



BRIEF

# A feminist vision on accessing justice for meeting the needs of married girls

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 **meeting the needs of married girls**. 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.

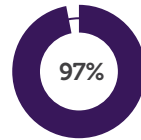
## CONSENSUS DATA FROM GRASSROOTS FEMINIST ACTORS IN EAST AFRICA



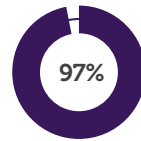
Agree that the application and enforcement of existing laws that protect married girls is essential for meeting their needs.



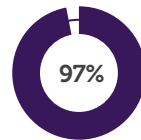
Agree that access to and provision of legal aid and support is essential for meeting the needs of married girls.



Agree that the training of community law enforcement officers, including the judiciary, is required to meet the needs of married girls.



Agree that access to justice mechanisms should be enhanced.



Agree that collaboration across sectors and the humanitarian-development-peace nexus is essential for facilitating the enforcement of existing laws that protect married girls (e.g., minimum age of marriage laws).



Agree that collaboration across sectors and the humanitarian-development-peace nexus is essential for ensuring provision of legal aid for married girls.



Agree that provision of free and accessible services for girls to report cases of child marriage is needed.



Agree that reporting and referral platforms between organisations need to be strengthened.

### WHY IS ACCESS TO JUSTICE ESSENTIAL FOR WORKING WITH AND MEETING THE NEEDS OF MARRIED GIRLS?

- Ensuring that girls and families are aware of, and have access to, available justice mechanisms encourages them to report perpetrators and instances of child marriage. The justice system should be held accountable to guarantee that the process of reporting and achieving justice is accessible, fair, secure and respectful of the rights of girls as both victims and survivors.
- The justice system has a responsibility to attain justice for victims of child marriage, which includes arresting the perpetrator of the child marriage, ensuring the parents are aware of the legal consequences and promoting the rights of the survivor throughout the entire process.



## RECOMMENDED PRACTICE

Justice for survivors of child marriage includes prosecution of perpetrators while protecting and supporting girls and their families once proceedings begin.

Justice mechanisms that should be enhanced include:

- creation and implementation of child marriage laws and policies that are centred around the experiences of married girls;
- access to birth and marriage registration;
- strong response to perpetrators of child marriage enforced by formal and informal justice systems;
- training of community-based law enforcement officers, including the judiciary;
- accessible information about marriage and rights;
- clear reporting mechanisms;
- provision of/access to free legal aid;
- support through the legal process (i.e., financial and psychosocial);
- a transparent and trustworthy legal process.

Dedicated free lines for girls to report cases of child marriage have been found to be effective, especially when supported by peer mentors. When girls are sensitised to their rights and the appropriate reporting procedures, they can be empowered to access support and justice for themselves and their peers.

It is also critical that mechanisms of justice, including mobile courts, are accessible for girls; they should link to the national justice system through NGOs working in communities, and justice and legal services should be decentralised through integration into local justice systems.

Increasing the voices of married girls in developing the justice system and holding the justice system to account is also crucial.

Cross-sectoral collaboration with other actors can support key information sharing about new cases of child marriage.

## CRITICAL ISSUES

Participants use both the terms *'victims'* and *'survivors'* when talking about access to justice, recognising that girls

are both victims and survivors at the same time, indicating a tension in the terminology used in this field and how this reflects the position of affected girls.

Weak implementation of policies and weak legal systems act as a barrier to meeting the needs of married girls. For example, several participants felt that current child marriage laws are *'unclear'*, *'unfriendly'*, *'contradictory'* and *'unharmonized'* and do not work to effectively to ensure justice for child marriage survivors.

Transparent and safe reporting systems are required, as several participants noted that the limitations of the justice system lie in the fact that the reporting process itself effectively causes girls and families to *'fear coming out to report and even follow through the cases'*. Girls need to be ensured that appropriate justice mechanisms are in place and are working.

The economic status of the perpetrator and the girl's family may cause the perpetrator to use bribery and economic power to interfere in the realisation of justice.

It is important to work with community leaders and members of the law enforcement and the justice sectors to ensure that customary and religious laws do not override or replace existing laws.

Lack of funding or resourcing across all sectors working with married girls was cited as a barrier to upholding justice for child marriage survivors. Sufficient funding is needed in the health, education and protection sectors to support the reporting process, hold others to account for enforcing laws, as well as providing married girls access to services and legal education.

The robust systems of marriage and birth documentation *'elevates the issue of child marriage beyond communities and alerts local governments'* to cases of child marriage and means child marriage survivors can prove the union took place, access more services and hold someone accountable for allowing the marriage to take place.

It is particularly challenging for conflict-affected married girls and their families to access justice. Strengthening community and faith-based reporting mechanisms, as well as child safeguarding systems, in humanitarian structures and corridors may provide pathways of support to survivors.

## LEARNINGS FOR ACTION

- Multi-sector-led training on gender justice and safe implementation of marriage laws is required for key government officials in the judiciary, law enforcement officers and religious leaders.
- Enforcement of registration of all births and marriages is required to support effective implementation of laws on minimum marriage age.
- Access to justice mechanisms for girls and their families that are well understood and articulated with clear collaborations with the law enforcement sector are necessary and fundamental to ensuring married girls can access legal support.