

**13th May 2010, Africa - With mixed reactions trailing the marriage of former Zamfara State governor, Senator Sani Ahmed Yerima to a 13-year old Egyptian girl, a professor of law in the University of Lagos has told Vanguard Education Weekly that early marriage can put an end to the education of the girl-child.**

Professor Peter Fogam, Department of Commercial and Industrial Law, University of Lagos, decried a situation in which innocent female children supposed to be enjoying the warmth and affection of their parents are given out for marriage.

“Imagine your daughter at say 10, 12, 15 years, with so much of innocence, should need direction from parents not marriage. Parents are supposed to do some home training for the girl-child.”

He asserts that early marriage is capable of terminating the education of the child.

“That is the end of education for the child because she would be a parent if she becomes a mother at a tender age which is not the age for having children.”

According to the law professor, “It is revolting to my conscience,” to mention such a situation which cannot be seen as appropriate in this modern time.

Asked whether the Islamic religion does not frown against child marriage, Fogam replied thus: “Religion is a cover for those who do this. I heard a muslim scholar saying that it is not only inappropriate considering the puberty period, but also that the child should be capable of consenting. Can a 13-year old consent to a marriage? It goes beyond religion.”

He noted that the facts of the matter are still being investigated, and therefore there is need to wait for the outcome.

“Nigeria is a signatory to the International Convention on the Rights of the child which has been domesticated as the Child Rights Act. It prohibits the crimes of child abuse and child trafficking. If the Senate investigation finds it true, Yerima can be charged to court.”

He added:

“Presently there are no facts, but only rumours and speculations. But at the end of the day, the true situation of things will be known.”

It will be recalled that Senator Sani Yerima whose state, Zamfara, when he was governor, was the first in the country to introduce the Sharia system, which had since been followed by other northern states.

His marriage to a 13-year old Egyptian girl after allegedly paying a bride price of 100,000 US dollars (N15 million) in a marriage ceremony which took place in Abuja because Egyptian laws prohibit marrying minors under 18 years, sparked a nationwide protest by women groups. They demanded his recall from the Senate. Although he defended his action on the ground that the marriage is not against his religion, many people disagreed.

Some of the angry women groups referred to the scourge of Vesico Vaginal Fistula (VVF) with Nigeria having 800,000 out of the 2 million women suffering from the deadly disease globally. The VVF disease is mainly caused by early marriages to girls below 16 years.

This is according to the survey by the United Nations Fund for Population Activities (UNFPA). Chairman of the Senate committee on health, Dr. Iyabo Obasanjo – Bello, while making a case for a law prohibiting early marriages, expressed dismay at a situation where Nigeria with only 2% of the world's population contributes to a staggering 1% of all maternal mortality globally.

On the other hand, the Child Rights Bill is being vehemently opposed in some parts of the north including Senator Yerima's home state of Zamfara where women and children staged a protest against it. They reportedly described the bill as “a direct assault on Islam and Nigerian Muslims.”

Among the inscriptions in placards carried by demonstrators in Gusau, Zamfara capital, is that which read – “Islam not against marrying 13 – year old girl.”

It was reported that in their protest letter titled: “No To The Child Rights Bill”, written in English, Hausa and Arabic, they said the bill is opposed because of its insensitivity to the provisions of Sharia and intended to impose on Muslims, Western family life and values.

The bill sent by the National Assembly to Zamfara House of Assembly did not even get the first reading because legislators believed it was designed against Sharia and Muslims.

Also the Zamfara state government condemned the bill saying it was not meant for Nigeria’s development as the constitution allows for right to religion.

While Nigeria signed the United Nations Convention of the Rights of the Child (CRC) and the national legislature has passed the Child Rights Act in Abuja, the law appears to have differing levels of acceptance and implementation among Nigerian States, Abuja Federal Capital Territory, Ebonyi, Ogun and Lagos States are among the States that have passed the bill into law.

The law has had little true effect on child’s rights across Nigeria, due to lack of implementation among other states which have their own governments and judiciary.

While some described the Child Rights Act as legally binding, others say there exists no provision of national force that truly protects children against abusive conditions, and that on many states, child protection activities are still the purview of NGOs.

Implementation has been made very difficult as the states and local governments represent a diverse range of ethnic groups, customs, traditions and cultures.

Right/Access to Education:

Another area of concern with regard to discrimination against girls is their access to education. If the government has officially been more concerned about girls’ schooling for the last few years, the rate of girls attending school is still much lower than that of boys in most parts of the

country.

For instance, in the north, where the highest rate of illiteracy (70%) was registered, and girls attending schools are very few.

“This is partly due to harmful traditional practices such as child marriage. But it also highlights the high degree of boy preference in the Nigerian Society and underlines the need for policies promoting girls education and status,” a reliable source said.

Prior to the 2003 Child Rights Act, the Nigerian Child protection was defined by the Children and Young People’s Act (CYPA), a law relating primarily to Juvenile Justice. Originally passed by the British Colonial government in 1943, the CYPA was later revised and incorporated into Nigeria’s federal laws in 1958. However, its legal provisions fell short of the rights afforded by the African Charter on the Rights and Welfare of the Child (ACRWC), the United Nations Convention of the Rights of the Child (CRC) and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice.

Nigeria is a signatory of CRC and the ACRWC although the conventions have not been incorporated into domestic law and therefore lack legal force.

But after series of conferences organised by the Nigerian Chapter of The African Network for the prevention and protection against Child Abuse and Neglect with the Ministries of Justice, Health and Youth/Social Development in collaboration with UNICEF, new draft laws on protecting children in Nigeria were produced. It was this draft that stimulated the government to develop the current Child Rights Act 2003.

The current act defines a new child protective system and allows opportunities for the participation of children in matters that concern their rights and welfare, rights which were not in the children and young people’s Act.

The Child Rights Act 2003 creates a discretionary guardian and litem position for representation of the child who is a legal practitioner, “the court may, for the purpose of any

specified proceedings, appoint a guardian ad litem for the child concerned to safeguard the interests of the child, unless it is satisfied that it is not necessary to do so.

“Additionally, the court has the power “to consult the wishes of the child in considering what ought to be made in protective proceedings” and the child has the right “to exercise on his or her free choice”. But consultation of the child’s wishes in most areas is rare.

On the Yerima case, which looked like the manifestation of a wealthy man using his wealth, affluence power and within the limit and precepts of his religion allowing him to marry up to four wives even including minors, he was reported to have told the BBC that he had done nothing wrong, and therefore has not broken the law.

Hear him: “History tells us that Prophet Muhammed did marry a young girl as well. Therefore I have not contravened any law. Even if she is 13, as it is being falsely peddled around, if I state the age, they will still use it to smear Islam.”

Also reacting, Mima Wokocha, President of the Women’s Medical Association, who was among those that sent a petition to the senate which is now investigating the matter, said: “What we are concerned with is that our minors, the girl child, should be allowed to mature, before going into marriage. This very evil act should not be seen to be perpetrated by one of our distinguished legislators, that is what we are saying.”

Yerima insisted that as a Muslim, he considers God’s law and that of his prophet (Muhammed) above any other law.

“I will not respect any law that contradicts that and whoever wants to sanction me for that is free to do that.”

Our checks showed that at the Fourth World Conference on Women held in Beijing, China some years ago, it was acknowledged that” discrimination in girls’ access to education persists in many areas, owing to customary attitudes, early marriages and pregnancies, inadequate and gender-based teaching and educational materials, sexual harassment and lack of adequate and physically and otherwise inaccessible schooling facilities.”

It was noted that girls undertake heavy domestic work at a very early age. Girls and young women are expected to manage both educational and domestic responsibilities, often resulting in poor scholastic performance and early drop-out from the education system. This has long-lasting consequences for all aspects of women's lives.

Source: [Vanguard](#)