**Independent National Commission on Human Rights of Liberia (INHCR)**

**Introduction**

This is a report on early and forced marriage in Liberia. It seeks to highlight the state of early and forced marriage by placing the spotlight on the successes and challenges faced by the Liberian government, thus far, in eliminating the practice of early and forced marriage. This report argues that unless practical steps are taken, the protection of girls against early and forced marriage remains a mere legislation. The report is also drafted as an advocacy tool for the promotion of children’s and women rights.

**Methodology**

 This is a desk review and brief interviews of key protection specialists at the Ministry of Gender and Social Protection. The report also assessed the relevant national legal framework- the Domestic Relations Law as well as an international legal framework on the protection of women.

**Table of contents**

Introduction

Methodology/overview

Body

1. Definition of Early and Forced Marriage
2. Existing laws (International and National)
3. Current Situation of Early and Forced Marriage in Liberia

Conclusion

**Content**

**I. Definition of Early and Forced Marriage**

According to the Office of the High Commission on Human Rights (OHCHR) Child marriage, or early marriage, is any marriage where at least one of the parties is under 18 years of age. Forced marriages are marriages in which one and/or both parties have not personally expressed their full and free consent to the union. A child marriage is considered to be a form of forced marriage, given that one and/or both parties have not expressed full, free and informed consent.

This is a global problem. Child brides can be found in every region of the world. Majority of the girls forced to marry at a young age live in developing countries: According to UNICEF one in three girls in developing countries are married by the age of 18, one in nine married before the age of 15. While boys are also married as children; early and forced marriages affect girls in much greater numbers.

**Why early and forced marriage widely practiced?**

This human rights violation occurs for a number of reasons including gender inequality, poverty, insecurity, and traditional beliefs. Some impact of early and forced marriage on its child victims are as follows:

* Young mothers are more at risk of health complications.
* Childbirth, which is the leading cause of death among girls between the ages of 15 and 19 in developing countries.
* Child brides are also at a bigger risk of contracting HIV/AIDS and from suffering domestic violence.
* These girls tend to drop out of school at a younger age and they have little access to opportunities, such as holding a job, outside the home.
* When girls marry early, they and their families are more likely to live in poverty. Etc.

**II. Existing Laws prohibiting Early and Forced Marriage in Liberia (National and International)**

The Convention against the elimination of all forms of violence against Women, (CEDAW) adopted in 1979 by the United Nations General Assembly. Liberia ratified the Convention in 1984. CEDAW calls for the abolition of all violence against women. The African Charter on the Rights and Welfare of the Child defines a child as anyone below the age of 18. In its General Comment 21, CEDAW Committee ‘enjoined state parties to consider the minimum age for marriage at 18 years for both man and woman.’

Convention on the Rights of Child CRC adopted in 1989 by the United Nations General assembly, came into force in 1990. It is a human rights treaty which sets out the civil, political, economic, social, health and cultural rights of children. The Convention defines a child as any human being under the age of eighteen unless the age of maturity is attained earlier under national legislation. According to the CRC, every child has basic rights, including the right to life; children have the right to express their opinions, to their own name and identity etc. These human rights standards are violated each time a child marriage occurs. Liberia ratified the CRC in 1993, thus agreeing to adhere to all standards set forth in the CRC. In General Comment 4, the Committee on CRC “strongly recommends that State parties review and, where necessary, reform their legislation and practice to increase the minimum age for marriage with and without parental consent to 18 years, for both girls and boys.

The Maputo Protocol also known as the protocol to the African Charter on Human and Peoples Rights, adopted in 2003, was also signed by the Government of Liberia and subsequently ratified in 2007. The Charter is geared towards the promotion of Women’s rights. The Maputo Protocol states that, no marriage shall take place without the free and full consent of both parties and that the minimum age of marriage for women shall be 18 years.

The African Union in 2014 launched a campaign to end child marriage in Africa. The AU campaign aims to speed up change across Africa by encouraging governments to develop strategies to raise awareness of child marriage and address its harmful impact. Specifically, it aims to: Identify the socio-economic impact of child marriage, Promote the effective implementation of AU legal and policy instruments and support policy action, Remove barriers and bottlenecks to law enforcement, Increase the capacity of non-state actors to undertake evidence-based policy advocacy. On the basis of the AU initiative, a few years later, the Government of Liberia officially launched a campaign to end early and forced marriage through the Ministry of Gender, Children and Social Protection. During the launch of this campaign, the government of Liberia re-committed itself to abolishing early and forced child marriage in Liberia. As a way of enhancing its treaties obligations, the Government committed itself to enact legislations aim at abolishing force and early marriage as well as supporting civil society to campaign nation-wide to educate the public on the effect of these harmful practices.

The Liberian Children law passed by the legislature in 2012 removed any parental exception that allowed a child above the age of 16 to marry; reinstating that a child is a human being under aged 18. This was a strong and deliberate effort taken by the Government of Liberia in the domestication of the CRC and the African Charter on the Rights and Welfare of the Child (ACRWC), demonstrating a resounding commitment to the promotion of the rights of children in Liberia, thus abolishing child marriage.

While there has been a significant gain to abolish early and forced marriage, there are still challenges within the legal framework. For example, Section 2.2 of the Domestic Relations Law of Liberia has not been repealed. This provision allows for a marriage between 16-18 years provided such marital arrangement meets the acquiescence of the parents and or guardians. In a male dominant society where marriages are arranged and imposed on children, this law serves as an opportunity for children to be forced into marriage.

In an attempt to address the gaps in the legal framework, the former President of Liberia in January 2018 issued an Executive Order in line with Liberia human rights obligations by prohibiting violence against children under the age of 18 years. The law also abhorred all harmful traditional practices including FGM against children. However, the lifespan of the Executive Oder which is one year expires in January 2019 without any sign of a legislation that will ensure sustainable protection against early and forced marriage.

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**III. Current Situation of Early and Forced Marriage in Liberia**

Despite being prohibited by international law and national laws in Liberia, 36% of girls in Liberia are married before the age of 18, according to UNICEF State of the World’s Children, 2016 report.[[1]](#footnote-1) The 2016 UNICEF report also rate the prevalence of early and forced marriage practice in Liberia at 32 percent.

With these strong laws both locally and internationally prohibiting early and forced marriage in Liberia, the reality is that most girls will be married by age 18, instead of having opportunity to access basic education that will enable them to read and write.

The non-existence of a massive awareness campaign to educate the public on the effect of early and forced marriage makes the actualization of these laws meaningless. Additionally, there are also difficulties in the monitoring and implementation of these laws protecting children from early and forced marriage. There is also a slow pace in the prosecution of those arrested, simply because most people believe that these acts are sanctioned by customs. These thoughts also find justification in the fact that Liberia’s dual legal system of statutory and customary laws operate inconsistently, thereby creating grey areas that make children vulnerable to harmful traditional practices including forced and early marriage and FGM.

The protections these laws provide are very marginal. Most of the victims of these practices come from communities where opportunities are virtually non-existent. In some of the villages or counties where these young girls’ live, they have chosen to be married by age 13 rather then to walk for eight hours to and from each day. Some face other challenges like a forceful initiation into FGM/C, which usually connotes that upon graduation from the cultural school, these young girls are ready to be married. While efforts are made by Government and international partners these practices continue incessantly despite Liberia’s human right treaties obligations.

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1. **Conclusion**

There is the continuous practice of early and forced marriage in the country despite, being a state party to regional and International human rights instruments. Too often, a Liberian girl is still not in actuality protected from these human rights violations, the existence of these laws should be in tandem with massive campaigns and engagement with local and traditional leaders. The state must do everything to repeal existing laws and address the inconsistencies between customary and statutory laws to ensure greater protection for female girls from forced and early marriage.

1. UNICEF/ Liberia Report 2016 [↑](#footnote-ref-1)