



BRIEF

A feminist vision on accessing justice for preventing child marriage

PARTNERS

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Participatory action research using consensus-building methods was conducted from 2021-22 with feminist and women-led civil society organisations, experts, and practitioners to learn how best to end child marriage and support already married girls in forcibly displaced and crisis-affected communities in East Africa. This brief summarises findings on accessing justice, which study participants identified as a priority for **preventing child marriage**. Direct quotes from participants are included in italics throughout. For additional details about the study, this brief can be read in conjunction with a separate brief outlining the research process.



CONSENSUS DATA FROM GRASSROOTS FEMINIST ACTORS IN EAST AFRICA



Agree that developing and strengthening strong systems of justice should be a prerequisite for child marriage prevention programming.



Agree that they collaborate across sectors to ensure access to justice.



Agree that collaboration across sectors and the humanitarian-development-peace nexus is essential for developing and strengthening systems of accountability.



Agree that there needs to be training of community law enforcement officers, including the judiciary, to ensure child marriage prevention is successful.



Agree that collaboration across sectors and the humanitarian-development-peace nexus is required to develop and strengthen strong systems of justice.



Agree that the lack of implementation of child marriage laws and policies acts as a barrier to preventing child marriage and transforming harmful gender norms.

Weak access to justice systems; lack of law implementation; absence of laws and policies and/or delay in legal reform of existing laws and policies; and lack of support and reporting mechanisms were highlighted as critical barriers to child marriage programme success.

WHY IS ACCESS TO JUSTICE ESSENTIAL FOR CHILD MARRIAGE PREVENTION AND TRANSFORMING GENDER NORMS?

- Laws do not always ensure that child marriage is illegal, as sometimes different laws create contradictions, exceptions, or loopholes. It is crucial that laws work harmoniously to prevent child marriage and that they are created without exceptions.
- Enactment, implementation and enforcement of child marriage laws and policies can discourage child marriage.
- Child marriage is discouraged in communities where people report illegal child marriages and action is taken to bring perpetrators to justice.

RECOMMENDED PRACTICE

For child marriage efforts to be successful, a multi-pronged approach to justice should include the existence of laws, advocacy for legal reform, and communication of rights.

Feminist actors note that working directly with justice institutions, the media, and local leaders who are working closely with justice institutions works well to support effective cross-sector collaboration and secure justice within communities.

Social media and networking groups are helpful for disseminating information about child marriage (i.e., what is permissible under the law), which helps facilitate justice at a local level.

Our participants highlighted justice-related enablers for preventing child marriage, which included:

- *'training of key government officials in the judiciary, law enforcement officers';*
- enhancing access to and reach of existing mechanisms that support birth and marriage registration;
- *'access to justice mechanisms that are well understood and articulated with clear collaborations with the law enforcement sector.'*

CRITICAL ISSUES

Our participants believe that lack of government goodwill to publicly address child marriage, lack of gender protection at national level, corruption, weak access to justice systems, poor enforcement of laws, lack of reporting mechanisms and delays in reform of existing laws and policies all act as barriers to preventing child marriage.

Existing laws are often *'poorly enforced or superseded by customary and religious laws'*, and therefore it is particularly important to work with community leaders, members of the law enforcement and the justice sectors. Some respondents felt that child marriage laws and policies are *'unclear', 'unfriendly', and 'unharmonized.'* Laws can also be contradictory and create loopholes for child marriages to be permissible.

Girls and their families often do not know about justice mechanisms and may rely on the support or advice from community members who are not appropriately informed or trained and may give *'inaccurate advice to seek justice or help.'* At times *'local authorities are unwilling to enforce laws due to unintended consequences'*, such as arresting the perpetrator who is the breadwinner for other family members and creating a situation where *'seek[ing] justice for one person'* could potentially create risks for an entire family falling into poverty.

ACCOUNTABILITY

If girls, families, and community members are expected to report acts of child marriage, then the justice and legal system should be held accountable to guarantee that the process for reporting and achieving justice is accessible, fair, secure, and handled with respect to the rights of girls as both victims and survivors.

Transparent systems and structures of accountability are needed at all levels, including within families, in communities and through the different levels of government.

Documentation of births and marriages plays a key role in accountability as it *'elevates the issue of child marriage beyond communities and alerts local governments'* to cases of child marriage, survivors can prove the union took place, access more services and hold someone accountable for allowing the marriage to take place.

LEARNINGS FOR ACTION

- Justice systems must be held accountable for addressing child marriage violations.
- Systems and structures of accountability need to go beyond individual cases of child marriage that are resolved through systems of justice and hold those who facilitate *'cultures'* of child marriage to account.
- Cross-nexus collaboration with the justice system is particularly critical for crisis affected populations who are more vulnerable to rights violations, including child marriage.