



A REPORT ON CHILD, EARLY AND FORCED MARRIAGE IN GHANA

**COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE, GHANA
NOVEMBER 2018**

**Prepared by: Lambert Luguniah, Rufina D. Pwoawuvi and Dorcas Tiwaa Addai
(International Cooperation Unit – CHRAJ, Ghana)**

Question 1: Please provide information and data on the prevalence of child, early and forced marriage, in relation to the number of women and girls living in specific humanitarian settings. Kindly provide data disaggregated by sex and age, and in relation to the overall number.

Human Rights Council Resolution 35/16 describes humanitarian setting to include; humanitarian emergencies, situations of forced displacement, armed conflict and natural disaster. Ghana, for the past three decades, has not experienced any major humanitarian condition, properly so called. However, the country is exposed to ‘multiple weather-related and health-related hazards, particularly floods¹. More specifically, there is the occurrence of perennial flooding as well as pockets of intractable chieftaincy and related conflicts in some parts of the country that, more often than not, lead to forced displacement. These humanitarian situations contribute to high levels of poverty which intersect with socio-cultural practices affecting the prevalence of child, early and forced marriages (CEFM) in Ghana.

The factors associated with CEFM in Ghana include; poverty, customary laws that condone such practices, such as girls being given in marriage as “compensation” and “settlement” for family/communal issues like debts², and lack of education and employability/livelihoods opportunities for girls³. Others include lack of knowledge, and poor enforcement of laws that protect girls from CEFM, school dropout, moral and safety considerations (e.g. fear of girl’s early engagement in sex and pregnancy out of wedlock)⁴.

The minimum legal age for marriage in Ghana is 18 years⁵. However, girls below 15 are literally pushed into marriage.⁶ Thus, CEFM in Ghana manifests as both a violence and socio-development issue. Moreover, the National Strategic Framework on Ending Child Marriage 2017 - 2026 reports that 1 in every 5 girls in Ghana gets married before 18 years,

¹UN in Ghana, ‘Humanitarian Coordination’. <http://gh.one.un.org/content/unct/ghana/en/home/our-work/cross-cutting-themes/humanitarian-coordination.html>.

²Ministry of Gender, Children and Social Protection, ‘National Strategic Framework on Ending Child Marriage’. 2017.

³Abibiman Foundation, ‘Child Marriage in Ghana’: 2015. <http://abibimman.blogspot.com/2015/06/child-marriage-in-ghana.html>.

⁴ UNICEF Ghana.

⁵ Ghana’s Children’s Act 560 (1998), Article 14(2).

⁶ Ministry of Gender, Children and Social Protection & UNICEF Ghana, ‘Resource Guide on Ending Child Marriage in Ghana’. p.9.

with emphasis on the percentage of girls between 20-24 years⁷. This translates to a national prevalence rate of 21%⁸. Specifically, 2% of women aged 15-19, 5% of women aged 20-24 and 11% of women aged 45-49 were married by age 15.⁹ Child marriage disproportionately affects girls over boys: among boys aged 20-24 years, 2% were married before the age of 18, compared to 21% of girls.

The phenomenon of CEFM in Ghana also has regional, educational, health, geographic, and wealth dimensions. The three northern regions (Upper West, Upper East, and Northern) have significantly higher prevalence rates, averaging 34% (1 in 3 girls), than the national average. There is high prevalence of child marriage in rural areas as compared to urban areas, with a rate of 36.2% for the former and 19.4% for the latter¹⁰. This reflects the general statistics as women in urban areas are indicated to marry 3.5 years later than those in rural areas¹¹. Also, girls from poorer households (41.2%) are more likely to be married by age 18 years than girls from richer households (11.5%)¹². In addition, high education level is a factor that decreases the prevalence of child marriage. Forty-one point six percent (41.6%) of women with no education married before age 18 while 4.7% of women with secondary or higher level of education married before the same age¹³. It must be noted that if the present prevalence level of 21% remains as it is, Ghana risk more girls marrying before 18 years as the population rate also increases¹⁴.

Question 2: What measures were taken to strengthen data gathering, contextual analysis of social factors contributing to child, early and forced marriage in humanitarian settings?

The government of Ghana in 2016 developed a 10-year Strategic Framework on Ending Child Early and Forced Marriage (CEFM). Integral to this document is an elaborate

⁷file:///C:/Users/adorc/Downloads/2017-2026-National-Strategic-Framework-on-ECM-in-Ghana.pdf. There is a global consensus on the essence of relying on data sample of women between 20-24years with regards to child marriage as opposed to focusing on women between 20-49 years with reasons that the later age group are less 'sensitive' to changes and current risks of CEFM.

⁸GDHS 2014.

⁹ Ibid, p.52.

¹⁰Ghana Multiple Indicator Cluster Survey (MICS) 2011.

¹¹ GDHS 2014, p.53.

¹²Ghana MICS 2011.

¹³ Ibid.

¹⁴National Strategic Framework on Ending Child Marriage 2017-2026, p. 6.



Monitoring and Evaluation (M&E) Framework¹⁵ containing a robust data gathering mechanism for guiding contextual analysis of the factors, including social factors, contributing to the phenomenon of CEFM in the country. Examples of such data gathering include national and sub-national consultation with key stakeholders and duty bearers (teachers, religious and traditional leaders) as well as focus group discussions and interviews with key personalities including survivors.¹⁶ In particular, the M&E Framework provides for verifiable indicators and feedback machinery for tracking progress of implementation and measuring performance.

Assessment of performance is ascertained through periodic reviews including quarterly updates, semi-annual reviews, annual planning meetings, and three-year strategic meetings.¹⁷ Also, regarding the upcoming MIC 2017-2018 survey, UNICEF Ghana has partnered with the Ghana Statistical Services to strengthen data accuracy including, sampling the relevant age cohort of women interviewed to make available for the first time accurate regional prevalence statistics on child marriage/child cohabitation in Ghana.

Question 3: What are the specific challenges and gaps in the prevention and elimination of the practice of child, early and forced marriage in humanitarian settings? How could such challenges and gaps be overcome?

Child Early and Forced Marriage (CEFM) persists in Ghana because of deep-seated socio-cultural and religious impediments to the full enforcement and implementation of laws and policies respectively. Others include, socio-economic factors, relatively weak response system (such as shelters and safe spaces, psycho-social and financial support), challenges in coordinating efforts of a broad range of stakeholders (including limited resources, sub-optimal use of capacities and duplication of efforts in some areas and gaps in others) and lack of CEFM prevalence data at district level¹⁸. Reluctance of affected children and families to report child marriage, lack of evidence (e.g. birth certificates) to facilitate prosecution of cases, and limited resources for implementing agencies such as Ghana Police Service, Family and Juvenile court are other existing causes.¹⁹

¹⁵ Ibid, at p.20.

¹⁶ UNFPA Ghana.

¹⁸ UNFPA Ghana.

¹⁹ Ministry of Gender, Children and Social Protection; Domestic Violence Unit.



Tackling these challenges and gaps will require a multi sectoral approach (involvement of community, traditional and religious leaders as gatekeepers of the relevant laws and policies, increasing the retention rate of adolescent girls in schools, empowerment of out of school adolescents through vocational skills training and an enhanced response system to provide the necessary support for survivors and at-risk adolescents of CEFM, comprehensive health information and services including sexual and reproductive health, psycho-social counselling, and creating economic opportunities for economically deprived households.

Question 4: What are the lessons learned and promising practices identified in preventing and eliminating child, early and forced marriage in such settings?

The government of Ghana's continuous leadership and political will are vital to ensure national policies²⁰ and initiatives put in place to prevent and eliminate CEFM are sustained to achieve results. Secondly, there is the need for government to reinforce its capacity to coordinate work across relevant sectors in the country working on preventing and eliminating Child marriage. For instance, the Ministry of Gender, Children and Social Protection (MGCSP) has a Facebook page; '*Ghana Ends Child Marriage*' to coordinate and clearly communicate with other stakeholders on activities geared towards eliminating CEFM in Ghana. Thirdly, since CEFM cuts across cultural and religious practices, traditional and religious leaders must be actively engaged as stakeholders and equipped with the necessary knowledge, including the illegality and effects of child marriage on victims, society and country as a whole.²¹ Furthermore, there should be the strengthening of quality education, particularly for girls. With data showing a high prevalence of CEFM among girls with low or no education (41.6%), there should be a focus on keeping girls in school.

Some best practices identified include; sensitization and awareness creation on the effects of CEFM, provision of legal literacy and livelihood skills to girls at risk and survivors, implementation of the free Senior High School Policy and linkages to poverty alleviating policies and initiatives.

Question 5: What impact have exacerbating (worsening) factors had on child, early and forced marriages in humanitarian settings?

High levels of poverty, inadequate protection especially for adolescent girls, breakdown of family support systems, lack of educational opportunities and the leeway for the expression

²⁰ For example, the National Strategic Framework on Ending Child Marriage 2017-2026.

²¹CHRAJ, '*Report on Early and Forced Marriage*' 2018, p. 6.

of cultural and religious practices that sanctions the practices of CEFM are some of the exacerbating factors that contribute to CEFM in Ghana. Such factors lead to increasing number of girls who become victims of CEFM, as well as the negative effects of such occurrence on the victims, the society and the country as a whole. Some of these negative impacts of CEFM include; the human rights violations of the victims with regards to their education, sexual and reproductive rights as well as their general wellbeing and development.

Question 6: What measures (e.g., legislative, regulatory, policy and programmatic) are in place or have been adopted to address the root causes and exacerbating factors of child, early and forced marriage?

Ghana has put in place legislative²² and policy²³ infrastructure for combating both the root causes and the exacerbating factors of child marriage. There exist national laws that directly prohibit the practice of Child marriage. The Children’s Act, for instance, sets eighteen years as the minimum age for marriage, and further outlaws²⁴ any form of child marriage within the jurisdiction of Ghana. Any person who acts in contravention of these provisions shall be liable to a fine or to a term of imprisonment or to both.²⁵ The existing programmes and policies for addressing the issue of child marriage include; National Strategic Framework on Ending Child Marriage in Ghana 2017-2026, which is also being supported by the UNICEF-UNFPA Global Programme to Accelerate Actions to End Child Marriage (2016-2019)²⁶, Child and Family Welfare Policy, Justice for Children Policy, and National Gender Policy.

Question 7: What measures are/have been undertaken to enhance the agency and autonomy of girls and women in humanitarian settings, including in relation to their participation and consultation in the design, implementation and evaluation of measures and initiatives that affect the enjoyment of their rights?

Sensitization programmes are organized targeting adolescent girls with Adolescent Sexual and Reproductive Health (ASRH) information and services including sexual education, contraceptives and livelihood empowerment skills. Also, such sensitization initiatives educate at-risk girls with the relevant information on how to safeguard and respond to threats to

²²Article 28 of the 1992 Constitution, Children’s Act, 1998 (Act 560), and section 101 of the Criminal Offences Act, 1960 (Act 29).

²³Supra, note 14.

²⁴Act 560: Section 14 (1) of provides that “A person shall not force a child (a) to be betrothed, (b) to be a subject of dowry transaction, or (c) to be married.”

²⁵Ibid, Section 15.

²⁶ The Global Programme is funded with contribution from the Government of the Netherlands, Canada, the United Kingdom, and the European Union.



CEFM. At the community level, mobilization activities and dialogues are initiated with parents, traditional and religious leaders to understand the negative implications of CEFM and for them to act as duty bearers to protect adolescent girls from CEFM.

Question 8: What measures are/have been taken to effectively engage family members, community and religious leaders in raising awareness about, and countering child, early and forced marriage in humanitarian contexts?

The Global Programme to Accelerate Actions to End Child Marriage that supports the National Strategy on Ending Child Marriage focuses on increasing community actions, acceptance and visibility around investing and supporting girls, and generating shifts in social expectations relating to girls. Some of these activities include; engaging families and communities in reflections and dialogues, creating awareness of the harmful impact of child marriage, challenging gender norms and concepts of masculinity and femininity which perpetuate the practice, and discussing alternative roles and opportunities for girls and women in society. Through the Ending Child Marriage Campaign, community, traditional and religious leaders are targeted and sensitized on the harmful impact of CEFM. Also, there is the engagement of traditional, community and religious leaders who are mostly men, as partners through advocacy campaigns such as community durbars and outreach programmes in schools by governmental and non-governmental organizations.

Question 9: What concrete actions are/have been taken to provide appropriate protection and accountability mechanisms for women and girls at risk and also to victims or survivors of child, early and forced marriage, including those living in isolated and remote areas?

Considering the lasting effect of child marriage on victims and the larger society and with Ghana's determination to stop the practice, government set up the Child Marriage Unit in 2014 to coordinate and promote national initiatives directed at ending it. The Unit has since its formation established an Advisory Committee on Ending Child Marriage; formed a network of stakeholders for experience sharing and best practices; launched Ending Child Marriage Campaign in 2016; held series of public awareness and sensitisation forums; engaged with the African Union and other actors at the continental level to share and learn from other African countries' efforts to end Child marriage; and coordinated consultation processes leading to the development of 10-year Strategic Framework. Also, the National Youth Authority has been providing vocational skills training for girls to be economically empowered and thereby reducing their vulnerability to child marriage. Moreover, in 2016 Ghana through the MGCSP organized an event on the sidelines of the 60th Session of the United Nations Commission on the Status of Women to discuss and find ways to end the



practice of CEFM.²⁷ Survivors of CEFM have access to state-sponsored services including healthcare, shelter, education, vocational training, counselling, rehabilitation, and social protection.

Question 10: What efforts were taken to enhance coordination of programmes in humanitarian contexts towards the prevention and elimination of child, early and forced marriage?

At the national level, the main platform for coordination and collaboration towards ending child marriage is the National Stakeholders Forum, of the Child Marriage Unit of the MGCSP. The Forum mobilises relevant stakeholders working to end child marriage in Ghana. Other related key platforms for the prevention and elimination of the practice of CEFM consist of National Child Protection Committee, Regional Child Protection Committees, District Child Protection Committees, and Community-based Child Protection Committees.

²⁷ <http://www.ghana.gov.gh/index.php/media-center/news/2612-ghana-leads-global-campaign-to-end-child-marriage> - (Accessed on 18/09/2018)