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Chapter 1: Introduction

1.1 Defining the research question, aim and scope of the study

During my Child Rights internship at Save the Children in Tanzania in 2020, I was exposed to the implementation of projects that had ‘ending child marriage’ as an objective. I also discovered a specific type of child participation structure that Tanzania has all over the country: child-led Children Councils. Some of the Save the Children projects that had ending child marriage as an objective involved supporting these child-led Children Councils to learn about their rights and become empowered to identify and address child rights violations, like child marriage. This example of child participation intrigued me greatly and led me to my desire to carry out my Master thesis on this topic with the research question: **In what ways, and to what extent, does child participation have a significant impact on efforts to end child marriage in Tanzania?**

The word “significant” in the research question refers to the success of the impact child participation has in contributing to ending child marriage in Tanzania. Since the word “significant” will be used a lot throughout this thesis, it is important to keep this meaning in mind. Finding out “to what extent” child participation has a significant impact means the amount of significance of the impact will be measured on a scale from the least significant to very strongly significant. To be able to measure this, this study will conduct an in-depth research of the views of children who are involved in child participation efforts to end child marriage through child-led Children Councils in Tanzania. In doing this, the research will also be able to answer in what ways, or in other words; how, child participation can have a significant impact on efforts to end child marriage in Tanzania.

The importance of involving and listening to children in decision making on issues that concern them has been recognised in the United Nations Convention on the Rights of the

Child (UNCRC) under Article 12¹. In fact, it is deemed so important that it is even a general principle of the convention, which means it should be considered in the interpretation and implementation of all other rights of the convention.² The Committee on the Rights of the Child also noted “that the voices of children have increasingly become a powerful force in the prevention of child rights violations”.³ Therefore, the analysis that this study aims to conduct on the relationship between child participation and ending child marriage is warranted.

There have been past studies that have reviewed child marriage prevention programs and identified that child participation, through the form of empowering girls with information, skills, support, and resources, has proved to be an effective way to reduce child marriage prevalence.⁴ This already lays a foundation about how promising child participation can be in being significantly impactful on efforts to end child marriage. However, the focus has been on the inclusion and empowerment of girls only. Although child marriage is mostly a practice that affects girls, I contend that also involving and empowering boys in the efforts to end child marriage is as important as involving and empowering girls. This is because involving and empowering children like this will lead to a socio-cultural change that contributes to ending child marriage, and if the involvement and empowerment is only provided to one gender, it may lead to socio-cultural clashes between genders that would undermine efforts

¹ United Nations Convention on the Rights of the Child (UNCRC) (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3, Article 12.

² United Nations Committee on the Rights of the Child (CRC), *General comment No. 12 (2009): The right of the child to be heard*, 20 July 2009, CRC/C/GC/12, p. 5; J. Hart, ‘Children’s Participation and International Development: Attending to the Political’, *International Journal of Children’s Rights* 16, 2008, p. 408.

³ United Nations Committee on the Rights of the Child (CRC), *General comment No. 12 (2009): The right of the child to be heard*, 20 July 2009, CRC/C/GC/12, p. 27.

⁴ S. Lee-Rife, A. Malhotra, A. Warner, & A. M. Glinski, ‘What works to prevent child marriage: a review of the evidence’, *Studies in family planning*, vol. 43, no. 4, 2012; J. Parsons, & J. McCleary-Sills, ‘Preventing Child Marriage: Lessons from World Bank Group Gender Impact Evaluations’, *World Bank Group: enGENDER IMPACT: The World Bank’s Gender Impact Evaluation Database*, 2014, Washington, DC, <https://www.worldbank.org/content/dam/Worldbank/document/Gender/enGENDER%20IMPACT%20-%20Research%20Brief%20Early%20Marriage%2008.07.pdf>, (accessed 17 March 2021); D. Bandyopadhyay, ‘How rural girls are standing up to child marriage in India’, *Girls not Brides*, 1 June 2015, <https://www.girlsnotbrides.org/how-rural-girls-are-standing-up-to-child-marriage-in-india/>, (accessed 29 January 2021).

to end child marriage. Therefore, this study aims to include boys as well as girls in conversations about efforts to end the practice.

Moreover, the way I intend to gather primary data to answer my research question is by using a child participation methodology and asking children themselves about what they think are the main causes of child marriage in Tanzania and what solution they think could help end the practice. I have not seen many studies that use such a child participation methodology to review efforts to end child marriage; this is a research gap that this thesis intends to fill.

Furthermore, research on the particular child participation structures of the child-led Children Councils in Tanzania has been limited. “There is no publicly available data showing . . . how the councils perform. There is also no information to indicate how many children know about their right to participate or whether they know that a Children’s or school council should represent them; let alone their perspective on the performance of their own council”.⁵ This study aims to address the lack of research in this area.

The findings from this research will be useful in order to find out how best to design and conduct efforts to end child marriage in Tanzania. In addition, they can contribute some knowledge about how children can be involved in actions that address their human rights and in what ways it can be significant. This research is also important because it can help start conversations about how child participation may need to be strengthened in efforts to end child marriage more globally. This could be a catalyst for similar research to be conducted in other countries around the world so that more effective strategies can be found to tackle the issue of child marriage.

⁵ K. McAlpine, E. Lyatuu, & N. Kagucia, ‘The situation of child rights governance in Tanzania and opportunities for action’, *Save the Children*, Dar es Salaam, Tanzania, 2017, p. 5.

1.2 Structure of the thesis

Following this introduction, this thesis will continue with five more chapters. Chapter two explores existing literature on the international framework, standards and concepts surrounding child marriage and child participation to lay a critical foundation thus enabling the proper investigation of the research question. Chapter three analyses the issues of child marriage and child participation in the Tanzanian context to introduce the case study focus of this research. Chapter four describes the research design and methodology applied in carrying out this research. This chapter presents a conceptual assessment framework I created to analyse the primary data collected. This framework is composed of four components that measure the extent to which child participation is significantly impactful in efforts to end child marriage based on whether the components are being achieved or not. Chapter five presents and analyses the research findings and discusses the implications of these findings to answer the research question. The final chapter brings together all the findings from the research and provides an answer to the research question. It also mentions the implications of the study's findings by giving recommendations about how to best design and conduct efforts to end child marriage in Tanzania and explores the ideas that could be investigated as part of further research on the subject matter. This thesis concludes that child participation is very significantly impactful in efforts to end child marriage in Tanzania in many beneficial ways. Consequently, it is recommended that child participation should be included in all efforts to end child marriage in Tanzania, and similar research should be conducted in other countries to find out in which ways child participation could be a solution to tackle the issue of child marriage around the world.

Chapter 2: International framework – standards and concepts

This chapter explores the international framework, standards and concepts surrounding child marriage and child participation. Existing literature on the topic, such as human rights documents and academic articles, are analysed in order to understand and be able to properly investigate the research question. The chapter ends with an analysis of the relation between child marriage and child participation.

2.1 Child rights and child marriage

2.1.1 Defining child marriage within a human rights framework

The United Nations Convention on the Rights of the Child (UNCRC) is the main legally binding international human rights treaty and document that sets out the rights of every child. It was adopted in 1989 and is now the most widely ratified international human rights treaty in history with 196 countries that have ratified it. The first Article of the treaty defines a child as “every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier”.⁶ Child marriage is thus defined as any marriage that involves a human being below the age of eighteen years old.⁷ Ending child marriage is not an explicit state obligation in UNCRC but almost the entire convention deals with addressing its harmful consequences and many international human rights documents advocate ending child marriage around the world.

Child marriage has been mentioned in international human rights documents since the 1960s. In 1962, the United Nations (UN) created a Convention on Consent to Marriage, Minimum Age of Marriage, and Registration of Marriages to protect the right to free and full consent

⁶ United Nations Convention on the Rights of the Child (UNCRC) (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3, Article 1.

⁷ Human Rights Watch (HRW), ‘No Way Out: Child Marriage and Human Rights Abuses in Tanzania’, *Human Rights Watch*, 29 October 2014, p. 1; Wodon, Q., Male, C., Nayihouba, A., et al., ‘Economic impacts of child marriage: global synthesis report’, *World Bank*, 2017, p. 1.

to marriage and to call on States Parties to take legislative action to specify and enforce a minimum age for marriage.⁸ Additionally, in 1979, The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) stated under Article 16.2 that “the betrothal and the marriage of a child shall have no legal effect”.⁹ However, at that time the legally binding definition of a child that the UNCRC lays out today did not exist, therefore it was difficult to implement. After the UNCRC had established the definition of a child, the treaty-monitoring committee for CEDAW published the General Recommendation No. 21 on Equality in Marriage and Family Relations in 1994, which called on countries to create legislation for a minimum age of marriage of 18 years.¹⁰ Moreover, in 1990, the African Union (AU) adopted the African Charter on the Rights and Welfare of the Child with the aim to adapt the rights of the UNCRC in order to address the particular challenges facing the African child. One significant difference between the African Charter and the UNCRC is that the African Charter explicitly prohibits child marriage and insists on 18 years as a minimum age of marriage (under Article 21.2).

The reason why child marriage has had so much attention in international human rights is because it affects, and can violate, many of the human rights of children laid out in the UNCRC. It can affect the principle of the best interests of the child (Article 3), because in most cases there are very harmful consequences to children who get married that are not in their best interest. It can affect children’s right to a voice and to be given due weight in issues that concern them (Article 12), as children involved in child marriage are often not given the chance to influence the decision making about whether they get married or not. It can also affect the right to protection from all forms of violence (Article 19) and the right to be protected from sexual abuse (Article 34), because it has been found that domestic violence

⁸ A. Bunting, ‘Stages of development: marriage of girls and teens as an international human rights issue’, *Social and Legal Studies*, vol. 14, no. 1, 2005, p. 19.

⁹ Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13, Article 16.2.

¹⁰ United Nations Committee on Elimination of Discrimination Against Women (CEDAW), *General Recommendation No. 21 (1994): Equality in Marriage and Family Relations*, thirteenth session, 4 February 1994.

and marital sexual abuse is more common among women who married as children as they are also more likely to believe it is justified for a husband to sometimes be violent towards his wife.¹¹ It can also greatly affect the right to education (Article 28), as it is very common for children, especially girls, to stop going to school once they are married and instead assume the role of mothers. Furthermore, child marriage is considered a traditional practice and it can be seriously prejudicial to the health of children as they start engaging early in sexual activity that can bring sexually transmitted infections, sexual violence, and pregnancy (and pregnancy related deaths are a leading cause of mortality for girls under the age of 18 as their bodies are not fully prepared for giving birth)¹². This affects the right to be protected from traditional practices harmful to the health of children (Article 24.3). As a result of this, the UN 2030 Agenda for Sustainable Development decided to include, under Goal 5 on “Achieve gender equality and empower all women and girls”, a specific target 5.3 to “Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation” by 2030.¹³ Here, the terms ‘early and forced marriage’ are grouped together with child marriage. This is because early marriage, like child marriage, refers to marriages in which one or both spouses are under 18 years old, although it also includes marriages involving persons who are 18 or older, but with an inability to give consent.¹⁴ Further, forced marriage refers to a marriage in which one or both spouses do not give full and free consent, regardless of age, and since children are often not considered able to give legal consent, child marriages are sometimes considered forced marriages.¹⁵

¹¹ United Nations International Children's Emergency Fund (UNICEF), ‘Early Marriage: A Harmful Traditional Practice’, *UNICEF*, 2005, https://www.unicef.org/gender/files/Early_Marriage_Harmful_Traditional_Practice.pdf, (accessed 14 March 2021), p. 22 ; J. McCleary-Sills, L. Hanmer, J. Parsons, & J. Klugman, ‘Child Marriage: A Critical Barrier to Girls’ Schooling and Gender Equality in Education’, *The Review of Faith & International Affairs*, vol. 13, no. 3, 2015, p. 71.

¹² UNICEF, 2005, p.2.

¹³ United Nations, *Transforming Our World: The 2030 Agenda for Sustainable Development*, A/RES/70/1, 2015.

¹⁴ United Nations Population Fund (UNFPA), ‘Child marriage - Frequently Asked Questions’, UNFPA, January 2020, <https://www.unfpa.org/child-marriage-frequently-asked-questions>, (accessed 30 April 2021).

¹⁵ *ibid.*

2.1.2 Prevalence, drivers and consequences

Despite this international awareness of child marriage as a violation of human rights, it is still a prevalent practice. According to UNICEF “650 million girls and women alive today were married in childhood”¹⁶, and even though it is estimated that in the past decade 25 million child marriages have been prevented, especially in South Asia,¹⁷ no region in the world is on track to eliminate child marriage by 2030, as required by the Sustainable Development Goal (SDG) target. In fact, “if the risk of child marriage remains at today’s levels, there will be +170 million child brides between today and 2030.”¹⁸ Additionally, if we want to reach the SDG target of ending the practice by 2030, progress in the next decade needs to be 17 times faster than the progress of the last decade.¹⁹ Child marriage exists in every region of the world but levels are highest in sub-Saharan Africa, with 35% of women married as children, and South Asia, with almost 30% of women married below the age of 18.²⁰ It is also a practice that affects both girls and boys but it impacts girls in much larger numbers and with greater intensity, which is why most of the literature surrounding child marriage has a focus on girls.²¹

There are many possible drivers of child marriage. They vary across different regions, cultures, and even through time. They are also mostly multifaceted and interconnected. Therefore, a discussion of the drivers of child marriage is not straightforward. There are no one size fits all causes of child marriage. Nevertheless, research done in different countries around the world has uncovered trends in the causes of child marriage and we are now able

¹⁶ United Nations International Children's Emergency Fund (UNICEF), ‘Looking ahead towards 2030’, *UNICEF*, September 2020, <https://data.unicef.org/resources/looking-ahead-towards-2030-eliminating-child-marriage-through-a-decade-of-action/>, (accessed 25 March 2021).

¹⁷ United Nations International Children's Emergency Fund (UNICEF), ‘Child Marriage: Latest trends and future prospects’, *UNICEF*, July 2018, <https://data.unicef.org/resources/child-marriage-latest-trends-and-future-prospects/>, (accessed 25 March 2021), p. 3.

¹⁸ UNICEF, September 2020.

¹⁹ *ibid.*

²⁰ United Nations International Children's Emergency Fund (UNICEF), ‘Child marriage database’, *UNICEF*, 2020, <https://data.unicef.org/topic/child-protection/child-marriage/>, (accessed 10 March 2021).

²¹ UNICEF, 2005.

to list some of the most common ones around the globe. A very common driver of child marriage found across the globe is poverty.²² Poverty can lead to child marriage because of two main reasons: 1) by marrying their child, the parents will have less economic burden to feed that child and pay for all its expenses as it will go live in another household, and 2) in some countries, parents receive a dowry (payment) when they marry their daughters, so when they are in a situation of poverty, getting paid to marry their child is a strong incentive.²³ The dowry received for marrying daughters is also a reason why girls are given in marriage as children more than boys. Several studies from South Asia and sub-Saharan Africa report that parents often view daughters as a burden on the household and marrying them is a way of reducing household costs.²⁴ In a research published by the World Bank, it was found that “girls living in poorer households are almost twice as likely to marry before the age of 18, compared with girls in higher-income households.”²⁵

This World Bank research analysed the drivers of child marriage in 20 countries across the globe with the highest prevalence of child marriage and discovered another significant driver of child marriage. It found that in 18 of the 20 countries “girls with no education are up to six times more likely to marry than girls with a secondary education.”²⁶ In another research on countries in Sub-Saharan Africa, it was also found that “the prevalence of child marriage was 59% lower among women who had attended secondary school than among those who had not.”²⁷ Children who go to school are more aware of their rights and of the harmful

²² Girls Not Brides., ‘About child marriage’, *Girls Not Brides*, <https://www.girlsnotbrides.org/about-child-marriage/>, (accessed 25 February 2021); S. Mathur, M.E. Greene, & A. Malhotra, ‘Too young to wed: The lives, rights, and health of young married girls’, *International Center for Research on Women (ICRW)*, Washington, DC, 2003, p. 16; McCleary-Sills et al., 2015, p. 77.

²³ A. M Kalamar, S. Lee-Rife, & M. J. Hindin, ‘Interventions to prevent child marriage among young people in low-and middle-income countries: a systematic review of the published and gray literature’, *Journal of Adolescent Health*, vol. 59, no. 3, 2016, p. S20.

²⁴ G. Brown, ‘Out of wedlock, into school: combating child marriage through education. A review by Gordon Brown’, The Office of Gordon and Sarah Brown Limited, 2012, p.14.

²⁵ Parsons, & McCleary-Sills, p. 1.

²⁶ *ibid.*, p. 1.

²⁷ B. Maswikwa, L. Richter, J. Kaufman, & A. Nandi, ‘Minimum Marriage Age Laws and the Prevalence of Child Marriage and Adolescent Birth: Evidence from Sub-Saharan Africa’, *International Perspectives on Sexual and Reproductive Health*, vol. 41, no. 2, June 2015, p. 64.

consequences of child marriage and are also more empowered to stand up to adults about what they want. Therefore, it is easier for them to avoid child marriage.

Another common factor for child marriage is socio-cultural norms and practices, which mainly affect girls. In some cultures, a girl becomes ready to be married once she starts menstruating, no matter if she is under the age of 18 when that happens. Some cultures make their girls undergo female genital mutilation (FGM) to get ready for marriage and they marry them very soon after, no matter their age.²⁸ Child marriage is also sometimes considered a way to control female sexuality because it is believed that by marrying a girl young she stays a pure virgin by avoiding premarital sex, out of wedlock pregnancies and other interactions that could bring shame to her family.²⁹ Additionally, the dowry ‘bride-price’ systems mentioned earlier are also considered traditional practices rooted in wider systems of gender inequality and, as explained, are strong incentives for marrying daughters at a young age.

Furthermore, having legal and policy frameworks that do not criminalise child marriage is another driver. In a Sub-Saharan African research on the incidence of child marriage it was discovered that “the prevalence of child marriage was 40% lower in countries with consistent laws against child marriage than in countries without consistent laws against the practice”.³⁰ However, the World Bank research on preventing child marriage did find that child marriage does continue to happen in many countries even if they have laws that prohibit marriage under the age of 18, because people are not always aware of these laws and they are not well enforced.³¹ In India, the legal age for marriage was raised from 12 to 18 years four decades ago, yet half of the country’s girls are married as children.³² In Ethiopia, the legal age of marriage was set at 18 for girls and boys in the 2003 Revised Family Code, but the law is

²⁸ Girls Not Brides, 2003.

²⁹ Girls Not Brides, 2003; K. S. Mtengeti, E. Jackson, J. Masabo, A. William, & G. Mghamba, ‘Report on Child Marriage Survey Conducted in Dar es Salaam, Coastal, Mwanza and Mara Regions’, *Children’s Dignity Forum*, July 2008, p. 37; Brown, 2012, p. 15.

³⁰ Maswikwa, Richter, Kaufman, & Nandi, p. 58.

³¹ Parsons & McCleary-Sills, p.6.

³² Brown, 2012, p.14.

seldom enforced.³³ The limited power the law has had in many countries to successfully reduce the occurrence of child marriage underlines the strength of economic pressures and socio-cultural norms and practices in driving the practice.

Child marriage is brought on by many different reasons, but the consequences of the practice almost always have negative undertones. As previously mentioned, child marriage can violate many children rights. It is a practice that critically compromises the development of children as they are forced to assume adult roles before they are physically and mentally ready to do so. Negative physical and mental health impacts linked to engaging in sexual activity early include contracting sexually transmitted infections. “A study in Kenya showed that married girls had a 50% higher likelihood than unmarried girls of contracting HIV infection”³⁴ because of large age differences where the husbands are much older than the girl child and have had many sexual partners, thus the risk of having a sexually transmitted infection is higher. Another negative health impact linked to engaging in sexual activity early is becoming pregnant before the body is fully ready for it, thus causing health complications in pregnancy and even death.³⁵ Girls below the age of 15 are especially vulnerable because their bones (specifically the pelvis) are often not ready for child bearing and delivery.³⁶ Moreover, the health risks extend even further to the infants born to mothers aged under the age of 18 who “are 60 per cent more likely to die in their first year than infants born to mothers aged over 19”, with the main causes of death being low birth weight and malnutrition.³⁷

Assuming adult roles also means that children drop out of schools and lose their educational opportunities, which in turn leads to them having limited career and economic opportunities,

³³ *ibid.*, p14.

³⁴ J. Birech, ‘Child Marriage: A Cultural Health Phenomenon’, *International Journal of Humanities and Social Science*, vol. 3, no. 17, 2013, p. 99.

³⁵ UNICEF, 2005; Brown, 2012, p.16; Birech, p. 99.

³⁶ Birech, p. 100.

³⁷ Brown, 2012, p. 16.

as well as lacking empowerment, making them disadvantaged in society and having little negotiation skills to stand up for themselves.³⁸ “Various studies have shown that a woman’s education beyond primary school is a reliable route to economic empowerment and long term changes in the status quo, as well as determinants of a family’s health and nutrition.”³⁹ Child marriage and the early pregnancy that usually follows, have a fundamental role in transmitting poverty and disadvantage across generations. The children of young, uneducated mothers are more likely to be malnourished, as the mothers are children themselves and do not know how to properly care for a baby. Additionally, they are less likely to attain higher levels of education, because since their mothers were not able to, they do not see the value in it. Therefore, “the poverty that fuels child marriage in turn perpetuates poverty by transmitting diminished life-chances to children”.⁴⁰ Moreover, if the married children do not learn throughout their lives that child marriage can be a negative practice and there are ways to avoid it, they are more likely to marry their children below the age of 18 as well and continue to perpetuate the practice on future generations.

2.1.3 Child marriage and culture

As can be seen, child marriage has been engrained in socio-cultural norms in many places and throughout long stretches of time. As a result, some scholars have argued that we need to look at the practice through a culturally sensitive lens. Cultural relativism is an extreme example of using a culturally sensitive lens. It is a concept that holds the idea that norms, values, and standards vary across different cultures so what may be considered as a human rights violation in one culture might not be considered as a human rights violation in another culture. Furthermore, cultural relativists contend that the norms and values of different cultures are all valid, so one culture’s ideology should not be imposed on others.⁴¹ In relation to human rights, academics like Fitzpatrick and Darien-Smith have gone as far as to say that

³⁸ Birech, p. 99.

³⁹ *ibid.*, p. 99.

⁴⁰ Brown, 2012, p. 15.

⁴¹ F. R. Tesón, ‘International Human Rights and Cultural Relativism’, *Virginia Journal of International Law*, vol. 25, no. 4, 1985, p. 871.

“human rights have become an ‘instrument of occidental assertion’ whereby the West judges the level of ‘civilisation’ in the developing world through its adherence to Western-determined human rights standards”.⁴² “Several critiques have raised concerns about the UNCRC as a Universalist model and its consequences of defining childhood as universalist”.⁴³ As a criticism of cultural relativism, some scholars have argued that the idea that culture should be respected above universal human rights “is an excuse for abuse” of human rights.⁴⁴ Universalist theorists such as Donnelly have contended that “culture is irrelevant to the validity of moral rights and rules, which are universally valid”.⁴⁵

With regard to child marriage, scholars have used a culturally sensitive lens to argue that cultural constructions of childhood and the expectations of children vary enormously from culture to culture and cannot be assumed to be uniform across every culture.⁴⁶ Therefore, they contend that the international human rights perspective that defines children as everyone under the age of 18 and that this should be the universal marriageable age is too narrow and misses the complexity of both marriage and age across the world.⁴⁷ Bunting, for example, maintains that for international strategies to end child marriage to be relevant and culturally appropriate, they must take into account the culturally diverse constructions of childhood to analyse the causes and consequences of child marriage.⁴⁸ This does not mean that a culturally

⁴² O. Brown, ‘Rights from the Other Side of the Line: Postcolonial perspectives on human rights’, in *Politikon: LAPSS Political Science Journal*, vol. 25, 2014, p. 15.

⁴³ C. Le Borgne, Implementing children's participation at the community level: the practices of non-governmental organisations. PhD Thesis, The University of Edinburgh, 2016, <https://era.ed.ac.uk/handle/1842/25508>, (accessed 27 January 2021), p. 31.

⁴⁴ M. Dembour, ‘Following the movement of a pendulum: between universalism and relativism’, *Culture and rights: anthropological perspectives*, Cambridge: Cambridge University Press, 2001, p. 59; Alston, P., ‘The Best Interest Principle: Towards a Reconciliation of Culture and Human Rights’, *International Journal of Law, Policy and the Family*, vol. 8, no.1, 1994, p. 20.

⁴⁵ J. Donnelly, ‘Cultural Relativism and Universal Human Rights’, *Human Rights Quarterly*, vol. 6, no. 4, 1984, p. 400.

⁴⁶ A. James, ‘From the Child’s Point of View: Issues in the Social Construction of Childhood’, in Panter-Brick, C. (ed.) *Biosocial Perspectives on Children*. Cambridge: Cambridge University Press, 1998, p. 62; J. Bridgeman, & D. Monk, ‘Introduction: Reflections on the Relationship Between Feminism and Child Law’, in Bridgeman, J & Monk, D., (eds) *Feminist Perspectives on Child Law*, London: Cavendish, 2000, p. 3.

⁴⁷ Bunting, p. 17.

⁴⁸ Bunting, p. 18 & 34.

sensitive approach argues in favour of child marriage, it simply means that it maintains that international human rights should be sensitive to different understandings of the concept of a child in different cultures and not impose values on cultures that do things differently.⁴⁹

When looking at the issue of human rights standards and child marriage, we can see how in one particularly important case, different cultures were taken into account and led to a reinforcement of the efforts to end child marriage. In 1990, even though there are culturally different conceptions of childhood and the age of marriage in the different countries in Africa, representatives of the countries of the African Union came together, discussed their different cultural values, and agreed to be legally bound to prohibit the marriage of human beings below the age of 18 under the African Charter. There is a delicate balance between imposing values on cultures and letting anything happen just because it is “cultural”, and the African Union managed to find it with the creation of the African Charter by having discussions with the different cultures that would be affected. When it comes to having the debate about the cultural sensitivity of child marriage, I believe that it is essential to have a balance, like the African Union, and focus on agency by including children themselves in the discussion, as they are the ones directly affected by the practice. This can be achieved by giving them knowledge of the pros and cons of the practice and asking them what they would want rather than imposing norms on them or deciding that just because it is “cultural” it should keep happening.

2.1.4 Impact of COVID-19 on child marriage

As this research was conducted in 2020-2021, it is important to mention the particular world situation during this time. A disease called COVID-19 caused by the virus SARS-CoV-2 became a pandemic that affected the entirety of the world population. In relation to child marriage, this pandemic had devastating effects. UNICEF published a report analysing this

⁴⁹ M.D. Freeman, ‘Human rights, children’s rights and judgment - some thoughts on reconciling universality and pluralism’, *International Journal of Children’s Rights*, vol. 10, 2002, p. 348.

relation and stated that “over the next decade, up to 10 million more girls will be at risk of becoming child brides as a result of the pandemic.”⁵⁰ It mentioned that the COVID-19 pandemic increases the risk of child marriage around the world through three main ways. 1) Interrupted education, as the pandemic has led to world-wide school closures to stop the virus from spreading. This increases child marriage risk by 25% per year as girls are pushed towards marriage since school is no longer an option.⁵¹ 2) Economic insecurity caused by the pandemic, which has led to increased unemployment due to many business closures, resulting in a reduction of economic activity and a rise in household poverty. “Households tend to respond to economic insecurity in two ways: cutting spending (such as education costs) and cutting household size. Both can lead to child marriage”.⁵² 3) Disruptions to programmes and services, as the healthcare systems around the world have been overwhelmed with COVID-19 cases, other “non-essential” services, such as reproductive health services, have been put on pause. “Disruptions in such services can create difficulties in accessing contraception, resulting in unintended pregnancy and subsequent child marriage.”⁵³ Additionally, pandemic related travel restrictions and social distancing rules have hindered effective functions of social and legal services that aim to protect from child marriage. “Delayed programmes to prevent child marriage are estimated to result in a one-year loss of gains from such programmes”.⁵⁴

The effects of this global health crisis on child marriage have been damaging and although the full impact of it is still highly uncertain, UNICEF suggests certain actions that need to be undertaken now to further protect children from child marriage. These are to: enact comprehensive social protection measures, safeguard every child’s access to education (even while schools are closed), guarantee that health and social services for girls are funded and

⁵⁰ United Nations International Children's Emergency Fund (UNICEF), ‘COVID-19: A threat to progress against child marriage’, *UNICEF*, March 2021, <https://data.unicef.org/resources/covid-19-a-threat-to-progress-against-child-marriage/>, (accessed 20 March 2021), p. 5.

⁵¹ UNICEF, 2021, p. 14.

⁵² *ibid.*, p.8.

⁵³ *ibid.*, p.8.

⁵⁴ *ibid.*, p.14.

available, and raise our ambitions by ensuring the SDG goal to end child marriage by 2030 extends to the “10 million girls whose futures are now in jeopardy along with the 100 million girls at risk of becoming child brides before the pandemic began”.⁵⁵

2.2 Child participation

2.2.1 Defining child participation in the UNCRC

Child participation is one of the four general principles of the UNCRC, which gives children the right to a voice and to be listened to in issues that concern them, such as child marriage. Article 12 of the UNCRC provides:

“1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.”⁵⁶

The Committee on the Rights of the Child published a General Comment (No. 12) in 2009 to clarify the obligations of state parties with regards to Article 12. In it, they mentioned that because Article 12 is a general principle of the convention it “establishes not only a right in itself, but should also be considered in the interpretation and implementation of all other rights”.⁵⁷ Child participation is thus fundamentally important to realising all children’s rights.

⁵⁵ UNICEF, 2021, p.26.

⁵⁶ United Nations Convention on the Rights of the Child (UNCRC) (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3, Article 12.

⁵⁷ United Nations Committee on the Rights of the Child (CRC), *General comment No. 12 (2009): The right of the child to be heard*, 20 July 2009, CRC/C/GC/12, p. 5.

The scope of Article 12 has been conceptualised as requiring four core dimensions in order to implement participation successfully: “space (to express views), voice (to facilitate the expression of views), audience (to be listened to), and influence (to have views appropriately acted upon)”.⁵⁸

Furthermore, General Comment No. 12 expands on the specific provisions of Article 12 to explain how they should be interpreted. With regards to “the child capable of forming his or her own views”: the Committee asserts that ‘capable’ applies to children of all ages, there is no age restrictions, “it is not up to the child to first prove her or his capacity”,⁵⁹ and it should not be limited to the views expressed in ‘adult’ language, which means the responsibility is on adults to find ways to obtain the views of children who are very young or with disabilities, even when they are not able to communicate them verbally.⁶⁰ “Research reveals that tiny babies speak a complex ‘language’ and that adults who can ‘read’ it can provide more sensitive and appropriate care.”⁶¹ Further, for the “right to express views freely”, the Committee emphasizes that “‘the opportunity to express views’ requires information, lack of manipulation, safe and respectful spaces and recognition that this is a right not an obligation”, so children should never be required to give views.⁶² Moreover, “in all matters affecting the child” is meant to include a wide variety of issues that are not necessarily explicitly mentioned in the Convention. Additionally, for “being given due weight in accordance with age and maturity”: It is not enough to simply listen to children, but their views have to be given serious consideration when making decisions, taking into account their age and maturity. With this, Article 12 once again makes clear that age on its own should not be used

⁵⁸ L. Lundy, ‘Voice is not enough: conceptualising Article 12 of the United Nations Convention on the Rights of the Child’, *British educational research journal*, vol. 33, no. 6, 2007, p. 933; Le Borgne, p. 18.

⁵⁹ *ibid.*, p. 9.

⁶⁰ G. Lansdown, ‘25 years of UNCRC: Lessons Learned in Children’s Participation’, *Canadian Journal of Children’s Rights*, vol. 1, no.1, 2014, p. 173.

⁶¹ G. Lansdown, ‘The realisation of children’s participation rights: critical reflections’, in Percy-Smith, B. & Thomas, N. (eds.), *A handbook of children and young people’s participation: Perspectives from theory and practice*, London, Routledge, 2009, p. 12.

⁶² Lansdown, 2014, p. 173.

to judge the validity of participation of children, because children's maturity and level of understanding is not directly correlated to age. Finally, "the General Comment underlines that children have the right to be heard as an individual and as a collective (that is, the right to be heard as applied to a group of children)".⁶³ All this does not mean that children can have authority over adults and that everything they want must be granted. It also does not interfere with the right and responsibility of parents to express their views on matters that affect their children. However, it does not mean that children's views should be disregarded, nor that their participation should merely be taking part or being present at activities. It rather means that their views should be considered and given importance in decision-making that affects them.

2.2.2 Child participation and culture

Child participation has been widely debated because it challenges the 'traditional' idea that children are dependent, vulnerable and incapacitated.⁶⁴ "Children are undoubtedly the most photographed and the least listened to members of society. There is a strong tendency on the part of adults to underestimate the competence of children while at the same time using them in events to influence some cause; the effect is patronizing."⁶⁵ The perception that adults have of children is a major limiting or boosting factor to the realisation of child participation. "In many cultures, children, and more particularly girls, are expected to be silent in the presence of adults".⁶⁶ In some cultures, mainly in Europe and North America, children under the age of 10 are often excluded from decision making, while in some other cultures in Asia or Africa, children of this age may be taking care of children, and having big responsibilities within the

⁶³ E.K.M. Tisdall, 'Children and Young People's Participation: A critical consideration of Article 12', in W. Vandenhoe, E. Desmet, D. Reynaert & S. Lembrechts (eds), *Routledge International Handbook of Children's Rights Studies*, Routledge, London, 2015, p. 187.

⁶⁴ Tisdall, 2015, p. 186.

⁶⁵ R. Hart, 'Children's Participation: From tokenism to citizenship', *UNICEF*, Innocenti essays no.4, International Child Development Centre, Florence, 1992, p. 9.

⁶⁶ Lansdown, 2009, p. 14.

household.⁶⁷ Child participation can, therefore, be looked at through a culturally sensitive approach as cultural contexts define relations between adults and children in different ways, leading to diverse interpretations and presentations of participation. “Acknowledgement of the existence of some marked differences in the way child participation and associated concepts tend to be understood is significant for the development of policies and practices, particularly those at the global level”.⁶⁸

The capitalist system has a whole market that recognises children as consumers with their own desires,⁶⁹ and we know that children are aware of what goes on around them and are able to form ideas, opinions and feelings about them at any age, so it is only right that they be given a voice and taken into consideration when making decisions about them. Most importantly, as the Committee on the Rights of the Child notes “the voices of children have increasingly become a powerful force in the prevention of child rights violations”.⁷⁰ There are also so many benefits to giving children the opportunity to speak up: they learn communication skills, real-life social skills, teamwork, planning, and it prepares them to be better active citizens.⁷¹ Since adults play a crucial role in recognising and legitimising children’s competencies, the realisation of child participation rights is highly dependent on them as they can either hinder or facilitate child participation.⁷² Therefore, collaboration between children and adults working jointly on a common agenda should be at the core of any democratic society that wants to improve itself, while providing intergenerational

⁶⁷ B. Percy-Smith, & N. Thomas, *A handbook of children and young people's participation: Perspectives from theory and practice*, London, Routledge, 2009, p. 359.

⁶⁸ J. Mason, & N. Bolzan, ‘Questioning understandings of children’s participation: applying a cross-cultural lens’, in Percy-Smith, B. & Thomas, N. (eds.), *A handbook of children and young people's participation: Perspectives from theory and practice*, London, Routledge, 2009, p. 130.

⁶⁹ M. Jans, ‘Children as Citizens: Toward a Contemporary Notion of Child Participation’, *Childhood*, vol. 11, no.1, 2004, p. 28.

⁷⁰ United Nations Committee on the Rights of the Child (CRC), *General comment No. 12 (2009): The right of the child to be heard*, 20 July 2009, CRC/C/GC/12, p. 27.

⁷¹ C. Paul, ‘Activism isn’t just for adults and teens. We need to teach younger kids to be activists, too.’, *Ideas.ted.com*, 2 July 2018, <https://ideas.ted.com/activism-isnt-just-for-adults-and-teens-we-need-to-teach-younger-kids-to-be-activists-too/>, (accessed 12 March 2021).

⁷² Le Borgne, p. iii; M. Wyness, ‘Children’s participation and intergenerational dialogue: Bringing adults back into the analysis’, *Childhood*, vol. 20, no.4, 2013, p. 439.

continuity between the past, present and future.⁷³ Some scholars have argued that in order for child participation to be successfully implemented around the world, ““a renewal of adults’ perspectives on children is necessary in all societies and cultures””.⁷⁴ General Comment No. 12 recognises this and calls for State parties to promote parent education programmes that focus on developing parenting styles that respect the child’s rights to be heard. It ends by saying: “Achieving meaningful opportunities for the implementation of Article 12 will necessitate dismantling the legal, political, economic, social and cultural barriers that currently impede children’s opportunity to be heard and their access to participation in all matters affecting them. It requires a preparedness to challenge assumptions about children’s capacities, and to encourage the development of environments in which children can build and demonstrate what they are capable of. It also requires a commitment to resources and training””.⁷⁵

2.2.3 *Child participation in practice*

There are many ways to involve children to participate in matters that affect them. This can be through laws to establish legal rights for children to be heard in decisions over their custody and care proceedings. For example, in adoption proceedings, Denmark, Poland and Quebec all require the consent of children from age 12, 13, and 14 accordingly.⁷⁶ In Germany, “section 159 of the Act on Proceedings in Family Cases and in Matters of Non-contentious Litigation obliges judges to listen to the child in family court proceedings where this may have implications for the decision, and each child who has reached 14 years may exercise a right of complaint in all matters affecting them without the participation of his/her legal representative (Section 60).”⁷⁷ Research has found that children’s views are paramount to

⁷³ Hart, 1992, p. 37; Le Borgne, p. 288.

⁷⁴ B. Percy-Smith, & N. Thomas, *A handbook of children and young people's participation: Perspectives from theory and practice*, London, Routledge, 2009, p. 359.

⁷⁵ United Nations Committee on the Rights of the Child (CRC), *General comment No. 12 (2009): The right of the child to be heard*, 20 July 2009, CRC/C/GC/12, p. 31.

⁷⁶ Lansdown, 2014, p. 175.

⁷⁷ L. Lundy, U. Kilkelly, B. Byrne, & J. Kang, ‘The UN Convention on the Rights of the Child: A study of legal implementation in 12 countries’, UNICEF, 2012, p. 45.

shaping decisions about their own lives in family courts.⁷⁸ Child participation can also be implemented through the establishment of Article 12 as a right in countries' constitutions, like Ecuador in its 1998 constitution with the "right to be consulted in matters affecting them", and Finland in its 1995 constitution, which states that "Children shall be treated equally and as individuals and they shall be allowed to influence matters pertaining to themselves to a degree corresponding to their level of development".⁷⁹

Furthermore, local and national governments in several countries have supported the creation of democratic youth and school councils and forums, which give children a voice in decision-making on issues that affect them. In Norway, the Education Act provides for student councils and school environment committees to be created and sustained.⁸⁰ In Wales, a national youth led representative democratic Children and Young People's Assembly called the Funky Dragon, was set up to represent the children of Wales at the national political arena.⁸¹ Similarly, in Ireland the 'Comhairle na nOg' (Ireland's Youth Parliament) have been involved in local authority decision making.⁸² In Melbourne, Australia, children have been included in city-planning decisions. Additionally, during the civil war in Sri Lanka, Children's Clubs were set up by local children with support from an NGO and committed to take action to change things across their communities. The actions of those Children's Clubs were quite significant and even benefitted adults and showed that "changes to children as a consequence of their participation can also have significant positive effects on adults".⁸³

Active participation of children has also proven to be beneficial in influencing local budgeting processes to promote transparency, accountability and proper spending to meet

⁷⁸ R. Birnbaum, & M. Saini, 'A scoping review of qualitative studies on the voice of the child in child custody disputes', *Childhood*, vol. 20, no. 2, 2012, p. 277.

⁷⁹ Lansdown, 2014, p. 175.

⁸⁰ Lundy, Kilkelly, Byrne, & Kang, p. 60.

⁸¹ Lansdown, 2014, p. 175.

⁸² Lundy, Kilkelly, Byrne, & Kang, p. 105.

⁸³ Wyness, p. 439.

commitments to children's rights.⁸⁴ An example of this is the Children's Participatory Budget Council in the city of Barra Mansa in Brazil, where a group of democratically elected children representatives determine how a portion of the municipal budget (about USD125,000 a year) is spent on addressing children's needs and priorities.⁸⁵ This example shows a great achievement for Brazil because before the 1990s, Brazil had held the traditional belief that children should not participate in social or political processes as they could not be taken seriously. What changed this traditional belief was the country wide active participation of children in the long campaign to impeach the Brazilian president in 1992, which showed that children "were both aware of and had their own opinions about the political, economic and social realities of their country".⁸⁶

Moreover, in the General Comment No. 12, the Committee on the Right of the Child states that they welcome and encourage submissions by child organisations and children's representatives in the monitoring process of the UNCRC to share their views on the child rights situation in their country and recommendations about how to best implement the UNCRC at national level. This can be as part of an NGO alternative report or as a separate submission in written or visual form. More and more, children have become increasingly active in the UNCRC reporting process through these ways. For example, in 2010, the Cambodian Children and Young People's Movement for Child Rights, a network of children and youth from 20 organisations operating in 16 provinces, that is supported by Save the Children, sent a report called "My Life My Suggestion" to the UN Committee on the Rights of the Child. The report described the dire rights situation for children in Cambodia and offered valuable recommendations to engage the Cambodian government in actions to ensure that the children rights enshrined in the UNCRC are protected, respected and fulfilled in

⁸⁴ P. Perezniето, A. G. Powell, & M. Avdagic, *Investment in children*, report commissioned by Save the Children Child Rights Governance Initiative, London: Overseas Development Institute, 2011, p. viii & 32.

⁸⁵ W. Guerra, 'Citizenship Knows No Age: Children's Participation in the Governance and Municipal Budget of Barra Mansa, Brazil', *Environment & Urbanization*, vol. 14, no. 2, 2002, p. 71.

⁸⁶ Guerra, p. 72.

Cambodia.⁸⁷ In 2018, UNICEF supported the creation of the Alternative Report of the Children of Belgium to the Committee on the Rights of the Child, which presented Belgian children's life stories, experiences and recommendations to the UNCRC. In January 2019, the Committee on the Rights of the Child adopted many of the recommendations made by children in its concluding remarks to the Belgian State.⁸⁸

As can be seen, child participation can be significantly impactful in three main ways: 1) It provides a voice to children and gives them space to express their opinion about issues that affect them, which would not always be listened to otherwise; 2) It can help change traditional beliefs and raise awareness about children's agency and children rights to communities; 3) It can influence the decision making of local government authorities, budgeting processes, city-planning decisions and can even help in monitoring the implementation of the UNCRC by being involved in drafting critical monitoring reports for the UNCRC.

The extent to which child participation has significant impact, however, is dependent on different factors. As a starting point, I take Lundy's four core dimensions to successful implementation of child participation mentioned earlier (space, voice, audience, and influence)⁸⁹ and build upon it to come up with four crucial aspects that are necessary for child participation to be significant. First, children must have a good understanding and knowledge of their rights and child specific problems within their communities. Then, they need to be able to come up with solutions to these problems, which if considered by government authorities will improve the quality of decision-making pertaining to children. Next, they

⁸⁷ Cambodian Children and Young People's Movement for Child Rights (CCYMCR), 'Cambodia Children's Report: My life..., My suggestions...', *CCYMCR*, October 2010.

⁸⁸ United Nations International Children's Emergency Fund (UNICEF), 'Alternative Report of the Children of Belgium to the Committee on the Rights of the Child', *UNICEF*, 2018, <https://www.unicef.be/nl/beleidsbeinvloeding/rapporten-unicef-belgie/what-do-you-think-rapporten>, (accessed 7 April 2021).

⁸⁹ Le Borgne, p. 18; Lundy, 2007, p. 933.

need space to express their views and an audience to listen to their views. Finally, there needs to be influence, meaning their views have to be appropriately acted upon (in other words there needs to be action on the solutions proposed by children). Child participation is not fully significantly impactful if the voices of children are not actually considered in decision-making processes. When analysing youth councils in the United Kingdom, McGinley and Grieve found that “Participation in youth councils is perceived by ‘insider’ youth and adults as beneficial in giving young people a voice, yet the voices of many young people are not heard. Youth councils allow limited involvement in decision making, usually at the level of consultation rather than of encouraging young people to drive their own agenda.”⁹⁰ I argue that this ‘limited involvement in decision making’ lowers the significance of the child participation of these youth councils in the United Kingdom.

2.3 Child participation as a tool to end child marriage?

There are many different approaches used to address child marriage. Lee-Rife, Malhotra, Warner, and Glinski, reviewed 23 programmes that dealt with child marriage prevention to try to find out which approach works best to prevent child marriage. As is often the case, most of these programmes had child marriage prevention as a goal amongst others and only a few programmes focused exclusively on child marriage. They divided the programmes into five main approaches: 1) Empowering Girls with Information, Skills, and Support Networks; 2) Educating and Mobilizing Parents and Community Members; 3) Enhancing the Accessibility and Quality of Formal Schooling for Girls; 4) Offering Economic Support and Incentives for Girls and Their Families; and 5) Fostering an Enabling Legal and Policy Framework.⁹¹ The authors found that approach 1 was the most commonly used and approach 5 was the least commonly used.⁹² They came to the conclusion that approaches which attempt

⁹⁰ B. McGinley, & A. Grieve, ‘Maintaining the status quo? Appraising the effectiveness of youth councils in Scotland’, in Percy-Smith, B. & Thomas, N., *A handbook of children and young people's participation: Perspectives from theory and practice*, London, Routledge, 2009, p. 260.

⁹¹ Lee-Rife, Malhotra, Warner, & Glinski, p. 293.

⁹² *ibid.*, p. 294.

to empower girls (Approach 1) combined with approaches that offer economic incentives (Approach 4) are the most effective in preventing child marriage.⁹³ “The strongest results were documented by programmes that worked directly with girls to empower them with information, skills and resources”.⁹⁴ The reason why Approach 1 was found to be so effective is because increasing the knowledge of children about their rights and options and how to become socially and economically independent will enable them to stand up and advocate for themselves more successfully. They will also be able to aspire to jobs and careers as alternatives to marriage. This may lead to changing child marriage norms in a community. Combining this with approach 4 is effective because providing economic incentives offsets the costs of having children and dis-incentivises adults from marrying them to receive income from dowries. Additionally, offering things like scholarships to girls or programmes to decrease school-associated costs, can contribute to a change in norms that correlate females with marriage only and not with education or income generation.

In another review of interventions to prevent child marriage, it was found that most programmes with economic interventions significantly helped decrease the rate of child marriage or increase age at marriage.⁹⁵ The World Bank’s evaluation on preventing child marriage also mentioned the significance of economic interventions to prevent child marriage but added that “in addition to promoting programmatic strategies that increase educational attainment and economic opportunities for girls, preventing child marriage requires strengthened legal and policy frameworks, to ensure increased awareness and greater enforcement of existing laws”.⁹⁶ This is supported by Maswikwa, Richter, Kaufman, and Nandi, who through their research in Sub-Saharan Africa, found that “consistent minimum marriage age laws protect against the exploitation of girls”.⁹⁷

⁹³ *ibid.*, p. 301.

⁹⁴ A. Malhotra, A. Warner, A. McGonagle, A., & S. Lee-Rife, ‘Solutions to end child marriage: What the evidence shows’, *International Center for Research on Women (ICRW)*, Washington, DC, 2011, p. 23.

⁹⁵ Kalamar, Lee-Rife, & Hindin, p. S20.

⁹⁶ Parsons & McCleary-Sills, p. 6.

⁹⁷ Maswikwa, Richter, Kaufman, & Nandi, p. 58.

One approach to address child marriage, that I believe encompasses many of the aforementioned approaches (especially approach 1), is to involve child participation in finding solutions to the problem. It could be by consulting children when creating laws that address child marriage, by training children to become champions/community mobilisers to advocate for prevention of child marriage in their communities, and also by supporting child-led children councils and forums that meet up to find solutions to the issue of child marriage in their communities and communicate them to local government and/or security authorities.

In Bangladesh, local Child Forums, initiated and supported by the NGO World Vision, took direct action to stop child marriage in their communities.⁹⁸ They did so by mobilising the local police to talk to parents about stopping the marriage of their daughters and threatening them with arrest if they did not listen.⁹⁹ In this case, children's activism was relational because they were successful in stopping an incident of child marriage only when the police got involved and not when children alone talked to the parents. "This resonates with findings across the participation literature, where adult facilitators and organisations connect children's interests with those with power and influence – leading to successful influence on decisions".¹⁰⁰ Nevertheless, the child participation in these Child Forums was very significantly impactful because they managed to be more successful at stopping child marriages in their community than the adults who were tasked to do so.¹⁰¹ Another successful example of child participation effectively reducing child marriage happened in a village in rural West Bengal, India, (where child marriage is the norm) where eleven girls have learnt through a government programme, about the benefits of not marrying young and have been taught skills to help them create income for their family to reduce the economic incentive that marrying them has for their parents. When the parents of one of the girls wanted to marry

⁹⁸ E.K.M., Tisdall & P. Cuevas-Parra, 'Challenges for children's participation: Child activism for ending child marriage', *Children and Youth Services Review*, 108 (2020) 104568, 2020, p. 1.

⁹⁹ Tisdall & Cuevas-Parra, p. 4.

¹⁰⁰ *ibid.*, p. 5.

¹⁰¹ *ibid.*, p. 6.

her off, the girls created the ‘Child Marriage Prohibition Group’ and managed to convince their parents not to marry them thanks to the knowledge they learnt about their rights.¹⁰² Since then, they have managed to stop many child marriages from happening in their community and girls are staying in school longer and developing economic assets of their own.

Through my research, I have observed that there is a big focus on programmes that target involving and educating girls about the negative effects of child marriage since they are the most directly affected by the practice and since the laws often allow for girls to get married as children but not boys. However, I do believe that it is equally important to involve and educate boys in conversations about the negative effects of child marriage because they can contribute to raising awareness about it in their community, as often the status of males is higher than females and they are listened to more. Furthermore, when the boys grow up, they may become fathers, who often are the ones to decide whether their daughters get married or not, and, if they are knowledgeable about the negative effects of child marriage, they are more likely to end the continuation of the practice. An additional aim of this thesis is to raise awareness on how children that know their rights and understand the negative consequences of child marriage can lead to a shift in traditions, as when these children grow up and have children of their own, they will be less likely to perpetuate child marriage.

¹⁰² D. Bandyopadhyay, ‘How rural girls are standing up to child marriage in India’, *Girls not Brides*, 1 June 2015, <https://www.girlsnotbrides.org/how-rural-girls-are-standing-up-to-child-marriage-in-india/>, (accessed 29 January 2021).

Chapter 3: Tanzanian context

This chapter introduces the country case study focus of this research. The issues of child marriage and child participation in the Tanzanian context are analysed to illustrate why this research is important for this country.

3.1 Child marriage

3.1.1 Prevalence, drivers and consequences

Child marriage is a practice that is still quite prevalent in Tanzania today. According to the 2016 Tanzania Demographic Health Survey (TDHS), 36% of women and 5% of men aged 25-49 were married before they turned 18.¹⁰³ What is important to note is that there are large variations in the rates of child marriage per region. According to the TDHS of 2010, Shinyanga is the region with the highest child marriage prevalence (59%) and Dar es Salaam is the region with the lowest (8%).¹⁰⁴ As a result, I decided to conduct my research in those two regions (with the addition of Zanzibar, which has 18% child marriage prevalence)¹⁰⁵ to see what the difference in mentalities is when prevalence rates vary so much. These three regions also have varying levels of development: Dar es Salaam is the largest urban city of Tanzania, Zanzibar is the main touristic island of Tanzania, and Shinyanga is one of the least developed and economically poorest regions in Tanzania because it is a mostly rural dry region and its people depend on rain for agriculture and keeping livestock.¹⁰⁶ Shinyanga also

¹⁰³ United Republic of Tanzania Ministry of Health, Community Development, Gender, Elderly and Children, [Tanzania Mainland, Ministry of Health [Zanzibar], National Bureau of Statistics, Office of the Chief Government Statistician and ICF, '2015-16 TDHS-MIS Key Findings', Rockville, Maryland, USA, 2016, p. 4.

¹⁰⁴ National Bureau of Statistics [Tanzania] and ICF Macro, 'Tanzania Demographic and Health Survey 2010', Dar es Salaam, Tanzania, 2011.

¹⁰⁵ Government of Zanzibar Ministry of Labour, Empowerment, Elders, Youth, Women and Children, 'National Plan of Action to End Violence Against Women and Children in Zanzibar 2017-2022', August 2017, p. 15.

¹⁰⁶ United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), 'Multi-Country Analytical Study of Legislation, Policies, Interventions and Cultural Practices on Child Marriage in Africa', *UN Women*, 2018, <http://africa.unwomen.org/en/digital-library/publications>, (accessed 25 March 2021), p. 64.

has limited access to education, and although research has found that the drivers of child marriage are multifaceted and vary across regions, living in rural areas and low levels of education are two major drivers of child marriage in Tanzania.¹⁰⁷ The 2016 TDHS found that “both women and men in rural areas are more likely to marry earlier than their urban counterparts” and “for women age 25-49, there is almost a 6-year difference in the median age at first marriage between women with no education and women with secondary or higher education (17.8 years versus 23.6 years)”.¹⁰⁸

The number one driver of child marriage in Tanzania, however, is poverty, and since Shinyanga is one of the most economically poor regions in Tanzania, it becomes clear why it has the highest prevalence of child marriage in the country. Poverty is a major driver of child marriage in Tanzania mainly because girls are seen as a source of income. The concept of dowries continues to exist in Tanzania so girls are considered the solution for families to reduce their income poverty by marrying their daughters and in return being paid a dowry in cattle or cash, which sometimes also increases their status in a community.¹⁰⁹ In a report about harmful traditional practices in Shinyanga, “it was noted that community members understood many of the negative effects of child marriage but the society decided to ignore them and focus on their desire for gaining wealth from the bride price”.¹¹⁰ This indicates a problematic perception of children as a “commodity” that can be used to raise the social status of adults. In a study conducted by Save the Children in Tanzania, it was “also found that young girls are forced to get married in order for their dowry to be used by their brothers

¹⁰⁷ United Republic of Tanzania Ministry of Health, Community Development, Gender, Elderly and Children, ‘Government Conducted National Survey on the Drivers and Consequences of Child Marriage in Tanzania’, February 2017, p. 16.

¹⁰⁸ United Republic of Tanzania Ministry of Health, Community Development, Gender, Elderly and Children, [Tanzania Mainland, Ministry of Health [Zanzibar], National Bureau of Statistics, Office of the Chief Government Statistician and ICF, ‘Tanzania Demographic and Health Survey and Malaria Indicator Survey (TDHS-MIS) 2015-16.’, Dar es Salaam, Tanzania, and Rockville, Maryland, USA, 2016, p. 87.

¹⁰⁹ United Republic of Tanzania Ministry of Health, Community Development, Gender, Elderly and Children, ‘Government Conducted National Survey on the Drivers and Consequences of Child Marriage in Tanzania’, February 2017, p. 6.

¹¹⁰ European Instrument for Democracy and Human Rights (EIDHR), ‘Supporting Civil Society to Counter Harmful Traditional Practices in Shinyanga Region of Tanzania: 2017-2019 Narrative Report’, EIDHR, 2019.

to get married”.¹¹¹ Furthermore, poor families often struggle to feed and take care of their children and send them to school, so often resort to marrying them to reduce the economic pressure on the household or to ‘protect’ them by sending them off to live with their husband who may have a richer household.¹¹²

There are also specific socio-cultural norms driving child marriage in Tanzania. Firstly, the definition of who qualifies as a child is controversial across different communities in Tanzania. Some deem that a child is someone who is still in primary school, and once they have completed primary school, they are no longer a child.¹¹³ This is especially the case for girls, because in many communities, there is an ignorance of the benefits of educating girls and a perception that girls do not need education as their role is to be a wife and a mother.¹¹⁴ Others consider a girl to be a child up until she starts her menstruation, which is when she becomes a woman and is ready to take up the role of a wife and mother. In fact, around 40% of people in Tanzania believe girls under the age of 18 are ready for marriage.¹¹⁵ Secondly, in many communities in Tanzania, marrying a girl at a young age is seen as a symbol of prestige and even a way of maintaining the family’s honour because a girl’s virginity is highly valued and child marriages can act as a protection strategy from girls losing their virgin purity and becoming pregnant, which would bring great shame to their families.¹¹⁶ Additionally, if a girl is regarded as being “impure”, it may mean the family might receive a lower dowry for

¹¹¹ Save the Children Tanzania, ‘Exploring Children Exclusion in Tanzania Case Study of Shinyanga Region - Pilot Study Report’, *Internal Save the Children Tanzania report*, (unpublished), 2016.

¹¹² United Republic of Tanzania Ministry of Health, Community Development, Gender, Elderly and Children, ‘Government Conducted National Survey on the Drivers and Consequences of Child Marriage in Tanzania’, February 2017, p. 6.

¹¹³ Save the Children Tanzania, ‘Exploring Children Exclusion in Tanzania Case Study of Shinyanga Region - Pilot Study Report’, *Internal Save the Children Tanzania report*, (unpublished), 2016.

¹¹⁴ United Republic of Tanzania Ministry of Health, Community Development, Gender, Elderly and Children, ‘Government Conducted National Survey on the Drivers and Consequences of Child Marriage in Tanzania’, February 2017, p. 7.

¹¹⁵ UN Women, p. 130.

¹¹⁶ L. Avalos, N. Farrell, R. Stellato, & M. Werner, ‘Ending female genital mutilation & child marriage in Tanzania’, *Fordham International Law Journal*, vol. 38, no. 3, 2015, p. 647; A. J. Bongole, ‘Evaluation report of EC EIDHR Supporting Civil Society to Counter Harmful Traditional Practices in Shinyanga Region of Tanzania’, *Internal Save the Children Tanzania report*, November 2019.

her, and in the worst case scenario, she may never be able to marry at all.¹¹⁷ This is why if a girl falls pregnant before she is married it often leads to child marriage because the girl is likely to be forced to marry the man who impregnated her.¹¹⁸ This is a likely scenario as “Tanzania has one of the highest adolescent birth rates in the world, with 44% of adolescent girls giving birth or becoming pregnant before age nineteen”¹¹⁹. This kind of mentality leads to there being a widespread ignorance about the harmful consequences of child marriage.

As for the consequences of child marriage in Tanzania, they can be separated into four categories: loss of education, reduced development, damage to health, and increased social status. The Education (Expulsion and Exclusion of Pupils from Schools) Regulations, 2002, Article 4, states that a student may be excluded or expelled from school for reasons that include: an offense against morality (pregnancy is considered one), or if a pupil has entered into wedlock.¹²⁰ Furthermore, according to the National Survey on the Drivers and Consequences of Child Marriage in Tanzania, “58% of child brides had career goals that were cut short due to marriage”.¹²¹ Loss of education and career opportunities leads to economic insecurity and restricted levels of autonomy, which reduces the development of a person. Moreover, the damage to health that child marriage can cause comes in many ways: sexual, physical and emotional abuse, which can also lead to contracting sexually transmitted infections, teenage pregnancy with complications such as maternal and infant mortality, and psychological distress. The National Survey found that common health problems experienced by pregnant married girls in Tanzania were “maternal mortality risks at 32%,”

¹¹⁷ Avalos, Farrell, Stellato & Werner, p. 647.

¹¹⁸ United Republic of Tanzania Ministry of Health, Community Development, Gender, Elderly and Children, ‘Government Conducted National Survey on the Drivers and Consequences of Child Marriage in Tanzania’, February 2017, p. 7.

¹¹⁹ Avalos, Farrell, Stellato & Werner, p. 650.

¹²⁰ Human Rights Watch, ‘No Way Out: Child Marriage and Human Rights Abuses in Tanzania’, *Human Rights Watch*, 29 October 2014, p. 49 & 50.

¹²¹ United Republic of Tanzania Ministry of Health, Community Development, Gender, Elderly and Children, ‘Government Conducted National Survey on the Drivers and Consequences of Child Marriage in Tanzania’, February 2017, p. 78.

followed by infant mortality at 14%”.¹²² Despite these health complications linked to adolescent pregnancy, it was found that when married girls had children it would earn her respect and good social status, which benefited the social lives of child brides in their community.¹²³ “Marriage as a measure of status/rite of passage is believed to be crucial to women, and it is one of the few times women are celebrated in Tanzania”.¹²⁴

3.1.2 Domestic legislation

The legal framework surrounding child marriage in Tanzania is also one of the reasons why the practice is still so prevalent. Although Tanzania has ratified and is party to a number of international and regional human rights agreements and legally binding treaties that explicitly obliges its state parties to end child marriage, Tanzania’s Marriage Act of 1971 (under part 2b.13.1) sets the minimum marriage age for girls at 15 with parental consent, whereas it is 18 for boys.¹²⁵ Customary law and the Islamic Restatement Act, also legally allow children to marry.¹²⁶ Here is a list of the main articles of the international and regional human right treaties, ratified by Tanzania, that are unequivocally violated by its allowance of child marriage:

- International Convention on Economic, Socials and Cultural Rights (ICESCR) Article 3 (equal rights for men and women);
- CEDAW Article 5 (State duty to modify social and cultural patterns of conduct that subjugate one sex);

¹²² *ibid.*, p. 80.

¹²³ S.B. Schaffnit, M. Urassa, & D.W. Lawson, “‘Child marriage’ in context: exploring local attitudes towards early marriage in rural Tanzania”, *Sexual and Reproductive Health Matters*, vol. 27, no.1, 2019, p. 101; S.B. Schaffnit, A. Hassan, M. Urassa, & D.W. Lawson, ‘Parent–offspring conflict unlikely to explain ‘child marriage’ in northwestern Tanzania’, *Nature human behaviour*, vol. 3, no. 4, 2019, p. 350.

¹²⁴ *ibid.*, p. 87.

¹²⁵ The United Republic of Tanzania, The Law of Marriage Act, 1971, [CAP. 29 R.E. 2019], Part II, b, 13, p. 15.

¹²⁶ United Republic of Tanzania Ministry of Health, Community Development, Gender, Elderly and Children, ‘Government Conducted National Survey on the Drivers and Consequences of Child Marriage in Tanzania’, February 2017, p. 69; Avalos, Farrell, Stellato & Werner, p. 681.

- CEDAW Article 16 (State duty to eliminate discrimination in marriage; the marriage of a child shall have no legal effect);
- UNCRC Article 12 (Right for children's views to be given due weight);
- African Charter on the Rights and Welfare of the Child, Article 21(2) (prohibition of child marriage and effective legal action to be taken to specify the minimum age of marriage to be 18 years);
- African Charter Maputo Protocol Article 6(c) (prohibition on non-consensual marriage, the minimum age of marriage for women is eighteen years).¹²⁷

The Committee on the Rights of the Child, in 2015, expressed concern about the legal system in Tanzania that allows for child marriage and urged Tanzania to “revise its legislation in order to ensure that the minimum age for marriage is established as 18 for both girls and boys, and to take all necessary measures to eliminate child marriages, in line with the State party’s obligations”.¹²⁸ In response, while presenting its periodic report to the Committee, Tanzania argued that they could not amend the Law of Marriage Act to set a minimum age of marriage at 18 for boys and girls because it would infringe on certain religious beliefs.¹²⁹ The African Union has come across this challenge concerning various African countries and said that there are significant political barriers to rolling out national plans on child marriage “because national governments negotiate and compromise on the extent of enforcing laws with traditional leaders for fear of losing power”.¹³⁰

In 2016, Rebeca Gyumi, a lawyer and youth activist member of the Tanzania Ending Child Marriage Network (TECMN), filed a case in the High Court of Tanzania challenging the constitutionality of sections 13 and 17 of the Law of Marriage Act of 1971. She contended

¹²⁷ Avalos, Farrell, Stellato & Werner, p. 665 & 666.

¹²⁸ United Nations Committee on the Rights of the Child (CRC), *Concluding observations on the combined third to fifth periodic reports of the United Republic of Tanzania*, 3 March 2015, CRC/C/TZA/CO/3-5, p. 5.

¹²⁹ I. Warioba, ‘Child Marriage in Tanzania: A Human Rights Perspective’, *Journal of Law, Social Justice & Global Development*, Issue 23:2019, 2019, p. 7.

¹³⁰ UN Women, p. 172.

that these sections, which provide for different age of marriage between boys and girls and the requirement of parental consent, were unconstitutional because they offended the provisions of Article 12, 13 and 18 of the constitution of the United Republic of Tanzania 1977, which protect the right to equality, right to expression and right against discrimination.¹³¹ Consequently, she called “for the provisions of section 13 and 17 of the Law of Marriage Act to be declared null and void and that the age of marriage should be 18 years of age for both sexes”.¹³² The response of the Attorney General to these claims was that the provisions of the Law of Marriage Act did not infringe on any right “because they had a firm foundation in customary, traditional and religious values”.¹³³ The judgment of the High Court of Tanzania declared that the two provisions of the Law of Marriage Act are unconstitutional and it directed “the Government through the Attorney General within a period of one year” to amend the Law of Marriage Act to put 18 years as the minimum age of marriage for both boys and girls.¹³⁴ As a result of this success, in 2018 Rebeca Gyumi was awarded the UN Human Rights Prize.¹³⁵ In 2017, the Attorney General appealed against the whole judgment of the High Court of Tanzania but the Court of Appeal found that the appeal had no merit and, therefore, dismissed it entirely, hence maintaining the decision of the High Court.¹³⁶ Nevertheless, it has now been five years since the High Court directed the Government to amend the Law of Marriage Act and it still has not done it.¹³⁷

Another concerning thing noted by the Committee on the Rights of the Child in their periodic report observations is that while the Sexual Offences Special Provisions Act (1998)

¹³¹ The High Court of Tanzania, *Rebeca Z. Gyumi v. Attorney General*, Miscellaneous Civil Cause no. 05 of 2016, 08 July 2016, p. 3.

¹³² *ibid.*, p. 2.

¹³³ *ibid.*, p. 4.

¹³⁴ *ibid.*, p. 27.

¹³⁵ M. Mahtani, ‘How Rebeca Gyumi took on Tanzania's child marriage laws and won’, CNN, 18 March 2019, <https://edition.cnn.com/2018/12/12/africa/gyumi-un-human-rights-prize/index.html>, (accessed 27 April 2021).

¹³⁶ The Court of Appeal of Tanzania, *Appeal from the Judgment of the High Court of Tanzania at Dar es Salaam-Main Registry on the case of Rebeca Z. Gyumi v. Attorney General*, Civil Appeal no. 204 of 2017, 23 October 2019, p. 51.

¹³⁷ Warioba, p. 8.

criminalises sexual activity with girls below the age of 18, there is an exception which states that “a man who has sex with a girl below 18 years does not commit rape if ‘the woman is his wife who is fifteen or more of age, and is not separated from the man.’ (The Penal Code Act, 1945, arts. 130, amended by the Sexual Offences Special Provisions Act, 1998, art. 5(e).)”¹³⁸ Furthermore, it was alarmed that in 2010, only 16% of children under 5 years old in Tanzania are registered and only half of them receive a birth certificate, which means that the age of children cannot be proved, thus facilitating child marriage.¹³⁹ Moreover, marriage certificates are not very common either, despite the Law of Marriage Act that provides for mandatory marriage registration.¹⁴⁰ In addition, police officers told Human Rights Watch that there have been cases where corrupt officials accept bribes to forge birth certificates and often when child marriage cases are brought to court, “prosecutions are intentionally delayed or not concluded because child marriage perpetrators often bribe judges and prosecutors to adjourn or postpone them indefinitely.”¹⁴¹

3.1.3 Efforts to end child marriage

NGOs, child rights advocates and Civil Society Organisations (like the Tanzania Ending Child Marriage Network) have been working in Tanzania to end child marriage in various ways, including raising awareness about the negative effects of child marriage, positive parenting, economic empowerment, and educational support. For instance, under the project ‘Supporting Civil Society to Counter Harmful Traditional Practices’, Save the Children has been working with local partners to establish community centres that provide mentorship and capacity building trainings to teach community members, especially children, life skills, income generating activities, sexual reproductive health education and about harmful

¹³⁸ HRW, 2014, p. 64.

¹³⁹ United Republic of Tanzania Ministry of Health, Community Development, Gender, Elderly and Children, National Bureau of Statistics and ICF Macro, ‘Tanzania Demographic and Health Survey 2010’, Dar es Salaam, Tanzania, and Calverton, Maryland, USA, 2011, p. 27.

¹⁴⁰ HRW, 2014, p. 72.

¹⁴¹ UN Women, p. 13.

traditional practices.¹⁴² A case study story explains how an adolescent girl called Subira was part of this programme and thanks to the training provided by the community centre, she was well informed about the negatives of child marriage so when she was told that she was to be married in two days' time, she immediately reported her family's arrangement to a Save the Children centre facilitator where she was being trained and Save the Children and partners took the initiative to involve the police and stop the marriage.¹⁴³ This capacity building and mentorship programme also trains youth and adult representatives on advocacy and dissemination of messages about the negative effects of child marriage to the community. Tatu is another child bride who has been trained by this programme and she is now a champion and ambassador who fights against child marriage within her community and ensures that her own children get educated and never get married as children.¹⁴⁴

Another example is the Agape AIDS Control Program (AGAPE), based in the Shinyanga urban area. It raises public awareness on the negative effects of child marriage through cinemas, it provides pro bono legal aid for survivors of child marriage, it monitors incidents of child marriages, and it provides free secondary and vocational education for girls rescued from early marriage.¹⁴⁵ "The Promising World for Women and Children Organization (PWWCO), also based in the Shinyanga urban area, uses intervention strategies against child marriages that include skilful parenting; economic empowerment for teenage mothers; and awareness raising for the general public".¹⁴⁶ A study about Shinyanga revealed that educating the community on the negative effects of child marriage is the strategy that works best to reduce child marriage as it starts to change the socio-cultural norms that allow the practice to continue.¹⁴⁷ This education also makes the community, and especially children, aware that

¹⁴² EIDHR, 2019.

¹⁴³ Save the Children Tanzania, 'Case study: Subira Child Marriage Story', *Internal Save the Children Tanzania report*, (unpublished), 2020.

¹⁴⁴ Save the Children Tanzania, 'Case study: Tatu Child Marriage Story', *Internal Save the Children Tanzania report*, (unpublished), 2020.

¹⁴⁵ UN Women, p. 167.

¹⁴⁶ UN Women, p. 167.

¹⁴⁷ Bongole, 2019; Baha, M., Bongole, A., Rwakalaza, R., 'Evaluation Report for the Endline Survey of Save the Children's Child Protection and Child Rights Governance Program 2016-2018 in Zanzibar, Songwe,

there are legal entities that they can report incidences of child marriage to, which leads to a rise in cases reported and a fall in child marriage prevalence.¹⁴⁸ It is positive that most efforts to end child marriage have focused on these approaches because the National Survey on child marriage also concluded that, although there is no singular solution to child marriage, there is a great need to educate community members on the ills of child marriage and that child marriage is not a solution to poverty. It suggested that quality education for girls should be strengthened and become mandatory, the economic status of girls should be improved for example through income generating skills training, and there should be reform and harmonisation and enforcement of laws to ensure child marriage is criminalised by the law.¹⁴⁹

3.2. Child participation

3.2.1 National efforts and mechanisms

According to the National Population and Housing Census of 2012, half of the population of Tanzania is under the age of 18.¹⁵⁰ Therefore, it is extremely important that children of Tanzania be given a voice. As well as being included in the Law of the Child Act, No. 21 of 2009 (under Part 2, Article 11), children's participatory rights are protected in the Constitution of the United Republic of Tanzania (under Article 21.2).¹⁵¹ The Ministry of Health, Community Development, Gender, Elderly and Children (MoHCDGEC), is the main government body that facilitates the implementation of children's participation rights in Tanzania. In 2012, in collaboration with NGOs, the Ministry developed a Child Participation

Shinyanga and Dar es Salaam Regions – Tanzania SIDA core project', *Internal Save the Children Tanzania report*, October 2019.

¹⁴⁸ EIDHR, 2019.

¹⁴⁹ United Republic of Tanzania Ministry of Health, Community Development, Gender, Elderly and Children, 'Government Conducted National Survey on the Drivers and Consequences of Child Marriage in Tanzania', February 2017, p. 7 & 96; Warioba, p. 15; United Nations Population Fund (UNFPA) Tanzania, 'Fact Sheet: Child Marriage', UNFPA, 2014, https://tanzania.unfpa.org/sites/default/files/pub-pdf/Factsheet_CM_UNFPA_14oct.pdf, (accessed 23 October 2020); Avalos, Farrell, Stellato & Werner, p. 693.

¹⁵⁰ United Republic of Tanzania Ministry of Health, Community Development, Gender, Elderly and Children, 'National Plan of Action for Child Participation 2014-2019', July 2014, p. ii.

¹⁵¹ United Republic of Tanzania Ministry of Health, Community Development, Gender, Elderly and Children, 'Child Participation Toolkit', 2012.

toolkit to help make child participation more widespread in Tanzania. They consulted various stakeholders to develop the toolkit and found out that “there is a widespread lack of understanding of child participation among adults” because there is “a general fear for change of cultural and social norms, as child participation is seen by many adults as a western, outside idea”.¹⁵² Therefore, it has been challenging to realise effective child participation in Tanzania.

Nevertheless, some government achievements to realizing child participation have included the establishment of a Child Helpline in 2013 to give a space for children to report abuse cases, and the formation of the Children Agenda coalition in 2012, which was a collaboration of the government with more than 167 Civil Society Organisations with the aim of advocating Top Ten Investments based on child rights including the right to participate.¹⁵³ Moreover, in 2014, the government of Tanzania, through the MoHCDGEC, decided to make child participation a priority and came out with a ‘National Plan of Action for Child Participation 2014-2019’. The objectives of this Plan were to provide explanations on the importance of child participation in decision making in all community levels and to guide communities to create child friendly environments and opportunities for children to participate in families, communities, and institutions.¹⁵⁴ An updated version of this Plan is not currently in place.

The biggest success of the government efforts to improve child participation, however, is the creation of democratically elected child-led children councils both in schools and out of schools. During the 2002 *UN Special Session on Children*, a large group of children from around Tanzania voiced their concern about the absence of any formal structure through

¹⁵² United Republic of Tanzania Ministry of Health, Community Development, Gender, Elderly and Children, ‘Child Participation Toolkit’, 2012, p. 2.

¹⁵³ United Republic of Tanzania Ministry of Health, Community Development, Gender, Elderly and Children, ‘National Plan of Action for Child Participation 2014-2019’, July 2014, p. iii & 11.

¹⁵⁴ United Republic of Tanzania Ministry of Health, Community Development, Gender, Elderly and Children, ‘National Plan of Action for Child Participation 2014-2019’, July 2014, p. 34.

which their genuine participation could be realised.¹⁵⁵ Upon receiving this concern, the MoHCDGEC decided to create the Junior Councils of the United Republic of Tanzania (also called Children Councils and ‘Baraza La Watoto’ in Swahili). These Children Councils (CCs) slowly started being set up across the country with the help of supporting organisations. In 2008, the MoHCDGEC announced a policy that instructed all Regional Commissioners to establish CCs. However, the national implementation of this policy remains patchy because the government greatly depends on support from donors to maintain these CCs, so some regions are supported more than others.¹⁵⁶

The CCs have established a ‘Constitution for the Children Councils’, which was well received among councils in Mainland Tanzania but had to be adapted to include a more religious aspect for the Zanzibar councils. The aim of all CCs is to provide a platform for all children to have a voice in matters that affect them and to monitor the implementation of various policies and laws of the country concerning children.¹⁵⁷ Every citizen of the United Republic of Tanzania under 18 has the right to be a member of the Councils and only children can be representatives of the Councils, the role of adults is purely a facilitator one. There is a national CC, which then divides into regional, then district, and finally village CCs. Each level has a different number of members’ dependent on size of population, and at all levels children elect the child representatives with the rules for elections laid out in the Constitution.

¹⁵⁵ J. Namfua, ‘In Tanzania, Children Are Standing Up For Child Rights’, *UNICEF*, [web blog], 4 February 2015, <https://Blogs.Unicef.Org/Blog/In-Tanzania-Children-Are-Standing-Up-For-Child-Rights/>, (accessed 20 November 2020).

¹⁵⁶ C. M. Ljungman, A. Nilsson, C. Mashamba, & K. Mtengeti, ‘Evaluation of Save the Children’s Child Rights Governance and Protection Projects in Tanzania – Mainland Project Final Report’, *Sida Decentralised Evaluation 2014*:63, December 2014, p. 21; M. Couzens, & K. Mtengeti, ‘Creating Space for Children Participation in Local Governance in Tanzania: Save the Children and Children Council’s’, *Research Report 11/1, Research on Poverty Alleviation (REPOA)*, Dar es Salaam, 2011, p. x.

¹⁵⁷ United Republic of Tanzania Ministry of Health, Community Development, Gender, Elderly and Children, ‘Katiba Ya Baraza La Watoto Wa Jamhuri Ya Muungano Wa Tanzania’ (Constitution of the Children’s Council of the United Republic of Tanzania), (adopted and came into effect the 18th January 2008 in the General Meeting of the Children Councils in Ifisi Community Center (ICC) Hall in Mbalizi, Mbeya City).

“The criteria for being elected [to be in leadership positions] include literacy, good behaviour, being outspoken, and being informed on children’s rights”¹⁵⁸.

The CCs then get together with the aim of having child led and child centred conversations about their rights and the violations they face in their communities and come up with action plans. These action plans get written up and sent to the Councils’ guardian local government officials for review and approval so the recommendations of the CCs can be considered by government authorities. All the initiatives of the CCs need the approval of the Councils’ guardian local government official; this has the potential to be abused and have dangerous consequences for genuine child participation.¹⁵⁹

Other activities that the CCs are involved in include organizing meetings with other children in their communities and visiting homes to inform families and raise awareness about child rights and responsibilities. In 2012, Save the Children documented that the CCs reached over 37,000 children and 16,000 adults this way.¹⁶⁰ The CCs also record child rights violations, identify the most vulnerable children, and link them with services. “The aggregate number of violations reported by children between 2011-2013 and subsequently documented by duty bearers is impressive, with over 1800 cases – including school dropouts, corporal punishment, child marriage, abuse, child labour and FGM”¹⁶¹.

Save the Children is the implementing partner who’s “work to support districts to establish councils is the most comprehensive effort yet in this area”¹⁶² (which is concerning as it shows the governments overreliance on donors for funding the CCs that endangers the sustainability of the CCs). They have provided technical support (through developing strategies and training) to the CCs and play a critical role in facilitating dialogue between CCs and duty

¹⁵⁸ Couzens & Mtengeti, p. 21.

¹⁵⁹ *ibid.*, p. 28.

¹⁶⁰ Ljungman, Nilsson, Mashamba & Mtengeti, p. 23.

¹⁶¹ *ibid.*, p. 23.

¹⁶² *ibid.*, p. 21.

bearers.¹⁶³ Save the Children and the MoHCDGEC published a detailed training manual for the adult facilitators of CCs to lay out the importance of empowering the children in CCs to learn about their rights, identify and find ways to counteract violations, and to manage their own councils. Under section 6.1.3 of this training manual it says facilitators should provide children with an “Understanding of the effects of Child Marriage and Pregnancy and how to protect yourself including discussions on the contributing factors and consequences of child marriage, and how to protect yourself from it”.¹⁶⁴ Save the Children has also conducted capacity building activities for the CCs about child rights, they assisted in drafting the constitution of the CCs, they advocate for them and encourage the local governments to take more responsibility for them, they provide them with financial support, and in 2020 they even helped the CCs to draft a critical monitoring children’s report for submission to the UNCRC.¹⁶⁵

Another type of children council mechanism that Save the Children supports are the ‘Tuseme Clubs’. Tuseme is a Swahili expression that means “let us speak out”. The aim of Tuseme Clubs is to empower children in schools to express their views in matters that affect their academic and social development and learn to come up with ideas and actions to solve those problems. The project was started by the University of Dar es Salaam and began with seven secondary schools in 1996. By the end of 2006, more than 70 schools in Tanzania had adopted the Tuseme programme.¹⁶⁶ In order to grow, the Tuseme project has received support from some development partners’ organisations like Save the Children and the Forum for African Women Educationists (FAWE). It is often the case that children who are members of Tuseme Clubs are also members of CCs so there is a link between the two organisms. The Tuseme project has led to improved academic performance and reduced school dropout rates. As a

¹⁶³ *ibid.*, p. 25.

¹⁶⁴ United Republic of Tanzania Ministry of Health, Community Development, Gender, Elderly and Children - (Major Department of Social Development), ‘Training Manual for Facilitators of Children's Councils in Tanzania’, 2019.

¹⁶⁵ Couzens & Mtengeti, p. 44.

¹⁶⁶ Save the Children Tanzania, ‘Exploring Children Exclusion in Tanzania Case Study of Shinyanga Region - Pilot Study Report’, *Internal Save the Children Tanzania report*, (unpublished), 2016.

result of these positive effects, the Tanzania Ministry of Education and Culture has mainstreamed Tuseme into its secondary education development plan and 13 other countries in sub-Saharan Africa have adopted the approach.

The CCs have had some significant impacts on communities in Tanzania. For example, the CCs in Same District in the Kilimanjaro region, have successfully lobbied for free health services to families in need, free meals at schools, and the transformation of hostels into secondary schools, which according to Save the Children “benefitted around 450,000 children in 2012 and contributed to increased school attendance from 70 to 84 percent” and “an estimated 650 children were enabled to attend secondary education as a result of the new hostels”, which is a measure that is expected to counteract early marriages.¹⁶⁷ In another example, Temeke District municipal CC members created two radio shows, which ran for three months and reached around 8 million listeners, to raise awareness among the general public about child marriage and sexual and other violence against children.¹⁶⁸ Furthermore, after hearing about various cases of corporal punishment that were not being taken seriously by local government authorities in Lindi District, the Lindi municipal CC collected the testimonials of many children and reported them to the local government authorities and the issue was finally addressed.¹⁶⁹ This shows that the CCs have amplified the visibility and bargaining power of children at local government level. CCs all around Tanzania have identified children in need and connected them to the relevant services - this has increased monitoring of children’s rights and proven that they are capable of assisting and holding government authorities accountable to its obligation to protect children and their rights.¹⁷⁰

Moreover, child representatives from CCs have been invited to be consulted when drafting national plans or strategies. For the drafting of the 2011 Zanzibar Children’s Act, 514

¹⁶⁷ Ljungman, Nilsson, Mashamba & Mtengeti, p. 26.

¹⁶⁸ *ibid.*, p. 30.

¹⁶⁹ Couzens & Mtengeti, p. 50.

¹⁷⁰ Couzens & Mtengeti, p. 49.

children were consulted, and for the development of the National Plan of Action for Violence Against Women and Children (NPA-VAWC) 101 children were consulted. Furthermore, in 2013, “65 representatives from Children’s Councils met with The Tanzania Commission for Constitution Review to present their recommendations”.¹⁷¹ They expressed the need for the constitution to recognize the role of CCs and they asked the Government to provide free birth certificates and free healthcare to all children, to establish a Commission for Children, and to guarantee children’s representation in Parliament.¹⁷² Unfortunately, “there is little evidence that the views of children in the Children’s Councils are considered in district or national plans and strategies”¹⁷³, as there are prevailing cultural attitudes, which think of children as lacking knowledge and maturity to be taken seriously in decision making. Many children in CCs have reported feeling that in reality children councils were set up to make it seem like the government cares about children's views but in reality, although they are consulted, their views are not taken into consideration.¹⁷⁴ Furthermore, in an evaluation of Save the Children’s Child Rights Governance and Protection Projects in Tanzania, half of the CC members evaluated stated they “had been threatened while undertaking awareness-raising or rights monitoring activities”, because they were told it was not their role to do this.¹⁷⁵ This, regrettably, highlights the cultural barriers to child participation.

3.3 Conclusion

The CCs of Tanzania are an exceptional child participation mechanism that have been leading to positive changes in communities by giving children skills, knowledge, and competences to stand up for their own rights so they can fight against violations of their rights in addition to monitoring the efforts to implement children rights in their communities. Keeping this in mind and knowing that child marriage is a widespread child rights violation happening in

¹⁷¹ K. McAlpine, E. Lyatuu, & N. Kagucia, ‘The situation of child rights governance in Tanzania and opportunities for action’, *Save the Children*, Dar es Salaam, Tanzania, 2017, p. 11.

¹⁷² K. McAlpine, E. Lyatuu, & N. Kagucia, p. 11.

¹⁷³ *ibid.*, p. 4.

¹⁷⁴ Ljungman, Nilsson, Mashamba & Mtengeti, p. 33.

¹⁷⁵ *ibid.*, p. 33.

Tanzania, I found it interesting to empirically find out in what ways, and to what extent, child participation, through CCs, could be significantly impactful in efforts to end child marriage in Tanzania.

Chapter 4: Research design and methodology

This chapter describes the methods applied in carrying out this research. It lays out what methodology was used to guide the research process, how the data was collected, how ethics were considered when carrying out primary data collection, how the data will be analysed, and what limitations were faced during the research process.

4.1 Qualitative case study approach

This research is a qualitative participatory case study analysis to fulfil the main research objective of identifying the level of significance and impact of child participation in the issue of ending child marriage in the case of Tanzania.¹⁷⁶ Qualitative case study research is the exploration of a bounded system (a case) through detailed, in-depth data collection involving multiple sources of information including both primary and secondary data.¹⁷⁷ Using this approach, my thesis will offer an in-depth study of children's views and opinions about child marriage in Tanzania in an effort to better understand the implementation of children's participation, surrounding the topic of child marriage, in a real-life context.

This approach was chosen as I was conducting a Child Rights internship at the NGO Save the Children in Tanzania as part of my Master programme and decided to use this opportunity to gather primary data for my thesis. I chose to analyse the topic of child marriage in Tanzania because of its high prevalence rate and I chose to link it with child participation as I had the chance to learn about and work with the CCs of three different regions in Tanzania during my internship. The three regions where data was collected each have drastically different prevalence rates of child marriage: Shinyanga has 59%, Zanzibar has 18% and Dar es Salaam

¹⁷⁶ A. Bryman, 'Research Designs', in *Social Research Methods*, Oxford, Oxford university press, 2016, p. 60.

¹⁷⁷ J. W. Creswell, 'Chapter 4. Five Qualitative Approaches to Inquiry', in Creswell, J. W., *Qualitative inquiry and research design: Choosing among five approaches*, Sage publications, 2013, p. 97; R. K. Yin, *Case Study Research: Design and Methods*, London: Sage, 2009.

has 8%.¹⁷⁸ This is useful to find out the mentality differences of children about child marriage as prevalence differs.

The main disadvantage of a qualitative case study approach is that the data collected cannot necessarily be generalised to the wider population as it is context specific.¹⁷⁹ However, the findings from this research can help to start conversations about why and how child participation may need to be strengthened in efforts to end child marriage more globally and it can be a catalyst for similar research to be conducted elsewhere around the world so more effective strategies can be found to tackle the issue of child marriage.

4.2 Method of data collection

4.2.1 Secondary data

To situate the research, secondary data about child participation and about child marriage in the international human rights framework and in the context of Tanzania were explored. Data sources for the secondary desk analysis research included: academic libraries containing peer-reviewed articles and books both offline and online, public reports, and case law. Additionally, I got permission to use some internal Save the Children reports and received documents such as the Constitution of CCs and training manuals for children councils from my Save the Children colleagues as they were not available online.

4.2.2 Primary data

To find an answer to my research question, I needed to conduct primary research. I chose to include child participation in the primary data collection because I consider children to be active agents whose opinions and views can be vastly beneficial for society and for research

¹⁷⁸ National Bureau of Statistics [Tanzania] and ICF Macro, 'Tanzania Demographic and Health Survey 2010', Dar es Salaam, Tanzania, 2011; Government of Zanzibar Ministry of Labour, Empowerment, Elders, Youth, Women and Children, 'National Plan of Action to End Violence Against Women and Children in Zanzibar 2017-2022', August 2017, p. 15.

¹⁷⁹ A. Bryman, 'The nature of qualitative research', in *Social Research Methods*, Oxford, Oxford university press, 2016, p. 399; Yin.

like this.¹⁸⁰ I have not seen many studies that actually ask children about what they think causes child marriage and what they think could help end it, however, as can be seen from the literature review, children themselves are the ones who know most how they feel when something affects them. Therefore, this study uses a method of primary data collection based on child participatory questionnaires, where children were invited to talk about their views on their rights and on the issue of child marriage, thus effectively embodying Article 12 of the UNCRC.

The questionnaire given to the children comprised of 17 open ended questions (see appendix), which mainly aimed to find out: 1) the demographics of the children 2) their knowledge about child rights, violations in their communities, and child marriage, 3) what kind of solutions they find most effective to improve child rights and end child marriage 4) in what ways the children are involved with the implementation and monitoring of efforts to end child marriage 5) do they feel their participation matters (in other words, do they feel listened to by adults and the government), and 6) what are some key differences between the children in different regions. I chose to use open-ended questions as it allowed me to collect the true, unbiased opinions of the children. Additionally, the advantages of using a questionnaire as opposed to interviews are that: firstly, it is quicker to administer, which is an advantage as I wanted to collect responses from many children, and secondly, and most importantly, it avoids interviewer influence that could alter the way questions are asked to each participant and create lack of uniformity in answers and even bias.¹⁸¹

I was able to conduct this hands-on research thanks to my internship at Save the Children in Tanzania as part of a review process I conducted of the CCs that Save the Children supports. This is also why some questions enquire about child rights in general before asking

¹⁸⁰ S. Punch, 'Research with Children: The Same or Different from Research with Adults?', *Childhood*, vol. 9, no. 3, 2002, pp. 321-341.

¹⁸¹ A. Bryman, 'Self-administered questionnaires', in A. Bryman (ed.), *Social Research Methods*, Oxford, Oxford university press, 2016, p. 222.

specifically about child marriage. I found it useful to use all answers in this thesis to be able to identify trends.

To get a representative sample of responses, I conducted three children consultations: one in Zanzibar on the 21/11/2020, one in Dar es Salaam on the 27/11/2020, and one in Shinyanga on the 28/11/2020. In total, I gave questionnaires to 100 children aged 10-17 years old, who are members of CCs and Tuseme clubs. The consultations were conducted as part of Save the Children capacity building workshops with the CCs. The sampling of participants was done through opportunity sampling, meaning it was based on who in the workshop was willing to take part in the questionnaire discussions.¹⁸² The questionnaire process was very flexible, my colleagues and I split the children into groups of three or four and each group discussed the open-ended questions about their rights and the work of the children councils. Since the children were more comfortable answering and reading in Swahili, the questionnaire was translated in Swahili prior to being handed out. The children were asked to write down their answers to ensure information was not excluded through forgetfulness or altered significantly through translation. The children's answers were then translated for me by my colleagues.

4.3 Ethical consideration

When involving children in research, it is of extreme importance to apply ethical principles to the way research is carried out to avoid harm to the participants, lack of informed consent, invasion of privacy, and deception.¹⁸³ The primary data collection for this thesis was enclosed within Save the Children capacity building workshops where there are already important Child Safeguarding mitigation measures put in place and participation in activities of the workshop is consensual as they sign Save the Children informed consent forms prior to the

¹⁸² S. A. McLeod, 'Sampling methods', Simply Psychology, 03 August 2019, <https://www.simplypsychology.org/sampling.html>, (accessed 26 April 2021).

¹⁸³ A. Bryman, 'Ethics and politics in social research', in A. Bryman (ed.), *Social Research Methods*, Oxford, Oxford university press, 2016, pp. 120-146.

workshops. Since the children and their parents consented to being part of these workshops and all its activities, which they were told about when signing the consent forms, they consented to being involved in the questionnaire research. Moreover, in all the consultations, the children and their parents were told about the purpose of the questionnaires and asked if they were willing to answer the questionnaires before the questionnaires were handed out.

Additionally, two of the sessions took place on Saturdays in order to not disturb the schooling of the children. The third session, in Dar es Salaam, took place on a Friday and involved children from Tuseme school clubs and this capacity building workshop and consultation was part of their club activity.

4.4 Data analysis

Gathering this primary data was of great value as it allowed me to gain a good understanding of the opinions and suggestion of Tanzanian children in the debate on child marriage and see hands-on the impact of child participation in monitoring a certain human rights issue that affects them. To analyse the qualitative data collected from the questionnaires, I looked for trends and patterns in responses. Since I had data from three regions to compare, I decided to use Venn diagrams and tree charts to visually present my data so it would be easy to identify the similarities and differences in responses between regions. Once the trends were clearly identified, I drew conclusions from them about the children's opinions, suggestions, and influences on ending child marriage in Tanzania, enabling me to answer the part in my research question about what ways child participation is significantly impactful on efforts to end child marriage. From these conclusions, I was able to make recommendations about how to best design and conduct efforts to end child marriage in Tanzania.

To find the answer to the other part of my research question: to what extent does child participation have a significant impact on efforts to end child marriage in Tanzania? I created a conceptual assessment framework (fig.1) based on Lundy's four core dimensions to

successful implementation of child participation.¹⁸⁴ According to my framework, if this research finds that the children from the CCs 1) have a good understanding and knowledge of their rights and child specific problems within their communities, 2) have solutions to these problems, which, if considered by government authorities, will improve the quality of decision making pertaining to children, especially ending child marriage, 3) act upon and express their views on what they think is the most effective way to improve the rights of children and end child marriage, and 4) have their solutions be listened to by adults and government authorities and appropriately acted upon, it can be concluded that child participation has very significant impact. The extent of significance is measured by the number of components present in the children's participation. If one component of the framework is present, the child participation is the least significantly impactful, if two are present, it is moderately significantly impactful, if three are present, it is strongly significantly impactful, and if four are present, it is very strongly significantly impactful. The findings from the questionnaire will be analysed against the components of this framework. That is how the extent to which child participation is significantly impactful in efforts to end child marriage in this research will be measured.

¹⁸⁴ Le Borgne, p. 18; Lundy, 2007, p. 933.

Framework to achieve significantly impactful child participation

Children should:

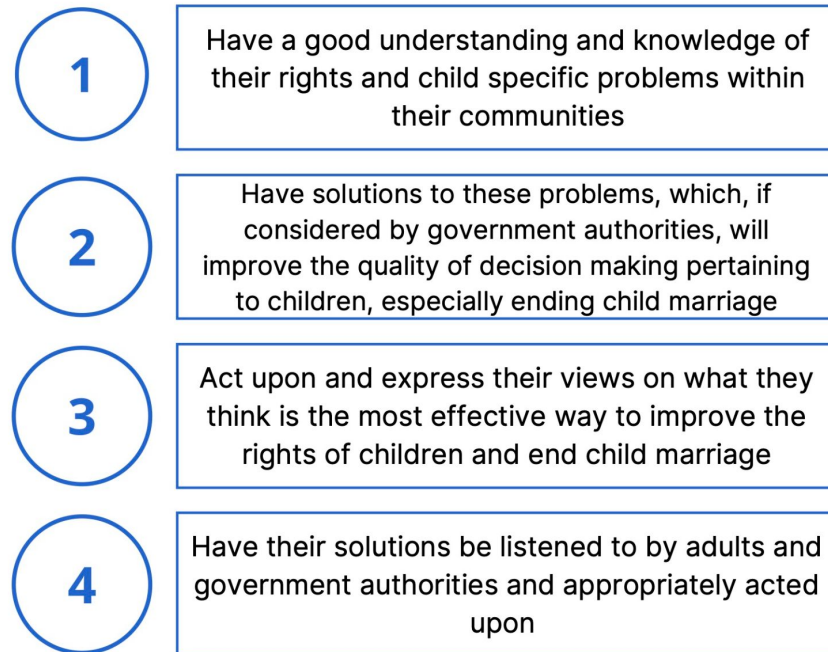


Figure 1: Framework to achieve significantly impactful child participation.

4.5 Limitations

One limitation in terms of secondary data collection is that currently the most up to date Demographic Health Survey of Tanzania is from 2016, which means that data on the prevalence of child marriage is five years old. Another small limitation is that due to the COVID-19 pandemic, physical access to libraries was not possible so all secondary data had to be collected online, which means certain books not available online were not consulted.

The main limitation I faced with the primary data collection was the language barrier. As the children felt more comfortable in Swahili, I had to get help from my colleagues to conduct the children's consultations in Swahili, to translate the questionnaires and to translate the

answers. This worked well as my colleagues were immensely helpful, however, there was a small interpretation error for one question of the questionnaire: “What areas do you want Save the Children to improve in working with children in Tanzania?”. Some respondents misunderstood this question, as the word ‘area’ in the question was perceived as meaning ‘location’, whereas I meant to collect data about thematic areas. In hindsight, I see that I should have phrased that question differently. Moreover, another question I asked: “Do you think COVID-19 has increased child rights violations, especially child marriage, in Tanzania?”, may have limited the responses as it linked the effects of COVID-19 on child rights violations too much with child marriage. Some children may have wanted to answer that, yes, COVID-19 increased child rights violations (like access to schools), but no, it did not have an impact on child marriage. The question would have benefitted from being split into two parts, one about the effects of COVID-19 on child rights violations and the other on the effects of COVID-19 on child marriage.

Another possible limitation is that since the children answered the questionnaires in groups, it is possible that some more dominant children influenced the answers of the other children in their group. However, the group work style was chosen for the sake of keeping the session interactive and making the research seem more fun for the children. Additionally, group work made the children feel more comfortable as they did not feel like they were being evaluated.

Chapter 5: Research findings, analysis, and discussion

In this chapter, the findings of the research are presented, analysed against the four components of the framework to achieve significantly impactful child participation, and the implications of these findings to answer the research question are discussed.

5.1 Participant demographics

This research consulted 100 children from Tanzanian CCs in total: 29 children from Zanzibar, 52 from Shinyanga and 19 from Dar es Salaam. All the questions asked received responses from all the 100 children. All of the participant children were part of the CCs of Tanzania, and some were part of the Tuseme clubs too. Additionally, they were all attending school consistently at the time of the research.

In all three regions, there were slightly more girl participants than boys (see Table 1). I found it important to involve boys in the research, even though they are much less affected by child marriage. This is because this research is examining child participation and the group ‘children’ is made up of both girls and boys. Moreover, if boys are knowledgeable about the negative effects of child marriage, they are more likely to contribute to, and advocate for, ending the continuation of the practice, therefore, testing their knowledge is valuable.

Region	Girls	Boys
Zanzibar	16	13
Shinyanga	28	24
Dar es Salaam	11	8

Table 1: Sex of participants per region.

The age of the children ranged from 10 years old to 18 years old. The most common age was 16 in Zanzibar, 14 in Shinyanga, 16 in Dar es Salaam and 16 overall across all regions (see

Table 2). Children under the age of 10 were not consulted in this research, as they were not part of these Save the Children capacity-building workshops.

Age	Zanzibar	Shinyanga	Dar es Salaam
10	0	5	2
11	1	3	2
12	1	7	4
13	4	9	3
14	6	11	0
15	3	6	1
16	10	7	7
17	4	4	0

Table 2: Age of participants per region.

5.2 Component 1

5.2.1 Knowledge about child rights and child marriage

As a first step, the children were asked about their knowledge of child rights. This is important because in order for children to make informed decisions they need to have knowledge about their rights. It is what this research considers the first component of the framework to achieve significant child participation.

Do you know about the CRC and what child rights are?

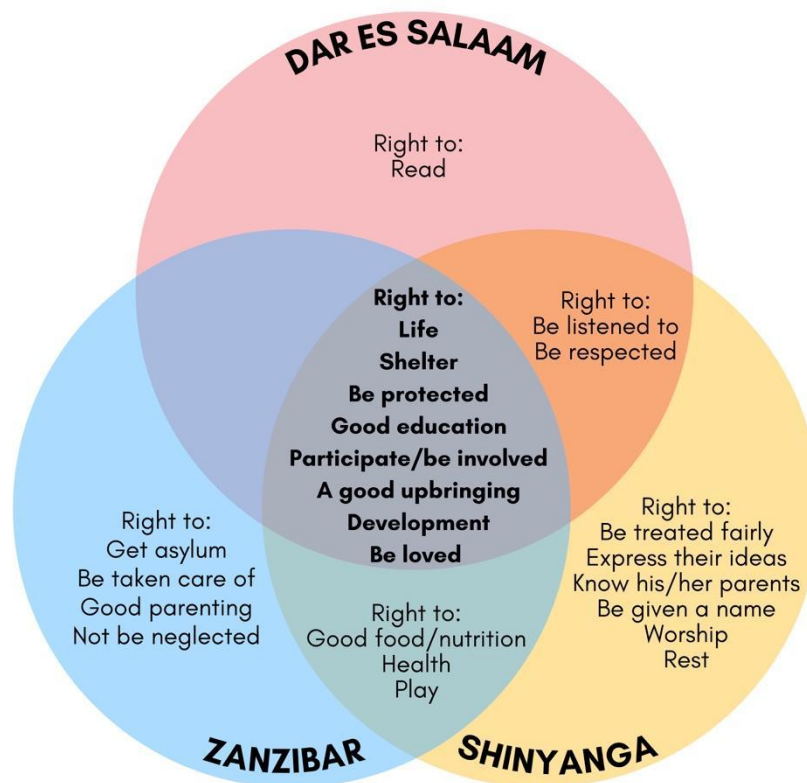


Figure 2: Answers to the question “Do you know about the CRC and what child rights are?”.

To answer this question, the children were asked to say whether they knew what the UNCRC was and list the child rights they knew about. All respondents knew what the UNCRC was and were able to identify many child rights. The rights identified by all three regions included the four main pillars of the UNCRC mentioned in Save the Children Tanzania’s vision motto, which is: Every child has the rights to survival, protection, development, and participation.

This shows that Save the Children training sessions to teach these children about their rights has been effective. It is also remarkable to see the variety of rights the children mentioned, most included in the UNCRC.

The children were then asked which specific child rights their children council aim to tackle.

Which specific child rights does this children council aim to tackle?

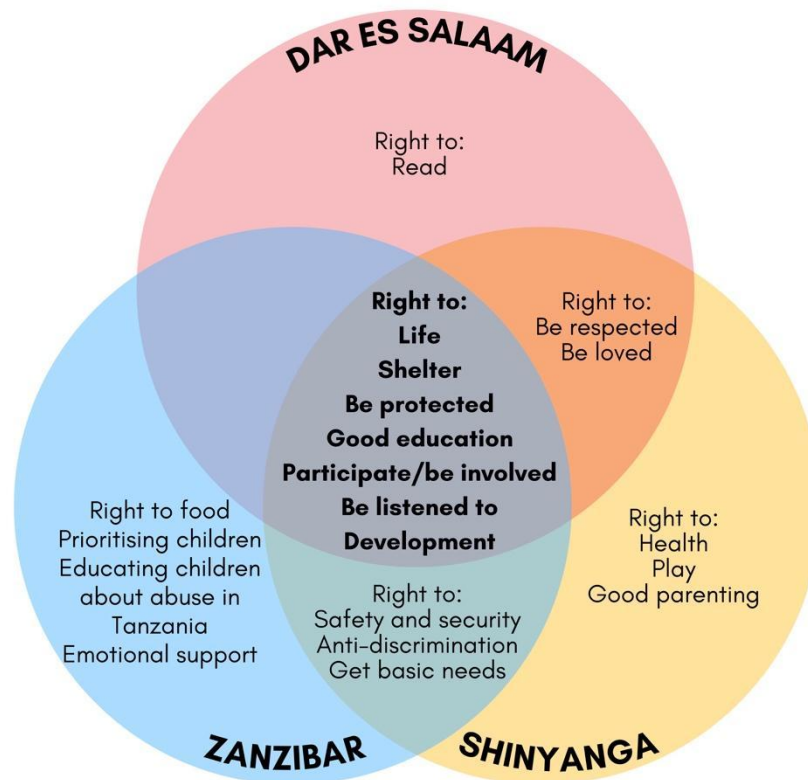


Figure 3: Answers to the question “Which specific child rights does this children council aim to tackle?”.

The answers remained very similar to the rights identified and show that the CCs focus on addressing a multitude of child rights instead of focusing on a few specific ones. The answers also excluded rights identified previously that are more personal and not as easy to be tackled by CCs, such as the right to: worship, know one’s parents, good upbringing, or be given a

name. The children showed extensive knowledge and awareness about child rights and the role of the CCs in addressing them.

To further test the child rights knowledge of the children, they were asked about what they think the main child rights violations are in Tanzania.

What do you think are the main child rights violations in Tanzania?

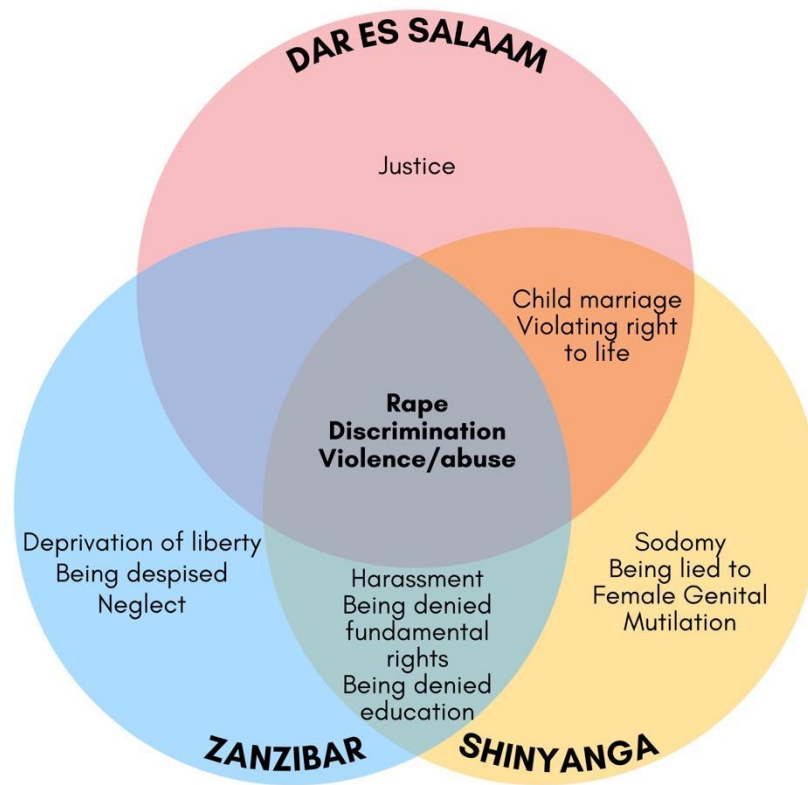


Figure 4: Answers to the question “What do you think are the main child rights violations in Tanzania?”.

The violations mentioned by all three regions were: rape, discrimination and a mix of physical, mental, psychological, spiritual, emotional, sexual and gender-based violence/abuse. This reflects the need for the National Plan of Action to end Violence Against Women and Children (NPA-VAWC) to address these violations. Children in Dar es Salaam

and Shinyanga identified child marriage as a main child rights violation in Tanzania, but children in Zanzibar did not.

The other questions asked to test the child rights knowledge were specifically about child marriage, as this is the focus of this thesis.

What do you think about child marriage?

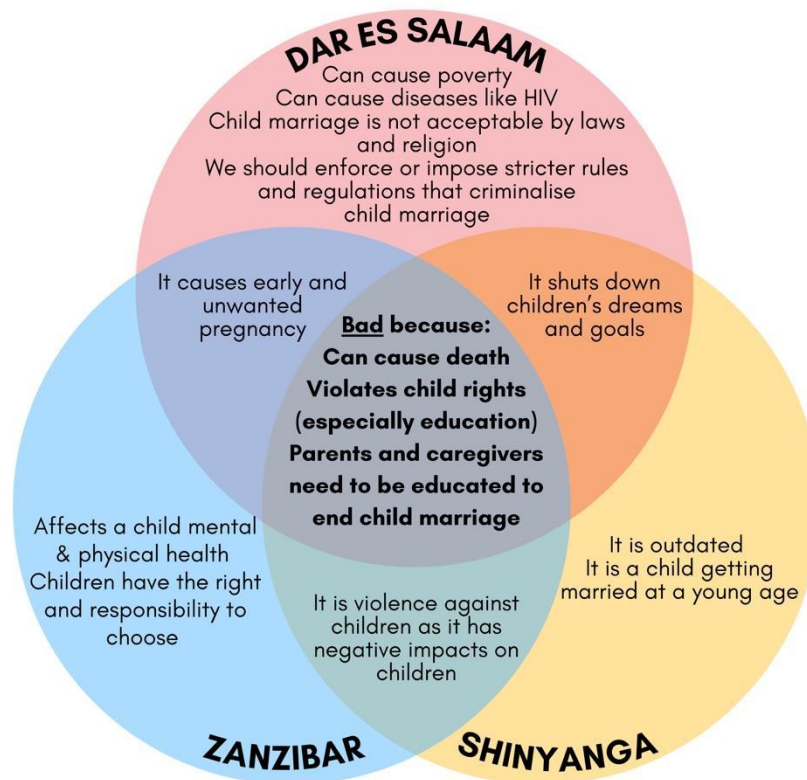


Figure 5: Answers to the question “What do you think about child marriage?”.

The main point that all children agreed on is that child marriage is negative. There were various reasons why they thought it was bad: they argued that it is because it can cause death, violates various child rights, can cause pregnancy, and shuts down children’s dreams and goals. All children also agreed that parents and caregivers need to be educated to end child marriage. There were also some differences in responses per region. In Shinyanga, some children stated that it was an outdated practice that needed to be ended, showing a change in

generational mind-sets. In Dar es Salaam, many children insisted that there should be stricter laws and regulations that criminalise child marriage, showing that in a more urban region the population rely on laws to effect change. In Zanzibar, children were aware that child marriage affects a child's mental and physical health.

Then, the participating children were asked if they would want to be married as a child. All respondents from all regions responded with resounding nos. Some explained that this is because:

- they want and have the right to finish their education so they do not want to get married as marriage would stop their education,
- it is a legal offense with serious consequences as it can be detrimental to health
- they could not fulfil their family duties and properly care for children or be breadwinners at their young age,
- they don't like child marriage at all and that it would bring them a lot of harm to get married as a child.

A personal observation I would like to note here is that in Zanzibar, during the tea break of the workshop, I sat with a group of children who spoke English and we got to know each other. A group of boys asked me if I was married, and I replied that I was not and I asked if I should be married as a 22-year-old woman. They said, "no that is too young" and then said that a good age to be married is 25 or even 30 years old.

The final knowledge-testing question aimed to find out what reasons' children would identify for the continuation of child marriage in Tanzania.

Why do you think child marriage continues to happen in Tanzania?

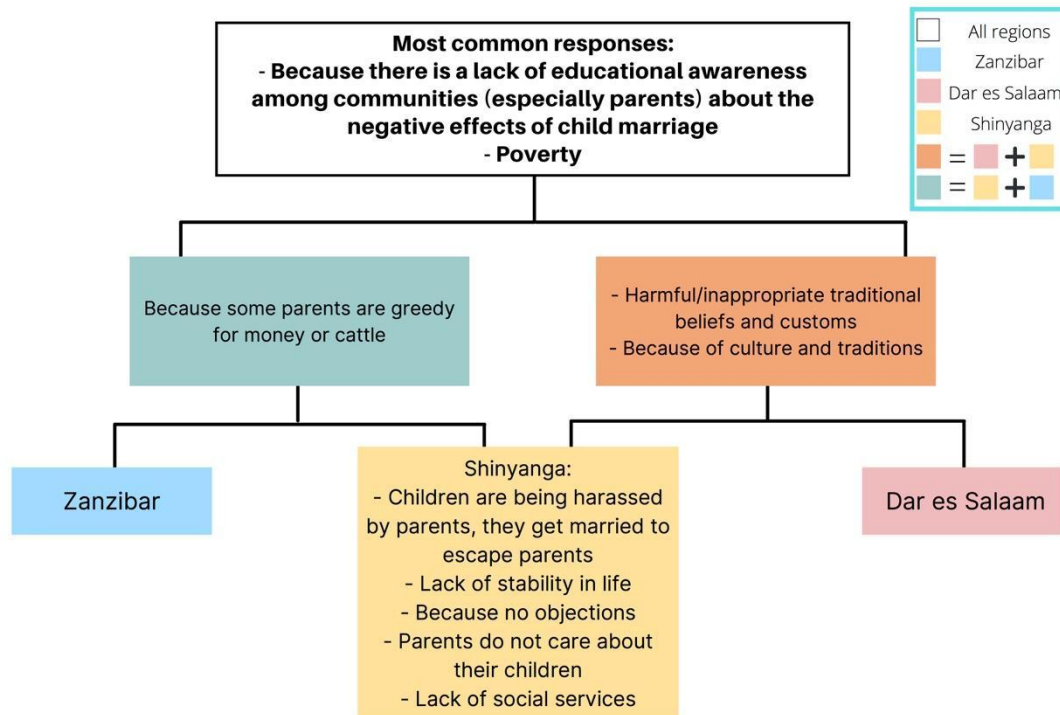


Figure 6: Answers to the question “Why do you think child marriage continues to happen in Tanzania?”.

The most common responses among all regions were: the lack of educational awareness in communities (especially parents) about the negative effects of child marriage, and poverty, because the dowry received for marrying daughters is economic incentive. This was further emphasised by children in Zanzibar and Shinyanga who thought that child marriage continues to happen because parents are greedy to receive money or cattle from dowries. In Dar es Salaam and Shinyanga, the children mentioned cultural beliefs and traditions as causes of child marriage.

In the Government Conducted National Survey on the Drivers and Consequences of Child Marriage in Tanzania, poverty and sociocultural norms about marriage were among the top

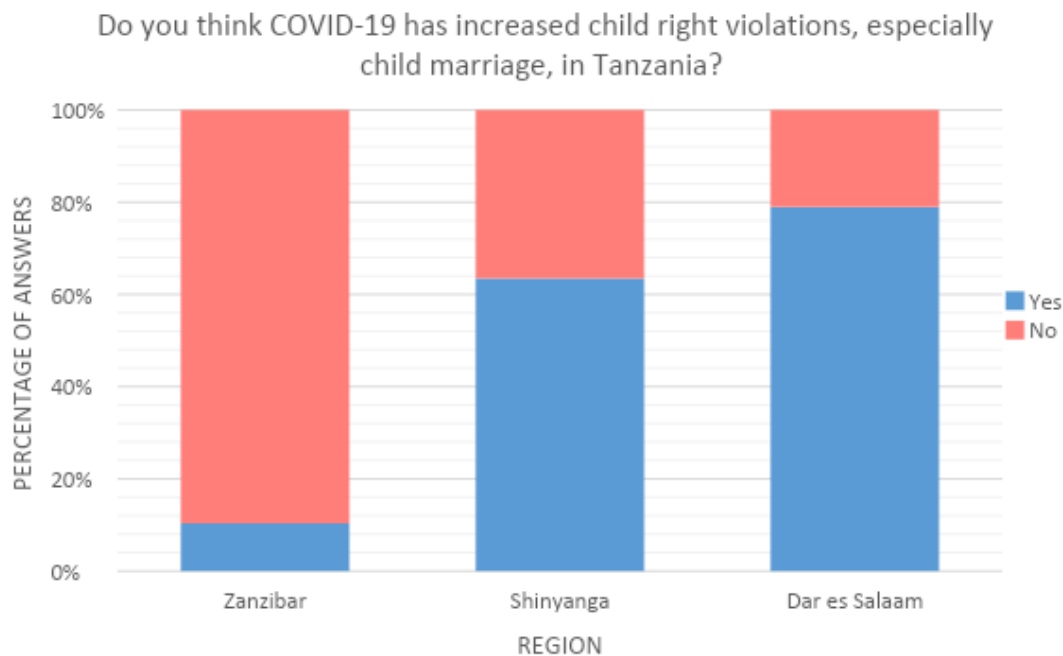
reasons for child marriage found in Tanzania.¹⁸⁵ This shows that the answers given by the children are reflective of reality, proving they are capable of observation and reflection.

Overall, children from all regions were able to extensively identify their rights, the child rights violations in Tanzania, and they had significant knowledge about child marriage. This means that the children successfully demonstrated that they have the first component of the framework to achieve significantly impactful child participation, which is to have a good understanding and knowledge of their rights and child specific problems within their communities.

¹⁸⁵ United Republic of Tanzania Ministry of Health, Community Development, Gender, Elderly and Children, 'Government Conducted National Survey on the Drivers and Consequences of Child Marriage in Tanzania', February 2017, p. 16.

5.2.2 Effects of COVID-19 on child rights violations

Since the consultations were conducted during the COVID-19 pandemic and there have been reports about the detrimental effects on child rights around the world,¹⁸⁶ a question about the effect of the pandemic on child rights violations (especially child marriage) in Tanzania was included in the questionnaire.



Graph 1: Answers to the question “Do you think COVID-19 has increased child rights violations, especially child marriage, in Tanzania?”.

The findings for this question are noteworthy because there are big variations of answers between regions.

¹⁸⁶ UNICEF, 2021; Human Rights Watch, ‘COVID-19 and Children’s Rights’, *Human Rights Watch*, April 9 2020, https://www.hrw.org/news/2020/04/09/covid-19-and-childrens-rights#_Toc37256536, (accessed 9 February 2021).

In Zanzibar, only 10% thought that COVID-19 increased child rights violations. Some respondents stated that they found no reasons why COVID-19 would lead to child marriage and that it rather leads to death than child marriage.

In Shinyanga, 63% of respondents agreed that COVID-19 had increased child rights violations with violations of the right to education, increased violence against children and a rise in child marriages. They stated two main motivations for child marriage, stemming from the fact that children were at home and not in school due to COVID-19. One reason is that the children were mingling more with each other and became pregnant, so they had to get married to avoid shame. The other reason is that parents deemed that if the children were not in school then they were ready to be married.

In Dar es Salaam, 79% of respondents thought that COVID-19 increased child rights violations. They mentioned that children's right to education was violated and children's right to be listened to was violated, as some parents wanted to marry them without their consent for profit. The children that did not agree that COVID-19 increased child rights violation argued that during 'the holidays' the government was taking good care of the children.

'The holidays' refers to the fact that schools closed for three months in Tanzania from April to June 2020 due to COVID-19. This affected children's right to education but also many other child rights. Research has shown that leaving education is highly correlated with girls being married.¹⁸⁷ UNICEF estimates that leaving education increases child marriage risk by 25% per year as girls are pushed towards marriage since their time is not spent in school anymore.¹⁸⁸ It is also correlated with increased violence against children (VAC) and teenage

¹⁸⁷ World Bank, 'Educating Girls, Ending Child Marriage', *World Bank*, August 24 2017, <https://www.worldbank.org/en/news/immersive-story/2017/08/22/educating-girls-ending-child-marriage>, (accessed 9 February 2021).

¹⁸⁸ UNICEF, 2021, p. 14.

pregnancy, as mentioned by participants in Shinyanga, which are also well known drivers for child marriage. The economic hardships from loss of income due to COVID-19 is likewise an incentive for marrying children to receive dowry payments and cut down household costs, as identified by the children in Dar es Salaam.¹⁸⁹ In a recent UNICEF report, they stated that “over the next decade, up to 10 million more girls will be at risk of becoming child brides as a result of the pandemic.”¹⁹⁰ Therefore, it is very probable that COVID-19 led to an increase of child rights violations, especially child marriage, in Tanzania. It is noteworthy that most children in Shinyanga and Dar es Salaam acknowledged this but in Zanzibar most children did not. This can be linked to the previous answer about identifying child rights violations when children in Dar es Salaam and Shinyanga identified child marriage as a main child rights violation in Tanzania, but children in Zanzibar did not. This shows that the participants in Zanzibar might not be exposed to child marriage as much as the participants in Dar es Salaam and Shinyanga.

¹⁸⁹ HRW, 2020.

¹⁹⁰ UNICEF, 2021, p. 5.

5.3 Component 2

5.3.1 Most effective ways to improve child rights and end child marriage

The second component of the framework to achieve significant child participation is that the children from the CCs should have solutions to the child rights problems they identified, which if considered by government authorities will improve the quality of decision-making pertaining to children, especially ending child marriage.

When asking children about what they thought was the most effective way to improve child rights, they really emphasised the importance of education.

What do you think is the most effective way to improve the rights of children?

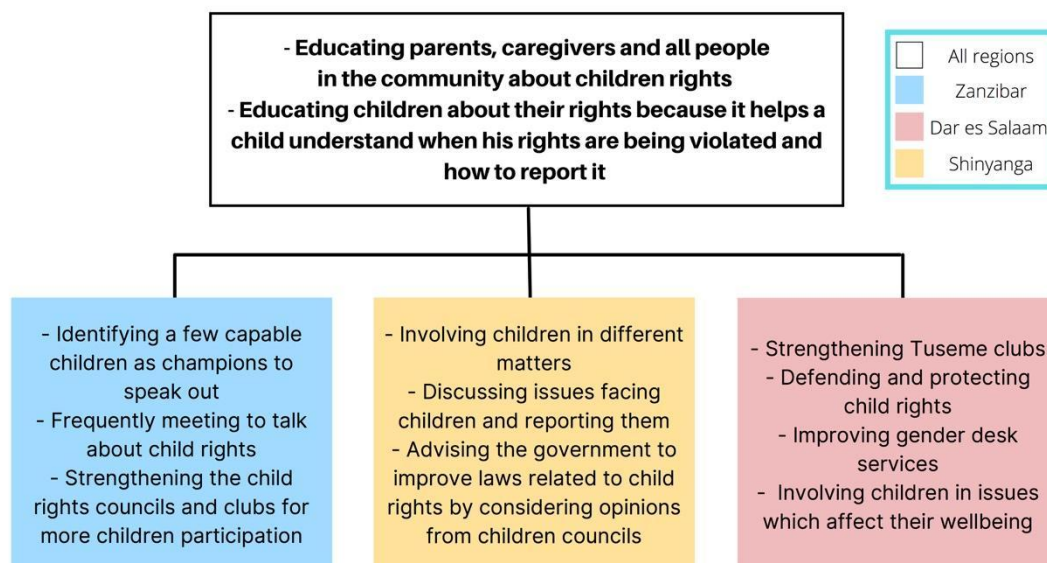


Figure 7: Answers to the question “What do you think is the most effective way to improve the rights of children?”.

Responses from all three regions strongly mentioned that educating everyone in communities about what child rights are would lead to a better understanding of what counts as a violation and, therefore, would increase reporting on violations and eventually reduce child rights

violations. Child participation was also mentioned by many respondents as an effective method of increasing awareness of child rights.

Similar responses were given when asked specifically about the most effective way to end child marriage.

What do you think is the most effective way to end child marriage?

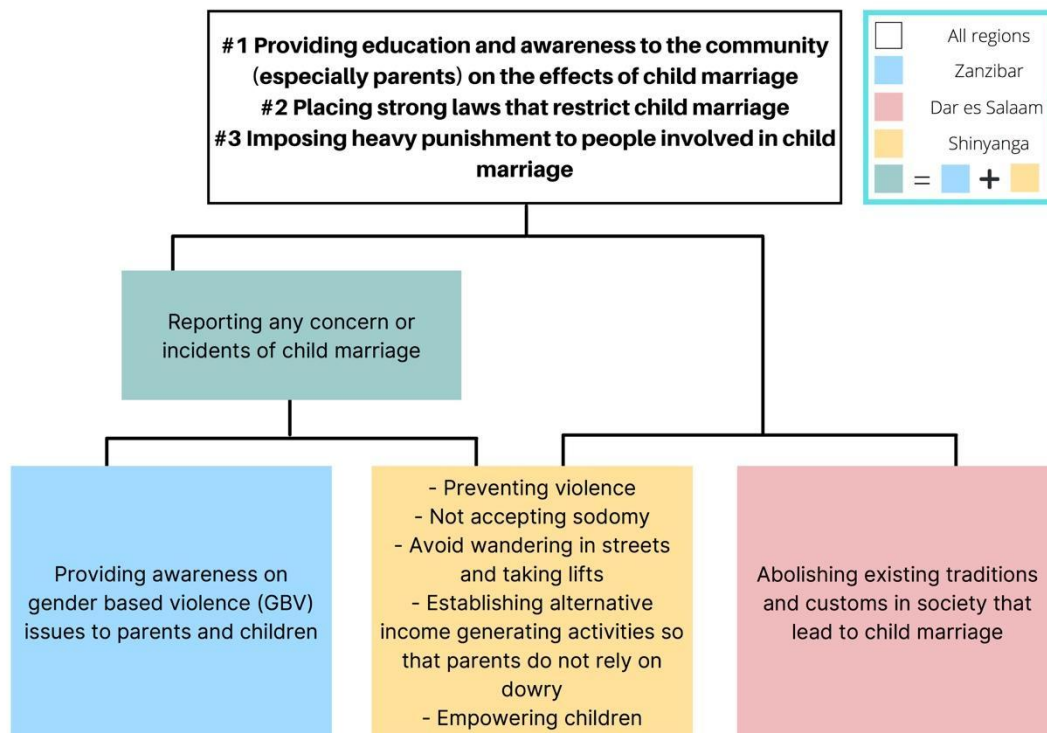


Figure 8: Answers to the question “What do you think is the most effective way to end child marriage?”.

The solution proposed by the children to provide education to the community on the effects of child marriage addresses the lack of educational awareness in communities about the negative effects of child marriage that they mentioned as one of the most common causes of child marriage. The other most common solutions ‘to place strong laws and heavy punishment to prevent child marriage’ show that the children feel that increased government

involvement would be effective to end child marriage. In Dar es Salaam, children thought that addressing the cultural causes of child marriage by abolishing existing traditions and customs that lead to child marriage would also be an effective way to end child marriage. In Shinyanga, the issue of poverty was addressed by proposing a solution to establish alternative income generating activities so that parents do not rely on dowries to get out of poverty. This is a good proposed solution for Shinyanga as it is one of the poorest regions in Tanzania, where poverty is among the top drivers of child marriage.

These responses show that the children come up with solutions to directly address the causes of the child specific problems they identified. This illustrates a linear way of problem solving that is highly effective. For this reason, I contend that the children exhibit the second component of the framework to achieve significantly impactful child participation.

5.4 Component 3

5.4.1 Council actions to advance child rights and end child marriage

The third component of the framework to achieve significant child participation is that the children from the children councils act upon and express their views on what they think is the most effective way to improve the rights of children and end child marriage.



Figure 9: Answers to the question “What exactly do you do to advance child rights in this children council?”.

The responses to what actions the CCs take to improve child rights were well aligned to the solutions the children had provided to improve child rights. This shows that they are using the children council organisations well to gather solutions to child rights problems and then they effectively put in practice their solutions, proving that children are capable of assisting the government in its obligation to protect children’s rights.

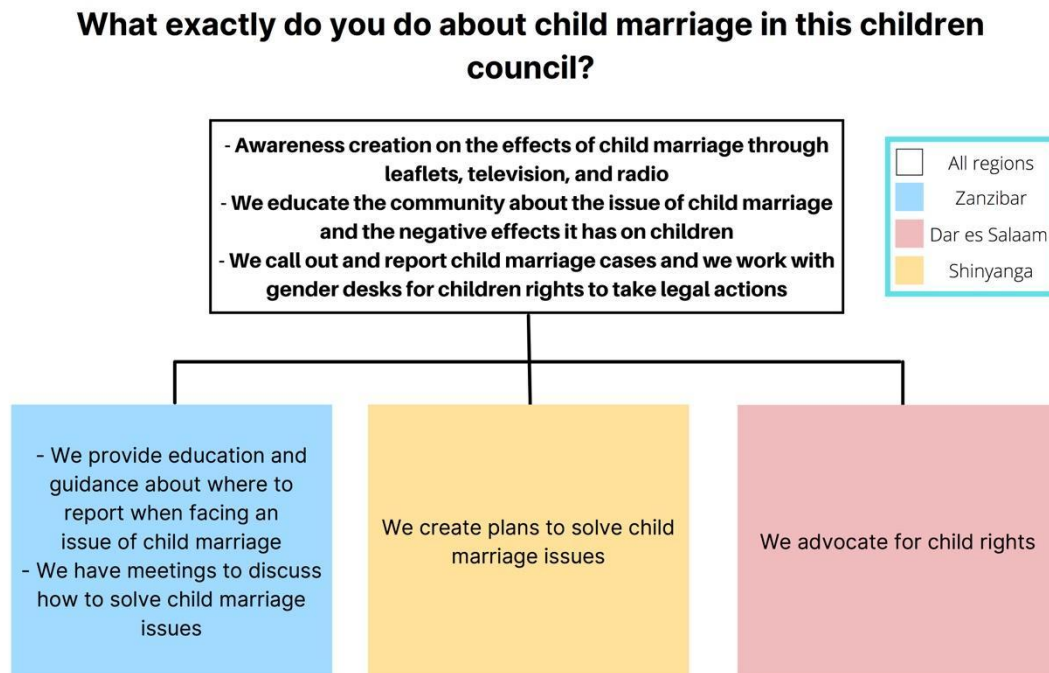


Figure 10: Answers to the question “What exactly do you do about child marriage in this children council?”.

Regarding the specific issue of child marriage, the children stated that the councils create awareness and educate the community about the negative effects of child marriage, which was their number one solution to effectively end child marriage and addresses their primary cause of child marriage. They also report child marriage cases and try to take legal actions, which is putting in action their third most effective way to end child marriage. This shows there is a good link between theory and practice in the activities of the CCs. It also indicates that the actions of the councils are fully guided by the opinions of the children.

Moreover, it was invaluable to find out what the children thought were the successes and challenges of the children councils.

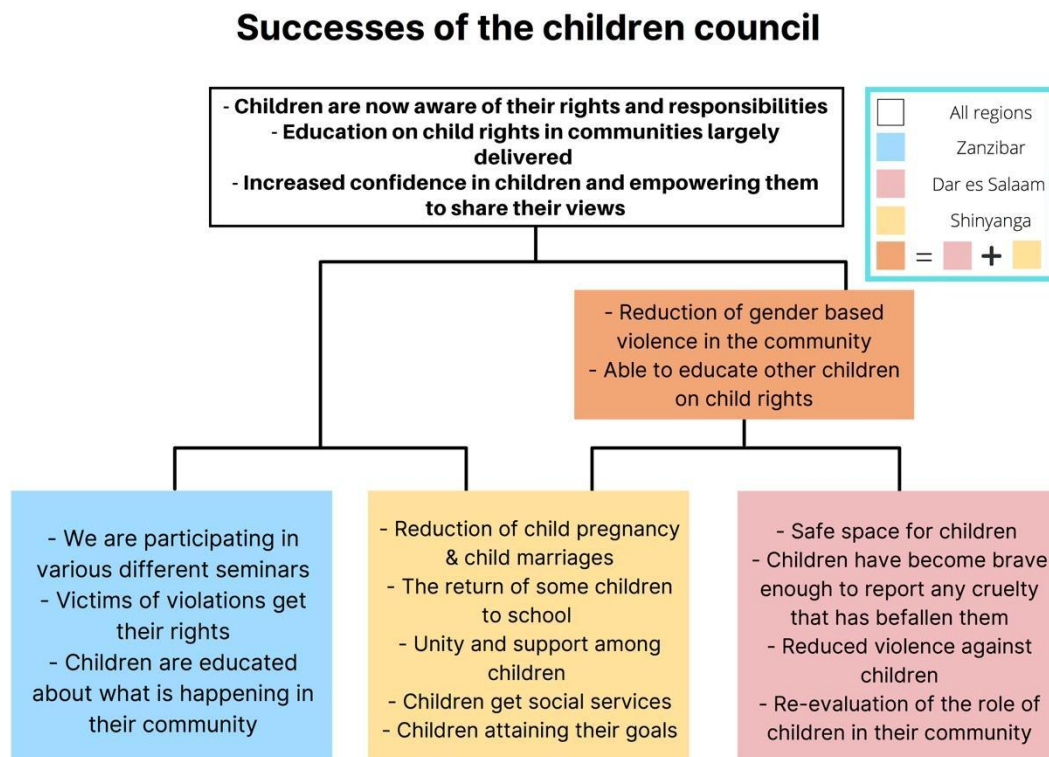


Figure 11: Success figure based on answers to the question “What are some successes and challenges of the children council?”.

Children from all three regions agreed that a success of the CCs was that it increased confidence in children and empowered them to share their views. This is very positive and reinforces the findings from Ljungman et al.’s evaluation of children councils in which children, parents, teachers and local government officials “expressed that being part of the councils, understanding their rights and knowing about their responsibilities had helped [children] improve their confidence, speak in public, articulate their issues and improved their school performance”.¹⁹¹

¹⁹¹ Ljungman, Nilsson, Mashamba & Mtengeti, p. 32.

Moreover, children from all regions agreed that education on child rights has been largely delivered to the communities by CCs. This has helped children who are not in the councils themselves be aware of their rights and responsibilities, which has empowered them to become child rights advocates by sharing their views and knowledge and in some cases even reporting violations to the police. This shows that the children do indeed act upon and express their views on what they think is the most effective way to improve the rights of children and end child marriage, displaying the third component of the framework to achieve significantly impactful child participation.

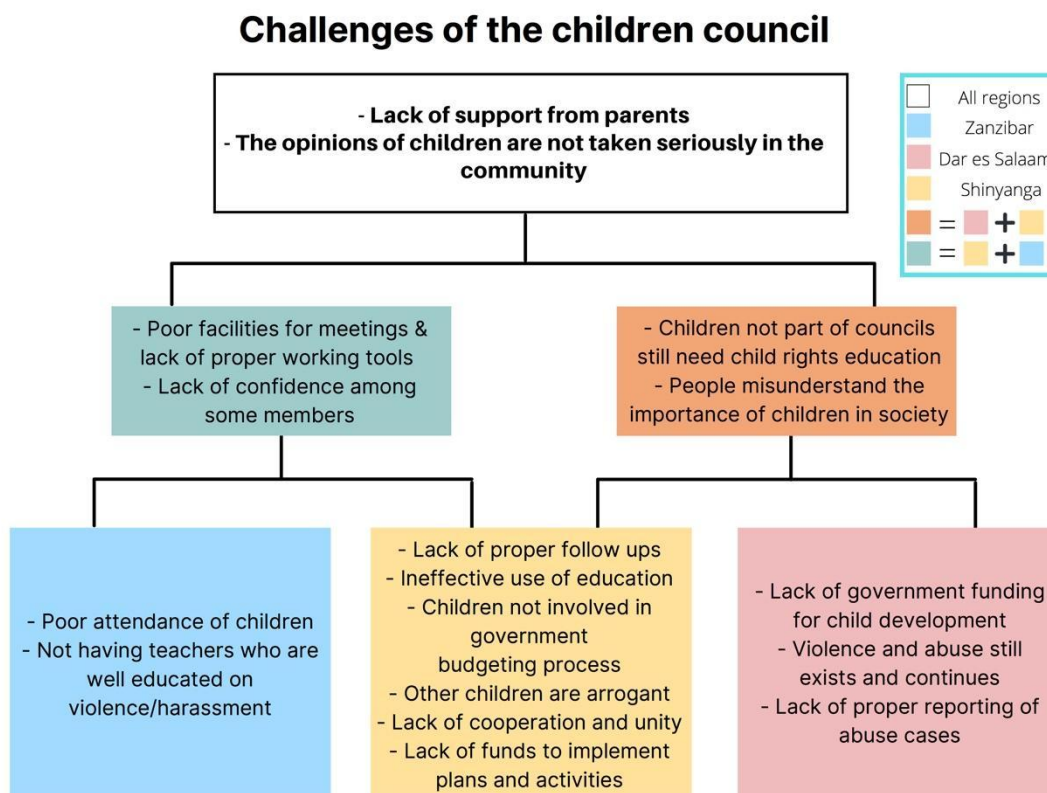


Figure 12: Challenge figure based on answers to the question “What are some successes and challenges of the children council?”.

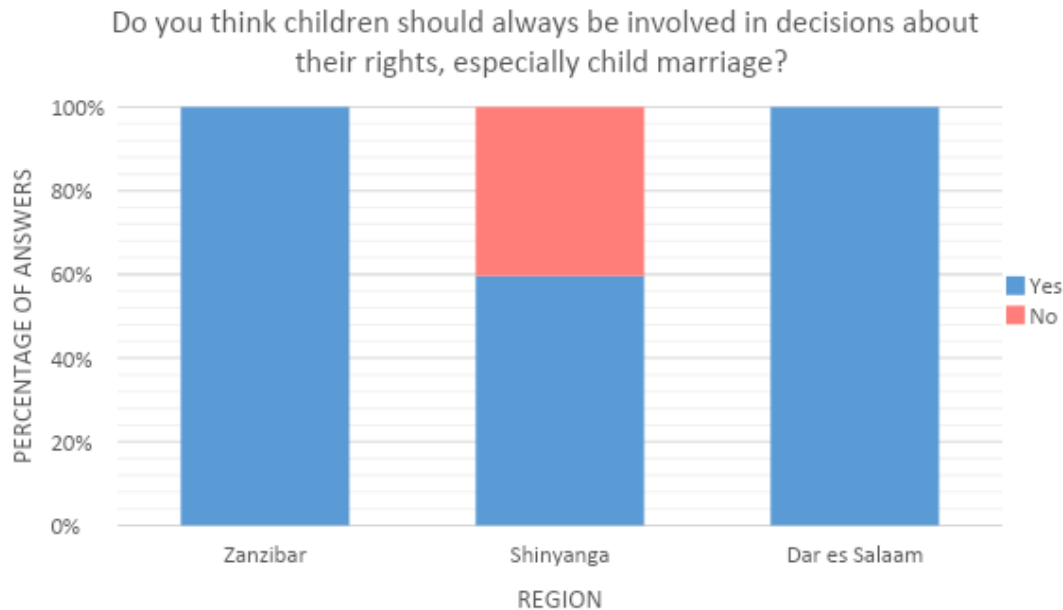
The major challenges identified by children in the three regions were: the lack of support from parents (with some hindering them from attending council meetings and even violating their rights at times), and the opinions of children not being taken seriously by the communities or the government. The children have identified that the socio-cultural negative attitude towards child participation in communities and the government is a major hindrance to the effectiveness of CCs. This is a challenge found in many communities around the world and is why General Comment No. 12 calls for State parties to promote parent education programmes that focus on developing parenting styles that respect the child's rights to be heard.

Furthermore, children mentioned that lack of proper working tools (such as guiding materials/manuals and books) and meeting spaces hinder the work of the councils as they are not able to meet as often as they would like and conduct all the activities they would like. They mentioned needing more proper follow-ups with increased funding to be able to reach more children who are not part of the CCs as they still need child rights education. These financial support needs are worrying because it shows that the government is not providing adequate funding to sustain the CCs and is relying on the support given by donors, such as Save the Children, to maintain these CC structures, which can be very detrimental if, for some reason, the funding from donors stops.

5.5 Component 4

5.5.1 Opinions about child participation

This research also wanted to find out what the children themselves thought about child participation.



Graph 2: Answers to the question “Do you think children should always be involved in decisions about their rights, especially child marriage?”.

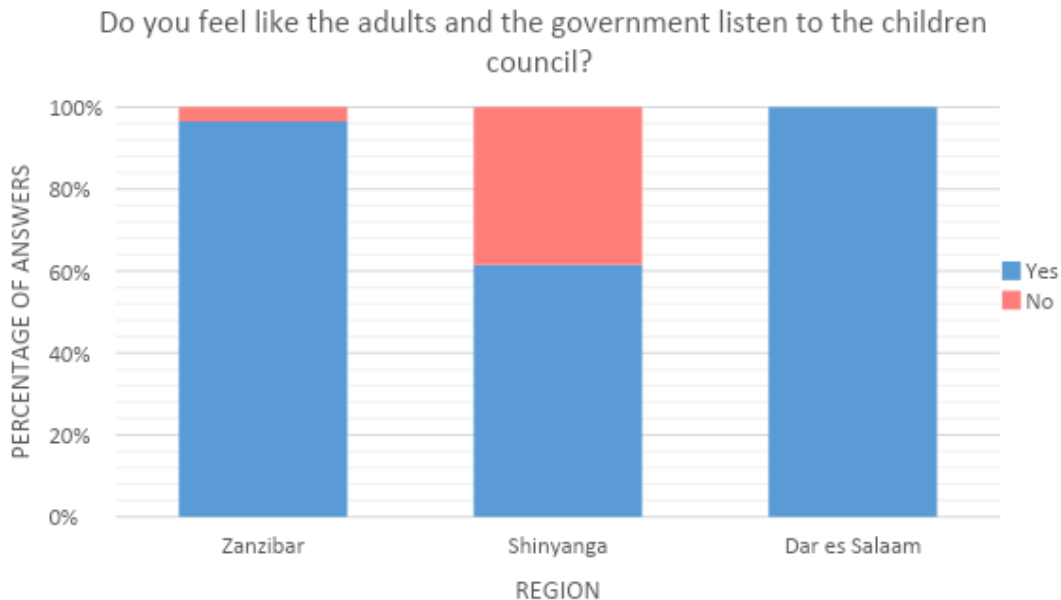
These findings were very thought provoking. All the children in Zanzibar and Dar es Salaam agreed that children should always be involved in decisions about their rights. Reasons mentioned were:

- because children have self-awareness and know what is best for them
- to take their own decisions
- because those who are involved in their rights are more understanding of their rights and reporting of abuses may be better and more detailed
- because they need to know their rights to help them avoid violations

- because it is our right to be involved in various matters relating to child marriage

However, in Shinyanga, 40% of children did not think children should always be involved in decisions about their rights, especially child marriage. Some respondents mentioned that children are allowed to be involved about their rights but not about child marriage. This highlights the socio-cultural mentality about the decision-making roles surrounding child marriage in Shinyanga. This is an important finding because Shinyanga is the region with the highest child marriage rates according to the Tanzanian Demographic Health Survey of 2010, exemplifying the importance of socio-cultural norms in driving child marriage.

Finally, this research aimed to find out if the children of the CCs are really listened to or if it is rather a tokenistic participation (i.e., consulted but having no impact on decision-making). So far, the first three components of the framework to achieve significantly impactful child participation have been found in the children from the CCs. This means that the impact of child participation of these CCs is already quite significant. If the fourth component (that the solutions proposed by children are listened to by adults and government authorities and appropriately acted upon) is present; it can be concluded that the impact of child participation is incredibly significant.



Graph 3: Answers to the question “Do you feel like the adults and the government listen to the children council?”.

All children in Dar es Salaam felt listened to by adults and the government; although some did write that they felt the actions of the government did not reflect that they actually took their opinions into account in decision making. In Zanzibar, most respondents felt listened to by adults and the government, but some responses mentioned that some adults and government figures despise children and think they are spoiled when they speak out. In Ljungman, et al.'s evaluation of CCs, they found adults who stated that “in some cases power relations have been challenged so that some CC members are included in discussions more often at home”.¹⁹² Furthermore, they found that the “diligent work of the children has earned them a level of respect among local government actors, who now see the CCs as an asset.”¹⁹³ Moreover, another research by Couzens and Mtengeti, indicated that the CCs have increased the visibility of children at local government level.¹⁹⁴

¹⁹² Ljungman, Nilsson, Mashamba & Mtengeti, p. 32.

¹⁹³ *ibid.*, p. 32.

¹⁹⁴ Couzens & Mtengeti, p. 50.

Nevertheless, in Shinyanga, 40% of the respondents did not feel like adults and the government listened to the CCs. This can be linked to how 40% of children did not think children should always be involved in decisions about their rights, especially child marriage, showing it could also be that the children themselves are less convinced about the significance of the impact they can have. This again reflects the socio-cultural norms of Shinyanga that see children as not having an important role in decision-making, portraying the main barrier to effective child participation.

Therefore, regarding the fourth component of the framework to achieve significantly impactful child participation, the responses from the children show that in Dar es Salaam and Zanzibar this component is more present than in Shinyanga. Nevertheless, for a more comprehensive assessment of this component, there is a need to look at actual effects of the solutions proposed by the children on adults and government authorities rather than just the opinion of the children about it. Unfortunately, there was no data available about this regarding the specific CCs involved in this study. There is, however, recorded evidence that I mentioned in Chapter 3.2.1 that CCs around Tanzania have managed to have some really significant impacts on communities in Tanzania, including advocating for the end of child marriage. Additionally, in 2012, it was found that around 40% of the child rights violations that had been identified by children in the councils were addressed by authorities and in 2013, 84% were solved.¹⁹⁵

For this reason, I argue that the children from the children councils of Tanzania exhibit the fourth component of the framework to achieve significantly impactful child participation to varying extents. In Dar es Salaam, Zanzibar and Same, Temeke and Lindi Districts, for example, the fourth component is exemplified in a higher extent than in Shinyanga and this

¹⁹⁵ Ljungman, Nilsson, Mashamba & Mtengeti, p. 26.

is correlated with prevalence rates of child marriage and especially, socio-cultural norms about the role of the child in decision making.

5.6 Support from Save the Children

Save the Children in Tanzania has been the main source of technical and financial support for the CCs and Tuseme clubs since their inception. Therefore, this research wanted to find out what further support the children think would be needed from Save the Children in order to improve their work with children in Tanzania.

What areas do you want Save the Children to improve in working with children in Tanzania?

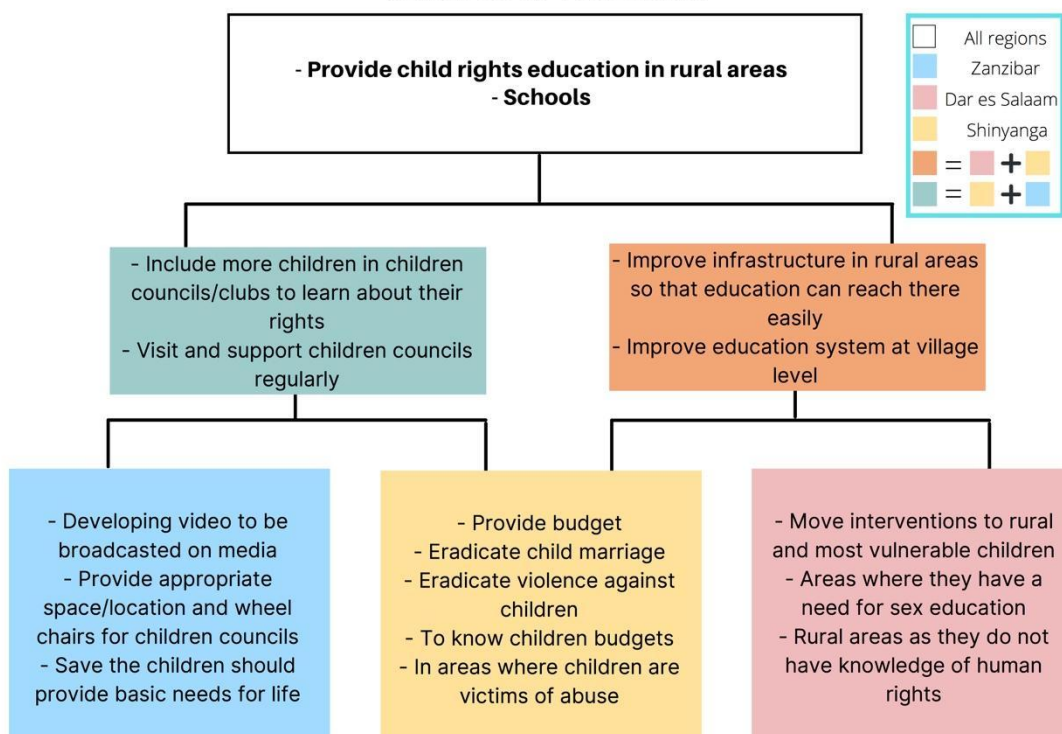


Figure 13: Answers to the question “What areas do you want Save the Children to improve in working with children in Tanzania?”.

Unfortunately, some respondents misunderstood this question, as the word ‘area’ in the question was perceived as meaning ‘location’, whereas I meant to collect data about thematic areas. The common response from all regions was to provide child rights education in rural areas. Nevertheless, this is not a useless finding as it illustrates that the children identify rural

areas as areas who need more support to improve their child rights situation and additionally, reinforces the solution of using education as a way to decrease child rights violations.

5.7 Discussion

This research has revealed very meaningful findings for the analysis of the significance of the impact of child participation in efforts to end child marriage. An examination of the findings enables the evaluation of the child participation of the CCs against the four components of the framework to achieve significantly impactful child participation (see Figure 1).

As can be seen from this research, children in the CCs have been, and continue to be, successfully taught about their rights. This achievement can majorly be attributed to Save the Children's support through capacity building workshops and training given to the councils over the years and throughout various programs. As a result of this awareness of child rights, the children have proved that they are able to identify child rights violations, come up with effective solutions to reduce these violations, and put into practice those solutions. Furthermore, some of the solutions that they do come up with have been proven to work in other studies (mentioned in chapter 2 and 3) and lead to considerable reduction of child rights violations, including child marriage. These are the first three components that can clearly be identified in the answers from the children of all three regions, especially concerning the answers about child marriage. Moreover, evaluations of the CCs conducted by others (Ljungman et al., and Couzens and Mtengeti) also show that children in different councils around Tanzania display the first three components. This already demonstrates that the child participation of the CCs of Tanzania is significantly impactful to a strong degree in efforts to end child marriage.

The fourth component, however, is not as present, and its presence varies considerably on a regional case-by-case basis. Solely looking at my findings, it can be seen that CCs in Dar es Salaam and Zanzibar exhibit the fourth component much more than children in CCs in Shinyanga. Therefore, it can be concluded that the child participation in Dar es Salaam and Zanzibar has a more significant impact than the one in Shinyanga. However, this conclusion

is only based on this research (with only these CCs) and on the opinions of the children, not on actual data about the concrete effects that the councils have on the actions of adults and government authorities. Nevertheless, the conclusion is still valuable for answering the research question at hand as it shows that the significance of the impact child participation has on efforts to end child marriage in Tanzania is quite high, as the children exhibit the first three components of the framework to achieve significantly impactful participation, but the extent of the significance is not the same in the whole of Tanzania as the presence of the fourth component varies across regions.

The fact that the fourth component is not achieved as uniformly as the first three components illustrates the main hindrance to child participation: their opinions not being seen as important or worthy of being given due weight in decision-making. This stems from socio-cultural norms that see children as having no role in decision-making. In this study, most children identified these norms in the behaviour of adults regarding them and in Shinyanga, 40% of the children themselves did not think children should always be involved in decisions about their rights, especially child marriage. The importance of socio-cultural norms in being a hindrance to child participation, as well as in driving the practice of child marriage, is the most dominant finding I can identify through this research. These norms include: the belief that a girl is ready for marriage once she starts menstruating, the belief that to gain wealth (and sometimes a more powerful status) a family must marry their daughter to receive the dowry, and the belief that children have no role to play in decision making. Each of these norms contribute to the cause of child marriage in Tanzania and changing these norms through education is an essential solution to ending child marriage. Additionally, these socio-cultural norms are not only a major driver of child marriage in Tanzania but also in other countries that have a high prevalence of child marriage (see Chapter 2.1.2). Consequently, I found it very notable that the children involved in this study were able to identify these socio-cultural norms as a driver for child marriage and a hindrance for child participation and then come up with solutions to address this.

Chapter 6: Conclusion and recommendations

6.1 Conclusion

The research question that this study aimed to answer was: **In what ways, and to what extent, does child participation have a significant impact on efforts to end child marriage in Tanzania?**

To answer this question, I created a framework to measure significantly impactful child participation that was composed of four components. The extent of significance of the impact was measured by the number of components present in the children's participation, so if only one component was present it was the least significantly impactful, and if four components were present, it was very strongly significantly impactful. An analysis of the results of the research show that child participation is significantly impactful to end child marriage in Tanzania to a great extent but has regional disparities. The findings demonstrate that all children involved in this research had the first three components of the framework to achieve significantly impactful child participation, however, the children from Shinyanga presented the fourth component much less than the children from Dar es Salaam and Zanzibar. This means that the child participation in Dar es Salaam and Zanzibar is very strongly significantly impactful, whereas the child participation in Shinyanga is slightly less significantly impactful but still remains strongly significantly impactful. The main reason why Shinyanga has a lower significant impact of child participation leads me to the most important conclusion I can draw from this research: the importance of socio-cultural norms in being a major hindrance to child participation and a main driver of the practice of child marriage.

Out of all the drivers of child marriage identified in this thesis, socio-cultural norms stand out as the most common in Tanzania, particularly in Shinyanga. The socio-cultural belief that marrying a girl below the age of 18 is normal, and even beneficial as it brings socio-economical wealth, is a major cause for the high child marriage prevalence in Tanzania,

particularly in Shinyanga. Furthermore, the socio-cultural belief, found around Tanzania but mostly in Shinyanga, that children should have no voice and no role to play in decision making, further perpetuates child marriage while also being a major hindrance to child participation. This mentality is the main limitation to the CCs and needs to be addressed.

However, another important conclusion drawn from this research is the fact that these socio-cultural norms, can actually be discussed and altered through child participation, leading to potentially more child participation and lower prevalence of child marriage. Therefore, socio-cultural norms act as a barrier to child participation, but child participation can also be a solution to changing these socio-cultural norms by proving that children do have a significantly impactful role in decision making. Child participation can contribute significant opinions and actions to design and conduct efforts to end child marriage in Tanzania. If children are invited to participate in decision making about their rights and learn the various negative effects that child marriage has and the ways to avoid it, they are more likely to advocate against it and are less likely to marry their own children below the age of 18, which will start a long-term shift in socio-cultural thinking that may end the practice of child marriage for future generations. “Having children raise awareness on child rights among adults and monitor and report on child rights violations has been effective, due to the energy, determination and ambition to make a difference that is driving the children.”¹⁹⁶

As an answer to what ways child participation is significantly impactful in efforts to end child marriage in Tanzania, I was able to identify four main ways in which child participation has had significant impact in efforts to end child marriage in the cases analysed. 1) It provides a voice to the victims and potential victims of the practice of child marriage and gives them space to speak their opinion about it, which they may not feel comfortable to do in other contexts, 2) It helps to bring awareness to communities that children might not want to undergo child marriage, thus changing socio-cultural norms about how people view the

¹⁹⁶ Ljungman, Nilsson, Mashamba & Mtengeti, p. 33.

practice, 3) It empowers children and gives them confidence and skills and it contributes to changing the socio-cultural norms about the role of children in decision making, and 4) Through the CCs, children can influence decision making with government authorities and communities, and can even draft critical monitoring reports for their local government authorities, national ministries and even the UNCRC.

The relationship between child participation and ending child marriage is undeniable. Therefore, the importance of child participation is one that needs to be emphasised more in the training and educating of adults in Tanzania so that communities move away from the socio-culturally embedded mentality that children have a less important voice than adults in decision making. With this kind of change in socio-cultural mentality, child participation will increase and when used in efforts to end child marriage, will have a stronger significant impact, and decrease the prevalence of the practice.

An additional noteworthy observation I made through this research is about how dependent Tanzania is on donors to maintain the CCs and how this is risky for the sustainability of such child participation structures. Although the CCs are a government creation that came about because of the government's commitment to the creation of child led organisations, Save the Children has provided most of the support to Tanzania's CCs since their inception. Although this has been positive in the sense that most of the CCs are now well established and have brought beneficial changes in communities around Tanzania, over-reliance on support and funding from Save the Children endangers the councils' sustainability.¹⁹⁷ Save the Children has warned representatives of this danger often repeating that Save the Children aims to fulfil an advisory and facilitation role with regard to the CCs, not to be the sole funder of all the CCs activities. Save the Children representatives have also made clear that the CCs do not belong to the organisation and that government authorities need to take more responsibility

¹⁹⁷ Couzens & Mtengeti, p. 46.

for them.¹⁹⁸ Consequently, this research highlights the need for the Tanzanian government to strengthen its efforts to achieve its commitment to institutionalise child participation. This means taking the main responsibility to support and fund the CCs, to provide clear guidance on the role of the CCs and of the involvement of adults, and even extending the CCs throughout the country.¹⁹⁹

6.2 Recommendations

Based on the research findings, five main recommendations arise about how to best design and conduct efforts to end child marriage in Tanzania (to be done by both the government and civil society organisations):

- 1) Child participation should be included in all efforts to end child marriage.

This study has provided evidence to support that child participation has a highly significant impact on efforts to end child marriage in Tanzania in many ways. Therefore, it is strongly recommended that efforts to end child marriage in Tanzania try to always include child participation. The CCs have demonstrated that they are a useful mechanism to include child participation in efforts to end child marriage, and it is recommended that they continue their work and possibly expand. Additionally, including child participation in specific projects on ending child marriage and on the potential creation of legal frameworks against child marriage could also be beneficial.

- 2) Efforts to address and alter damaging socio-cultural norms surrounding child marriage and child participation need to be emphasised.

As has been shown, socio-cultural norms regarding the limited role of children in decision making are the main hindrance to significantly impactful child participation. Moreover, the socio-cultural beliefs that child marriage is normal and even beneficial are major contributors

¹⁹⁸ Couzens & Mtengeti, p. 44.

¹⁹⁹ Couzens & Mtengeti, p. xii.

to the prevalence of the practice of child marriage. Hence, altering these socio-cultural norms through parental training and community sensitisation about the importance of child participation and the negative consequences of child marriage is highly recommended. Furthermore, as this research, among others, have shown, one of the main hindrances to children's participation is the role of adults in excluding children from processes of decision making (due to socio-cultural norms). Therefore, intergenerational dialogue, which "provides an opportunity for adults to listen and reflect on children's experiences and engage with children in concrete joint actions that could transform the community"²⁰⁰, is also recommended as a way to address and alter socio-cultural norms.

- 3) CCs in less developed regions should be prioritised to receive financial and technical support in efforts to end child marriage.

This study (among others) has shown that less developed regions have higher prevalence rates of child marriage and less education on the negative consequences of child marriage. Increasing the financial and technical support of the CCs in these areas will increase the spread of education on the negative consequences of child marriage. Thus, contributing to socio-cultural changes on the practice of child marriage and, in turn, potentially reducing the prevalence rates.

- 4) The government needs to take on more responsibility for funding and supporting the CCs and other child participation mechanisms that work on efforts to end child marriage.

It is clear that since the inception of the CCs in Tanzania, the government has relied on support from donors, like Save the Children, to run the CCs. This is unsustainable because if the support stops, it risks the closure of the CCs. For this reason, it is recommended that the government play a bigger role in the funding and supporting of the CCs and other child participation mechanisms.

²⁰⁰ Le Borgne, p. 42.

- 5) Follow-up mechanisms should be developed to monitor the outcomes of children's contributions in the efforts to end child marriage.

This is recommended because to ensure a continuation of the effective work of child participation in efforts to end child marriage, it is important that it be monitored consistently. The MoHCDGEC should ideally set up a committee to conduct this monitoring (perhaps using benchmarks), and they should focus on supervising the local government officials who have a guardian role for the CCs to ensure they are aiding and not hindering children's contributions in the efforts to end child marriage.

6.3 Areas for further research

This thesis has been a case study analysis on the relation between child participation and child marriage. While it has led to important conclusions, these conclusions are only fully applicable in the context of this case study, in Tanzania. Hopefully, this research can help start conversations about how child participation may need to be strengthened in efforts to end child marriage more globally and it can be a catalyst for similar research to be conducted in other countries to find out if child participation could be an indispensable solution tackle the issue of child marriage around the world.

Another area for further research would be to find out the actual effects of the actions of the CCs involved in this study to compare it to the opinions of the children observed in this study. This would lead to a more comprehensive assessment of the fourth component of the framework to achieve significantly impactful child participation. It would also be interesting to ask adults in communities and the local government authorities of Dar es Salaam, Zanzibar and Shinyanga what they think of the CCs and the significance of the impact of child participation in the CCs efforts to end child marriage.

Furthermore, looking at the findings, it can be seen that most children in Shinyanga and Dar es Salaam acknowledged that COVID-19 led to an increase of child rights violations, especially child marriage, in Tanzania, but in Zanzibar most children did not. Additionally, children in Dar es Salaam and Shinyanga identified child marriage as a main child rights violation in Tanzania, but children in Zanzibar did not. This shows that the participants in Zanzibar might not be exposed to child marriage as much as the participants in Dar es Salaam and Shinyanga. Further research on whether this is the case and why would be interesting.

Finally, because socio-cultural norms have been identified as the main hindrance to child participation as well as a major driver of child marriage in Tanzania, further research on the most effective ways to change these socio-cultural norms in Tanzania would be greatly beneficial for efforts to end child marriage through the involvement of child participation.

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Appendix

Questionnaire questions

Demographics

- What is your name, age and where are you from?

Jina, umri na unapotoka

- Have you been going to school consistently?

Je huwa nakwenda shule wakati wote?

Knowledge and thoughts about child rights issues

- Do you know about the CRC and what child rights are?

Je unafahamu kuhusu haki za mtoto na haki za mtoto ni zipi?

- What do you think are the main child rights violations in Tanzania?

Je unafikiri upi na ukaliti mkubwa zaidi wa haki za Watoto Tanzania?

- What do you think about child marriage?

Je una mtazamo gani kuhusu ndoa za utotoni?

- Would you want to be married as a child?

Je ungependa kuolewa/kuoa ukiwa na umri mdogo?

- Why do you think child marriage continues to happen in Tanzania?

Je unafikiri kwanini ndoa za utotoni zinaendelea kutokea Tanzania?

Actions by children council (are children listened to?)

- What exactly do you do to advance child rights in this children council?

Je ni mambo gani hasa mnaifanya katika mabaraza ya Watoto ili kutetea haki za Watoto?

- Which specific child rights does this children council aim to tackle?

Je ni haki gani hasa za Watoto ambazo mabaraza ya Watoto mnalenga kuzishughulikia?

- What exactly do you do about child marriage in this children council?

Je ni nini hasa mnaifanya kuhusiana na ndoa za utotoni katika mabaraza ya Watoto?

- What do you think is the most effective way to improve the rights of children? Does the children council do this?

Je mnafikiri ni namna ipi bora Zaidi kuboresha haki za Watoto? Je mabaraza ya Watoto hufanya hivyo?

- What do you think is the most effective way to end child marriage? Does the children council do this?

Je mnafikiri ni namna ipi bora ya kutokomeza ndoa za utotoni? Je mabaraza ya Watoto hufanya hivyo?

- Do you think children should always be involved in decisions about their rights, especially child marriage?

Je unafikiri Watoto wanapaswa mara zote kushirikishwa kuhusu haki zao na hasa katika ndoa za utotoni?

- Do you feel like the adults and the government listens to the children council?

Je mnafikiri watu wazima na serikali wanawasilikiza watoto kwenye mabaraza ya watoto?

- What are some successes and challenges of the children council?

Taja mafanikio na changamoto za mabaraza ya watoto

Context specific

- Do you think COVID-19 has increased child right violations, especially child marriage, in Tanzania?

Je unafikiri COVID 19 imeongeza ukatili kwa Watoto hasa ndoa za utotoni Tanzania?

- What areas do you want Save the Children to improve in working with children in Tanzania?

Ni maeneo gani unadhani Save the Children inapaswa kuboresha katika kufanya kazi na Watoto hapa Tanzania?

Abstracts

The government of Tanzania has committed to increase the institutionalisation of child participation around the country. In 2002, they launched their biggest initiative; the creation of child-led Children Councils around the country. It enabled children to learn about and address child rights violations that affect them, namely child marriage. Child marriage is a prevalent and legal practice in Tanzania despite the country's ratification of international and regional human rights treaty that call for the prohibition of the practice. Therefore, this thesis aims to investigate the relationship between child participation and ending child marriage by seeking to answer the question: In what ways, and to what extent, does child participation have a significant impact on efforts to end child marriage in Tanzania? An exploration of secondary data about the concepts of child participation and child marriage in a human rights international context, and in the local Tanzanian context is carried out to situate the research. Then, primary data about the opinions of children part of Children Councils in three regions of Tanzania is collected through open-ended questionnaires. This data is analysed against a framework with the aim of measuring to which extent child participation, through the Children Councils, has significant impact on ending child marriage. The findings lead to the conclusion that child participation should be included in all efforts to end child marriage in Tanzania as it is very significantly impactful in many beneficial ways (mainly by changing socio-cultural norms about the role of children in decision making).

Die Regierung von Tansania hat sich zu verstärkter Institutionalisierung der Kinderbeteiligung im ganzen Land verpflichtet. Die größte Initiative, die sie ins Leben rief, war die landesweite Einrichtung von Kinderräten im Jahr 2002, wodurch Kinder sich selbständig über Kinderrechtsverletzungen, insbesondere Kinderheirat, informieren und diese ansprechen können. Kinderheirat ist in Tansania eine weit verbreitete und legale Praxis, obwohl das Land internationale und regionale Menschenrechtsverträge ratifiziert hat, welche ein Verbot dieser Praxis fordern. Ziel der vorliegenden Arbeit ist es, den Zusammenhang zwischen Kinderbeteiligung und Beendigung von Kinderehen mit Hilfe folgender

Forschungsfrage zu untersuchen: “Auf welche Weise und in welchem Ausmaß hat Kinderbeteiligung einen signifikanten Einfluss auf die Bemühungen zur Beendigung der Kinderheirat in Tansania?”. Zur Verortung der vorliegenden Arbeit im gegenwärtigen Forschungsstand werden zunächst Sekundärdaten bereits bestehender Konzepte von Kinderbeteiligung und Kinderheirat, im internationalen Menschenrechts- sowie lokalen Kontext in Tansania, untersucht. Meinungen von Kindern in Kinderräten in drei Regionen Tansanias wurden durch offene Fragebögen gesammelt und als Primärdaten gegenübergestellt. Diese Daten werden anhand eines Modells mit vier Schlüsselkomponenten analysiert, um zu messen, inwieweit signifikante Kinderbeteiligung in Form der Kinderräte positiv zur Beendigung der Kinderheirat beiträgt. Die Ergebnisse führen zu der Schlussfolgerung, dass die Beteiligung von Kindern für den Erfolg aller Bemühungen zur Beendigung der Kinderheirat in Tansania von hoher Bedeutung ist. Dies gilt insbesondere für den Wandel soziokultureller Normen über die Rolle von Kindern und deren Recht auf Mitbestimmung in Entscheidungsfindungsprozessen.