



**A Study of the Implementation of  
International Treaties on Child Marriage  
in Ghana**

Submitted by  
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**DECLARATION**

I, Vera Elikem Awuye, declare that apart from references to other people's works, which have been duly acknowledged, this work is my original work carried out at the Legon Centre for International Affairs and Diplomacy (LECIAD), University of Ghana, Legon under the supervision of Dr. Peace Medie and that it has not been presented in whole or in part for the award of any degree elsewhere.

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**DEDICATION**

This thesis is dedicated to my late father, Mr. Martin K. Awuye for having so much faith in me. To my nieces and nephews, Kekeli Awadey, Klenam Awadey, Aseye Awadey, Elinam Awadey and Bubune Awuye for inspiring me to finish this journey when it got tough.

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## ABSTRACT

In 1998, Ghana enacted the children's Act 560 (1998) to harmonize its national laws to the principle of the United Nations Convention on the Rights of the Child (UNCRC). This Act was enacted to protect children. Twenty years on, children in Ghana are still exposed to harmful practices which have extreme consequences on their development. Child marriage is one of the harmful practices to which children in Ghana remain exposed. Currently, the national child marriage prevalence rate stands at 21% in Ghana. This study assessed the implementation of international treaties on child marriage in Ghana. It explored the strategies by government to end child marriage as per international treaties ratified. It further explored the implementation of the treaties thus far and the contributions of development partners in addressing the problem of child marriage. The study was conducted using qualitative research methodology. Semi-structured interviews were conducted with selected persons with child protection mandates at the district and national levels including development partners UNICEF and International Needs Ghana. Case studies of child marriages survivors were also constructed through interviews with five girls from Hini, Gomoa Osbonpanyin, Gomoa Akwamu, Amissakrom and Eshiem. The findings show that Ghana has adequate laws to end child marriage and other child protection violations. The government has also made some strides in efforts to deal with the practice yet there are gaps between legal intent and practice. The challenge remains with the effective implementation of these treaties Ghana has signed as there are financial and technical constraints as well as tensions between statutory law and customary practices. It is concluded from these findings that for Ghana to be able to end child marriage by 2030, an effective bottom-up approach should be adopted in policy implementation and adequate financial and technical resources must be invested in the work of institutions with child protection mandates. It is mainly recommended that Community Child Protection Committees (CCPCs) be established to intervene in various child protection violations as the country does not have enough resources to make interventions, especially at the community level to ensure children are safe.

## CHAPTER ONE

### 1.1 Introduction

The United Nations Children's fund (UNICEF) defines child marriage as a formal or informal union between persons below the age 18 years.<sup>1</sup> Child marriage continues to be one of the harmful practices affecting children in Ghana. It is a global phenomenon, involving gross violations of human rights, which threatens the survival and development of children. Global statistics released by UNICEF indicate that each year, 15 million girls marry before reaching their eighteenth birthday. A breakdown reveals that every day 41,000 girls get married, every minute 28 girls get married and every two seconds one girl gets married.<sup>2</sup> In Ghana, one (1) in four (4) women between age 20 – 24 are married before the age of 18.<sup>3</sup> Girls are disproportionately affected by this practice. Though the practice has been in existence for generations, the fight to end it has been weak. The national prevalence rate of child marriage in Ghana between 2011 and 2014 stood at 21%.<sup>4</sup> The Deputy Executive Director of UNICEF, Fatoumata Ndiaye in a press release said, "*it will take over 100 years to eliminate child marriage in West and Central Africa considering the current reduction rates*".<sup>5</sup>

Ghana is one of the first countries to sign and ratify the United Nations Convention on the Rights of the Child (UNCRC) in 1990. The country is also a signatory to other international and regional conventions with similar objectives, such as the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour and the African Charter on the Rights and Welfare of the Child (ACRWC) among others. These Conventions seek to protect the rights of children from all forms of violence, abuse and exploitation. Further, Ghana embarked on a series of law reforms aimed at protecting the rights of children and strengthening the legal and policy frameworks concerning children. These include the promulgation of the Children's Act 1998 (Act 560), the Juvenile Justice Act 2003

(Act 653), the Child Rights Regulations 2003 (LI 1705), the Human Trafficking Act 2005 (Act 694) and the Domestic Violence Act 2007 (Act 732) among others. There is no specific policy on child marriage in Ghana, yet in 2013, Ghana supported the United Nations General Assembly (UNGA) in the adoption of a resolution banning child marriage.<sup>6</sup>

Despite the positive legal frameworks to protect children, children continue to be exposed to child marriage, especially at the community level. A recent study by the Ghana Health Service in the Central Region alone revealed that 283 girls were given to marriage in 2016 whilst 12,048 were pregnant.<sup>7</sup>

In 2010, a national child protection system mapping and analysis was undertaken to respond to child protection violations including child marriage. The mapping exercise revealed that the formal child protection system was not adequately addressing many of the needs of children and their families and were not designed to be culturally appropriate and sustainable. A key recommendation of the mapping process was re-conceptualizing of the system to make it more relevant, sustainable and ‘fit’ for Ghana by utilizing and capitalizing on the strengths of existing community structures and practices.<sup>8</sup> This led to the introduction of Ghana’s child protection policy among others to coordinate activities to end child protection violations including child marriage. INGOs, especially, UNICEF, have been a force providing support for child protection interventions in Ghana as reported in the numerous initiatives they have embarked on to end child marriage.

Child marriage directly hinders the achievement of the eradication of many national concerns such as extreme poverty and hunger, universal primary education, gender equality and empowerment of women, reduction of child mortality, improvement of maternal health and the combat of HIV/AIDS, malaria and other diseases.<sup>9</sup>

## 1.2 Problem Statement

In Ghana, child marriage occurrence is highest in the Upper East (39.2%), followed by the Western (36.7%), Upper West (36.3%), Central (31.2%), Ashanti (30.5%), Volta (29.3%), Brong-Ahafo (29.10%), Northern (27.4%) Eastern (27.2%), and Greater Accra (12.2%).<sup>10</sup>

Many girls (and to a lesser extent, boys) in Ghana are still subject to child marriage, which has reportedly been described as modern slavery.<sup>11</sup> These challenges still persist in spite of 20 years of ratifying the Children's act. Often, these girls have little autonomy regarding the age at which they marry much less the partner they marry, as the family typically orchestrates the marriage.<sup>12</sup> Among the causes of child marriage include poverty, low level of awareness, gender inequality, weak enforcement of law and traditional and cultural practices. The practice of child brides has also promoted the use of children as sex slaves, house helps and bonded labor as well as increased child morbidity. "The vicious cycle leaves women and girls with limited economic options, increasing their vulnerability to highly exploitative forms of labor, and leads them to take exceptional risks".<sup>13</sup> Child marriage in rural areas declined from 39% in 2003 to 27% in 2014 while in urban areas it declined from 18% in 2003 to 16% in 2014.<sup>14</sup>

The interventions to end child marriage in Ghana have not been without challenges. These include contentions between age of consent versus age of marriage in enforcement of treaties at the national level. The constitution of Ghana allows children sixteen years of age to have consensual sex but cannot marry until eighteen years with consent of parents or guardians which Silvas-de-Awis states "*while consensual sex with girls below a minimum age constitute statutory rape, the same act with a similar age girl goes unsanctioned by the protective mantle of marriage*".<sup>15</sup> Teenage pregnancy is one of the main causes and consequences of child marriage. Thus, when children can have sex earlier than the legally enforced age of marriage, there is a high possibility of child marriage as a result of teenage pregnancy from early sex. It is also

reported that an estimated 70,000 adolescents in developing countries die every year from pregnancy complications.<sup>16</sup>

Again, child marriage still lingers as a result of traditional practices and customs that have existed for generations, hence, the challenge in accepting that the practice denies children their development. Contentions in legal pluralism also pose a challenge to ending child marriage as the country has a myriad of rule system of which Islamic law is just one part.<sup>17</sup> Also, the realization that cases of child marriage are mostly resolved at the family level and hence the legal implications of 1-year imprisonment or fine GH 500.00 or both to deter perpetrators are rare. Challenges with the system of birth registration, payment for medical reports for victims of sexual abuse<sup>18</sup> and the unavailability of data on the number of child marriage cases reported and prosecuted in Ghana among others.

Cases of child marriage are largely concealed, opposed to than reported. District institutions with child protection mandate are inadequately funded and resourced to follow up and prosecute child marriage cases. Most governments rely on international support from organizations such as UNICEF and NGOs to carry out their mandate in child protection. In spite of these challenges, the Ministry of Gender, Children and Social Protection (MoGCSP) which is mandated to “*coordinate and ensure gender equality and equity, promote the survival, social protection and development of children, vulnerable and excluded persons with disability and integrate fulfilment of their rights, empowerment and full participation into national development*”<sup>19</sup> has made some significant efforts to end the practice.

This study, therefore, assessed the efforts of the government of Ghana and development partners in implementing international treaties to end child marriage.

### **1.3 Research Questions**

- i. What measures are the Government of Ghana implementing to end child marriage as per international treaties ratified?
- ii. How are these measures being implemented domestically to end child marriage?
- iii. How are development partners supporting government efforts to comply to international treaties on child marriage?
- iv. What are the challenges faced by the Government and its development partners in implementing treaties to end child marriage in Ghana?

### **1.4 Objectives**

The objectives of the study are;

- i. To explore the strategies by government to end child marriage as per international treaties ratified.
- ii. To assess how these measures being implemented have been effective in ending child marriage.
- iii. To explore how development partners are supporting efforts contributing to the reduction in child marriage in Ghana by 2030.
- iv. To explore and analyze the challenges faced by the government and its development partners in the implementation of measures to end child marriage in Ghana.

### **1.5 Rationale for Study**

The study assessed progress made by the government of Ghana in enforcing laws to end child marriage. This is important because it will help policy makers build on the best practices and end child marriage. The assessment highlighted efforts made so far by the government of Ghana to

end the practice, especially, at the community level and the likely gaps that limit the termination of child marriage. This will contribute to policy interventions.

The study also examined the role of development partners in ending child marriage in Ghana. This is significant because it shed light on their role as an international organization advancing human rights law and effectiveness of partnerships to end child marriage to create a safe environment for children.

The study further shed light and made recommendations to some of the challenges the government of Ghana is encountering, especially, at the community level to implement or enforce international treaties to end child marriage to also achieve the UN sustainable development goals that are related to child marriage.

## **1.6 Hypothesis**

- i. Cultural and religious practices are likely challenges in ending child marriage by 2030
- ii. Countries with support from development partners to end child marriage are likely to effectively implement policies to end the practice

## **1.7 Theoretical Framework**

The study employed compliance theory in international relations. According to Young, “*compliance is the degree to which state behavior conforms to what an agreement prescribes or proscribes*”<sup>20</sup> Compliance, using a model of rational, self-interested states argues that compliance occurs due to states concern about both reputational and direct sanctions triggered by violations of the law and once states consent to treaties it generates a legal obligation which leads to compliance.<sup>21</sup> Commitments are persistent features of international affairs hence states tend to comply more to international law though they are not binding.

According to Avdeyeva, “*states ratify international treaties in response to perceived or real social pressures to formally assimilate with other states in the global arena*”.<sup>22</sup> They tend to do this to signal to other states that it is a compliant nation. It may seem that, even though states may not necessarily have the capacity or intentions to enforce treaties, they view ratification as appropriate behavior so they can be accepted for reputational reasons.<sup>23</sup> Also, reports indicate that “*governments commit to and comply with legal obligations if other countries in their region do so*”.<sup>24</sup> In some countries, there is a general perception that citizens expect their governments to abide by international law and failure to do so may cost the government the next election. Again, it is asserted that increased transnational communication between international NGOs, national governments, and domestic NGOs advance similar policies around the world.

States association with international organization renders them dependent on these organizations and, therefore, comply to treaties and policies. States tend to give away some of their power once they sign to these treaties and hence are forced to comply or be punished.<sup>25</sup> This affirms Gaffney Rhys assertion that “If the treaty establishes a body to monitor compliance or hear complaints, a state party that has failed to comply with its treaty obligations will have some sort of public ruling made against it”.<sup>26</sup> The policies and treaties of organizations are more or less binding on the states associated with them. The state compliance theory seeks to explain how states, although they are associated with an organization, may deviate on the policies and treaties that are binding on them. This is because some states do not have the capacity to enforce the norms. Again, although states may implement policies and treaties, their effectiveness may be problematic or limited due to lack of commitment of resources and will to ensure a working system that makes policies practical. Though states may sign to these treaties it may only be a mirror reflection of a complying attitude whilst in actual fact implementation at the national level maybe ineffective leading to gaps between policy and practice.

Chayes and Chayes perceive compliance in international organizations in three ways. Firstly, from the perspective of managerialism states that “*states have a propensity to comply with international commitments.*”<sup>27</sup> Secondly, compliance is efficient from an internal, decisional perspective and thirdly extant norms induce a sense of obligation to state to comply with legal obligations.<sup>28</sup>

Ghana is a developing country and hence compliance with international law is almost unavoidable and benefits the country to some extent. Gross national products of developing countries are relatively low consequently leading to dependence on developed countries for support, which sometimes comes with terms and conditions attached. For instance, the United States government gives Ghana an amount of 140 million dollars per year in development aid, hence, the government threatened to withdraw aid if the country remains on tier 2 watch list of the Trafficking in Persons (TIP) report 2016.<sup>29</sup> The time and resources also spent on these treaties also influence compliance especially from developing countries like Ghana. Ghana has been touted as the “beacon of democracy in Africa,”<sup>30</sup> thus, her reputation is assumed to be of major concern to her leaders. The government will, therefore, strive not to violate international treaties so as to keep the good image of the country. Compliance may portray a good image or reputation of a country to the world and show that the country is willing to support in making the world a better place. Compliance to international treaties also improves friendly relations with developed countries as well as support in reducing human rights violations by accepting international laws deemed to make the world safer. It also fosters democracy and security. On the other hand, non-compliance can result in conflicts, loss of opportunities as well as reputational risk. Countries with weak structures stand the chance of benefitting from financial and technical support among other benefits.

The theory is relevant to the work because it delves into the reasons why states accept to obey and implement international law as it is in the case of Ghana. The government of Ghana has

signed many treaties to protect children from child marriage and other violations partly due to the issue of compliance, yet the reality indicates that developing countries including Ghana struggle to implement these treaties.

### **1.8 Literature review**

This section reviews related literature to conceptualize the study. The section aims to highlight the views which have been expressed by some authorities on the issue under study to establish the foundation for the study. The review of literature reveals that though states have ratified various international treaties to protect children, the implementation of these treaties tend to be challenging. Considering the number of states that have ratified international treaties on child rights in Africa, especially the UNCRC, shows how crucial children's issues have become on the continent.

#### **a. Effectiveness of Laws on child marriage**

Ruth Gaffney-Rhys argues that *“international law plays a significant role in the campaign against child marriage because it emphasizes the gravity of the issue”*.<sup>31</sup> The literature further connotes that *“the earliest instruments adopted by the international community did not contain an express prohibition against child marriage, however, several human rights agreements provided ‘men and women’ with a right to marry.”*<sup>32</sup> In spite of this, the literature emphasizes that *“international treaties cannot on their own secure a reduction in the number of child marriages that occur and that appropriate programs must be developed in order to ensure that the law is implemented nationally and locally”*.<sup>33</sup>

Jacqueline Mercier, on the other hand makes the point that, indeed, a government may enact laws but there will be little compliance due to societies attitude towards children. The work revealed that *“while one has to appreciate that the law has a definite role to play in bringing about social reforms, the behavior of people might be more easily changed through*

*laws that seek to do more than change the traditional perception of women due to customary practices in a patriarchal society to change traditional perceptions of women”.*<sup>34</sup> The literature emphasizes that sometimes the tension between a progressive government and its people who are entrenched in tradition surfaces. In most cases, legislative and judicial attempts to end the practice of child marriage stall at the feet of cultures and religions that are more concerned with historical customs than the dictates of ideological distant administration.<sup>35</sup> Like Gaffney - Rhys, Mercier further emphasizes that child marriage is rooted in tradition, hence, relying on the government to deal with the practice will face opposition, especially, due to the patriarchal nature of the society. To support the argument, Jacqueline Mercier states that even within the last decade, public outrage at attempts to discourage child marriage has led to the uproar and violence not just against the government but against those working for reform.<sup>36</sup> The point is made that the many legislations including the UNCRC, CEDAW adopted are geared towards eliminating the practice of child marriage. Supporting the arguments by Gaffney – Rhys, Mercier again accedes that *“for many of these countries with a high prevalence of child marriage, social and cultural values hold more weight in the community than state-enacted law; thus, domestic legislation banning child marriage is weakly enforced”*.<sup>37</sup>

To enhance the arguments, Boyden states that *“in the case of international humanitarian law, the contractual obligation to uphold children’s rights lies with the State as signatory to international treaties”*.<sup>38</sup> Boyden maintains that *“the rights of the child in the modern nation are encapsulated in the doctrine parens patriae which grants the child the right to care and protection before the law and the duty of the State to act as the guardian and ultimate guarantor of child welfare through social planning”*.<sup>39</sup> In her work, Carmelia Burris argues that the inefficiency of implementing primary international treaties that prohibit child marriage has contributed to the continuity of the practice because treaties have the potential to create both

domestic and international legal obligations. The work reveals that treaties are arguably the most important source of international laws. An analysis of these treaties show that “*international law is pivotal, yet imperfect in the fight to end child marriage*”.<sup>40</sup>

The deliberations confirm that international law is very important in curbing the practice of child marriage. Though there are issues of social and cultural values as stated by the various authors, it must be noted that implementation of treaties to protect children goes beyond cultural relativism. Other factors including the economy, illiteracy and inequalities, among others, contribute immensely to the continuity of the practice. If significant progress must be observed in the effectiveness of laws to end child marriage, government must move from viewing these violations as cultural and rather make significant investments in improving the factors that contribute to the practice. Issues of effective implementation to ensure the safety of children should not be limited to cultural sentiments which many governments associate child marriage to. The attention of child marriage to cultural affiliations will encourage disregard for international laws seeking to protect children, hence, will leave gaps in ensuring a holistic approach to end child protection violations in Africa. Effective implementation of these treaties as suggested by the literature can be realized through appropriate programs that are culturally sensitive must be developed to ensure that the law is implemented nationally and locally to end the practice.

#### **b. Implementation of Laws to end child marriage**

Boyden contends that for international treaties to be effective, states must be effective in implementing their welfare policies. When states sign international treaties to protect children, there is a general impression that the government wants to take action to create a safe environment for children. After signing and ratifying, efforts to implement these treaties begin to stall.

The literature, according to Peter Lachman et al, suggest that one of the main challenges facing child protection in the 21<sup>st</sup> century is poverty on the African continent.<sup>41</sup> Chioma Humonga adds that enforcement of these treaties are capital intensive and can be complex in implementation. She explains that especially for developing countries, though these treaties have been ratified by governments, it may remain a white elephant to a large extent due to financial constraints. Lachman et al ask “*How can a country plan to relieve poverty when even before planning, income is servicing debt? The survival instinct results in the human characteristics and leads to war, embezzlement, military regimes, child trafficking, child prostitution, early marriage, street child existence, ignorance, poverty, and disease*”.<sup>42</sup> They explain that the dependency on Western countries makes Africans’ vulnerable and compliant to western norms leading to the neglect of some important African traditions that promote child protection within the African context. The literature highlights that “*the African, having discarded his culture, tradition, and having been forced into western ways of doing things, suffers a confusion of norms and values and a misplacement of priorities*”.<sup>43</sup> The literature criticizes that due to poverty in Africa, African governments comply to some standards of western style of state administration to be able to receive support. This has contributed to the African abandoning some values contributing to a very poor attempt at western-styled democracy and indeed very poor administration.<sup>44</sup> The literature suggests that the economic challenges prevent states from providing basic protection for children. On the hand, African leaders seem to be more concerned with economic issues than promoting and enforcing child rights.

As mentioned, implementing treaties need financial investments which many African governments are not able to commit. Peter et al indicate that “*examination of the African countries’ debt indicates clearly that debt overshadows basic social*”<sup>45</sup> which are part of the basic rights of children. Without significant financial investment in child protection interventions, creating a safe environment for children will be rhetoric.

In a concerted approach, Steward Kele suggests that “*culture is a more powerful determinant of overall functioning of a child protection system than structure or professional social work ideology*”<sup>46</sup> and continues to explain that parents are not exclusively responsible for children, the extended family and community members are essential actors in raising children as well. This group of persons informally acts as a safety net for vulnerable children even today. The literature reveals that the weakening of family systems with preference to nuclear families is posing new risk in child protection.<sup>47</sup> In the literature, “*empowering families and communities to protect children is a wiser investment to the total realization of ensuring children are protected from harm as enshrined in the treaties protecting children.*”<sup>48</sup> The author supports Boyden’s assertion on the doctrine *parens patriae* and notes, that in the situation where families or caregivers fail to be responsible towards children, the state must assist parents in fulfilling their child-rearing responsibilities as well by providing parents in need with material assistance and support programs.<sup>49</sup> This will be an effective channel to ensuring children are safe from all forms of abuse and exploitation. To support Kele, Gaffney-Rhyn in her work suggests that a regional, rather than a global approach may be more appropriate to dealing with child marriage<sup>50</sup> Cultural differences between western and non-western jurisdictions are frequently cited as barriers to the adoption of international treaties. Thus, instead of a one size fits all approach, countries should be able to enact and implements laws that fit their culture. In view of that , Bunting contends that “*assumptions underlying much of the international effort to address early marriage are western assumptions about childhood and adolescence’ which misses the complexity of the matter*”.<sup>51</sup> She continues to argue that, inspite of the many legislation to ban the practice, legislations at the international, regional or national level cannot itself eliminate the practice<sup>52</sup> just as Gaffney- Rhyn mentioned. Kele states that the enactment of laws is not enough to end the practice instead implementation of a series of ‘culturally appropriate’ programs that address the socio-economic conditions in which girls and young women live must be critically

considered. She adds that such projects pertaining to child marriage “*tend to focus on educating children, their families and communities, improving economic opportunities for girls and providing financial incentives tend to delay marriage*”.<sup>53</sup> Again, one of the main emphasis in Burris work contributing to the practice of child marriage inspite of the many laws ratified, is the lenient punishment of offenders and the lack of commitment to end the practice. To Burris “Proper enforcement is what translates domestic legislation from words into action, and without it, child marriage will continue to plague Indian citizens”. Again, she mentions that “the true test of its effectiveness is in how the ratifying body applies its provisions domestically.”

One of the safety nets for protecting children in Ghana has been the family system. Research has indicated that the extended family system is declining, hence, weakening the traditional systems of protecting children.<sup>54</sup> It has become critical that, though laws exist on protecting children, attention must be shifted toward rebuilding or sustaining strong family systems as safety nets for children. Again, punishment for child marriage offences must be made stiffer just as other criminal offences, to end the practice. It is argued that with the enforcement of stiffer punitive measures child marriage may reduce.<sup>55</sup>

### **c. The Role of Statutory law, Religion and Customs in ending child marriage**

Phillip Cook and Harold Coward emphasize that religion plays an essential role in the protection and survival of children in many developed and developing nations<sup>56</sup> hence it is very important to understand how religion plays in the implementation of international treaties such as the UNCRC which has been accepted as a landmark for children policies. The point is made that religion provides an entry point for many national and community-based child focused programs.<sup>57</sup> Cook and Coward agree with Gaffney Rhyn that the “*UNCRC and the parallel plan of action addressed in the world declaration for the survival, development and protection of children have aroused greater hopes and expectations for social change than almost any other*

*international human rights document*".<sup>58</sup> The literature highlights that the treaty has been largely accepted than implemented.

As Burris notes, contentions in implementing treaties are due to the pluralistic nature of the society where customary laws carry greater weight than those of the state,<sup>59</sup> Chuma Himonga also affirms that there are contentions between international treaties on child rights and various aspects of the African culture.<sup>60</sup> The literature indicates that the pluralistic nature of the African society made up of religious laws, European law and customary law has resulted in different cultures hence contentions in contextualizing the implementation of international treaties which has been largely described as Eurocentric<sup>61</sup>. According to Himonga, factors that inhibit the enforcement of treaties include *"the increasing legal protection of culture in African legal systems; the tendency of the courts to conceptualize customary law in terms of the written and codified version of customary law, which is not only archaic but is often inequitable; the impact of lobola (bride wealth) on children's rights; the non-registration of customary marriages and the problems it creates in litigation on children's rights; and the lack of judicial sensitivity to the rights of children"*.<sup>62</sup>

Himonga and Gaffney -Rhyn agree that "Although Africans have a choice between their customary law and the general law in the fields in which customary law applies, most of them apply customary law. In some cases, even Africans who choose the general law combine the use of this system of law with their customary law."<sup>63</sup> Customary law touches the lives of nearly all Africans and their children.

The UNCRC has provided a moral and ethical framework to promote children's wellbeing both at the grass root and in national legislation.<sup>64</sup> On the other hand, it is criticized for promoting individual rights than family unity, a concern which opposes many religions as these religions emphasize family unity than individual rights.<sup>65</sup> In many cultures the best interest of a child is related to the adherence to religion and traditional rules determined by adults, yet,

article 14 of the UNCRC emphasizes the rights of children to “freedom of thought, conscience and religion”. This has introduced contentions among religions and child rights. The literature highlights that many programs developed for children are more scientific in nature than cultural and religious,<sup>66</sup> which have led to the conflicts in implementing some of these legal instruments to protect children. The literature pays particular attention to eight popular religions in the world that is, Islam, Christianity, Hinduism, Buddhism, North American Aborigines Spiritual belief, Judaism, popular Chinese practice and Bahai religion. Each religion has clear notions as to who a child is and the functions of the child which is within the context of the family. Arguments on issues such as the “best interest of a child” is raised. They seek to understand who or what determines the best interest of the child. Is it the state or the family?<sup>67</sup> These issues challenge the implementation of the UNCRC largely to end child protection violations including child marriage. For instance, the literature states that, in the Arab Muslims countries, matters of the family are dealt with in accordance to Islamic rulings with few derived from Western laws. In Ghana, there are three main religions namely Christianity, Islamic and Traditional religion. Though these religions may agree with many of the articles in the UNCRC others oppose it. For instance, the case of Christian marriages, Christians reportedly, largely comply by the age limit for marriage, but Islamic and Traditional religions do not necessarily comply especially in the case where the UNCRC or other treaties including their religion does not define specifically the age limit to marriage.

Again, Addaney and Onuora-Oguno argue that international, regional and national efforts are failing to find sustainable strategies to end child marriage. Until 1989 when the UNCRC set the marriageable age to 18, international treaties did not provide a legal age for marriage hence countries initiated their domestic laws to fill that gap. In spite of this, the legal age of child marriage can be violated if domestic law provides for the contrary. This buttresses Gaffney-Rhyn’s position on the gap in international law to end child marriage. They also allude to the

fact that the ACRWC filled the gap of marriage age of the CEDAW hence making it progressive and complimentary of international treaties to strengthen child protection in Africa. In 2008, the Special Court in Sierra Leone held that child marriage can constitute a crime against humanity. The literature also mentions that 48% of Muslim girls are married by age 15 in Nigeria. Nigeria being partly an Islamic country is challenged in abiding by international treaties to end child marriage because of Islamic customary law. In India, due to the pluralistic nature of the society, religious based groups are able to determine their own acceptable age when it comes to the issue of marriage. In many of these societies, customary laws carry greater weight than those of the State,<sup>68</sup> hence, contributing to the continuity of the practice since there are no clearly defined boundaries in relation to marriageable age under these customary laws.

In conclusion, the literature has revealed that international treaties to protect children are very necessary and influential yet treaties on their own cannot secure a decline in the number of child marriages that occur. Appropriate programs must be introduced to fit the cultural context of states in order to ensure that laws are effective. The literature also emphasizes *parens patriae* and adds that that the family system should not be taken for granted in protecting children from child marriage. Again, the literature suggest that African governments should try to live beyond aid from western countries while more financial investment be made in the area of child protection in Africa to be able to deal with the issue of child marriage as well as safeguard African values. The literature also conceded that there are contentions in statutory, cultural and religious laws which do not protect children from child marriage.

Contentions between statutory, religious and customary laws on child marriage have existed for centuries. Literature has revealed that, this has contributed to reasons children continue to be exposed to harm. It has been suggested that states be given the right to make reservations on some treaties established. Reservations gives states the opportunity to align treaties with local laws while considering their financial capacity to implement. The literature is

quick to add that though States are allowed to make reservations, it comes with many guidelines which have to be approved before it is accepted to prevent undermining the treaties. Again, the literature suggests making reservations on treaties to give states the opportunity to “choose” what rules work for them. Though this may be a good suggestion it may give states the opportunity to defend some religious and cultural practices that violate children rights. This could lead to the undermining of such treaties and promote a myriad of contentions regarding international treaties which protect children. Instead, reservations can be made to treaties but not on provisions that expose children to harm including child marriage. An efficient system of registration should be considered and established to register marriages, especially, at the community level where child marriage is reportedly high.

### **1.9 Methodology**

The study adopted a qualitative method of analysis to explain and interpret the topic under study. A qualitative analysis was used in analyzing the interviews since it seeks to understand opinions, motivations and insight into problems and find solutions to them.

The sampling of target persons was purposive because the research accessed a particular subset of people with the expectation that these people and organizations are knowledgeable in the subject under study, hence, the Department of Social Development and Child Marriage Coordinating Unit were selected as one of the main agencies with child protection in Ghana. UNICEF and International Needs Ghana was also selected as they have wide knowledge and have made significant interventions on ending child marriage and other child protection violations. The purposive sampling made use of limited resources in the most effective way by selecting experts in the field of interest.

Data was collected through structured interviews. A total of eleven persons were interviewed. This involved six selected officials with child protection mandates at the

national/district level and five girls at the community level. These interviews involved heads of the selected institutions, that is, the Child Marriage Coordinating Unit, three municipal/district directors of Department of Social Development in Gomoa West, Effutu and Mfantseman municipal areas in the Central Region of Ghana. The child protection specialist (UNICEF) and Program Officer (INGH) was also involved in the study. Face to face interviews were conducted to explore what role these institutions play in implementing international treaties on child marriage. Five (5) case studies of child marriage survivors were also studied in the form of stories collected. At time of interview, three of the girls were nineteen (19) years and two were eighteen (18) years. International Needs Ghana supported the researcher in identifying these girls. The organization identified the girls through a project on child marriage which they implemented. Field visits were organized with staff of International Needs Ghana to meet the girls in their communities. The staff of the organization pre-informed the participants about the interviews ahead of the visit. The participants were informed that the interviews were purely for academic purposes. In the presence of an INGH staff, in-person interviews were conducted with each girl in their various communities. Both INGH staff and the researcher posed questions to the girls. The researcher took notes of their responses and compiled them for this study.

Before the interview commenced, participants were reminded that the research was for academic purposes only. Consent was sought from all participants. Consent forms were also signed by the participants (children) and their caregivers after the purpose of the research was explained in fante language (which they understood more clearly) to the victims and survivors of child marriage. Identities of the children were also hidden, as the study does not use their real names in the narrative. Consent was also sought from International Needs Ghana to interview the participants and use information received from the interviews for this research. Participants were informed that they could decline responding to any question they were not willing to respond to. Participants were not coerced or manipulated to participate in this study.

Transcripts and audios from interviews were used in the process of the data analysis. A deductive approach was used in the data analysis. The information collected was transcribed and organized per respondent. The data was then printed out and organized according to themes. The stories studied contributed to filling the gaps and lessons learned in relation to the data collected from respondents for the study.

### **1.10 Scope of Research**

The study referenced the period 2010 to 2017. This is because the mapping of the child protection policy begun during this period and it also whipped consensus for child protection initiatives in Ghana. The study was executed in the Central Region of Ghana specifically Effutu Municipal Assembly, Gomoa West District and Mfantseman Municipal. The Central Region is the 4<sup>th</sup> region with high prevalence of child marriage in Ghana. The 3 areas selected, especially, the Gomoa area was selected because it is reported to be one of the high prevalence areas for child marriage and teenage pregnancy in Ghana. Case studies of 5 victims of child marriage was analyzed in Hini, Osbonpanyin, Amissakrom - Ekroful, Gomoa Akwamu and Gomoa Eshiem as these areas have incidence of child marriage and are also located in the rural areas where child marriage is reportedly highest in the Central region. The case studies shed light on how policies support interventions for victims or survivors of child marriage and what opportunities are available to them after they have been rescued. This allowed more insight into the implementation of treaties by government and development partners in practical child marriage situations and how these efforts being implemented are reducing the practice.

### **1.11 Sources of Data**

The research made use of both primary and secondary sources of data. The primary source of data was structured interviews held with two development partners, UNICEF and International Needs Ghana and three Department of Social development officers. The interviews allowed

insight into how international organizations are implementing international treaties to end child marriage per national and international standards. UNICEF has been one of the key organizations to lead the campaign to end child marriage in Ghana. International Needs Ghana is also one of the development partners in Ghana with wide coverage in terms of implementing child rights and also leading the campaign to end child marriage.

The secondary sources explored the UNCRC, the African Charter on the Rights and welfare of the Child, the Children's Act 1998 (Act 560), the Child Protection Policy of Ghana (2014), the National Strategic Framework on ending child marriage in Ghana 2017 – 2026 as well as related reports.

### **1.12 Limitations of Study**

The duration of the study resulted in limited time to consult a larger number of participants for the study, resulting in the study been conducted on a small population. The distance to collect data from the central region was also a challenge since the study was done within a limited time, more time could not be spent travelling to collect data.

### **1.13 Arrangement of Chapters**

The study has been structured in four (4) main parts

Chapter one outlines the introduction of the research topic, the research problem, the research questions, objectives of the research, the hypothesis, rationale for the study, the literature review, the theory of the research, methodology, scope of research, sources of data as well as the limitations to the study.

Chapter two provides an overview of the problem of child marriage in Africa and the efforts of governments and international organizations to end child marriage in the region. The chapter also profiles some countries with high and low prevalence rates of child marriage in

Africa. It also describes how international treaties influence Ghana's policy in child rights with emphasis on child marriage.

Chapter three assesses the findings and results of implementation efforts by the government of Ghana and development partners to end child marriage.

Chapter four summarizes the findings of the study, conclusion and provides recommendations to address the challenges in the implementation efforts of international treaties on child marriage as well as best practices that can be strengthened and replicated in other African countries.

## CHAPTER TWO

### **An Overview of the Problem of Child Marriage in Africa and the Efforts of Governments and International Organizations to End Child Marriage in the Region**

#### **2.0 Introduction**

This chapter gives an overview of child marriage in Africa as well as the efforts of governments and development partners in ending the practice. It further describes international treaties and how they influence Ghana's policy in child rights with emphasis on child marriage.

#### **2.1 Countries with Highest Prevalence Rate of Child Marriage in Africa.**

Globally, the 20 countries with highest prevalence rate of child marriage are Niger (76%), Central African Republic (68%), Chad (67%), Bangladesh (59%), Burkina Faso (52%) Mali (52%) South Sudan (52%), Guinea (51%), Mozambique (48%), Somalia (45%), Nigeria (45%), Malawi (42%), Eritrea (41%), Madagascar (41%), Ethiopia (40%), Nepal (40%), Uganda (40%), Sierra Leone (39%), DR. Congo (37%) and Mauritania (37%).<sup>69</sup> Out of these 20 countries, African countries constitute 18.

According to UNICEF, there has been a slow decline of child marriage in Africa, but the decline is mostly among the rich.<sup>70</sup> The countries with lowest rates in child marriage in Africa remain in the northern parts of the continent<sup>71</sup> including Algeria (3%). Seventeen percent of 700 million women and children alive today who were married before their 18th birthday, live in Africa.<sup>72</sup> It is reported that in Africa, child brides are most likely to be found in rural areas, among the poorest segment of the population.<sup>73</sup> Among the rich and the poor, prevalence rate of child marriage has been halved among the rich in the region.<sup>74</sup> Nigeria has been reported to have the largest number of child brides in the region with about 23 million girls and women married in their childhood.<sup>75</sup> In sub-Saharan Africa, the lowest levels of child marriage are found in Djibouti, South Africa, Swaziland, Namibia and Rwanda, as they all fall below ten percent.<sup>76</sup>

Prevalence rate of child marriage in West Africa stands at 42%, 40% in Central Africa, 37% in Eastern Africa, 26% in Southern Africa and 13% in North Africa.<sup>77</sup> It is recorded that 39% of girls in Sub Saharan Africa are married before 18 years.<sup>78</sup>

## **2.2 The Situation of child marriage in selected African countries**

The prevalence rates of child marriage among African countries differ, age at marriage is not rising uniformly within individual countries.<sup>79</sup> Segments of the population are still marrying at very young ages, while there are others that continue to delay marriage until latter ages.<sup>80</sup>

In West and Central Africa, child marriage has declined by one fifth with greater reductions in marriage before age 15.<sup>81</sup> Again, in West and Central Africa, child marriage prevalence around 1990 was 50% as compared to 39% in 2015.<sup>82</sup> In the past 15 years, research has shown that child marriage declined at a rate of 0.8%.<sup>83</sup> To be able to eliminate the practice by 2030 the required annual rate of reduction must be 21%.<sup>84</sup> UNICEF has projected that, if efforts are not taken seriously to end child marriage, global statistics will double by 2050.

Niger is the country with the highest child marriage prevalence rate in Africa. On average, three out of four girls marry before their 18th birthday.<sup>85</sup> In some areas, including Diffa, the rates are even higher as 89% of girls marry as children.<sup>86</sup> The legal age at marriage without or with parental consent or approval stands at 15 years for female and 18 years for male in Niger.<sup>87</sup> Data shows that little to no change has occurred since 1998 in the country(77%).<sup>88</sup> Child marriage prevalence in Niger is significantly higher than the regional average for sub-Saharan Africa (38%).<sup>89</sup> In Chad, trends in child marriage have not shown any significant changes to the problem over the last 20 years. On average, almost three out of four girls get married before their 18th birthday in the country.<sup>90</sup> In essence, the two countries (Chad and Niger) have not recorded any significant improvement in ending child marriage in the last 20 years.

This trend is, however, different in Burkina Faso and Ghana where child marriage before age 18 has declined by 10 and 17 percentage respectively.<sup>91</sup> The prevalence of marriage, however, before age 15 over the same 20-year period in both Burkina Faso and Ghana has not changed.<sup>92</sup> Thus, the rate of child marriage before 18 years has improved for both countries while the rate of child marriage before age 15 for both countries remain the same.<sup>93</sup> This implies that both countries have made a notable, even though small improvement in their bid to end child marriage.

There are, however, other African countries such as Ethiopia and Algeria that have made significant improvements in their child marriage prevalence rates. The trend of child marriage in Ethiopia is one that has seen significant improvement in the past years as child marriage has declined by a 3<sup>rd</sup>. Ethiopia was previously among the top 5 countries with the highest prevalence rates of child marriage in Africa. According to Girls not Brides, the rate of child marriage in Ethiopia has fallen from about 60% in 2011 to 40% in 2017.<sup>94</sup> Algeria also happens to have a child marriage rate of 3% which happens to be the lowest in Africa. This means that while some of countries are making little to no improvement on the prevalence rate of child marriage, others have had significant improvement in prevalence rates.

### **2.3 Causes of child marriage in Africa**

Many factors influence the prevalence rate of child marriage in various African countries. These factors include the laws on legal age to marry among others which are discussed. For instance, by 2010, most African countries “*had set a minimum legal age for marriage at 18 years or older except Guinea, Niger, Togo, Chad, the Democratic Republic of Congo, and Zimbabwe which had legal minimums between 15 and 17 years of age.*”<sup>95</sup> In Niger, there is also a legal vacuum concerning sanctions or punitive measures that can be imposed on individuals in the event that a child is given into marriage before the legal age.

As discussed earlier, it is clear that, the practice is more prevalent among the poor whilst reducing or has been halved among the rich. According to Girls not Brides, poverty is a major driver of child marriage in Niger. Research indicates that “*marrying girls off as children comes with some economic prosperity and an increase in social status for both girls and their parents*”.<sup>96</sup> Marriage is also perceived as economic security in some countries, as parents will have less mouth to feed in homes where there is poverty.<sup>97</sup> Some families perceive girls are burdens because there are no outputs from them after they have left the household and do not preserve the family name.<sup>98</sup> Families will incur little cost when they marry off their daughters and in some cases the bride’s family benefits because they are paid a bride price.<sup>99</sup> The younger the girl, the higher the bride price<sup>100</sup> so it is convenient to marry girls as children.

Also, parents feel very proud in their societies by marrying their daughters into a prominent family.<sup>101</sup> In some societies, parents believe that “*marrying their daughters young would protect them from rape, premarital sexual activity, unintended pregnancies, and sexually transmitted infections, especially human immunodeficiency virus (HIV) and AIDS.*”<sup>102</sup> This protects the family honor and is perceived to prevent shame.

Gender inequalities across Africa have also been identified as a driver of child marriages. In many communities where child marriage is practiced, girls are not valued as much as boys. The girls are considered to be a burden or a commodity in the society.<sup>103</sup> For instance, in Ghana, when a boy is born it is said “a human being has been born” whilst, when a girl is born it is casually said “a girl is born”. Because women and girls occupy a relatively lower status in society, abuse, or mistreatment of a female tends to be justified and treated as normal,<sup>104</sup> undervaluing of girls and restricting them to domestic and reproductive roles;

It is also visible that the educational level of individuals influence the practice of child marriage. Figures have indicated that persons who are more educated are less likely to be married as children than those uneducated in Africa.<sup>105</sup> Research has indicated that “*the link*

*between education and the prevalence of child marriage is particularly evident in Niger as 81% of women aged 20-24 with no education and 63% with only primary education were married or in union at age 18, compared to only 17% of women with secondary education or higher”.*<sup>106</sup>

Further, research has revealed that, conflict in some parts of the continent has impacted child marriage decisions contributing to the slow decline in figures.<sup>107</sup> Some families arrange for their daughters to be married to prevent them being taken as brides. According to girls not brides, *“armed conflict and natural disaster aggravate child marriage as parents look to alleviate the economic burden and fear caused by instability”*. Again, *“in Niger, Bangladesh, Somalia, and Uganda, the practice has been used as a survival strategy during times of drought and food insecurity”*.<sup>108</sup> Specifically, families in Liberia and Sierra Leone have reportedly turned to child marriage due to economic destitution and violence in refugee camps.<sup>109</sup> Upholding social and religious traditions, including the fear of dishonor from pregnancy outside of marriage, civil unrest and natural disasters<sup>110</sup> have contributed to child marriage.

## **2.4 Consequences of Child Marriage in Africa**

The consequences on the health of a child bride include death due to eclampsia, postpartum hemorrhage, sepsis, HIV infection, malaria, and obstructed labor.<sup>111</sup> Girls below the age of 18 are not ready for child bearing due to small pelvises.<sup>112</sup> Hence, morbidity is higher in children due to the young mothers’ poor nutrition, physical and emotional immaturity, lack of access to social and reproductive services, and higher risk for infectious diseases.<sup>113</sup> Child brides are particularly susceptible to injury during pregnancy or childbirth. 65% of girls below 18 years are reportedly more likely to experience obstetric fistula.<sup>114</sup>

Child marriage impacts on both boys and girl’s education. Millions of girls drop out of school to become wives and mothers using their time to perform house chores and child rearing.<sup>115</sup> In some cases, a boy will also drop out of school to be able to work and earn money to

take care of his family. This denies or delays children's education contributing to the broadening of poverty and development gaps in Africa. As wives, these girls acquire no skills and either have no education or very poor levels of education. This contributes in disparities in employment gaps where women are mostly below the social strata.

Girls not brides report that *“child marriage puts girls at risk of sexual, physical and psychological violence throughout their lives. Girls who marry as children are more likely to be beaten or threatened by their husbands than girls who marry later and are more likely to describe their first sexual experience as forced”*.<sup>116</sup> Child brides are more likely to experience intimate partner violence and have their decision-making power and freedoms curtailed.<sup>117</sup>

In March, 2018 reports from UNICEF showed that child marriage has reduced globally.<sup>118</sup> UNICEF estimates that *“25 million child marriages have been prevented in the past decade and only one in five girls are now married before they attain the age of 18 compared to one in four girls a decade ago”*.<sup>119</sup> It is reported that, despite the reductions, the problem is now more severe in Africa despite improvements in countries such as Ethiopia.<sup>120</sup> In Africa, statistics reveal one in three marriages as compared to one in five marriage a decade ago.<sup>121</sup> It has been reported that efforts of governments and development partners has led to these reductions.

## **2.5 Efforts of Governments and Development Partners to End Child Marriage**

The efforts that has been made to end child marriage has taken the form of treaties that were signed as well as partner institutions' efforts through programs and campaigns. The interventions by partner firms include, UNFPA-UNICEF Global Programme to Accelerate Action to End Child Marriage, High-level meeting on accelerating progress on ending child marriage in Africa-2017, The Melaka Declaration to End Child Marriage and United Nations (UN) General Assembly Resolution to Ban Child Marriage, the African Union Campaign to End Child Marriage. These efforts are discussed in detail in the subsequent section.

As part of efforts, UNFPA-UNICEF Global Programme was introduced to achieve the targets on the sustainable development goals 2030. With support from donors and partners, UNICEF and UNFPA launched a joint effort in 12 focus countries (Zambia, Yemen, Uganda, Sierra Leone, Niger, Nepal, Mozambique, India, Ghana, Ethiopia, Burkina Faso, Bangladesh).<sup>122</sup> The programme worked with governments at both national and subnational levels in relevant initiatives including the African Union and the South Asia Initiative to End Violence against Children.

According to the 2016 report,

UNICEF-UNFPA reached more than 754,000 girls through girls' clubs, schooling initiatives, skills training and more.<sup>123</sup> 1.6 million individuals were also reached through initiatives designed to facilitate a change in attitude and practices related to girls' rights have been well established. The initiative has already reached more than 1.6 million individuals, including girls, boys, religious leaders, elders and key decision makers through scaling up efforts.<sup>124</sup> Regional and national governing bodies were also engaged to galvanize political action and will, and to promote the allocation of resources to ending child marriage.<sup>125</sup> Sustained engagement with partners at local, national and regional levels were also organized<sup>126</sup> as well as commissioning of data and evidence to better understand drivers and effects of child marriage, and support of governments to better use existing data to push for action.<sup>127</sup>

These efforts according UNICEF-UNFPA has contributed to the decreasing number of child marriages in the world.

Also, in 2017, on the margins of the 72<sup>nd</sup> Session of the United Nations General Assembly, a high-level meeting on accelerating progress on ending child marriage in Africa was held to eliminate child marriage by 2030.<sup>128</sup> This activity was supported by the Zambian and Canadian governments, UNICEF – UNFPA and UN Women. Statistics revealed 7 of 10

countries have child marriage levels less than 10 percent.<sup>129</sup> These are Tunisia, Algeria, Swaziland, Djibouti, South Africa, Rwanda, Namibia in the last 25 years. In Chad, Central African Republic, Burkina Faso and South Sudan there has been no significant decline in the last 25 years.<sup>130</sup>

In September 2013, the United Nations General Assembly (UNGA) adopted a resolution banning child marriage, which Ghana supported. In 2015, global leaders included a target to end child marriage under Goal Five (Achieve Gender Equality and Empower all Women and Girls) of the recently adopted United Nations Sustainable Development Goals (SDGs).

The Melaka Declaration to End Child Marriage was also adopted with a 100 youth from 22 countries to highlight the critical role that young people play in ending child marriage.<sup>131</sup>

## **2.6 International and Regional Treaties adopted to end child marriage in Africa**

The right of a child to be free from marriage is codified in various international and regional conventions, as well as Ghana's laws. These laws reflect the belief that children and adolescents do not have the maturity and mental capacity necessary to make informed decisions about entering into a legally binding relationship such as marriage. Further underlying these laws is a reflection of the belief, codified in the UNCRC that the 'best interest of the child' should remain the 'primary concern' in any action or decision that relates to children.<sup>132</sup> Therefore, given the multiple physical, economic and psychological consequences that child marriages comes with, the practice is in contravention to the 'best interest' principle.<sup>133</sup>

Fifty-one of fifty-three African countries have ratified the Convention on Eliminating Discrimination Against Women (CEDAW) except for Somalia and Sudan.<sup>134</sup> There have been, however, reservations from ten African counties.<sup>135</sup> According to UNECA, "*these reservations sometimes contradict the objective of the Convention; such reservations are not acceptable*

*under international law governing treaties*".<sup>136</sup> For instance, some countries have ratified CEDAW with reservations to

*articles 2 (non-discrimination clause), 9 (nationality of women and their children), 16 (equality during marriage). These countries justify their reservations due to incompatibility of the provisions with religious and customary practices. Reservations on such articles amount to rejecting the objective of the Convention itself'. Article 16 states that*

*“state parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women*

1. (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

This is one of the main articles in the CEDAW that prevents early marriage, yet some African countries have made reservations on basis of religion and customs.

The UNCRC is also a universal treaty that protects children and prevents them from marriage. Globally, 195 countries have ratified the instrument except South Sudan and the United States of America. Of 54 African states, 53 have ratified the UNCRC. Though the UNCRC is not specific with articles on ending child marriage, **Article 1** of the convention is specific with the definition of a child, Article 3 is empathic on the best interest of the child while Article 24 also states parties must take effective steps to abolish traditional practices that are harmful to the child.

Also, the Universal Declaration of Human Rights (UDHR) in article 16(2) of the declaration spells out the right to ‘free and full’ consent to marriage but notes that consent cannot be ‘free and full’ when one of the parties involved has not sufficiently matured to make an informed decision about marriage.<sup>137</sup>

By 2017, twenty-two African Union member states adopted an African Common Position on Ending Child Marriage, which urges states to establish comprehensive action plans to end child marriage, including establishing and enforcing laws that set the minimum age of marriage at 18. These countries include Benin, Burkina Faso, Chad, Ethiopia, Ghana, Kenya, Madagascar, Niger, Senegal, Sudan, The Gambia, Uganda, and Zimbabwe.<sup>138</sup>

The Southern African Development Community (SADC) adopted the first ever model law on eradicating child marriage and protecting children already in marital situations. The law calls for strengthening and harmonizing legislation in Southern Africa<sup>139</sup>. Section 6 of the model law guarantees “*protection of children from exploitation and abuse and the necessary support given to a child, a child in marriage and a victim of child marriage*”.<sup>140</sup> Also, Section 7 states that:

- (1) Child marriage and the betrothal of girls and boys is prohibited and the Government shall ensure that necessary laws specify the minimum age of marriage
- (2) A person shall not subject a child to harmful practices.

The East African Commission (EAC) is also taking steps to develop a bill on sexual and reproductive health rights. The EAC has organized two conferences on child rights with child marriage included in its priority areas.<sup>141</sup> Article 120 (c) of the Treaty states that “partner states undertake to closely co-operate amongst themselves in the field of social welfare with respect to the development and adoption of a common approach towards the disadvantaged and marginalized groups, including children, the youth, the elderly and persons with disabilities through rehabilitation and provision of, among others, health care, education and training”. The

Economic Community of West African States (ECOWAS) adopted a Strategic Framework to strengthen national child protection systems and protect children against violence. The framework counts child marriage as one of five priority areas for action. This is the first-time child marriage is prominently featured in a critical ECOWAS policy document.<sup>142</sup>

## **2.7 International Treaties on Child Marriage in Ghana**

In 1962, the UN Convention on Consent to Marriage, minimum age for marriage and registration stated that “marriage must be consented to by both spouses and called on states to set minimum marriage age laws and registration processes”.<sup>143</sup> Although child marriage is not explicitly mentioned, the UN Committee on the Rights of the Child, which monitors the implementation of the convention has stated that “*early marriage is a harmful practice that negatively affects sexual and reproductive health and has called on states to set a minimum age of marriage at 18*”. In view of that, Ghana became the first country in Africa to ratify the convention on the Rights of the Child which specifies 18 years as the legal age of marriage for girls and boys.<sup>144</sup> To ensure full compatibility between the national law and the Convention, a Committee was set up to review the status and the law regulating children’s rights in the country. Based on the recommendations of the Committee, the Children’s Act was passed. Also known as Act 560, the 1998 Children’s Act is a comprehensive law for children, it consolidated and revised existing law and filled in appropriate gaps. “Among other things, it sets out the rights of the child and parental duties and provides for the care and protection of children. In addition to the Constitution and statutes, case law, court rules, and ethical rules inform the role of counsel in the representation of the child in the law court and advocacy on behalf of the child”.<sup>145</sup> The Children’s Act pegs the minimum marriage age in Ghana at 18 and disapproves of children being withdrawn from school for marriage. Section 14 of the Act provides that a “person shall not force a child to be betrothed, to be subject of a dowry transaction or to be married.” Ghana

entered into this international agreement as a result of the prevalence of early girl child marriage in the country. Article 34 of the UNCRC declares that states will “protect the child from all forms of sexual exploitation and sexual abuse. By a way of ensuring that child marriage is discouraged in Ghana, the Criminal Code Amendment Act (Act 554) prohibits compulsion in marriage and giving a girl out in marriage without her consent. Section 100 of the Act provides that if a female is compelled to marry another person by duress this makes the marriage void, the marriage is of no effect”. Section 109 also states that “*whoever by duress causes any person to marry against his or her will shall be guilty of a misdemeanor*” Section 14 (1) (a) (b) and (c) of the Children’s Act provides that “*No person shall force a child to be betrothed; to be the subject of a dowry transaction; or to be married... any person who contravenes this provision commits an offence and is liable on summary conviction to a fine not exceeding 5 million cedis(old currency) or to a term of imprisonment not exceeding one year or to both.*”<sup>146</sup>

Ghana also signed the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The Convention was adopted in 1979 by the UN General Assembly and it often described as an international bill of rights for women.<sup>147</sup> The CEDAW constitute 30 articles as well as defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination.<sup>148</sup> The Convention defines discrimination against women as “*any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.*”<sup>149</sup> When states sign the convention, it indicates that they have committed themselves to undertake a series of measures to end discrimination against women in all forms, including:

1. to incorporate the principle of equality of men and women in their legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women;
2. to ensure elimination of all acts of discrimination against women by persons, organizations or enterprises.

The Convention is the only human rights treaty which “*affirms the reproductive rights of women and targets culture and tradition as influential forces shaping gender roles and family relations*”. It affirms women's rights to acquire, change or retain their nationality and the nationality of their children. States parties also agree to take appropriate measures against all forms of trafficking and exploitation of women. In relation to the laws on child marriage, CEDAW spells out in Article 16(2) that “...the betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.”<sup>150</sup>

Ghana also became a member country of the African Charter on the Rights and Welfare of the Child. The Charter, which was adopted by the Organization of African Unity (now the African Union) in July 1990, entered into force in November 1999.<sup>151</sup> African Charter on the Rights and Welfare is an African regional treaty that addresses child marriage. Article 21(2) states “Child marriage and the betrothal of girls and boys shall be prohibited and effective action, including legislation, shall be taken to specify the minimum age of marriage to be 18 years and make registration of all marriages in an official registry compulsory.”<sup>152</sup> As of May 2013, the Charter had been ratified by 41 states of the African Union. The Charter has a committee tasked to monitor state’s compliance and interpretation of the Charter. Article 32 explicitly stresses that “An African Committee of experts on the rights and welfare of the child herein after called the

Committee shall be established within the Organization of African Unity to promote and protect the Welfare of the Child.”<sup>153</sup> Unlike the UNCRC where member countries are to submit report every five years, it is required of member countries of the Charter to submit report every three years.

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa is another treaty entered into by Ghana. The treaty affirms reproductive choice and autonomy as a key human right. Reports indicate that “*it is the first time that an international human rights instrument has explicitly articulated a woman’s right to abortion when pregnancy results from sexual assault, rape, or incest; when continuation of the pregnancy endangers the life or health of the pregnant woman; and in cases of grave fetal defects that are incompatible with life*”. In regard to child marriage, Article 6 (a and b) of the Charter emphasizes that “state parties shall ensure that women and men enjoy equal rights and are regarded as equal partners in marriage. They shall enact appropriate national legislative measures to guarantee that (a) no marriage shall take place without the free and full consent of both parties (b) the minimum age of marriage for women shall be 18 years”

The protocol provides for “*freedom from forced marriage and other discriminatory practices during and upon the dissolution of marriage*”.<sup>154</sup> The protocol surpasses current global human rights protections by prohibiting forced marriage practices and articulating a woman’s right to decide matters of marriage and family.<sup>155</sup>

Ghana has also introduced the Child and Family Welfare Policy in 2015, which reports indicate UNICEF funded the whole process. The policy seeks to “*establish a well-structured and coordinated child and family welfare system that promotes the well-being of children, prevents abuses and protects children from harm including child marriage*”. The main objectives of the Policy are

to design child and family welfare programs and activities to more effectively prevent and protect children from all forms of violence, abuse, neglect and exploitation; ii] to ensure effective coordination of the child and family welfare system at all levels; iii] to empower children and families to better understand abusive situations and make choices to prevent and respond to situations of risk; iv] to build capacity of institutions and service providers to ensure quality of services for children and families in urban and rural areas; v] to reform existing laws and policies to conform to the child and family welfare system; and vi] to ensure provision of adequate human, technical and financial resources required for the functioning of the Child and Family Welfare system at all levels.<sup>156</sup>

This is the first time Ghana has introduced a policy to deal with various child protection concerns.

Also, the National Strategic framework to end child marriage in Ghana 2017 – 2026 is a 10-year strategic plan to end child marriage in Ghana. The policy seeks to

empower girls and boys to be better able to prevent and respond to child marriage, influence positive change in communities' beliefs and attitudes and social norms that drive child marriage, accelerate access to quality education, sexual and reproductive health information and services and other opportunities, ensure national laws, policy frameworks and mechanisms related to ending child marriage are in place and effectively enforced and implemented and increase the quality and amount of data and evidence available to inform policy and programming.<sup>157</sup>

The framework is a unique guide to ending child marriage in Ghana, considering the various approaches to end the practice.

## **2.8 Conclusion**

Africa is the second continent in the world with the highest rates of child marriage prevalence globally. Irrespective of this, African countries have signed many international treaties to end the child marriage. They have also embarked on some campaigns to end the practice, yet child marriage is still a major challenge to children's rights on the continent. Though some countries have made significant progress, many more African countries are yet to make any progress. This can be observed from the static prevalence rates of some countries as well the slow rate of decline (0.8%). Again, though the prevalence rates differ from country the causes and consequences of child marriage are fairly consistent in African countries.

## CHAPTER THREE

### **Assessment of the Findings and Results of Implementation Efforts by the Government of Ghana and Development Partners to End Child Marriage**

#### **3.1 Introduction**

This chapter presents the findings of the study. Interviews were conducted with Forster Adzraku (Project coordinator, Child Marriage Coordinating Unit), Annalisa Caparello (Child Protection Specialist, UNICEF), Lily Clottey (Program Officer, International Needs Ghana), Phoebe Adjei (District Director, Department of Social Development - Effutu Municipal Assembly), Ben Narh (Assistant Director, Department of Social Development - Gomoa West District) and Felicia Ankrah – Halm (District Director, Department of Social Development - Mfantseman Municipal Assembly). The chapter is guided by the following objectives: i. To explore the strategies by government to end child marriage as per international treaties ratified ii. To assess how these measures being implemented have been effective in ending child marriage iii. To explore how development partners are supporting efforts contributing to the reduction in child marriage in Ghana by 2030. The presentation is woven with perspectives from the literature.

#### **3.2 Ghana's Policy Implementation on Child Marriage**

Implementing international treaties on child marriage in Ghana has been an enormous task. Through interviews with stakeholders, it has been realized that child marriage is perceived to have decreased in Ghana as a result of intensified community wide sensitization programs, especially in rural areas. Generally, the people interviewed explained that due to the harmful nature of child protection violations including child marriage and its damaging effect on children's development, the Child Marriage Coordinating Unit (CMCU) as well as Departments of Social Development (DSD) had been setup to deal with such issues of child protection. Forster Adzraku, the project coordinator of the CMCU added that due to the issue of compliance to

international treaties there was the need for coordination and implementation of these laws, thus, resulting in the establishment of these units to oversee the compliance to international standards.<sup>158</sup> Especially, for the CMCU, Forster agreed that the momentum the issue of child marriage has gathered globally, with Ghana leading the campaign to end child marriage, has contributed to the establishment of the unit with support from development partners.<sup>159</sup> He further added that Ghana is part of 12 countries selected to pilot the program as well as the African Union campaign to end child marriage, hence, the departments are very important.

Further, he mentioned that the unit had already established an Advisory Committee on ending child marriage composed of influential individuals within their respective communities, formed a network of stakeholders to share ideas, launched the End Child Marriage Campaign in February 2016, officially kicking off the country's efforts towards eliminating child marriage, organized public sensitization programs, engaged the use of popular Ghanaian personalities as Goodwill Ambassadors and the use of mass media communication such as music videos and documentaries, engagement with the Youth to get their ideas on how to end child marriage as well as engagement with the African Union and other actors at the continental level to share and learn from other African countries their efforts to end Child marriage.

Through interviews with district directors of the Department of Social Development (DSD) formally Department of Social Welfare, in Mfantseman Municipal Assembly, Gomoa West District Assembly and Effutu Municipal Assembly, it was noted that the children's act (560) has been a key policy document used by these institutions with child protection mandates in their work in protecting children in Ghana. Apart from the children's act, the human trafficking act, the child and family welfare policy and the juvenile justice act are some of the legal documents that the institutions with child protection mandates at the district level rely on most in dealing with child marriage other child protection violations. It was explained that these laws and policies serve as guiding principles in the implementation of treaties or policies in

relation to child protection. On the other hand, development partners, UNICEF and International Needs Ghana, indicated the use of the Constitution of Ghana, the Children's Act (Act 560), Criminal Code (Act 29), the National Strategic Framework on ending child marriage in Ghana (2017-2026) and the Child and Family Welfare Policy as well as the Convention on the Rights of the Child (CRC), the Universal Declaration on Human Rights (1948), International Covenant on Civil and Political Rights (1966), African Charter on the Rights and Welfare of the Child (1990) Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (1995) and the Convention on the Elimination of Discrimination Against Women (CEDAW) (1980) are policies they rely on most in their work to end child marriage. The coordinator of the CMCU also mentioned the unit works with the child and family welfare policy, justice for children policy, gender policy, the constitution of Ghana, children's act, UNCRC, CEDAW, ACRWC to reduce child marriage. He said these policies are necessary because of the generic nature of laws in some case, so the various legal documents provide specificity.<sup>160</sup> The policies and frameworks are used as guide to show how these treaties will be implemented.<sup>161</sup> According to the program officer of International Needs Ghana (INGH) "*we rely heavily on these laws and policies for awareness raising, law enforcement and persecution, policy advocacy, for protecting children against child abuse and exploitation including child marriage*".<sup>162</sup>

It was realized that development partners, UNICEF, INGH as well as the CMCU were more familiar with a broad range of policies available in guiding their work to end child marriage than government institutions at the district level, who mentioned, that the level of engagements with them on some emerging policies and framework is poor. The issue of poor engagements of government officials with child protection mandates is evident as many of the new policies on child protection including the National Strategic Framework on Ending Child Marriage in Ghana 2017-2026 have outlined provisions to ensure proper engagement with officers with child

protection mandates. Forster Adzraku (CMCU) also explained that efforts are in progress to ensure systems are strengthened for proper coordination and information dissemination among all stakeholders.

**a. Adequacy of laws on child marriage**

All officers interviewed from the department of social development, International Needs Ghana, UNICEF and CMCU emphasized that Ghana has adequate laws to deal with the issue of child marriage. They, however mentioned, that enacting the laws were good but implementing these laws will better protect children. According to Felicia Ankra - Halm, (Mfantseman) *“The policies to protect children, especially to deal with child marriage are very adequate, the problem is the implementation of these policies”*.<sup>163</sup> According to Annalisa Caparello (UNICEF) these policies and frameworks are extensively relied on but not in absolute terms because there are issues with religious and customary laws, which people have practiced over a long period.<sup>164</sup> Using laws alone to change attitudes and behavior is not the ultimate way. According to her, just using laws put fear into people which does not solve issues.<sup>165</sup> People need to own and realize that there is a need for change and adopt new behaviors to see change in child protection.<sup>166</sup> Again, she iterates that the issue of child marriage is captured under 3 key policies that is the Child and Family Welfare policy, the Justice for Children policy and Gender policy. She explained that in relation to child marriage, Ghana has child marriage predominantly different from other countries due to cultural and religious reasons. Child marriage in Ghana happens as forced, kidnapping and elopement.<sup>167</sup> There are adequate laws, but it needs to be implemented effectively with different approaches to different situations.<sup>168</sup>

Responses from interviewees confirm the literature, that there are adequate laws to prevent child marriage. The challenges, however, remains with the effective implementation of these laws to protect children and ensure a safe environment for them. As mentioned before,

Ghana has many laws to ensure children are safe, but the main issue lies with implementation which is most often linked to inadequate funding of programs to make these laws effective. Again, the country cannot rely absolutely on these laws to end child marriage, the populace needs to be engaged to be able to achieve behavior change on child marriage. Children themselves need to be engaged to participate in their own protection especially in rural areas. Families and communities need to be aware that these laws and strategies must exist to empower and protect them. It is very important that as much as Ghana has adequate laws, people need to know these laws and how to use them.

**b. Areas of decision making not covered by law on child marriage**

In relation to areas of decision –making that are not covered by laws and policies, Felicia Ankra – Halm (Mfantseman) said there were no inadequacies of the laws or policies to protect children from child marriage but implementation at the community levels, the rural areas where child marriage is mostly practiced should be of concern. In contrast, Ben Narh (Gomoa West) disagrees as he mentions a gap in policies to protect children in terms of the age of consensual sex and the age of marriage. He stated that the law allows children 16 years and above to have consensual sex, yet they cannot be married until they attain the age 18. He explained that the constitution giving children the nod to have consensual sex at 16 years creates the environment for teenage pregnancies which is a driver of child marriage.<sup>169</sup> Annalisa Caparello (UNICEF) on the other hand, asserts that children in Ghana are sexually active at the average age of 13 so for the law to allow children to have consensual sex is not misplaced because whether there is a law or not children will have sex. According to Annalisa Caparello,

The age of marriage is quite different among countries, but age of consensual sex is mostly below legal age of marriage which is very standard globally. Age of consensual sex is to protect the child against unwanted sex in case of rape. The problem is not really

the age as much as the need for children to be empowered to protect themselves from sexual violence. The legislation understands that at age 16 a child should be able to make informed decisions. Whether age of consensual sex is increased or not it doesn't deal with these issues and I agree with the former minister of gender, children and social protection, Nana Oye Lithur when she says there will be too many prosecutions because it will mean sex below 18 will be treated as defilement and the country doesn't have the resources to embark on that journey. People have sex as early as 13 which is the reality, you cannot stop it, but you can protect oneself and have access to sexual reproductive health rights. Currently UNICEF has put together a position paper to stimulate discussion on these issues.<sup>170</sup>

She also mentioned that two other gaps in the policies are corporal punishment and child online protection. Corporal punishment is related to physical punishment of children in the form of caning or flogging. She explained that *“although the government has made some strides in ensuring children are safe, physical abuse of children is still practiced in homes and schools as reported several times in the media. Several reports have shown children beaten to the point of death. This is a major concern that needs to be dealt with.”*<sup>171</sup> Child online protection relates to the dangers children are exposed to on the internet including abuse and pornography. The children's act does not fully protect children in respect to online activities, thus there is a need to bridge these gaps.

The issue of age of consent versus age of marriage should be of importance.

As Ben Narh (Gomoa West) explained, the issue of age of sexual consent in some sense tends to provide a leeway for adolescent sex which often leads to teenage pregnancy and then child marriage. On the other hand, the absence or presence of the law does not prevent children to have sex as reports already indicate that children at age 13 are already participating in active sex. The problem, however, is how this information is employed. The age of consent is a legal

provision meant to protect children from engaging in any forced sexual act as explained by Annalisa. When children, families and communities are aware of these legal provisions they can protect themselves from abuse and exploitation. In cultures where families have strong values, if the law gives a child the permission to have sex, they would rather give the girl into marriage to prevent pregnancy before marriage which brings shame to the family as the literature has stated. In Ghana, the children's act is reportedly going through the process of review on some of these issues. UNICEF has also initiated a policy paper to have extensive the deliberations on the issues which is very important.

**c. Reduction in child marriage in Ghana**

From the perspective of the district officers, there is a perceived reduction in child marriage cases, but they lacked data to back their claims. The increase in awareness raising programs has given a sense that there has been more prevention of child marriage cases. The district institutions maintain that issues of child marriage are not reported, which is one of the major issues contributing to the continuous practice and insufficient data availability. The issue of reporting child marriage cases is one that has been emphasized by all participants in the study. UNICEF, INGH and CMCU maintain that until the Multiple Indicator Cluster Survey (MICs) report or the Ghana Demographic Health Survey (GDHS) is released for 2017 it will be difficult to give legitimate information on the decline of child marriage in Ghana. In Mfantseman, only one case of child marriage has been prosecuted whilst in Effutu and Gomoa West, zero has been recorded in the last 7 years. When cases of child marriage are, however, reported to authorities, the first or immediate action taken is usually to caution those engaged in the practice.<sup>172</sup> In most cases, when people found culpable of the practice heed to caution then the issue is resolved or amicably settled at the community level. Thus, there is no official reporting or prosecution. Again, Felicia Ankra-Halm mentioned that *“There are almost no shelters to keep children safe in situations of emergencies where the family is not immediately safe for the child, except that of*

*challenging heights which is private and very far. If we had one shelter it could be of use to maybe 7 districts.* Again, she mentioned that, instead of saying end child marriage we could start with reduce child marriage because people who practice it see nothing absolutely wrong with it. It is their culture.<sup>173</sup> It was revealed that in situations where the community is not immediately safe for the child, because of the absence of temporary structures, children are sometimes left in the community and could be re-married, re-trafficked, and continue to be abused. The current National Strategic Framework on Ending Child Marriage in Ghana 2017-2022 does not clearly define where child marriage survivors who cannot go back to their families can be sheltered temporarily. District offices have also embarked on closing down institutional homes to promote family-based care, hence, there is not a clear road map currently in dealing with some aspects of interventions for child marriage. Additionally, child protection agencies for instance do not have a standardized screening format for documentation of child marriage cases. It was revealed that collaborations between the district assemblies and some Non- Governmental Organizations (NGOs) have yielded many of the positive results on child marriage prevention in many communities including expanding their reach for sensitization programs.

The issue of insufficient data has been one that has been of concern. In Ghana, prevalence rates at the national and regional level are available but not at the district level. Another concern is the availability of prevalence yet there are no readily available figures to support the data. This leaves a gap in data harmonization to analyze evidence. Communities need to be encouraged issues of child marriage to be able to end the practice. Data on cases that have been handled with caution also needs to be properly documented to be able assess the trends on child marriage.

#### **d. Communication of policies on child marriage in Ghana**

In terms of communicating policies on child marriage to communities especially those in the rural areas, it has been established that often times, officers use their personal experiences

coupled with practical cases as well as legal provisions during community sensitization programs to communicate international treaties that have been domesticated. Ben Narh (Gomoa West) revealed that, his office has gone a step further in their communication strategies. He said, *“communication of policies to be implemented has to be a continuous thing so we have created a development WhatsApp page where we have an influential person in the district on the platform and educational materials on child protection are shared especially on Thursdays. We also take advantage of community durbars to do sensitization programs”*.<sup>174</sup> The 3 district officers also mentioned the use of the child protection community facilitation toolkit which was introduced by UNICEF and other partners as part of their Communication for Development (C4D) strategies to engage children, families and communities on various child protection concerns. They mentioned that the tool had very interactive games that community members are able to relate to easily during sensitization programs to deal with the issue of child marriage. The tools include the balloon game, gender roles etc. Specifically, Ben Narh mentioned that due to challenges with transport and other logistics, his department takes advantage of periods for Livelihood Empowerment against Poverty (LEAP) payments to sensitize groups on child protection before handing over cash to the parents and caregivers.

Felicia Ankra – Halm(Mfantseman) added that with support from NGOs including UNICEF, USAID and INGH, officials from the departments of social development have participated in facilitating training workshops on child marriage in rural areas thereby creating awareness. Specifically, she mentioned the establishment of the of the Community Child Protection committees (CCPCs) by INGH. She said the committee is a combination of voluntary persons from various community level groups in communities in the rural areas comprising of a representative of the chief, queen mother, assembly member, Parent Teacher Association (PTA) or School Management Committee (SMC) chairman, fishermen and fishmonger’s association among others who have been trained in basic child protection interventions. She said the group

works with community leaders to establish community laws to protect children and have also become the first point of contact in their communities on child protection issues. They help in mobilization communities to action or drawing their attention to issues of child protection violations. Same was said by Gomoa East and Effutu assemblies. UNICEF also added that, through working with and funding projects of NGOs within the country, they are able to communicate established treaties to the grassroots. INGH explained that through implementation of projects in communities in the Central region as well, they are able to engage communities on policies available to protect children through community durbars, child rights clubs, meetings with district stakeholders among others. The CMCU also mentioned that through the various departments at the regional and district levels they were able to communicate policies to implement these programs.

As noted in the literature, collaborations among government, development partners and other stakeholders provide a better approach to dealing with the issue of child marriage and other child protection violations. Community groups seem to be a good strategy to mobilize around child protection issues. Engagement with religious and traditional leaders to introduce community level laws are also a good way to deal with issues at the community level. It was also noted that for development partners like INGH because they had more resources to work with in implementing international policies, they were able to reach more people and communities through their partners.

**e. Capacity building at the district level**

Responding to the issue of staffing and capacity building, officers from Mfantseman and Effutu municipal assemblies confirmed they had a staff capacity of 3, whilst Gomoa West confirmed 4. According to the district coordinators, the number of staffs were woefully inadequate considering the population in their respective districts and the issues of child

protection of which child marriage is just one of the many child protection violations. According to Annalisa Caparello, the ban put on government to hire has also contributed to the inadequate staffing of institutions. She mentioned that except for the Ministry of Education and Health, all other government agencies cannot employ until the ban is lifted. Annalisa mentioned that services are not functioning effectively. She said there is the need for multiple service providers and it is the governments mandate to provide resources for the people to do their work well. The district officials also mentioned that they were mostly invited by development partners to participate in training workshops to build their capacity.

The responses from participants confirms the *parens patriae* “*which grants the child the right to care and protection before the law and defines the duty of the state to act as the guardian and ultimate guarantor of child welfare through social planning*”. As much as the state has the responsibility to provide social interventions to ensure safety of children, parents and caregivers also have the responsibility of protecting children by providing basic needs. When the state and caregivers work together, children in the society are better protected.

### **3.3 Making Interventions in child marriage**

Responses have indicated that Ghana has adequate laws and policies to deal with child protection violations including child marriage. The key issue, however, is the effective implementation of the policies adopted.

#### **a. Access and Reporting of child marriage cases**

Responses from the 3 district officers indicate that established community groups such as the CCPCs are a reliable source of information and provide basic child protection interventions at the community level. In situations where the group receives a complicated issue that is beyond their mandate, they refer the case to the social development officers through phone calls. Unit committees in communities also receive cases concerning children and then

report to the CCPCs if there is any in the community or directly to the social development office. People also have the liberty to walk to any of the institutions with child protection mandates to report issues involving children. In Mfantseman specifically, Felicia Ankra - Halm explained that UNICEF had supported the department in embarking on child protection campaigns by providing funding for transport to go to communities and schools to educate them on how to protect themselves.<sup>175</sup> She also mentioned peer groups had been formed for children to interact about child marriage. Teachers have also been informed to look out for absenteeism and strange behaviors among children then report to DSD offices and DOVVSU for investigations. According to the district officials most cases related to child marriage are followed up with a caution. In cases where the perpetrator does not heed to the caution then arrest is made. The CMCU could not say how many cases of child marriage had gone through the legal process or arrest made. He mentioned that these figures can be derived from the Domestic Violence and Victim Support Unit (DOVVSU). Across the 3 district officials interviewed, the main challenge in receiving cases of child marriage is the unwillingness of victims to report cases and give information to support investigations. According to Felicia Ankra-Halm, *“investigations are scarcely successful as both victim and perpetrator are silent on the happenings as a result of stigma, fear and the acceptance of child marriage as a cultural practice in some communities”*.<sup>176</sup> There are also inadequate resources to follow through the process of investigations especially in terms of transport. The district institutions confirmed that NGOs also helped in reporting cases of child protection violations as well as provide resources to investigate these cases sometimes.

#### **b. Efforts to end child marriage in Ghana**

In relation to the measures that have been established to end child marriage in Ghana, the CMCU in collaboration with UNICEF developed the national strategic framework to end child marriage 2017-2022 with the main objectives to *“empower girls and boys to be better able to*

*prevent and respond to child marriage,<sup>177</sup> influence positive change in communities' beliefs and attitudes and social norms that drive child marriage<sup>178</sup>, accelerate access to quality education, sexual and reproductive health information and services and other opportunities,<sup>179</sup> ensure national laws, policy frameworks and mechanisms related to ending child marriage are in place and effectively enforced and implemented,<sup>180</sup> and increase the quality and amount of data and evidence available to inform policy and programming".<sup>181</sup>* In view of this, the unit has formed a network of stakeholders for experience sharing on best practices, lessons learnt and guidance on what works and what strategies do not work, launched ending Child Marriage Campaign in Ghana by the former President H.E. John Dramani Mahama and First Lady, Lordina Mahama, in February 2016, officially kicking off the country's efforts towards eliminating child marriage, embarked on public sensitization through the use of popular Ghanaian personalities as Goodwill Ambassadors and the use of mass media communication such as music videos and documentaries, engagement with the Youth to get their ideas on how to end Child Marriage, engagement with the African Union and other actors at the continental level to share and learn from other African countries their efforts to end Child marriage and coordinated the consultation process to develop this 10-year Strategic Framework.<sup>182</sup>

Again, development partners collaborated with other agencies including the Ghana Education Service (GES), the Ghana Health Service (GHS), the Commission for Human Rights and Administrative Justice (CHRAJ), National Commission for Civic Justice (NCCE), among, others to create safe spaces for children through the establishment of children's clubs or child rights clubs to empower children to participate in their own protection. They have also engaged religious leaders specifically, on child marriage and encouraged establishment of bye laws to protect children. Through consultative meetings, religious and traditional leaders have been encouraged not to conceal issues of sexual abuse but report them, when they feel at risk they can report anonymously. Also, development partners have supported government in building

capacities of staff with child protection mandates at the regional and district levels. UNICEF has invested approximate \$10 million dollars in a portfolio of projects, strategies and approaches to end child marriage in Ghana between 2014 and 2017.<sup>183</sup> UNICEF also mentioned that in the last 7 years they have embarked on strong advocacy with the National Development Planning Commission (NDPC), Ministry of finance, the Institute of Local Government among others to also push government to prioritize budget allocation at the decentralized level on child protection.

Responses from the interview suggest the Ghana government is making efforts with support from development partners in ending child marriage but this is not without significant challenges including concealing child marriage cases rather than reporting. It was also revealed that when district offices partner with NGOs or development partners they are able to work more effectively. UNICEF mentioned that about 7 years ago, the government of Ghana asked that they support them to make a shift that makes the child protection system “fit” for Ghana. The system at that time did not reflect the cultural context of Ghana. It was also mentioned that probably because stringent measures are not taken against child marriage offenders and are mostly just cautioned, perpetrators or the citizenry are not bothered about the practice. There is also the thought that questions whether the punitive measures for child marriage are adequate or intense enough to stop the practice. Accordingly, it was agreed that some effort is being made to end child marriage, but this has been at a slow rate to achieve very significant changes.

### **3.4 Effectiveness of Policies on Child Marriage in Ghana**

Effectiveness of policies depend largely on how policies are implemented and what resources are available to implement them. In regard to the effectiveness of the policies on child marriage in Ghana, awareness on child marriage at the national level has reportedly been intensified. This is also as a result of the global campaign to end child marriage, which Ghana is championing, and

funds have been made available for the program. In spite of this, respondents agreed that more must be done especially because child marriage is largely a cultural practice and these practices take a lot of education to deal with.

**a. Level of Impact of Policies**

According to Phoebe Adjei (Effutu) though the laws are available, awareness of the laws in the past decade was poor but with support from development partners and government, they are able to go to communities to sensitize community members on various child protection violations. These sensitization programs have intensified awareness, which they believe is preventing more child marriage cases and reducing teenage pregnancy as well. She also mentioned that, about two years ago, the Social Welfare Department was merged with the Department of Community Development. Though their functions are quite different, the merger has increased the number of staff and contributing to an increase in communities reached. In Mfantseman, Felicia Ankra-Halm also mentioned that they are receiving more calls on child abuse and its related issues. She explained that it does not necessarily mean that abuse has increased, instead they believe that people have become more confident in reporting cases of abuse which they would rather not have been reported a decade ago because of lack of awareness. INGH also mentioned that the momentum the issue of child marriage has gathered has created visibility for other child protection violations at the national level through to the community level. Children have gained some level of confidence about rights and protection issues and are able to say “NO” to abuse and report cases as well. An initiative supported by UNICEF, Ghana Against Child Abuse (GACA) has also created visibility and awareness through social media interventions and bill boards across the country. Again, Felicia Ankra-Halm mentioned that the young health workers posted to the Community Health Based Planning Services (CHPS) compound has indirectly provided mentorship for children in rural areas, as they see and interact with these health care providers, they begin to aspire to be like them. Ben

Narh also added that the school feeding program for children in deprived areas as well as the National Health Insurance has retained children in school contributing to prevention of issues including child marriage.

**b. Challenges in implementing treaties on child marriage in Ghana**

Respondents at the district level mentioned that in some cases, institutions at the district level who are the implementers of these policies at the community level do not know about these policies and sometimes only find out through the media or when they attend meetings. They mentioned the lack of proper engagement with the district institutions with child protection mandates are not encouraging and motivating. Also, respondents also confirmed that there are existing loopholes and inconsistencies in dealing with child marriage at the community level. This is as a result of the conflicting role of national laws and customary laws. Often times, despite the fact that national laws supersede customary laws, officers who deal with child marriage cases try not to undermine the customary laws. Law and policy formation in Ghana has over the past years been good, however, the major challenge has been its implementation. Inadequate commitment of resources, inconsistency in monitoring and evaluation, insufficient data collection has immensely contributed to the shortcoming of a holistic approach to child protection specifically to end child marriage in Ghana.

It has been established that the government is reliant on support in terms of technical and financial support from development partners, specifically UNICEF, who has supported funding the child and family welfare policy among other policies and initiatives. This is contributing to the ineffectiveness of some policies on child marriage. Continuous reliance of government on support from development partners may suggest that the area of child protection may not be a priority area of the government, but it is trying to be compliant to international standards regarding children to maintain a good reputation as noted in the compliance theory. This is a risk. In a situation where funding is withdrawn or significantly reduced by development partners, the

possibility that the already weak system may stall or collapse cannot be denied resulting in increase in abuse and exploitation.

### **3.5 Role of Development Partners in Child Marriage**

According to Forster Adzaku, the Child Marriage Coordinating Unit collaborates extensively with development partners for technical and financial support for instance the global campaign to end child marriage is being funded by UNICEF and UNFPA.<sup>184</sup> The district officers also mentioned that they partner with development agencies to advocate and create awareness to end child marriage. In Gomoa West, currently it is only International Needs Ghana, which is working to end child marriage in the district whiles UNICEF supports LEAP which also has a component of sensitization programs. International Needs Ghana also mentioned, they serve on several national platforms that promote child protection including making contributions for the realization of the National Strategic Framework in ending child marriage in Ghana.

Staff of the Department of Social Development in Gomoa West, Effutu and Mfantseman Municipal assembly have been empowered with tools to engage individuals and families at the community level. Prior to this training, they did not have tools and these skills in community engagements.

Development partners, district offices with child protection mandates and the Child Marriage Unit revealed that the main thing that has worked well in ending child marriage has been the intensity of awareness creation on the subject. Forster Adzaku mentioned that for the CMCU, the coordination of activities among stakeholders to end child marriage has resulted in an increase in political will to end the practice. Also, the engagements at the community level with the child protection community facilitation toolkits to create awareness on child protection especially child marriage has been major achievements. According to INGH, some the key achievements include the creation of the CMCU to coordinate activities, the National Strategic

Framework to end child marriage and intensity of awareness that has been created on the issue to generate discussions especially, in the media.<sup>185</sup> According to UNICEF, their mandate to support government to help develop their national frameworks and policies is in line with international framework and policies and its coordination capacity. The national framework 2017-2021 has been achieved yet according to Annalisa;

*they don't necessarily believe that a document in itself changes things except when its developed and there's broad consultation and it is considered as a reference point and can help bring clarity which is very much needed in a context like Ghana's which has 100s of NGOs etc. Thus, helping government with the framework and helping them to track it, the evidence about how things are working and what is not working, disseminating the information with partners, the different approaches to ending child marriage has been an achievement.*<sup>186</sup>

Their main challenges include the inadequate financial and technical resources to facilitate work in communities as well as the customary laws conflicting with national laws.

### **3.6 Presentation of Case studies on Child Marriage**

#### **CASE ONE**

Sabina was 16 years old when she became pregnant for her class mate in Junior High school (JHS 2). She is from a broken home (Her mother left for Accra when Sabina was a baby, leaving her with her auntie and her father). Sabina was compelled to go and stay with the family of the boy who impregnated her after news of the pregnancy broke. Sabina dropped out of school and was accepted by the boy's family and was made to stay with him. She was responsible for the chores in her new home and undertook other domestic ventures.

A Community Child Protection Committee (CCPC) had been established in the community consisting of representatives of community level groups including traditional

leaders, religious leaders, Parent Teacher Association (PTA) or School Management Committee (SMC) chairpersons among others. This group was established and given training on basic child protection interventions by an NGO called International Needs Ghana (INGH). The CCPCs had become the first point of contact for child protection issues in the community. When the CCPCs were informed about Sabina's case, they investigated the case to gather more information, after which they reported to the Department of Social Development in the district through a phone call. Through the effort of the CCPCs and the intervention of the department of social development, Sabina moved back to live with her aunty. Sabina's aunty mentioned that because of the stresses of motherhood, Sabina sometimes abandoned the care of the child in the hands of other relatives and even refused to breastfeed the child. According to Sabina, *"Motherhood is not for children. I am always occupied with the baby and I cannot do other things meant for girls of my age. I am even mocked and labeled as a "bad girl"*. Though Sabina has been removed from her marital situation through the intervention of the CCPCs, the challenge, however, remains same for girls like Sabina and her child, remaining in an unstable home could make her relapse into her marital arrangement when concrete preventive measures including consistent follow-ups or monitoring and counseling are not done by institutions with the mandate to protect children. Most NGOs who are into child rights are restricted in how far they can go with their interventions, especially in terms of financial interventions as most of their programs are advocacy based and time and resource bound.

The government is implementing international laws to protect children like Sabina yet at the same time it is handicapped in effective social interventions as there are no effective channels of supporting such girls and hence a relapse into the situation of child marriage is likely. Sabina is now an executive of the child Rights Club which was established by International Needs Ghana to empower children. Through counseling, Sabina is now able to manage her studies and motherhood. According to Sabina, being part of the club has enhanced

her knowledge and given her a reason to focus on her education. Sabina wants to be an immigration officer in future. She shares her experience to encourage other children especially girls to focus on their education and decline proposals to marriage in childhood.

## **CASE TWO**

Theodosia is a 17-year-old student in Gomoa Akwamu. According to her teacher, Theophilus Adadey, Theodosia's grades began falling, which was of concern to the facilitators of the child rights club formed in the school. Out of curiosity, the club facilitators decided to investigate her sudden disinterest in school. Further investigations revealed that Theodosia who lives with her grandmother was been forced to marry a young man in the community. When she refused to marry the young man, her mother verbally abused her and threatened to throw her out of the home and also stop providing her basic needs. According to Theodosia, the man who is almost twice her age had made several attempts to be in a romantic relationship with her. When she refused, the man approached her grandmother (who is now her caregiver since her parent's relationship broke and both parents remarried) with promises of providing Theodosia's basic needs and taking proper care of her. Theodosia said due to the poverty situation in the home, her mother and grandmother consented to the proposal of the man.

The Child Right Club facilitators and Community Child Protection Committee (CCPC) upon hearing this story immediately intervened in the situation by providing basic counseling on child marriage for Theodosia's grandmother. Through the counseling, Theodosia's grandmother agreed not to give her child into marriage but instead support her to finish her education. With support, Theodosia returned to school. She said she was very happy to be back in class with her friends. Theodosia's grandmother, who is a fish monger confessed, that the poverty situation was contributing to her actions and some help to restart her fish business will help in keeping Theodosia at home. She was supported with 2 crates of fish to restart her business and be able to

care for Theodosia. Shortly after this intervention, Theodosia begun to experience abuse all over again from her grandmother. Theodosia complained of depression and frustration. A few months later, Theodosia was confirmed pregnant with her first child. She continues to suffer abuse and depression. Theodosia still has hopes of becoming a nurse.

Due to inadequate interventions available to girls like Theodosia, coupled with the poverty situation especially in rural areas, girls like Theodosia are mostly at risk of child protection violations. These situations contribute to the incidence of teenage pregnancies the country is challenged with, which is also a driver of child marriage.

### **CASE THREE**

Naomi was 15 years old when she got pregnant for a young boy in her community. As a result, her parents sent her away to live with the boy in his family home in Osbonpanyin. Her parents were very disappointed and angry that their daughter was pregnant. They had great future plans for her, especially because Naomi had very high interest in her education and was one of the best students in her school. After she was identified as a child marriage victim, CCPCs in her community intervened by providing immediate counseling to her parents. On realizing the negative effects of their action on their child, Naomi's parents moved to take their daughter out of her new marital home. Naomi has returned home to her parents. She is eager to go back to school but the poverty situation in the home has made it difficult for her retention, especially because now there is an extra mouth to feed, her baby. Naomi was provided counseling by International Needs Ghana and the Department of Social Development. According to Naomi, she was ignorant about the consequences of her actions. Her friends used to tease her with her now baby daddy that they made a good couple, this encouraged the two of them to get intimate which resulted in the pregnancy. She said she will not advice any of her peers to be in any sexual relationship as a child because it is unhealthy and when pregnancy occurs, the girl can lose her

life during delivery. She also said the stigma attached to pregnant girls was emotionally traumatizing and would not wish any of her friends to be in such situations. Naomi's attempt to return to her former school was challenging especially because of the stigma attached to her. Naomi who was determined to go back to school enrolled into another school near her community but has not been able to stay in school due to the poverty situation in the home hence she dropped out again to help her mother sell porridge in the community. On a few occasions, Naomi has had to go back to her baby daddy for support which is risky as she could relapse in the marriage. Fortunately, Naomi's parents were supported with some items for her mother to restart her porridge business. This has supported her parents to be able to register her for the Basic Education Certificate Examination (B.E.C.E) inspite of her unstable retention in school.

The NGO which supported the intervention of Naomi's case has said they can only do as much, as they rely on grants and these grants are for some specific periods. They continue to reiterate that government needs to commit human and financial resources to the protection of children in Ghana to be able to create a safe environment for children.

#### **CASE FOUR**

Mariama is the first of four children. Their parents abandoned them after the last child was born. Mariama and her siblings stayed with their grandmother throughout childhood. Her other siblings were later taken to live with her grand auntie in Keta. I am the only child left of my siblings living in Hinii. My grandmother said she didn't want my siblings to turn out like me so decided to give them to other families due to poverty in the hope of a better life for them. According to Mariama, she entered marriage at age 13 and has been married for 5 years now. She said she was not forced but out of frustration moved to cohabit with her husband. She confessed her husband treats her cruelly, but she has nowhere to go and no one to depend on. He beats her and verbally abuses her. She said if she had assurance of a better future out of the marriage she would leave as well as someone who can care for her children whiles she acquires a

skill. She also said she initially wanted to leave and go work with her sister who owns a chop bar to be able to get some money and get a skill but that did not happen. *“I keep thinking about what to do. I want to be a hairdresser but there’s no help except my grandmother, but she is too frail now. My pain is that I didn’t go to school. I dropped out early due to poverty and frustration.”*<sup>187</sup> She said when she was in school, she was brilliant, so when she stopped going to school her teachers did lots of follow-up but there was no money to go back. She said it hurts that nobody could help her. Mariama mentioned that she first heard about child marriage through a sensitization program in her community. She heard that child marriage is about girls under 13 years who are not ready to be wives or mothers but have become one. *“When I heard it, I knew I was a victim. I feel extremely sad and burdened when I see my friends living happy lives. My husband too was a victim of neglect. When my case was reported to the Department of Social Development, there was little they could do but finally said they would put me on LEAP to be able to get some money to care for my 2 children”* said Mariama. A year on, Mary run away from her husband citing reasons of extreme abuse. She said she run with one of her children leaving the other with her husband. After that sensitization program, Mariama said she knew she would die if she stays in the marriage. Currently, Mariama goes fishing to be able to feed herself and daughter. She makes about twenty cedis on a good day.

Mariama’s case supports the notion that community sensitization programs are contributing to responding and preventing child marriage cases. At the same time, it also emphasizes the weaknesses in the system to protect children from harm.

## **CASE FIVE**

Akos is from a broken home and was 14 years in Junior High School when she left the community for the city to live with her aunty in search of support to enable her to complete her education. Akos ended up supporting her aunty in trading in food stuff. In no time, she began to

face pressure by men to start sexual relationships. Due to the conditions at home, it was difficult to discuss these encounters with anyone. She confided in friends who encouraged her to accept one of such proposals. She discovered she was pregnant soon after they started the relationship. When the man who was responsible for the pregnancy was informed, he abandoned her to her fate. Akos was sent back to her community because of the pregnancy. Her hopes were shattered. *“My friends will not come close or talk to me again because of my pregnancy and the shame I had brought on myself and the family”* Akos said. Akos was encouraged to return to school to further her education after delivery of her child. Returning to school was difficult for Akos at the initial stage because of the fear of being treated differently and challenges of motherhood as a child. *“I often felt disrespected and always looked down upon by my peers. That feeling of not belonging anymore”*. Through the CCPC and the Child Rights Club facilitators, Akos said *“I joined the club and I have learnt that all is not lost for me and if I take my studies seriously, I can become whoever I want to be in future”*. Akos aspires to be a nurse or police officer in future. Akos, together with her 2-year-old baby girl now attend the same school. They walk to school every morning together.

#### **a. Lessons learnt from case studies**

From the case studies, it is evident that poverty, broken homes, inadequate resources to make interventions, inadequate information on adolescent sexual reproductive health, cultural factors, among others, are causes and issues challenging effective implementation of policies. Irrespective of this, it was realized that some positive actions or practices contributing to ensure children are safe from violations exist.

The case studies suggest that Community Child Protection Committees (CCPCs) are a good source of information and are making basic interventions at the community level. It also suggests that child rights clubs are a good initiative to identify issues of child rights violations in

schools and communities and a good avenue to empower children. It also reveals that when girls are empowered, they can make more responsible decisions about their lives.

The case studies also reveal the weaknesses in Ghana's child protection interventions for children in harmful situations as both the system and child seem helpless. There is no efficient road map for governmental institutions with child protection mandates to make proper intervention to keep these children safe. It also shows the effect of the breakdown of family systems in the country and how this is affecting children.

### **3.7 Conclusion**

The aim of the study was to explore the measures the government of Ghana is implementing to end child marriage as per international treaties ratified. How these measures are being implemented domestically to end child marriage and how development partners are supporting government efforts to comply to international treaties on child marriage?

#### **a. What measures are the government of Ghana implementing to end child marriage as per international treaties ratified?**

The findings of the study indicate that Ghana has many laws to effectively implement international treaties it has signed. The study revealed that in 1998 after Ghana had signed the United Nations Convention on the Rights of Children, the country went a further to domesticate this treaty into one of the core legal documents that guides child protection till date, that is the children's act (1998) and other very important laws to protect children. The findings of this study indicate that the children's act is one of the main legal document established to protect children from child marriage as well as the criminal code amendment act (Act 554), CEDAW and the Africa Charter on the Rights and Welfare of Children among others. The government has also introduced the National Child Protection Policy which consist of the child and family welfare policy and justice for children policy to protect children from child marriage and other child

protection violations. The policy also addresses issues of coordination to strengthen systems in child protection interventions. The National Strategic Framework to End Child Marriage 2017 - 2016 is also a measure by the government to give priority to child marriage issues in the fight to end it. The establishment of the Child Marriage Coordinating Unit has also been a key achievement in terms of measures taken by the government to end child marriage framework.

**b. How are these measures being implemented domestically to end child marriage?**

The findings indicate the establishment of the Child Marriage Coordinating Unit to coordinate activities among stakeholders to end the practice. Activities already in place include an established advisory committee to end the practice, formation of a network of stakeholders for experience sharing on best practices, launch of the ending child marriage campaign, public sensitization programs through the use of popular Ghanaian personalities as Goodwill Ambassadors, engagement with the youth to get their perspective on child marriage among others.

District institution with child protection mandate also implement these measures through community wide sensitization programs and campaign as well as making interventions at the community level on child marriage. Through activities from the toolkit introduced by UNICEF, officials engage communities on child marriage and other child protection violations.

Trained community child protection committees have also been engaged to identify child marriage issues, provide basic interventions and make referrals.

UNICEF and other development partners also support organization to implement projects to end child marriage as part of the global campaign to end child marriage.

**c. How are development partners supporting government efforts to comply to international treaties on child marriage?**

Again, the findings indicate that development partners collaborate with government agencies with child protection mandates to reach out to communities to create awareness on child marriage and its related issue. Development partners also support government with financial and technical resources to be able to implement international treaties. They also support government formulate legal policies to protect children. However, this is not without significant challenges including inadequate commitment of resources by government to strengthen child protection systems

## CHAPTER FOUR

### Summary of Findings, Conclusion and Recommendations

#### 4.1 Introduction

The study sought to assess the implementation of international treaties on child marriage in Ghana. Chapter one provided an introduction to the study. Chapter two provided an overview of the problem of child marriage in Africa. The third Chapter discussed the findings whilst the fourth summarizes the findings of the study, states the conclusion and offers some recommendations.

#### 4.2 Summary of Main Findings

Series of research have shown that indeed child marriage is a harmful practice that robs millions of children of their childhood and has dire consequences on children. It has been revealed that Ghana has adequate and efficient laws and policies in terms of child protection, yet the main challenge remains with the effective implementation of these laws and policies to create a safe environment for children in Ghana.

The study has revealed that the Children's Act (Act 560) has been a major document used by key institutions with child protection mandates. Though many other policies are available, the Children's Act seems to be the most used whilst development partners are more familiar with national, regional and global policies to end child marriage. The children's act further pegs the minimum marriage age in Ghana at 18 and frowns on any action that denies, prevents or interferes with a child's education. Section 14 of the Act provides that a "person shall not force a child to be betrothed, to be subject of a dowry transaction or to be married." These laws and policies serve as guiding principles in the implementation of programs, projects and activities in relation to child protection. These policies are also a standard for measuring compliance to international standards for child protection. The child marriage unit was established in 2014 to

specifically work to end child marriage as part of the global campaign to end child marriage. The unit is supported technically and financially by development partners.

It has also been revealed that, though Ghana has many laws to protect children, systems have been weak in the complete implementation of the strategies, laws and policies on child protection. State institutions with child protection mandates at the district level have over the years not been adequately provided with the proper infrastructure, technical and financial resources to enable them do their work effectively. In situations where child marriage cases are reported to authorities, the first or immediate action taken is usually to caution those engaged in the practice. In most cases, when people who are engaging in such practices heed to the caution then the case is resolved or amicably settled then there's no need for prosecution.

Further, three main issues were identified as loopholes in policies in child protection. These are the age of sexual consent versus age of marriage, corporal punishment and child online protection. Position papers have been submitted to all stakeholders for deliberations to commence for policy initiative.

Again, it was established that there are existing loopholes and inconsistencies in dealing with child marriage especially at the community level. This is as a result of the pluralistic nature of the Ghanaian society where there is more than one system of law in one place. This has contributed to the conflicting role of the national laws and customary laws yet in such cases where there is a clash of laws it was emphasized that the national laws supersede customary laws.

Responses from stakeholders also suggest that a lot of effort is being carried out by government and development partners to end child marriage in Ghana, but this is sometimes at the blindside of district institutions with child protection mandates who are the main implementers of such treaties. Feedback indicates that engagement with these district institutions is not very encouraging hence a more efficient bottom up approach will be motivating.

Establishing child protection communities at the community level has proved to be an effective medium for identifying and addressing child protection concerns at the community level.

It was also indicated that government is largely reliant on support from development partners to initiate and take action in the area of child protection. Challenges faced most in implementing treaties to end child marriage are resource allocations, issues with reporting cases of child marriage as a result of fear, stigma and financial constraints and customary laws. However, awareness creation has been the most successful of interventions

### **4.3 Conclusion**

The issues of human rights more specifically, child rights, cannot be relegated to the background as all matters on the globe are now attached to compliance with human rights norms and it is the core for the development of any nation. Over the years, there have been enormous efforts by nations to promote child right across all parts of the world. These efforts to end child marriage by nations led to the adoption of international laws such as the Universal Declaration of Human Rights (UDHR), The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC) all directly or indirectly address the issue of Child Marriage. Ghana showed compliance of these legal instruments by signing and ratifying them and harmonizing its provisions with its national laws. Despite Ghana's effort in minimizing child marriage, the effort to ending the practice has been slow. There are existing loopholes and inconsistencies in dealing with child marriage at the community level especially. This is as a result of the conflicting role of the National laws and the customary laws. Ghana has not effectively implemented the provisions of the Children's Act. This situation can be attributed to lack of political will, resource constraints, negative societal attitudes to the issue of child participation and poverty.

The momentum garnered in the last eight years is positive in ending child marriage in Ghana. Currently, ending child marriage has generated a lot of public sympathy and support for girl's empowerment especially. Though there are issues such as inadequate resources to deal permanently in ending child marriage, the discussions above also indicate that, when communities mobilize their own structures to establish community child protection committees, they are in a better position to prevent and respond to issues of child marriage and other violations. It is obvious that, creating awareness on such issues which are more prevalent in rural areas is a good tool for communities themselves to lead the process in ending the practice. Gradually, the issue of cultural norms that promote such harmful practices that violate children's rights will be in the past through awareness creation and system strengthening for reporting such violations,

#### **4.4 Recommendations**

In view of the many challenges enumerated, it would be beneficial to offer recommendations that would support in improving the implementation of these policies geared towards the elimination of child marriage in Ghana:

- Government, international organizations, and civil society organizations should strengthen political will/commitment across sectors in Ghana to give more attention to child rights. In Ghana, the issues of child rights, 20 years after the introduction of the Children's Act 560 has not gained much attention. All ministries should have a child protection policy which should be signed, hanged at receptions of vital governmental institutions including the presidency and adhered to give visibility to issues regarding children in Ghana. Government should also sustain collaborations with development partners to expand number of communities reached for interventions.

- Increase budget allocation to the Ministry of Gender, Children and Social Protection as well as the Ministry of local government to be able to provide adequate financial and technical resources (especially transport) to units and departments working to protect children to be able to access the most rural communities at minimal risk to execute their task. The issue of adequate resources will also aid in harmonization of data collected on various child protection concerns.
- Expand and strengthen the establishment of Community Child Protection Committees (CCPCs) especially in rural areas to identify, report and make basic interventions in child protection concerns. This will support the work of the Ministry especially because community members better identify with people within their own societies and will be more willing to ask for help when there are violations. It will also deal with the issue of staff capacity in the districts as the CCPCs will be representative of district institution with child protection mandates (CHRAJ, DSD, GES, DOVVSU) in helping to deal with child and other protection issues at the community level.
- Increase staff capacity of child protection institutions at the district level and build their capacities on changing trends of child marriage and other child protection violations in Ghana and Africa. The number of staffs at the department of social development is woefully inadequate to deal with the numerous child protection concerns. Each year, many graduates from the Department of social work and School of social welfare are available on the job market. When the ban on government hiring is lifted, the department of social development should be allocated with more staff.
- Strengthen bottom up approach in intervention on child marriage and other child protection violations. Engagements with institutions with child protection mandates as well as community leaders should be intensified to create a holistic awareness approach to child

protection issues. The role of community leaders including chiefs and queen mother should be strengthened to establish order and sustained bye-laws to protect children in their communities. Continuous engagements with religious leaders on harmful practices that affect children should also be intensified.

- Provide emergency shelters for abused children. The government of Ghana has embarked on a deinstitutionalization process where orphanages are being closed to promote family-based care. The government through this process is also promoting foster parenting. This is a positive approach especially considering the family system of Ghana which is a combination of both nuclear and extended. As much as these actions are commended, government shelters should be provided for emergency situations where the home nor its surrounding is not safe for the child immediately.
- Expand on creating safe spaces for boys and girls through child rights club for children to learn about their rights and responsibilities as well as participate in their own protection. Advocacy campaigns must be intensified to strengthen access to quality education, retention of marginalized adolescents in schools, understanding time use and household chores, promoting age-appropriate comprehensive sexual reproductive health education as well as engagements on issues of child marriage with in-and -out of school children especially at the community level.
- Provide sustainable economic empowerment for parents/caregivers to be able to better care for their children, beyond monitoring children's movement, to support them in education, skills training and providing basic adolescent needs including sanitary pads.
- Address values and attitudes that underpin gender inequalities and stereotypes of masculinity and femininity through awareness raising programs and formation of children and youth

groups. Promote excursions in schools to expose children to better have positive aspirations for the future and live protective lives especially at the community level.

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**Appendices**  
**Appendix A**



**Legon Centre for International Affairs and Diplomacy (LECIAD)**

**Topic:** A Study of the Implementation of International Treaties on Child Marriage in Ghana

**Interview Guide**

**Name of Institution:** CHILD MARRIAGE COORDINATING UNIT

Dear Madam/Sir,

Child marriage is a major issue affecting children in Ghana. The country has signed and ratified many international treaties to protect children from all forms of harm including child marriage. In spite of this, it has been reported that the rate of decline of child marriage is very slow and if care is not taken the number of child brides in the world will double by 2050. It is for this purpose that this research which is purely for academic purposes, is seeking to explain the implementation of international treaties on child marriage in Ghana. Please be informed that the information you provide will be treated with the utmost confidentiality it deserves.

You are kindly entreated to respond to the questions as accurately as possible. Thank you.

**POLICY IMPLEMENTATION**

1. Please describe your role in this unit?
2. Please tell me, why has it become important for your unit to be setup to end child marriage in Ghana?
3. Please tell me, from your indicators has child marriage reduced in in Ghana? Can you share the statistics between 2010 to 2017?

4. Please, describe the laws and policies regarding child marriage which guides your work.
5. Please explain the extent to which you rely on these laws and policies to do your work.
6. Please tell me, how do you communicate these policies to the communities in Ghana?
7. Is the department resourced adequately to implement these policies? If inadequate, how do you cope?
8. Please tell me about the effectiveness and adequacies of these policies in the country?
9. What challenges exist in ensuring the effectiveness of international laws or state laws that prohibit child marriage?
10. Please, how is international laws and policies shaping policies and implementation on child marriage?
11. Please tell me, how are you harmonizing customary and statutory law to deal with the loopholes and inconsistencies in dealing with child marriage?

#### **MAKING INTERVENTIONS IN CHILD MARRIAGE**

12. Please, between 2010 and 2017 what measures have been put in place to end child marriage in Ghana?
13. How effective have these measures been per your indicators?
14. Can you share how many cases of child marriage have been reported in the last 7 years?
15. How many cases of child marriage have been prosecuted in the last 7 years?
16. What are the punitive measures under the various laws and policies regarding child marriage? To what extent have these measures been applied in Ghana?
17. What types of programs have been effective in keeping girls unwed until they are eighteen? Why have these been effective?

#### **COLLABORATIONS WITH DEVELOPMENT PARTNERS**

18. Does the unit collaborate with development partners? If yes, what role do they play in ending child marriage in Ghana?

19. How is your organization collaborating with development partners to implement international law to end child marriage by 2030?
20. What would be the best way for local, regional, national, and international actors to eradicate child marriage given the context?
21. What has been your major achievements in ending child marriage in Ghana?
22. Upon a careful reflection of the system, what do say has worked well in the system?
23. Upon a careful reflection of the system, what do you say have failed in the system? If given the opportunity, what thing(s) would you do differently to the system to be more effective and why?

**Thank you.**

## Appendix B



### **Legon Centre for International Affairs and Diplomacy (LECIAD)**

**Topic:** A Study of the Implementation of International Treaties on Child Marriage in Ghana

### **Interview Guide**

Name of Institution: DISTRICT DEPARTMENTS OF SOCIAL DEVELOPMENT

**Dear Madam/Sir,**

Child marriage is a major issue affecting children in Ghana. The country has signed and ratified many international treaties to protect children from all forms of harm including child marriage. In spite of this, it has been reported that the rate of decline of child marriage is very slow and if care is not taken the number of child brides in the world will double by 2050. It is for this purpose that this research which is purely for academic purposes, is seeking to explain the implementation of international treaties on child marriage in Ghana. Please be informed that the information you provide will be treated with the utmost confidentiality it deserves.

You are kindly entreated to respond the questions as accurately as possible. Thank you.

### **POLICY IMPLEMENTATION**

1. Please describe your role in this Department?
2. Please tell me about your department and why the department has been setup in Ghana.
3. Please tell me, from your indicators has child marriage reduced in your district?  
If yes. What has brought about the reduction? What are the policies your department is working with to end child marriage in your district?
4. Please tell me about the effectiveness and adequacies of these policies in your district? If there are inadequacies, how has these inadequacies hampered effective service delivery
5. Are there areas of decision –making which must be address that are not covered by these laws and policies. If so, what governs your decisions in these instances? Please tell me, how do you communicate these policies to the communities under the district?
6. Is the department resourced adequately to implement these policies? If inadequate, how do you cope?
7. Please tell me, how many staff are within this department and about the capacity building arrangements in place for staff.

### **MAKING INTERVENTIONS IN CHILD MARRIAGE**

8. What are the reporting mechanisms available to children and families to report child marriage in your district? How accessible are these mechanisms in the district?
9. Please tell me, what do you do when you receive a child marriage case? Kindly describe the processes in handling these cases in the department.
10. What happens after a child seeks help from child marriage?
11. How many cases of child marriage have been reported in the last 7 years?
12. How many cases of child marriage have been prosecuted in the last 7 years? 1 case year in 2017
13. What are the punitive measures under the various laws and policies regarding child marriage? To what extent have these measures been applied in the district?
14. What challenges do you encounter when you refer /receive these cases?

### **EFFECTIVENESS OF POLICIES**

15. What challenges exist in ensuring the effectiveness of international laws or state laws that prohibit child marriage?
16. Please tell me, how are you harmonizing customary and statutory law to deal with the loopholes and inconsistencies in dealing with child marriage at the community level?
17. What types of programs have been effective in keeping girls unwed until they are eighteen? Why have these been effective?

### **ROLE OF DEVELOPMENT PARTNERS**

18. Do development partners play any role in ending child marriage? If yes, what role do development partners play in ending the practice in your district?
19. What would be the best way for local, regional, national, and international actors to eradicate child marriage given the context?
20. Upon a careful reflection of the policies on child marriage, what do you think have worked well in implementation?
21. If given the opportunity, what would you do differently to the system to be more effective and efficient? Why?

## Appendix C



### Legon Centre for International Affairs and Diplomacy (LECIAD)

**Topic:** A Study of the Implementation of International Treaties on Child Marriage in Ghana  
**Interview Guide**

Name of Institution: DEVELOPMENT PARTNERS

**Dear** Madam/Sir,

Child marriage is a major issue affecting children in Ghana. The country has signed and ratified many international treaties to protect children from all forms of harm including child marriage. In spite of this, it has been reported that the rate of decline of child marriage is very slow and if care is not taken the number of child brides in the world will double by 2050. It is for this purpose that this research which is purely for academic purposes, is seeking to explain the implementation of international treaties on child marriage in Ghana. Please be informed that the information you provide will be treated with the utmost confidentiality it deserves.

You are kindly entreated to respond to the questions as accurately as possible. Thank you.

1. Please describe your role in this organization
2. Please tell me about your organizations role in respect of child marriage and why it became important for your organization to be established in Ghana?
3. Please, describe the laws and policies regarding child marriage which guides your work.
4. Please explain the extent to which you rely on these laws and policies to do your work?
5. Please tell me about the effectiveness and adequacies of these policies in Ghana. If inadequate, how do you cope?

6. Are there areas of decision –making which normally must address child marriage that are not covered by these laws and policies. If so, what governs your decisions in these instances?
7. How has these inadequacies hampered effective service delivery to end child marriage in Ghana?
8. In your opinion has child marriage reduced in Ghana? If so, can you share some data between 2010 and 2017? How has your organization contributed to this?
9. How is your organization collaborating with the government of Ghana to implement international law to end child marriage by 2030?  
What has been the major achievements in ending child marriage in Ghana?
10. Please, if a country flouts international law on child marriage what are the punitive measures? To what extent have these measures been applied?
11. Upon a careful reflection of the system, what do you think have worked well in the system in terms of child marriage?
12. Upon a careful reflection of the system, what do you think have not worked well in the system?
13. If given the opportunity, what would you do differently to the system to be more effective and why?

**Thank you.**

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