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**NHEOMA EME WORUGJI**

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**MEDIA PORTRAYAL OF CHILD MARRIAGE IN NIGERIA IN THE LIGHT OF  
EXISTING LAWS**

**SUPERVISOR: DR KELLEY MOULT**

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Research dissertation presented for the approval of Senate in fulfilment of part of the requirements for the LLM in General in approved courses and a minor dissertation. The other part of the requirement for this qualification was the completion of a programme of courses.

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**February 2018**

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## **DEDICATION**

This dissertation is dedicated to God Almighty, the giver of life and knowledge. I could not have made it this far without Him. I also dedicate this dissertation to my family for being my major support system throughout my course of study.

University of Cape Town

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## ABBREVIATIONS

ACRWC – African Charter on the Rights and Welfare of the Child

AHIP – Adolescent Health and Information Projects

AU – African Union

CAP – Chapter

CC – Criminal Code Act

CEDAW – Convention on the Elimination of Discrimination Against Women

CFRN – Constitution of the Federal Republic of Nigeria

CRA – Child Rights Act

CRC – Convention on the Rights of the Child

CSO – Civil Society Organisations

EU – European Union

FCT – Federal Capital Territory

GNB – Girls Not Brides

ICCPR – International Covenant on Civil and Political Rights

ICESCR – International Covenant on Economic, Social and Cultural Rights

LFN – Laws of the Federation of Nigeria

MA – Marriage Act

MCA – Matrimonial Causes Act

MURIC – Muslim Rights Concern

NAPTIP – National Agency for Prohibition of Trafficking in Persons

NASS – National Assembly

NCLR – Nigerian Constitutional Laws Report

NDHS – Nigeria Demographic and Health Survey

NGO – Non-Governmental Organisations

NLR – Nigerian Law Report

NSECM – National Strategy on End Child Marriage in Nigeria

NWLR – Nigerian Weekly Law Report

PC – Penal Code Act

PHUB – Sallallahu Alayhi Wa Salaam (Peace Be Unto Him)

UN – United Nations

UDHR – Universal Declaration of Human Rights

UNFPA – United Nations Population Fund

UNICEF – United Nations Children Emergency Fund

USAID – United Nations Agency for International Development

VVF – Vesico-Vaginal Fistulae

WELA – Women Empowerment and Legal Aid

ZAR – South African Rand

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## CHAPTER ONE

### INTRODUCTION

#### 1.1 Introduction

The practice or phenomenon of child marriage cuts across countries, cultures, religions and ethnicities from Africa to Asia, the Middle East to Latin America; the practice is also found among some communities in Europe and North America.<sup>1</sup> Child marriage is a union between two persons in which one or both parties are less than the age of 18. From the perspective of legislation and human rights, it is a menace as it is a violation of the rights of the child.<sup>2</sup>

According to the United Nations Population Funds, 'In developing countries, one in every three girls is married before reaching age 18. One in every nine girls married under age 15'.<sup>3</sup> Statistics also show that the highest number of child brides are found in South Asia and Sub-Saharan Africa.<sup>4</sup> The category of children that are most negatively affected are the females. The ratio of women to men married after the age of 15 but under the age of 18 is 720 million to 156 million, thereby reinforcing traits of gender inequality and discrimination against the girl child.<sup>5</sup> Instances where both parties to a marriage are minors are scarce. Often, it is associated with two unequal parties where parents give away their daughters who are less than the age of 18 in marriage to men who are far older than they are. The marriage is contracted with the consent of either or both parents as opposed to the consent of the intended parties. There are numerous reasons that ease this practice. Topmost on the list of reasons is that it is believed that when the girl child gets married at an early age, the opportunity of being promiscuous is taken away from her.<sup>6</sup>

Nigeria is one country with a high prevalence of child marriage in Africa. A total of 4 per cent to 60 per cent of girls between the ages of 20 and 24 were married or in unions before

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<sup>1</sup> Girls Not Brides 'Solution Brief on Entertainment-Education to Address Child Marriage' at 1, available at <http://www.girlsnotbrides.org/wp-content/uploads/2017/05/EE-solutions-brief-May-2017-final.pdf>, accessed on 28 May 2017.

<sup>2</sup> Nawal M Nour 'Child Marriage Medical' (2009) 2(1) *Review in Obstetrics and Gynaecology* 51-56 at 52.

<sup>3</sup> UNFPA 'Child Marriage' available at <http://www.unfpa.org/child-marriage>, accessed on 2 June 2017.

<sup>4</sup> UNICEF 'Ending Child Marriage, Progress and Prospects' at 2-7, available at [https://www.unicef.org/media/files/Child\\_Marriage\\_Report\\_7\\_17\\_LR..pdf](https://www.unicef.org/media/files/Child_Marriage_Report_7_17_LR..pdf), accessed on 4 December 2017.

<sup>5</sup> Ibid.

<sup>6</sup> Ine Nnadi 'Early Marriage: A Gender Based violence and a Violation Women's Human Rights in Nigeria' 2014 7(3) *Journal of Politics and Law* 35-40 at 36.

the age of 18.<sup>7</sup> In addition to other responses to combat this problem, the Child Rights Act (CRA) was passed into law in Nigeria in 2003 to protect children's rights generally and it expressly criminalised this practice of child marriage. The CRA places emphasis on the punishment of perpetrators of child marriages while there is little or no mention of the fate of or wellbeing of the child bride who bears the physical and health consequences because of the decisions made on their behalf. The academic and policy discourse and advocacy on the legality and otherwise of child marriages has revolved around legal, health, religious and cultural implications. The print media through its publications have also engaged in the discussions on the practice of child marriage.

In Nigeria, the print media are an efficient means in the dissemination of information to the public at a minimal cost. This is so because the average Nigerian faces the challenge of uninterrupted access to power supply and internet. Hence, the print media has been an active group in the discourse on issues of public concern and importance including child marriage. In the print media discussions on child marriage in Nigeria, it is seen that it aligns itself with academic and policy literature on the issue. Print media discussions on child marriage in Nigeria focus on the drivers of child marriage and legal interventions. But, the print media adopts a different approach in its discussions thereby creating a shift in child marriage discussions in ways that give a nuanced perspective of the practice in Nigeria. Although the print media points out the challenges that impede the eradication of child marriage in Nigeria, there seems to be a discursive blind spot in the discussions concerning enforcement of the law and policy. For this study, the term 'print media' or 'media' as used relates to newspapers only.

Based on the newspaper data used for this research, I argue that newspaper form of print media has fulfilled its role in enlightening the average Nigerian on the issues surrounding the practice of child marriage to a significant extent. It has been a driving force in altering the political atmosphere that may have led the government of Nigeria to act in eradicating the practice of child marriage through its present policy intervention. These interventions have brought about behavioural change in individuals in some regions in Nigeria. However, I argue that apart from the known drivers, there are other ways the phenomenon of child marriage is portrayed in the newspapers and its relationship with other social vices that further aid the

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<sup>7</sup> UNICEF 'Achieving a Future Without Child Marriage: Focus on West and Central Africa' at 2, available at <https://data.unicef.org/wp-content/uploads/2017/10/Child-Marriage-WEB.pdf>, accessed on 4 December 2017.

practice of child marriage. The crux of this research is to further investigate the newspaper data in this direction.

## **1.2 Research Question**

The main question this research sets out to answer, then, is how has the Nigerian print media portrayed the issue of child marriage in the light of existing laws?

The sub-questions that flow from the main question are:

1. How does the media define the problem of child marriage?
2. What change is required?
3. How does the media advocate for policy change or law reform?

The primary purpose of this research is to find out how the selected Nigerian newspapers have portrayed child marriage and the issues that give rise to the practice. This will take into consideration the issues raised in the newspapers and how they have influenced the existing legal frameworks, implementation structures and social practices of members of the public. This will be considered in line with an assessment of the legal frameworks for the protection of the child against child marriages, the gaps that give room for exploitation and the concept of freedom of expression that gives the media the power to impart ideas and information.

The outcome of this research is to contribute to knowledge by giving a new and nuanced perspective on how child marriage is viewed in the newspapers and how this understanding can be mobilised to create (public) awareness about its practice. It further calls for a consideration of the major issue emanating from the newspapers into later policy interventions to tackle the practice of child marriage in Nigeria.

## **1.3 Problem Statement and Significance of Study**

The media are important and strategic instruments of mass participation and education, conveying a diversity of opinions and ideas which inform and frame public issues and discourse. The ways in which media institutions present and represent specific issues may be considered as a gauge towards understanding the general uptake of an idea. In the case of the CRA, the way the CRA is presented and discussed in the media may illustrate the level of public understanding of the complexities inherent in the law and its implementation. Firm and nuanced grasp of media discussion on child marriages may in turn point to ways of utilising the media in informing public opinion and orientation in terms of implementation and respect

for the law. Hence, the importance of the media in articulating and disseminating the provision of the CRA in Nigeria.

This study is significant because media representation is an important way of understanding the link between the problems of the law on one hand and the society on the other. It addresses how the public is presented with law reform and policy alternatives, and how the problem of child marriage is shaped in the newspapers. Newspapers as a form of media have the ability in creating an understanding of societal problems through its reportage. They also have the power to shape public views on an issue because of its wide range of accessibility and reasonable pricing. This warrants scrutiny of the information they present and those they fail to present.<sup>8</sup> The practice of child marriage as contained in the print media is one which calls for concern. Because, first, child marriage amounts to violations of child rights with the right to health of the child as a glaring example. Secondly, the newspaper media are among other sources of information that can give a unique perspective on how the practice of child marriage is depicted in the Nigerian society.

This research relies purely on qualitative methods of discourse analysis and document analysis, which involve the interpretation of documents to give meaning to an issue. The discussion focuses on the Nigerian print media through examination of four national daily newspapers circulated in the country: *ThisDay*, *Vanguard*, *Premium Times* and the *New Nigerian Newspapers* between the year 2013 to 2017.

#### **1.4 Findings**

Although the newspapers place the discussion on child marriage on the front burner, it does so in ways that point not only known drivers but, tries to create a relationship between child marriage and some social vices. While the media frequently report matters arising from debates surrounding child marriage, it also manifests a divided voice according to which section of the country specifics emanates. Muslim-leaning newspaper outlets circulating mainly in northern Nigeria frame child marriage practices as acts of religious performance, tradition and cultural identity. Non-Muslim leaning newspapers frame child marriage as a violation of human rights of the girl child or bride and a dereliction of the duties of the state to protect and preserve the rights and dignity of its vulnerable citizens. The importance of shaping the child marriage discourse in this manner is to show how the public adheres to laws and policies against child

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<sup>8</sup> Lauren P Saenz & Michele S Moses 'Deliberating About Alternative Action: Linking Education Policy Research and the Media (2010) 116(2) *American Journal of Education* 263-287 at 267.

marriage. The media does this in such a way that it reveals the inherent factors that impede the actual adherence to law and policy in Nigeria against child marriage. The aim is to drive an agenda that calls for law reform and policy alternatives to suit Nigerian peculiarities.

### **1.5 Structure of Dissertation**

Chapter one focuses on giving a basic introduction to the study. It briefly highlights the argument, research question, methods, purpose and outcome of this study. It also gives an understanding of the problem and the findings.

Chapter two gives a review of literature about the practice of child marriage. It gives a picture of its general occurrence in other parts of the world and in Nigeria and discusses consequences of this harmful practice. It evaluates the laws that prohibit this practice and outline the gaps in legislation in Nigeria reflecting on policy interventions and resolutions at the international, regional and domestic levels. The chapter also explores media literature on the role of the media in setting the agenda for law and policy drive and how this agenda influences the perception of policymakers and behavioural change.

Chapter three outlines the methodology and analytical strategy and discusses the study's limitations.

Chapter four sets out the findings of this study, posing questions about/ focusing on media and dissemination of information. It also provides an understanding of the media and child marriage in Nigeria and how the media have portrayed the phenomenon.

Chapter five discusses the findings but takes the discussion above analysis of the newspaper articles. It discusses how the findings affect laws, law reform and policy alternatives and general enforcement. It concludes by discussing how the media messaging provide a background for the required change.

## CHAPTER TWO

### LITERATURE REVIEW

The practice of child marriage, found in diverse cultures and societies all over the world, is one which calls for concern because of the negative impact it has on the child. A plethora of academic and policy literature have adopted different methods in analysing this phenomenon. This chapter engages with literature that analyses the practice of child marriage in Nigeria and elsewhere in the world. It also examines the legal and policy interventions at the domestic, regional and international levels that address this practice. It further reviews literature that engages with the role of the media in addressing such a practice and how media perception and discussions can influence attitude, behavioural change and policy drive.

#### 2.1 Drivers of Child Marriage and Consequences

Child marriage is a common phenomenon in many parts of the world. It is considered as forced marriage because children lack the requisite capacity to give consent like adults in such a weighty issue as a marriage contract.<sup>1</sup> Drivers of child marriage are complex. Some of these are social, political, economic, religious and cultural. The practice is driven by socio-economic factors in form of economic benefit which is a lesser dowry paid by the bride's family on one hand, and high bride price received from the groom for youthfulness and purity on the other.<sup>2</sup> From an economic perspective, the girl child is considered an asset to her family because of the bride price she attracts to the family. Generally, girls from poor households are likely to get married earlier than girls from economically well-to-do homes. It has been argued that girls from poorer families are more vulnerable to being married off at a younger age to ease the pressures and burdens of poverty.<sup>3</sup> Parents believe that boys have better potential in the future to provide for the family and so are encouraged to take up skills and education while the girls forgo such opportunities.<sup>4</sup>

For the men, the motive for engaging in this practice are either for labour in terms of chores and housekeeping. Another may be for childbearing. Compared to older girls, the men

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<sup>1</sup> Olugbemi A Fatula *Feminism, Women, Family and Children's Law* (2015) 425.

<sup>2</sup> Olga Voinarevich 'A Fairy Tale Interrupted: The Long-Term Impact of Child Marriage in Yemen and the Necessary Adjustments to both Local and International Laws to Stop the Practice and to Protect Voiceless Child Brides' (2015) 16 *Rutgers Race and the Law Review* 203–217 at 208.

<sup>3</sup> *Ibid* at 207.

<sup>4</sup> *Ibid*.

believe that it is easier for younger girls to conceive and bear healthy children. The child bride who is married for these purposes must live up to expectation or stand the risk of being returned with a demand for refund of the bride price paid by the groom to the family of the bride.<sup>5</sup> In the incident the bride price is already spent, and the family of the bride cannot afford to repay such money, the child bride remains trapped in the home of her husband.<sup>6</sup>

The need to preserve family honour and morality is another factor that sometimes encourages the practice of child marriage. The honour of a family is usually tied to the girl child being morally pure and chaste. High value is placed on the child's virginity and purity. Child marriage in this situation is to reduce the risk of pre-marital sex.<sup>7</sup> This notion of purity reflects the cultural values existent in many Muslim communities that allow men to control the sexuality of girls and women. It is believed that this control will produce obedient wives that can yield to the will of their husbands.<sup>8</sup>

This practice has become a custom and culture over time. This is because of the prevailing pressure of patriarchal values. These values exist in a society where the male elders control life within and outside the family and are influenced by certain social, cultural and economic factors.<sup>9</sup> This is profound in societies that maintain strong social and community bond through the persistence of kinship ties, social practices and religious obligations.<sup>10</sup> Patriarchy and its values exercise strong social and community bonds in many societies where men make rules that govern the bodies of women and girls, including their sexuality. Religious reasons are often mobilised in support of patriarchal practices which include child marriage.

Customarily, parents also seek to protect the reputation of their daughters while men desire to mould submissive wives.<sup>11</sup> The fear of the girl child developing a different opinion on issues or exercising agency and authority outside of the home is managed by marrying early.

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<sup>5</sup> Lisa Avalos; Naima Farrell; Rebecca Stellato & Marc Werner 'Ending Female Genital Mutilation and Child Marriage in Tanzania' (2015) 38 *Fordham International Law Journal* 639-687 at 647.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid at 208.

<sup>9</sup> Biswajit Ghosh 'Child Marriage, Society and the Law: A study in a Rural Context in West Bengal, India' (2011) 25(2) *International Journal of Policy and the Law* 199-219 at 205-7; Voinarevich op cit note 2 at 203-4.

<sup>10</sup> Ghosh op cit note 9 at 207.

<sup>11</sup> Voinarevich op cit note 2 at 209.



She can move to a new family as a bride without establishing her own identity which makes it easier to exert control over the young bride.<sup>12</sup>

There are concerns that flow from the practice of child marriage. Various researchers have stressed the negative consequences that child marriage has on child brides. Child brides face isolation and depression, having to leave their familiar environments of upbringing and assume responsibilities they are ill-prepared for. Furthermore, because some child brides marry more sexually experienced men who already are in multiple romantic relationships, they stand the risk of being infected with sexually transmitted infections such as herpes simplex virus type two, gonorrhoea and chlamydia which are most frequent and cervical cancer.<sup>13</sup> These diseases are said to enhance vulnerability to HIV infection especially where the husband has had prior sexual partners or is polygamous.<sup>14</sup> Apart from sexually transmitted diseases, the most common health challenge faced by child brides between the age of 12-20 years is Vesico-Vaginal Fistulae (VVF), a critical reproductive health problem that occurs as a result of early pregnancy and childbirth.<sup>15</sup> Studies have also shown that girls who marry before the recognised minimum age of 18 experience early sexual contacts, bear more children and lose them to neonatal diseases.<sup>16</sup> By the age of 18 years, girls are physiologically better mature for childbearing and rearing and the chances are that the infant mortality rate is reduced. They would have also acquired a reasonable level of education by the age of 18.

Apart from health issues, the phenomenon of child marriage is closely linked to educational deprivation. Often, girl brides are minimally exposed to formal education; early marriage diminishes or in many cases erases the possibility of the girl child completing her education, a scenario that denies personal agency and the capacity to engage in the formal economy. In northern Nigeria, for example, where the rate of child marriage is high, the literacy rate for women is 5 per cent.<sup>17</sup> Lack of formal education deprives the child bride of the

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<sup>12</sup> Ibid at 210.

<sup>13</sup> Nawal M Nour 'Child Marriage Medical' (2009) 2(1) *Review in Obstetrics and Gynaecology* 51-56 at 54.

<sup>14</sup> Ibid.

<sup>15</sup> Eno-Obong Akpan 'Early Marriage in Eastern Nigeria and the Health Consequences of Vesico-Vaginal Fistulae (VVF) among young mothers (2003) 11(2) *Gender and Development* 70-76 at 72.

<sup>16</sup> Jennifer McCleary-Sills; Lucia Hanmer; Jennifer Parsons & Jeni Klugman 'Child Marriage, A Critical Barrier to the Girls Schooling and Gender Equality in Education' (2015) 13(3) *The Review of Faith and International Affairs* 69-80 at 71.

<sup>17</sup> Aisha Mukhtar Dodo 'Women's Health in Northern Nigeria' available at <http://www.republic.com.ng/vol1-no1/womens-health-in-northern-nigeria/>, accessed on 10 July 2017.

necessary skills to enable her to partake in the formal economy in future, the prospect of gainful employment is diminished, and productivity and earnings are reduced as a result.<sup>18</sup> The child bride is often wholly or significantly dependant on her husband for sustenance. Therefore, the longer a girl stays in school, the less likely she is to be married before the age of 18 years and bear children.<sup>19</sup>

Child marriage also robs the girl child of her childhood as they are turned into adults prematurely because of childbearing.<sup>20</sup> The child who is now a mother is ripped off the privileged behaviour and rights that go with childhood. An example of this privilege is usually exhibited in carefree attitude children have towards life and the right to play. She is now a mother who must nurse her children like an adult. Frequently, the child bride becomes vulnerable to domestic violence because she is unable to negotiate sex and give consent to sexual relations at such a tender age.<sup>21</sup> This act of violence affects her overall wellbeing, makes her withdrawn from society and keeps her in a state of depression.

## **2.2 The Nigerian Situation (Prevalence and Local Variations)**

In Nigeria, the practice of child marriage gained significant public attention in the late 1990's with a reported incident of a 9 years old child bride who tried several times to escape from the clutches of her husband and eventually had her legs chopped off with a poisoned axe for refusal to have sex, a brutalisation that eventually resulted in her death.<sup>22</sup> The patriarchal nature of some cultures in Nigeria limits the role of the girl to marriage, childbearing and home keeping. Marriage is for procreation and motherhood is an essential goal in marriage.<sup>23</sup> This position is still upheld among some rural members of society and gives rise to the practice of child marriage and other gendered practices that negatively affect the girl child. Poverty is also

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<sup>18</sup> Jennifer Parson; Jeffrey Edmeases; Aslihan Kes; Suzanne Petroni; Maggie Sexton & Quentin Wodon 'Economic Impact of Child Marriage: A Review of the Literature' (2015) 13(3) *The Review of Faith and International Affairs* 12-22 at 15.

<sup>19</sup> McCleary-Sills et al op cit note 16.

<sup>20</sup> Ine Nnadi 'Early Marriage: A Gender Based violence and a Violation Women's Human Rights in Nigeria' (2014) 7(3) *Journal of Politics and Law* 35-40 at 36.

<sup>21</sup> Ibid.

<sup>22</sup> Eunice Uzodike 'Child Abuse and Neglect in Nigeria – Socio-Legal Aspects' (1990) 4 *International Journal of Law and the Family* 83-96 at 83; Off Our Backs, Inc 'Nigeria: Child Marriage Dangerous' (1987) 17(7) *Off Our Backs* 1-4 at 4, available at <http://www.jstor.org/stable/24471232> accessed on 21 December 2017.

<sup>23</sup> Akpan op cit note 15 at 71.

a driving force for this practice.<sup>24</sup> Parents in need of financial stability engage in this practice in exchange for a higher bride price which is usually paid by the groom to the family of the bride in form of cash or kind. Particularly among parents with many children, the essence is to enable the parents to cater for other children.<sup>25</sup> The betrothal of the child which eventually leads to marriage is also a medium to maintain pre-existing cordial relationships that are beneficial to families that wish to reap the benefit of marital alliance.<sup>26</sup> Such benefits may include political leverage, financial gains or elevation of social class and status, securing the future of the child and other benefits attached to the marital alliance.<sup>27</sup>

Apart from the causes of child marriage in academic literature, a review of newspaper stories for this study revealed that many parents only envisage the ‘positive aspects’ of child marriage and are not properly educated about the possibility of health-related problems which may arise. The mother of a child bride – married at the age of 14 years – who has become a victim of Vesico-Vaginal Fistulae (VVF) while lamenting over the situation of her child stated, “I look up to God for help, Lauratu is my only child, and I was very happy when she got married because she would give me grandchildren”, the mother said’.<sup>28</sup> This lamentation tinged with regret shows that the parents are interested in early procreation to extend generational lineage, and as a result, indulge in the practice. Lack of proper education about the different possibilities surrounding child marriage encourages some parents to give away their daughters in early marriage.

Empirical studies conducted in 1999, 2003 and 2008 show statistics, distribution and variations in the occurrence of child marriage in various regions of Nigeria. These studies relied on data from the Nigeria Demographic and Health Survey (NDHS). The import of these statistics is to show the pervasiveness of child marriage in various parts of Nigeria and highlight

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<sup>24</sup> Ibid at 72.

<sup>25</sup> Fatula op cit note 1 at 426.

<sup>26</sup> Akpan op cit note 15.

<sup>27</sup> Nawal M Nour ‘Child Marriage: A Silent Health and Human Right Issue’ (2009) 2(1) *Review in Obstetrics and Gynaecology* 51-56 at 53; Akpan op cit note 15.

<sup>28</sup> Editorial ‘Growing Child Marriages in the North, Diminishing Hope for Zero Obstetric Fistula’ *ThisDay* (Lagos) 20 September 2014, available at <http://www.lexisnexis.com.ezproxy.uct.ac.za/lnacui2api/api/version1/getDocCui?lni=5D6C-84Y1-DY15-S1F6&csi=237924&hl=t&hv=t&hnsd=f&hns=t&hgn=t&oc=00240&perma=true>, accessed on 14 June 2017; Bámídelé Adémólá-Olátéjú ‘Senator Yerima, Child Marriage, and Woman Right’ *Premium Times* 23 July 2013, available at <http://www.premiumtimesng.com/opinion/141467-bamidele-upfront-senator-yerima-child-marriage-and-woman-right-by-bamidele-ademola-olateju.html>, accessed on 10 August 2017.

the areas that have the highest incidents. Studies indicate that females in the northern region of Nigeria get married five years earlier than those in the southern region of Nigeria.<sup>29</sup> The incidence of child marriage was highest in the rural areas of northern Nigeria than the urban area.<sup>30</sup> The median age of first marriage for girls in Nigeria was 15 years.<sup>31</sup> The point is that there had been no meaningful change in prevalence from earlier studies. It would have been expected that the five years gap between the 2003 and 2008 studies would have shown a substantial increase in the age of marriage and a decline in the practice all over the country considering that the children's legislation was passed in 2003. This is rather not the case.

Custom and culture validate the practice of child marriage over time. In the Nigerian context, custom and culture refer to religious belief and practices that validate the practice of child marriage. This is a factor that has led to the variance in the practice of child marriage between the northern and southern region in Nigeria and its high occurrence in the north where Islam is the dominant religion. In Muslim northern Nigeria, the marriage culture is dictated by Islamic norms and tradition, which often reference Prophet Mohammed's marriage to Aisha who was a child at the time of marriage as an ideal to imitate.<sup>32</sup> This has led to the gained support for child marriage based on the example of the founder of Islam. In the south, other social and economic factors drive the practice of child marriage. As the lives of people improve, the practice also moves into extinction. In the north, this is not the case because practices that are linked to religious belief take more than an improved livelihood to change.

Although there are laws that address this practice as will be discussed later, it is important to provide a background of why these laws clash with customs that validate the practice of child marriage. The importance of this is to give an understanding of why the practice of child marriage is prevalent in some parts of Nigeria than others. Generally, the law is defined as a source of society's identity and culture. It enforces an invisible bond in the society by enforcing

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<sup>29</sup> National Planning Commission, Abuja & UNICEF 'Children's and Women's Rights in Nigeria: A Wake-up Call, Situation Assessment and Analysis 2001' in O. Iyabode, 'Child bride and child Sex: Combating Child Marriages in Nigeria' (2011) 2 *Nnamdi Azikiwe Journal of International Law and Jurisprudence* 85-96 at 86.

<sup>30</sup> Annabel S Erulkar & Mario Bello 'The Experience of Married Adolescents Girls in Northern Nigeria' in Ogunniran Iyabode 'Child bride and child sex: Combating Child Marriages in Nigeria' (2011) 2 *Nnamdi Azikiwe Journal of International Law and Jurisprudence* 85-96 at 86.

<sup>31</sup> Minh Cong Nguyen & Quentin Wodon 'Measuring Child Marriage' (2012) 32(1) *Economics Bulletin* 398-411 at 407-11.

<sup>32</sup> Kayode Olatunbosun Fayokun 'Legality of Child Marriage in Nigeria and Inhibitions against Realisation of Education Rights' (2015) 5(7) *US-China Education Review* 812-826 at 815.

an acceptable standard of decency, morality and propriety which most people entertain.<sup>33</sup> Laws change with values in the society and sometimes reflect the norms and cultures that exist.<sup>34</sup> However, the law does not change to suit or enforce norms and values of ambient culture but suppresses it in a way that such culture is reshaped.<sup>35</sup> The argument that the practice of child marriage is one which culture validates is to be suppressed and modified because such norms impact negatively on the child. Hence, the push to remodify these cultural norms and values to suit the dictates of the laws in this regard has resulted in a clash between laws and customs. This clash poses difficulties for laws that seek to take the place of cultural norms and further enforcement.

### **2.3 A Review of International and Regional Instruments on Child Marriage**

Several laws exist at the international and domestic levels of government to protect children against abuse and human rights violations. For child marriage, some of these laws ban the practice either directly or indirectly. The essence is to secure and promote the dignity of the child as a human being and provide an enabling environment for the full maturation process of the child. The most prominent treaty at the international level for children is the United Nations (UN) Convention on the Rights of the Child (CRC) 1989. The purpose of the CRC was to supplement existing instruments by specifically dealing with issues relating to child rights which were not envisaged in existing treaties.<sup>36</sup> The CRC is one human rights treaty that is highly ratified.<sup>37</sup> Notwithstanding the comprehensive nature of the CRC, it makes no reference to child marriage,<sup>38</sup> perhaps, because the drafters recognised the Marriage Conventions (the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages 1962) and the Convention on the Elimination of Discrimination Against Women (CEDAW) 1979.<sup>39</sup> However, Marriage Conventions cater only for adult contracting parties and so did not

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<sup>33</sup> Robert Post 'Law and Cultural Conflict' (2003) 78 *Chicago-Kent Review Law Review* 485-508 at 486.

<sup>34</sup> Voinarevich op cit note 2 at 209.

<sup>35</sup> Post op cit note 33 at 488.

<sup>36</sup> Sharon Detrick *A Commentary on the United Nations Convention on the Rights of the Child* (1999) 2-4.

<sup>37</sup> Thoko Kaime 'The African Charter on the Rights and Welfare of the Child: A Socio-legal Perspective' (2009) 1.

<sup>38</sup> Camellia Burris 'Why Domestic Institutions are Failing Child Brides: A Comparative Analysis of India's and United States' Legal Approaches to the Institution of Child Marriage' (2014) 23 *Tulane Journal of International and Comparative Law* 151- 176 at 156.

<sup>39</sup> Elizabeth Warner 'Behind the wedding Veil: Child Marriage as a form of Trafficking in Girls' (2004) 12 *Journal of Gender, Social Policy and the Law* 233-271 at 251; Ladan Askari 'The Convention on the Rights of the Child:

prescribe any minimum age for marriage.<sup>40</sup> Article 16 of the CEDAW banned child marriage but it failed to define the age limit upon which a marriage contract will be viewed as child marriage.<sup>41</sup>

Although the CRC makes no reference to child marriage as earlier mentioned, the UN still expresses its intentions through resolutions and policy interventions to put an end to the practice and recognises 18 years of age as the suitable minimum age for marriage for both girls and boys. The Human Rights Council of the UN adopted a resolution in 2015 to end child, early and forced marriage.<sup>42</sup> The 2015 resolution builds on the previously adopted 2013 and 2014 resolutions. It recognised child marriage as a violation of human rights and a barrier to sustainable development and demonstrates global support to put an end to child marriage while supporting those who are already married.<sup>43</sup> In addition, it encourages States to develop national action plans jointly with civil societies in addressing child marriage and show support for married girls.<sup>44</sup>

Another resolution was adopted on 22 June 2017 to end child, early and forced marriage in humanitarian settings.<sup>45</sup> It recognised that child, early and forced marriage are harmful practice and provides room for perpetuating other harmful practices that negatively impact on girls and women and undermines their autonomy.<sup>46</sup> It noted that humanitarian settings further exacerbate existing human rights issues due to certain factors which include insecurity and the misconception of providing security through marriage amongst others.<sup>47</sup> It urged States to ‘enact, enforce, harmonize and uphold’ laws that address these issues even in humanitarian

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The Necessity of Adding a Provision to Ban Child Marriages (1998) 5 *ILSA Journal of International and Comparative Law* 123-137 at 133.

<sup>40</sup> Voinarevich op cit note 2 at 214.

<sup>41</sup> Article 16(1) of the CEDAW 1979; Askari op cit note 39.

<sup>42</sup> Girls Not Brides ‘Human Rights Council adopts 2015 Resolution to End Child, Early and Forced Marriage’ available at <https://www.girlsnotbrides.org/human-rights-council-adopts-resolution-to-end-child-early-and-forced-marriage/>, accessed on 23 November 2017.

<sup>43</sup> Ibid.

<sup>44</sup> Ibid.

<sup>45</sup> United Nations Human Rights Council ‘Child, Early and Forced Marriage in Humanitarian Settings Resolution A/HRC/35/L.26’ available at [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/35/L.26](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/35/L.26), accessed on 23 November 2017.

<sup>46</sup> Ibid at 2.

<sup>47</sup> Ibid at 3.

settings and repeal or amend laws that ‘enable, justify or lead to’ child marriage, the perpetuation of rape, sexual exploitation, abduction, trafficking and modern-day slavery.<sup>48</sup> Full collaboration between the State, affected communities and stakeholders to monitor, strengthen, prevent and respond to eliminating child, early and forced marriage in humanitarian settings is encouraged.<sup>49</sup> States are to consider including any best practices they have adopted, implementation efforts and challenges they face in eliminating child, early and forced marriage within humanitarian settings in their national action plans and national reports.<sup>50</sup> This will provide a platform for discussions on more resolutions to tackle the practice of child marriage in humanitarian settings. This resolution is instrumental in present time considering the new trend of trafficking of the girl child especially in humanitarian settings for marriage. Child trafficking for marriage is a rampant incident in northern Nigeria. Girls who have become casualties of internal conflicts are exposed to abduction and further married to unknown men. The UN’s commitment to addressing this issue is one that should be taken seriously by States.

In Africa, the African Charter on the Rights and Welfare of the Child (ACRWC) was adopted in 1990 in line with the promotion of human rights by the UN through regionalisation.<sup>51</sup> The ACRWC expanded the scope of the CRC by expressly banning child marriage.<sup>52</sup> It specifies the minimum age of marriage as 18 and recommends compulsory registration of all forms of marriages in an official registry.<sup>53</sup> This addition is considered as an advancement because it is aimed at protecting children from difficulties associated with early marriage.<sup>54</sup> Apart from the ACRWC, the Protocol to the African Charter on Human and

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<sup>48</sup> Ibid at 4.

<sup>49</sup> Ibid.

<sup>50</sup> Girls Not Brides op cit note 42.

<sup>51</sup> Benyam D Mezmur ‘The African Children’s Charter versus the UN Convention on the Rights of the Child: A Zero-Sum Game?’ 2008 23(1) *SA Publiekreg = SA Public Law* 1–29 at 5.

<sup>52</sup> Article 21 of the African Charter on the Rights and Welfare of the Child, 1990 (ACRWC); Trynie Davel ‘African Charter on the Rights and Welfare of the Child, Family Law and Children’s Right’ (2002) 35 *De Jure* 281-296 at 284.

<sup>53</sup> Ibid.

<sup>54</sup> Danwood Mzikenge Chirwa ‘The Merits and Demerits of the African Charter’ (2002) 10 *The International Journal of Children’s Rights* 157-177 at 167.

Peoples' Rights on Rights of Women in Africa also bans marriages for women below the age of 18 and child marriage respectively.<sup>55</sup>

Although the ACRWC has been signed and ratified by 41 African countries, the practice of child marriage is still common.<sup>56</sup> This is because of the low level of recognition given to the ACRWC by State parties.<sup>57</sup> The provision against child marriage poses a challenge for some African countries that recognise and allow marriages below the specified minimum age of 18 (particularly for girls) due to prevalent customary laws.<sup>58</sup> This is because age fixing is foreign and does not fit into the African cultures and traditions.<sup>59</sup> Age for marriage in African cultural society is determined by puberty.<sup>60</sup> This reflects the position of some African States where the practice is upheld.

For instance, in countries like Sudan where the practice of child marriage is upheld, maturity which is measured by the attainment of puberty is the criterion for marriage and not age.<sup>61</sup> The child at the stage of puberty is considered fit for the rights, duties and responsibilities of adults including the right to make decisions concerning his/her marriage.<sup>62</sup> In Tanzania, shortly after the girl child attains puberty, she is subjected to circumcision as an act of preparing her for marriage.<sup>63</sup> This is carried out by traditional healers and afterward, the girl is given out in marriage by her parents to an older man.<sup>64</sup> In Ethiopia, although the minimum age for marriage fixed by domestic law is 18 years, enforcement of this legal prescription remains an issue. Late marriage is considered a disgrace to the family of the girl child and compromises

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<sup>55</sup> Article 6(a) of the Protocol to the African Charter on Human and Peoples' Rights on Rights of Women in Africa, 2003 (Maputo Protocol).

<sup>56</sup> UNICEF 'Child Marriage is a Violation of Human Rights, but is All Too Common' available at <https://data.unicef.org/topic/child-protection/child-marriage/>, accessed on 6 July 2017.

<sup>57</sup> Warner op cit note 39 at 257.

<sup>58</sup> Fareda Banda 'Blazing a Trail: The African Protocol on Women's Rights Comes into Force' (2006) 50(1) *Journal of African Law* 72-84 at 76.

<sup>59</sup> Rachael Murray *Human Rights in Africa from the OAU to the African Union* (2004) 167.

<sup>60</sup> Davel op cit note 52 at 284.

<sup>61</sup> Kamran Hashemi, 'Religious Legal Traditions, Muslim States and the Convention on the Rights of the Child: An Essay on the Relevant UN Documentation' (2007) 29(1) *Human Rights Quarterly* 194-227 at 199.

<sup>62</sup> Ibid at 199.

<sup>63</sup> Avalos op cit note 5 at 642.

<sup>64</sup> Ibid.



the status of her father in the society. He is labelled a failure for being unable to secure the marriage of his daughter.<sup>65</sup>

The argument made by proponents of child marriage is that in instances where a female marries before puberty, the parents or guardian can require that celebration of the marriage and consummation be put on hold till she reaches puberty.<sup>66</sup> Disobedience to this requirement will most likely result in a legal action instituted by the parents of the child bride against the husband to end such marriage if the parents or guardians so desire.<sup>67</sup> Where the marriage is already consummated before she attains puberty, she can exercise the option to repudiate the marriage by way of divorce upon reaching puberty.<sup>68</sup> However, in practice, repudiation of such marriages either by the parents of the bride or the bride herself is less common.<sup>69</sup>

#### **2.4 Nigerian Laws and Child Marriage**

Until recently, there was no legal regime in Nigeria that expressly covered the issue of child marriage. The Criminal Code Act (CC) which provided for lack of consent to sexual relations formed the basis for prosecution for rape and not child marriage while the Marriage Act (MA) had a specified minimum age for civil marriages only.<sup>70</sup> A legislation stipulating the minimum age of marriage applicable to all forms of marriages in Nigeria was the recommended solution to the problem.<sup>71</sup> In 1956, when Nigeria operated a regional system of government, the then Eastern region enacted a law (the Eastern Nigeria Age of Marriage Law) to tackle the problem of child marriages. The law set the minimum age for marriage at 16 and declared marriages that fell short of this provision as void.<sup>72</sup> However, in practice, the law was of no effect because first, it was viewed as limiting the rights of the parents over the child.<sup>73</sup> Secondly, customary

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<sup>65</sup> Annabel S Erulkar & Eunice Muthengi 'Evaluation of Berhane Hewan: A program to Delay Child Marriages in Rural Ethiopia' (2009) 35(1) *International Perspectives on Sexual and Reproductive Health* 6-14 at 7.

<sup>66</sup> Husain Al-Hakami & Kenneth McLaughlin 'Debateable Marriages: Marriage and Child Marriage in Saudi Arabia' (2016) 52(7) *Marriage and Family Review* 654-664 at 658.

<sup>67</sup> Ibid.

<sup>68</sup> Hashemi op cit note 61 at 200.

<sup>69</sup> Al-Hakami & McLaughlin op cit note 66.

<sup>70</sup> Uzodike op cit note 22 at 88.

<sup>71</sup> Ibid at 89.

<sup>72</sup> Eunice N U Uzodike 'Implication and Limits of Parental Rights in Nigeria' (1990) 2(2) *African Journal of International and Comparative Law* 282-297 at 291; States of the then Eastern Region of Nigeria comprised of the present-day Anambra, Imo, Rivers, Cross River and Akwa-Ibom States.

<sup>73</sup> Ibid.

marriages were also contracted privately, and the formalities required under the law were ignored.<sup>74</sup> This second reason made room for exploitation.

In Nigeria, matters relating to the implementation of international treaties are legislated exclusively by the National Assembly (NASS).<sup>75</sup> Hence, the CRC which was ratified in 1991 and ACRWC ratified in 2001 was domesticated into a domestic law in the form of the Child Rights Act (CRA) in 2003.<sup>76</sup> The CRA is a federal legislation because it applies only to the Federal Capital Territory (FCT). The aim of the CRA is to give adequate protection to the child by securing their rights and upholding the best interest.<sup>77</sup> It expressly prohibits child marriage and betrothal, stating that persons under the age of 18 are incapable of contracting a valid marriage and are not eligible to be betrothed. The Act declares such marriage void and criminalises child marriage with terms of imprisonment, fine or both.<sup>78</sup>

#### **2.4.1 Gaps and Shortcomings of the Nigerian Legislation in Relation to Child Marriage**

##### **(a) The 1999 Constitution of the Federal Republic of Nigeria (as Amended) (CFRN)**

Two sections of the Constitution are relevant to this discussion. First, section 38(1) recognises freedom of religion and provides that:

every person shall be entitled to freedom of thought, conscience and religion...and freedom (either alone or in community with others and in public or in private) to manifest and propagate his religion or belief, in worship, teaching, practice and observance.<sup>79</sup>

Secondly, section 29(4)(b) of the Constitution also provides that a woman who is married is deemed to be of full age (full age means 18 years and above).<sup>80</sup> This implies that once a girl is married, she is assumed to be 18 years and above thereby robbing her of the status of a child regardless of her age. Considering that child marriage is driven by religious beliefs and

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<sup>74</sup> Ibid.

<sup>75</sup> Section 12(2) of the 1999 Constitution of the Federal Republic of Nigeria (as amended) (CFRN).

<sup>76</sup> Edwin Egede 'Bringing Human Rights Home: An Examination of the Domestication of Human Rights Treaties in Nigeria' (2007) 51(1) *Journal of African Law* 249-284 at 268; The Nigerian National Assembly (NASS) is known as Parliament. They are responsible for enacting laws at the federal level of government.

<sup>77</sup> The Preamble to the Child Rights Act 2003 (CRA); Section 1 of the CRA.

<sup>78</sup> Supra note 77 at section 21-3.

<sup>79</sup> Supra note 75 at section 38(1).

<sup>80</sup> Ibid at section 29(4)(b).

practices, proponents of child marriage in Nigeria can rely on section 38(1) of the Constitution as a defence for the practice of child marriage.

### **(b) Sharia Laws**

Sharia Laws that are codified and operate in the 12 northern States in Nigeria since 1999 exploit the lapses in existing legislation. Sharia laws were in existence in northern before 1999 but only affecting family and civil cases. In 1999, they were expanded to cover criminal and capital cases. Sharia laws and practices are predominant among the Hausa-Fulani population of Nigeria where Islam is the dominant religion.<sup>81</sup> The Quran, Sunna and Ijma are known sources of Sharia laws, which hold that a child who has reached the age of puberty is of marriageable age irrespective of his/her chronological age.<sup>82</sup> For the proponents of Sharia laws and practices, the age at marriage cannot be chronologically fixed.<sup>83</sup> The concept of maturity and childhood is interrelated; upon attaining maturity, the child is fit to take up duties and responsibilities of adults including marriage.<sup>84</sup>

Additionally, they cite section 38(1) of the Nigerian Constitution that allows for the freedom to manifest and propagate one's religion in practice and observance to bolster child marriage practices as a religious duty and practice. Because of Islamic tradition that traces the practice to the origin of Islam and its founder and construes it as a religious duty, the prohibition of child marriage is viewed as an outright infringement on fundamental rights. But, the legislative change in Nigeria that introduced Islamic law recognises the supremacy of the Constitution and as such, competing interests of the child and husband will have to involve a proportional analysis.<sup>85</sup> This analysis will have to take into consideration the agreement between the Islamic religious norms and culture and the law. The position of the law on this issue is yet to be tested and settled.

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<sup>81</sup> Iyabode Ogunniran 'Child Rights Act Versus Sharia Law in Nigeria: Issues Challenges and A Way Forward' (2010) 30 *Children's Legal Rights Journal* 62-80 at 65.

<sup>82</sup> Ibid.

<sup>83</sup> Ibid.

<sup>84</sup> Javaid Rehman 'Religion, Human Rights Law and the Rights of the Child' (2011) 62(2) *Northern Ireland Legal Quarterly* 153-166 at 158.

<sup>85</sup> Enyinna S Nwauche 'Child marriage in Nigeria: (Il)legal and (un)constitutional?' (2015) 15(2) *African Human Rights Law Journal* 421-432 at 428-9.

### (c) The Child Rights Act 2003 (CRA)

The CRA tried to close any loopholes that may have existed in previous legislation but the enforcement of this Act in respect to child marriages is an issue because marriages involving children are conducted customarily and not in accordance with the Marriage Act (MA) (which, unfortunately, does not regulate customary marriages). The wording of the CRA does not give a clear and unequivocal meaning to the kind of marriages it refers to; customary marriages or civil marriages in accordance with the MA. Even if this distinction was made clear, implementation is a major problem because the Act also does not clearly map out implementation structures making enforcement difficult.

As discussed in detail above, the CRA is a federal legislation and applies to the FCT only. For it to apply to other States in Nigeria, the CRA needs to be adopted as a state law in each State of the federation. Since this is the position of law in Nigeria, some have argued that children in States that have not adopted the CRA as State laws are vulnerable and without any form of legal protection against child marriage.<sup>86</sup> For States that have, the defence of religion raised in the Constitution robs the CRA of protecting the child against early marriages because Constitutional provisions are supreme.<sup>87</sup> On the contrary, the CRA provides that every child is guaranteed the rights provided for in the Constitution and other successive Constitution and applies to children as though they were stated in the CRA.<sup>88</sup> The fundamental rights provided in the Constitution apply to children in States with Child Rights Laws (CRL) as well as States without the CRL as citizens.<sup>89</sup> Prosecution for child marriage as a matter of criminal procedure will be dependent on whether the States in Nigeria where the marriage was contracted have criminalised the practice in either its CRL or other State laws. If this is so, then, there can be prosecution for child marriages.<sup>90</sup> The remedy may be to seek other relief for a child bride as may be enshrined in other relevant laws if they exist.

In Nigeria, 24 States out of 36 states of the federation have domesticated the CRA as State law. The States left to domesticate the Act include Adamawa, Bauchi, Borno, Enugu,

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<sup>86</sup> Tim S Braimah 'Child marriage in Northern Nigeria: Section 61 of Part 1 of the 1999 Constitution and the protection of children against child marriage' (2014) 14 *African Human Rights Law Journal* 474-488 at 481.

<sup>87</sup> *Ibid* at 485.

<sup>88</sup> Section 3 of the CRA.

<sup>89</sup> Nwauche *op cit* note 85 at 426.

<sup>90</sup> *Ibid* at 428.

Gombe, Kaduna, Kano, Katsina, Kebbi, Sokoto, Yobe and Zamfara.<sup>91</sup> Most of these States are in northern Nigeria where Sharia laws and practices are in operation. This is because the CRA expresses divergent views that have posed challenges to its adoption, an example of which is child marriage.<sup>92</sup> Age of marriage provided in the CRA which is 18 years and above conflicts with Sharia laws and prescriptions.<sup>93</sup> Hence, States like Jigawa State and Borno State in northern Nigeria that have domesticated the CRA have done so with modifications to comply with customs and religious practices.<sup>94</sup>

#### **(d) Marriage Legislation: The Marriage Act 2004 and Matrimonial Causes Act 2004**

The general legislation that regulates marriage in Nigeria is the Marriage Act (MA) and Matrimonial Causes Act (MCA).<sup>95</sup> The MA sets out procedures for conducting civil marriages while the MCA deals with legal proceedings involving civil marriage. The MA sets the age of marriage at 21 but provides that if either of the parties to a marriage is under the age of 21, the consent of parents or guardian must be produced before a licence to marry can be granted.<sup>96</sup> In practice, therefore, this provision allows for the actual celebration of marriages involving minors.

At the customary level, the Nigerian customary laws do not recognise a fixed age for betrothal or marriage. Attainment of puberty is recognised as the age of majority which makes the child fit for betrothal that eventually leads to marriage.<sup>97</sup> The MA which is cited as a 2004 legislation is a 1914 British colonial legislation and has not undergone any amendment till date.

## **2.5 Campaigns and Policy Interventions**

### **2.5.1 The African Union Campaign to End Child Marriage in Africa**

In response to the prevalence of child marriage on the continent, the African Union (AU) initiated its first campaign to address the issue in 2014, the Campaign to End Child Marriage

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<sup>91</sup> Funmi Ajumobi 'Children's Day and 28 years of Child Rights' *Vanguard* 25 May 2014, available at <http://www.vanguardngr.com/2017/05/childrens-day-28-years-child-rights/>, assessed on 29 May 2017.

<sup>92</sup> Ogunniran op cit note 81.

<sup>93</sup> Ibid at 66.

<sup>94</sup> Ibid.

<sup>95</sup> Marriage Act, CAP M6 LFN 2004 (MA); Matrimonial Causes Act, CAP M7 LFN 2004 (MCA)

<sup>96</sup> Section 18 of the MA.

<sup>97</sup> In *Labinjo v. Abake* (1924) 5 NLR 33, the court declared puberty as the age of contractual capacity under customary law; Ogunniran op cit note 81.

in Africa: Call to Action.<sup>98</sup> The aim of the campaign was to strive for the implementation of the AU's legal and policy instruments that speak explicitly and directly to the practice of child marriage.<sup>99</sup> It was also aimed at speeding up the move to end of child marriage in Africa by increasing awareness of the effect the practice has on the child.<sup>100</sup> The campaign directed member states of the AU to show support for the initiative as they implement their national strategies, programmes and plans to end child marriage. Birth registrations and education, sexual and reproductive health services were proposed solutions in accelerating the movement to end child marriages on the continent. Birth registration provides proof against child trafficking, engaging in arm conflict, child labour, sexual abuse and early marriage.<sup>101</sup> Child marriage issues were also directed to remain high on political agendas while encouraging partnerships between public and private sectors including the media and civil society organisations.<sup>102</sup>

In respect of member States, the African Union also urged them to 'ensure that child marriage prevention information including legal measures and policies are embedded in the educational curricula and hence schools should prohibit withdrawal of girls from school for child marriage purposes', 'Submit Periodic Reports to the African Committee of Experts on the Rights and Welfare of the Child (ACRWC) on the implementation of activities fashioned towards ending child marriage'; states were also encouraged to promote gender equality in families.<sup>103</sup>

Just like the UN's resolution in addressing child marriage in humanitarian settings, one important dimension of the AU campaign to end child marriage in Africa is addressing child trafficking for marriage. As earlier mentioned, children in humanitarian settings are prone to child trafficking that involves marriage contract. This is usually the case for children of lower

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<sup>98</sup> Girls Not Brides 'African Union Launches its First-ever Campaign to End Child Marriage' available at <http://www.girlsnotbrides.org/african-union-launches-first-ever-campaign-end-child-marriage/>, accessed on 3 September 2017.

<sup>99</sup> African Union 'Campaign to End Child Marriage in Africa: Call to Action' at 8, available at [https://au.int/sites/default/files/pages/32905-file-campaign\\_to\\_end\\_child\\_marriage\\_in\\_africa\\_call\\_for\\_action\\_-\\_english.pdf](https://au.int/sites/default/files/pages/32905-file-campaign_to_end_child_marriage_in_africa_call_for_action_-_english.pdf), accessed on 3 September 2017.

<sup>100</sup> Ibid at 9.

<sup>101</sup> Ibid at 5.

<sup>102</sup> Ibid at 9-10.

<sup>103</sup> African Union 'African Common Position on the AU Campaign to End Child Marriage in Africa' at 15, available at [https://au.int/sites/default/files/documents/31010-doc-cap\\_on\\_ending\\_child\\_marriage\\_-\\_english\\_0.pdf](https://au.int/sites/default/files/documents/31010-doc-cap_on_ending_child_marriage_-_english_0.pdf), accessed on 6 September 2017.

socioeconomic status in society. Although other factors mentioned in the AU Campaign document are instrumental, the inclusion of ‘trafficking’ introduces a new dimension to the child marriage discussion.

### **2.5.2 The National Strategy to End Child Marriage in Nigeria 2016-2021 (NSECM)**

Until recently in Nigeria, there has been no policy that addressed the practice of child marriage. The National Strategy to End Child Marriage in Nigeria 2016-2021 (NSECM) is one of a kind and the first show of public interest in eradicating the practice of child marriage in Nigeria through policy.<sup>104</sup> The NSECM gives a situational analysis of the incidence of child marriage in Nigeria. The goal of the NSECM is to reduce the number of girls who are married below the ages of 18 by 2021 and to eradicate the practice by 2030.<sup>105</sup> It also points out the drivers in the different regions of Nigeria as well as the perceptions of a few girls on the issue. Different regions were portrayed to be faced with various challenges closely linked to child marriage while others were prone to the practice.<sup>106</sup> The document highlights the specifics of the regional variations in the prevalence of child marriage in the country.

The objectives of the NSECM is to build national capacity for research and knowledge sharing that promotes relevant laws, policies, programmes and other strategies to end child marriage by 2021.<sup>107</sup> One important strategy was to undertake a review of relevant laws and policies by March 2017 to identify gaps and harmonise existing policies and legislation on child marriage.<sup>108</sup> Presently, there is no record of such review or a revised policy document that takes a record of reviews that have been made in the academic literature. This situation is the way it is because addressing the practice of child marriage as the policy calls will be perceived as an invasion of religion and culture. This shows that the government of Nigeria not only lacks the political will, but the moral will to proceed to implement the NSECM. This is so because the counterforces against the implementation of NSECM are such that prevent the State from performing its duties. This does not show a commitment to eradicating this practice

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<sup>104</sup> Federal Ministry of Women Affairs and Social Development, Nigeria ‘National Strategy to End Child Marriage in Nigeria (2016-2021) (NSECM)’ available at [https://www.girlsnotbrides.org/wp-content/uploads/2017/04/Strategy-to-end-child-marriage\\_for-printing\\_08-03-2017.pdf](https://www.girlsnotbrides.org/wp-content/uploads/2017/04/Strategy-to-end-child-marriage_for-printing_08-03-2017.pdf), accessed on 9 September 2017.

<sup>105</sup> Ibid at 10.

<sup>106</sup> Ibid at 21-3.

<sup>107</sup> Ibid at 30.

<sup>108</sup> Ibid at 33.

in the nearest future. A midterm review of the NSECM will be undertaken in 2019 and a final evaluation in 2021.<sup>109</sup> It is hoped that this review takes into consideration the gaps that disharmonies existing laws.

## **2.6 The Influence of the Media in Setting Agendas for Laws and Policies**

The AU campaign to end child marriage in Africa and NSECM considers the role the media must play in achieving their policy objectives. The media is a collective means of communication through which members of the public are kept informed about the daily running of society through specific technologies of communication.<sup>110</sup> In a democratic society, what makes room for the communication and dissemination of these messages is the right to freedom of expression. As a component of fundamental human rights, the right to freedom of expression entails the freedom of the press and other media formations; freedom to receive and impart information and ideas, freedom of artistic creativity, academic freedom and freedom of scientific research.<sup>111</sup> In the Nigerian context, such expression includes the freedom to hold opinions, receive and impart ideas and information without inference.<sup>112</sup> The essence of freedom of expression is for the free flow of information, news or ideas,<sup>113</sup> to enable citizens to participate in the ‘marketplace of ideas’, contribute to the formation of public opinion, participate directly or indirectly in the political process and to oppose detrimental actions and policies.<sup>114</sup> This right is limited to ensure peaceful coexistence in society. What this means is that restrictions are set where information constitute a propaganda for war, incitement of imminent violence or advocacy for the hatred that is based on race, ethnicity, gender, religion

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<sup>109</sup> Ibid at 52.

<sup>110</sup> P Nnaemeka-Agu ‘Freedom of Expression and of the Press and the African Charter’ (1993) 19(4) *Commonwealth Law Bulletin* 1761- 1768 at 1761.

<sup>111</sup> Section 16 of the Constitution of the Republic of South Africa, 1996; Yvonne M Burns ‘Freedom of Expression under the new Constitution (1997) 30(3) *Comparative and International Law Journal of Southern Africa* 264-286 at 264.

<sup>112</sup> Section 39(1) of the CFRN.

<sup>113</sup> Lord Lester of Herne Hill ‘Freedom of Expression’ (1993) 19(4) *Commonwealth Law Bulletin* 1722-1742 at 1723.

<sup>114</sup> The Hon Sir Anthony Mason AC KBE ‘The Relationship Between Freedom of Expression and Freedom of Information’ in Jack Beatson & Yvonne Crips (ed) *Freedom of Expression and Freedom of Information: Essay in honour of Sir David William* (2002) 237.



or constitutes incitement to cause harm.<sup>115</sup> Other restrictions will be where statements form libel, slander, relate to official secrets, sedition and injurious falsehood.<sup>116</sup>

Through the dissemination of information, the media either acts as shapers or reflectors of the society. They act as shapers in the sense that the information they carry have a way of influencing or affecting members of society, or reflectors in that they act as a mirror to reflect already existing phenomenon.<sup>117</sup> In Nigeria, the framing and dominance of child marriage issues in the media and its direct consequences in the lives of the girl child have played the reflector role. This role shapes ideas that influence how society is informed about the practice of child marriage. This means that in acting as reflectors, the media also acts as a shaper. In other words, the news reflects the world we live in with its content reflecting real events, social trends and cultural values.<sup>118</sup>

Previous campaigns have stressed the role of the media in addressing child marriage. A free and vibrant press is key to a democratic society. The role of the media in any society is crucial in promoting human rights; the media act as agents of social change by the setting agenda for its audience to bring about positive change in the attitude of members of the society.<sup>119</sup>

The media plays several roles related to socio-economic and political development in any society. Governments, policymakers and civil society organisations (CSO) generally recognise the role of the media in achieving policy development goals.<sup>120</sup> In Nigeria, the Constitution places an obligation on the media to uphold all fundamental objectives contained in the Constitution because the media is responsible and accountable to the government and the people.<sup>121</sup> These fundamental objectives the media is to uphold include political, economic, social, educational, foreign policy and environmental objectives as spelt out by the government

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<sup>115</sup> Burns op cit note 111 at 271.

<sup>116</sup> *Tony Momoh v Senate of the National Assembly* (1981) 1 NCLR 102.

<sup>117</sup> Paul Hodkinson *Media, Culture and Society* (2011) 4-5.

<sup>118</sup> *Ibid* at 5.

<sup>119</sup> Asemah, Ezekiel S; Edegoh, Leonard Onyeka & Ogwu, Comfort 'Employing the Mass Media in Promoting Human Rights in Nigeria' (2013) 7(1) *African Research Review* 47-60 at 56.

<sup>120</sup> Jimi Kayode & Raheemat Adeniran 'Nigerian Newspaper Coverage of the Millennium Development Goals: The Role of the Media' (2012) 4 *Itupale Online Journal of African Studies* 1-18 at 4.

<sup>121</sup> Section 22 of the CFRN.

and its agencies.<sup>122</sup> Upholding these objectives can be achieved by constantly reporting events in ways that keep the public informed to the extent that they affect policies and opinions in the long run.

The media amongst other groups of non-state actors is an important group as they are powerful in setting agendas and affecting public opinion on issues by setting the agenda.<sup>123</sup> Agenda setting is the process by which issues become relevant through constant reporting to gain the attention of the public in ways that influence their perception and policy choices.<sup>124</sup> For this reason, the media is considered as the fourth estate or fourth realm of government in a democratic society.<sup>125</sup> The Girls Not Brides (GNB) recognises the role of the media and has incorporated media strategies to combat child marriage through entertainment-education.<sup>126</sup> Entertainment-education referred to the media among others while education focuses on learning materials like books.<sup>127</sup> It noted that the media is useful in questioning and shaping social norms against issues surrounding harmful practices. The media achieves this by starting up the conversation on these issues and further advocate for the desired change.<sup>128</sup>

They act as communicators of information that emanate from policymakers and the courts to the public.<sup>129</sup> For instance, when the courts give rulings or judgments on an issue and such is upheld to the apex court, such become judicial policies.<sup>130</sup> This imposes limitations in respect of acceptable conduct and behaviour of private persons, including law enforcement officers.<sup>131</sup> But, the policy setting (the environment where a decision is announced and the

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<sup>122</sup> Section 15-20 of the CFRN.

<sup>123</sup> John W Kingdon *Agendas, Alternatives and Public Policies* 2 ed (2014) 57.

<sup>124</sup> Fay Lomax Cook; Tom R Tyler; Edward G Goetz; Margaret T Gordon; David Proress; Donna R Leff & Harvey L Molotch 'Media and Agenda Setting: Effects on the Public, Interest Group Leaders, Policy Makers, and Policy' (1983) 47(1) *Public Opinion Quarterly* 16-35 at 17.

<sup>125</sup> Eric Jenson 'Between Credulity and Scepticism: Envisaging the Fourth Estate in 21<sup>st</sup>-Century Science Journalism' (2010) 32(4) *Media, Culture and Society* 615-630 at 617.

<sup>126</sup> Martine Bouman; Sarah Lubjuhn & Hester Hollemans 'Entertainment-Education and Child Marriage a Scoping Study for Girls Not Brides: The Global Partnership to End Child Marriage' *Center for Media and Health*, January 2017 available at <http://www.girlsnotbrides.org/wp-content/uploads/2017/02/Entertainment-Education-and-child-marriage-scoping-study-Jan-2017-2.pdf>, accessed on 28 May 2017.

<sup>127</sup> *Ibid* at 4.

<sup>128</sup> *Ibid* at 13.

<sup>129</sup> Kingdon *op cit* note 123.

<sup>130</sup> Bradley C Canon & Charles A. Johnson *Judicial Policies Implementation and Impact* 2 ed (1999) 18.

<sup>131</sup> *Ibid* at 19.

reaction of individuals) of a court's decision may influence the kind of response it receives. For instance, a community may have its own policy preference based on its norms and cultural values that affect how judicial decisions are perceived and implemented. Where judicial decisions reinforce such norms and tradition, it is more likely to gain recognition as opposed to where such decisions run contrary to accepted norms.<sup>132</sup> This reinforces the explanation earlier provided on the clash between culture and the law.

The issue of child marriage in Nigeria has not received the desired judicial attention except for the landmark case of Wasila, the child bride charged with the murder of her 35 years old husband in Kano State which was widely publicised in the media. This case illustrates the clash between culture and the law. The case of Wasila, a 14 years old child bride was reported by many national and international media outlets when she escaped punishment for murder.<sup>133</sup> The facts of the case were that the child bride had served a meal laced with rat poison to her husband and his friends which resulted in their deaths.<sup>134</sup> Although the decision of the court reflected that the child justice system was functional, the members of the community where the court's judgment was pronounced were of the opinion that the decision of the court will give impetus to other child brides to engage in similar action as Wasila with the confidence of having the same judicial outcome.<sup>135</sup> The point is that the courts can influence cultural norms by applying the law. Their decisions also amount to policies that lead to social change and reform.<sup>136</sup>

The media is an important part of identifying social problems that affect members of society and shaping decision making in terms of policies. They act as magnifiers of movements that have already existed or originated elsewhere by accelerating its impact.<sup>137</sup> The essence is to influence the belief of decision and policy makers into believing their stories and emulating

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<sup>132</sup> Ibid at 75.

<sup>133</sup> Nnenna Ibeh 'Kano Girl-bride Who Killed Husband Escapes Death, as Case is Dropped' *Premium Times* 20 May 2015, available at <http://www.premiumtimesng.com/regional/nwest/183378-kano-girl-bride-who-killed-husband-escapes-death-as-case-is-dropped.html>, accessed on 4 June 2017.

<sup>134</sup> Akinlami (Opinion) 'Wasila Is a Child in Conflict With the Law' *Vanguard* 25 May 2014, available at <https://www.vanguardngr.com/2014/05/wasila-child-conflict-law-akinlami/>, accessed on 14 June 2017.

<sup>135</sup> Editorial 'High Court Dismisses Challenge to "Child Bride" Murder Case' *Vanguard* 21 April 2015, available at <https://www.vanguardngr.com/2015/04/high-court-dismisses-challenge-to-child-bride-murder-case/>, accessed on 14 June 2017.

<sup>136</sup> Canon & Johnson op cit note 130 at 208-9.

<sup>137</sup> Kingdon op cit note 123 at 60.

policy strategies. This is attainable through the publication of editorials, features, running news commentaries and engaging in programmes on issues of public interest.<sup>138</sup> Government policymakers who are exposed to the news media are more likely to change their view on serious social issues compared to their counterparts who do not.<sup>139</sup> Also, government elites who are exposed to information and issues from the news media are more likely to advocate for policy actions to be taken to address same issues.<sup>140</sup> In respect of the African Union (AU) campaign to end child marriage in Africa, the print media in Nigeria especially the newspapers aided in creating awareness of its existence through its reportage and media campaigns in national daily newspapers.<sup>141</sup> The result of this media campaign amongst other reasons was that the National Strategy to End Child Marriage in Nigeria 2016 – 2021 (NSECM) was launched.<sup>142</sup>

However, politicians and other government specialists may become apprehensive about the budget implications required for policy executions that bring about change. This is particularly so at the State level, where fiscal resources are limited or where there is a prominent level of occurrence of the issue to be addressed.<sup>143</sup> For this reason, advocates move for implementing these policies on a small scale till the desired result is achieved.<sup>144</sup> This notwithstanding, the awareness created through the newspaper reports about legislative or policy measures can address social and health issues in ways that lead to personal behavioural change for individuals. Studies have identified and compared measures that attract media attention and attitudes towards government interventions in ways that influence the public acceptability of policy.<sup>145</sup> The focus of the study was on government interventions to address

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<sup>138</sup> Asemah et al op cit note 119 at 47-8.

<sup>139</sup> Cook et al op cit note 124 at 25.

<sup>140</sup> Ibid at 26-7.

<sup>141</sup> Chris Ochayi 'FG Moves to End Girl Child Marriage' *Vanguard* 11 July 2016 available at <https://www.vanguardngr.com/2016/07/fg-moves-end-girl-child-marriage/>, accessed on 14 June 2017.

<sup>142</sup> Agency Report 'Worried About Prevalence of Child Marriage in Northern Nigeria, Government Moves to Stop Practice' *Premium Times* 12 July 2016, available at <http://www.premiumtimesng.com/news/top-news/216659-worried-prevalence-child-marriage-northern-nigeria-government-moves-stop-practice.html>, accessed on 14 June 2017.

<sup>143</sup> Kingdon op cit note 123 at 80.

<sup>144</sup> Ibid.

<sup>145</sup> Nola M Ries; Christen Rachul & Timothy Caulfield 'Newspaper Reporting on Legislative and Policy Intervention to Address Obesity: United States, Canada, and the United Kingdom' (2011) 32(1) *Journal of Public Health Policy* 73-90 at 73-5.

factors associated with unhealthy weight gain (obesity). The finding was that newspapers usually cite more advantages than disadvantages to government policy measures to address obesity.<sup>146</sup> Apart from the large-scale measures taken by the government to implement its policies, the constant reporting of the advantages in policies can influence individuals in making better health choices.

This chapter has reviewed some themes, policies, campaigns and legislation emerging in some African contexts relative to child marriages. These themes revolve around the interplay between child marriage practices, religion and culture, media reportage, legislative and policy instruments. It demonstrates that while a nation-state like Nigeria recognises the existence and consequences of child marriages, it faces critical challenges regarding how to mobilise new laws and policy to modify culturally and religiously embedded practices such as child marriage which certain sections of the country and some religious leaders interpret as a religious duty and an expression of a fundamental right to religious and cultural practice. New laws tend to mediate a middle course, but their inability to make quick progress indicates how complex and confusing the situation and the mix of law, state policy, religion, culture and tradition can be in a diverse and plural society such as Nigeria.

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<sup>146</sup> Ibid at 90.

## CHAPTER THREE

### METHODOLOGY AND ANALYTICAL STRATEGY

As mentioned above, the methods employed for this research are document analysis and discourse analysis which will take the form of documentary research. This research relied solely on relevant documents articles and analysed same. It is designed primarily as a qualitative research which sought to collect and analyse information by examining newspaper data to obtain answers to the questions regarding how the Nigerian newspapers frames and disseminate information revolving around child marriage and associated problems. The ways in which the newspaper media has shaped the problem of child marriage and how the public is presented with the law, law reform and policy alternatives.

#### 3.1 Scope of Study

This study focuses on Nigeria because of the high prevalence or occurrence of the phenomenon (child marriage) and its relevance to the main research question; media portrayal of child marriages in Nigeria. Other reasons for choosing Nigeria include the unwillingness in law enforcement and the existence of a national policy to curb the practice. Finally, Nigeria has high media vibrancy (especially through the national daily newspapers) concerning issues of social interest. The print media referenced are newspaper data from four prominent national dailies, published and circulating in different regions in the country. This study, therefore, analysed media content on child marriage using these methods.

#### 3.2 Methods

This dissertation used document analysis and discourse analysis as the methods adopted for this research. Document analysis is a systematic procedure for reviewing or evaluating documents which may either be in print or electronic form. These documents may also be internet transmitted or computer-based category of materials.<sup>1</sup> It allowed me to examine words and images to derive meaning, gain understanding and develop empirical knowledge.<sup>2</sup>

Documents present a supplementary source of information that provides additional value to the knowledge base and can be analysed as a way of verifying findings from other sources.<sup>3</sup>

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<sup>1</sup> Glenn A Bowen 'Document Analysis as a Qualitative Research Method' (2009) 9(2) *Qualitative Research Journal* 27-40 at 27.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid at 30.

They contain authoritative sources of information, credible information and constitute facts.<sup>4</sup> The documents relied on for this research were useful to my coding scheme because they assisted in identifying themes and patterns for analysis. Both primary and secondary documents related to the discourse were relied upon and an analysis of the information derived from these documents supported the basis for the answers to the research questions.

In addition, documents give answers to retrospective events in respect of the dates and details where human subjects are unable to recall.<sup>5</sup> For example, the newspaper articles from previous years and statistical data can give insight into the previous state of affair and trends in reportage. Other reasons include its efficiency, availability and cost-effectiveness in procurement.<sup>6</sup>

Discourse deals with text and talks in social practice which arranges and naturalizes the social world in a specific way and informs social practice. It is an analysis of what people do with language in specific social settings.<sup>7</sup> To understand and interpret a discourse in a document, there is need to ‘work out what the speaker or writer is doing through discourse and how this “doing” is linked to wider inter-personal, institutional, socio-cultural and material context’.<sup>8</sup> Language in the context of discourse is culturally specific and depends on social, historical and cultural context.<sup>9</sup> For this study, discourse analysis is useful because it allowed me to study the meaning attached to language and actions carried out in a specific context which is Nigeria.<sup>10</sup> It assisted in the scrutiny of the newspaper content as they are integrated into and relate to social conditions surrounding the production and consumption of information originating from the newspaper articles on child marriage.<sup>11</sup> This method was also useful because while analysing newspaper data that addresses the issue of child marriage, it helped in raising questions as to why particular choices of words are used and not others in describing

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<sup>4</sup> Martyn Denscombe *The Good Research Guide: For Small Scale Social Research Projects* (2014) 226.

<sup>5</sup> Rosalind Hurworth & Sandra Mathison (ed) *Encyclopaedia of Evaluation* (2011) 119-20.

<sup>6</sup> Bowen op cit note 1 at 31.

<sup>7</sup> Mats Alvaesson & Dan Karreman, ‘Varieties of Discourse: On the study of Organizations through Discourse Analysis’ (2000) 53(9) *Human Relations* 1125-1149 at 1127.

<sup>8</sup> Ibid at 24.

<sup>9</sup> Carla Willig ‘Discourses and Discourse Analysis’ in Uwe Flick *The SAGE Handbook of Qualitative Data Analysis* (2014) 342.

<sup>10</sup> James Paul Gee & Michael Handford *The Routledge Handbook of Discourse Analysis* (2012) 1.

<sup>11</sup> John E Richardson *Analysing Newspapers: An Approach from Critical Discourse Analysis* (2007) 39.

the practice of child marriage. It also helped in analysing questions as to what the images created by employing what certain words mean for law and policy reform.

### 3.3 The Newspapers

For this research, *Vanguard*, *ThisDay*, *Premium Times* and *New Nigerian Newspapers* were selected. These are all published in the English language. The choice for *Vanguard* and *ThisDay* newspaper was informed by their nationwide circulation and coverage of human interest stories. They are among the most widely read newspapers in Nigeria and frequently cover government policy issues and debates. *Premium Times* is one newspaper that claims to have a national and non-elitist readership and attempts to cover more regional interests than most other newspapers. The *New Nigerian Newspapers* is a northern-based and government-owned newspaper with huge circulation in northern Nigeria. Given that child marriages are more prevalent in northern Nigeria, the inclusion of the *New Nigerian Newspapers* sought to see if there is substantial data that provides an alternative perspective on child marriage from *ThisDay*, *Premium Times* and *Vanguard* newspapers which are more popular to both southern and northern Nigerian readership.

The newspapers were also selected based on prominence in respect of regional circulation in Nigeria, easy accessibility online, authenticity, credibility, independence in news reporting and ease in interpretation language-wise. The stories selected and coded from these newspapers were those that expressed views on child marriage in Nigeria and related issues. The essence was to provide an insight on how issues relating to child marriage is perceived by the Nigerian populace. All other documents relied on are public domain documents accessed via the internet and the libraries.<sup>12</sup> The validity of the documentary data used for this research was evaluated in relation to its genuineness, clarity of information content and accuracy in information produced.<sup>13</sup> In analysing same, the credibility of data was guaranteed by ensuring that the data was properly generated and checked in accordance with good practice.<sup>14</sup>

*ThisDay* newspapers were generated from both the University of Cape Town Law Library LexisNexis Academic portal and the newspaper's official website. The newspaper articles from the *New Nigerian Newspapers*, *Vanguard* and *Premium Times* were generated from their websites only. In generating the *ThisDay* newspapers from LexisNexis Academic,

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<sup>12</sup> Denscombe op cit note 4 at 229.

<sup>13</sup> Ibid at 230.

<sup>14</sup> Ibid at 297.



the advanced option search was used with keywords in the search column for 'source' as 'ThisDay Lagos', 'dates' from 2013 to 2015, 'segment search column' as 'child marriage' and 'content type' was 'newspapers'. All newspaper articles generated from the LexisNexis Academic portal were cross-checked on the newspaper's websites to ensure the credibility of data and references. On the various newspaper websites, the search was done by using words like 'child marriage', 'early marriage Nigeria', 'child bride Nigeria', 'Child Rights Act' 'CRA domestication', 'child marriage law', 'child marriage Constitution', 'African Union', 'child marriage African Union', 'child marriage policy', 'child marriage 2013', 'child marriage 2014', 'child marriage 2015', 'child marriage 2016' and 'child marriage 2017'. A total of 172 newspaper articles were generated and analysed for this study to provide an insight on how the Nigerian media portrays the phenomenon of child marriage.

### 3.4 Mode of Data Analysis

Considering that this research adopts a qualitative method, the mode of data analysis is also qualitative. Qualitative data analyses the classification and interpretation of materials or statements to extract subjective or social meaning and what it represents.<sup>15</sup> Such analysis may be to describe a phenomenon in detail, compare several cases or develop a theory of the phenomenon under study.<sup>16</sup> The analysis of qualitative data is a step in the research process after data is collected and prepared. On the other hand, data analysis can also begin with the collection of data. Both steps can be applied simultaneously.<sup>17</sup> Hence, 'data collection then is only a means for advancing the analysis of the phenomenon and what is available as far as empirical material referring to it'.<sup>18</sup>

The data generated from the four Nigerian daily newspapers used for this research were thematically analysed and coded. 'Thematic analysis is a data reduction and analysis strategy by which qualitative data are segmented, categorized, summarized, and reconstructed in a way that captures the important concepts within the data set'.<sup>19</sup> It facilitates the search for patterns within data sets while 'thematic coding is the strategy by which data are segmented and

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<sup>15</sup> Uwe Flick 'Mapping the Field' in Flick op cit note 9 at 5.

<sup>16</sup> Ibid at 6.

<sup>17</sup> Ibid at 10.

<sup>18</sup> Ibid.

<sup>19</sup> Lioness Ayres 'Thematic Coding and Analysis' in Lisa M. Given (ed) *The SAGE Encyclopaedia of Qualitative Research Methods* (2008) 867.

categorized for thematic analysis'.<sup>20</sup> Coding assists in finding a label that allows the grouping of several elements under one concept or producing more interpretation that is often substantial than the original text or document to be analysed.<sup>21</sup> Coding affords the researcher a new perspective on what is already known and has the possibility of directing the researcher in an unanticipated path.<sup>22</sup> The groupings generated through coding are linked to a larger pattern and the connections are made between each grouping.<sup>23</sup>

The analysis and coding of the newspaper articles for this study involved a careful reading of the newspaper articles with the research questions, the choice of language, construction and discourse strategy in each publication in mind. The objective of this was to organise information and themes that were central to the research questions, the relationship between each theme, to study ongoing communications about the subject matter of child marriage, what meaning(s) have been derived from these materials and how these communications (positive or negative) have brought about awareness, domestication and implementation of relevant legislation, policy buy-in or change. This was to check its communication content against the standards set out by the law, to describe the trends in the occurrence of child marriage in Nigeria while taking into consideration demographics, culture and public attitudes and opinions towards the phenomenon in the light of existing laws. Analysis of data was guided by the thematically coded newspapers.

### **3.5 Duration of Study of Newspapers**

The data analysed in respect of the newspaper articles were generated from the online archives on their respective websites and the LexisNexis Academic from University of Cape Town law library portal. Themes and patterns were generated and coded from these national daily newspaper articles. The reason for choosing the newspaper form of print media was because of the vast information and diversity of opinions of the average Nigerian contained therein. Also, the various mode of reporting by each newspaper differed, thereby providing a basis for necessary comparative analysis.

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<sup>20</sup> Ibid.

<sup>21</sup> Uwe Flick 'Mapping the Field' in Flick op cit note 9 at 11.

<sup>22</sup> Robert Thornberg & Kathy Charmaz 'Grounded Theory and Theoretical Coding' in Flick op cit note 9 at 156.

<sup>23</sup> Joseph A Maxwell & Margaret Chmiel 'Notes Toward a Theory of Qualitative Data Analysis' in Flick op cit note 9 at 26.

The period under consideration spanned from 2013 to 2017. The reason for this duration is that, first, the case of a Nigerian Senator, Ahmed Yerima and his marriage to an Egyptian child bride was a heated subject for debate in the media after the failure of the 1999 Constitutional amendment in 2013 thereby making the issue of child marriage more prominent in Nigeria and a subject of public discourse. The second reason was the launch of the African Union (AU) campaign in 2014, to see if the campaign has changed the child marriage discourse in any way. Flowing from this, the third reason was to derive popular opinion concerning its practice on one hand and the Child Right Act that bans it on the other till date and how the information can affect law or policy reform. Finally, the choice of this time duration was informed by the availability and accessibility in generating the selected newspaper articles dating back to 2013.

### **3.6 Limitations of Study**

This study sets out to analyse the media portrayal of the issue of child marriage in Nigeria because of the high statistical occurrence in various regions of the country. Although this study has limitations of generalizability to other countries, not much academic research has been done in relation to the media portrayal of child marriages and its relationship with existing laws in Nigeria. This may cause some unavoidable limitations to this study in terms of access to literature for referencing purposes. The restriction to one country and four daily newspapers with online access is nonetheless efficient to provide proper and detailed analysis of the media content within the confines of this dissertation.

In addition, the pagination of the newspapers downloaded from both the newspaper websites and the LexisNexis Academic from the University of Cape Town law library portal were not obtainable as the online sources bore no page numbers. This notwithstanding, the Uniform Resource Locator (URL) or the web address is cited as part of the references.

Access to a plethora of newspapers published in the northern part of Nigeria could not be generated online except the *New Nigerian Newspapers* which had limited access to its online achieves and scanty reportage of the issues surrounding child marriage. This limitation has been minimised by engaging with other credible newspapers with widespread reportage in terms of information, readership and unrestricted access to online achieves.

## CHAPTER FOUR

### DATA PRESENTATION AND FINDINGS

This chapter presents data on how the newspapers shape the debate and conversation on child marriage, highlighting points of congruence and dissonance with social and legal facts about the phenomenon of child marriage. The data indicates the multiple narratives and voices or perspectives of the newspaper debates on child marriage in Nigeria. The chapter further presents the relationship that exists between the social and the legal in plural systems and what this means for the law, law reform and policy alternatives.

#### 4.1 The Media and Child Marriage in Nigeria

In recent years, there has been an increase in social debates centring around child marriages in Nigeria. Noting that the practice first gained public attention in 1990 as earlier discussed, a resurgence emerged in 2010 when a member of the political class, a lawmaker contracted a marriage involving an Egyptian minor.<sup>1</sup> The high-profile nature of this event sparked intense debate and publicity that pushed the agitation against child marriage to the front burner of national discourse. Further, significant and overwhelming concerns were raised in the year 2013 when the amendment of section 29(4) of the 1999 Constitution proved abortive. Section 29(1) of the Constitution provides that: ‘Any citizen of Nigeria of full age who wishes to renounce his Nigerian citizenship shall make a declaration in the prescribed manner for the renunciation’. Section 29(4) of the Constitution which is the contention provides that:

For the purposes of subsection (1) of this section—

- (a) “full age” means the age of eighteen years and above;
- (b) any woman who is married shall be deemed to be of full age.

With this, many newspaper columnist and commentators started analysing and defining the issue of child marriage as well as discussions on the drivers and consequences of the practice, stories from child brides, the failure of the constitutional amendment, challenges in the domestication of the Child Rights Act (CRA) by States of the federation, and solutions capable of curbing the practice of child marriage.

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<sup>1</sup> Nigeria: Child Marriage Dangerous (1987) 17(7) *Off Our Backs* 1-4 at 4, available at <http://www.jstor.org/stable/24471232> accessed on 25 December 2017; Bámidélé Adémólá-Olátéjú Senator Yerima, Child Marriage, and Woman Right’ *Premium Times* 23 July 2013, available at <http://www.premiumtimesng.com/opinion/141467-bamidele-upfront-senator-yerima-child-marriage-and-woman-right-by-bamidele-ademola-olateju.html>, accessed on 10 August 2017.

The print media possess the power to shape public views.<sup>2</sup> In trying to contribute to a sense of communal identity, specific information needs are provided on issues of utmost importance to their audience or readership.<sup>3</sup> The content of news publication may differ based on its readership and dependent on whether the subjects of discussions are issues of social relevance. This also calls for scrutiny of the information they present and those they fail to present.<sup>4</sup> For instance, the case of the child bride Wasila which is later reviewed was not reported in the *New Nigerian Newspapers*. Considering that members of the society where the cause of action arose had a different opinion on the outcome of the case, the *New Nigerian Newspapers* considered the case of Wasila as not being worthy of discussion. Possibly, the newspaper could have considered the subject too polarising to comment on it. This means that the *New Nigerian Newspapers*' failure to report this case reinforces the dominant views of members of the society who were against the ruling of the court that discharged the child bride of the murder of her husband.

*ThisDay* was not just active in relaying information concerning the happenings in the Nigerian Senate and the failure of the constitutional amendment but also related back to the previous incident in 2010 mentioned above in providing a background for its discourse. This was captured in headlines such as 'Child Marriage - Yerima Needs Psycho-Social Support, Says Group',<sup>5</sup> 'Girl-Child Marriage - Cleric Wants Yerima Arrested',<sup>6</sup> and 'Child Marriage - Senators Blackmailed to Alter Votes, Says Mark' among others.<sup>7</sup> Comparatively, the *Vanguard*

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<sup>2</sup> Lauren P Saenz & Michele S Moses 'Deliberating about Alternative Action: Linking Education Policy Research and the Media (2010) 116(2) *American Journal of Education* 263-287 at 267.

<sup>3</sup> Tokunbo Ojo 'Ethnic Print Media in the Multicultural Nation of Canada: A Case Study of the Black Newspaper in Montreal' (2006) 7(3) *Journalism* 343-361 at 344.

<sup>4</sup> Saenz & Moses op cit note 2 at 267.

<sup>5</sup> Senator Iroegbu 'Child Marriage - Yerima Needs Psycho-Social Support, Says Group' *ThisDay* (Lagos) 15 August 2013, available at <http://www.lexisnexis.com.ezproxy.uct.ac.za/lnacui2api/api/version1/getDocCui?lni=594K-1TC1-JBJ4-24P0&csi=270944,270077,11059,8411&hl=t&hv=t&hnsd=f&hns=t&hgn=t&oc=00240&perma=true>, accessed on 14 June 2017.

<sup>6</sup> Adaeze Anaekwe 'Girl-Child Marriage - Cleric Wants Yerima Arrested' *ThisDay* (Lagos) 1 September 2013, available at <http://www.lexisnexis.com.ezproxy.uct.ac.za/lnacui2api/api/version1/getDocCui?lni=5988-G7V1-JBJ4-2100&csi=237924&hl=t&hv=t&hnsd=f&hns=t&hgn=t&oc=00240&perma=true>, accessed on 14 June 2017.

<sup>7</sup> Omololu Ogunmade 'Child Marriage - Senators Blackmailed to Alter Votes, Says Mark' *ThisDay* (Lagos) 25 July 2013, available at <http://www.lexisnexis.com.ezproxy.uct.ac.za/lnacui2api/api/version1/getDocCui?lni=5901-4F31-JBJ4-24WV&csi=237924&hl=t&hv=t&hnsd=f&hns=t&hgn=t&oc=00240&perma=true>, accessed on 14 June 2017.

had a different take with a centralised discourse on legal analysis and grievances of the populace represented in headlines such as, 'Child Marriage Not in Conformity With Nigerian Law',<sup>8</sup> 'Child Marriage and the Constitution',<sup>9</sup> 'Ogun Women Protest Early Marriage',<sup>10</sup> and 'Early Marriage-Day Children Took to the Streets'.<sup>11</sup> *Premium Times* simply followed the trail of *Vanguard* while focusing on its displeasure on Nigerian lawmakers.<sup>12</sup> The *New Nigerian Newspapers* was silent on these issues. The language employed in these selected examples illustrate the problem and complexities associated with law reform in a culturally and legally plural society like Nigeria.

In 2014 and 2015, there was a shift in the discourse on child marriage in Nigeria that further considered the global perspective on the issue and viable solutions. First, more emphasis was laid on interventions by the United Nations (UN), the African Union (AU) and the need to protect the girl child against child marriage.<sup>13</sup> The media had followed the trend of child marriage and was keen in raising awareness and consciousness to the public about the fact that child marriage was not a Nigerian problem but one that many societies face, even plural and culturally ingrained societies like Nigeria. The media also highlighting the fact that this issue of child marriage is beginning to attract global concern through policy interventions even in countries that link the practice to culture and religion. This emphasis was partly to educate the society at large but more so, to draw the attention of law and policymakers in

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<sup>8</sup> Editorial 'Child Marriage Not in Conformity with Nigerian Law' *Vanguard* 27 July 2013, available at <https://www.vanguardngr.com/2013/07/child-marriage-not-in-conformity-with-nigerian-law/>, accessed on 14 June 2017.

<sup>9</sup> Funmi Falana 'Child Marriage and the Constitution' *Vanguard* 25 July 2013, available at <https://www.vanguardngr.com/2013/07/child-marriage-and-the-constitution/>, accessed on 14 June 2017.

<sup>10</sup> Daud Olatunji 'Ogun Women Protest Early Marriage' *Vanguard* 15 August 2013, available at <https://www.vanguardngr.com/2013/08/ogun-women-protest-early-marriage/>, accessed on 14 June 2017.

<sup>11</sup> Daud Olatunji 'Early Marriage - Day Children Took to the Streets' *Vanguard* 9 August 2013, available at <https://www.vanguardngr.com/2013/08/early-marriage-day-children-took-to-the-streets/>, accessed on 14 June 2017.

<sup>12</sup> Muslim Rights Concern (MURIC) 'Our Position on Child Marriage – Islamic Organisation' *Premium Times* 25 July 2013, available at <http://www.premiumtimesng.com/news/141619-our-position-on-child-marriage-islamic-organisation.html> accessed on 10 August 2017; Ini Ekott 'Senate Denies Child Marriage Wrongdoing, Says Law May Be Revisited' *Premium Times* 23 July 2013, available at <http://www.premiumtimesng.com/news/141543-senate-denies-child-marriage-wrongdoing-says-law-may-be-revisited.html>, accessed on 14 June 2017.

<sup>13</sup> Awofadeji, Segun & Chinazor Megbolu, 'UNICEF Advocates Collaboration for Improved Girls' Life' *ThisDay* (Lagos) 26 June 2014, available at <http://www.lexisnexis.com.ezproxy.uct.ac.za/lnacui2api/api/version1/getDocCui?lni=5CHT-TFD1-DY15-SOGM&csi=237924&hl=t&hv=t&hnsd=f&hns=t&hgn=t&oc=00240&perma=true>, accessed on 14 June 2017.

Nigeria to the activities at the international and regional levels of governance and push for same intervention in Nigeria.<sup>14</sup>

Secondly, the discourse on child marriage was also linked to the insurgency in the north-eastern region of Nigeria. This raised the issue of trafficking and slavery as 276 secondary school girls were abducted by insurgents while in school in Chibok and married off to militant fighters in 2014.<sup>15</sup> This incident not only raised global concerns but also raised the problem of security for the girl child interested in formal education as a means of postponing marriage.<sup>16</sup> The abduction of the Chibok girls brought to limelight the issue of slavery and trafficking for marriage. As it turned out, trailing media attention and activism on issues of public interest such as this can call for policy interventions or law reform that take these issues into consideration in the search for large-scale social and policy transformation.

*ThisDay* portrays insurgency and insecurity as one of the drivers of child marriage. It indicated that ‘teenage girls, particularly in the North are given out early in marriage by their parents/guardians because of the insecurity experienced in the region’.<sup>17</sup> Continuing, it further noted that ‘since most of the insurgents capture young girls and use them as sex slaves, many parents prefer to marry the girls at an early age to interested suitors rather than sending them to school and exposing them to the possibility of abduction by insurgents’.<sup>18</sup> For the parents in the north-eastern part of the country, giving out their daughters early in marriage was a means of safeguarding their daughters from the fallout of insurgency in the region.<sup>19</sup> The girl child is better secured as a wife rather than being exposed to formal institutions of western education

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<sup>14</sup> Editorial ‘UPDATED: 75 Per cent of Nigerian Girls Get Married Before Age 18 – ActionAid’ *Premium Times* 21 October 2015, available at <http://www.premiumtimesng.com/news/top-news/191878-updated-75-per-cent-of-nigerien-girls-get-married-before-age-18-actionaid.html>, accessed on 10 August 2017.

<sup>15</sup> Mohammed Lere ‘UPDATE: Boko Haram Leader, Shekau, Threatens to Marry Off, Sell Kidnapped Chibok Girls’ *Premium Times* 5 May 2015, available at <https://www.premiumtimesng.com/news/160150-boko-haram-claims-responsibility-for-kidnap-of-chibok-school-girls.html> accessed, on 14 June 2017.

<sup>16</sup> Segun Awofadeji ‘Fear of Boko Haram Worsens Child Marriage in the North, Bauchi Stakeholders Warn’ *ThisDay* (Lagos) 18 June 2015, available at <http://www.lexisnexis.com.ezproxy.uct.ac.za/lnacui2api/api/version1/getDocCui?lni=5G7S-CPJ1-DY15-SOT0&csi=237924&hl=t&hv=t&hnsd=f&hns=t&hgn=t&oc=00240&perma=true>, accessed on 14 June 2017.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

<sup>19</sup> Ibid; Laju Arenyeka ‘#BringBackOurGirls - The Fight Must Go Beyond Chibok’ *Vanguard* 25 May 2014, available at <https://www.vanguardngr.com/2014/05/bringbackourgirls-fight-must-go-beyond-chibok/>, accessed on 14 June 2017.

that make them prone to being captured as sex slaves.<sup>20</sup> This also reflects the failure of the State to provide security for girls to acquire formal education which is needed to stem the tide of early marriages.

Thirdly, between 2014 and 2015, media discussion on child marriage tilted towards a critical examination of the Nigerian justice system as result of the legal determination of the fate of a child bride charged with the murder of her husband.<sup>21</sup> Media reports on this case do not restate the position of the law on the practice of child marriage and how child marriage is curtailed through legal intervention. The focus was interpreted to mean that girl child is beginning to revolt against this practice of child marriage, as the law and justice system has failed to protect them, some are taking the law into their own hands. This realisation frightened certain segment of the society who think that the revolt of the child bride is an explicit attack on the structure and authority of the institution of marriage and the family in northern society.

The official launch of the National Strategy to End Child Marriage in Nigeria 2016-2021 (NSECM) in 2016 precipitated a slight change in the media discussion on child marriage. The government took its lead from the AU Campaign to end child marriage in Africa and constant media agitations. Many newspapers, especially those coded for this study, indicate active engagement with relaying information about the existence of the new policy in Nigeria including the northern Muslim conservative *New Nigerian Newspapers* that have been silent about the issue of child marriage or promoting child rights.<sup>22</sup> It also took the campaign a step further by calling on States in Nigeria to domesticate the Child Rights Act (CRA) as state laws.<sup>23</sup> In 2017, there were not many changes. The media was interested in continuous

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<sup>20</sup> Save the Children 'Every Last Girl: Free to Live, Free to Learn, Free from Harm' available at <https://campaigns.savethechildren.net/sites/campaigns.savethechildren.net/files/Every%20Last%20Girl%20Africa%20online%20version.pdf>, accessed on 14 December 2017.

<sup>21</sup> Editorial 'Wasila Is a Child in Conflict with the Law – Akinlami' *Vanguard* 25 May 2014, available at <https://www.vanguardngr.com/2014/05/wasila-child-conflict-law-akinlami/>, accessed on 14 July 2017; Nnenna Ibeh 'Kano Girl-bride Who Killed Husband Escapes Death, as Case is Dropped' *Premium Times* 20 May 2015, available at <http://www.premiumtimesng.com/regional/nwest/183378-kano-girl-bride-who-killed-husband-escapes-death-as-case-is-dropped.html>, accessed on 4 June 2017.

<sup>22</sup> Alex Uangbaoje, Alex '49% of Married Women in Nigeria Are Child Bride – UNICEF' *New Nigerian Newspapers* 1 December 2016, available at <http://www.newnigeriannewspaper.com/49-of-married-women-in-nigeria-are-child-bride-unicef/>, accessed on 14 June 2017.

<sup>23</sup> Jacob Onjewu Dickson 'Children's Day: Saraki Celebrates Children, Canvasses Implementation of Child's Rights Act' *New Nigerian Newspapers* 28 May 2016, available at <http://www.newnigeriannewspaper.com/childrens-day-saraki-celebrates-children-canvasses-implementation-of-childs-rights-act/>, accessed on 14 June 2017.



advocacy, drawing back on other issues raised in previous years such as international policy frameworks provided by the AU and examples of how other countries are dealing with the challenge of child marriage.

All newspapers examined for this study are of the view that apart from the NSECM, formal education is key in addressing the problem of child marriage in Nigeria because advocates for change in media usually campaign for girl child education as an initial step to curbing the practice of child marriage.<sup>24</sup> While policy implementation can be financially taxing for states with minimal fiscal resources, education liberates and expands the consciousness of those who appropriate it as well as empowers them socially and economically.<sup>25</sup> Rather than align with wholesale policy interventions instantly, advocates for change key into policies incrementally. This is done by continuing with the moves they are already taking while they make gradual adjustments to align the larger policy objective.<sup>26</sup> The NSECM recognises that this incremental approach of advocacy for formal education has aided in curbing the practice of child marriage in the north-central region of Nigeria.<sup>27</sup> Apart from the financial weight on State budgets that come with policy implementation, policy buy-in by members of the society is a gradual process. It may be challenging for members of a society to accept a policy, especially where the policy tries to curtail an issue that some members of society uphold. For this reason, the policy to end child marriage in Nigeria may not receive the necessary approval in all communities where the practice of child marriage is upheld. An analysis of the *New Nigerian Newspapers* which is dominant and circulating in the northern part of Nigeria leans towards this approach.<sup>28</sup> It is significant that NSECM takes notice of this factor to buttress the point. For instance, the NSECM observed that first, in the north-western

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<sup>24</sup> Laju Arenyeka & Ekemini Eyoh 'Girl-Child Marriage Threatens Education – Experts' 25 July 2013, available at <https://www.vanguardngr.com/2013/07/girl-child-marriage-threatens-education-experts/>, accessed on 14 June 2017.

<sup>25</sup> John W Kingdon *Agendas, Alternatives and Public Policies* 2 ed (2014) at 80.

<sup>26</sup> *Ibid* at 79.

<sup>27</sup> Federal Ministry of Women Affairs and Social Development, Nigeria 'National Strategy to End Child Marriage in Nigeria (2016-2021) (NSECM)' at 22, available at [https://www.girlsnotbrides.org/wp-content/uploads/2017/04/Strategy-to-end-child-marriage\\_for-printing\\_08-03-2017.pdf](https://www.girlsnotbrides.org/wp-content/uploads/2017/04/Strategy-to-end-child-marriage_for-printing_08-03-2017.pdf), accessed on 9 September 2017.

<sup>28</sup> A general analysis of the *New Nigerian Newspapers* coded from 2013 to 2017; Boluwaji Obahopo & Laju Arenyeka 'Why the Fight for Girl-Child Education in the North Must Continue' *Vanguard* 8 May 2014, available at <https://www.vanguardngr.com/2014/05/fight-girl-child-education-north-must-continue/>, accessed on 14 June 2017.

region of Nigeria, mothers rather than fathers were more eager to marry off their daughters to preserve family honour and prevent unwanted pregnancies.<sup>29</sup> This eagerness propels them to give away their daughters in early marriage. Secondly, in the north-eastern region, parents believe, ‘Islamic religion does not prohibit it [child marriage] and any attempt to prohibit child marriage is seen as a western invasion of a social order that has guided the lives of the people for centuries’.<sup>30</sup> The perpetuation of child marriage is, thus, conflated with the resistance of the intrusion of western culture and lifestyle and a preservation of authentic Islamic tradition.

Although statistics earlier reviewed indicate that the occurrence of child marriage in other regions of Nigeria is minimal compared to the northern region, the NSECM shows a different scenario. In the south-eastern region, child marriage was not an issue. Rather, teenage pregnancy, rape and cohabitation were the identified problems.<sup>31</sup> In the south-south region, child marriage was not an issue on the front burner of social debate as federal laws were domesticated as states laws. The focus was on providing children with basic education.<sup>32</sup> Finally, the south-western region has the challenge of teenage pregnancy and not child marriage.<sup>33</sup> Apart from the social vices that plague the southern part of Nigeria, there seems to be better commitment to completely eradicate child marriage in the region compared to the north.

#### **4.2 Agenda Congruence or Dissonance**

The newspaper discourse on child marriage aligns with the literature surrounding the practice. It portrays child marriage as a form of violence against the girl child and a rights issue which is manifest through child trafficking, child slavery and paedophilia and inherent social inequalities. The discussions focus on defining child marriage, causes, consequences, solutions and challenges that impede its actual eradication in the country. In talking about the consequences, the emphasis is placed on the reproductive health challenges faced by child brides. A total of eight reports expressly make a link to real stories of child brides who encounter reproductive health challenges because of child marriage. Just like literature, the discourse in the newspapers consists of an analysis of views by those who upheld the practice

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<sup>29</sup> NSECM op cit note 27 at 21.

<sup>30</sup> Ibid at 22.

<sup>31</sup> Ibid at 22-3.

<sup>32</sup> Ibid at 23.

<sup>33</sup> Ibid.

of child marriage and others who oppose it. Also, legal analysis, evaluation of the Child Rights Act (CRA) 2003 and the issues surrounding its domestication are central to the 172 newspapers articles used for this research.

The media discourse on child marriage is equally dominated by both men and women, particularly health practitioners, lawyers, politicians and education specialist. This shows that there is an increasing interest in that which is most beneficial to the life of the girl child and the society at large. It also illustrates that the issue of child marriage has gone beyond being labelled as one that affects girls alone but as a practice that affects both genders. In some instances where women contribute, the focus is on girl child empowerment through education while child marriage is a secondary issue. It is believed that if the girl child is educated, she is better able to exercise autonomy in future and the need to get married is postponed.<sup>34</sup> However, the *New Nigerian Newspapers* is careful and selective in reporting and projecting child marriage as an issue of social and health crisis. This may be because the newspaper is conservative and defensive of what it envisages as core northern, Muslim values and culture. Going against the values of northern society, its coverage and readership area may lead to loss of readership and other financial benefits. This analysis links to the argument earlier made about culture as a driving force for the practice of child marriage. This is particularly so in northern Nigeria where cultural norms validate the practice of child marriage. This explains the approach adopted by the *New Nigerian Newspapers*.

What is lacking in the newspapers is the active engagement or involvement of children to ascertain their views and perception on these issues. Unfortunately, this is a deficiency in all newspapers analysed save for a single protest march held by children in Ogun State, south-west Nigeria in 2013.<sup>35</sup> Interviews with children in all regions of the country – both victims and non-victims of child marriage alike – to obtain their views and level of awareness on the practice of child marriage or the existence of a legislation to protect children is missing. There is an imbalance from this perspective as most newspaper discussions revolve around child marriage victims who are experiencing serious health challenges because of early childbirth.

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<sup>34</sup> Jennifer McCleary-Sills; Lucia Hanmer; Jennifer Parsons & Jeni Klugman ‘Child Marriage, A Critical Barrier to the Girls Schooling and Gender Equality in Education’ (2015) 13(3) *The Review of Faith and International Affairs* 69-80 at 71.

<sup>35</sup> Dimeji Kayode-Adedeji ‘Nigerian kids protest child marriage in Ogun’ *Premium Times* 6 August 2013, available at <http://www.premiumtimesng.com/news/142382-nigerian-kids-protest-child-marriage-in-ogun.html>, accessed on 10 August 2017.

The NSECM was able to document the views of some girls from the north-western region of Nigeria while other regions were not documented. It notes that some of the girls have no issue with child marriage. They believed that they could still be wives and acquire formal education. Some others did not perceive any incentive in formal education but preferred skill acquisition because they would not be allowed to engage in the formal economy by their husbands.<sup>36</sup> The focus on this region is because it is the epicentre of the practice, where also VVF is endemic. Further engaging with children on this issue may have provided additional and helpful recommendations to curtail the practice.

This notwithstanding, the use of language in the newspapers is different from what is embodied in the academic literature on child marriage earlier reviewed. This means that apart from reflecting on how child marriage is perceived in Nigeria, the choice of language used in the newspapers has reframed the issue of child marriage, its correlation with other social vices and classifying it as something else. This indirectly points to the gaps in policy as the NSECM does not seem to address the core issues emerging from the newspapers and its link with child marriage in Nigeria. One important link drawn in the newspapers is that between child marriage and insurgency in north-eastern Nigeria. Steps that could be taken to eliminate child marriage practices in the face of insurgency and humanitarian setting is lacking in the NSECM. Although the government of Nigeria is committed to tackling insurgency, its existence has made girls below the age of 18 in the affected regions prone to child marriage. Parents and caregivers may continue to look for alternative means of security and safety not just for themselves but for the girl child. Linking the prevalence of child marriage with increased insecurity because of insurgency critiques government contribution to the problem; the failure of the state to perform its duties and provide citizenship goods such as security and wellbeing to its citizens is a fundamental contributory factor to the existence and prevalence of child marriage practices in Nigeria. A weak postcolonial state which is unable and sometimes, unwilling to formulate relevant laws and implement its own rules and regulation, as well as unable to provide security to life and property of its people is implicated in the continued existence of child marriages especially in the insurgency-ridden regions of northern Nigeria.

Various solutions emanating from empirical studies and literature have been proffered to curb and finally eliminate the practice of child marriage. The media agrees with the literature but builds on it by providing a discourse that is not only reflective — no matter how imperfectly

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<sup>36</sup> NSECM op cit note 27 at 21.

— of the society but also reshapes how the public is presented with the law, law reform and policy alternatives on child marriage in Nigeria.

### 4.3 Findings

The prominent conceptions and perceptions generated by the thematic coding of the newspaper articles for this study are child marriage as child trafficking, child marriage as slavery, child marriage as paedophilia and child marriage as a class issue.

#### 4.3.1 Child Marriage as Paedophilia

The failure of the constitutional amendment in 2013 led to the emergence of the use of words like ‘paedophilia’ and ‘paedophile’ in the discourse on child marriage while referencing protagonist, perpetrators or practitioners of this harmful practice. A total of 28 newspaper articles used this framing. Paedophilia is a sexual deviation in which a man or woman is attracted to children.<sup>37</sup> It is a common phenomenon amongst men and usually perpetrated on the girl child, although boys are not excluded as victims. A man who makes children (whether boy or girl) the focus of his sexual interest suffers or practices this form of sexual deviation not because he is unable to find sexual satisfaction in an adult relationship but because of timidity and inability to make contacts with his contemporaries.<sup>38</sup> It is immaterial whether he has sexual relations with adult and children alike.

In analysing the constitutional amendment process of 2013, *Premium Times* expresses concern about how the abortive process of law amendment can affect the girl child. It expresses that, ‘it [child marriage] places a girl child at the mercy of a man (paedophile) who finds her attractive enough to marry; talk about repulsion’.<sup>39</sup> Explicitly, the author of the article frames a man who is interested in the girl child for a bride as a paedophile. Labelling such a person as ‘paedophile’ is a way of using strong language to articulate disgust but more importantly a process of public shaming. According to this perspective, child marriage is equivalent to paedophilia. It is immaterial whether such a man has adult wives. *ThisDay* went further to not just labelling practitioners of child marriage as paedophiles but also tagging supporters as well. Nigerian lawmakers in support and defensive of child marriage were also labelled as

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<sup>37</sup> Anthony Storr *Sexual Deviation* (1964) 102.

<sup>38</sup> Ibid.

<sup>39</sup> Ogechi Ekeanyanwu ‘As Our Senators Re-constitutionalise Child Marriage’ *Premium Times* 18 July 2013, available at <http://www.premiumtimesng.com/opinion/141225-as-our-senators-re-constitutionalise-child-marriage-by-ogechi-ekeanyanwu.html>, accessed on 14 June 2017.

paedophiles because ‘what they [Nigerian lawmakers] did is simply a reflection of their private lifestyles as paedophiles’.<sup>40</sup> It is expected that as times change and people become enlightened, certain harmful practices (whether religious or cultural) ought to be eradicated or modified; however, child marriage practices in sections of the country show staying power because powerful men are interested in defending and preserving what many see as a beneficial lifestyle, a symbol of power and wellbeing. The failure of the lawmakers to successfully amend section 29(4) of the Constitution was considered as support for child marriage and paedophilia in Nigeria.<sup>41</sup> The public considered the failure of the constitutional amendment process not only as support but an endorsement of paedophilia in Nigeria. The reason was that ‘since the Senate...now endorsed the “Paedophile Charter” which essentially seeks to make it lawful and constitutional for very young girls to get married and to have sex...we have now become a nation of perverts and paedophiles’.<sup>42</sup>

The newspapers are aware of the antagonistic impact the support for paedophilia and the ‘paedophilia charter’ may have on it in terms of the financial support they receive from the public. *Vanguard* is also quick to state its position against paedophilia and the paedophilia charter. In its opinion, ‘the message that is sent to the watching and discerning world is that...paedophiles are welcome in Nigeria. I can already imagine seeing an influx of notorious Western paedophiles rushing to Nigeria...’.<sup>43</sup> Although *Vanguard* condemns paedophilia, it is also ‘othering’ the problem paedophilia in Nigeria. It ‘others’ the problem as westerners perpetrating this practice against Nigerians and not as Nigerians against themselves. The implication of this is that an ‘influx of notorious western paedophiles rushing to Nigeria’ will not only amount to the increase in transnational trafficking of girl child for marriage and sexual exploitation but also for financial gain by some powerful interest groups such as those in support of the ‘paedophile charter’.

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<sup>40</sup> Anaekwe op cit note 6.

<sup>41</sup> Femi Fani-Kayode ‘The Perverts and Paedophiles in Us [opinion]’ *ThisDay* (Lagos) 21 July 2013, available at <http://www.lexisnexis.com.ezproxy.uct.ac.za/lnacui2api/api/version1/getDocCui?lni=58YB-P7R1-DY15-S3YD&csi=237924&hl=t&hv=t&hnsd=f&hns=t&hgn=t&oc=00240&perma=true>, accessed on 14 June 2017.

<sup>42</sup> Ibid.

<sup>43</sup> Editorial ‘Child Marriage Not in Conformity with Nigerian Law’ *Vanguard* 27 July 2013, available at <https://www.vanguardngr.com/2013/07/child-marriage-not-in-conformity-with-nigerian-law/>, accessed on 14 June 2017.

In response to the agitations from the citizenry against paedophilia, Nigerian lawmakers tried fruitlessly to defend their actions. The newspapers reflect opposing and proposing views put forward by the lawmakers. For proposing views in the newspapers, the claims were that child marriage was not an issue for deliberation on the floor of the Senate but eligibility for renunciation of Nigerian citizenship in section 29(4) of the 1999 Nigerian Constitution.<sup>44</sup> From the Constitution, eligibility to renounce citizenship is dependent on 'full age'. The criteria for defining 'full age' led to the contest on child marriage. On the contrary, those with the opposing view believed that amending section 29(4) of the Constitution was against Islamic law and not acceptable because 'You see in Islamic law, once a girl reaches the age of puberty and she is matured she is of full age and she is ready for marriage... and that is why the Constitution recognises Islamic law and made that provision'.<sup>45</sup> According to this interpretation, such a child will now be eligible to renounce her Nigerian citizenship to take up another once she is married because she is now of full age. The lawmakers who opposed the amendment of the Constitution are also aware of the existence of the Child Rights Act (CRA) but are also of the opinion that 'the Child Rights Act affects only those who conduct their marriages under common law in Nigeria today. The right is valid, it is constitutionally enacted but it affects only when you go and conduct your marriage in the church'.<sup>46</sup>

An important implication of this is that religion, specifically Islam, will continue to play a key role in defining fundamental issues in Nigeria and will always surface when the opportunity avails itself. Bolstering this view, the Senate President took to the media to give a reason for the failure of the Constitutional amendment. He stated that 'we [lawmakers] try as much as possible not to bring issues that involve religion to the floor of the Senate and indeed the chamber. We keep religion completely out of it because what is good for a Christian is also good for a Muslim'.<sup>47</sup> Doubts on the political will of the ruling class to eradicate paedophilia

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<sup>44</sup> James Sowole 'Underage Marriage - It's Not Over For Allover Akinyelure' *ThisDay* (Lagos) 28 July 2013 available at <http://www.lexisnexis.com.ezproxy.uct.ac.za/lnacui2api/api/version1/getDocCui?lni=590V-HH11-JBJ4-2123&csi=237924&hl=t&hv=t&hnsd=f&hns=t&hgn=t&oc=00240&perma=true>, accessed on 14 June 2017.

<sup>45</sup> Henry Umoru 'Islamic Law Sanctions Marriage Based on Maturity Not Age - Ahmad Sani' *Vanguard* 31 July 2013, available at <https://www.vanguardngr.com/2013/07/islamic-law-sanctions-marriage-based-on-maturity-not-age-ahmad-sani/>, accessed on 14 June 2017.

<sup>46</sup> Ibid.

<sup>47</sup> Ogunmade op cit note 7; Ini Ekott 'Yerima Blackmailed Senators with Religious Sentiment, Says David Mark' *Premium Times* 25 July 2013, available at <http://www.premiumtimesng.com/news/141612-yerima-blackmailed-senators-with-islam-claim-david-mark.html>, accessed on 14 June 2017; Sam Eyoboka; Sola Ogundipe; Henry Umoru & Joseph Erunke 'Child Marriage Supporters Blackmailed Us to Have Their Way – Mark' *Vanguard* 25

still looms as we see in the contradicting views of the lawmakers discussed above.<sup>48</sup> Constitutionally, Nigeria is neither a secular democracy nor a theocracy; it is a confusing mix of both and yet none at all. Hence, the confusion and an important source of the enabling condition for the continued existence of child marriage practices.

The dominant religions in Nigeria are Christianity and Islamic religion. Islamic religion in Nigeria prescribed a codification of Islamic laws and practice. Hence, Nigeria operates a plural legal system comprising English laws and customary laws.<sup>49</sup> Islamic law is treated as customary law. A plural legal system reflects a situation where different laws guide societal existence in an independent State.<sup>50</sup> Religion is ‘embodied practices that cultivate relations among people, places, and non-human forces—nature, spirits, ancestors, saints, gods—resulting in communities and sensibilities that shape those who participate’.<sup>51</sup> In Africa, religion is rooted in cultural traditions concerned with personal belief revolving around a deity or deities and constituting a community of lifestyle and perceptions. The protection of religious belief is taken more seriously than culture.<sup>52</sup> Religious doctrines can either promote or resist law and law reform.<sup>53</sup> For the practice of child marriage, the CRA prohibits and criminalises it. This law is resisted in some parts of Nigeria because of religious values that do not align with its provisions. This resistance is reflected in the refusal of these States to adopt the CRA as state laws.

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July 2013, available at <https://www.vanguardngr.com/2013/07/child-marriage-supporters-blackmailed-us-to-have-their-way-mark/>, accessed on 14 June 2017.

<sup>48</sup> Editorial ‘Senators’ Love for Baby Wives [analysis]’ *ThisDay* (Lagos) 27 July 2013, available at <http://www.lexisnexis.com.ezproxy.uct.ac.za/lnacui2api/api/version1/getDocCui?lni=590V-HH11-JBJ4-22C0&csi=237924&hl=t&hv=t&hnsd=f&hns=t&hgn=t&oc=00240&perma=true>, accessed on 14 June 2017.

<sup>49</sup> *Folarin v Durojaiye* (1988) 1 NWLR at 351.

<sup>50</sup> Jody Sarich; Michele Olivier & Kevin Bales ‘Forced Marriage, Slavery and Plural Legal Systems’ (2016) 38(2) *Human Rights Quarterly* 450-476 at 471.

<sup>51</sup> David Morgan ‘Religion and Media: A Critical Review of Recent Developments’ (2013) 1(3) *Critical Research on Religion* 347-356 at 347.

<sup>52</sup> Johan D van der Vyver & M Christian Green ‘Law, Religion and Human Rights in Africa: Introduction’ (2008) 8 *African Human Rights Law Journal* 337-356 at 338.

<sup>53</sup> *Ibid* at 339.



The Nigerian Constitution meant to protect children now makes them vulnerable and leaves them at the mercy of paedophiles under the guise of religion.<sup>54</sup> The National Strategy to End Child Marriage in Nigeria 2016-2021 (NSECM) does not consider paedophilia as a social issue; 'paedophilia' is not an offence known to the law in Nigeria. In addition, it is seen that the pluralistic nature of the Nigerian society clearly poses a threat in addressing issues of national concern especially when they bother on ethnicity and/or religion. Sticking to a middle ground position is a staggering task as religion will continue to be a determining factor for laws and policies in a plural society as Nigeria. Effectively and productively managing this plurality in such a way that the interests of vulnerable (rather than powerful) groups are protected and secured is one sure-fire pathway to addressing the challenges of child marriage in Nigeria.

#### 4.3.2 Child Marriage as Child Trafficking

The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime 2000 (the Trafficking Protocol) defines trafficking as:

the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.<sup>55</sup>

The Trafficking Protocol is a broad international instrument in the sense that it recognises both trans-national and domestic trafficking with no loopholes for cultural and religious practices as defences.<sup>56</sup> Poverty, lack of education and opportunities in countries of origin are major causes of human trafficking.<sup>57</sup> It is irrelevant whether the victim consents or instigates the trafficking.<sup>58</sup> In Nigeria, the Trafficking in Persons (Prohibition) and Enforcement and

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<sup>54</sup> Ekeanyanwu op cite note 39; Emmanuel Edukugho 'On Slippery Slope to Legalised Paedophilia' *Vanguard* 27 July 2013, available at <https://www.vanguardngr.com/2013/07/on-slippery-slope-to-legalised-paedophilia/>, accessed on 14 June 2017.

<sup>55</sup> Article 3(a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime 2000.

<sup>56</sup> Elizabeth Warner 'Behind the wedding Veil: Child Marriage as a form of Trafficking in Girls' (2004) 12 *Journal of Gender, Social Policy and the Law* 233-271 at 261.

<sup>57</sup> Silvia Scrapa 'Child Trafficking: International Instrument to Protect the Most Vulnerable Victims' (2006) 44(3) *Family Court Review* 429-447 at 430.

<sup>58</sup> Warner op cit note 56.

Administration Act 2015 and the Child Rights Act (CRA) prohibit child trafficking. The National Agency for Prohibition of Trafficking in Persons (NAPTIP) has also been instrumental in sensitising the public on the ills of trafficking generally and have been successful in gaining convictions for the prosecution of traffickers.

A total of 72 out of the 172 newspapers coded for this study frames child marriage as child trafficking. It is characterised by trans-national and domestic forms of trafficking. The key issues that play out in trafficking of girls for marriage are the lack of consent and the influence of culture, abduction to gain control, economic transaction, life bondage, stigmatization, violation of child rights and future economic susceptibility.<sup>59</sup> In the newspapers, transnational trafficking is met with the isolation of the child from the prying eyes of the public. This act of isolation deprives the child of interacting with society, receiving help as a victim of trafficking and further cripples the child's agency in future. A glaring instance of trans-national child trafficking for marriage was portrayed when a Nigerian lawmaker brought a 15 years old Egyptian girl child into Nigeria for marriage.<sup>60</sup> Further information on this same issue revealed that he 'brought her to Nigeria, married her in Abuja and kept her under lock and key in his home in Zamfara'.<sup>61</sup> This act is justified on religious grounds.<sup>62</sup> Although democratic countries are inclined to implementing strict laws and policies against trafficking in persons, religion influences such developments with dominant examples of gender issues especially in countries with Muslim majorities.<sup>63</sup> However, States in Nigeria show zero tolerance for trafficking as a child bride was rescued in the year 2014 by the Lagos State Task Force in Badagry on the morning of the wedding from a Malian husband.<sup>64</sup>

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<sup>59</sup> Ajwang' Warri 'Forced Child Marriages as a Form of Child Trafficking' (2017) 79 *Children and Youth Services Review* 274-279 at 275.

<sup>60</sup> Olusegun Adeniyi 'Cradle-Snatching and the Senate' *ThisDay* (Lagos) 25 July 2013, available at <http://www.lexisnexis.com.ezproxy.uct.ac.za/lnacui2api/api/version1/getDocCui?lni=5901-4F31-JBJ4-24X1&csi=237924&hl=t&hv=t&hnsd=f&hns=t&hgn=t&oc=00240&perma=true>, accessed on 14 June 2017. 'Cradle snatching and the senate' available at *ThisDay* newspaper published on 25 July 2013.

<sup>61</sup> Femi Fani-Kayode 'The Sad Case of Ese Oruru' *ThisDay* 6 March 2016, available at <https://www.thisdaylive.com/index.php/2016/03/06/the-sad-case-of-ese-oruru/>, accessed on 14 June 2017.

<sup>62</sup> Editorial 'The Campaign Against Child Marriage' *ThisDay* 20 January 2017 available at <http://www.thisdaylive.com/index.php/2017/01/20/the-campaign-against-child-marriage/>, accessed on 10 August 2017.

<sup>63</sup> Niklas Potrafke 'Policies Against Human Trafficking: The Role of Religion and Political Institutions' (2016) 17(4) *Economics of Governance* 353-386 at 355.

<sup>64</sup> Editorial 'Towards Ending Child Marriage' *ThisDay* 8 December 2016, available at <https://www.thisdaylive.com/index.php/2016/12/08/towards-ending-child-marriage/>, accessed on 14 June 2017.

From the newspapers, domestic trafficking for marriage is the most prominent in Nigeria. It is usually characterised by trafficking, abduction and migration from the southern to the northern parts of Nigeria; the use of force and abuse of power or position of susceptibility are the usual trends. The newspapers revealed that all these factors are not current trends but have been in existence in northern Nigeria where girls are abducted and hurriedly married. For instance, *ThisDay* records that, ‘the same thing [child trafficking for marriage] happened to a 13-year-old Christian Igbo girl...two years ago when she was again abducted, Islamised, raped, married off and forced to remain in the Etsu Nupe's palace in Minna, Niger state’.<sup>65</sup> There are instances where traffickers rebut allegations of abduction with the defence of the voluntariness. For instance, *Premium Times* reported an incident in Kaduna State of northern Nigeria ‘over alleged “abduction” of a “15-year old” school girl... Her teacher father said she was “abducted” ... when she was 14 ... by one Shehu Abdullahi, who runs an Islamic school in the Samaru area of Zaria’.<sup>66</sup> The trafficker stated that ‘he had duly married the 14-year-old after converting her to Islam’.<sup>67</sup> The child bride in her response tried to validate the position of the trafficker by saying that ‘she was never abducted by anyone, describing Mr Abdullahi as a father figure to her’.<sup>68</sup> This clearly shows an abuse of the vulnerability of the child.

The position of *ThisDay* and *Premium Times* on child trafficking for marriage goes to negate the issue of ‘othering’ the problem of paedophilia as western perpetuation on the Nigerian girl child as raised by *Vanguard*. Paedophilia as child marriage is a home-grown problem and not alien. The girl child is trafficked for marriage to Nigerians and not foreigners as *Vanguard* illustrates. As seen above, *Premium Times* places emphasis on the word ‘abduction’ and the age of the child bride. This is interpreted to mean that consent of a child and voluntariness to the abduction that results in marriage is immaterial.

Child trafficking for marriage is still a trend irrespective of the unveiling of the NSECM in 2016. Major stakeholders saddled with the responsibility of sanitation on the need to eradicate this practice as pointed out in the NSECM have become accomplices. *Premium Times* reports revealed that:

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<sup>65</sup> Fani-Kayode op cit note 61.

<sup>66</sup> Mayah, Emmanuel ‘Controversy over Alleged Abduction of Another ‘15-year old’ in Zaria’ *Premium Times* 10 March 2016, available at <http://www.premiumtimesng.com/news/headlines/199867-controversy-alleged-abduction-another-15-year-old-zaria.html>, accessed on 10 August 2017.

<sup>67</sup> Ibid.

<sup>68</sup> Ibid.

The Emir of Katsina, Abdulmumini Kabir, has denied the alleged abduction and forceful marriage of [a]17-year-old [girl]. ... He [the Emir] said that the girl had indicated her interest in marrying Jamilu...and that the Emirate Council married her to her heartthrob.... Meanwhile, Tanko [father of the girl child] had told a news conference organised by Stefanos Foundation...that Jamilu had admitted to abducting his daughter.<sup>69</sup>

This is not just an abuse of the child's vulnerability but an abuse of power of the Emir. In addition to the point on voluntariness to abduction made above, the choice of language 'heartthrob' used in the report seems to portray child marriage as a practice that is voluntarily engaged by in by children. It portrays such child marriage incident as an outgrowth of romantic love. Significantly, the *New Nigerian Newspapers* throws some light on instances of abuse of power relative to the abduction of would-be child brides. A Sharia Court judge in Niger State was reported to have solemnised a marriage involving a confirmed minor.

Parents of a sixteen year old girl, Janet Habila have cried out against the forceful conversion of their ward to the religion of Islam and married to a middle-aged man, Nasiru Yusuf allegedly by a Sharia Court Judge at Erena, Shiroro Local Government Area of Niger State.... The marriage of Janet to Nasiru Yusuf was said to have been contracted in the Court at Erena by the Judge.<sup>70</sup>

Newspaper reportage of this issue shows the tension between the acceptability of the law and enforcement. As earlier analysed, the Marriage Act (MA) gives room for the celebration of marriage involving minors where parents or guardians consent to it.<sup>71</sup> In the above instance, there is no report of such consent; the marriage was rather forcefully conducted. Apart from the element of trafficking inherent in the saga, the *New Nigerian Newspapers* is trying to show that those in the north are aware that the practice of child marriage in Nigeria is dominantly a northern issue but, want to prove that although the CRA is of little significance, they can also abide by other laws they deem acceptable. The acceptance and adherence to laws in Nigeria are selective, and this selectiveness affects enforcement and non-enforcement of laws.

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<sup>69</sup> Agency Report 'Katsina Emirate Says Marriage of "Abducted" 14-year-old to Emir's Aide Irreversible' *Premium Times* 14 October 2016, available at <http://www.premiumtimesng.com/news/top-news/212730-katsina-emirate-says-marriage-abducted-14-year-old-emirs-aide-irreversible.html>, accessed on 10 August 2017.

<sup>70</sup> Bala B Bitrus 'Minor: Parents Cry Out Over Force Marriage' *New Nigerian Newspapers* 28 April 2017, available at <http://www.newnigeriannewspaper.com/minor-parents-cry-out-over-forced-marriage/>, accessed on 14 June 2017.

<sup>71</sup> Section 18 of the Marriage Act, CAP M6 LFN 2004 (MA)

In addition to selective acceptance of law as an impediment to law enforcement, the newspapers show that law enforcement poses a challenge, especially where enforcement means encountering those in respected positions of authority, power or wealth. An example from *ThisDay* tells a story of a 15 years old girl child who was abducted from her home in Benue State, married off and kept in the Palace of the Sultan of Sokoto State against her will.<sup>72</sup> Of note in this story is that ‘her parents went to the police and the local authorities and made every effort to get her back. Sadly[,] up till today they have not seen their daughter’.<sup>73</sup> The Palace of the Sultan of Sokoto becomes a refuge or hiding place for abducted child brides and inaccessible to law enforcement agents. The Sultan of Sokoto is the spiritual leader of the Muslim community in Nigeria, and as such, extending the enforcement of a law that goes contrary to religious and inbuilt cultural belief to the palace may be a herculean task. This is because efforts made in combating girl child trafficking for marriage reinforces gender equality which religion is likely to influence.<sup>74</sup>

Considering that the trafficking protocol defines trafficking as exploitation, it has been argued that there are difficulties in classifying child marriage as a form of sexual exploitation because marriage as an institution sanctions such acts. In some cases, the child bride may not always be ready to receive institutionalised protection as trafficked victims.<sup>75</sup> First, such classification fails to explore the age of the child in the first instance and the extent to which consent is recognised in this circumstance. It is common knowledge that a child is incapable of giving valid consent and as such, sexual activities will amount to exploitation.<sup>76</sup> Secondly, Trafficking in Persons (Prohibition) and Enforcement and Administration Act is such that consent is immaterial where the person (in this case a child) has been transferred by means of fraud, force, threat, abuse of power or position of vulnerability, giving or receiving payment to procure consent or even deception.<sup>77</sup> In addition, abuse of vulnerability to the extent that such a child believes that submission is the only real, acceptable and reasonable option considering

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<sup>72</sup> Fani-Kayode op cit note 61.

<sup>73</sup> Ibid.

<sup>74</sup> Potrafke op cit note 63 at 354.

<sup>75</sup> Warner op cit note 56 at 263-64.

<sup>76</sup> Section 31-2 of the CRA.

<sup>77</sup> Section 13(2)(i) of the Trafficking in Persons (Prohibition) and Enforcement and Administration Act 2015.

her circumstances will amount to trafficking.<sup>78</sup> For this reason, considering child marriage as child trafficking poses no difficulty.

### 4.3.3 Child Marriage as Child Slavery

The Slavery Convention 1926 defines slavery as ‘the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised’.<sup>79</sup> It is also defined as the complete control of a person for exploitation by violence or threat of violence.<sup>80</sup> The United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery 1956 introduces a number of slave-like practices which includes forced marriage and the sale of children.<sup>81</sup> Slavery and slave-like practices are prohibited in the CRA. It states that ‘no person shall buy, sell, hire, let on hire, dispose of or obtain possession of or otherwise deal in a child as a slave or for practices similar to slavery such as sale or trafficking of the child...’.<sup>82</sup> Slavery being an old practice is evident in present times in diverse ways, one of which is child marriage. A total number of 46 newspaper articles presents child marriage as slavery

In the newspapers, agitation against child marriages is often referred to as slavery or enslavement. Slavery is mostly associated with trafficking and domestic abduction for purposes of sexual exploitation. In *Vanguard* and *ThisDay* respectively, depictions of slavery are found in statements like, ‘[#] [sic] SayNoToChild Slavery’<sup>83</sup> or newspaper headlines that use captions like ‘Nigeria Wallows on Slavery's List of Shame’.<sup>84</sup> The word ‘slavery’ is used not because the status of a wife is slave-like and condemnable but because the newspapers are trying to show that the category of persons involved in marriage union lacks the requisite capacity to

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<sup>78</sup> Ibid at Section 13(2)(ii).

<sup>79</sup> Article 1(1) of the United Nation Slavery Convention 1926.

<sup>80</sup> Kevin Bales ‘Expendable People: Slavery in the Age of Globalization’ (2000) *Journal of International Affairs* 461-484 at 462.

<sup>81</sup> Hans Van de Glind & Joost Kooijmans ‘Modern-Day Child Slavery’ (2008) 22 *Children & Society* 150-166 at 151.

<sup>82</sup> Section 30(1)(b) of the CRA.

<sup>83</sup> Editorial ‘Child Marriage - Tonto Dike Curses at Senators’ *Vanguard* 29 July 2013, available at <https://www.vanguardngr.com/2013/07/child-marriage-tonto-dike-curses-at-senators/>, accessed on 14 June 2017.

<sup>84</sup> Godwin Haruna ‘Nigeria Wallows On Slavery's List of Shame’ *ThisDay* (Lagos) 21 October 2013, available at <http://www.lexisnexis.com.ezproxy.uct.ac.za/lnacui2api/api/version1/getDocCui?Ini=59MY-1F41-JBJ4-21NB&csi=237924&hl=t&hv=t&hnsd=f&hns=t&hgn=t&oc=00240&perma=true>, accessed on 14 June 2017

obtain such status. Therefore, becoming wives at such tender ages is like slavery because intellectually, cognitively and emotionally, children are not prepared to assume adult responsibility.

*Premium Times* reports an argument to the contrary. The argument made by a prominent advocate of child marriage in Nigeria (Muslim Rights Concern (MURIC)) is that ‘honourable and dignifying child marriage is better than child prostitution...’.<sup>85</sup> The group also noted that: ‘Another major condition for child marriage is that the girl herself has the right to repudiate the marriage when she attains maturity if she does not like her spouse.’<sup>86</sup> The rights group proffered a solution to the problem of child marriage by calling for ‘tolerance on the controversy concerning child marriage’. Reporting this counter-discourse indicates the newspaper’s intention to balance the argument and highlight the position that child marriage can be said to have intrinsic value which overall serves an altruistic purpose in communities where it is practised. Child marriage is the solution to child prostitution. However, for many activists, child marriage and child prostitution are the same, one event cannot be said to cure another because they both share a common element. Both child marriage and child prostitution involve economic transactions.<sup>87</sup> For child marriage, this is in form of payment of bride price and dowry while prostitution involves payment for sexual exploitation. The second similarity between child marriage and prostitution is that both exposes the child to economic and social vulnerability. These vulnerabilities limit their options for advancement in life as both are financially dependent on others which may lead to social exclusion and abandonment.<sup>88</sup> Finally, both child marriage and child prostitution affect some basic rights of the child especially health rights.

In the discussion on slavery in the newspapers, the idea has gone a step further by creating a link between child marriage and the Boko Haram insurgency in north-eastern Nigeria as slavery. *Vanguard* takes this discussion further in the way it presents child marriage as slavery. According to the newspaper, ‘Indeed, Boko Haram has threatened to sell the girls. Aside from the fact that this connotes forced marriage, some human rights groups have rightly observed

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<sup>85</sup> Muslim Rights Concern (MURIC) op cit note 12

<sup>86</sup> Ibid.

<sup>87</sup> Susanne Louis B. Mikhail ‘Child Marriage and Child Prostitution: Two Forms of Sexual Exploitation’ (2002) 10(1) *Gender & Development* 43-49 at 44.

<sup>88</sup> Ibid at 47-8.

that this borders on sex slavery and human trafficking'.<sup>89</sup> The *Premium Times* elaborates on this statement by reporting the intentions of the Boko Haram insurgency group. In the exact words, the Boko Haram sect leader, Mr Abubakar Shekau stated thus:

I am going to marry out any woman who is 12 years old and if she is younger I will marry her out at the age of nine just like how my mother, Aisha, the daughter of Abubakar, was married out to Prophet Mohammad at the age of nine. You are all in danger, I mean all of you.<sup>90</sup>

Emphasising the linkage between child abduction, child marriage, Jihadist insurgency and sex slavery creates a consciousness in the minds of the public, law and policymakers that the vulnerabilities of the girl child to marriage slavery particularly in north-eastern Nigeria are increasing. In the instance of the abducted Chibok school girls due to insurgency earlier discussed, the media narrated reports from Boko Haram justifying (on ground of Islamic history, tradition and jurisprudence) how the group sold the girls into slavery and forced marriages to members of the Boko Haram sect for bride price of 2,000 Nigerian Naira (equivalent to ZAR 72.59).<sup>91</sup> The public, particularly parents and the government, have responded to this in diverse ways. For parents, rather than have the fate of their female children determined by insurgents, they rather give them out in marriage themselves. Parents engage in this activity not because they totally disbelieve the reason for marriage given by the Boko Haram, rather, child marriage is a means of child security in the face of the insurgency.<sup>92</sup> The economic benefit derived from this practice is used by parents to sustain themselves and other children (if any) as insurgency persists in the face of the failure of the government to provide security.<sup>93</sup> Government intervention through NSECM takes notice that insecurity in the north-

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<sup>89</sup> Adekoya (SAN) 'Chibok Girls - Gender Violence and Human Rights' *Vanguard* 8 May 2014, available at <https://www.vanguardngr.com/2014/05/chibok-girls-gender-violence-human-rights/>, accessed on 14 June 2017.

<sup>90</sup> Lere op cit note 15.

<sup>91</sup> Ruth Oluwakemi Oke & Helen Adekunbi Labeodan 'Boko Haram Insurgence, the Chibok Girls' Abduction and the Implication for the Girl-Child in Nigeria' in Rosetta E. Ross & Rose Mary Amenga-Etego 'Unravelling and Reweaving the Sacred Canon in Africana Womanhood' (2015) 101.

<sup>92</sup> Segun Awofadeji 'Fear of Boko Haram Worsens Child Marriage in the North, Bauchi Stakeholders Warn' *ThisDay* (Lagos) 18 June 2015, available at <http://www.lexisnexis.com.ezproxy.uct.ac.za/lnacui2api/api/version1/getDocCui?lni=5G7S-CPJI-DY15-SOT0&csi=237924&hl=t&hv=t&hnsd=f&hns=t&hgn=t&oc=00240&perma=true>, accessed on 14 June 2017.

<sup>93</sup> Editorial 'Poverty and the Nigerian Child' *Vanguard* 12 October 2016, available at <https://www.thisdaylive.com/index.php/2016/10/12/poverty-and-the-nigerian-child/>, accessed on 14 June 2017.



eastern region of Nigeria exacerbates the scourge of child marriage but the NSECM is silent on its strategy in tackling this specific problem.

#### 4.3.4 Child Marriage as a Class Issue

Amongst the various drivers that escalate the practice of child marriages is maintenance or elevation of social status. Class generally is a function of status and wealth; sometimes also of education. While not all underage marriages prove or reinforce class status, many do. Out of the 172 newspaper articles coded, 36 portrayed child marriages as a class issue.

Relating child marriage practices to class stratification and the performance of social status further highlights the reality of the experience of a class of real people who face real-world and real-life challenges by mobilising available resources in making sense of those experiences and relationships. The newspapers, in defining child marriage as a class issue, focus on the families at the base of social strata, the poor families. *ThisDay* reveals that:

From the investigation conducted by the Women Empowerment and Legal Aid (WELA) we found that protagonists of child marriage in Nigeria do not allow their children to engage in child marriage as they are in special schools at home and abroad when they are under 18 years of age.<sup>94</sup>

Class situations of real people create a baseline for 'otherness'. The wealthy are different from the poor and try to display this divide in several ways. One way of performing wealth and higher socioeconomic class is to 'acquire' younger girls from poorer or lower socioeconomic class as brides. In Nigeria, there is no record of underaged girls from wealthy families being married off. Rather, girls from wealthy parents have better education (usually sourced from outside the country) and participate in their professions before being married at a relatively more mature age. The girl child from a wealthy family background has better chances of accessing quality education. While they pursue their educational careers, they stay unmarried. Child marriage is not an issue confronting the girl child from wealthy social class. The focus for them is education, career and their professions.

The experience of girls from poor homes show contrary patterns. *ThisDay* further describes the reality of the poor who give their girl children to the rich in this way:

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<sup>94</sup> Funmi Falana 'Senators, Go On, Delete It! [opinion]' *ThisDay* (Lagos) 30 July 2013, available at <http://www.lexisnexis.com.ezproxy.uct.ac.za/lnacui2api/api/version1/getDocCui?lni=5912-K3N1-DY15-S12P&csi=237924&hl=t&hv=t&hnsd=f&hns=t&hgn=t&oc=00240&perma=true>, accessed on 14 June 2017.

the brides come from the children of poor (and uneducated) people. The point here is that it is only poverty and ignorance that would make parents give their under-aged daughters out for the entertainment of some old men.... This matter is...class and the manner in which the affluent of our society exploit the underprivileged to feed their personal indulgences.<sup>95</sup>

Policing class boundary between the rich and the poor in society involves exploiting the poor as much as possible. For the rich, the acquisition and accumulation of younger wives are to maintain and reinforce such social status already attained. Additionally, it is a way the wealthy assert, demonstrate and perform their status as powerful individuals who can accumulate wives much younger than themselves. The rhetoric evident in the appeal to culture and religious tradition serves to safeguard the interest of the powerful rather than the vulnerable or even religious purity.

From literature, the poor are trying to breach this class gap by seeking ways to benefit from such (pragmatic) marital alliances. This benefit is usually derived from the bride price and an accompanying bridal list that demands items ranging from household utilities to livestock for the girl's family.<sup>96</sup> For the poor, marrying into a wealthy family boosts the family's social status by striking a balance of equality with the rich.<sup>97</sup> It is a source and form of social capital to be connected to the wealthy through marriage. Child marriage is, therefore, a multi-layered class-shaped experience and practice which is often only viewed from a limited perspective. As social hopelessness, anomie and desperation to survive intensify, so also does the exploitation based on class divide become pervasive and inevitable. *Vanguard* in concurring with the issue of exploitation of the poor by the rich also reveals that:

As is our attitude, we have only been playing the ostrich, full of pretense[sic] and deceit, while hiding behind religion and ethnicity as the situation might demand of us. Especially when it does not affect us personally, either because we have crossed a certain social or political class, and/or it is to our own advantage.<sup>98</sup>

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<sup>95</sup> Adeniyi op cit note 60.

<sup>96</sup> Eno-Obong Akpan 'Early Marriage in Eastern Nigeria and the Health Consequences of Vesico-Vaginal Fistulae (VVF) Among Young Mothers (2003) 11(2) *Gender and Development* 70-76 at 72.

<sup>97</sup> Nawal M Nour 'Child Marriage Medical' (2009) 2(1) *Review in Obstetrics and Gynaecology* 51-56 at 53.

<sup>98</sup> Yetunde Arebi 'Re: Much Ado About Child Marriage (2)' *Vanguard* 27 September 2013, available at <https://www.vanguardngr.com/2013/09/re-much-ado-child-marriage-2/>, accessed on 14 June 2017.

Class divide will determine the attitude and response towards social issues. It may affect response to law or policy because for the rich, combatting child marriage may not be advantageous.

*Premium Times* reports a proffered solution to this class issue. The Emir of Kano's solution to the problem is for 'relevant authorities to create a law that would punish anybody that gave birth to children and allowed them to suffer [get married before they matured]'.<sup>99</sup> The Emir's call is against the class interest of the northern Muslim elite who want to foist their own views as cultural norms of the region and further reinforce class divide. However, the *New Nigerian Newspapers* which circulates in northern Nigeria did not report the Emir's solution. The *New Nigerian Newspapers* does not discuss the issue of class divide and poverty partly because juxtaposing 'class and poverty' raises embarrassing issues concerning why things are as they are: the scandal of a few islands of unimaginable wealth in the sea of drowning poverty. The failure to report the class dimension and implication of child marriage, the role, appetite, desires of the rich in perpetuating child marriage practices are equally ignored. Ignoring the poor and their real interests have further marginalised and obliterated their position in the social stratification order.<sup>100</sup>

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<sup>99</sup> Muhammad Ahmad 'Emir Sanusi Wants Nigeria to Ban Child Brides, Under-18 Marriage' *Premium Times* 24 May 2016, available at <http://www.premiumtimesng.com/news/top-news/204023-emir-sanusi-wants-nigeria-ban-child-brides-18-marriage.html>, accessed on 10 August 2017.

<sup>100</sup> Graeme Salaman 'Major Theories of Stratification' in Graeme Salaman & David Weeks *Stratification and Social Class* (1972) 13.

## CHAPTER FIVE

### DISCUSSION AND CONCLUSION

This study demonstrates that the media is an important institution in setting agendas for law and policy in ways that either shape or reflect the society, its values and interests.<sup>1</sup> The media is recognised as an important social structure that can galvanise the push for change. This is imperative for the law, law reform and policy drive because law and policymakers who are exposed to media content can be influenced to calibrate the public mood, feel the pulse of social desire and disgust, form opinions on the issues raised and make necessary moves for change.<sup>2</sup> For the public, the information in the media that brings about change can influence the public to make better choices in terms of adherence to law, acceptance of policy in ways that are hitherto different. The media is relying on creating a balance for support for behavioural change that will include law reform and policy or acceptance of these laws and policy.

Reflecting on how the newspapers used for this study have performed, we see that they illuminate interesting perspectives that are outside the mainstream discussions on child marriage. Some of these perspectives are trafficking, paedophilia, slavery and social class. Although the newspapers allow these dimensions to be the midpoint for selling stories, the result is to push forth their agenda for necessary reform in law and policy in a multicultural and plural society like Nigeria. Although these reforms are usually in line with those advocated as best practices in dealing with child marriage, they reveal the inherent issues associated law and policy reform.

#### 5.1 The Problem with the Law

The media discussion on child marriage in Nigeria does not only reflect on the known issues that arise from the practice. It reframes the discussion by the choice of language in such a way that child marriage is seen through the lenses of other social vices and regimes of (sexual and economic) exploitation. Media discourses on child marriage foster a narrative for how the public is presented with law and policy and the tensions that may exist in adhering to them.

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<sup>1</sup> Asemah, Ezekiel S; Edegoh, Leonard Onyeka & Ogwu, Comfort 'Employing the Media in Promoting Human Rights in Nigeria' (2013) 7(1) *African Research Review* 47-60 at 56.

<sup>2</sup> Fay Lomax Cook; Tom R Tyler; Edward G Goetz; Margaret T Gordon; David Protess; Donna R Leff & Harvey L Molotch 'Media and Agenda Setting: Effects on the Public, Interest Group Leaders, Policy Makers, and Policy' (1983) 47(1) *Public Opinion Quarterly* 16-35 at 25.

Even though the practice of child marriage is outlawed in Nigeria, the newspapers show that there are palpable tensions in adherence to either this extant law or religious and cultural beliefs that ostensibly validate and justify the practice. These tensions are evident, especially in plural societies and raise the question of acknowledgement of legislation or adherence to practices endorsed by religion or culture especially where they are also codified as law.<sup>3</sup> Generally, human rights instruments and domestic legislation acknowledge the validity of customs and religion but abhor practices that are perceived as harmful to the society at large. Consequently, challenging beliefs that groups hold and labelling them as harmful may have far-reaching consequences for the larger community.<sup>4</sup> This is what the newspapers portray in their discussions on child marriage in Nigeria. A phenomenon related to perceived harmful practices may have a legal character and at the same time be illegal.<sup>5</sup> For this reason, the northern Nigeria based newspaper used for this study is adamant in engaging with the discussions on the practice of child marriage. This is because of the intrinsic value attached to the practice of child marriage that gives the practice a legal character based on culture and religion.

Laws reflect social structures and opinions prevalent in society and as society changes, the laws change.<sup>6</sup> This change is brought about by changing morals and behavioural patterns.<sup>7</sup> Certain factors determine the extent to which this change in laws or law reform is feasible. One glaring factor is religion, culture and pluralism. Evidence of the failed constitutional amendment process of 2013 in Nigeria shows that pluralism can affect the unification of law either on religious and cultural grounds. Negotiations for an understanding of a uniform position on what the law should be in certain situations that touch on culture and religion end in futility. This is because law reform or amendment that seeks to adopt a unified and unambiguous provision may be viewed as an adoption of one system as the uniform law and

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<sup>3</sup> Jody Sarich; Michele Olivier & Kevin Bales 'Forced Marriage, Slavery and Plural Legal Systems' (2016) 38(2) *Human Rights Quarterly* 450-476 at 470.

<sup>4</sup> *Ibid* at 471.

<sup>5</sup> *Ibid*.

<sup>6</sup> Donald L Horowitz 'The Qur'an and the Common Law: Islamic Law Reform and the Theory of Legal Change' (1994) 42(2) *The American Journal of Comparative Law* 233-293 at 249.

<sup>7</sup> Mary Ann Glendon 'The Transformation of Family Law: State, Law, and Family in the United States and Western Europe' in Horowitz op cit note 6.

the abolition of others.<sup>8</sup> This state of plurality usually impedes move for law reform because of the tension that exists in accepting that there is an overriding value that takes precedence over other values.<sup>9</sup> Enforcement of laws in this situation may pose challenges.

However, where enforcement of laws become advantageous to a certain group or where they are neutral, enforcement becomes realistic. For example, laws on state revenue allocation by the federal government are easily enforceable because they are neutral. But, enforcement of laws against child marriage becomes challenging because proponents are usually the affluent or those in the position of authority and as such, enforcement may lead of a clash of interest. Therefore, the Child Rights Act (CRA) faces the problem of not only domestication but enforcement because enforcement may lead to a clash of interest. A push for enforcement on laws or reform in such situation can provoke a war on those that push forth these agendas. In resolving the clash between law reform and enforcement, if the cost of following the logic of agreement between law and culture is high, enforcement of laws that suppress cultural practice like child marriage may be of little benefit.<sup>10</sup> This is why the newspapers are more interested in general advocacy that point to a different direction that aims at influencing law that leads to behavioural change rather than law enforcement.

## **5.2 Media Issues and the National Strategy to End Child Marriage in Nigeria 2016-2021(NSECM)**

Apart from legislation, policy alternatives are important. Policies frame the meaning and origin of problems encountered in society by defining the target groups and solutions. It conveys messages about the nature of the problem it seeks to address and shapes the perception of the public on the issue.<sup>11</sup> They have the possibility of affecting prominent issues and shape public evaluation of government and their actions.<sup>12</sup> However, the NSECM is a selective policy and does not totally address the issues of child marriage as seen in the newspaper analysis of the problem. For instance, the big issue of girl child trafficking for marriage or insurgency induced

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<sup>8</sup> M W Prinsloo 'Pluralism or Unification in Family Law in South Africa' (1990) 23(3) *The Comparative International Law Journal of Southern Africa* 324-336 at 325.

<sup>9</sup> Michael Freeman 'The Morality of Cultural Pluralism' (1995) 3 *International Journal of Children's Rights* 1-17 at 8.

<sup>10</sup> Robert Post 'Law and Cultural Conflict' (2003) 78 *Chicago-Kent Review Law Review* 485-508 at 507.

<sup>11</sup> Suzanne Mettler & Joe Soss 'The Consequences of Public Policy for Democratic Citizenship: Bridging Policy Studies and Mass Politics' (2004) 2(1) *Perspectives on Politics* 55-73 at 62-3.

<sup>12</sup> Ibid.

marriage are not addressed. Although the agitations in the newspapers for the adoption of a national policy on child marriage in Nigeria birthed the NSECM as earlier discussed, NSECM still faces the same problem as the law in terms of what should be included and excluded. This is because child marriage is an oppression that must exist to create a balance in society.

In addition, the newspapers miss the opportunity of engaging with the content of the NSECM as it did with the CRA. It fails to point out the loopholes in the policy, but rather focused on portraying the practice of child marriage in a different light as discussed in the findings. It may be inferred that despite its agitations for the adoption of a national policy, they are not particularly interested in a policy plan as they are with the law. They are rather interested in the issue of trafficking, slavery, social class and paedophilia as discussed in the findings and how these are reflected in existing laws in ways that address the practice of child marriage. Although the exclusion of NSECM's content in the newspaper discussions may seem to be that the newspapers are not working in the service of an agenda to end child marriage, the mere fact that issues surrounding the practice of child marriage are worthy of media discussions shows that they are interested in pushing forth an agenda for positive change but one that leans more to law reform. The agitations for a national policy was a means of pushing an agenda for an alternative to the law. However, it is presumed that leaning towards legal intervention would provide a better solution. As earlier noted, the media is crucial in acting as agents of social change to bring about positive change in the attitude. Agitations that lean towards law reform as seen in the newspapers is another means of raising the level of consciousness about the practice of child marriage. This is so because the law provides definite and clear-cut boundaries than policies that are merely advisory. Although enforcement is placed on the back burner, the aim is to create a possibility for an increase in awareness to an extent that brings about change in behaviour. Civil societies also acknowledge the role of the media and further mobilise to strengthen media agitations on issues of concern. This is a more fruitful approach because it is outside the constraints of state control as opposed to agitation for policy execution.

### **5.3 Conclusion**

Looking at the dissertation, we notice child marriage is not the most interesting issue from the media representation perspective, but media presentation of child marriage raises other interesting discussions that are linked to it. Although this can be a strategy to boost newspapers sales, the issues raised in the newspapers are important and call for necessary attention. With the aid of the method adopted for this study, a review of literature and newspaper articles about child marriage shows that the solution to end child marriage not only rest on enactment of law

and policy measures but enforcement of these measures. This is particularly so in a country like Nigeria where enforcement is an issue because of the inherent social and legal complexities. While this research embraces both policy and legal interventions to address the problem of child marriage, there is still a need for a careful planning in enacting laws and policies generally. Enactment of laws should be such that take into consideration the existence of other laws, social complexities and clearly mapped out enforcement strategies. Policy interventions that seek to address issues should also be couched in ways that reinforce the position of existing laws and other social realities that speak to the issue to be addressed.

Considering the media presentation of the practice of child marriage, it is seen that the practice in Nigeria is beyond the known drivers and common scenarios. For example, the media has shown that internal trafficking of children for marriage in Nigeria is another means of propagating child marriage. There is a need for awareness and sensitization on this approach as this will help curb the practice of child marriage internally. Tackling insecurity issues especially in regions faced with the challenge of insurgency should be intensified. In addition, consistent poverty alleviation programmes should be encouraged.

Finally, legal and policy interventions should take into consideration the changing realities faced by society. A review of NSECM is imperative. Policy and lawmakers should begin to have a look at what the media portrays, especially when it concerns issues of public interest. It is hoped that a review of the NSECM in 2019 will take into consideration majority of the issues raised by the media that impede eradication of child marriage in Nigeria especially its practice in humanitarian settings.



## **BIBLIOGRAPHY**

### Primary Sources

#### ***Constitution***

The Constitution of the Republic of South Africa, 1996.

The 1999 Constitution of the Federal Republic of Nigeria (as amended).

#### ***Statutes***

Foreign:

Child Rights Act 2003

Marriage Act, CAP M6 LFN 2004.

Matrimonial Causes Act, CAP M7 LFN 2004.

Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015.

Penal Code (Northern States) Federal Provisions Act, CAP P3 LFN. 2004.

Criminal Code Act, CAP C38 LFN 2004

#### ***Cases***

Foreign:

*Tony Momoh v Senate of the National Assembly* (1981) 1 NCLR 102.

*Labinjo v Abake* (1924) 5 NLR 33.

*Folarin v Durojaiye* (1988) 1 NWLR at 351.

#### ***International and Regional Instruments***

African Charter on the Rights and Welfare of the Child 1990.

Convention on the Elimination of All Forms of Discrimination Against Women 1979, General Assembly Resolution 34/180 of 18 December 1979 entry into force 3 September 1981.

International Covenant on Civil and Political Rights 1966, General Assembly Resolution 2200A (XXI) of 16 December 1966 entry into force 23 March 1976.

International Covenant on Economic, Social and Cultural Rights 1966, General Assembly Resolution 2200A (XXI) of 16 December 1966 entry into force 3 January 1976.

The Protocol to the African Charter on Human and Peoples' Rights on Rights of Women in Africa 2003 (Maputo Protocol).

The United Nation Slavery Convention 1926.

Universal Declaration on Human Rights 1948. General Assembly Resolution A/RES/3/217 A

United Nations Convention on the Rights of the Child 1989, General Assembly Resolution A/Res/44/25 of 20 November 1989 entry into force 2 September 1990.

United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime 2000, General Assembly Resolution 55/25 of 15 November 2000.

### ***Official Publications and Policy Documents***

African Union ‘African Common Position on the AU Campaign to End Child Marriage in Africa’ available at [https://au.int/sites/default/files/documents/31010-doc-cap\\_on\\_ending\\_child\\_marriage\\_-english\\_0.pdf](https://au.int/sites/default/files/documents/31010-doc-cap_on_ending_child_marriage_-english_0.pdf), accessed on 6 September 2017.

African Union ‘First African Girls’ Summit on Ending Child Marriage in Africa’ available at <https://au.int/en/newsevents/19343/first-african-girls%e2%80%99-summit-ending-child-marriage-africa>, accessed on 22 September 2017.

African Union ‘African Union Launches its First-ever Campaign to End Child Marriage’ available at <http://www.girlsnotbrides.org/african-union-launches-first-ever-campaign-end-child-marriage/>, accessed on 3 September 2017.

African Union ‘Campaign to End Child Marriage in Africa: Call to Action’ available at [https://au.int/sites/default/files/pages/32905-file\\_campaign\\_to\\_end\\_child\\_marriage\\_in\\_africa\\_call\\_for\\_action-\\_english.pdf](https://au.int/sites/default/files/pages/32905-file_campaign_to_end_child_marriage_in_africa_call_for_action-_english.pdf), accessed on 3 September 2017.

Bouman, Martine, Sarah Lubjuhn and Hester Hollemans ‘Entertainment-Education and Child Marriage a Scoping Study for Girls Not Brides: The Global Partnership to End Child Marriage’ Center for Media and Health, January 2017 available at <http://www.girlsnotbrides.org/wp-content/uploads/2017/02/Entertainment-Education-and-child-marriage-scoping-study-Jan-2017-2.pdf>, accessed on 28 May 2017.

Federal Ministry of Women Affairs and Social Development, Nigeria ‘National Strategy to End Child Marriage in Nigeria (2016-2021)’ (2016) Federal Ministry of Women Affairs and Social Development, Abuja available at [https://www.girlsnotbrides.org/wp-content/uploads/2017/04/Strategy-to-end-child-marriage\\_for-printing\\_08-03-2017.pdf](https://www.girlsnotbrides.org/wp-content/uploads/2017/04/Strategy-to-end-child-marriage_for-printing_08-03-2017.pdf), accessed on 9 September 2017.

Girls Not Brides, 'Human Rights Council adopts 2015 Resolution to End Child, Early and Forced Marriage', available at <https://www.girlsnotbrides.org/human-rights-council-adopts-resolution-to-end-child-early-and-forced-marriage/>, accessed on 23 November 2017.

Girls Not Brides, 'Statement from the Girls Not Brides on the First African Girls' Summit in Child Marriage in Africa', available at <http://www.girlsnotbrides.org/statement-from-girls-not-brides-on-the-first-african-girls-summit-on-child-marriage-in-africa/>, accessed on 22 September 2017.

Girls Not Brides 'Solution Brief on Entertainment-Education to Address Child Marriage' May 2017 at 1, available at <http://www.girlsnotbrides.org/wp-content/uploads/2017/05/EE-solutions-brief-May-2017-final.pdf>, assessed on 28 May 2017.

Rangita de Silva de Alwis, 'Child Marriage and the Law: Legislative Reform Initiative, Paper Series published by the division of policy and practice April 2007' available at [https://www.unicef.org/Child\\_Marriage\\_and\\_the\\_Law.pdf](https://www.unicef.org/Child_Marriage_and_the_Law.pdf), accessed on 22 October 2017.

Save the Children, 'Every Last Girl: Free to Live, Free to Learn, Free from Harm' available at <https://campaigns.savethechildren.net/sites/campaigns.savethechildren.net/files/Every%20Last%20Girl%20Africa%20online%20version.pdf>, accessed on 14 December 2017.

UNFPA 'Child Marriage' available at <http://www.unfpa.org/child-marriage>, accessed on 2 June 2017.

UNICEF 'Ending Child Marriage, Progress and Prospects' available at [https://www.unicef.org/media/files/Child\\_Marriage\\_Report\\_7\\_17\\_LR..pdf](https://www.unicef.org/media/files/Child_Marriage_Report_7_17_LR..pdf), accessed on 4 December 2017.

UNICEF 'Achieving a Future Without Child Marriage: Focus on West and Central Africa' available at <https://data.unicef.org/wp-content/uploads/2017/10/Child-Marriage-WEB.pdf>, accessed on 4 December 2017.

UNICEF 'Child Marriage is a Violation of Human Rights but is all too Common' available at <https://data.unicef.org/topic/child-protection/child-marriage/#>, assessed on 4 June 2017.

UNICEF 'Child Marriage is a Violation of Human Rights, but is All Too Common' available at <https://data.unicef.org/topic/child-protection/child-marriage/>, accessed on 6 July 2017.

UNICEF Executive Summary ‘Child Marriage in Eastern and Southern Africa: Determinants, Consequences and the Way Forward. April 2015’ available at [https://www.unicef.org/about/annualreport/files/ESARO\\_2015\\_ROAR.pdf](https://www.unicef.org/about/annualreport/files/ESARO_2015_ROAR.pdf), accessed on 28 May 2017.

United Nations Human Rights Council ‘Child, Early and Forced Marriage in Humanitarian Settings Resolution A/HRC/35/L.26’ available at [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/35/L.26](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/35/L.26), accessed on 23 November 2017.

UNODC: United Nations office on Drug and Crime ‘United Nations Convention Against Transnational Organised Crime and the Protocols Thereto’ available at <https://www.unodc.org/unodc/en/treaties/CTOC/>, accessed on 15 August 2017.

## Secondary Sources

### **Books**

Asien, John O *Introduction to Nigerian Legal System* 2 ed (2005) Ababa Press Limited, Lagos.

Beatson, Jack & Yvonne Crips (ed) *Freedom of Expression and Freedom of Information: Essay in honour of Sir David William* (2002) Oxford University Press, New York.

Canon, Bradley C & Charles A. Johnson *Judicial Policies Implementation and Impact* 2 ed (1999) Congressional Quarterly Press, USA.

Denscombe, Martyn *The Good Research Guide: For Small Scale Social Research Projects* (2014) McGraw Gill Education, England.

Detrick, Sharon A *Commentary on the United Nations Convention on the Rights of the Child* (1999) Martinus Nijhoff Publishers, Netherlands.

Fatula, OA *Feminism, Women, Family and Children’s Law* (2015) Afribic Law Centre, Ile-Ife.

Flick, Uwe *The SAGE Handbook of Qualitative Data Analysis* (2014) SAGE, London.

Given, Lisa M (ed) *The SAGE Encyclopaedia of Qualitative Research Methods* (2008) SAGE Publications, California.

Gee, James Paul & Michael Handford *The Routledge Handbook of Discourse Analysis* (2012) Routledge, Oxford.

Hodkinson, Paul *Media, Culture and Society* (2011) SAGE, London.

Hurworth, Rosalind & Sandra Mathison (ed) *Encyclopaedia of Evaluation* (2011) SAGE, London.

Jack, Beatson & Yvonne Crips (ed) *Freedom of Expression and Freedom of Information: Essay in Honour of Sir David William* (2002) Oxford University Press, New York.

Kaime, Thoko *The African Charter on the Rights and Welfare of the Child: A Socio-Legal Perspective* (2009) Pretoria University Law Press, Pretoria.

Kingdon, John W *Agendas, Alternatives and Public Policies* 2 ed (2014) Pearson Education Limited, Essex.

Murray, Rachael *Human Rights in Africa from the OAU to the African Union* (2004) Cambridge University Press, Cambridge.

Richardson, John E *Analysing Newspapers: An Approach from Critical Discourse Analysis* (2007) Palgrave Macmillan, New York.

Ross, Rosetta E & Rose Mary Amenga-Etego *Unravelling and Reweaving the Sacred Canon in Africana Womanhood* (2015) Lexington Books, London.

Salaman, Graeme & David Weeks *Stratification and Social Class* (1972) Open University Press, Bletchley.

Storr, Anthony *Sexual Deviation* (1964) Penguin Books, Baltimore.

### **Journal Articles**

Abiodun, Amuda-Kannike; Aaron George & Amadi Celestine Chukwuma, Oladapo Gbenga & Lawrence Udodilim Illuno 'Human Trafficking: A Global Challenge Reflection on the Challenges in Nigeria' (2017) 61 *Journal of Law, Policy and Globalisation* 192

Adepoju, Aderanti 'Review of Research and Data on Human Trafficking in Sub-Saharan Africa' (2005) 43(1-2) *International Migration* 75.

Adesina, Olubukola S 'Modern Day Slavery: Poverty and Child Trafficking in Nigeria' (2014) 12(2) *African Identities* 165.

Akpan, Eno-Obong 'Early Marriage in Eastern Nigeria and the Health Consequences of Vesico-Vaginal Fistulae (VVF) among young mothers (2003) 11(2) *Gender and Development* 70.

- Al-Hakami, Husain & Kenneth McLaughlin 'Debateable Marriages: Marriage and Child Marriage in Saudi Arabia' (2016) 52(7) *Marriage and Family Review* 654.
- Alvaesson, Mats & Dan Karreman 'Varieties of Discourse: On the Study of Organizations through Discourse Analysis' (2000) 53(9) *Human Relations* 1125.
- Asemah, Ezekiel S; Edegoh, Leonard Onyeka & Ogwu, Comfort 'Employing the Mass Media in Promoting Human Rights in Nigeria' (2013) 7(1) *African Research Review* 47.
- Askari, Ladan 'The Convention on the Rights of the Child: The Necessity of Adding a Provision to Ban Child Marriages (1998) 5 *ILSA Journal of International and Comparative Law* 123.
- Avalos, Lisa; Naima Farrell & Rebecca Stellato & Marc Werner 'Ending Female Genital Mutilation and Child Marriage in Tanzania' (2015) 38 *Fordham International Law Journal* 639.
- Bales, Kevin 'Expendable People: Slavery in the Age of Globalization' (2000) *Journal of International Affairs* 461.
- Bello, Paul Oluwatosin 'Modern-day Slavery: The Experience of Child-trafficked Victims in Nigeria' (2017) 18(1) *Child Abuse Research in South Africa* 11.
- Braimah, Tim S 'Child Marriage in Northern Nigeria: Section 61 of Part 1 of the 1999 Constitution and the Protection of Children Against Child Marriage' (2014) 14 *African Human Rights Law Journal* 474.
- Banda, Fareda 'Blazing a Trail: The African Protocol on Women's Rights Comes into Force' (2006) 50(1) *Journal of African Law* 72.
- Bowen, Glenn A 'Document Analysis as a Qualitative Research Method' (2009) 9(2) *Qualitative Research Journal* 27.
- Burns, Yvonne M 'Freedom of Expression Under the New Constitution (1997) 30(3) *Comparative and International Law Journal of Southern Africa* 264.
- Burris, Camellia 'Why Domestic Institutions are Failing Child Brides: A Comparative Analysis of India's and United States' Legal Approaches to the Institution of Child Marriage' (2014) 23 *Tulane Journal of International and Comparative Law* 151.
- Chirwa, Danwood Mzikenge 'The Merits and Demerits of the African Charter' (2002) 10 *The International Journal of Children's Rights* 157.

- Cook, Fay Lomax; Tom R Tyler; Edward G Goetz; Margaret T Gordon; David Protes; Donna R Leff & Harvey L Molotch 'Media and Agenda Setting: Effects on the Public, Interest Group Leaders, Policy Makers, and Policy' (1983) 47(1) *Public Opinion Quarterly* 16.
- Davel, Trynie 'African Charter on the Rights and Welfare of the Child, Family Law and Children's Right' (2002) 35 *De Jure* 281.
- Egede, Edwin 'Bringing Human Rights Home: An Examination of the Domestication of Human Rights Treaties in Nigeria' (2007) 51(1) *Journal of African Law* 249.
- Erulkar Anabelle S & Eunice Muthengi 'Evaluation of Berhane Hewan: A program to Delay Child Marriages in Rural Ethiopia' (2009) 35(1) *International Perspectives on Sexual and Reproductive Health* 6
- Farrelly, Ross 'Policy on Trial' (2008) 24(3) *Policy* 7.
- Fayokun, Kayode Olatunbosun 'Legality of Child Marriage in Nigeria and Inhibitions against Realisation of Education Rights' (2015) 5(7) *US-China Education Review* 812.
- Freeman, Michael 'The Morality of Cultural Pluralism' (1995) 3 *International Journal of Children's Rights* 1.
- Ghosh, Biswajit 'Child Marriage, Society and the Law: A study in a Rural Context in West Bengal, India' (2011) 25(2) *International Journal of Policy and the Law* 199.
- Hashemi, Karman 'Religious Legal Traditions, Muslim States and the Convention on the Rights of the Child: An Essay on the Relevant UN Documentation' (2007) 29(1) *Human Rights Quarterly* 194.
- Horowitz, Donald L 'The Qur'an and the Common Law: Islamic Law Reform and the Theory of Legal Change' (1994) 42(2) *The American Journal of Comparative Law* 233.
- Imo, Nnachi Amos 'Child Trafficking in Nigeria' (2017) 1(1) *Journal of Psychology and Sociological Studies* 1.
- Iyabode, Ogunniran 'Child bride and child Sex: Combating Child Marriages in Nigeria' (2011) 2 *Nnamdi Azikiwe Journal of International Law and Jurisprudence* 85.
- Jenson, Eric 'Between Credulity and Scepticism: Envisaging the Fourth Estate in 21<sup>st</sup>-Century Science Journalism' (2010) 32(4) *Media, Culture and Society* 615.

- Kayode, Jimi & Rahemmat Adenira 'Nigerian Newspaper Coverage of the Millennium Development Goals: The Role of the Media' (2012) 4 *Itupale Online Journal of African Studies* 1.
- Lord Lester of Herne Hill 'Freedom of Expression' (1993) 19(4) *Commonwealth Law Bulletin* 1722.
- Jennifer McCleary-Sills; Lucia Hanmer; Jennifer Parsons & Jeni Klugman 'Child Marriage, A Critical Barrier to the Girls Schooling and Gender Equality in Education' (2015) 13(3) *The Review of Faith and International Affairs* 69.
- Mettler, Suzanne & Joe Soss 'The Consequences of Public Policy for Democratic Citizenship: Bridging Policy Studies and Mass Politics' (2004) 2(1) *Perspectives on Politics* 55-73.
- Mezmur, Benyam D 'The African Children's Charter versus the UN Convention on the Rights of the Child: A Zero-Sum Game?' (2008) 23(1) *SA Publiekreg = SA Public Law* 1.
- Mikhail, Susanne Louis B. 'Child Marriage and Child Prostitution: Two Forms of Sexual Exploitation' (2002) 10(1) *Gender & Development* 43.
- Morgan, David 'Religion and Media: A Critical Review of Recent Developments' (2013) 1(3) *Critical Research on Religion* 347.
- Nguyen Minh Cong & Quetin Wodon 'Measuring Child Marriage' (2012) 32(1) *Economics Bulletin* 398.
- Nnaemeka-Agu, P 'Freedom of Expression and of the Press and the African Charter' (1993) 19(4) *Commonwealth Law Bulletin* 1761.
- Nour, Nawal M 'Child Marriage Medical' (2009) 2(1) *Review in Obstetrics and Gynaecology* 51.
- Nour, Nawal M 'Child Marriage: A Silent Health and Human Right Issue' (2009) 2(1) *Review in Obstetrics and Gynaecology* 51.
- Nnadi, Ine 'Early Marriage: A gender Based violence and a Violation Women's Human Rights in Nigeria' 2014 7(3) *Journal of Politics and Law* 35.
- Nwauche Enyinna S 'Child marriage in Nigeria: (Il)legal and (un)constitutional?' (2015) 15(2) *African Human Rights Law Journal* 421.
- Ogunniran, Iyabode 'Child Rights Act Versus Sharia Law in Nigeria: Issues Challenges and A Way Forward' (2010) 30 *Children's Legal Rights Journal* 62.



- Ojo, Tokunbo 'Ethnic Print Media in the Multicultural Nation of Canada: A Case Study of the Black Newspaper in Montreal' (2006) 7(3) *Journalism* 343.
- Jennifer Parson; Jeffrey Edmeases; Aslihan Kes; Suzanne Petroni; Maggie Sexton & Quentin Wodon 'Economic Impact of Child Marriage: A Review of the Literature' (2015) 13(3) *The Review of Faith and International Affairs* 12.
- Potrafke, Niklas 'Policies against human trafficking: the role of religion and political institutions' (2016) 17(4) *Economics of Governance* 353.
- Post, Robert 'Law and Cultural Conflict' (2003) 78 *Chicago-Kent Review Law Review* 485.
- Prinsloo, M W 'Pluralism or Unification in Family Law in South Africa' (1990) 23(3) *The Comparative International Law Journal of Southern Africa* 324.
- Rehman, Javaid 'Religion, Human Rights Law and the Rights of the Child' (2011) 62(2) *Northern Ireland Legal Quarterly* 153.
- Ries, Nola M; Christen Rachul & Timothy Caulfield, 'Newspaper reporting on legislative and policy intervention to address obesity: United State, Canada, and the United Kingdom' (2011) 32(1) *Journal of Public Health Policy* 73.
- Saenz, Lauren P & Michele S Moses 'Deliberating About Alternative Action: Linking Education Policy Research and the Media (2010) 116(2) *American Journal of Education* 263.
- Sarich, Josh; Michele Olivier & Kevin Bales 'Forced Marriage, Slavery and Plural Legal Systems' (2016) 38(2) *Human Rights Quarterly* 450.
- Scrapa, Silvia 'Child Trafficking: International Instrument to Protect the Most Vulnerable Victims' (2006) 44(3) *Family Court Review* 429.
- Uzodike, Eunice 'Child Abuse and Neglect in Nigeria- Socio-Legal Aspects' (1990) 4 *International Journal of Law and the Family* 83.
- Uzodike, Eunice N U 'Implication and Limits of Parental Rights in Nigeria' (1990) 2(2) *African Journal of International and Comparative Law* 282.
- Voinarevich, Olga 'A Fairy Tale Interrupted: The Long-Term Impact of Child Marriage in Yemen and the Necessary Adjustments to Both Local and International Laws to Stop the Practice and to Protect Voiceless Child Brides' (2015) 16 *Rutgers Race and the Law Review* 203.

Van de Glind, Hans & Joost Kooijmans 'Modern-Day Child Slavery' (2008) 22 *Children & Society* 150.

Van der Vyver, Johan D & M Christian Green 'Law, Religion and Human Rights in Africa: Introduction' (2008) 8 *African Human Rights Law Journal* 337

Warria, Ajwang' 'Forced Child Marriages as a Form of Child Trafficking' (2017) 79 *Children and Youth Services Review* 274.

Warner, Elizabeth 'Behind the wedding Veil: Child Marriage as a form of Trafficking in Girls' (2004) 12 *Journal of Gender, Social Policy and the Law* 233

### **Internet sources**

Dodo, Aisha Mukhtar 'Women's Health in Northern Nigeria', available at <http://www.republic.com.ng/vol1-no1/womens-health-in-northern-nigeria/>, accessed on 10 July 2017.

Off Our Backs, Inc 'Nigeria: Child Marriage Dangerous' (1987) 17(7) *Off Our Backs* 1, available at <http://www.jstor.org/stable/24471232> accessed on 21 December 2017.

### **Newspapers Articles**

Adekoya (SAN) 'Chibok Girls - Gender Violence and Human Rights' *Vanguard* 8 May 2014, available at <https://www.vanguardngr.com/2014/05/chibok-girls-gender-violence-human-rights/>, accessed on 14 June 2017

Adémólá-Olátéjú, Bámidélé 'Senator Yerima, child marriage, and woman right' *Premium Times* 23 July 2013, available at <http://www.premiumtimesng.com/opinion/141467-bamidele-upfront-senator-yerima-child-marriage-and-woman-right-by-bamidele-ademola-olateju.html>, accessed on 10 August 2017.

Adémólá-Olátéjú, Bámidélé '[Bamidele Upfront] Senator Yerima, Child Marriage, and Woman Right' *Premium Times* 23 July 2013, available at <http://www.premiumtimesng.com/opinion/141467-bamidele-upfront-senator-yerima-child-marriage-and-woman-right-by-bamidele-ademola-olateju.html>, accessed on 10 August 2017.

Adeniyi, Olusegun 'Cradle-Snatching and the Senate' *ThisDay* (Lagos) 25 July 2013, available at <http://www.lexisnexis.com.ezproxy.uct.ac.za/lnacui2api/api/version1/getDocCui?lni=5>

901-4F31-JBJ4-

24X1&csi=237924&hl=t&hv=t&hnsd=f&hns=t&hgn=t&oc=00240&perma=true,

accessed on 14 June 2017.

Agency Report ‘Katsina Emirate Says Marriage of “Abducted” 14-year-old to Emir’s Aide Irreversible’ *Premium Times* 14 October 2016, available at <http://www.premiumtimesng.com/news/top-news/212730-katsina-emirate-says-marriage-abducted-14-year-old-emirs-aide-irreversible.html>, accessed on 10 August 2017.

Agency Report ‘Worried About Prevalence of Child Marriage in Northern Nigeria, Government Moves to Stop Practice’ *Premium Times* 12 July 2016, available at <http://www.premiumtimesng.com/news/top-news/216659-worried-prevalence-child-marriage-northern-nigeria-government-moves-stop-practice.html>, accessed on 14 June 2017.

Ahmad, Muhammad ‘Emir Sanusi Wants Nigeria to Ban Child Brides, Under-18 Marriage’ *Premium Times* 24 May 2016, available at <http://www.premiumtimesng.com/news/top-news/204023-emir-sanusi-wants-nigeria-ban-child-brides-18-marriage.html>, accessed on 10 August 2017.

Ajumobi, Funmi ‘Children’s Day and 28 years of Child Rights’ *Vanguard* 25 May 2014, available at <http://www.vanguardngr.com/2017/05/childrens-day-28-years-child-rights/>, assessed on 29 May 2017.

Akinlami (Opinion) ‘Wasila Is a Child in Conflict With the Law’ *Vanguard* 25 May 2014, available at <https://www.vanguardngr.com/2014/05/wasila-child-conflict-law-akinlami/>, accessed on 14 June 2017.

Aliogo, Ugo & Azeizat Abdulkareem ‘Towards Ending Child Marriage’ *ThisDay* 8 December 2016, available at <http://www.thisdaylive.com/index.php/2016/12/08/towards-ending-child-marriage/>, accessed on 10 August 2017.

Anaekwe, Adaeze ‘Girl-Child Marriage - Cleric Wants Yerima Arrested’ *ThisDay* (Lagos) 1 September 2013, available at <http://www.lexisnexis.com.ezproxy.uct.ac.za/lnacui2api/api/version1/getDocCui?lni=5988-G7V1-JBJ4->

2100&csi=237924&hl=t&hv=t&hnsd=f&hns=t&hgn=t&oc=00240&perma=true,

accessed on 14 June 2017.

Arebi, Yetunde ‘Much Ado About Child Marriage (3)’ *Vanguard* 5 September 2017, available at <https://www.vanguardngr.com/2013/09/much-ado-about-child-marriage-3/>, accessed on 14 June 2017.

Arebi, Yetunde ‘Re: Much Ado About Child Marriage (2)’ *Vanguard* 27 September 2013, available at <https://www.vanguardngr.com/2013/09/re-much-ado-child-marriage-2/>, accessed on 14 June 2017.

Arenyeka, Laju & Ekemini Eyoh ‘Girl-Child Marriage Threatens Education – Experts’ *Vanguard* 25 July 2013, available at <https://www.vanguardngr.com/2013/07/girl-child-marriage-threatens-education-experts/>, accessed on 14 June 2017.

Arenyeka, Laju ‘#BringBackOurGirls - The Fight Must Go Beyond Chibok’ *Vanguard* 25 May 2014, available at <https://www.vanguardngr.com/2014/05/bringbackourgirls-fight-must-go-beyond-chibok/>, accessed on 14 June 2017.

Awofadeji, Segun & Chinazor Megbolu ‘UNICEF Advocates Collaboration For Improved Girls' Life’ *ThisDay* (Lagos) 26 June 2014, available at <http://www.lexisnexis.com.ezproxy.uct.ac.za/lnacui2api/api/version1/getDocCui?lni=5CHT-TFD1-DY15-S0GM&csi=237924&hl=t&hv=t&hnsd=f&hns=t&hgn=t&oc=00240&perma=true>, accessed on 14 June 2017.

Awofadeji, Segun ‘Fear of Boko Haram Worsens Child Marriage in the North, Bauchi Stakeholders Warn’ *ThisDay* (Lagos) 18 June 2015, available at <http://www.lexisnexis.com.ezproxy.uct.ac.za/lnacui2api/api/version1/getDocCui?lni=5G7S-CPJ1-DY15-S0T0&csi=237924&hl=t&hv=t&hnsd=f&hns=t&hgn=t&oc=00240&perma=true>, accessed on 14 June 2017.

Ayansanya, Caleb ‘Child marriage: ‘Practice, Consequences and Remedy’ *Vanguard* 26 June 2015, available at <https://www.vanguardngr.com/2015/06/child-marriage-practice-consequences-and-remedy/>, accessed on 14 June 2017.

Ben-Okagbue Roz ‘Eradicating Child marriage; Is the Removal of S29 the Answer?’ *Premium Times* 28 July 2013, available at <http://www.premiumtimesng.com/opinion/141780-eradicating-child-marriage-is-the-removal-of-s29-the-answer-by-roz-ben-okagbue.html>, accessed on 14 June 2017.

Bitrus, Bala B ‘Minor: Parents Cry Out Over Force Marriage’ *New Nigerian Newspapers* 28 April 2017, available at <http://www.newnigeriannewspaper.com/minor-parents-cry-out-over-forced-marriage/>, accessed on 14 June 2017.

Dickson, Jacob Onjewu ‘Children’s Day: Saraki Celebrates Children, Canvasses Implementation of Child’s Rights Act’ *New Nigerian Newspapers* 28 May 2016, available at <http://www.newnigeriannewspaper.com/childrens-day-saraki-celebrates-children-canvasses-implementation-of-childs-rights-act/>, accessed on 14 June 2017.

Editorial ‘As UN Celebrates 2015 Int’l Girl Child Day’ *Vanguard* 11 October 2015, available at <https://www.vanguardngr.com/2015/10/as-un-celebrates-2015-intl-girl-child-day/>, accessed on 14 June 2017.

Editorial ‘Child Marriage - Tonto Dike Curses at Senators’ *Vanguard* 29 July 2013, available at <https://www.vanguardngr.com/2013/07/child-marriage-tonto-dike-curses-at-senators/>, accessed on 14 June 2017.

Editorial ‘Child Bride in Kano Faces Murder Charges After Forced Marriage’ *ThisDay* (Lagos) 5 August 2014, available at <http://www.lexisnexis.com.ezproxy.uct.ac.za/lnacui2api/api/version1/getDocCui?lni=5CV5-PVM1-DY15-S3SY&csi=237924&hl=t&hv=t&hnsd=f&hns=t&hgn=t&oc=00240&perma=true>, accessed on 14 June 2017.

Editorial ‘Child Marriage Not in Conformity with Nigerian Law’ *Vanguard* 27 July 2013, available at <https://www.vanguardngr.com/2013/07/child-marriage-not-in-conformity-with-nigerian-law/>, accessed on 14 June 2017.

Editorial ‘FG Vows to End Child Marriage’ *Vanguard* 29 November 2016, available at <https://www.vanguardngr.com/2016/11/fg-vows-end-child-marriage/>, accessed on 14 June 2017.

Editorial ‘Growing Child Marriages in the North, Diminishing Hope for Zero Obstetric Fistula’ *ThisDay* (Lagos) 20 September 2014, available at <http://www.lexisnexis.com.ezproxy.uct.ac.za/lnacui2api/api/version1/getDocCui?lni=5D6C-84Y1-DY15-S1F6&csi=237924&hl=t&hv=t&hnsd=f&hns=t&hgn=t&oc=00240&perma=true>, accessed on 14 June 2017.

Editorial 'High Court Dismisses Challenge to "Child Bride" Murder Case' *Vanguard* 21 April 2015, available at <https://www.vanguardngr.com/2015/04/high-court-dismisses-challenge-to-child-bride-murder-case/>, accessed on 14 June 2017.

Editorial 'Poverty and the Nigerian Child' *ThisDay* 12 October 2016, available at <https://www.thisdaylive.com/index.php/2016/10/12/poverty-and-the-nigerian-child/>, accessed on 14 June 2017.

Editorial 'Senators' Love for Baby Wives [analysis]' *ThisDay* (Lagos) 27 July 2013, available at <http://www.lexisnexis.com.ezproxy.uct.ac.za/lnacui2api/api/version1/getDocCui?lni=590V-HH11-JBJ4-22C0&csi=237924&hl=t&hv=t&hnsd=f&hns=t&hgn=t&oc=00240&perma=true>, accessed on 14 June 2017.

Editorial 'The Campaign Against Child Marriage' *ThisDay* 20 January 2017, available at <http://www.thisdaylive.com/index.php/2017/01/20/the-campaign-against-child-marriage/>, accessed on 10 August 2017.

Editorial 'Towards Ending Child Marriage' *ThisDay* 8 December 2016, available at <https://www.thisdaylive.com/index.php/2016/12/08/towards-ending-child-marriage/>, accessed on 14 June 2017.

Editorial 'UNGASS Holds First Child Marriage Panel' *Vanguard* 25 September 2014, available at <https://www.vanguardngr.com/2014/09/ungass-holds-1st-child-marriage-panel-2/>, accessed on 14 June 2017.

Editorial 'UPDATED: 75 per cent of Nigerian girls get married before age 18 – ActionAid' *Premium Times* 21 October 2015, available at <http://www.premiumtimesng.com/news/top-news/191878-updated-75-per-cent-of-nigerien-girls-get-married-before-age-18-actionaid.html>, accessed on 10 August 2017.

Editorial 'Wasila Is a Child in Conflict with the Law – Akinlami' *Vanguard* 25 May 2014, available at <https://www.vanguardngr.com/2014/05/wasila-child-conflict-law-akinlami/>, accessed on 14 July 2017.

Edukugho, Emmanuel 'On Slippery Slope to Legalised Paedophilia' *Vanguard* 27 July 2013, available at <https://www.vanguardngr.com/2013/07/on-slippery-slope-to-legalised-paedophilia/>, accessed on 14 June 2017.

Ekeanyanwu, Ogechi 'As Our Senators Re-constitutionalise Child Marriage' *Premium Times* 18 July 2013, available at <http://www.premiumtimesng.com/opinion/141225-as-our-senators-re-constitutionalise-child-marriage-by-ogechi-ekeanyanwu.html>, accessed on 14 June 2017

Ekott, Ini 'Senate Denies Child Marriage Wrongdoing, Says Law May Be Revisited' *Premium Times* 23 July 2013, available at <http://www.premiumtimesng.com/news/141543-senate-denies-child-marriage-wrongdoing-says-law-may-be-revisited.html>, accessed on 14 June 2017.

Ekott, Ini 'Yerima Blackmailed Senators with Religious Sentiment, Says David Mark' *Premium Times* 25 July 2013, available at <http://www.premiumtimesng.com/news/141612-yerima-blackmailed-senators-with-islam-claim-david-mark.html>, accessed on 14 June 2017.

Eyoboka, Sam; Sola Ogundipe & Henry Umoru et al 'Child Marriage Supporters Blackmailed Us to Have Their Way – Mark' *Vanguard* 25 July 2013, available at <https://www.vanguardngr.com/2013/07/child-marriage-supporters-blackmailed-us-to-have-their-way-mark/>, accessed on 14 June 2017.

Fani-Kayode, Femi 'The Perverts and Paedophiles in Us [opinion]' *ThisDay* (Lagos) 21 July 2013, available at <http://www.lexisnexis.com.ezproxy.uct.ac.za/lnacui2api/api/version1/getDocCui?lni=58YB-P7R1-DY15-S3YD&csi=237924&hl=t&hv=t&hnsd=f&hns=t&hgn=t&oc=00240&perma=true>, accessed on 14 June 2017.

Fani-Kayode, Femi 'The Sad Case of Ese Oruru' *ThisDay* 6 March 2016, available at <https://www.thisdaylive.com/index.php/2016/03/06/the-sad-case-of-ese-oruru/>, accessed on 14 June 2017.

Falana, Funmi 'Child Marriage and the Constitution' *Vanguard* 25 July 2013, available at <https://www.vanguardngr.com/2013/07/child-marriage-and-the-constitution/>, accessed on 14 June 2017.

Falana, Funmi 'Senators, Go On, Delete It! [opinion]' *ThisDay* (Lagos) 30 July 2013, available at <http://www.lexisnexis.com.ezproxy.uct.ac.za/lnacui2api/api/version1/getDocCui?lni=5912-K3N1-DY15->

*S12P&csi=237924&hl=t&hv=t&hnsd=f&hns=t&hgn=t&oc=00240&perma=true*,  
accessed on 14 June 2017.

Fani-Kayode, Femi 'A Word for Yerima and the Paedophiles in Power' *Premium Times* 30 July 2013, available at <http://www.premiumtimesng.com/opinion/141879-a-word-for-yerima-and-the-pedophiles-in-power-femi-fani-kayode.html>, accessed on 10 August 2017.

Haruna, Godwin 'Nigeria Wallows On Slavery's List of Shame' *ThisDay* (Lagos) 21 October 2013, available at <http://www.lexisnexis.com.ezproxy.uct.ac.za/lnacui2api/api/version1/getDocCui?lni=59MY-1F41-JBJ4-21NB&csi=237924&hl=t&hv=t&hnsd=f&hns=t&hgn=t&oc=00240&perma=true>, accessed on 14 June 2017

Ibeh, Nnenna 'Kano Girl-bride Who Killed Husband Escapes Death, As Case is Dropped' *Premium Times* 20 May 2015, available at <http://www.premiumtimesng.com/regional/nwest/183378-kano-girl-bride-who-killed-husband-escapes-death-as-case-is-dropped.html>, accessed on 14 June 2017.

Iroegbu, Senator 'Child Marriage - Yerima Needs Psycho-Social Support, Says Group' *ThisDay* (Lagos) 15 August 2013, available at <http://www.lexisnexis.com.ezproxy.uct.ac.za/lnacui2api/api/version1/getDocCui?lni=594K-1TC1-JBJ4-24P0&csi=270944,270077,11059,8411&hl=t&hv=t&hnsd=f&hns=t&hgn=t&oc=00240&perma=true>, accessed on 14 June 2017.

Kayode-Adedeji, Dimeji 'Nigerian Kids Protest Child Marriage in Ogun' *Premium Times* 6 August 2013 available at <http://www.premiumtimesng.com/news/142382-nigerian-kids-protest-child-marriage-in-ogun.html>, accessed on 10 August 2017.

Lere, Mohammed 'UPDATE: Boko Haram leader, Shekau, Threatens to Marry Off, Sell Kidnapped Chibok Girls' *Premium Times* 5 May 2015, available at <https://www.premiumtimesng.com/news/160150-boko-haram-claims-responsibility-for-kidnap-of-chibok-school-girls.html> accessed, on 14 June 2017.

Mayah, Emmanuel 'Controversy over alleged abduction of another '15-year old' in Zaria' *Premium Times* 10 March 2016, available at



<http://www.premiumtimesng.com/news/headlines/199867-controversy-alleged-abduction-another-15-year-old-zaria.html>, accessed on 10 August 2017.

Mudiaga, Mavi 'S.29(b)... Barking Up the Wrong Tree? [opinion]' *ThisDay* (Lagos) 30 July 2013, available at <http://www.lexisnexis.com.ezproxy.uct.ac.za/lnacui2api/api/version1/getDocCui?lni=5918-P471-DY15-SIGT&csi=237924&hl=t&hv=t&hnsd=f&hns=t&hgn=t&oc=00240&perma=true>, accessed on 14 June 2017.

Muslim Rights Concern (MURIC) 'Our Position on Child Marriage – Islamic Organisation' *Premium Times* 25 July 2013, available at <http://www.premiumtimesng.com/news/141619-our-position-on-child-marriage-islamic-organisation.html> accessed on 10 August 2017.

Obahopo, Boluwaji & Laju Arenyeka 'Why the Fight for Girl-Child Education in the North Must Continue' *Vanguard* 8 May 2014, available at <https://www.vanguardngr.com/2014/05/fight-girl-child-education-north-must-continue/>, accessed on 14 June 2017.

Obi, Paul 'FG Sets Up Technical Committee to End Child Marriage' *ThisDay* 12 July 2016, available at <https://www.thisdaylive.com/index.php/2016/07/12/fg-sets-up-technical-committee-to-end-child-marriage/>, accessed on 14 June 2017.

Ochayi, Chris 'FG Moves to End Girl Child Marriage' *Vanguard* 11 July 2016 available at <https://www.vanguardngr.com/2016/07/fg-moves-end-girl-child-marriage/>, accessed on 14 June 2017.

Ogunmade, Omololu 'Child Marriage - Senators Blackmailed to Alter Votes, Says Mark' *ThisDay* (Lagos) 25 July 2013, available at <http://www.lexisnexis.com.ezproxy.uct.ac.za/lnacui2api/api/version1/getDocCui?lni=5901-4F31-JBJ4-24WV&csi=237924&hl=t&hv=t&hnsd=f&hns=t&hgn=t&oc=00240&perma=true>, accessed on 14 June 2017.

Onyegbula, Esther 'Early Marriage Linked to Mental Illness' *Vanguard* 8 July 2016, available at <https://www.vanguardngr.com/2016/07/early-marriage-linked-mental-illness/>, accessed on 14 June 2017.

Olatunji, Daud 'Ogun Women Protest Early Marriage' *Vanguard* 15 August 2013, available at <https://www.vanguardngr.com/2013/08/ogun-women-protest-early-marriage/>, accessed on 14 June 2017.

Olatunji, Daud 'Early Marriage - Day Children Took to the Streets' *Vanguard* 9 August 2013, available at <https://www.vanguardngr.com/2013/08/early-marriage-day-children-took-to-the-streets/>, accessed on 14 June 2017.

Olakanpo, Toyin 'Ending Child Marriage - Addressing the Cynics' *ThisDay* (Lagos) 21 June 2015, available at <http://www.lexisnexis.com.ezproxy.uct.ac.za/lnacui2api/api/version1/getDocCui?lni=5G8K-9791-DY15-S0V2&csi=237924&hl=t&hv=t&hnsd=f&hns=t&hgn=t&oc=00240&perma=true>, accessed on 14 June 2017.

Sowole, James 'Underage Marriage - It's Not Over For Allover Akinyelure' *ThisDay* (Lagos) 28 July 2013, available at <http://www.lexisnexis.com.ezproxy.uct.ac.za/lnacui2api/api/version1/getDocCui?lni=590V-HH11-JBJ4-2123&csi=237924&hl=t&hv=t&hnsd=f&hns=t&hgn=t&oc=00240&perma=true>, accessed on 14 June 2017.

Tedunjaye, Raymond 'Journalists Tasks on Girl-child Abuse Issues' *New Nigerian Newspapers* 5 January 2017, available at <http://www.newnigeriannewspaper.com/journalists-tasks-on-girl-child-abuse-issues/>, accessed on 16 June 2017.

Uangbaoje, Alex '49% of Married Women in Nigeria Are Child Bride – UNICEF' *New Nigerian Newspapers* 1 December 2016, available at <http://www.newnigeriannewspaper.com/49-of-married-women-in-nigeria-are-child-bride-unicef/>, accessed on 14 June 2017.

Umoru, Henry 'Islamic Law Sanctions Marriage Based on Maturity Not Age - Ahmad Sani' *Vanguard* 31 July 2013, available at <https://www.vanguardngr.com/2013/07/islamic-law-sanctions-marriage-based-on-maturity-not-age-ahmad-sani/>, accessed on 14 June 2017.

Usman, Liman Abdullahi 'Nigerian Constitution and the Girl Child Marriage' *Vanguard* 24 November 2014, available at <https://www.vanguardngr.com/2014/11/nigerian-constitution-girl-child-marriage/>, accessed on 14 June 2017.

Uzoho, Peter 'KABAFEST: A Gathering of Literary Giants' *ThisDay* 26 July 2017, available at <https://www.thisdaylive.com/index.php/2017/07/26/kabafest-a-gathering-of-literary-giants/>, accessed on 14 June 2017.

University of Cape Town