

The Menace of Force Marriage on The Educational Development of Female Muslim Youths in Ghana: The Case of Akim Oda

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Abstract:

Although Islam allows the parents to make arrangements for their children, especially for marriage, it never stipulated laws ignoring their consent. This is, however, the case in Akim Oda, where women are forced into marriages in the name of Islam without their consent. The situation is worrying, and women, especially female Muslim youths who are forced into marriages, continue to be disadvantaged in terms of education and training. This research work, therefore, investigates the reasons for such happenings and compares it with Islam's view on marriage within the context of forced marriage as practiced in Akim Oda. In this regard, the qualitative research method was employed. The primary data collection method included interviews with fifteen (15) respondents, including Chiefs, Imams, religious leaders, opinion leaders, parents, and female Muslim youths. Findings from the field indicate that forced marriages, in most cases within the study area, were to the benefit of the family and not to the female Muslim youths. It was also observed from the findings that parents and relatives collect monies for their daughters who ended up dropping out of school for marriages they are unprepared for.

Keywords: forced marriage, human rights, consent, youths, female, education, Ghana, akim oda

A. Introduction

In an article titled “Over 170,000 Ghanaian girls forced into marriages before 18 years” indicates that in some cases, girls as young as 10 years are pushed into early or forced marriages, depriving them of their rights to education and dignity. Quoting a UNFPA report, the article further indicates that a total of 176,103 are annually forced into marriages in the country before they turn 18 years old. Per the report released in July 2015, at least about one in every four girls marry before their 18th birthday in most parts of Ghana. The Nkwanta North and South districts topped the district distribution in the Volta region with 55 and 23 percent, respectively, as against the nine percent recorded by the remaining districts in the country.¹

According to the United Nations General Assembly, forced marriage is generally viewed as encompassing child and early marriage because minors are deemed incapable of giving informed consent. For instance, the Special Rapporteur on Slavery, Gulnara Shahinian, revealed that Servile marriage affects both adults and children. Under international human rights law, a child cannot provide informed consent to a marriage. The marriage is therefore considered forced and falls under the slavery-like practices defined in the Convention (against Slavery).²

A forced marriage differs from an arranged marriage, in which both parties presumably consent to the assistance of their parents or a third party, such as a matchmaker, in finding and choosing a spouse. There is often a continuum of coercion used to compel a marriage, ranging from outright physical violence to subtle psychological pressure.³

Though now widely condemned by international opinion, forced marriages still take place in various cultures across the world, particularly in parts of South Asia and Africa, with Ghana included. Some scholars object to the use of the term "forced marriage" because it invokes the consensual legitimating language of marriage (such as husband/wife) for an experience that is precisely the

¹ Joseph Whittal, “The Prevalence of Child Early Forced Marriages in Ghana: Facts and Figures” (Ghana, 2019), <https://chraj.gov.gh/wp-content/uploads/2019/04/CEFM-TAMALE.pdf>.

² Gulnara Shahinian, “Report of the Special Rapporteur on Contemporary Forms of Slavery, Including Its Causes and Consequences, Gulnara Shahinian” (Geneva, 2012), <https://digitallibrary.un.org/record/731967?ln=en&v=pdf>.

³ Nicola Sharp, “Forced Marriage in the UK A Scoping Study on the Experience of Women from Middle Eastern and North East African Communities” (London, 2017), https://www.policyreview.tv/document_stream.php?document_id=3104&conf_id=454.

opposite. A variety of alternative terms have been proposed, including "forced conjugal association" and "conjugal slavery."

B. Review of Related Literatures

The Right to Education Project revealed that in many countries, forced and early marriage falls into what amounts to a sanction's limbo. It may be prohibited in the existing civil or common law but be widely condoned by customary and religious laws and practice. This is common in places where marriages typically occur according to customary rites and remain unregistered. According to a study conducted by the Right to Education Project, in their Committee on the Rights of the Child periodic reports, 17 countries provide no or unclear information regarding the minimum age for marriage, and 74 countries have no minimum age set for marriage.⁴

The research further revealed that although most countries have laws that regulate marriage, both in terms of minimum age and consent, these laws may not be enforced. In some cases, sanctions are not applied to lawbreakers; rather, the marriage is deemed invalid. This usually leaves the woman in an undesirable situation, especially if she has consummated the marriage or has children. The situation is further complicated by those countries with multiple legal systems, including customary or religious legal systems, working parallel with one another but often in conflict or tension. In countries such as Afghanistan, the practice of birth registration is so irregular that the actual age at marriage may not be known.

The *Criminal Code, 1960* of Ghana, last amended in 2003, states that forcing a person to marry against their will is illegal (Ghana 12 Jan. 1961, Sec. 109), and the *Children's Act of Ghana, 1998* stipulates that forced child marriage is also illegal (30 Dec. 1998, Sec. 14 and 15).⁵

Womankind, a United Kingdom-based organization promoting the advancement of women's rights, indicates that, even though legislation prohibiting forced marriages exists in Ghana, there has been little action to eliminate such practices.

⁴ ActionAid and Global Campaign for Education, "Education Rights. A Guide for Practitioners and Activists | Right to Education Initiative," [campaignforeducation.org](https://www.right-to-education.org/node/58), 2007, <https://www.right-to-education.org/node/58>.

⁵ Ghana Immigration Services, "Criminal Code, 1960 of Ghana" (2020), <https://home.gis.gov.gh/wp-content/uploads/2020/05/Criminal-Offences-Act-1960-Act-29.pdf>.

Similarly, the Ghana NGO Coalition on the Rights of the Child states that even though such laws exist, they are not enforced.⁶

In traditional Ghanaian societies, premarital sex and childbearing are frowned upon. Hence, early marriage is encouraged. For instance, betrothal (in some cases, exchange of girls) is often early, sometimes before birth, to ensure sex and childbearing occur within marriage.⁷

According to research by World Vision Ghana, marriage is very important for women's status in Ghanaian societies. Recognition and respect go hand in hand with marriage. Evidence suggests that early marriage brings some child brides respect and honor as peers and adults in the community show them respect because they have "settled down" (married) and are considered responsible. Parents with married daughters also enjoy prestige and respect from community members.⁸

According to a survey conducted in Ghana under the auspices of the National Council on Women and Development and presented at a meeting of the United Nations (UN) Division for the Advancement of Women, the Economic Commission for Europe (ECE), and the World Health Organization (WHO),

generally, it was realized that girls marry earlier than boys and that parents and other close relations were more likely to decide and choose partners for the girl-child than the boy-child.... Twenty-two percent (22%) of the married females stated that their parents decided for them, as compared to 12% of the males. In addition, 30% of the females reported that their parents and other close relatives chose their partners for them, compared to 16% of the males.⁹

⁶ Powering Women to Change their Own Lives. <https://www.womankind.org.uk/> (accessed 27th January 2024).

⁷ University of Ghana Centre for Social Policy Studies, World Vision Ghana. A study on child marriage in selected World Vision Ghana operational areas. Ghana: WVG & UG-CSPS; 2017. <http://csps.ug.edu.gh/content/study-child-marriage-selected-world-vision-ghana-operational-areas>. Accessed 8 January 2024.

⁸ University of Ghana Centre for Social Policy Studies, World Vision Ghana. A study on child marriage in selected World Vision Ghana operational areas. Ghana: WVG & UG-CSPS; 2017. <http://csps.ug.edu.gh/content/study-child-marriage-selected-world-vision-ghana-operational-areas>. Accessed 8 January 2024.

⁹ Canada: Immigration and Refugee Board of Canada, *Ghana: Forced marriages; prevalence of such marriages; whether a woman can refuse such a marriage, and the consequences of the refusal; available state protection and redress (2004-2006)*, 24 October 2006, GHA101618.E, available at: <https://www.refworld.org/docid/45f1473720.html> [accessed 27 January 2024]

The Foundation for Women's Health, Research, and Development (FORWARD), a non-governmental organization (NGO) seeking to promote women's sexual and reproductive health and human rights in Africa (FORWARD n.d.), has surveyed selected gender and reproductive health issues, including forced marriage. According to the results, 52 percent of women respondents were "victims of child/forced marriage."¹⁰

1. Forced Marriage under Islamic Law

Under Islamic law, a woman cannot be given away in marriage without her consent, except in the case of a minor.¹¹ However, under the *Maliki* school of law, the choice of husband by a Muslim woman is subject to the *ijbar*, or over-ruling power, of her father or guardian. *Ijbar* allows the father or guardian to select a husband for his daughter based on her "wider interests". According to a report by Theresa Akumadu, cited in a 2003 Center for Reproductive Rights report, a father's *bar* allows him to "arrange the marriage of his virgin daughter, regardless of her age and without her consent."¹²

For instance, a prevalent marriage practice in Northern Nigeria is that of *daurin aure*, where a girl continues to go to school until she completes her education before the marriage is consummated. However, this is not the same in Akim Oda. However, forced marriage is generally limited to girls who have not been to school or who have not yet reached puberty.¹³

¹⁰ The Foundation for Women's Health, Research and Development (FORWARD). <https://www.forwarduk.org.uk/about-us/> (accessed on 20th January 2024).

¹¹ Women's Advocates Research and Documentation Centre (WARDC) and Women's Aid Collective (WACOL). (2003). *Sharia & Women's Human Rights in Nigeria: Strategies for Action*. <http://www.boellnigeria.org/documents/Sharia%20and%20Women%27s%20Human%20Rights%20in%20Nigeria%20%20Strategies%20for%20Action.pdf>. [Accessed 09th January 2024]

¹² Canada: Immigration and Refugee Board of Canada, Nigeria: Forced marriage under Islamic law; whether an Islamic marriage requires the final "Fatiha" ceremony be completed for the marriage to be consummated and for it to be recognized by Islamic authorities; consequences for a woman who refuses to participate in the wedding; likelihood of a university-educated woman in her twenties from Etsako, Edo state being forced into marriage, 17 March 2006, NGA100418.E, available at: <https://www.refworld.org/docid/45f1478428.html> [accessed 27 January 2024]

¹³ Ibid, 17 March 2006.

Forced marriage is not allowed in Islam. Both the groom and the bride must consent to the marriage. The consent of the woman is essential and must be obtained, and any marriage which is forced is considered to be basil or void.

"O ye who believe! Ye are forbidden to inherit women against their will. Nor should ye treat them with harshness (Qur'an 4:19).

There are also alhadith (traditions based on reports of the sayings and actions of the Prophet Muhammed (PBUH) that provide evidence that forced marriage was not allowed. In a tradition of the Prophet, it states:

Narrated Abdullah ibn Abbas: "A virgin came to the Prophet (pbuh) and mentioned that her father had married her against her will, so the Prophet (pbuh) allowed her to exercise her choice."¹⁴

In another tradition

Khansa Bint Khidam said, My father married me to his nephew, and I did not like this match, so I complained to the Messenger of Allah (May Allah bless him and grant him peace). He said to me accept what your father has arranged. I said, I do not wish to accept what my father has arranged. He said then this marriage is invalid, go and marry whomever you wish. I said, I have accepted what my father has arranged, but I wanted women to know that fathers have no right in their daughter's matters (i.e., they have no right to force a marriage on them).¹⁵

C. Methodology

The methodology for this research was qualitative. According to Creswell¹⁶, qualitative research is a type of research that aims to gather and analyze non-numerical (descriptive) data to gain an understanding of individuals' social reality, including understanding their attitudes, beliefs, and motivations. This type of research typically involves in-depth interviews. Therefore, the primary data collection method employed in this research was the interview with fifteen (15) respondents. These included two (2) chiefs because they are the custodians of the land, the first point of call when there is a dispute. I also interviewed three (3) Imams as they play major roles in providing community support and spiritual

¹⁴ Abū Dāwūd, Sunan Abi-Dāwūd, Marriage (Kitāb Al-Nikāḥ), Book 11, Number 2088. <https://sunnah.com/abudawud/12> (accessed on 18th January 2024).

¹⁵ (Fathul Bari Sharah Al Bukhari 9/194, Ibn Majah Kitabun Nikah 1/602).

¹⁶ Creswell, J. W. (2003). Research design: Qualitative, quantitative, and mixed method approaches. Thousand Oaks, CA: Sage Publications.

advice, especially in marriage cases. I also interviewed one (1) religious scholar and one (1) opinion leader. Also, eight (8) parents were interviewed because they are the first point of call their child/ward is getting married. Twenty questionnaires were administered to various categories of respondents in the study area. This was done in order to seek their views on the effects of forced marriage on female Muslim youths in Akim Oda.

D. Findings and Discussion

1. The attitudes of parents with regard to the marriage contract

Research from the field revealed that some parents consider themselves the sole authority in contracting their children's marriages. Sometimes, they enquire about the consent from the female but need a positive response from her, which cannot be counted as a clear and willing consent. Ayisha, one of the respondents interviewed on the 2nd/May/2018, indicated that sometimes parents show cruelty and selfishness for their children and want to bring such an obedient daughter (s) in law for their son (s), who can serve them like a servant whole day without complaining. She added that in Akim Oda, most parents ignore the happiness and gladness of their offspring and do not think about their wishes. When the temperament or nature of the two persons will not match, consequently, quarreling with each other will be started, and love as well as harmony will be destroyed. Speaking to Humaimah, another respondent, she supported the view of Ayisha and recounted that it is such a big issue in Akim Oda, which directly affects the lives of the woman being considered a weak entity. That is why it affects even her educational career. Humaimah stated that these do not count in the realm of Islamic teachings. It is only a social and cultural practice, which is spreading the negative effects rapidly to the public/people.

This sentiment was, however, shared differently by Ibrahim Musa, an elder in the community, who opined that the young generation is also not taking care of the efforts and pains faced by the parents since their birth. They are becoming selfish and even egotistic about their future. They consider themselves more intelligent and smarter compared to their parents and thus want to decide about their life partner themselves.

2. Impacts and Consequences

The impact of forced and early marriage on the educational development of female Muslim youths in Akim Oda and society at large is wide-ranging. The research identified certain concerns from the field which serves as

impact and consequences with regards to female Muslim youths in Akim Oda. They include: psychosocial disadvantage, sexual abuse and rape, child bearing and family planning, denial of education and violence and abandonment.

3. Psychosocial Disadvantage

Results from respondents indicate that the loss of adolescence forced sexual relations, and the denial of freedom and personal development as a result of forced marriage in the study area have deleterious psychosocial and emotional consequences such as depression and lack of self-esteem. These impacts can be difficult to assess but include a female Muslim youth's isolation and confinement to the home, inadequate socialization, and physiological and emotional damage due to repeated pregnancies.

4. Sexual Abuse and Rape

For the vast majority of women and Muslim girls in Akim Oda, sexual consent is irrelevant in the context of marriage. The assumption prevails that within marriage, sex is *a priori* consensual and that rape is impossible. Pain and trauma are enhanced where women and girls have undergone some form of female genital mutilation or infibulation and where they have recently given birth. According to Eliasu Adamu, a teacher in Akim Oda, who was interviewed on the 16th of June 2018, as far as preparation for sexual and reproductive life is concerned, there is little opportunity for girls to receive education on what to expect or about their rights in terms of marriage or reproduction. This puts them at higher risk of sexually transmitted infections and HIV.

5. Child-bearing and Family Planning

This research has revealed that, very few women in forced and early marriage, especially female Muslim youth in the study area, have access to contraception, nor would contraception be found acceptable to husbands or in-laws. Indeed, in many societies, childbearing soon after marriage is integral to a woman's social status. In a forced marriage, a woman's right to decide when and if she becomes pregnant is unacknowledged. This dynamic was more intense in the case of early marriage. Swabiratu, one of the respondents who indicated being forced into marriage indicated that female Muslim youths who are married before the age of 18 tend to have more children than those who marry later in life. This, to her, affects them greatly by placing certain barriers between them and their education.

6. Denial of Education

In an interview with Ramatu Osman, an elderly Muslim woman in Akim Oda, on 16th June 2018, with regard to the effects of forced marriage on the educational development of female Muslim youths in Akim Oda, she reiterated that marriage often means the end of educational development for women in Akim Oda. She indicated that in the case of forced marriage, female Muslim youths in the community may be deprived of vital education needed for their preparation for adulthood, their effective contribution to the future well-being of their family and society, and their capacity to earn and make a living.

7. Violence and Abandonment

The current research on the effects of forced marriage in the study area revealed that many of the victims suffered from prolonged domestic violence but felt unable to leave the marriage due to economic pressures, lack of family support, and other social circumstances.

As a researcher and through participant observation, what I have personally observed is that female Muslim youths who are forced into marriages in Akim Oda are more likely to get divorced than those who marry with explicit consent. These divorce problems in the community have plunged many women into poverty. Thus, forced and early marriage contributes to the “feminization of poverty” and its resulting impact on children, especially the female child.

E. Conclusion

It was realized from the research that marriage is a serious and sensitive issue in Ghana, especially in Akim Oda; therefore, Islam gives right to man and woman to choose or select his/her life partner. This contract is a lifetime contract, except in cases where there is the need for divorce. Therefore, the acceptance of the bride and groom is essential. Islam does not ignore the importance of parents too. But it does not mean that they are the only authority to decide on the fate and future of their children. Ghanaian Law also prohibits forced and other marriages which are illegal, inhuman and un-Islamic and allows a man and woman to choose his/her partner.

F. Recommendations

It is clear from the perspective of Islam that both the man and woman have the equal right of approval and consent related to marriage issue. I therefore

recommend that the consent of couples should always be sought prior to any marital arrangements.

1. Parents should also be cautious in given out their female Muslim youths in marriages that might end up either in slavery or divorce. Such cases end up bringing disgrace upon the family.
2. Those who are most at risk of forced marriage tend to experience multiple inequalities on account of their disadvantaged position within disadvantaged communities – an intersectional context that shapes their experience of coercion. For this reason, women’s own accounts remain central to understandings of consent and violation in order to provide a grounded and context-specific account of forced marriage. It is recommended that the Municipal Assembly should help in this direction in order to protect female Muslim youths under their watch.
3. Further research could also be probe into the links between culture and religion within Akim Oda. This will help understand the extent of coercion and consent.

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