

Child Marriages in Africa: Using a Rights-Based Approach to Protect the Girl-Child in Nigeria

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Abstract : The United Nations Convention on the rights of the child has been signed and ratified by several countries due to the concern about various abuses and crimes committed against children both locally and internationally. It is a shame that in view of the peculiar hardships being experienced by children today, the natural right to childhood has to be protected by a vast array of laws and international conventions. 194 countries have so far acceded to and ratified the convention on the Rights of a Child while some countries such as Nigeria have enacted the convention as a domestic law, yet child abuse is still rampant not only in Nigeria but all over the world. In Nigeria, the Child Rights Act was passed into law in 2003, with its provisions similar to the United Nations Convention on the Rights of a Child. Despite the age of marriage provided in the Nigerian Child's Rights Act 2003, many communities still practice child marriages to the detriment of the girl-child. Cases where these children have to withdraw from school as a result of these unripe marriages abound. Unfortunately, the Constitution of the Federal Republic of Nigeria 1999 appears to indirectly support early marriages for girls in section 29 (4) where it states that a woman who is married is deemed to be of full age whereas 'full age' as a general term in the Constitution is from 18 years old and above. Section 29 (4) may thus be interpreted to mean that a girl of 12 years old, if married, is deemed to be of 'full-age.' In view of these discrepancies which continue to justify this unwholesome practice, this paper shall proffer solutions to this unlawful act and make recommendations to existing institutions, using a rights-based approach, on how to prevent and/or substantially reduce this practice. A comparative analysis with other African countries will be adopted in order to conduct a research for effective policies that may be implemented for the protection of these girls. Thus, this paper will further examine the issue of child marriage which is still quite rampant in African countries particularly in Nigeria which also affects the girl-child's right to an education. Such children are in need of special protection and this paper will recommend ways in which state institutions, particularly in Nigeria, may be able to introduce policies to curb incidences of child marriage and child sexual abuse while proffering strategies for the prevention of these crimes.

Keywords : child abuse, child marriages, child rights, constitutions, child rights, the girl-child

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