious ways”.³ Marriage in the traditional African setting was obligatory for all people when they reach adulthood.⁴ Marriage was linked with procreation and in situations where there was no procreation there was no marriage.⁵ In a number of societies in Africa, marriages were arranged, and the immediate families handled dialogues. Sometimes pacts are completed for two people

while they are still young.⁶ Until recently, the Western concept or approach of marriage was different to that of Africa, in that the two people getting married take the decision on who their partners are, and decide when to get married. In that case, marriage was considered as a companion between two persons and procreation was not a determined factor the union.⁷

2.2 Child Marriage

According to the Inter-African Committee on Traditional Practices Affecting the Health of Women and Children, child marriage is defined as a “marriage ‘before the girl is physically, physiologically, and psychologically matured to handle the responsibilities of marriage and childbearing’”.⁸ Also, the United Nations Children’s Fund (UNICEF) describe child marriage as “an informal union or official marriage between a child, that is someone has not attain the age of 18 years as defined in Article 1 of the Convention on the Rights of the Child (CRC), and an adult”.⁹ The provision contained in the CRC does not explicitly provide the basis for child marriage even though Article 24(3) states that “State Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children”.¹⁰ Popularly, “child marriage is described as the practice of entering into marriage of a male or female child below the age of eighteen (18)”.¹¹ The UNCRC (Article 1) and the African Charter on the Rights and Welfare of the Child (ACRWC) (Article 2) defines a child as “a person under the age of 18”.¹² “A young person in a child marriage, either with or without adult consent, suffers independence which the child has not yet developmentally and legally attained”.¹³

The Europe Council issued a wider definition child marriage as “slavery, traditional marriage and arranged marriage, child marriage, early marriage, fictitious, bogus or shame marriage, marriage of convenience, putative marriage, marriage to acquire nationality, undesirable

marriage and all other instances where consent to marriage is in issue, constitute a form of forced marriage”.¹⁴

2.3 Global Instruments on Early Marriage

Internationally, several instruments on human rights exist that has spelt out the standards to be followed to marriage including “issues of age of marriage, consent, equality within marriage and the personal and property rights of women”.¹⁵ Some examples of these provisions could be found in Article 16 of the UDHR states that “men and women of full age have the right to marry and found a family; and marriage shall be entered into only with free and full consent of the intending parties”.¹⁶ “The 1966 International Covenant on Economic, Social and Cultural Rights, the 1966 International Covenant on Civil and Political Rights, and Article 1 of the 1956supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices also carry similar provisions”. Provision in Article 1(c) also states that, “any institution or practice whereby(1) a woman without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family”.¹⁷ Additionally, Article16.1 of the UN Convention on the Elimination of All Forms of Discrimination against Women recommends equal rights for men and women to enter into marriage and has given them same right to “freely and openly choose a spouse and to enter into marriage only with their free and full consent”.¹⁸ Article 19 of the Convention on the Rights of the Child states that “every child has the Right to Protection from all forms of physical or mental violence, injury or abuse, maltreatment or exploitation including sexual abuse, while in the care of parents, or guardian or any other person”.¹⁹

2.4 Global Trends of Child Marriage

Child marriage is gradually becoming less common globally, however, according to the United Nations Children's Fund report, "the pace of change is rather slow".²⁰ A 2009 survey found "34 of 55 countries with comparable data, that there has not been any significant variation in the proportion of women aged 20–24 years who get married by age 18 years and deceased of more than 10% were experienced by only 5 countries". In a study on '*Child Marriage: A Silent Health and Human Rights Issue*', Nour (2009) points out that, girls below the age of 18 are involved in over 60 million marriages and nearly 14 million in sub-Saharan Africa, 31 million in South Asia, and 6.6 million in Latin America and the Caribbean.²¹ In 2008, Ryerson-Cruz, in his study, across various nations globally, shows that child marriage is predominant in almost all societies.²² A UNICEF global database study in 2016 "discovered that child marriage among boys spans sub-Saharan Africa, Latin America and the Caribbean, South Asia, East Asia and the Pacific". According to the data, "20 per cent of the males in the Central African Republic were married as children, ranking it first in male child marriages", with Nicaragua (19%) as the second and the third as Madagascar at 13%. "Early marriage brings early fatherhood, and with it added pressure to provide for a family – cutting short education and job opportunities".²³ Notwithstanding the new information, "girls remain disproportionately affected, 1-in-5 young men".²⁴ It is very clear now that children at risk the most belong to the "poorest households, live mainly in rural areas and have very little or no education at all".²⁵

According to UNICEF, "South Asia has the highest rates of child marriage in the world with 45% of all women aged between 20 to 24 years reportedly being married before the age of 18".²⁶ According to the organization, "almost one in five girls (17%) are married before the age of 15". The phenomenon of child marriage is, however, declining in the region (63% in 1985 to

45% in 2010), “with the decline being especially marked for girls under 15 (32% in 1985 to 17% in 2010)”.²⁷ The marriage of girls aged between 15-18 is however still commonplace, so more efforts are needed to protect older adolescents from marriage. Child marriage has remained steadily at the same level across Latin America and the Caribbean, with exceptions in only a few countries. Qualitative research in the region reveals there is no evidence of progress in most countries in the region. El Salvador, Guatemala, Honduras and Nicaragua are the exceptions, all with lower levels of child marriage today than 25 years ago. Nonetheless, additional progress is needed.²⁸

Findings indicate that marriage of girls who have not attained the age of 15 is widespread in low resource countries. The study also found that, at least, 1/3 of girls marry before they reach age 15 in Ethiopia, Mozambique and Niger.²⁹ On the African continent an average of more than 40% of young girls marry before the age of 18.³⁰ In some parts of East and West Africa, the figure rises to 60% and the worse of 75% is experience in Niger. UNICEF estimations indicate that, “globally, 36% of women aged 20–24 years were married before their 18th birthday”.³¹ Around 65 million women aged 20-24 in low resource countries married before they reach age 18.³² Among these numbers, 30 million of them live in South Asia and estimated fourteen (14) million between 15 and 19 years who are adolescents give birth every year. ICRW postulated that, if child marriage continues with the current trend, developing countries will experience over 100 million girls married before they reach the age 18 years.³³ It is so not uncommon to find girls marrying at the age of 10 or 12 in certain areas of Nepal, Nigeria, India and Ethiopia. Studies showing the trends in the practice of child marriage in Burkina Faso indicate that the practice is predominant in the country, particularly in the rural areas.³⁴

2.5 Underlying Factors of Child Marriage

Several factors contribute to the practice of child marriage in various societies or countries in the world. Through review of various literatures, the underlying causes of child marriage could be grouped into major themes such as poverty, limited education, economic gains, insecurity during wars and conflicts and traditions and culture.³⁵ According to United Nations Children's Fund (2001), early marriage practice persists because it is being inclined by certain socio-economic, cultural as well as educational factors.³⁶ These are further discussed below drawing evidence from across the globe.

2.5.1 Poverty and Economy

Poverty is seen as a major cause for child marriage because studies have found higher prevalence of child marriage in areas where poverty is endemic.³⁷ Child marriage is found widespread among the deprived areas of the society. As noted by Otoo-Oyorley & Pobi, (2003) "globally, poverty is a major cause and a consequence of child marriage for many under-18 young girls".³⁸ They continue that "in many traditional settings, poor families use the child marriage especially of girls as a strategy for dipping their own economic vulnerability, shifting the economic burden of the girl's care to the husband".³⁹ This implies that the man has taken away a burden from the family, that is, "one less person to feed, or clothe, or educate".⁴⁰ The United Nations Children's Fund, agrees that "poverty is one of the major factors sustaining child marriage".⁴¹

Significantly in Africa and Asia, families are inclined to give their daughters for marriage because of the importance of financial transactions. An instance is in many cultures of sub-Saharan, parents get a high bride price for the child, mainly the girl, who is married near puberty.⁴² In Asian countries such as India, Bangladesh, India, Nepal and Pakistan, parents have

the conception that, it is cheaper to pay a dowry at their daughter's marriage while she is young.⁴³

As indicated earlier, globally, child marriage or all other forms such as early marriage, forced marriage is much more common in abject nations and regions, and within those nations, it happens to be concentrated among the deprived households and communities.⁴⁴ For example, as a study reported, in Senegal, a girl from a poor family is four times more likely to marry before she turns eighteen (18) than a girl from a well-to-do household.⁴⁵ In some disadvantaged situations, early marriage is the option for parents for their daughters. Assani (2001) found that economic privation inspires a rise in child marriage, even among people and population groups that do not normally practice it.⁴⁶

2.5.2 Tradition, Culture and Religion

UNICEF in their reports on child marriage points out that culture and ethnicity has occurred as the most intricate factor for the practice of child marriages especially for young girls.⁴⁷ Two international organizations, International Centre for Research on Women (ICRW) and the International Planned Parenthood Federation (IPPF), assert that child marriages are “deeply rooted in the cultural and traditions of societies”.⁴⁸ This is again, supported by UNICEF when it says that culture is the major factor preserving child marriage globally and the practice is prevalent in traditional societies where it is observed as a social norm.⁴⁹

Many traditions and religious beliefs also cause many parents to give out their daughters to early marriage. Parents in an effort to prevent their daughters from becoming sexually active before marriage, marry off their daughters as early as possible to avoid that happening.⁵⁰ In many societies, it is described as dishonesty to the family and the community for a woman to be

sexually active before marriage. The prestige placed on marriage and the social status married women have in the society also put pressure on parents to “worry that if they don’t marry their daughters according to social expectations, they may not be able to marry them at all”.⁵¹ In some culture especially in the Middle East, “forced child marriage also is a way to strengthening family, clan, and tribal connections or settling obligations one family have for the other”.⁵² For example, in Pakistan and Afghanistan, a common practice for the grooms’ families pay their debts or to settle inter-family conflicts is by marrying young girl.⁵³

In his study, *‘Before She’s Ready: 15 Places Girls Marry by 15’*, the author states that early marriage of young girls in a society is strengthened by traditional lifestyles and religious practices of the people. According to Ryerson-Cruz, in most societies, their customs and traditions play a substantial role in the practice of child marriage of girls.⁵⁴ Similarly, Amin, Chong & Haberland, also support Ryerson-Cruz’s view, by saying that traditional gender norms are another major influencer that affects the rate of child marriage of girls.⁵⁵ A study in Ethiopia found that the desire by families to maintain their honor is a strong factor for child marriage. The high preference for high fertility in most societies bring social pressure that appears to play a considerable role in getting their daughters married early as found in a study by Tapan.⁵⁶

Findings from a 2007 International Center for Research on Women (ICRW) study reported that not one religious connection was associated with the practice of child marriage.⁵⁷ Rather, different types of religions were found to be “associated with a high prevalence of child marriage, in different countries throughout the world”.⁵⁸ Nevertheless, “customs and traditions do change and child marriage has nearly disappeared in many countries where it used to be rooted cultural practice only a generation or two ago”.⁵⁹ Thus, countries such as China, Taiwan, Korea, Thailand, and Indonesia now have very low prevalence rates.⁶⁰

Religion is often blamed for the prevalence of child marriage. Notably, however, “the practice is not unique to any one faith; in fact, it occurs across religions and regions”.⁶¹ For instance, in India, which has about 40% of the world’s child brides, child marriage is most popular with the Hindus and the Muslims. In Burkina Faso and Ethiopia, child marriage is popular among both the Christians and the Muslims. An analysis by the ICRW found that, “what is constant across countries with high child marriage rates is not adherence to one particular faith, but rather factors such as poverty and limited education opportunities for girls”.⁶² According to CFC, “the popularity of child marriage greatly vary among states that have incorporated religious doctrines into their legal systems”.⁶³ Countries with large Muslim populations, for instance, that practice Sharia law, like Libya and Algeria, have relatively low rates of child marriage. However, in other countries like Yemen, the practice is widespread.⁶⁴

2.5.3 Limited Education for Parents and Girls

Studies have found that limited education serves as a cause and at the same time consequence of child marriage.⁶⁵ As a cause, little or no education strongly relates with being entered into married at a tender age. On the contrary, going to school or having higher levels of education protect and prevents girls from the possibly marrying early marriage.⁶⁶

In many countries, girls suffer limited education or are often less of a priority than educating boys. According to ICRW, “when a woman’s most vital role is assumed as that of a house wife, mother and caretaker, educating girls and training them for the jobs may be given a limited attention”.⁶⁷ Many households find it typically safer and economical to use the limited resources on educating boys than girls.⁶⁸

Parents' education has a close association with the practice of child marriage in most societies. A UNICEF study, reports that child marriage is inherently linked to parents' education⁶⁹. According to Fieldand Ambrus, the educational level of parents has significant impact on the age at marriage of their daughters as low levels of education showed low age at marriage for girls.⁷⁰In areas that are considered to be backward education wise, there is found to be high prevalence of child marriage.⁷¹“Little or no schooling strongly correlates with being married at younger age”. Salini, in her study in India, shows the influence of education upon the rate of child marriage, between different districts. Even though statistical data show an average age at marriage for women, it varies with the educational level of the district.⁷²

2.5.4 Insecurity and Conflicts

Wars and insecurity have been found to be major causes of the practice of child marriage in most regions. “In times of conflict, families who live in unsafe regions, may genuinely believe that given their daughters in marriage is the best means to prevent them from danger”.⁷³For example, in conflicted-affected areas in Afghanistan, Northern Uganda, Burundi and Somalia, families, for their protections, give their girls to marriage to warlords or other authorities who can ensure that they remain safe.⁷⁴Similarly, in the Democratic Republic of Congo, Nigeria and elsewhere, “girls have been abducted by armed groups and made into the ‘bush wives’ of militant”.⁷⁵ A UNFPA report in November 2016 reveals that families in Yemen increasingly resort to child marriage as the country's conflict drives them deeper into poverty and desperation. “A consequence of the of the extreme poverty caused by nearly two years of devastating war in what was already one of the poorest and least developed countries in the world”.⁷⁶

An assessment conducted in over 200 community members in Yemen showed that parents became “increasingly unable to provide for their families”, and as such, opted “to marry their

daughters off younger than planned, reversing previous progress towards ending the practice”.⁷⁷ Mazurana and Carlson, in their report on *‘The Girl Child and Armed Conflict’* indicates that the “violations experienced by girls and young women subjected to forced marriages are often severe and long-lasting and encompass a number of psychological, emotional, physical, social, economic and cultural elements”. Among these elements are forced pregnancy, “child bearing and the raising of children born of rape in societies where those children are often rejected and physically abused (including withholding of food and medicines) by extended family members and community members”.⁷⁸ In most instances, “young mothers are often cut out of family and social networks, they struggle to provide education, food and healthcare to their children born due to forced marriage”.⁷⁹ Many of these young mothers have “lost many years of education and lack the skills needed to pursue productive livelihoods, which are exacerbated due to the stigma they face from their past experiences and their exclusion from social networks”.⁸⁰

2.6 Implications of Child Marriage

Early or child marriage bring several adverse implications on the girl, families and the communities and the country as a whole. There are immediate consequences and the long-term consequences, encompassing the health, social, economic and domestic consequences of child marriage. “The consequences of child marriage are devastating and often determine a life’s trajectory. Girls are at a higher risk of dying during childbirth, having their child die, contracting AIDS and becoming a victim of domestic violence”.⁸¹ A report by Pathfinder International in 2006 on the *‘Causes and Consequences of Early Marriage in Amhara Region in Africa’*, indicates that the practice of marrying off girls at lower ages has considerable psychological, physiological, socio-economic and demographic consequences.⁸²

2.6.1 Health Implications of Child Marriage

There are various health implications that are associated with child marriage which affect the overall health of girls. There problems linked to adolescent and reproductive health, maternal and child health and among others.

2.6.1.1 Increase Maternal and Child Health Risks

When a girl is married young there is pressure and expectation to get pregnant and give birth. “Girls who marry too young have their bodies not fully developed and thus become more at risk of death or terrible injury and illness in childbirth”.⁸³ According to UNICEF, “a girl under the age of 15 is five times more likely to die during pregnancy and childbirth than a woman in her 20s”.⁸⁴ The risks associated with child marriage also extend to child, thus “if a mother is under age 18years, the child’s chance of dying in the first year of life is 60% greater than that of a baby born to a mother older than 19”.⁸⁵

In addition to death, “young girls face tremendous health risks in childbirth, including a serious condition known as obstetric fistula”.⁸⁶ Obstetric fistula results “when a young mother’s vagina, bladder and/or rectum tear during childbirth”.⁸⁷ “It leads to leakages of urine and feces, and without surgery, the condition lasts the rest of the girl’s life”.⁸⁸ Fistula patients are commonly poor women, ages 15 to 20, many of whom were child brides.

Additionally, the Forum on Marriage and the Rights of Women and Girls (FMRWG), reports that “child marriage provides young girls more years of child bearing years, leading to high risk of miscarriage, infant death, poor nutrition for the mother and child, among others etc.”.⁸⁹ The child marriage practice is one of the most common factors responsible for the high rates of maternal and infant mortality.⁹⁰ Also, the ICRW found that underdeveloped physiology, with

factors such as “lack of power, lack of access to information, and access to services, implies that young married girls experience much higher levels of mortality and morbidity than other women who give birth children when they are much older” (ICRW, 2006). The United Nations Population Fund also found that at young ages, health problems related with pregnancy and childbirth are also more common.⁹¹

2.6.1.2 Exposure to HIV/AIDS and Other STIs

Studies have found that, “girls who marry early are at greater risk of contracting HIV than their counterparts who marry later”.⁹² Often, these girls are married to “older, more sexually active and experienced men with whom it is difficult for the girls to negotiate safe sexual behaviors, especially when under pressure to give birth”.⁹³ A study conducted in Zambia and Kenya in 2004 found that “married girls (15-19 years) were 75% more likely to contract HIV than sexually active, unmarried girls of the same age”.⁹⁴ Similarly, “figures have been shown in 29 countries across Africa and Latin America”.⁹⁵

According to Nour (2009), “married girls are more likely than unmarried girls to become infected with STDs, in particular HIV and Human Papilloma Virus (HPV)”. In sub-Saharan Africa, “girls between ages 15-19 years are 2-8 times more likely than boys of the same age to become infected with HIV”.⁹⁶ “The risk of acquiring HIV from a single act of unprotected vaginal intercourse is 2-3 times greater for women than men”.⁹⁷ Globally, “the prevalence of HIV infections among women is highest from ages 15 to 24; the risk for men peaks at 5-10 years later”.⁹⁸ A hypothesis relevant to this finding is that “a young girl may be physiologically more prone to HIV infection because her vagina is not well-lined with protective cells and her cervix may be more easily eroded”.⁹⁹ Risk for HIV transmission is also heightened because “hymeneal, vaginal, or cervical lacerations increase the transmission rate, and many of these young girls lose

their virginity to HIV-infected husbands”.¹⁰⁰ Also, STDs such as herpes simplex virus type 2 infection, gonorrhea, or chlamydia enhance girls’ vulnerability to HIV.¹⁰¹

2.6.2 Exposure to Marital and Sexual Violence

Several studies have found that “girls who are married early are more likely to be abused sexually, physically and emotionally”.¹⁰² Also, “an ICRW study in India shows that girls who married before age 18 reported experiencing physical violence twice as often, and sexual violence three times as often as girls who married at a later age”.¹⁰³

According to Gottschalk, “early marriage is a form of sexual and gender-based violence with detrimental physical, social and economic effects”.¹⁰⁴ The United Nations Children’s Emergency Fund (UNICEF) in a study, points out that “early marriage also leads to physical abuse and sexual violence”.¹⁰⁵ The study attributes marital or domestic violence as “the most widespread and common form of violence against women and young girls”.¹⁰⁶ Violence against younger brides is rooted basically in “patriarchal ideas of male ownership of their female partners”.¹⁰⁷ In most cultures, “it is common for men and boys to assert their authority in the home through physical violence”.¹⁰⁸ Being young, child wives frequently experience marital violence and abuse by their husbands.¹⁰⁹

The study also revealed that, “India has the highest levels of domestic violence cases among women compared to other countries like Zambia, South Africa, Cambodia, etc”.¹¹⁰ Early marriage negatively impacts the “skills, resources, knowledge, social support, mobility, and the autonomy of young married girls, leading to a power imbalance between themselves and their husbands, as well as their in-laws”.¹¹¹ Amin (2008) comments that in Bangladesh, early marriage

often leads to dowry related violence. Domestic violence is also believed to be more prevalent among women who marry early.¹¹²

It was observed that, “domestic violence is a major problem that adolescent brides face at their husbands’ home”.¹¹³ According to Amin (2008), “women who marry younger are more likely to be beaten, threatened or sexually abused”. He continues that these women are sometimes more likely “to believe that a husband might be justified in beating his wife. Due to the age difference between the partners, young girls are more vulnerable and therefore susceptible to abuse”.¹¹⁴

2.6.3 Denial of Childhood, Adolescent Period and Psycho-Social Disadvantage

Child marriage “deprives girls of their childhood experience and they are entered into the full burden of domestic responsibility, motherhood and sexual relations rather than playing with friends, dreaming about a career or fretting about a school exam”.¹¹⁵ In some countries, “young married girls move away from their parents’ home to live with their husband and his family, where they have no friends, no support, and little say in their own lives or in household matters. Research shows that young married girls often are isolated and powerless”.¹¹⁶ They are unable to negotiate or obtain support for issues in their own interest.

The adolescent period is considered the greatest years of individual’s lifetime as Lerner & Spanier defines adolescence as “the period within the life span when most of a person’s biological, cognitive, psychological, and social characteristics are changing from what is typically considered childhood to what is considered adulthood”.¹¹⁷ Adolescence is “the period between childhood and adulthood where when both boys and girls face a number of pressures to explore, adjust, explore, and live life as defined by their cultures”.¹¹⁸ It is known that in some societies, “boys face social and cultural pressures during adolescence to thrive in school and

seldom will these pressures translate into boys entering early marriage”.¹¹⁹ The situation is however, not the same for girls especially in low resource countries. The adolescent experience of girls may be defined almost entirely in terms of going into the marital state. That is for girls, importance is placed on “domestic work and obedience, characters seen as vital to being good spouse and mothers”. The adolescent girls tend not to experience wider range of because of marriage.¹²⁰

2.6.4 Denial of Education

Reduced access to education is both a cause and a consequence of child marriage. The UNICEF reported that “child marriage certainly repudiates children of school going age their right to the education they need for their preparation for adulthood, personal development and their contribution to their family’s future wellbeing and contribution to society”.¹²¹ The taken away of young girls from school to marry, limits their prospects to develop their intellects. The girls also lose out on “socializing, finding new friends outside her family, and gaining many valuable skills in life”. Thus, the opportunity to develop one’s own independent identity is loss.¹²²

A study by UNICEF clearly shows that child marriage can significantly reduce a child access to education. The findings show that, “in Nicaragua, 45% of girls with no education are married before they were 18 years, compared to 28% of girls with primary education, girls with a secondary education, 16% and girls with higher education, 5%”.¹²³ The ICRW (2006) stressed the “relationship between age at marriage and level of education of girls”.¹²⁴ The study concludes that in all regions, children or girls with higher educational level are less likely to marry before age 18. “Girls with secondary education were six times less likely to marry as children when compared to their counter with little or no education”.¹²⁵

2.7 Strategies and Interventions in Ending Child Marriage

Several government and non-governmental and international organizations have attempted to “reduce the practice of child marriage or reduce its impacts on the victims”.¹²⁶ Likewise, local community groups and initiatives have worked at the continental to lead an effective intervention aimed at ending child marriage.¹²⁷ The review of various studies and literature revealed various interventions used.

Several organizations and agencies have put in place measures and strategies to eliminating child marriage globally. Notably among them are the UNFPA, UNICEF and other local and international NGOs. Several states have taken steps to “improve enforcement capacity, both in the national judicial system and at the local and extrajudicial level”.

In Malawi, there have been substantial efforts to enhance “support services for women and children who are survivors of rape, gender-based violence and abuse within the family”.¹²⁸ “Police Victim Support Units and a National Child Helpline have been created and an impact study in 2011 of judicial and quasi-judicial activities in Malawi suggests that these efforts have been effective”.¹²⁹

The UNFPA is the lead UN agency for “delivering a world where every pregnancy is wanted, every childbirth is safe and every young person's potential is fulfilled”. UNFPA’s efforts on child marriage “bring together an understanding of population dynamics, and age- appropriate sexual and reproductive health information and services including those for family planning, maternal health and HIV, while accounting for gender dynamics and cultural setting”.¹³⁰

The strategic plan of UNFPA, (2014-2017), recognizes child marriage as a “priority at the impact level, and under its work on adolescents and youth, as well as those dedicated to adolescent girls

and child marriage”.¹³¹ The programmatic implications are further elaborated in the 2013 Strategy on Adolescents and Youth, which are “operationalized in the multi-country initiative Action for Adolescent Girls”.¹³²

UNICEF is also the “leading humanitarian and development agency working globally for the rights of every child”.¹³³ Their work on child marriage is a “top-level corporate priority which is reflected in the UNICEF Strategic Plan, (2014- 2017)”.¹³⁴ The Gender Action Plan, 2014-2017, was “endorsed by the UNICEF Executive Board and identified ending child marriage as one of four targeted priorities, further flying the profile of ending child marriage within the organization”.¹³⁵ UNICEF’s expanded vision for ending child marriage “recognizes that all sectors, from education to Communication for Development (C4D), health, HIV and social protection, need to be mobilized to address multiple deprivations that girls undergo during the second decade of life”.¹³⁶

Additionally, the Nigerian government, from UNFPA-UNICEF Global Program’s advocacy and engagement efforts, has created a “multi-sectoral national action plan to end child marriage and approved a decree for the protection of the girls in school to secure access and retention until 16 years of age”.¹³⁷

2.8 Conclusion

This section gave a general overview of child marriage in the global, national and local context. The trend of child marriage in various countries in the Middle East, Africa, sub-Sahara Africa and particularly Burkina Faso were addressed in this section. This study shows that, although there is a general reduction of the practices across the globe is reducing, the pace at which it is has been slow especially in countries in Africa such as Niger, Mali, and Burkina Faso and Asia

such as Yemen. Again, there exist significant differences in prevalence of the practice among urban and rural communities with higher prevalence recorded in the rural areas. Major causes or underlying factors to child marriage are traditions and culture, poverty, limited education and its consequences include adverse implications on health, denial of education and economic opportunities among others. Globally, there have been several interventions and strategies adopted by countries and organization as means to end the practice. Such interventions include Education, empowerment of laws and reducing poverty among families.

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CHAPTER THREE

AN EXAMINATION OF CHILD MARRIAGE IN BURKINA FASO

3.0 Introduction

This chapter conducts an examination of child marriage in Burkina Faso. It assesses the underlying factors that has perpetuated the problem of child marriage in Burkina Faso, the implications of child marriage on the victims, the various interventions to address the problem of child marriage in Burkina Faso, and the challenges that the implementation of the interventions have faced. To reach the research objectives, the study analyzes data gathered from the field through interviews, in addition to secondary data review.

3.1 Child Marriage in Burkina Faso

Child marriage as well as forced marriage is rampant in Burkina Faso, particularly for young girls than boys. Reports have it that, women over 52% in the country enter into marriage before they reach age 18 whereas those who married before 15 years old form 10%.¹ The practice of child marriage in Burkina Faso often puts girls at risk of increasing health expenditure and denial to access to education.²

The rate of child marriage varies cross the country but it has been estimated to be as high as 86 percent in some areas of the country. As common with other developing countries, the practice is related to the existence of poverty, limited education and tradition. In Burkina Faso, the practice is technically illegal, but the law enforcement is rarely effective.³ The law in the country does not avoid religious or traditional marriages, which produces some level of weakness therefore causing many young girls to be forced to enter into early marriage. There is also age disparity, in

term of the legal age to marry for boys and girls. The law defines a minimum legal marriage age for girls than boys. Girls are legally allowed to marry at age 17 years whereas boys at age 20. In spite of this provision in the law girls, many girls are given out for married before they reach age 17.⁴ UNICEF reports indicate that “girls as young as 11 are forced into marriage”.⁵ This compares to a huge difference in age between a girl and her older husband.⁶

Likewise, under the Code of Persons and the Family, “the surviving spouse may inherit from one-fourth of the partner’s estate to the full estate, depending on the existence of surviving children, siblings, or parents”.⁷ In contrast, “most traditional systems not only neglect women’s inheritance rights, consider the woman, herself, as property, subject to inheritance upon her husband’s death”.⁸

Nonetheless, “52% of 20 – 24 year olds marry before their eighteenth birthday, and 36 percent of those marriages are polygamous” (INSD and ORC Macro 2004). The domestic laws of Burkina Faso hinder their ability to “complete an education and fulfill their potential. Few initiatives address the challenges facing married girls in Burkina Faso”.⁹

Forced marriage in Burkina Faso is “technically illegal, but the law is rarely enforced”.¹⁰ It does not “prevent traditional or religious marriages, which creates a loophole in the law, causing many girls to be forced into marriage”.¹¹ The law also defines a “lower legal marriage age for girls than boys”.¹² Girls can legally marry at 17 years and boys at 20 years. “Many girls are married before age seventeen (17), despite the current laws in place to prevent the practice”.¹³

Girls as young as eleven (11) years old can be forced into marriage. “This equates to a huge age difference between a young girl and her male spouse”.¹⁴ The gap can vary thirty (30) to fifty (50)

years. In many cases, “these men are engaging in polygamy and already have one or more wives”.¹⁵

The practice is highly predominant in rural and remote areas of the Sahel region of Burkina Faso where cultural and religious beliefs (Islam) supersede civil laws. Despite strategic measures adopted by international organizations and civil societies to tackle and eventually end the practice in Burkina Faso, the declining rate is quite marginal. Child marriage in Burkina Faso is “usually driven by economic or social motivations”.¹⁶ Marriage is promised at birth or sometimes during early childhood of the girl, and often including the pay of dowry that includes of money or land from the husband’s family.¹⁷ Girls who are given out early for marriage in Burkina Faso face several consequences as their counterparts in other countries. They are expected to “perform all household chores and are often denied access to education or economic opportunity”.¹⁸

In 2015, the country created a “National Strategy to End Child Marriage”. The goal of the project is “to reduce the incidence of child marriage by 2025”. It is supported by UN agencies as well as religious and political institutions throughout the country. Objectives of the policy include “preventing child marriage and supporting victims of child marriage among others”.¹⁹

3.2 The Underlying Factors for Child Marriage in Burkina Faso

From the various interviews conducted, the underlying factors that perpetuate child marriage in Burkina Faso include; Poverty; High Illiteracy Rate and a Lack of Public Sensitization; Religion; and the Family Structure in Burkina Faso.

3.2.1 Economic Factor

Child marriage is predominantly seen in areas of poverty in Burkina Faso.²⁰ According to Etongo et. al. (2016), poverty is “contextualized differently across academic disciplines and regions of the world”, leading to the general acceptance that poverty that affects human beings is multifaceted, encompassing income (economic) poverty and people lacking the necessary things to ensure their material wellbeing.²¹ For the authors, human poverty also means “the deprivation that people suffer throughout their lives”.²² By this definition, Burkina Faso’s assessment in terms of the levels of poverty resulted in the determination that “70% of the population live in rural areas and depends on farming and livestock for their livelihoods”.²³ This statistic indicates potentially high levels of poverty in the country, which impacts the perpetuation of child marriage in the country.

In Burkina Faso, “parents are faced with economic incentives to marry off their daughters, which include ensuring their daughter’s financial security and reducing the economic burdens that daughters place on the family”.²⁴ According to the Social Welfare Department in Burkina Faso, child marriage is, first and foremost, “a product of sheer economic need”. They remarked that the general belief is that girls are costly to raise, especially considering the cost of their feeding, clothing and education, and the high possibility that they will eventually leave the household. A remedy to this ‘identified problem’ is a marriage, which brings a dowry to the girl’s family, contributing positively towards their economic conditions.²⁵ Burkina Faso is characterized by poverty and low economic standards, which explains why some families give out their children for marriage in order to earn a token from their in-laws. “It is believed that when a child is married off the husband of the child bride extends his support to the girl’s family”.²⁶ The girl is, therefore, considered as an asset or ticket to financial liberation. This worrying situation also

results in boys becoming herdsmen, in addition to the girls becoming wives to men who support the family financially through their dowry and continued familial support.²⁷

According to information gathered from the field, girls living in Burkina Faso's poorest households have a lower median age of first marriage than those in the richest households.²⁸

Girls in the rural areas are more susceptible to be child brides because their families are least educated and poor.²⁹ The role or influence of Traditional customs in Burkina Faso cannot be overlooked as they greatly have an impact of why people engage in child marriages. For example, the 'Litho', which is a traditional custom, involves "girls being exchanged and married off between families".³⁰ Sometimes such agreements take place as early as the birth of the girl. 'Pog-lenga' happens "among some Mossi and Bissa ethnic groups, and involves brides bringing nieces to wedding ceremonies as an additional girl to be married, either to the groom or a family member or friend".³¹ Forced marriage is "usually motivated by economic or social incentives. Sometimes marriage is promised at birth or during early childhood, often including a dowry from the husband's family that consists of money or land".³²

The level of poverty contributes immensely to the problem of child marriage in Burkina Faso, and it serves as one of the main underlying factors of the problem in the country. The economic conditions of the families push them to give their young daughter away to an older, well-established man to marry in return for financial favor. This system breeds a vicious cycle where the actions of the parents truncates the education of the young girl, creates similar economic conditions for her because of her lack of skills, and then ends with her being forced to do same with her daughter for financial favor, thereby beginning the cycle all over again.

3.2.2 Illiteracy and Lack of Public Sensitization

Another major underlying factor for child marriage in Burkina Faso is the levels of illiteracy in the country, in addition to the limited levels of sensitization on the dangers of child marriage amongst the rural people in the country.³³ For a country of about 15 million people, 2005 estimates showed a literacy rate of about 24.8%, and a primary school enrollment rate of about 66.5%.³⁴ These numbers have not improved much in the last fifteen years, prompting the United Nations Development Program's (UNDP) Human Development Index (HDI) score for Burkina Faso to place as one of the lowest in the world.³⁵ The Millennium Development Goals (MDGs) and the Sustainable Development Goals (SDGs) have served as a policy direction for the state in terms of improving their educational system.³⁶ According to Kouraogo and Ambroise (2008), the focus on the sustainable development goals is slowly helping to improve the education in the country.³⁷ However, information gathered from the field still heavily disputes its effectiveness in improving the situation of child marriage in the rural areas of the country.

According to UNICEF, "Burkina Faso has the fifth highest prevalence rate of child marriage in the world".³⁸ Lack of education can be said to be one of the main reasons for this menace. The UNICEF report suggests that "girls with no education marry at a younger age than those who have completed secondary school or tertiary education".³⁹ In Burkina Faso, this statistic is so prominent that, according to the Social Affairs Department of the country, many young girls, motivated by the pursuit to further their education, run away from home when they realize their families have marriage plans for them.⁴⁰ Girls without any educational background, on the other hand, are easily convinced and sometimes forced to marry men significantly older than them under the pretext of securing their financial future.⁴¹ The lack of education also leaves the young

girls lacking significant skills that would have served as an alternative option to the early marriage which they intend would help secure her financial future.

Again, the lack of public sensitization by the government of Burkina Faso on the consequences of child marriage is a major underlying factor for the perpetuating problem of child marriage in the country.⁴² Most importantly, it leads to a general ignorance about the actual consequences of the phenomenon on the girl child, her future offspring, and the economy of the country as a whole, as well as the remedies that young girls and other victims of the practice can resort to when they are under threat to be married off at a young age. Information gathered from the Department of Social Affairs and the prominent Human Rights Lawyer unveiled the government of Burkina Faso's lack of political will to embark on a nation-wide campaign about the dangers of child marriage on the young girl, her children and the economy.⁴³ According to the resource persons interviewed, there are currently no comprehensive programs that involve a nation-wide sensitization spearheaded by the government. Most efforts are led by civil society and international organizations like UNICEF, who regularly conducts studies about the state of early marriage in the country, and provides shelter for at-risk young girls, among other things.

3.2.3 Religion

The religion of Islam, which is one of the largest religions in the country, in one way or the other is said to be a contributory factor to the phenomenon. Burkina Faso is very “religiously diverse, with Islam as the dominant religion”.⁴⁴ Latest census figures conducted by the government of Burkina Faso showed that 65% of the Burkinabe people subscribe to the religion of Islam, with a vast majority of them being Malikite Sunni with deep Sufism influences, specifically the Tijaniyah Sufi order of Islam.⁴⁵ Some 23.2% of the population is Christian, and a little over 2%

subscribe to traditional African religions. However, the significant religion of influence on child marriage, according to the information gathered from the field is Islam.⁴⁶

According to the Burkinabe Social Welfare Department, the belief and culture of Islam, and the fear of young girls getting pregnant or living a promiscuous life force their family to marry them off, in order to prevent dishonor and to bring honor to their families.⁴⁷ This motivation to hold on to the honor of the family leads the family to force their daughters into marriage in order to preempt any future children conceived out of wedlock, as such situations would bring shame upon the family.

3.2.4 Family Structure

From the above discussion about religion being an underlying factor of child marriage in Burkina Faso, it is evident that the role or influence of the family or its members is very crucial in perpetuating child marriage.

Research at the Social Affairs Department revealed the matrilineal nature of the family system in Burkina Faso and how it helps to support the phenomenon of child marriage. Contributing to this subject matter, a victim of child marriage in Burkina Faso argued that some traditions and culture of the people supports child marriage. Child marriage is therefore a ‘normal’ phenomenon in the community. A young girl who is a victim of child marriage, for instance highlighted the crucial role her mother, uncles and brothers played just to get her married to her eventual husband. She said that, “my mother arranged for the marriage together with my brothers and uncles and asked some men to come and take me from school to my husband’s house”.⁴⁸

Due to the matrilineal nature of the family system in Burkina Faso, the uncles and aunties of the girl arrange the marriage. Also, in the northern part of the country, some grandparents play active

roles in child marriage. Sometimes the marriage is arranged when the child is very young and so as she grows up and they deem it fit they send her off to the husband's family"⁴⁹.

Families in Burkina Faso "often marry off girls to consolidate family alliances, acquire social status or in exchange for goods, money and services".⁵⁰ In some rural areas especially the northern part of Burkina Faso, "Pog-lenga" or "bonus woman" is still practiced "where a bride may also bring her niece to the family of her husband as an additional girl for marriage".⁵¹

3.3 The Implications of Child Marriage on Affected Young Girls in Burkina Faso

Child marriage in Burkina Faso has implications on the young girls affected, including human rights abuses, slavery, and physical, psychological, and emotional trauma.

3.3.1 Human Rights Infringement

Child marriage in its entirety "is a huge infringement on the rights of girls. Every human being is entitled to basic rights as per the Universal Declaration of Human Rights".⁵² For a young girl to be coerced or forcibly convinced and sometimes threatened to quit her studies and enter into marriage with a man she has no knowledge of clearly depicts a modern form of slavery. The Convention on Rights of the Child seeks to protect the interest of children globally against discrimination by virtue of age.⁵³

"I was tied up and forcibly carried away by some strange men on the last day of my Baccalaureate in 2013. I was only 14 years old. They took me to my village and put me in a dark room while they guarded the door. They told me that I will have to stay there until I agree to marry before they take me to my husband. I could not go anywhere unless to the bathroom. This is pure infringement on my right as a human being as I am forced to accept a marriage, I know

nothing about”.⁵⁴ This were the remarks of a young girl who was forced into marriage at an early age.

These girls have their right to education been trampled upon. The Social Affairs at the Ministry of Gender in Burkina Faso revealed that, child marriage affects the girls’ rights to education. It does not serve them any good to withdraw girls out of school to marry them off. Every girl deserves the right to quality education void of any hindrances. Child marriage “harms girls’ rights to health, education, equality and a life free from violence and exploitation”.⁵⁵ These rights are enshrined in the “Universal Declaration of Human Rights, the Convention on the Rights of the Child (CRC), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and other international and regional human rights instruments”.⁵⁶

3.3.2 Slavery

According to Anti-Slavery International, “child marriage can be a form of slavery when a child is forced to marry without full or informed consent”.⁵⁷ Women and girls “represent 71% of modern slavery victims, while children represent 25% of them”.⁵⁸ In Burkina Faso, child marriage contributes very much to the continued existence of slavery in its many forms. This is because, “once in the marriage, a child is forced to do domestic chores and/or to engage in sexual relations” which she would not have otherwise engaged in or which are beyond his or her strength and capabilities.⁵⁹ A child in a forced marriage is “controlled through abuse and threats”.⁶⁰ They cannot realistically leave the marriage, especially for the very young ones because “the younger the child, the more vulnerable they are to slavery and abuse of power”.⁶¹

Many girls in Burkina Faso are denied access to quality life, education and sustainable growth once they are forced to marry early.⁶² This in entirety conflicts with their fundamental human

rights and freedoms which they are entitled to once they are born. In 2014, Burkina Faso joined several countries at the Girl Summit Charter on Ending Female Genital Mutilation and Child Early and Forced Marriages. All countries became signatories at the summit and agreed on the Charter under the following preamble;

- “No one should be forced into marriage, or made to marry while still a child.
- No girl or woman should have to endure the physical and psychological effects of female genital mutilation.
- These practices violate the fundamental rights of all girls and women to live free from violence and discrimination.
- Such violations not only harm individual girls; by undermining girls’ ability to make their own choices and reach their full potential, they also diminish the strength of families, communities and society”.⁶³

Based on these agreements alone, Burkina Faso should have endeavored more to end child marriages within its borders, but the Department of Social Affairs and child marriage victims interviewed make it clear that not only do the practice still persist, but it threatens to infringe on their rights, freedoms and privileges, as well as subject the victims to potentially a lifetime of slavery, where they are put in subservient positions to serve their husbands or their older wives (in the cases of pog-lenga girls or additional wives).⁶⁴

3.3.3 Trauma

The girls also suffer some physical, psychological and emotional trauma. There are numerous health risks for young girls that are forced into marriage. “Women are expected to bear children at the husband’s discretion, which can be extremely unsafe at such a young age”.⁶⁵Complications

during pregnancy may “cause injury or even death to the young mother”.⁶⁶ Physical and sexual violence is also common among forced marriages. The child brides are clueless about reproductive health, birth control, etc. They do not have control over their own bodies.⁶⁷

Also, most girls in northern Burkina Faso live in fear and anxiety as they do not know when or how they will be sent to a man’s house for marriage. According to the Social Welfare Department, some girls run away from their homes once they are told they will be married off. They tend to live on the streets in neighboring towns at the high risk on rape or child trafficking, while others take on menial jobs in the cities. Some girls get pregnant at their early stages of child marriage as they have no informed knowledge on contraceptives and family planning. Their biological system is not matured enough for child birth and as such encounter several complications (Personal Interview with the Administrator of Social Affairs, Ministry of Gender in Burkina Faso). A victim of child marriage also narrated that, “I lived in fear everyday not knowing what will happen to me. I was afraid to marry the man because I know some girls in my village that married these old men and got pregnant, had children and some strange diseases”.⁶⁸

3.4 Interventions Geared towards Ending Child Marriage in Burkina Faso

There are still some conditions that are mitigating the various measures and strategies aimed at ending child marriage in Burkina Faso. Some of the mitigating factors against interventions have been discussed in the sections that follow.

3.4.1 Legal System

The Code des Personnes et de la Famille of Burkina Faso(1989) provide rules and regulations for a lot of issues regarding individuals and families in Burkina Faso.⁶⁹According to the legal instrument, “the minimum age of marriage for Burkinabes is seventeen (17) years old for women

and twenty (20) years old for women”.⁷⁰ However, “girls can marry as young as 15 years and boys at 18 years if it is authorized by civil courts”.⁷¹ In February 2016 the Burkinabé government “promised to increase the legal marriage age for girls to 18”, which was further supported by statements from the First Lady in 2017.⁷² However, it appears that no progress has been made towards implementing the government’s pledge as yet.⁷³

Burkina Faso's legal age for marriage is set out in Article 238 of the Persons and Family Code. “It specifies different legal ages in which marriage is allowed: 17 for girls and 20 for boys, while Article 238 stipulates that special dispensation may be obtained from the court to require girls over 15 years of age and boys over 18 years of age to marry”.⁷⁴ The Individuals and Family Code forbids forced marriages, and Article 234 states: "Marriage must be joined by men and women as a consequence of the spouses ' free and deliberate decision." Section 376 of the Criminal Code punishes anyone who "coerces someone to get married" and makes it worse if the victim is a minor.⁷⁵ Therefore, a marriage if either partner was under the legal age (unless a court issued a special dispensation) would be a forced marriage. Anyone convicted of forced marriage can obtain between six months and two years ' imprisonment. If the victim is under the age of 13, this can be extended to three years. Such regulations, however, refer only to a legally recognized marriage established in the Persons and Family Code as a marriage performed with the participation of a state official (Articles 273 and 233) and exclude “marriages conducted through conventional or religious ceremonies”.⁷⁶

The loopholes and inconsistency in the legal systems in Burkina Faso makes it difficult to eradicate the menace even though the country has pledged its alliance and commitment at the international, national and local levels. Countries such as Malawi and Mozambique had to go

through several parliamentary and constitutional reforms to fully enforce the law on child marriage.⁷⁷

There is currently an existing conflict between the law and traditional customs on child marriage in Burkina Faso. Most rural areas where child marriage is prevalent are oblivious of the law. Even though the law in itself is, to some extent, questionable, with a disparity in the legal age of marriage (that is 17 for girls and 20 for boys). Traditional values in Burkina Faso are highly incorporated in their systems and patterns which conflicts with the law.⁷⁸ Contributing to this argument of the gap between the law and tradition, a victim of child marriage reiterated that even though the law frowns on child marriage, the tradition supports it. She argued that, “I think most people are not even aware of the law especially in the villages because all they know is tradition. They say the law comes and goes but the tradition has been there since. The tradition is difficult to change because my mother told me if she does not do it her family will be cursed”.⁷⁹ The cultural values of the people of Burkina Faso help to perpetuate this practice, thus posing a strong hindrance to the full implementation of the law on child marriage.⁸⁰

3.4.2 International Instruments

Burkina Faso has “ratified several international and regional human rights instruments which require the government to respect, protect and fulfill women’s and girls’ rights to health, equality and non-discrimination, and the full range of their sexual and reproductive rights”.⁸¹

Forced marriages “breach all of these rights, in particular the right to decide when, if and whom to marry”.⁸² Article 16 (1) of the Convention on the Elimination of All Forms of Discrimination against Women, to which Burkina Faso is a party, “requires governments to take all appropriate measures to eliminate discrimination in all matters relating to marriage and to ensure that men

and women have the same right freely to choose a spouse and to enter into marriage only with their free and full consent”.⁸³ CEDAW has stated that a “woman’s right to choose a spouse and enter freely into marriage is central to her life and to her dignity and equality as a human being”. The CRC and the CEDAW have stated that: “child marriage, also referred to as early marriage, is any marriage where at least one of the parties is under 18 years of age...A child marriage is considered to be a form of forced marriage, given that one and/or both parties have not expressed full, free and informed consent”.⁸⁴

Forced and early marriages are considered a “harmful practice and governments have an obligation to prevent and protect women and children from them, including through implementation, monitoring and enforcement of legislation, protection of those at risk, challenging underlying social norms and empowering women and girls”.⁸⁵ Article 21(2) of the African Charter on the Rights and Welfare of the Child also “requires governments to prohibit child marriage and to set the minimum age of marriage at 18”.⁸⁶

3.4.3 Efforts of Civil Society Groups

UNICEF continues to support “relevant sectoral systems in order to scale up quality and cost-effective services to meet the needs of adolescent girls at risk or affected by child marriage, taking into account gendered structures”.⁸⁷ According to the organization, “a total of 672 front-line social workers and teachers were trained on FGM/C and child marriage case management, social norms and change, and sexual and reproductive health”.⁸⁸ On top of the major social mobilization campaign to encourage parents to send their children to schools, UNICEF has “reached a total of 853 schools in the target zones, covering 183,027 children (85,688 girls) who now have access to the improved quality education”.⁸⁹

However, limited state support mar the progress that civil society groups and international organizations like UNICEF and Amnesty International have made. There is limited state intervention that goes to affect the success of measures and policies aimed at tackling child marriages. The government does not routinely track and report information on “official complaints of forced or early marriage throughout the country, including whether any were successfully prosecuted and ended with conviction”.⁹⁰ A senior official from the Ministry of Social Affairs told Amnesty International that “80 girls in primary education in the village of Banni in the province of Sanno were victims of forced marriage between 2013 and 2014 and that the educational authorities were unable to provide social services in time”. Therefore, they were unable to intervene.⁹¹

3.5 The Successes of the Interventions

The various interventions have seen some successes, some of which are outlined in the sections that follow.

3.5.1 Legal Interventions

The legal interventions to address child marriage in Burkina Faso have largely been enforced superficially, especially when one considers the steady numbers of girls who have been reported to have been forcefully married off in the country.

However, the law has been mostly effective in the urban areas where people understand the repercussions of child marriage on the emotional, psychological and physical wellbeing of the girl, as well as the family, and the health of the economy as a whole.⁹² The act is mostly practiced in the North and Sahel where people are totally disregard the law and conform to the traditions which allow the girl to be married off after puberty.⁹³ However, in the urban areas,

traditions and culture do not feature as boldly as it does in the rural areas, hence, government education and the markedly increased levels of formal education that exists in these urban areas contribute immensely to the successes of the national legal frameworks of Burkina Faso to address child marriages.

3.5.2 International Instruments

The International Instruments, to which Burkina Faso are parties, have positively impacted the country's actions towards addressing the issue of child marriage. These international instruments have informed the country's decision to increase the marital age of the citizens of Burkina Faso, even though the actions of the politicians have demonstrated a lack of political will to actually see the legislation go through.⁹⁴

It has also legitimized the actions of several international organizations and civil society groups, as they work tirelessly to address the problem of child marriage in Burkina Faso.⁹⁵ It has legitimized the activities of these local and international organizations to address women and girls' rights issues, fight to eradicate child marriages, and improve the human rights and privileges of the people in the country.

3.5.3 International and Civil Society Organizations

The main success of the international and civil society organization, in the researcher's view, is its ability to provide support to victims of child marriages by providing over 800 people in Burkina Faso to educate people in the rural areas on the dangers of child marriage on the girl, the community, and the country at large.⁹⁶

The organizations have also succeeded in providing other forms of support including shelters, that far outnumber the two government-provided shelters, to victims of child marriages in

Burkina Faso.⁹⁷ The shelters are also available to potential victims or at-risk girls whose families have decided to marry them off to someone else or use them as extra brides in family member's marriage.⁹⁸ These levels of support and protection from the organizations far outweigh the support of the government itself in trying to address the problem of child marriages in Burkina Faso.

3.6 Challenges Facing the Efforts to Intervene and Eradicate Child Marriage in Burkina Faso

Globally, “child marriage has been slowly declining, with around one in four young women alive today married in childhood versus around one in three in 1990, and the fastest progress has been recorded in the Middle East and North Africa”.⁹⁹ Moreover, “the marriage of girls under 15 years of age has declined, from 10 per cent in 1990 to 6 per cent today”.¹⁰⁰ Increased focus on the practice in the post-2015 development framework through the SDGs has illuminated these gains, but “rates remain high in South Asia and Sub-Saharan Africa, and a large number of girls and boys around the world are still at significant risk for child marriage”.¹⁰¹ In Burkina Faso, challenges such as Poverty, Legal System Loopholes, and Inadequate Information serve as the major militants against the interventions outlined in the previous section.

3.6.1 Poverty

Economic challenge, specifically poverty is also a great condition that hampers the fight against child marriage. Poverty is still a challenge as it accounts for the increase in the practice especially in the rural remote areas. Until poverty is reduced the villagers will continue to give out their young girls out for marriage. The high cost of education also poses a challenge to the quest to fight child marriage. Most people in the rural and remote areas of Burkina Faso cannot

afford the high cost of formal education for their children. This overriding burden makes them resort to giving their girls out to rich men in the areas in order to avoid the high cost of educating their young girls.¹⁰² Education is a basic human right of every child and for the SDGs to be fully achieved by year 2030, education must be readily accessible for children in Burkina Faso and Sub-Saharan Africa.¹⁰³

3.6.2 Loopholes in the Legal Systems

Another challenge is the loopholes in the legal system of Burkina Faso in helping to address the phenomenon of Child Marriage. According to a policy and evaluation coordinator at Child Rights International, the loopholes and inconsistency in the legal systems in Burkina Faso makes it difficult to eradicate the menace even though the country has pledged its alliance and commitment at the international, local and national levels. There also seem to be a conflict between the cultural traditions of the people and what the law says on Child Marriage.

3.6.3 Inadequate Information

In addition, there is also the lack of information and provision of shelters. At present, “there are no programs in place to disseminate information about the law on early and forced marriages in schools and communities or to tell at-risk girls and boys who they can contact for support or safety”.¹⁰⁴ Amnesty International reported in 2016 that “women have only learned of the presence of privately run shelters from friends or family members worried about their well-being”.¹⁰⁵ There are only two government-run shelters throughout the state, one in Ouagadougou and one in Nocin district, “which opened in December 2015 and has 10 beds capacities”.¹⁰⁶ There are a few other shelters “run by NGOs and religious orders across the country in the absence of government-run shelters and religious orders”.¹⁰⁷ One of the shelters run by NGOs in the north of

the country offered shelter and help for 60 girls in a year alone. Extreme measures taken by women and girls to reach them can demonstrate the critical importance of such shelters.¹⁰⁸

3.7 Conclusion

This chapter has presented the findings on child marriage in Burkina Faso. The chapter indicates the causes of child marriage are as a result of poverty, lack of education and sensitization, tradition and unenforceable and inconsistent legal systems in the country. Critical analysis revealed that child marriage has dire consequences on the state as well as young girls in Burkina Faso. These include denied access to education, exposure to HIV, STIs and unwanted pregnancies, maternal mortality etc. Concerning the challenges of combating child marriage in Burkina Faso, this chapter discusses inadequate policies, limited government intervention among others.

Endnotes

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CHAPTER FOUR

SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATIONS

4.1 Introduction

This chapter contains sections that summarize the major findings of the study, provide a viable conclusion for the study, along with some recommendations concerning future research and next steps for both government and CSOs in Burkina Faso.

4.2 Summary of Findings

The major findings of the research are presented in the sections that follow, focusing on the objectives of the research, as presented in the first chapter.

4.2.1 Underlying Factors for Child Marriage in Burkina Faso

The study identified several underlying factors that perpetuate the problem of child marriage in Burkina Faso. The first major factor identified is poverty, which leads to an economic need by the family to give their girl child to a wealthier man and his family to marry so that their economic fortunes can extend to the family of the girl.

The study also recognized the high illiteracy rate and a general lack of public sensitization on the part of government as a major contributing factor to the persistence of child marriages in Burkina Faso. Families and the potential female victims do not know about the negative impacts of the early marriage on the girl, in terms of her physical, emotional and psychological wellbeing.

Again, the impact of religion, especially Islam, and the local cultures and traditions of the parts of the country where child marriages are prevalent, contributes immensely to its persistence, as child marriages are considered religious or traditional customs of the people who practice them.

Finally, the matrilineal system that characterizes the family system of Burkina Faso ensures that the uncles and other family members in the child's mother's family are able to justifiably decide when and who the little girls marry. They usually take such decisions to consolidate family alliance or to play the roles of extra wives to the husbands of the aunties.

4.2.2 Implications of Child Marriage in Burkina Faso

Based on the factors identified above, child marriage in Burkina Faso still exists, leading to a number of negative implications on the victims, as identified through the conduct of the research.

The first is the potential for human rights infringement and abuse of the girls who go into these marriages at such young ages. Amongst others, their rights to education, to health, to equality, and to a life free from violence and exploitation are infringed upon.

There is also a high possibility that these little girls would become slaves to their supposed spouses and their households. A myriad of factors lead to this determination, including the absence of the child to give her informed consent for the marriage; the high probability that the child would be forced to do many domestic chores, sometimes against her will; the high probability that the child's compliance would be sought through physical and psychological abuse and stress; and the absence of the child's decision to leave the marriage.

Victims of child marriages also face physical, psychological and emotional trauma. In other words, there is genuine effect on their physical health, sometimes through the act of child birth, an act which may be too taxing on the physiology of a little girl. They also face sexual violence,

and fear and anxiety brought on by the possibility of ending up on forced marriage or being in one. The fears and anxiety usually lead the children to run away from home, putting them at a higher risk of rape and child trafficking.

4.2.3 The Success of Interventions to Address Child Marriage in Burkina Faso

There has been some legal intervention by the government of Burkina Faso to address the problem of child marriage in the country. Some of these interventions include national legislations, i.e. the Persons and family Codes, which have pegged the legal marital age at 17 years for women and 20 years for men. However, findings from the conduct of the study found that even 15-year old girls and 18-year old boys sometimes get married legally without reprimand. There has been government promises to increase the legal age for women to 20, as well. However, nothing of this nature exists legally within the laws of Burkina Faso yet.

Burkina Faso is also party to several regional and international instruments against Child Marriage, including the Universal Declaration of Human Rights, the Conventions on the Rights of the Child, and the Convention on the Eradication of Discrimination Against Women (CEDAW), as well as the African Charter on the Rights and Welfare of the Child. According to official information from the government of Burkina Faso, these instruments have been ratified, and are supposed to be enforced. However, the research uncovered limited political will to domesticate the agreements in the instruments.

International organizations like UNICEF also have systems in place to provide support to affected and at-risk people by providing over 800 people in the ground in Burkina Faso to educate and prevent early marriages in the country.

4.2.4 Challenges Facing the Efforts to Intervene and Eradicate Child Marriage in Burkina Faso

The main challenges affecting the efforts to intervene and eradicate child marriages in Burkina Faso include, poverty, which provides an economic need to perpetuate the system of child marriages and block potential interventions to stop it. This cycle is made possible as a result of the financial gain that accrues the family when they marry out their young girl to a rich man.

Loopholes in the legal system and limited enforcement of established regulations against the system, as well as the lack of political will to enforce the current legislations and improve on them have also served as a challenge to the successful implementation of the interventions meant to address child marriages in Burkina Faso. Legislations that exist are not properly enforced by the authorities, leading to a level of neglect that allows boys and girls as young as 15 years old, or even younger, to marry.

Again, there is an absence of programmes to educate the public on the dangers of child marriages leading to a severe lack of information on the matter. As a result, parents do not fully understand the effects that child marriage can have on their young ones. Again, vital information regarding safe havens is not disseminated to the people, thus, impeding the progress of the implementation of the intervening mechanisms.

Finally, the lack of shelters to protect victims and potential victims of child marriages impede the efforts of international organizations and government agencies to address child marriage in Burkina Faso. The entire country records two national shelters, and several private shelters. However, information on the private shelters are very scanty, as the study documented that some victims hear of them through word-of-mouth from friends and close relations.

4.3 Conclusion

The study set out to examine child marriage in Burkina Faso. It looked at the underlying factors of child marriage, its effects on the victims, the success of the various interventions to address the problem and the challenges that the implementation of the identified interventions face.

The problem of child marriage in Burkina Faso is extensive, as has been established through the conduct of this research. The underlying factors of child marriages, including poverty, a lack of information on the issue, illiteracy, religion and customs, and family structures and politics, have created a system where the fundamental human rights of girls in sub-Saharan Africa, especially Burkina Faso, have been infringed upon; have created slave-like conditions for these girls; and have affected their physical, emotional and psychological wellbeing. It has exposed them to sexual violence, and intense fear and anxiety, which can also lead to more problems associated with rape and human trafficking, in their attempts to escape such conditions.

Even though there are legal frameworks, encompassing both local and international legal instruments to address the problem, such factors as poverty, a lack of political will to enforce the regulations and close the loopholes in the legal frameworks, and a lack of information on the issue and the shelters available to help the victims, has led to little or no improvement in addressing the problem of child marriages in the last decade.

Therefore, confirming this study's thesis statement, it is safe to conclude that the problem of child marriage is and will continue to be a major problem in sub-Saharan Africa, especially Burkina Faso, until significant steps are taken by the appropriate authorities to address these identified problems. Remedies exist but are not employed effectively, thereby allowing the problem to fester in the country, confirming the study's thesis statement.

4.4 Recommendations

Following the conduct of the study, the researcher recommends that;

1. Significant academic, government and civil society research should be conducted in detail to address the established challenges identified by the study that militate against efforts to intervene and eradicate child marriages in Burkina Faso.
2. Civil Society Organizations heavily involve themselves in fighting child marriages by providing information, most importantly, to at-risk women and communities, to curb the persistence of child marriages in Burkina Faso.
3. Shelter and information on shelters be made readily available to victims of child marriages who need it, in order to save more victims of the practice on the country and region under study.
4. Poverty alleviation programmes should be formulated and implemented by the government of Burkina Faso to address the growing poverty in the country that forces families in rural areas to resort to these kinds of practices to change their economic fortunes.

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