

THE ROLE OF PARLIAMENTARIANS IN ADDRESSING EARLY MARRIAGES; LEGISLATORS, COMMUNITY LEADERS AND FACILITATORS OF POSITIVE CHANGE

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A SENATORIAL REBUFF

- "I am only following Prophet Mohammed's footsteps who married a nine-year-old girl, Aishatu,"
- "I do not work with such law that runs counter to my religion. For clarity, I do not have to obey the Child Rights Act so long as it contravenes my religious belief and I'm sick and tired of repeating myself all the time. I hope I can be left alone now."

Senatorial Child Marriage in Nigeria

- Senator Ahmed Sani Yerima, a former governor who introduced Shari'a Islamic law to his state jurisdiction then shot to infamy when he married a 13-year-old Egyptian girl as his fourth wife in 2010 after reportedly paying a \$100,000 dowry to her parents

PUBLIC PROTEST IN NIGERIA



THE SENATOR AND HIS BRIDE



THE PARLIAMENT

- The Parliament, like the other two arms of a democratic government (the Executive and the Judiciary) has been established as part of the general principles of separation of powers and checks and balances in democracy. This principles in term, is incorporated into democracy as a device to prevent abuse of power that could lead to tyranny, denial of liberty and violation of human rights by persons, leadership or governments that may wield absolute power if not checked.

The Early Marriage issue in Nigeria 1

- In Nigeria, particularly northern Nigeria has some of the highest rates of early marriage in the world. The Child Rights Act, passed in 2003, raised the minimum age of marriage to 18 for girls. However, federal law may be implemented differently at the state level, and to date, only a few of the country's 36 states have begun developing provisions to execute the law

Early Marriage in Nigeria 4

- Virtually no married girls are in school; only 2 percent of 15–19-year-old married girls are in school, compared to 69 percent of unmarried girls.²⁵ Some 73 percent of married girls compared to 8 percent of unmarried girls received no schooling, and three out of four married girls cannot read at all

Early Marriage in Nigeria 2

- To further complicate matters, Nigeria has three different legal systems operating simultaneously—civil, customary, and Islamic—and state and federal governments have control only over marriages that take place within the civil system.

The International Assoc Of Women Lawyers

- Marriage to individuals younger than 18 goes against Nigeria's 2003 Child Rights Act (which has been passed by less than half of the 36 states), the African Charter on the Rights and Welfare of the Child and the African Union Protocol on the Rights of Women in Africa.

Early Marriage in Nigeria 3

- Nationwide, 20 percent of girls were married by age 15, and 40 percent were married by age 18. Child marriage is extremely prevalent in some regions; in the Northwest region, 48 percent of girls were married by age 15, and 78 percent were married by age 18.

Disadvantages of Early Marriage 1

- **Child marriage is a fundamental violation of human rights.** Many girls (and a smaller number of boys) are married without their free and full consent. By international conventions, 18 years has been established as the legal age of consent to marriage. If the timing of marriage does not change, over 100 million girls will be married as children in the next ten years

Disadvantages of Early Marriage 2

- **Early marriages are closely associated with no or low levels of schooling for girls.** Poverty leads many families to withdraw their daughters from school and arrange marriage for them at a young age. These girls are denied the proven benefits of education, which include improved health, lower fertility, and increased economic productivity.

The Role Of Parliamentarians 2

- **Develop social and economic programs for out-of-school girls, including nonformal education programs.**
- **Develop special social and health support structures for young, first-time mothers.**
- **Encourage and promote public health education on the early marriage issue.**

Disadvantages of Early Marriage 3

- **Child marriage, in many instances, marks an abrupt transition into sexual relations with a husband who is considerably older and unchosen.** The younger a bride is, the larger the age difference between her and her spouse

The Role of Parliamentarians 3.

Oversight Functions: As part of their constitutional functions, MPs are expected to oversight the activities of government agencies such as the Ministries in charge of Education, Culture, Women Affairs among others responsible for the early marriage issue.

The Role Of Parliamentarians 1

- Creating a conducive environment, for passing enabling statutes to discourage early marriages
- . Encourage state-level authorities to adopt the federal law that establishes 18 as the legal age of marriage for girls.
- Increase budget allocations to institutions such as schools for girls and other non formal educational programs

The Role of Parliamentarians 4.

- **Constituency Projects:** As part of their constitutional responsibilities in effecting the holistic development of their constituencies, MPs can as part of their constituency projects be agents of change in the early marriage issue. This they can do by putting in place Community Based Organizations (CBO's) which will be run as examples of "good practice" and will be reproduced elsewhere.

The Role of Parliamentarians 5

- **Advocacy visits to State and Local Governments to encourage the promotion of the Child Rights law.**
- **Collaboration and networking with Government Agencies, Civil Society Organizations, Donor Agencies, NGOs and other Parliamentary Committees on the early marriage issue. The use of Public Hearings is very useful.**

The Role Of Community Leaders 2

- Encourage governments and communities to commit to getting girls to school on time and to keeping them in school through the secondary level. Being in school during adolescence has important health and development benefits for girls.
- Develop social and economic programs for out-of-school girls, including nonformal education programs.

The Role Of Civil Society Organisations

- CSOs can support capacity-building in parliaments through organization of Seminars, Workshops and Facilities such as IT and Communication materials.
- Parliamentary networks such as PGA among others can work closely with MPs to bring the EMI to the attention of the world's governments, CSOs and International organizations.

Constraints Facing MPs

- Overwork due to multiple roles of MPs as Politician, Legislator, Religious and Community Leaders, Parents and Spouse.
- Inadequate Information about the Early Marriage Issue.
- Inadequate facilities to work as a MP.
- Executive/Legislative friction .
- Wrong perception of MPs job by the public

The Role Of Community Leaders 1

- Raise awareness of the extent of early marriage and the human rights abuse it constitutes.
- Engage communities through public campaigns, pledges, or incentive schemes. Raise the awareness of parents, community leaders, and policymakers about the health and rights implications of young girls marrying much older men.

Constraints Facing MPs 2

- In some cases, parliaments lack experience and can not engage in a wide range of policy issues. This is especially true of countries coming out of conflict.
- . In other cases, MPs lack competent staff, independent research and timely (and relevant) information. The latter is especially true with respect to issues such as EM with cultural and religious angles

NEXT STEPS

- **Capacity Building**

It is essential to develop the capacity of parliamentarians and their staff, especially with respect to economic and sector issues. For example, the National Assembly of Lesotho opened its sixth parliament with an orientation that included various sessions including one on parliamentary rights and responsibilities.

Next Steps (Contd)

- **Technical.** *Analytical capabilities and access to resources influence parliamentary effectiveness. This can be provided through appropriate Capacity Building by relevant NGOs.*

Next Steps (Contd)

- **Information.** *It is crucial to improve the quality of information available to parliaments. For example, the Nigerian MPs and their staff usually attend seminars to update their knowledge.*
- **Legislation.** *It is helpful to work with MPs on the development of Legislation on the Early Marriage Issue.*

Next Steps (Contd)

- **Networks.** *It is useful to build networks among parliamentarians to facilitate information sharing and collaboration. Such networks include the Parliamentary Network of the World Bank (PNoWB), Inter-Parliamentary Union, the Commonwealth Parliamentary Association and the PGA among others.*

Next Steps (Contd)

- **Communication.** *It is important to improve communication between MPs and their constituents and the executive branch. For example, MPs can be supported by CSOs to establish CBOs with which they can propagate Health Education on the Early Marriage issue in the Community.*

Next Steps (Contd)

- **Political.** *A political environment characterized by free and fair elections, freedom of expression, and the rule of law enables useful legislative engagement. Where members of parliament are robbed of their electoral victories or intimidated and threatened, they are not able to make independent interventions.*

Next Steps (Contd)

- **Constitutional.**

The balance of power between the executive and legislative branches of the government determines the degree to which the parliament can play a meaningful role. Where executive control is absolute, parliamentarians are unable to play an effective role.

References (Contd)

8. UNAIDS Handbook for Legislators on HIV/AIDS, Law and Human Rights (2000)
9. Report of the World Bank Seminar on Strengthening the Role of Parliamentarians in Poverty Reduction Strategies (2007)

Next Steps (End)

- **Educating the Electorate.**

There is an urgent need to educate the electorate on the consequences of Child Marriage as well the gains associated with educating their children especially, girls.

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