journals.unizik.edu.ng/jcpl/index ISSN: 2736-0342
NNAMDI AZIKIWE UNIVERSITY, AWKA
JOURNAL OF COMMERCIAL AND PROPERTY LAW Vol. 12(5), October, 2025

AN EXAMINATION OF NIGERIAN LEGISLATIONS PROTECTING THE RIGHT OF A CHILD AGAINST CHILD MARRIAGE IN NIGERIA: THE CULTURAL AND RELIGIOUS INFLUENCES

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Abstract
Child marriage remains a challenge to the protection of human rights, especially the rights of the girl child. This challenge is not limited to Nigeria as child marriage remains prevalent in other nations globally. The aim of this article, therefore, limited to the examination of Nigerian legislations protecting against child marriage. It unraveled the influences of cultural and religious factors sustaining child marriage in Nigeria. The article adopted the doctrinal research methodology which deals with the use of text books, journal articles in reputable journals, and internet sourced materials. The authors are of the position that cultural and religious factors have great influence in the existence of child marriage in Nigeria. The article observed that child marriage is a practice deeply rooted in cultural norms, economic pressures, and gender inequalities, posing significant challenges to the realisation of children's rights. It recommended that Nigeria must harmonise its legal framework to be of international standards on child rights protection in order to eliminate child marriage in Nigeria.

Keywords: cultural influence, child marriage, human rights, Nigerian legislations, religious influence.

1. Introduction
Child marriage remains a pervasive issue globally, affecting approximately 12 million girls each year, with profound implications for their health, education, and general well-being.[1] In Nigeria, child marriage is notably prevalent, with significant regional variations. According to the United Nations International Children Emergency Fund (UNICEF), around 43% of Nigerian girls get married before they reach 18 years of age, while 17% marry before the age of 15.[2] This practice is deeply rooted in certain cultural, religious, and economic factors, particularly in the northern regions of Nigeria, where traditional norms and economic hardships often perpetuate the custom of marrying off young girls. The continuous existence of child marriage in Nigeria poses a serious challenge to the rights and development of children, particularly young girls, who are disproportionately affected. Child marriage limits opportunities for education and personal development, increases vulnerability to domestic violence, and poses significant health risks due to early pregnancies, which often result in maternal and infant mortality.[3] This issue does not only affects individuals but also perpetuates cycles of poverty and hinders social progress by limiting the potential contributions of young women to the Nigeria's socio-economic growth.

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[1]World Vision, 'Child Marriage: Facts, FAQs, and How to Help End It' <https://www.worldvision.org/child-protection-news-stories/child-marriage-facts> accessed 26 August 2025.
[2]Statista, 'Child Marriage in Nigeria between 2014 and 2020, by Gender' <https://www.statista.com/statistics/1128822/child-marriage-in-nigeria-by-gender/> accessed 26 August 2025.
[3]National Library of Medicine, Association between Adolescent Pregnancy and Infant Mortality: A Population-Based Study <https://pmc.ncbi.nlm.nih.gov/articles/PMC12021800/> accessed 27 August 2025.

In the legal circle, Nigeria has taken steps to address child marriage through legislations. The Nigerian Child's Rights Act of 2003 (CRA) provide that the minimum age for marriage is 18.[4] However, due to Nigeria's plural legal system, where statutory, customary, and religious laws coexist, enforcement of these legislations are inconsistent. This legal ambiguity creates a significant challenge in upholding the rights of children, leading to discrepancies in protection across regions. Internationally, the issues associated with child marriage are addressed through various treaties and conventions, such as the African Charter on the Rights and Welfare of the Child (ACRWC) and the United Nations Convention on the Rights of the Child (CRC), the two of which Nigeria has ratified. This international framework define child marriage as a human rights' violation and advocate for setting 18 as the minimum age of marriage. However, while Nigeria is a signatory to these conventions, the translation of these commitments into effective national action has been hampered by cultural and religious barriers, as well as limitations in governance and law enforcement.

It is based on the foregoing that this article undertakes an examination of Nigerian legislations protecting against child marriage with a focus on the cultural and religious influences on child marriage in Nigeria. It discusses the consequences of child marriage. It explores the cultural and socio-economic factors that sustain child marriage. By exploring the cultural and socio-economic factors that sustain child marriage, this article aims to provide insights into the ongoing struggle to safeguard children's rights in the face of entrenched customs and legislative ambiguities. The article concludes with recommendations that would aid in eliminating child marriage in Nigeria.

2. The Consequences of Child Marriage

Child marriage is characterised as the union between an individual under the age of 18 and either an adult or another minor, and it continues to be a widespread concern worldwide, with considerable consequences for the welfare of those involved. Recent data in Nigeria reveals concerning statistics, revealing that 44% of girls and women aged 20 to 24 are married before the age of 18, with 18% marrying before the age of 15.[5] Child brides encounter significant hurdles, such as restricted economic and educational prospects, increased susceptibility to marital abuse, maternal mortality, childbirth issues, and sexually transmitted illnesses.[6] The institution of marriage is a significant cultural and social phenomenon worldwide, carrying profound implications for individuals' rights, freedoms, and personal development. For children, marriage can mark a premature and forced commitment with detrimental consequences on their physical, psychological, and socioeconomic well-being. Child marriage violates human rights, specifically those of minors who are legally, mentally, and emotionally unprepared for such a union. Child marriage is a violation of several child rights as defined by both local and international laws, including the right to education, the right to protection from harm, and the right to choose a life partner.[7] By marrying at a young age, children, particularly girls, are denied these fundamental rights, leading to restricted personal development. The CRC and the ACRWC advocate for protecting children from such harmful practices, making clear the inherent conflict between child marriage and the fulfillment of these rights. According to the UNICEF, more than 650 million women and girls worldwide are married before reaching adulthood, a practice that disproportionately affects girls and underscores pervasive gender inequalities in societies.[8] In Nigeria, child marriage remains a pressing issue, particularly in rural areas and northern regions, where traditional norms and socio-economic challenges contribute

[4]The CRA 2003, s 21.
[5]Human Right Watch, 'Nigeria: Child Marriage Violates Girls' Rights' <https://www.hrw.org/news/2022/01/17/nigeria-child-marriage-violates-girls-rights> accessed 20 March 2025.
[6]E Enweonwu, 'International Law and the End of Child Marriage: A Case Study of Nigeria' <https://www.open-access.bcu.ac.uk/15473/> accessed 20 March 2025.
[7]See E M Itumoh, 'In Nigeria, the child marriage problem needs to be cut off at the root' <https://blogs.worldbank.org/en/youth-transforming-africa/nigeria-child-marriage-problem-needs-be-cut-root> accessed 20 March 2025.
[8]ibid.

to high rates of early marriages. This phenomenon not only limits the rights of children, especially girls, but also undermines their access to education, health, and safety.[9]

Internationally, child marriage is regarded as human rights' violation under various conventions and treaties, which include the CRC and the ACRWC. These instruments emphasise the need for States to protect children from forced marriages and ensure their right to education and health care is guaranteed. However, Nigeria's commitment to these international frameworks has been inconsistent due to conflicting domestic laws, cultural practices, and religious beliefs.

3. Nigerian Legislations against Child Marriage

Child marriage remains a significant issue in Nigeria, despite the existence of Nigerian legislations aimed at prohibiting the practice. The CRA of 2003 is the primary legislation that seeks to protect children from early marriage, defining a child as anyone under the age of 18 and explicitly prohibiting child marriage.[10] However, the enforcement of this Act is hindered by various factors, particularly the interplay between federal laws and regional practices influenced by Sharia law and traditional customs. The Constitution also protects the rights of a child in Nigeria.

3.1 The Constitution of the Federal Republic of Nigeria 1999 (As Amended)

The Constitution of the Federal Republic of Nigeria 1999 (CFRN) is the *grundnorm* of the land, it is that fountain from which every other law draws their existence. The CFRN has provisions that forbid cruel treatment and preserve life, which inadvertently touch children's rights.[11] But because it doesn't contain measures specifically designed to meet the needs of children, the CRA is necessary for a more targeted approach.

3.2 The Child's Right Act 2003

The protection of children's rights in Nigeria is governed by a comprehensive legal and institutional framework that integrates both international standards and national legislation. At the core of this framework is the CRA, which serves to domesticate key international agreements, particularly the CRC and the ACRWC.

The CRA outlines various rights for children with all consideration being made to sui the interest of the child at all material time,[12] including the right to survival and development,[13] which emphasises that every child has an inherent right to life and holistic growth. This encompasses physical, emotional, intellectual, and social development. The Act also mandates free, compulsory basic education for all children,[14] ensuring access to opportunities for future advancement. Furthermore, it includes stringent measures against child abuse, trafficking, and labour exploitation,[15] mandating a safe environment free from harm.[16] Children are also entitled to healthcare services necessary for their growth and development and the Act also prohibit child marriage[17] and betrothal.[18] More so, the Act also provides for the application of the provisions of Chapter IV of the CFRN.[19]

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[9]A Adeolu, 'Empowering Futures: The Role of Gender Equality in Ending Child Marriage in Nigeria' <https://www.girlsnotbrides.org/articles/empowering-futures-the-role-of-gender-equality-in-ending-child-marriage-in-nigeria/> accessed 20 March 2025.
[10]The CRA 2003, s 277.
[11]The CFRN 1999, s 33 & 34.
[12]The CRA 2003, s 1.
[13]ibid., s 4.
[14]ibid., s 15(1).
[15]ibid., s 4.
[16]ibid., s 17.
[17]ibid., s 21.
[18]ibid., s 22.
[19]ibid., s 3.

The CRA has also reformed the juvenile justice system by ensuring that children are treated differently from adults in legal proceedings.[20] It prohibits criminal sanctions for those under 18 years, emphasising rehabilitation over punishment.[21] The Act establishes family courts with jurisdiction over child-related matters and mandates specialised police units for handling cases involving children.[22]

The most focal point of the Act as it pertains to this research is the provisions of section 21 of the Act which out rightly prohibit child marriage. The section reads:

> *No person under the age of 18 years is capable of contracting a valid marriage, and accordingly, a marriage so contracted is null and void and of no effect whatsoever.*

Section 22 prohibits child betrothal and reads in section 22(1) and (2) thus:

> *(1) No parent, guardian or any other person shall betroth a child to any person.*
>
> *(2) A betrothal in contravention of subsection (1) of this section is null and void.*

The Act in section 23 clearly spelt out the punishment for a breach of the above section to be either a fine of 500,000Naira or five year imprisonment or both. The betrothal of young females to adult males remains a common practice among the Hausa-Fulani ethnic group in northern region of Nigeria and, to a lesser degree, is also seen in other regions of the country despite the prohibitions against it.[23] In Nigeria, specifically in the northern region, child marriage is a practice recognised by the tradition and cultural belief of the people, significantly inspired by Islam, a religion historically known to be in practice in the region and persists to this day. In Northern Nigeria, societal pressure leads to 48% of Hausa-Fulani girls marrying by age 15, and 78% by age 18.[24] These distressing numbers prompted Elizabeth to express the existence of a female child in Northern Nigeria as 'pathetic'.[25] She supported her claim by arguing that the optimal marriage age for women, though variable, ranges from 20 to 26 years. In the North, however, girls who have begun menstruating are deemed ready for marriage, with instances where a twelve-year-old may be offered for marriage solely on the basis of having started her menstrual cycle.[26] It is however, worthy of note that the CRA has now been domesticated by all the States of the federation, the last to adopt the law being Bauchi State in 2023.

Key institutions play a crucial role in implementing these laws. The National Human Rights Commission (NHRC) promotes human rights education among children and monitors compliance with child rights' laws. Family courts are designated to handle cases involving children, ensuring that legal processes consider their best interests at every stage. Additionally, specialised police units dedicated to child protection have been established as part of the CRA's implementation strategy to enhance law enforcement efficacy in matters concerning children. Also, Non-Governmental Organisations (NGOs), World Health Organisation (WHO) and UNICEF all carry-out campaign on the rights of a child.

[20]ibid.,pt XX.
[21]ibid., s 221.
[22]ibid., s 149 & 207.
[23]T Braimah, 'Child marriage in Northern Nigeria: Section 61 of Part I of the 1999 Constitution and the Protection of Children against Child Marriage' *African Human Rights Law Journal* [2014] 14, 474-488.
[24]ibid.
[25]E Elizabeth, 'Child marriage: An undying culture?' in Tim Braimah, 'Child marriage in Northern Nigeria: Section 61 of Part I of the 1999 Constitution and the Protection of Children against Child Marriage' *African Human Rights Law Journal* (2014) [2014] 14, 474-488 <https://www.saflii.org/za/journals/AHRLJ/2014/24.pdf> accessed 25 March 2025.
[26]ibid.

Despite this robust legal framework, challenges persist in fully realising children's rights in Nigeria. Conflicts between statutory laws and customary practices can undermine legal protections; for instance, child marriage may be permissible under certain customs despite being contrary to international standards. There is an ongoing need for legislative reforms and public education to align traditional practices with legal obligations under international treaties.

3.3 The Nigeria Criminal and Penal Code

In Nigeria, child marriage is addressed through both the CRA and relevant provisions in the Criminal and Penal Codes. The CRA explicitly prohibits child marriage by stipulating that no person under the age of 18 can contract a valid marriage, rendering any marriage involving a child null and void. Furthermore, the Act imposes penalties for those who marry or promote the marriage of a child, including fines or imprisonment.

The Criminal Code and Penal Code also contain provisions that indirectly combat child marriage. For instance, the Criminal Code makes it an offense to abduct a girl under 18 with the intent to marry her or engage in sexual intercourse with her.[27] Similarly, the Penal Code applicable in Northern Nigeria sets the age of consent for sexual offenses at 14 for girls and 18 for boys,[28] which complicates enforcement against child marriage since these ages are lower than the minimum age established by the CRA.

Despite these legal frameworks, challenges remain ineffective in enforcing laws against child marriage, particularly in northern Nigeria where cultural and religious practices often override statutory provisions. Reports indicate that child marriage continues to be prevalent, with significant numbers of girls marrying before reaching adulthood. The legal inconsistencies and cultural resistance contribute to ongoing debates about the effectiveness of existing laws in protecting children from early marriage.

3.4 The Labour Act

The Labour Act of Nigeria plays a crucial role in the protection of children from exploitation and harmful work conditions. It defines a child as any person below the age of 12, while a young person is defined as someone between the ages of 12 and 18.[29] The Act prohibits child labour, particularly in hazardous conditions, but allows for some exceptions.[30] Specifically, it permits the employment of children below the age of 14 on a daily wage basis, provided that such work does not prevent them from returning home[31] at night[32] and does not interfere with their education.

Under the Labour Act, children below 16 years are prohibited from working underground or on public holidays.[33] However, this Act has been criticised for its inconsistencies, particularly when compared to the CRA, which sets a higher standard for child protection. The CRA explicitly prohibits any form of exploitative labour for children under 18 and establishes that no child should be employed in domestic service or any work that could impede their development.

The conflicting provisions between the Labour Act and the Child Rights Act create challenges for enforcement and interpretation. For instance, while the Labour Act allows children under 14 to work under specific conditions, the CRA outright bans exploitative labour for children under 18. This discrepancy can lead to confusion regarding what constitutes acceptable work for children and complicates efforts to protect their rights effectively.

[27]The Criminal Code Act, Cap. C.38, Laws of the Federation of Nigeria, 2004, s 225.
[28]Penal Code (Northern States) Federal Provisions Act, No. 25 of 1960, s 283.
[29]The Labour Act, s 91.
[30]ibid., s 59.
[31]ibid.
[32]ibid., s 60.
[33]ibid., s 59(c).

Moreover, Nigeria is a signatory to various international laws that seek to protect children from exploitation and harmful work, including the International Labour Organisation (ILO) Minimum Age Convention No. 138 and the CRC. These international instruments emphasise the need for domestic laws to align with global standards on child protection.

Despite these legal protections, child labour remains a significant issue in Nigeria, particularly in informal sectors where enforcement of existing laws is weak. The ongoing challenge lies in harmonising these laws and ensuring effective implementation to safeguard children's rights against exploitation and harmful working conditions.

From the foregoing, it is clear that permitting child marriage amounts permitting child labour which the the Labour Act seeks to eliminate. This is more so as every married person is expected to partake in certain degree of labour in other to sustain his/her home.

3.5 The Violence Against Persons Prohibition Act 2015

The Violence Against Persons Prohibition (VAPP) Act 2015 is a significant legislation in Nigeria aimed at eliminating violence in both private and public life, with specific provisions for the protection of children. The Act was enacted to address various forms of violence, including domestic abuse, sexual violence, and harmful traditional practices, thereby providing maximum protection and effective remedies for victims.

One of the key aspects of the VAPP Act is its broad definition of violence, which encompasses physical, psychological, and emotional harm.[34] It explicitly prohibits acts such as rape,[35] female genital mutilation,[36] forced isolation,[37] and abandonment of dependents, including children.[38] The Act recognises that children are particularly vulnerable to various forms of violence and abuse, making their protection a priority. The VAPP Act also includes provisions that allow for the application of protection orders to safeguard victims from further harm.[39] This is particularly relevant for children who may be at risk from abusive family members or guardians. The Act empowers courts to issue these orders and provides mechanisms for enforcement, ensuring that children can receive immediate protection from violence.

Furthermore, the VAPP Act mandates that victims, including children, have access to necessary support services such as medical care, psychological counseling, and legal assistance.[40] This holistic approach aims to rehabilitate victims and facilitate their recovery from the trauma associated with violence. Despite its progressive nature, the VAPP Act applies only to the Federal Capital Territory unless adopted by individual States. This limitation has led to disparities in protection across Nigeria, as not all States have enacted the Act. Advocacy efforts continue to push for the domestication of the VAPP Act in all States to ensure comprehensive protection for children against violence. These advocacy efforts have yielded the desired results as 35 of out the 36 States in Nigeria have domesticated the VAPP Act as at March 2025.[41]

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[34]The VAPP Act 2015, s 14.
[35]ibid,.s 1.
[36]ibid,.s6.
[37]ibid,.s 13.
[38]ibid,.s16.
[39]ibid,.s 28.
[40]ibid,.s 38(1).
[41]O Adelagun, 'IWD 2025: Minister highlights four key Challenges Facing Nigerian Women' *Premiumtimes Nigeria* (Lagos, 28 March 2025) <https://www.premiumtimesng.com/news/top-news/779188-iwd-2025-minister-highlights-four-key-challenges-facing-nigerian women.html?fbclid=IwY2xjawMiKXpleHRuA2FlbQIxMQBicmlkETF0Ynp0VjltOXIwUmxCcnFBAR6fJbhUBECRrM6ErSGwkM8qkkl65FsbHwvH3rOzkGRxZR1ne-6-UAbUHCjj9Q_aem_c3QAHG0tn1dZaMMPdR1Mmg> accessed 30 August 2025.

4. Cultural and Religious Factors Influencing Child Marriage in Nigeria

Child marriage remains a pressing global issue, particularly in regions where cultural and religious practices strongly influence societal norms. This phenomenon is often deeply rooted in traditions and beliefs that perpetuate early unions, with profound implications for the rights and well-being of children, especially girls. The following explores the cultural and religious factors that contribute to child marriage, highlighting their inter-sectionality and providing references to support the analysis.

4.1 Cultural Factors

Under this sub-heading, the cultural factors influencing child marriage in Nigeria would be discussed.

4.1.1 Traditional Practices and Gender Norms

Many cultures uphold traditional practices that prioritise early marriage as a way to preserve family honour or secure social status. For instance, in some communities, a girl's value is tied to her chastity, and marriage at a young age is perceived as a means to ensure this. Such gender norms reinforce the belief that girls' primary roles are as wives and mothers, limiting their access to education and personal development.[42]

4.1.2 Poverty and Economic Incentives

Economic hardship is a significant driver of child marriage in culturally conservative societies. Families in poverty-stricken regions may view marriage as a way to alleviate financial burdens by passing the financial responsibility of a girl child to her husband. Dowries, bride prices, or other financial exchanges often associated with marriage reinforce the practice, making early unions economically attractive.[43]

4.1.3 Community Expectations and Peer Pressure

In tightly knit communities, societal pressure to conform to traditional norms can lead to child marriage. Families may fear ostracism or stigmatisation if they deviate from customary practices. This collective mindset ensures the perpetuation of child marriage across generations.[44]

4.2 Religious Factors

Under this sub-heading, the religious factors influencing child marriage in Nigeria would be discussed.

4.2.1 Interpretation of Religious Texts

Religious doctrines, or their interpretations, are often cited to justify child marriage. In some instances, the people see early marriage as fulfilling religious obligations or aligning with the practices of revered figures. For example, certain interpretations of Islamic law have been used to endorse early unions, although other interpretations advocate for age-appropriate marriages that respect children's rights.[45]

4.2.2 Religious Leaders' Influence

Religious leaders play a pivotal role in influencing the behavior of members of the community toward child marriage. In contexts where leaders endorse or remain silent about the practice, communities may view it as religiously sanctioned. Conversely, when leaders advocate for change, they can significantly reduce the prevalence of child marriage by aligning religious teachings with human rights principles.

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[42]UNICEF, 'Child Marriage: Latest trends and future prospects' <https://data.unicef.org/resources/child-marriage-latest-trends-and-future-prospects/> accessed 26 March 2025.

[43]Plan International, 'Child marriage' <https://plan-international.org/srhr/child-marriage-early-forced/> accessed 26 March 2025.

[44]GNB, 'About child marriage' <https://www.girlsnotbrides.org/about-child-marriage/> accessed 26 March 2025.

[45]Bunting Annie,*Particularity of Rights, Diversity of Contexts: Women, International Human Rights and the Case of Early Marriage* (University of Toronto, 1999) 1.

4.2.3 Role of Religion in Identity and Tradition

In many societies, religion is intertwined with cultural identity, making it challenging to disentangle religious beliefs from cultural practices. For instance, ceremonies and rituals marking early marriage are often framed as religiously mandated, even when they are more cultural than theological.[46]

Tackling child marriage requires a multi-faceted approach that respects cultural and religious sensitivities while promoting children's rights. Educational initiatives aimed at empowering girls, engaging religious and community leaders, and implementing laws that set a minimum marriage age are critical. Collaboration between governments, non-governmental organisations, and local communities is essential to challenge harmful norms and create sustainable change.

In concluding this heading, it should be stated that the influence of cultural and religious factors in child marriage underscores the complexity of addressing this issue. While these practices are deeply ingrained in many societies, they must be critically examined and reformed to prioritise the rights and well-being of children. Efforts to combat child marriage should balance respect for cultural and religious diversity with the imperative to uphold universal human rights.

5. Conclusion

Child marriage remains a critical issue in Nigeria, despite the existence of Nigerian legislations aimed at safeguarding children's rights. It is a practice deeply rooted in cultural norms, economic pressures, and gender inequalities, posing significant challenges to the realisation of children's rights. These challenges are compounded by gaps in legal frameworks, weak enforcement mechanisms, and societal attitudes that perpetuate the practice. This article undertook an examination of Nigerian legislations protecting against child marriage with a focus on the cultural and religious influences on child marriage in Nigeria. It discussed the consequences of child marriage. The article concludes with recommendations that would aid in eliminating child marriage in Nigeria.

6. Recommendations

In order to effectively address the challenges of protecting children's rights in the context of marriage in Nigeria, a multi-faceted approach is essential. Below are recommendations aimed at legal reform, institutional strengthening, community engagement, and international collaboration.

First, Nigeria must harmonise its legal framework to align with international standards on child rights protection. A critical step involves addressing the dual legal system that allows customary and Sharia laws to override national legislation in some regions. Clear policies should be established to resolve conflicts between these systems, ensuring that children are protected under a unified framework that sets the minimum marriage age at 18. Legislative amendments must also define stricter penalties for individuals or groups who facilitate child marriage, providing deterrence and accountability.

Secondly, public awareness campaigns are crucial in changing societal attitudes. National and regional media campaigns, using radio, television, and social media, can disseminate information on the negative effects of child marriage and the legal protections available for children. Creative storytelling and testimonials from child marriage survivors can also inspire change, making the issue more relatable to diverse audiences.

Finally, addressing the fundamental causes of child marriage, such as gender inequality and poverty, requires broader socioeconomic reforms. Policies aimed at reducing poverty, improving healthcare access, and promoting gender equality are essential for creating an environment where children's rights are respected and upheld. For instance, targeted economic empowerment programs for families in high-risk areas can reduce the financial pressures that drive child marriage. With the implementation of these recommendations, Nigeria can make significant progress toward eliminating child marriage and protecting children's rights in Nigeria.

[46]S Mahmud and S. Amin, 'Cultural Practices and Child Marriage in South Asia' *Journal of Development Studies* [2020] 56(5), 765-780.