

Legal and Rights based Approaches in Ending Child Marriage - The experience of the Building Collaboration, Partnerships and Political Commitment to Delay Early Marriage project in Northern Nigeria (2013-2015)



Principal Researcher and Editor: Judith-Ann Walker (PhD)

Researcher: Umar Ahmed Umar Program Officer, development Research and Projects Center (dRPC)



The dRPC provided Monitoring and Evaluation technical assistance on the Building Collaboration, Partnerships and Political Commitment to Delay Early Marriage and the Onset of Childbearing in Northern Nigeria project (2013-2015)

Introduction

The project - Building Collaboration, Partnerships and Political Commitment to Delay Early Marriage and the Onset of Childbearing in Northern Nigeria - funded by Ford Foundation and anchored Action Aid Nigeria aims at delaying the practice of early/child marriage in Northern Nigeria. The project brought together 5 CSOs to implement the recommendations from a Ford Foundation's Report titled 'Mapping Early Marriage in West Africa'.

Working through Laws and rights—e.g., advocacy for the domestication and adoption of the Child Rights Law, the implementation of the Children and Young Persons Law, and laws to elimination of the hidden costs² of secondary education were key elements of the project expected to be implemented by the leading NGO working in the advocacy space - the Isa Wali Empowerment Initiative (IWEI).

As a leading rights-based non-profit in Kano state, Isa Wali Empowerment was co-opted into the project to contribute the important piece of working with legislators. In this project, IWEI aimed to strengthen child rights protection mechanisms by advocating for the passage the Child Rights (Protection) Bill in Kano state which had been pending before the Kano State House of Assembly since 2010.¹ IWEI decided on this action based on its assessment of inadequate laws

¹ According to the Secretary, Committee on Education of Kano State House of Assembly, the bill was presented before the house but did not go through any of the legislative process.

on child Rights protection in the state.²

Background to the IWEI intervention: Early initiatives to work through Laws and Rights-based Approaches to delay early marriage in Kano State

The law and rights based approach to ending child marriage entails putting in place mechanisms and legal frameworks to prevent early and child marriage (through legislations) and empowering people to know and claim their rights and increasing the ability and accountability of individuals and institutions who are responsible for respecting, protecting and fulfilling rights.³

In Kano state, prior to this project, efforts were made to adapt the Child Rights Act with a view to domesticate the law to fit into the context, culture and religion of the people of the state. A committee constituted to revise the Child Rights Act of 2003 to conform to Islamic precepts, culture and morality of the Muslim majority Kano state came up with Kano State Child's (Protection) Bill, of 2010.

According to Mallam Muhammed Mashi, the Coordinator Child Protection Network of Kano State:

² The states are expected to formally adopt and adapt the Child Right Act, 2003 for domestication as state laws: Issues of child rights protection are on the residual list of the Nigerian Constitution, giving states exclusive responsibility and jurisdiction to make laws relevant to their specific situations. State laws inimical to the rights of the child are also to be amended or annulled as may be required, to conform to the Act and to the CRC. For more information visit: http://www.unicef.org/nigeria/protection_8547.html.

³ <http://www.scottishhumanrights.com/careaboutrights/whatisahumanrightsbasedapproach>

‘... there was a committee which was organized by the state government after domestication of the Child Rights Act at the national level, the state [wanted to] domesticate it. There were so many accusations, allegations, politics in the issue of domesticating Child Right Act in Kano state as I understand it.... I think a lot of attempts were made by the Kano state legislature several times to domesticate but it gets into a stumbling storm somewhere, somehow.

[Regarding] the Child Protection) Bill of 2010 Initially, I think [it]was presented [before the Kano State House Assembly] but brought back for some amendments and corrections here and there....the Ministry of Women Affairs in collaboration and partnership with Ministry of Justice are trying to sponsor the bill⁴ . However, to date that effort has not been successful”.

The absence of a child rights law has made it difficult for the states to have adequate structures and a framework, such as a Child Rights Implementation Protection Committee [CRIC] which is provided for under the CRA as contained in the International Convention on the Rights of the Child (CRC).⁵

The IWEI project intervention - Advocacy for Law and Rights

IWEI designed its intervention in this project around two action points -

⁴ All efforts to speak with the Director, Child Protection Network, Ministry of Women Affairs and Social Development about proved abortive

⁵ Supra Note 3

1. legislative advocacy for the passage of the Child Protection Bill before the Kano state House of Assembly and the introduction of the new law on Free Compulsory Education.

2. education policy reform to integrate Islamic and Western education and improve the standard of education.

In this project, IWEI aimed to secure girls’ education by catalyzing government to enact a law that will make secondary education mandatory for all, girls and boys. Once the law on education is passed, they contended early marriages will be delayed. However, the reluctance of parents to allow daughters to complete secondary schools was recognized so IWEI moved on to advocate for education policy reform integrating Islamic and western education and ensure quality of same. IWEI contended that the introduction of the policy will encourage parents to allow their daughters to stay in school up to Senior Secondary School 3 levels especially in the rural areas.

The IWEI approach in the project

1. Stakeholder mobilization and Legislative advocacy for passage of the Child Protection Bill and introduction of the Free Compulsory Education Bill

2. Education Policy Reform around integrated education systems

To achieve their advocacy asks, IWEI engaged a wide cross-section of strategic stakeholders (Traditional leaders, Islamic Scholars and the Government officials) to catalyze their support for the education Act and for education policy reform. IWEI's activities targeted a range of strategic stakeholders with the key messages:

Given that girls' education is as important as that of the boys it is important to enact laws that will go along away in improving the girls' education in Kano and make it illegal to remove girls from Secondary Schools. IWEI team explained this message in the following terms:

'For some of the target, the demand was for the improvement of girls' education in Kano; provision of infrastructure for girls' schools and recruitment more female teachers in girls' schools. While for some the demand is for the passage of the Child Protection Bill'

Over the life of the project, IWEI leveraged on its membership with the Kano State Child Protection Network to set up an advocacy team to carry out visits to various stakeholders (such as Kano State House of Assembly, Ministry of Women Affairs and Social Development) on the reviewed Kano State Child Protection Bill. IWEI also collaborates with national human rights NGOs (HURDI) to conduct advocacy to stakeholders (such as Ajingi Local Government, Kano, District Head, Ajingi local Government, Kano, State Universal Basic Education Board (SUBEB), Kano Senior Secondary Schools Management Board (KSSMB) and Emirate Council Committee on Education (IWEI is closely working with the committee).

In commemoration with the Day of the African Child (June 16), IWEI organised a capacity building workshop⁶ and intellectual meeting with stakeholders with the theme "A child Friendly, quality, free and compulsory education for all children in Africa." to review the provision of the Kano State Child Protection Bill on education. The meeting was attended by participants from National Human Rights Commission, Legal Aid Council, International Federation of Women Lawyers (FIDA), Nigeria Police Force, Ministry of Women Affairs and Social Development, Ministry of Justice, 2 Media houses (Freedom radio and Rahama radio), consortium partners⁷, Chief Imam of Ajingi, 1 Mentor and 2 girls from Toranke Government Girls Secondary School. The meeting deliberated on a number of issues including the need to set a specific age of marriage in the Bill.

In addition, on the 8th September 2015, IWEI convened a high level engagement with Islamic scholars, Traditional Rulers, Ministry of Women Affairs and Social Development, Civil Society Activists and the media to build support for its advocacy efforts. A steering committee constituted during the meeting was tasked: to discuss advocacy mechanisms to State House of Assembly, retention (retention of girls in secondary school) and work out modalities to press for the passage of Child Protection Bill by the Kano State House of Assembly⁸

6 24th-25th June 2014

7 This refers to Action Aid, development Research and Projects Centre, Girl Child Concern, Centre for Girls Education and the Isa Wali Empowerment Initiative

8 Refer to appendix A for a detailed list of the activities conducted by IWEI

Successes and challenges implementing the rights based approach to delaying early marriage

In order to establish the extent of IWEI's success at achieving its stated objectives in this project, 12 interviews were conducted with key informant who were targeted and participated IWEI activities over the project's 27 month timeline. Feedback from key informant suggested that evidences of successes could be categorized in 4 broad groupings:

- 1) awareness creation;
- 2) mobilization of stakeholders within government to buy into the need for the Act;
- 3) reducing barriers and creating and enabling environment by including traditional and religious leaders as advocacy targets;
- 4) encourage the Kano state government to respond more favourably to the integration focus of the DFID funded ESSPIN program as IWEI educated policy makers on the implications for keeping girls in school and providing a protective environment for them in their mobilization meetings

Examples and evidences put forward by key informants included - IWEI succeeded in keeping the Kano state government engaged around issues of child protection and child marriage. The NGO increased awareness of the problem of early marriage in the state; forced conservative state level elements to engage national level child protection issues; the group leveraged national level human

rights networks and brought their voices to a regional issue of child marriage in Northern Nigeria. IWEI also incorporated traditional and religious leaders into the conversation on ending child marriage and by including executive in their legislative advocacy approach, IWEI created a new support base in the Ministry of Women Affairs. IWEI encouraged education planners to view keeping girls in schools as an important secondary benefit of an integrated Western and Islamic education system.

Box 1.0 Successes of the Legislative Advocacy intervention of the IWEI

Isa Wali Empowerment Initiative increased awareness of the problem of early marriage in the state; forced conservative state level elements to engage national level child protection issues; the group leveraged national level human rights networks and brought their voices to a regional issue of child marriage in Northern Nigeria. IWEI also incorporated traditional and religious leaders into the conversation on ending child marriage and by including executive in their legislative advocacy approach, IWEI created a new support base in the Ministry of Women Affairs. IWEI encouraged education planners to view keeping girls in schools as an important secondary benefit of an integrated Western and Islamic education system.

However, regarding the passage of the Child Protection and Education Acts, IWEI was unable to achieve this objective within the project's timeline. IWEI project managers reflected on this experience by noting that advocacy for the laws and policies on child protection and rights issues is a challenging task in Northern Nigeria as stakeholders are especially reluctant to support such initiatives once the implications for age of marriage becomes clear. According to IWEI's team, "*... the reaction of stakeholders when contacted about the issue of early marriage is always quite discouraging. Even the elite when you try to connect education to early marriage they tend to back off even if the law is passed the enforcement may be difficult if people do not accept it*".

Notes towards the post-project period

As the project comes to a close in October 2015, the NGO, IWEI continues to convene meetings, mobilize new groups of stakeholders and seek out new funding to continue what it views as unfinished business. The experience of the Isa Wali Empowerment Initiative suggests that a two year timeline may be too short to achieve legal and policy reform goals in the controversial issue of delaying early marriage.

Project funded by the Ford Foundation
and Anchored by Action Aid Nigeria.

Project Partners:

Girl-Child Concerns

Girl-Child Education (PRHI/Bixby Center)

development Research and Projects Center

Isa Wali Empowerment Initiative

All Rights reserved by dRPC:

Inquiries: programs@drpcngr.org