

Socio - cultural, socio - economic factors and prevention of forced marriages in Nigeria

by

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Prosjekt forebygging og holdningsendrings arbeid mot tvangsekteskap og kjønnslemlestelse blant innvandrere i Trondheim / Project prevention of female genital mutilation amongst immigrants in Trondheim.

Sør-Trøndelag Felles Innvanderråd (STFIR)

Trondheim

Norway

Sponsor: Integrerings- og mangfoldsdirektoratet (IMDi) /The Directorate of Integration and Diversity (IMDi)



**Marriage Act
Chapter 218**

Laws of the Federation of Nigeria 1990



**Sør-Trøndelag
Felles Innvanderråd**

Leder: Carmelita M.P. Strandbråten
Prosjektleder/kasserer: Bonny Okpe
Prosjektleder/sekretær: Ota Ogie



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Nigeria: country, people and culture

- **Population: 141,356,000 (Lewis, M. Paul (ed.), 2009. Ethnologue: Languages of the World, Sixteenth edition. Dallas, Tex).**
- **Language: 527 languages. National or official languages; Edo; Efik,; Adamawa; Fulfulde; Hausa; I doma; Igbo; Central Kanuri; Yoruba; English (Lewis, M. Paul (ed.), 2009. Ethnologue: Languages of the World, Sixteenth edition. Dallas, Tex).**
- **Nigeria is heterogeneous with different religious beliefs and customs with strong cultural affinities. The major ethnic groups are; the Hausa, , Fulani and Kanuri-speaking peoples in the north, majority of whom are muslims ; the Yoruba and Ibo who are mainly Christians in the south; 10 regional ethnic groups amongst whom are the Edo speaking people in the mid-western Nigeria.**



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Nigerian marriage laws

•Marriage laws:

- **Common Law: An Act to make provisions for the celebration of marriages. (31st December, 1914).** The common laws consist of British case laws. These laws have been reviewed and reformed and form the basis for Nigerian Statutory laws.
- **Statutory laws:**
 - **Marriage Act Chapter 218 Laws of the Federation of Nigeria 1990.**
 - **Matrimonial Causes Act Chapter 220 Laws of the Federation of Nigeria 1990.**
- **Customary law: customary laws encode the culture and beliefs of a society and this applies to customary marriage laws. Customary law marriage in Nigeria is classified as invalid marriage in the Marriage Act Chapter 218 Laws of the Federation of Nigeria 1990. Efforts are being made by states in Nigeria to legalize customary law marriages. Customary law marriages may be religious.**
- **Religious laws:**
 - **Christianity: marriages may be celebrated in churches. Orthodox churches in Nigeria require a marriage license from the couple to be married.**
 - **Religious Laws: marriage laws:**
 - Sharia law.
 - Maliki school of law:
 - Ijbar (over-ruling power) .



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What is forced marriage/ arranged marriage/marriage of convenience

- Forced marriage means that a person is forced into marriage by means of unfair pressure, threats or other physical or mental violence. Coercing somebody into getting married against their own will is a violation of human rights as well as of Norwegian law.
<http://www.udi.no/Norwegian-Directorate-of-immigration/central-topics/forced-marriage/>
- Marriage of convenience: a marriage entered into for reasons other than the reasons of a relationship, family, or love can be defined as a marriage of convenience. The concept of marriages of convenience is similar to but is distinguished from the concepts of arranged marriages which is typified by the intervention of someone outside the future couple and forced marriages which is characterised by the absence of consent by one or both of the parties. (*Marriages of Convenience a comparative study: Rules and practices in Norway, Sweden, Germany, Denmark and the Netherlands. Commissioned by the Norwegian Directorate of Immigration (UDI)*). Marriage of convenience may be consensual or non consensual.
- Arranged marriages are common in many parts of the world. To a far greater degree than in Norway, family members and relatives can constitute an individual's safety net. Who a person marries becomes a matter of collective concern rather than the choice of an individual. (*Action Plan against Forced Marriage 2008-2011. Ministry of Children and Equality*). For arranged marriages a person can refuse to get married without reprisals.



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Traditional marriage customs in Nigeria: Edo, Yoruba, Igbo and Hausa

Traditional marriages in Nigeria are celebrated under the customary laws in the society the marriages takes place. Customary laws are made up of the culture, traditions, ethics and religion of a society. Traditional marriages may be cultural, African traditional religions, Islamic. Normally most couples have both traditional marriages and statutory marriages.

Nigeria has mostly a patrilineal culture, however, a few societies in the east of Nigeria particularly the Ibos in Abia state have matrilineal cultures. The patrilineal culture is reflected in both the statutory laws of Nigeria and in areas where it is practised, it is the father and the father`s family who gives consent to a marriage.

The Edos, Yoruba, Igbo and Hausa as with most of Nigeria celebrates the customary marriage in the bride`s home. Similar to these cultures is the payment of a bride price. The amount differs in each culture. Traditionally , in addition to a small cash payment and drinks ,bride price took the form of labour provided by the suitor for his in-laws-to-be. The Ibos generally have high brideprices but some Ibo communities have low bride prices. The Edos pay a symbolic low bride price of 24naira, The father of the bride informs the groom`s family that their daughter is not for sale and that the groom`s family should love and take care of her very well. The Hausas brideprice is low and does not exceed 20 naira. The low brideprice is attributed to Islamic religion that the less amount paid for a bride the more blessed the marriage is. Similar to the Edo people, the yorubas have low bride prices that is most commonly returned to the groom`s family. The bride`s family tells the groom`s family that they are not selling a wife, they are giving a daughter.



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Statutory marriages: registry, church marriages and Islamic marriages

■ **Statutory marriages** are celebrated according to the marriage Act chapter 218 laws of the federal republic of Nigeria 1990. It may be celebrated in a court registrar's office or in licensed religious places of worship. Licensed places of worship are usually churches.

■ **Islamic marriages:** Valid Islamic law marriage require two types of consent —consent of the parties and parental consent. Islamic law prohibits marriage between relatives. A moslem cannot marry a pagan but is allowed to marry a christian woman. However, a moslem woman is precluded from marrying a non-moslem.

■ **The marriage Act chapter 218 laws of the federal republic of Nigeria 1990** precludes poligamy. A person married to a wife already under the customary and Islamic laws cannot marry a different person under the statutory law.

■ **Child marriages:** Child marriages was common in Yoruba, Hausa and Igbo cultures. It is still being practised in some communities in the Hausa culture in Northern nigeria. The marriage Act chapter 218 laws of the federal republic of Nigeria 1990 precludes child marriages. Couples under the age of 21 years must get the wriiten concent of their parents, guardian and if they are not residing in Nigeria, a governor, a judge of the high court of the state or of the Federal Capital Territory Abuja or any officer of or above the grade of assistant secretary.



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Forced marriages: cultural factors

■ **Child marriages:** A girl in Northern Nigeria under 21 years asked her father why he was giving her away as a bride. He replied: "It is the way our people have done it for generations. I married your mother at your age". Child marriages, are most common in the predominantly Muslim states in the north :Adamawa, Bauchi, Borno, Gombe, Jigawa, Kano, Katsina, Kebi, Nasarawa, Niger, Sokoto, Yobe, and Zamfara (particularly among the Hausa ethnic group). It is not so common in southern, eastern and western Nigeria.

■ **Societal integration :** Women and men are compelled to marry people within their community in some parts of Nigeria, to protect their cultural traditions.

■ **Polygamy:** In some communities polygamy raises the social status of men. Men are compelled to marry more than one wife to meet up with social expectations.

■ **Integration of the community:** In some communities, women are prevented from marrying outside their communities to keep inherited properties within the community.

■ **Prevention of promiscuity.**

■ **Pregnancy:** Pregnant unmarried women might be forced to get married.



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Forced marriages: economic factors

■ **Child marriages:** Child marriages are often conducted for economic reasons. In some parts of Nigeria, it is considered uneconomical to educate girls since they will get married and become part of their husbands communities. In Northern Nigeria, a girl can continue to go to school for several years before the marriage is consummated. This practice is known as *daurin aure*. Forced marriage among the Hausa mostly applies to girls who have not been to school or who have not yet reached puberty.

■ **Poverty:** Some parents force their children to marry wealthy men irrespective of whether the children consent or not. Girls are forced into polygamy as wives to much older men.

■ **Some rich parents force their children into marriage to consolidate their economic investments.**

■ **Forced marriages for economic reasons have become more prevalent in the Nigeria communities.**



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Forced marriages: societal values

- **Societal values are often peer related values:**
- **Pressure to get married: Women are forced into marriage because their peers have gotten married and they are expected to get married.**
- **Respect: Some Nigeria parents do not want their children living abroad to marry non Nigerians because they think their spouse wont respect them.**



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Forced marriages: religious factors

■ **Child marriages:** Women cannot be given away in marriage without their consent under Shari'a law. This does not apply to minors .

■ **Forced marriages women:** The Maliki school of law, practiced in Northern Nigeria states that the choice of husband by a Muslim woman is subject to the ijbar, or over-ruling power, of her father or guardian. A father or guardian can select a husband for his daughter based on her wider interest.

■ **A moslem cannot marry a pagan but is allowed to marry a christian woman.** However, a moslem woman is precluded from marrying a non-moslem.

■ **Some christian families insist their children marry spouses from the same denomination as them.**

■ **Osu cast in Igboland:** Two classes of people amongst the Igbo – the Nwadiala and the Osu. Osu are the people dedicated to the gods they are regarded as slaves, strangers, outcasts and untouchables. It is forbidden for an Nwadiala to marry an Osu. Chinua Achebe portrays this in his book *No longer At Ease*, thus: *“Our fathers in their darkness and ignorance called an innocent man Osu, a thing given to the idols, and thereafter he became an outcast, and his children, and his children’s children forever”*. The distinction between the Nwadiala and the Osu is still prevalent amongst the Igbos although educated Nwadiala people may choose to marry Osu people. Some Nwadiala people are forced to marry Nwadiala people. Laws have been enacted protecting the Osu people against discrimination .



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Some marriage terminologies

Edo:

- Rhiè (take) + Òkhuò (woman) = get married.
- Òvbòhàn (child) + mwén (my) = my wife.
- Óvbióhá (Child of bush= bride) + miárò (squeeze + eye) = The bride is looking alluring.
- Òdàfèn (husband/ head of a household) + mwén (my) = my husband.

Yoruba:

- Alaga (owner of chair) Ijoko (stool) = Seating Master of Ceremony usually female. Represents the brides family.
- Alaga (owner of chair) Iduro (to stand)= Standing Master of Ceremony usually female. Represents the grooms family.

Hausa:

- saduquat (sadaki) = dower .
- Ijbar = over-ruling power, of a woman`s father or guardian.
- Daurin (imprisonment) + aure (marriage) = forced child marriage often for educational reasons. The marriage might be consummated when the child grows up.

Igbo:

- Nwadiala (Nwa (child)+ ndi (community, people) + ala (ground, country, earth, land) = sons of the soil) = indigenes .



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Consequences of forced marriages

- Family problems.
- Children running away from home and their husbands.
- Prostitution.
- Medical problems. A medical problem amongst child brides in Northern Nigeria is Vesico, vaginal fistulae (VVF), the breakdown of the tissue in the vaginal wall communicating into the virginal or rectum.
- HIV/ AIDS.
- Mental problems.
- Suicide.



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Prevention of forced marriages

■ **Child marriages: Marriage Act Chapter 218 Laws of the Federation of Nigeria 1990, 48: “Whoever, knowing that the written consent required by this Act has not been obtained, shall marry or assist or procure any other person to marry a minor under the age of twenty-one years, not being a widow or widower, shall be liable to imprisonment for two years”.**

■ **Nigerian civil law: Nigeria. 1990a. Criminal Code Act. Chapter 77, no. 361. "Offences Against the Person and Relating to Marriage and Parental Rights and Duties and Against the Reputation of Individuals." Forced marriage is illegal with up to 7 years jail term.**

■ **Nigeria`s National Policy on Population discourages parents from arranging marriages for girls under 18 years of age .**

■ **Ratification of the UN Child Rights Act (UN 13 Apr. 2005). As at 2005, 20 states were in the process of ratifying the act however, as at 2006, only eight of Nigeria's thirty-six states had ratified the Act .**

■ **Nigeria is party to several international treaties that protect the rights of women and minors; the United Nations (UN) Convention on the Rights of the Child; the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); the UN Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment; the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination;; the African Charter on Human and Peoples' Rights.**

■ **NGOs in Nigeria working on the prevention of forced marriages.**



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