



## AN ADVOCACY STRATEGY for Combating Early Marriages

2016-2018

## **01. Background**

Journalists Association Against AIDS (JournAIDS) is implementing a sexual reproductive health and rights project with financing from Southern Africa AIDS Trust (SAT). The project recognizes the need for Malawi to have a progressive policy legal framework to address teenage pregnancies, child marriages and promote women's and child health. As part of this work, JournAIDS in 2014 joined the Girls Not Brides (Global Partnership to End Child Marriages) as a member. JournAIDS is also contributing towards the implementation of Sustainable Development Goals (SDGs) in Goal 3 which seeks to promote the healthy well-being of all people by 2030. Taking into serious consideration that Malawi failed to attain Millennium Development Goal 5 on maternal health, it is now the time for the country to take bold steps to curb child marriages to tackle maternal mortality which remains a huge challenge.

Although legislators enacted into law the Marriage, Divorce and Family Relations Act which puts the marriage age at 18, stakeholders and actors in the health sector still argue that 18 years is not an appropriate age for marriage and want the age to be raised to 21 years, which assumes that a girl is matured enough, has completed secondary school education and can make independent decisions regarding sexuality. SAT has worked with JournAIDS since 2008 on sexual reproductive health and HIV integration which also examines the need to strengthen community systems and policy implementation. At present, Malawi needs to strengthen enforcement of the newly enacted Marriage, Divorce and Family Relations Act and fully implement it by allocating adequate resources.

Shockingly district social welfare offices which are under the Ministry of Gender are experiencing funding cuts which is a threat towards efforts to tackle child marriages and related gender based violence. On average, one out of two girls in the country will be married by her eighteenth birthday, according to the United Nations. <sup>1</sup>In 2010, half of women aged 20 to 24 years were married or in union before they were 18. Some are as young as 9 or 10 when they are married. Many Malawian communities see child marriage as being in the best interests of girls and their families. Some families see it as an important way to improve their economic status, sometimes through payment of dowry by the groom to the bride's family, or through continued support by their daughter's husband. For some girls, marriage may suggest a route, often unfulfilled, to escape poverty.

There is a need for the civil society to be unified in tackling early marriages. By implementing a strong advocacy strategy on combatting early marriages it will galvanize CSOs efforts as at present, Malawi does not have a clear strategy to tackle early marriages. JournAIDS is developing this advocacy strategy as one way of bringing voices of the civil society to have a collective voice.

## **02. Our position on the policy context**

At JournAIDS, our policy position is that the current law as contained in the Marriage, Divorce and Family Relations Act is contradicting with various international human rights treaties and conventions. The Child Rights Convention (CRC) makes it clear that child have the right to protection, education and socio-economic participation. Hence by giving parental consent that allows a girl aged 15 to get married is a serious violation of international law. There is a need to review current law and also ensure that during the constitutional review process, these amendments are taken into serious consideration.

The fact that Malawi has various policies and strategies related towards child protection, having laws that are inconsistent derails the quest towards strengthening child rights.

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<sup>1</sup> Human Rights Watch, 2014 Report, Child Marriage in Malawi

### **0.3 Goal of Advocacy Strategy**

Contribute towards reforms in the policy legal framework in addressing early child marriages in Malawi and related child rights violations.

#### **Objectives of Advocacy Strategy**

**Objective 1.1** To lobby policy and decision makers in amending section (22) 7 of the Marriage, Divorce and Family Relations Act and repeal parental consent.

**Objective 1.2** To persuade the government of Malawi to develop a broad national action plan to tackle early child marriages supported with a strong financing mechanism for the civil society which has support from all line ministries.

**Objective 1.3** To engage policy and decision makers in Malawi to put in place a state accountability platform which will monitor violations and punish perpetrators of early child marriages and those in the private sector

**Objective 1.4** To lobby for the improvement of monitoring and data collection on girls who drop out of school due to pregnancy or marriage and readmission, as well as on girls' attendance and completion rates.

**Objective 1.5** To persuade the judiciary and government to invest in regular training for judges on their legal responsibilities to punish violence against women, including child marriage, under the applicable law.

**Objective 1.6:** To lobby government to invest in safe spaces and victim support units for girls who have been sexually victimized and ease access to psychosocial support and rehabilitation, including access to justice.

#### **Key Target Groups/Audience & Allies**

##### **Government**

- Ministry of Gender and Child Development
- Ministry of Justice and Constitutional Affairs
- Ministry of Health
- Ministry of Education
- Malawi Law Commission
- Malawi Human Rights Commission

##### **Civil society**

- All CSOs working on human rights and justice sector
- Private sector institutions
- Lawyer bodies and associations
- Local media
- Academia

## **UN Agencies and development partners**

- UNICEF
- WHO
- UNFPA
- USAID
- European Union
- Department for International Development
- International Labour Organization
- Norwegian Church Aid
- Action Aid
- Dan Church Aid

## **04. Advocacy for other cross-cutting issues**

### **4.1 Violations in the tobacco sector facing the girl child**

Although there is scanty information on the extent of early marriages in the tobacco sector, the truth is that many children, especially girls are deprived of the right to education. Girls work as tenants alongside their parents and face sexual abuse and are also forced into early marriages. It is important to pay attention to the tobacco sector whose powerful multinational companies hide human rights violations, while the government is not taking action. The impunity in the tobacco sector of estate owners and companies to abuse child rights cannot be ignored any longer, there is a need to monitor all the companies and estate owners in this regard.

### **4.2 The disjointed approach among line ministries**

At present there is no action among line ministries to harmonize their efforts in tackling child marriages. This failure is appalling because many cases of girls forced into early marriages have a connection to the health well-being, nutrition and the physical and mental health. Hence all line ministries should now adopt a joint inter-ministerial platform which will raise the voice of ministries to take a unified approach towards addressing early marriages.

The problems in the system to protect children are compounded by the lack of clarity among government ministries and agencies as to where responsibilities lay. Various government entities, officially coordinated by the Ministry of Gender, Children and Community Development, are mandated to tackle violence against women, including child marriages.

The Ministry of Justice is responsible for the prosecutors, the Ministry of Gender, Children and Community Development for child protection workers, and the Ministry of Interior for the police. To respond effectively to violence against women, these agencies need to be well coordinated at various levels, including planning, training, data collection, monitoring and evaluation, and resource allocation. Lack of a comprehensive strategy on child marriage detailing specific and targeted action adds to the problem of poor coordination.

### **4.3 Creating safe schools**

Across many schools in Malawi, girls drop out from school due to sexual abuse perpetrated by teachers, there is a need to make schools safer for the girl child. The need to tackle child marriages starts with responsive schools and it is the goal of the advocacy strategy to ensure girls in schools know their right to education and health well-being.

## 5.0 Advocacy strategic framework

Advocacy strategic objective/ Activities	Target Group (s)	Outcome (s) & Indicators	Cost/Source of Potential funding	Time-line
<b>Strategic Objective 1:</b> To lobby policy and decision makers in amending section (22) 7 of the Marriage, Divorce and Family Relations Act and repeal parental consent.				
<p><b>Activities Planned</b></p> <ul style="list-style-type: none"> <li>• Produce policy briefs</li> <li>• Produce IEC materials</li> <li>• Develop a position paper</li> <li>• Hold policy dialogue sessions</li> <li>• Conduct radio talk shows</li> <li>• Hold interface meetings with Malawi Law Commission, MHRC, Ministry of Health, Ministry of Gender</li> <li>• Hold media press briefings</li> <li>• Hold round table discussions with CSOs and Members of Parliament</li> </ul>	<p><b>Key Target Audience/Allies</b></p> <p><b>Primary:</b></p> <ul style="list-style-type: none"> <li>• Civil society organizations</li> <li>• Local print and electronic media houses</li> <li>• Academia</li> <li>• Human rights lawyers</li> <li>• Donors and development partners</li> </ul> <p><b>Secondary:</b></p> <ul style="list-style-type: none"> <li>• Policy and decision makers in key line ministries</li> <li>• Parliamentary Committee on Health, Women Caucus</li> </ul> <p><b>Key Opponents:</b></p> <ul style="list-style-type: none"> <li>• Religious leaders</li> <li>• Some policy makers</li> </ul>	<ul style="list-style-type: none"> <li>• Improved consistencies in legal policy framework on tackling early marriages and safeguarding child rights.</li> <li>• Increased support for policy legal reforms in addressing child rights violations related to early marriages.</li> </ul> <p><u>Outcome Indicator 1.1</u></p> <p>The proportion of CSOs mobilized in a broad coalition engaged over the last 12 months to lobby for policy legal reforms.</p> <p><u>Outcome Indicator 1.2</u></p> <p>The % in the reduction of cases of girls dropping out from school in targeted schools (both secondary &amp; primary) due to early marriages.</p>	USD 60,000	Feb 2016-Dec 2018

Advocacy strategic objective/Activities	Target Group (s)	Outcome (s)	Cost/Source of Potential funding	Time-line
<b>Strategic Objective 2:</b> To persuade the government of Malawi to develop a broad national action plan to tackle early child marriages supported with a strong financing mechanism for the civil society which has support from all line ministries				
<p><b>Planned Activities</b></p> <ul style="list-style-type: none"> <li>• Hold round table discussions</li> <li>• Establish a resource tracking group on tackling GBV, early messages</li> <li>• Develop a budget advocacy toolkit</li> <li>• Produce a TV documentary</li> <li>• Hold policy dialogue sessions</li> <li>• Hold a financing summit for tackling early marriages</li> <li>• Host a national policy seminar</li> </ul>	<p><b>Key Target Audience/Allies</b></p> <p><b>Primary:</b></p> <ul style="list-style-type: none"> <li>• CSOs working on gender and women’s rights</li> <li>• Human rights lawyers</li> <li>• Local print and electronic media</li> <li>• Development partners</li> <li>• Primary and secondary schools</li> <li>• NGO GCN</li> <li>• Private sector</li> </ul> <p><b>Secondary:</b></p> <ul style="list-style-type: none"> <li>• Policy and decision makers</li> <li>• Ministers from ministries of health, gender, justice and</li> <li>• Principal secretaries</li> <li>• Secretary to the treasury</li> <li>• Minister of finance</li> </ul> <p><b>Key Opponents:</b></p> <ul style="list-style-type: none"> <li>• Policy makers</li> <li>• Parliamentarians</li> <li>• Politicians</li> </ul>	<ul style="list-style-type: none"> <li>• Increased levels of financing towards the response in tackling early marriages and strengthening the policy legal frame through a progressive action plan.</li> </ul> <p><u>Outcome Indicator 2.1</u></p> <p>The proportion of CSOs and stakeholders supporting the development of a broad national strategy to early marriages.</p> <p><u>Outcome Indicator 2.2</u></p> <p>The proportion of CSOs and stakeholders taking part in the drafting of a position paper to lobby for a financing mechanism/Trust Fund to tackle early marriages and teen pregnancies in Malawi.</p>	<p>USD 60,000</p> <p>UN Development Partners (UN Women)</p> <p>USAID Action AID Royal Norwegian Embassy</p>	<p>March,2016-Dec, 2018</p>

Advocacy strategic objective/Activities	Target Group (s)	Outcome (s)	Cost/Source of Potential funding	Time-line
<b>Strategic Objective 3:</b> To engage policy and decision makers in Malawi to put in place a state accountability platform which will monitor violations and punish perpetrators of early child marriages and those in the private sector				
<p><b>Planned Activities</b></p> <ul style="list-style-type: none"> <li>• Hold fact finding site visits to tobacco, tea estates and other sectors that have a potential in attracting child labour.</li> <li>• Undertake a baseline study on early marriages, sexual abuse and child labour affecting the girl child</li> <li>• Hold media tours</li> <li>• Hold round table discussions</li> <li>• Produce a TV documentary</li> <li>• Develop an accountability framework in addressing early marriages</li> </ul>	<p><b>Key Target Audience/Allies</b></p> <p><b>Primary:</b></p> <ul style="list-style-type: none"> <li>• CSOs</li> <li>• Local print and electronic media houses</li> <li>• Development partners in UN Office</li> <li>• Human right lawyers</li> <li>• Malawi Human Rights Commission]</li> <li>• Malawi Law Commission</li> <li>• International Labour Organization</li> <li>• Traditional leaders</li> </ul> <p><b>Secondary:</b></p> <ul style="list-style-type: none"> <li>• Policy and decision makers</li> <li>• Minister of gender</li> <li>• Principal secretary in ministry of gender</li> <li>• Members of parliamentary women caucus</li> <li>• UN Special Rapporteur on Human Rights and his office</li> </ul> <p><b>Key Opponents:</b></p> <ul style="list-style-type: none"> <li>• Politicians in some government line ministries</li> <li>• Tobacco, tea estate owners</li> <li>• Tobacco and tea companies</li> </ul>	<ul style="list-style-type: none"> <li>• Improved monitoring of child rights violations in the context girl’s access to education.</li> <li>• Strengthened levels of human rights monitoring and documentation of cases of early marriages emanating from irresponsible business practices</li> </ul> <p><u>Outcome Indicator 3.1</u></p> <p>The % of CSOs and stakeholders supporting the development of a national accountability framework</p>	<p>USD 60,000</p> <p>UN Women US Bureau of Labour Norwegian Church Aid USAID DfID Irish Aid</p>	<p>June, 2016-Dec, 2018</p>

Advocacy strategic objective/Activities	Target Group (s)	Outcome (s)	Cost/Source of Potential funding	Time-line
<b>Strategic Objective 4:</b> To lobby for the improvement of monitoring and data collection on girls who drop out of school due to pregnancy or marriage and readmission, as well as on girls' attendance and completion rates.				
<p><b>Planned Activities</b></p> <ul style="list-style-type: none"> <li>• Develop a monitoring framework on school drop- out due to pregnancy, marriage and readmission</li> <li>• Hold a national policy seminar</li> <li>• Produce policy briefs</li> <li>• Conduct a baseline survey</li> <li>• Hold policy dialogue sessions</li> </ul>	<p><b>Key Target Audience/Allies</b></p> <p><b>Primary:</b></p> <ul style="list-style-type: none"> <li>• Human rights lawyers</li> <li>• School committee members</li> <li>• Education zone managers</li> <li>• Primary school education advisors</li> <li>• CSOs working on gender and development</li> <li>• NGO GCN</li> </ul> <p><b>Secondary:</b></p> <ul style="list-style-type: none"> <li>• Minister of education</li> <li>• Minister of gender</li> <li>• Principal secretaries</li> <li>• Members of parliamentary committees</li> </ul> <p><b>Key Opponents:</b></p> <ul style="list-style-type: none"> <li>• Politicians</li> <li>• Religious leaders</li> </ul>	<ul style="list-style-type: none"> <li>• Improved documentation and data collection on school drop outs due to marriage, pregnancy and readmission in targeted schools.</li> <li>• Improved coordination of CSOs and government in using data and evidence to improve access to girl child education in the context of child marriages.</li> </ul> <p><u>Outcome Indicator 4.1</u></p> <p>The proportion of CSOs and stakeholders involved in lobbying for a review of the school readmission policy for girls in tackling teenage pregnancies and early marriages.</p> <p><u>Outcome Indicator 4.2</u></p> <p>The proportion of CSOs agreeing to a commitment/declaration to end early marriages and tackling teenage pregnancies.</p>	<p>USD 60,000</p> <p>USAID DfID UNFPA UNDP Royal Norwegian Embassy</p>	<p>Aug,2016- Dec,2018</p>



Advocacy strategic objective	Target Group (s)	Outcome (s)	Cost/Source of Potential funding	Time-line
<p><b>Strategic Objective 5:</b> To persuade the judiciary and government to invest in regular training for judges on their legal responsibilities to punish violence against women, including child marriage, under the applicable law.</p>				
<p><b>Planned Activities</b></p> <ul style="list-style-type: none"> <li>• Hold round table discussions</li> <li>• Conduct radio talk shows</li> <li>• Air radio radio programs</li> <li>• Produce policy briefs</li> <li>• Conduct policy seminars</li> <li>• Hold public hearings</li> </ul>	<p><b>Key Target Audience/Allies</b></p> <p><b>Primary:</b></p> <ul style="list-style-type: none"> <li>• Judiciary staff</li> <li>• Judges of courts</li> <li>• Magistrates</li> <li>• CSOs working in the justice sector</li> <li>• NGO GCN</li> </ul> <p><b>Secondary:</b></p> <ul style="list-style-type: none"> <li>• Malawi Law Commission</li> <li>• Malawi Human Rights Commission</li> <li>• Policy and decision makers</li> <li>• Secretary to the treasury</li> <li>• Malawi Law Society</li> </ul> <p><b>Key Opponents:</b></p> <ul style="list-style-type: none"> <li>• Politicians</li> </ul>	<ul style="list-style-type: none"> <li>• Improved sentencing and delivery of justice to victims of sexual abuse and girls</li> <li>• Strengthened capacity of judicial staff and more collaboration with key actors and stakeholders in upholding the rule of law in tackling early marriages.</li> </ul> <p><u>Outcome Indicator 5.1</u></p> <p>The % in the increase of stiffer penalties meted to offenders of sexual abuse of girls in the last 12 months in the courts and justice system.</p>	<p>USD 60,000</p>	<p>Jul, 2016-Dec, 2018</p>

Advocacy strategic objective	Target Group (s)	Outcome (s)	Cost/Source of Potential funding	Time-line
<p><b>Strategic Objective 6:</b> To lobby government to invest in safe spaces and victim support units for girls who have been sexually victimized and ease access to psychosocial support and rehabilitation, including access to justice.</p>				
<p><b>Planned Activities</b></p> <ul style="list-style-type: none"> <li>• Hold interface meetings with donors and international NGOs</li> <li>• Hold interface meetings with Ministry of Gender and Ministry of Finance</li> <li>• Conduct a national advocacy seminar</li> <li>• Hold a consultative meeting with parliamentary committee on social welfare</li> <li>• Hold stakeholders meetings with police service, Ministry of Gender and Ministry of Justice and Constitutional Affairs</li> </ul>	<p><b>Key Target Audience/Allies</b></p> <p><b>Primary:</b></p> <ul style="list-style-type: none"> <li>• Judiciary staff</li> <li>• Judges of courts</li> <li>• Magistrates</li> <li>• CSOs working in the justice sector</li> <li>• NGO GCN</li> </ul> <p><b>Secondary:</b></p> <ul style="list-style-type: none"> <li>• Malawi Law Commission</li> <li>• Malawi Human Rights Commission</li> <li>• Policy and decision makers</li> <li>• Secretary to the treasury</li> <li>• Malawi Law Society</li> </ul> <p><b>Key Opponents:</b></p> <p>Politicians</p>	<ul style="list-style-type: none"> <li>• Increased support for safe spaces and police victim support units for girls victims of sexual abuse.</li> <li>• Improved coordination among stakeholders in the justice and gender sectors to improve infrastructure in terms of safe spaces for victims and Police/Community Victim Support Units.</li> </ul> <p><u>Outcome Indicator 6.1</u></p> <p>The proportion of new safe spaces for girls faced with violence and sexual abuse established per district in the last 12 months.</p> <p><u>Outcome Indicator 6.2</u></p> <p>The % of trained community members and police officers manning victim support units and generating reports on the status of violence and sexual abuse.</p>	<p>USD 70,000</p>	<p>Jul, 2016-Dec, 2018</p>

## **6.0 Monitoring & Evaluation**

Based on the strategic plan of JournAIDS, the advocacy strategy will be implemented by mobilizing resources from various development partners and other partners. The advocacy strategy is to be embedded into all the integrated annual workplans (IAWPs) and ensure that there is routine collection of data and monitoring and documentation of case studies and best practices.

The Monitoring and Evaluation Officer at JournAIDS will take lead in the implementation of the advocacy strategy by generating progress reports and also using a logical framework which will guide the overall monitoring and evaluation. Based on the available resources, the organization will commission external evaluation of the interventions and also use joint annual reviews as a platform in monitoring and evaluation.