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ENDING CHILD MARRIAGES IN EASTERN AND SOUTHERN AFRICA: A MULTISECTORAL APPROACH

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ABOUT EQUALITY NOW

Founded in 1992, Equality Now is an international human rights organization that works to protect and promote the rights of all women and girls around the world. Our campaigns are centered on four program areas: Achieve Legal Equality, End Sexual Violence, End Harmful Practices, and End Sexual Exploitation, with a cross-cutting focus on the unique needs of adolescent girls. Equality Now combines grassroots activism with international, regional, and national legal advocacy to achieve legal and systemic change to benefit all women and girls and works to ensure that governments enact and enforce laws and policies that uphold their rights. Equality Now is a global organization with partners and members all around the world. You'll find our 80+ team across the world in places such as Beirut, London, Geneva, San Jose, New York, Nairobi, Tbilisi, and Washington DC, among others.

BACKGROUND

In East and Southern Africa, the fight to end child marriage continues. Research already done by the UNFPA East and Southern Africa Office (UNFPA ESARO), the SADC Parliamentary Forum, and Equality Now indicates several issues regarding the legal framework on child marriage in a majority of countries in Southern Africa,¹ gaps in the domestication of the Southern African Development Community Model Law on Eradicating Child Marriage and Protecting Children Already in Marriage (the SADC Model Law)² as well as the challenges in implementing the SADC Model Law and domestic laws in East and Southern Africa.³

This research indicates that there has been some progress regarding legal reforms in the 16 SADC Member States geared towards eliminating child marriage.⁴ However, only forty percent of the countries in the subregion (six countries - the Democratic Republic of the Congo, Malawi, Mauritius, Mozambique, Seychelles, and Zimbabwe) have pegged the minimum age of marriage at 18 for both boys and girls with no exceptions. If properly implemented, these laws have the potential to significantly reduce the incidence of child marriage in those countries.



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There is also evidence to indicate that some of the countries in the SADC region have either explicitly or implicitly started domesticating the SADC Model Law. As a best practice, Mozambique has enacted the *Law on Prevention and Combating of Premature Unions Law 19/2019*. This law specifically mentions that it is inspired by the SADC Model Law. Zimbabwe also now has a harmonized legal regime anchored by the Constitution and a revised Marriage Act of 2022, which unequivocally eliminates child marriage. Both these countries and others (Malawi, and Zambia) are also in the process of implementing national strategies that contain programming on eliminating child marriage.⁵ Despite this encouraging progress, challenges remain in the implementation of these laws. Some of these challenges include the persistent presence of poverty in these countries as a driver of child marriage, a lack of harmonization of laws within countries resulting in conflicting provisions on the same issue, lack of awareness on the content of the laws as well as some of the deeply seated cultural and religious norms that undermine the laws and perpetuate child marriages.⁶

Given the landscape illustrated above, it is crucial to have sustainable strategies for tackling the issue of child marriages in the two sub-regions. This publication suggests a multisectoral approach to dealing with the issue. While the use of multisectoral approaches to tackle child marriage in East and Southern Africa is not a novel idea, most of the strategies cited herein for reference have taken a bird's eye view of the approach with a demonstration of the key principles and strategies. This publication zeroes in on two important stakeholders in the multisectoral approach - parliamentarians in their monitoring and oversight role, and civil society organizations in their central role in strengthening people-centered programming on ending child marriage. The report will thus outline the multisectoral approach in the context of child marriage, and best practices from countries that are already implementing it, with a specific focus on the role of parliamentarians and CSOs. It will also explore challenges and gaps encountered in implementing the multisectoral approach. Finally, it will give recommendations on how to make the approach more effective.

1 UNFPA ESARO and Equality Now. 2023. Ending Child Marriage in Southern Africa: Gaps and Opportunities in the Legislative Frameworks, UNFPA ESARO, <https://www.equalitynow.org/resource/ending-child-marriage-in-southern-africa-gaps-and-opportunities-in-the-legislative-frameworks/>

2 UNFPA ESARO and Equality Now. 2023. Ending Child Marriage in Southern Africa: Domesticating the SADC Model Law on Child Marriage, UNFPA ESARO, <https://www.equalitynow.org/resource/ending-child-marriages-in-southern-africa-domesticating-the-sadc-model-law-on-child-marriage/>

3 UNFPA ESARO and Equality Now. 2023. Ending Child Marriage in Eastern and Southern Africa: Challenges in implementing domestic laws and the SADC Model Law on Child Marriage, UNFPA ESARO, <https://www.equalitynow.org/resource/equalitynow-org-cminesa/>

4 These 16 countries are Angola, Botswana, Comoros, Democratic Republic of the Congo, ESwatini, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Tanzania, Zambia, Zimbabwe.

5 UNFPA ESARO and Equality Now. 2023. Ending Child Marriage in Southern Africa: Domesticating the SADC Model Law on Child Marriage, UNFPA ESARO, <https://www.equalitynow.org/resource/ending-child-marriages-in-southern-africa-domesticating-the-sadc-model-law-on-child-marriage/>

6 UNFPA ESARO and Equality Now. 2023. Ending Child Marriage in Eastern and Southern Africa: Challenges in implementing domestic laws and the SADC Model Law on Child Marriage, UNFPA ESARO, <https://www.equalitynow.org/resource/equalitynow-org-cminesa/>

THE MULTISECTORAL APPROACH

The underpinning principle of a multisectoral approach is an intentional, coordinated collaboration between relevant partners and sectors to plan and deliver commitments to women's rights. It is not a concept that is unique to women's rights but it has been established as a useful tool in tackling various women's and girls' rights issues. If deployed properly, it takes the agenda of the protection of women's rights beyond the national machinery for the advancement of women.⁷ It demonstrates a unified national commitment and ensures that all relevant expertise is utilized in a coordinated manner, without duplication or working in silos. Some of the relevant stakeholders in a multisectoral approach to eliminate women's rights violations include government ministries, international agencies, donors, civil society organizations, religious institutions, community leaders and gatekeepers.⁸

What works for ending child marriage?

Five key pillars for implementing the multisectoral approach in relation to women's and girls' rights are as follows:

- **Acknowledging that the promotion of women's and girls' rights is a national priority that goes beyond the women's machinery or gender-implementing machinery in government.** This involves the enactment of adequate laws, and adoption of policies and plans with adequate budgets, and the effective implementation of these laws on ending child marriage.
- **Defining each organ and department of the government's responsibility and role in the promotion and protection of women's rights.** This, in essence, is mainstreaming women's issues in the different sectors of government. For instance, the Education Ministry would play a key role in ensuring that girls stay in school (including through using incentives to keep girls in school) and enhancing awareness and agency of girls through comprehensive sexuality education, a key strategy to end child marriage.
- **Ensuring a coordinated response amongst the government sectors, departments, and organs in a coherent strategy with a clear allocation of resources.** It thus involves monitoring, information sharing, and clarification of roles
- **Drawing together state and non-state actors in coordinated partnerships.** Civil society organizations, international development partners, and donors complement the process with established constituencies and financial contributions. Such partnerships are also key to implementing community-level interventions to address child marriage, including interventions with gatekeepers, men and boys, and other community members.
- **Consolidating technical expertise.** The advantage of coordinating across different stakeholders is a wide pool of expertise that can be provided by the different partners.⁹

Within the context of child marriages, the five pillars can also be designed to create an effective strategy that can work toward the elimination of the harmful practice.

⁷ Equality Now 'Use of multisectoral approach to ending gender-based violence and female genital mutilation in Africa' (2021).

⁸ UNICEF 'Multisectoral approaches to addressing harmful practices in Eastern and Southern Africa: A programme brief' (2021).

⁹ Equality Now n6 above.

Pillar 1: Child Marriage as a national priority

As an entry point to the approach, the legislative framework of the country needs to be robust and encompass all the core elements that work toward prohibiting child marriage. These include an unequivocal minimum age of marriage, with no exceptions related to customary, religious, or other personal law. The law also needs to remove any avenues to circumvent the minimum age of marriage through parental or judicial consent.¹⁰ In addition, all the laws relating to marriage or child protection need to be harmonized to eliminate any conflict in their interpretation. There should also be laws and policies that facilitate universal and accurate birth registrations.

Once such a legislative framework is in place, it can inform the development of a national platform, with clear deliverables and allocation of roles to different stakeholders, supported by adequate budget lines for the implementation of the national plan or strategy. For example, Eritrea has put in place a costed National Strategic Plan to ensure children's

and women's rights and abandon female genital mutilation, underage marriage, and other harmful traditional practices (2020-2024).¹¹ The creation of such a platform or plan should be done in consultation with all the relevant stakeholders, including the affected communities, and informed by a baseline to measure the impact of the strategy.

One key element of building an effective multi-sectoral approach is ongoing and continuous engagement with communities so that community issues are not considered in isolation, but instead inform the national strategy.¹² In addition, this engagement ensures that the strategy to end child marriage does not remain a top-down endeavor but can utilize small-scale community-based actions that are already in place at the community level and scale them up to apply at the national level. The executive arm of government and parliament are relevant for this pillar, as they are responsible for law development, law-making, and adoption of policies and strategic plans for the implementation of this robust legislative framework.



Photo: PixelCatchers/iStock

¹⁰ Equality Now and UNFPA (n1 above).

¹¹ As above.

¹² UNICEF, 'Multisectoral approaches to addressing harmful practices in Eastern and Southern Africa: A programme brief' (2021).

Pillar 2: Defining the organ and department of the government's responsibility and role in the elimination of child marriage¹³

- **Education:** Access to quality formal education at school prolongs the period during which a girl is viewed as a child as opposed to a potential bride. Enacting and enforcing laws and policies that provide for free and compulsory education for children by governments is a key strategy towards eliminating child marriage. School also increases the child's horizons through social networks, increased personal agency, and increased prospects for livelihood and economic empowerment. Age-appropriate comprehensive sexuality education within the school system is relevant for reducing early pregnancies that might lead to child marriage. For example, South Africa has an age-appropriate comprehensive sexuality program that has been integrated into basic education through a 'Life Orientation' subject which is compulsory from primary school all the way to the end of secondary school. Mainstreaming measures to reduce child marriage into existing strategies is also a way to implement the multisectoral approach, especially where there are resource constraints. Mozambique adopted a 'Gender Strategy for the Education Sector,' which sought to create equal rights and opportunities for girls in the education sector.¹⁴ While a strategy like this is geared towards equality in education, if the necessary data collection around child marriages is incorporated, it can produce results on its impact on child marriage. The relevant education ministry and its adjoining agencies are, therefore, a key component of the national plan.
- **Finance:** Access to livelihood support and cash transfers is an important strategy in the multisectoral approach. Poverty has been identified as one of the key drivers of child marriage, therefore, tackling the economic welfare of a household is important. This strategy includes access to cash, and increased productivity through activities like farming, livestock rearing, or businesses. This, in turn, increases asset ownership and food security, which not only increases the chances of families affording to keep children in school but reduces the chances of girls being married off in exchange for financial gain. In addition, a clear pathway to jobs that women and girls can access can compel girls to believe that they can make use of their acquired learning and skills. The Christian Children's Fund in Kenya ran a program where they were giving cash incentives to families in exchange for what would have been bridewealth for the families to keep the girls in school among the Masaai community.¹⁶ There are several government entities that would be relevant for this strategy, such as the Ministry of Finance, which makes the allocation of budgets, and any other ministries dealing with small and medium enterprises, industry and commerce, trade and investments and agriculture.

The *Yes I Do Alliance* was a five-year program run in 7 countries, including Ethiopia, Kenya, Malawi, Zambia, and Mozambique, from 2016 to 2020 and was funded by the Dutch Ministry of Foreign Affairs. Its aim was to foster a world where girls can decide if, when, and whom to marry and have children with. It focused on 15-24 year olds. Its priority areas were targeting community members, gatekeepers, and other stakeholders to have changed attitudes and take action, engaging adolescents to claim their sexual and reproductive health rights, empowering adolescents to make informed decisions on their sexual health as well as education and economic empowerment to provide alternatives to child marriage.

Results

The rate of child marriage dropped in Kenya and Ethiopia by 14%

Challenges

Many communities had more pressing concerns in terms of reaching basic needs, such as food, water, and sanitation, to fully engage in the program.¹⁵

¹³ This section is largely adapted from UNICEF, 'Multisectoral approaches to addressing harmful practices in Eastern and Southern Africa: A programme brief' (2021).

¹⁴ Centre for Human Rights 'A report on child marriage in Africa' (2018).

¹⁵ <https://amref.org/ethiopia/yes-i-do-alliance/>

¹⁶ <https://www.childfund.org/>

- **Health:** Access to health services, including sexual and reproductive health services for adolescents, is a key strategy. Health services are relevant for both preventing early pregnancies as well as providing care for adolescents/children who are already in marriage to take care of their sexual and reproductive health and rights. UNICEF in Zambia has rolled out a program that has seen adolescent/youth-friendly spaces being created at public health facilities, with 200 peer educators and approximately 100 health workers trained across the country.¹⁷ These health workers and peer educators help in the delivery of appropriate and accessible health services to young people. Peer educators help to tackle issues that might be culturally difficult to deliver across generational divides. Additionally, the mental health status of the children and adolescents who are already in marriage or have been removed from marriage is a priority. Counseling and psychological support are necessary to help them cope with any trauma that they might have encountered as a result of their marriage. The Ministry of Health is the main actor in this strategy.
- **Justice:** Access to justice for children who fall victim to child marriage is a vital component. Where the legal framework criminalizes child marriage and provides for penalties, it is important to have a clear referral pathway for dealing with the cases and ensuring justice for the children. This is complemented by the work of caseworkers and social protection officers who can help identify children in danger of being married or have been married contrary to the law. The police department and the judicial system would then drive the strategy with well-trained personnel to handle the sensitivity of child marriage cases.

In Kenya, the National Commission on the Administration of Justice (NCAJ) was established by the Judicial Service Act to ensure a coordinated, efficient, effective, and consultative approach in the administration of justice and the transformation of the justice system. In turn, the NCAJ has established Court Users Committees (CUC) in each court station to facilitate access to justice. The CUC membership consists of all users in the justice chain, from the judge all the way to CSO representatives, including police officers, prosecutors, and health professionals. The challenges that impact the fast delivery of justice for survivors of gender-based violence, including child marriage, are tabled during the meetings of the CUC with the state actor required to take responsibility to rectify the issue or if the challenge is a capacity gap. The CUC then contacts stakeholders who can fill this gap to invite them to support the CUC's development. The CUCs in many districts have also prepared Standard Operating Procedures (SOPs), applicable to all actors in the criminal justice system, to guide the management and handling of cases relating to gender-based violence and child marriage. One key gap that has been identified in CUCs is the need to ensure that all police officers and medical personnel understand how to handle evidence relating to GBV.

Civil society organizations (CSOs) play a key role in multi-sectoral mechanisms such as the CUCs, where they highlight the challenges that victims and survivors of GBV and child marriage face in accessing justice and hold the various state actors to account. As they are able to point out the specific hurdles they have faced while accompanying survivors with each service provider in the service chain, it challenges CUC members to rectify the mistakes they made. Afterward, the chair of the CUC would follow up on the resolutions made during the meeting to address these challenges. CSOs bring the human perspective to the CUC as this can be lost due to handling many cases. Additionally, CSOs ensure the dignity of victims is respected and upheld during the process in pursuit of justice. Finally, as CUC have limited funding, CSOs have stepped in to support capacity-building sessions for various members of the CUC, particularly police gender officers, medical practitioners, prosecutors, and children's officers, to ensure that the investigation and prosecution of GBV cases, including child marriage, are conducted with the utmost diligence and following the correct procedures so as to ensure that victims get justice.

¹⁷ UNICEF (n8).

- **Social Welfare:** Promoting positive social norm changes goes a long way towards eliminating child marriages. Negative cultural and religious practices and norms feature highly on the key drivers of child marriage in many societies. This strategy involves extensive community engagement through dialogue and information dissemination. Information on the negative effects of child marriages can be disseminated through the media and community structures. These include community elders and gatekeepers as well as religious leaders who often constitute the standard setters within the community. The community engagement needs to include discussions of societal expectations and norms, health concerns, relevant laws, the role of religion, the negative impact of child marriage, and the roles and responsibilities of different community members. Other important community members for engagement include girls, boys, caregivers, teachers, health workers, local child protection volunteers, peer educators, and local authorities. Transcending age and status helps to encourage communities to demystify issues that have been previously considered taboo. In Malawi, Chief Theresa Kachindamoto of Dedza District required 51 subchiefs to sign an agreement prohibiting child marriage in 2007. She also conducted door-to-door visits, arranged meetings with community groups, extolled the value of education, and annulled over 850 child marriages/unions in two years.¹⁸ The government departments working on women, children, and social welfare would drive this process.



Photo: Emmanuel Ikwuegbu/Pexels

- **Youth:** Access to and participation in youth social networks, religious institutions, school clubs, and youth health associations assists children and adolescents in building self-esteem and self-confidence. They could also have a positive impact on the youth to make better decisions for themselves and be inspired to grow their potential. Caseworkers can also assist in growing the family networks and giving support to the young girls, especially those who are already in marriage. They need help in asserting themselves as well as to work towards economic independence. In Ethiopia and Madagascar, programs for life skills training for adolescent girls were put in place.¹⁹ Youth departments within the government can lead these processes in collaboration with partners.

For each of these strategies and identified government departments, there is often a corresponding parliamentary portfolio committee that monitors the implementation of the work. The role of parliament is discussed in detail below.

¹⁸ Centre for Human Rights 'A report on child marriage in Africa' (2018).

¹⁹ As above.

Pillar 3: Ensuring a coordinated response amongst the government sectors, departments, and organs in a coherent strategy with a clear allocation of resources.

The convenor of the multisectoral plan must have the requisite gender and human rights expertise and enough power within the government.²⁰ They should also be capable of effectively monitoring the activities of the sectors and ensuring there is no duplication of efforts. The structure of the national or sub-national plan needs to spell out a regular interaction amongst the actors, with adequate information sharing across sectors and referral systems. For example, if the Ministry of Education has been recording data of several girls within a particular region dropping out of school because of child marriage, such information should be shared among the other sectors so that there is an increased supply of sexual and reproductive health services in the area, and that community engagement strategies for eliminating negative social norms are reviewed in that area. Resources thus need to be allocated to ensure effective responses are made.

The Her Choice Programme, which was implemented in 10 countries, including Ethiopia and Uganda, demonstrates the practical elements of this approach.²¹ It was funded by four Norwegian organizations Stichting Kinderpostzegels Nederland, The Hunger Project, International Child Development Initiatives (ICDI), and the University of Amsterdam, and ran from 2016 to 2020. It focused on investing in girls, their knowledge, skills, and participation, improving access to formal education for girls, improving access to youth-friendly sexual and reproductive health services, and improving the economic security of girls and their families, as well as mobilizing communities to change social norms.

Results

There was a reduced proportion of 12-17-year-old girls married between the baseline and the end line, and an increase in the proportion of girls in school. For example, in Mali, there was a 35% point increase in the number of girls in school. Ethiopia also recorded significant household economic security and birth registration increased in all 10 countries.²²

Lessons learned

One of the key priority areas should be changing social norms surrounding the acceptability of young people's sexuality among healthcare providers and teachers, which is crucial for effective comprehensive sexuality education and access to sexual and reproductive health services.

Pillar 4: Drawing together state and non-state actors in coordinated partnerships and consolidated expertise

Relevant stakeholders in the fight against child marriage include civil society organizations (CSOs), development partners, faith-based/religious organizations, and donors. In the identified strategies above, they can provide expertise which includes data collection and implementation plans. They can also run programs to implement the national plan. In addition, they can financially contribute to the implementation plans either through their own financed programs (in the case of CSOs and development partners) or through financing the government activities (donors and development partners).

CSOs have a critical role to play in implementing the multi-sectoral approach, and their influence and impact can be useful for either upscaling the project or downscaling to reach most local communities. They represent a wealth of benefits to programming on ending child marriage because they often bring expertise in advocacy, monitoring government accountability, engagement with communities and their representation, program implementation, and research.

CSOs also hold governments to account; and engage in advocacy to compel governments to take up programming on child marriages. They can also be critical to push governments to set up multisectoral national plans by presenting the data and scope of the problem to relevant government departments. In Zambia, the UNFPA-UNICEF Global Programme to End Child Marriage collaborated with the CSO Coalition for Ending Child Marriage to develop and launch the National Strategy to End Child Marriage, a costed national plan of action with a comprehensive monitoring and evaluation framework – and the National Advocacy and Communication Strategy on Ending Child Marriage.²³ The intervention of CSOs adds technical expertise, and their advocacy pushes the political will of the government to undertake programs like this one.

20 T Awori 'Using the Multisectoral approach to implement the African Union's Women's Rights Protocol: Implementation Tool' (2016) Equality Now, SOAWR.

21 <http://www.her-choice.org/en/her-choice/programme/>

22 Girls not Brides, UNFPA, UNICEF 'Research Spotlight: Successful multisectoral and multilevel approaches to address child marriage' (2022).

23 UNICEF 'Civil Society Engagement in the UNFPA-UNICEF Global Programme to End Child Marriage' *Factsheet*.

Pillar 5 - Consolidating Technical Expertise

To ensure that the maximum output is achieved in tackling child marriages, governments should look beyond the available personnel and sectors within their ranks in order to get technical expertise. The multisectoral approach thus goes beyond just the sector in government, to extend to other stakeholders, partners, and individuals who possess the necessary skills to implement programs on ending child marriage. Civil society organizations, academia, and development partners like the UN agencies often have specialized skills that, when mapped out and brought to a platform, can complement each other to achieve the desired goals. For example, the Government of Kenya is using the multisectoral approach to tackle child marriage through the newly established National Committee on Ending Harmful Practices. The Committee is composed of state and non-state actors and has the mandate to provide overall guidance on ending harmful practices, including child marriage, in the country and can help coordinate different stakeholders. Some of the key terms of reference of the committee include developing indicators for harmful practices among children to be incorporated into the Child Protection Information Management System (CPIMS) and providing technical oversight on the development of capacity-building materials and tools for stakeholders and children that are aimed at the prevention of and effective response to harmful practices against children.



Photo: Africanway/iStock

THE ROLE OF PARLIAMENTARIANS

While several stakeholders have been identified in the multi-sectoral approach, this brief focuses on the role of parliamentarians and how they can contribute to the success of the multisectoral approach. To make the elimination of child marriage a national priority with the full support of the government, it is vital to have political will. National parliaments can support and sustain this political will and add an important layer of support for the success of the multisectoral approach. Their role includes adopting and monitoring laws, policies, and strategies, and holding governments accountable for their effective, efficient, and transparent implementation.²⁴

Lawmaking

One of the core functions of parliament is adopting laws, regulations, and policies that give effect to rights. The research by Equality Now, the SADC PF, and UNFPA ESARO indicates that there are still countries in Eastern and Southern Africa that have gaps in their laws when it comes to protection against child marriage.²⁵ Others have a combination of progressive and regressive laws that require harmonization to end child marriage. Parliamentarians therefore have the duty to **review and ensure that the entire marriage law regime (including laws on inheritance, divorce, etc) does not have loopholes** that expose children to child marriage.²⁶ This includes the removal of any exception that could allow children to get married and ensuring that the laws are in line with the country's international and regional human rights obligations. In addition to adopting good laws, **parliament should oversee the training of relevant stakeholders involved in the justice delivery system** so that they handle the cases with the sensitivity that they require.²⁷ Parliamentarians

can also **advocate for the adoption of national or sub-national strategies and plans** for the implementation of the multisectoral approach, or the integration of necessary measures into existing plans.

Budgeting

It is important for parliament to ensure that every year there is an **adequate budget allocation to programs that work towards eliminating child marriages**. It is understandable that governments might be reluctant to bloat the budget of one ministry (say, the Ministry of Women and/or Child Welfare) in order to tackle child marriage, which is why parliament should ensure that there is some **allocation to different ministries to take action** on initiatives that are relevant to ending child marriage or that a percentage of their budget is designated to these initiatives. This ensures that the multisectoral approach is funded in the different sectors. Where a national plan is adopted, it is the role of parliament to **ensure that it is costed and fully financed**.

Members of Parliament should also **monitor the spending of the budgets allocated** and demand **accountability from government departments on their spending**. Further, they should **monitor in their own constituencies whether the fund allocated to ending child marriage initiatives has reached their intended targets on the ground**.²⁸ Conversely, they should **disseminate information to their constituencies** on how local authorities can access the funds for programs to end child marriage.

CSOs can also engage in budget advocacy to hold governments and parliamentarians accountable for their budgetary commitments, as well as to drive governments to make those commitments in the first place.

Girls Not Brides piloted a budget advocacy campaign with partner CSOs in 5 countries, including Kenya. The budget advocacy focuses on nationally generated domestic revenue and not on international aid or any other external funds, with a view to ensure that the expenditure extends to initiatives on ending child marriage.²⁹ National strategic plans that are under-resourced remain unimplemented therefore, it is important that CSOs push governments towards availing funds for these plans. The two elements of this are (i) budget analysis, which involves analyzing the budget information and explaining its implications in clear and compelling ways, as well as (ii) strategic advocacy, which includes getting the word out about a campaign and mobilizing the public and reaching out to policymakers and other stakeholders.³⁰ In Kilifi County in Kenya, under this project, the budget advocacy indicated to the County Government the need to have accurate data and situational analysis on child marriage to highlight and counter knowledge gaps regarding prevalence and hotspots in the area. The County Government was also encouraged to link initiatives on child marriages with existing strategies like the one on adolescent pregnancy.

²⁴ World Health Organisation 'Multisectoral preparedness coordination framework: Best practices, case studies and key elements of advancing multisectoral coordination for health emergency preparedness and health security' (2020)

²⁵ Equality Now, UNFPA (n1).

²⁶ Girls not Brides 'The role of parliamentarians in ending child marriage: A toolkit' (2016).

²⁷ As above

²⁸ As above

²⁹ Girls not Brides 'Civil Society and budget advocacy to end child marriage: Lessons learnt from six pilot projects' (2020)

³⁰ As above.

Oversight and accountability

In its oversight role, the key functions of parliament are as follows;

- > upholding the rule of law;
- > improving the efficiency and effectiveness of the government's financial activities;
- > monitoring the government's achievement of outcomes set by legislation and its own programs;
- > increasing transparency of government operations; and
- > enhancing public trust in the government.³¹

The accountability mechanism of parliament is often executed through parliamentary committees that are set up to deal with a specific theme. Some of them are long-standing and last the duration of parliament, while others are constituted on an ad hoc basis for an issue and are dissolved after it has been resolved.³² For example, Uganda's Parliamentary Forum for Children is constituted to consider the welfare, development, and protection of children in difficult situations.³³ Committees are effective because they constitute a smaller group of parliamentarians who can do an in-depth analysis of an issue and then report back to the main parliament. 'Committees should have the power to summon people, papers and records, scrutinize laws and recommend amendments or amend the legislation, the right and adequate resources to consult and/or employ experts, to seek and receive submissions from the public, hear evidence from diverse people, generally hear evidence in public, protect informants such as whistle-blowers or witnesses presenting relevant information to them, and the right to vote for members of the committee.'³⁴

This is a wide range of power that parliamentary committees wield. In the context of child marriage, therefore, parliament can **summon government departments** to hold them accountable for not carrying out initiatives to end child marriage. Parliament could **demand the production of relevant data regarding child marriages**, for example, hotspots and trends, so they can make decisions like how to allocate funds for interventions. The convenor of a national plan or measures to end child marriage could provide **regular updates to parliament** on the progress being made by different sectors to implement the plan. This way, parliament then assumes the **overall objective monitoring role** and can give advice on where the measures can be improved. A specific parliamentary committee on child marriage can be set up for this role. This committee can also **engage directly with non-state actors**, including CSOs, who can provide useful insight on whether the government efforts are effective and update on their own activities to end child marriage. Additionally, parliament can **push the government to comply with its obligation to regularly report to international human rights bodies** on the progress made to end child marriage (for example, CEDAW Committee, Children's Rights Committee, African Commission, etc); as well as to implement recommendations received from these international and regional human rights mechanisms towards ending child marriage.

Parliamentary action in Zimbabwe yielded some results. Hon. Jessie Majome used her role as a member of parliament to increase the political will to end child marriage in Zimbabwe. After engaging with other parliamentarians and sharing ideas at the platform of the Parliamentarians for Global Action, she met with the then Minister of Justice and Parliamentary Affairs and Vice President Hon. Emerson Mnangagwa to get his commitment to harmonize statutory law and customary law in fighting child marriage. She was invited to submit draft amendments to eliminate child marriage from the laws in Zimbabwe, which she presented to him and to parliament. She mobilized parliamentarians in the country to express their commitment to ending child marriage and influenced the government to design a national strategy to end child marriage. Following a Constitutional Court judgment banning child marriage, her actions led the Vice President and Minister of Justice to commit to amend all laws to reflect the constitutional position. Zimbabwe now has a Marriage Act which unequivocally prohibits child marriage with no exceptions.³⁵

³¹ Transparency International 'Overview of parliamentary oversight tools and mechanisms'(2022).

³² As above.

³³ <https://www.parliament.go.ug/page/uganda-parliamentary-forum-children-upfc>

³⁴ Commonwealth Parliamentary Association 'Recommended benchmarks for democratic legislatures' (2006 revised and updated 2018)

³⁵ Girls Not Brides (n29) above.

CHALLENGES

While best practices on multisectoral programming to end child marriage have been highlighted, there are still some challenges in getting the programs to work efficiently since the rate of child marriage in the sub-regions has yet to drop to acceptable levels. Some of the challenges have been highlighted already in previous reports in this series³⁶ which include the gaps in the law, which make implementation problematic. Other challenges that can be highlighted are as follows:

- **Funding challenges:** With several African countries' economies struggling, there are many competing priorities for the available funding. While fighting against harmful practices features highly on most countries' priorities, funding seems to be grossly inadequate. This pushes efforts specifically targeted towards child marriage to the margins.
- **De-prioritization of child marriage:** In addition to the lack of priority in funding, child marriage programming is also at risk of falling behind other issues. In the case of South Africa, violence against women and femicide are so high in the country that efforts are often consolidated towards tackling them to the detriment of child marriage concerns like *ukuthwala* (which involves abduction and forced marriage).³⁷
- **Lack of political will and capacity to implement the multi-sectoral approach:** The underpinning principle for successfully implementing the multisectoral approach is the presence of political will to make child marriage a national priority and to adopt the necessary laws and policies to make it work. The political agenda is driven by individuals in office, and in the event of a change of personnel (especially for parliament), it is sometimes difficult to pick up the same momentum if the new people have other priorities. For example, in Zimbabwe, priorities shifted when parliament renewed, with the new members considering child marriage as a 'soft issue' which has a limited impact on votes.³⁸
- **Poverty and natural disasters:** One of the key drivers of child marriage is poverty, with families either seeking to reduce mouths to feed or getting bridal wealth as poverty alleviation. If poverty is compounded by natural disasters like in the cyclone-prone regions of Mozambique, or the Covid-19 pandemic, the situation of young girls becomes more precarious. Climate change often results in weather phenomena that lead to a shortage of resources which in turn will drive up the need to marry off young girls, either to ease the burden on the scarce resources for the family, to get bridal wealth to alleviate the family's dire straits or to ensure the welfare of the child in a better-resourced family.³⁹ If there were any multisectoral programs ongoing, like comprehensive sexuality education, social clubs, or educational programs, these are interrupted if the natural disaster results in the displacement of the girls, leaving them vulnerable to child marriage.
- **Inadequate implementation, monitoring, and learning:** While many countries have adopted plans and strategies to end child marriage, in some cases, the plans are not effectively implemented. Even when the plans have been implemented, there is not enough evidence of how effective these plans have been, and what has worked.
- **Community resistance:** As a practice rooted in traditional communities, child marriage is a hard issue to tackle because of resistance from communities that have practiced it for centuries. The subordinate social status of women and girls continues to be a barrier, with many of the decisions and practices around marriage being made by the male members of the family and the community. This undermines programming efforts, especially where the economic welfare of the family rests with the male members. This means that interventions like continued school can be curtailed without consultation.

³⁶ Equality Now (n1) and (n2).

³⁷ As above. *Ukuthwala* is a harmful traditional practice in some parts of South Africa where young girls are abducted and forced into marriage.

³⁸ As above

³⁹ https://esaro.unfpa.org/sites/default/files/pub-pdf/child_marriage_and_environmental_crises_an_evidence_brief_final.pdf

RECOMMENDATIONS

In order to increase the effectiveness of the multi-sectoral approach towards ending child marriage, the following recommendations are made:

Overall

- To ease the challenge of funding constraints, there is a need to integrate ending child marriage initiatives more intricately within existing strategies. Several countries already have programming around adolescent sexual and reproductive health services, education, and economic empowerment, and all of these are central to the multisectoral approach to ending child marriage.
- For the integration mentioned above to be effective, this can be preceded by adequate research and situational analysis of child marriage within a region. This will inform how the existing strategies can best be modified to work towards ending child marriage.
- Monitoring mechanisms for national and sub-national plans need to be strengthened to collect the necessary information for the continuity of programs. Decentralized monitoring tools by stakeholders, which feed into a centralized monitoring tool by the convenor, could be an effective way to keep track of the progress.

To Parliamentarians:

- Parliament should prioritize ensuring that laws on child marriage are in line with international and regional human rights obligations, including those in the African Charter on the Rights and Welfare of the Child (ACRWC), the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), and the SADC Model Law on Child Marriage. Laws relating to child marriage, including statutory, religious, and customary laws, need to be harmonized to remove ambiguities and conflicting provisions.
- Parliament should increase its knowledge base by engaging with experts in the field of child marriage (including some members of CSOs) so that they can competently carry out their oversight role over government actions to end child marriage.
- Parliamentarians should make full use of their monitoring and oversight roles to monitor the effective implementation and enforcement of laws and policies to end child marriage.
- Parliaments should consider creating permanent sub-committees on child marriage (or on harmful practices, sexual and reproductive rights, and health or gender-based violence). These could be offshoots of the gender committee with a small group focused on ending child marriages. This could assist in keeping child marriages on the agenda of parliament and increasing the political will of parliament and the government.

To Civil Society Organizations:

- CSOs should strengthen local and regional coordination amongst themselves, as well as map and identify the strengths of different CSOs that may specialize in specific aspects, to prevent duplication of work and siloed working. Existing networks to address child marriage need to be transparent and accountable to increase trust in the network. The functioning of these networks will be enhanced by monitoring and evaluation; and the creation of a database of resources and documentation to promote best practices and knowledge sharing.
- The work plans of CSOs and other stakeholders towards addressing child marriage align with national action plans to end child marriage.
- Young people and survivors should be meaningfully engaged in advocacy and programming by both parliament and CSOs to design programs that best serve their interests.
- CSOs should prioritize advocacy to promote the domestication of international and regional human rights instruments and to promote effective enforcement and implementation of laws and policies on child marriage.

Contact Equality Now

 info@equalitynow.org

 www.equalitynow.org

 [@equalitynoworg](https://www.facebook.com/equalitynoworg)

 [@equalitynow](https://twitter.com/equalitynow)

 [@equalitynoworg](https://www.instagram.com/equalitynoworg)

Contact UNFPA East and Southern Africa

 comms-team-esaro@unfpa.org

 www.esaro.unfpa.org

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 [@UNFPA_ESARO](https://twitter.com/UNFPA_ESARO)