

Online Dispute Resolution as an Impetus for Addressing Early and Forced Marriages in Nigeria

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Abstract

Children's rights are a global phenomenon that consistently involves gendered discourses focused on education, equality, and health rights. However, there is a preference for attention to be given to the rights of the girl child. This preference stems from clear cultural, religious, and social factors that naturally place the girl child in a vulnerable position that a boy child is not typically exposed to. While there are international, regional, and national laws in place to protect the rights of the girl child, the harmful practice of child, early, and forced marriage (CEFM) still persists in certain regions of Nigerian society. This practice subjects the girl child to mental and emotional anguish, ultimately depriving her of opportunities such as education, career advancement, and political aspirations. The purpose of this paper is to propose a method by which issues related to CEFM can be promptly reported and effectively addressed through an online dispute resolution mechanism (ODR). To achieve this goal, there is an urgent need for a legislative review of current laws on alternative dispute resolution and the establishment of a digital platform where each CEFM issues can be reported, addressed and resolved.

Keywords: Digital Mediation, Girl Child, Child's Rights, Forced Marriage, Human Rights.

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INTRODUCTION

Alternative Dispute Resolution (ADR) has undergone significant transformations in recent years. For example, in Nigeria, Arbitration was previously governed by the Arbitration and Conciliation Act 1988, which has now been replaced by the Arbitration and Mediation Act 2023. Nigeria operated under the old law for 35 years before the enactment of the new law, which has since incorporated new developments in the practice of alternative dispute resolution. One notable addition is the use of digital platforms in the resolution of commercial disputes (Section 18(3), Arbitration and Mediation Act 2023).

Arbitration and Mediation are the primary mechanisms of ADR under the Nigerian legal system. Arbitration involves parties to a dispute submitting to appointed arbitrators whose decisions are binding (Section 91 Arbitration and Mediation Act 2023 Cap A18 Laws of the Federation of Nigeria 2004). According to the Act, commercial arbitration, whether or not administered by a permanent arbitral institution, qualifies as arbitration. This means that arbitration can be conducted by individuals chosen by the parties, not necessarily through established institutions like Multi-Door Courthouses.

On the other hand, Mediation is a process where parties seek the assistance of a third party to reach a mutually agreeable resolution. The term mediation is often used interchangeably with conciliation or other similar methods of alternative dispute resolution. Arbitration is widely preferred in the contemporary commercial world for various reasons, including the ability of parties to appoint arbitrators with relevant expertise, choose procedures, select the venue, and appoint representatives with specialized knowledge. Additionally, arbitration awards can only be appealed or set aside on limited grounds (Onyema, 2008).

Despite the flexibility parties have in choosing ADR methods, it is important to note that ADR, especially arbitration and mediation, are regulated. In Nigeria, the Arbitration and Conciliation Act Chapter A18, Laws of the Federation of Nigeria 2004 (ACA) has been replaced by the Arbitration and Mediation Act 2023. Additionally, there are international laws and conventions operational in Nigeria by adoption, such as the UNCITRAL Model Law on International Commercial Arbitration 1985, the New York Convention, and UNCITRAL arbitration rules revised in 2010.

It is crucial to understand that the Arbitration and Mediation Act 2023 (AMA, 2023) have limitations on the types of disputes that can be resolved through arbitration. The Act applies to international commercial arbitration, inter-state commercial arbitration, and commercial arbitration within Nigeria. Matters outside of commercial disputes may not be resolved through arbitration. The Act also specifies legal matters to which it applies, including international commercial mediation, domestic commercial mediation, domestic civil mediation, and settlement agreements resulting from mediation.

Notably, the Act includes 'domestic civil mediation,' which implies that non-commercial matters may be classified as civil. This paper explores the possibility of addressing child, early, and forced marriages in Nigeria through mediation, as these issues fall under the purview of civil matters. By utilizing online dispute resolution mechanisms, this paper aims to shed light on the potential solutions to the complex issue of child, early, and forced marriages in Nigeria.

LITERATURE REVIEW

Scholars have expressed their respective views on the subject of child, early, and forced marriage, and how despite being entrenched within the legal framework of many nations, such practices are still predominantly observed in Africa and other nations, to which further reference will be made.

Olatunbosun (2015) shared his opinion when he stated that early marriage forces girls into adulthood before they are emotionally and physically mature, leading to a range of harmful effects on their health, education, economic, and social development (Olatunbosun, 2015). Child marriage is seen as a fundamental violation of human rights. Several surveys show that many young girls are married without their free and full consent (UNICEF Report). In the global struggle that has highlighted the plight of uneducated girls in poor countries as the most vulnerable, Nigeria holds the world record with the most children out of school. The staggering number is above ten million (Oduah, 2015). In order to highlight the mental health hazards and risks that early and forced marriages pose to a girl child, the case of Wasila (Tasi'u) Umar, the 14-year-old Nigerian child bride standing trial for killing her husband, again raises the issue of the legality of child marriage in Nigeria.

Wasila, 14, was given in marriage to Umar Sani, 35, in Gezawa, outside the northern city of Kano in April 2014. Seventeen days into the marriage, Wasila was accused of murdering Umar and three of his friends by food poisoning at her own wedding party. She alleged it was a forced marriage to a man she did not love and did not want to have a relationship with. Soon after she was arrested, Wasila told her lawyer, Hussaina Ibrahim, that she had been tied to the bed and raped by Sani on their

wedding night. The Gewaza High Court rejected a motion to have murder charges against her quashed, ruling that the trial should proceed. She stands the risk of conviction and the death penalty. Child marriage is a complex and controversial issue in Nigeria and may be viewed differently depending on the context. There are wide disparaging views on the subject based on cultural and religious differences, regional and ethnic disparities, as well as dichotomy of conflict of law issues.

Olatunbosun (2015), while suggesting solutions, mentioned that there is a need to create more opportunities for girl child education in Nigeria. This is perhaps the social approach required for future mitigation. However, it is a valid question to ask if children who are already victims of early and forced marriages should be allowed to wallow in misfortune forever. Should the law step in to salvage them from marriages that have affected their mental health and success goals in life? Can the law act retrospectively in the circumstance to save girls who are already forced into marriages early? These are some of the pertinent inquiries that need to be made for which this current research seeks to provide insights.

Romola (2015) in her research, shared a prediction from empirical research confirming that Africa has the highest prevalence of CEFM following South Asia. She reported that fourteen out of twenty countries with the highest prevalence of CEFM in the world are in sub-Saharan Africa. Recent projections show that if current trends are not reversed, Africa will surpass Southeast Asia in CEFM by 2050 (Romola, 2015). This calls for concern, which the Heads of States in Africa gathered to deliberate upon in June 2015 when they adopted a Common Position in which they emphasized that this practice not only prevents girls from enjoying their childhood but also leaves long-lasting negative effects on their mental and physical health (Common Position, 2015). The Heads of States further stressed the need for a human rights-based solution to the problem, taking into account international and regional norms on the rights of women and children.

Romola (2015) discusses extensively how the rights-based approach works by explaining that human rights must be at the center of all actions, programs, interventions, policies, and plans on issues touching on human welfare. The rights-based approach resonates from normative frameworks, which, in the context of the African human rights regional system, include treaties such as the African Charter on Human and Peoples' Rights and theme-specific instruments on women, children, refugees, and internally displaced persons. Her suggestion ultimately impacts this current paper because she emphasized that the ultimate test of human rights is at the national level, states have the ultimate duty in ending CEFM. It is important for states to develop and implement laws and policies that adequately respond to the issue. In the formulation and implementation process,

states must ensure that human rights are central not only in view of their obligations but also to ensure durable solutions. In the formulation process, it is important that human rights obligations are emphasized. In the implementation, the principle of participation, accountability, non-discrimination, and empowerment must be ensured. In essence, the inclusion of child marriages and human rights of a girl child specifically within the purview of the Arbitration and Mediation Act 2023 in Nigeria is a significant shift in ideology that helps drive the protection of the girl child from CEFM.

Walker (2020) engaged in research and implementation research on how a girl child can build resilience and resistance to early and forced marriage in Nigeria. The research was assisted by indigenous researchers who provided support. Fifty girls participated in the vocational skills acquisition training in a government secondary school in the Northwest State of Kano. Another fifty girls, displaced by the insurgency in the Northeast, participated in training and counseling provided by a nonprofit organization, Science Village Gombe, in Gombe State (Walker, 2020). Her research approach took cognizance of the mental health of the girl child as a driving force campaign against early and forced marriages. Citing the unfortunate incidence of the abduction of the Chibok girls, she discovered that insecurity is one of the major factors contributing to early and forced marriages in Nigeria (Walker, 2020).

Furthermore, while stating the importance of the mental health of the girl child, she observed that the media, civil groups, and most people in Nigerian society were preoccupied with the rescue of the Chibok girls. Pressure is placed on politicians to secure the return of the girls at any cost, including paying ransom. Against this background, a girl's mental health is placed second to her recovery, with little or no allusion to this mental health aspect. Moreover, there is no attempt to understand how girls who have witnessed abduction, rape, and forced marriage process their experiences, how their perceptions of men, masculinity, and marriage are affected, and how they build resilience in the aftermath of their trauma (Walker, 2020). The effect of this is that girls who are forced into early marriage should be rescued based on how rescuable their circumstances are, as their exposure to pain and trauma in the situation is continuous. This current research proposes that any policy implementation or legislative review towards saving victims of early and forced marriages would be retroactive in effect.

Furthermore, The United Nations Population Fund, which approaches the issue of child marriage from a concern about motherhood in childhood, identifies creative solutions to build resistance in broader terms. These solutions include the protective effect of education, enhancing knowledge, building skills, age-appropriate sexuality education, investing in services for adolescents and young people, ending sexual coercion,

investing in girls who are pregnant or have children, reaching girls aged 10 to 14, and engaging boys and men (UNFPA 2013, Section 5). The striking idea here is that victims are being helped through various mechanisms and policy goals. Online Dispute Resolution (ODR) in the view of this current research presents a potent mechanism that provides aid in mitigating the challenge of forced and early marriages.

An Overview of Child Early and Forced Marriage (CEFM) in Nigeria

In 2017, a study conducted by the National Bureau of Statistics and the United Nations Children's Emergency Fund showed the percentage of Nigerian women who have experienced early and forced marriages.

Table 1: Nigerian Women Aged 20-49 Married before 18 (%percent)

Zones	2017
North Central	39.0
North-East	56.6
North-West	67.6
South-East	13.9
South-South	21.5
South-West	14.6
National Average	44.1

Sources: National Bureau of Statistics and United Nations Children's Fund (UNICEF). 2017 *Multiple Indicator Cluster Survey 2016-17, Survey Findings Report*. Abuja, Nigeria: National Bureau of Statistics and United Nations Children's Fund.

The above result shows that 44.1% of the female populations in Nigeria are victims of early and forced marriages, a significantly high percentage despite awareness campaigns against this issue in recent decades. It is interesting to note that a similar study conducted by researchers in 2019 revealed a child marriage prevalence of 64%, estimating twenty-two million child marriages resulting in a significant increase in maternal and child morbidity and mortality (Ujam 2019; Yaya, Odusina, & Bishwajit 2019).

Another study observed that women above 20 years old, girls aged 10-14 are five to seven times more likely to die from childbirth, while girls aged 15-19 are twice as likely to die from childbirth (Nour, 2006). When they survive childbirth, 70% of child brides aged 10-19 suffer from complications such as obstructed labor, postpartum hemorrhage, and obstetric fistula (Adedokun, Adeyemi, and Dauda 2016).

The prevalence of child marriage in Northern Nigeria and the widespread socio-cultural acceptance of the practice create situations where individuals who condemn or resist child marriage can face social backlash or worse (Mark, 2013). Due to social sanctioning, young girls often suffer in silence, compounding their sense of alienation and distress. The historical practice of

abducting adolescent girls in Northern Nigeria for marriage exacerbates this issue, prompting an examination of factors in Nigeria that foster an environment for early and forced marriages to persist.

Firstly, the lack or low level of education for girls in Nigeria is a significant factor. Studies show that the level of education a girl receives is directly linked to the likelihood of her marrying before the age of 18. Girls with no education are three times more likely to marry as children compared to those with at least a secondary education. Additionally, poverty plays a crucial role, with over 50% of girls in the poorest households marrying as children, compared to 16% in the wealthiest households.

These factors are considered remote causes of early and forced marriages in Nigeria, with religious and socio-cultural factors being the most challenging to address. Marriage in Nigeria operates under three legal systems: Islamic, civil, and customary law. Senator Yerima's controversial marriage to a 13-year-old girl from Egypt highlighted the cultural divide on early marriages, directly contravening Nigerian and Egyptian laws. Customary law in Nigeria has perpetuated cultural attitudes towards child marriages, with reasons given to support this practice including the reduction of promiscuity, societal integration, and religious blessings. In most customary law systems, there is no minimum age for marriage, contributing to the estimated 37% of girls aged 15 to 19 forced into marriage in Nigeria (BBC 7 Sept. 2002).

The English court in the case of *Alhaji Mohammed v Knott (1966)*, where a Nigerian Moslem man, aged 26 entered into a polygamous marriage in Nigeria with a girl of 13 years and took her to England, when subsequently a complaint was made before the juvenile court that the girl was in need of care, protection, control and was exposed to moral danger, the justices decided that it was immaterial that the marriage was recognized as valid by a court, since the girl was exposed to moral danger, allowing a continuance of the marriage would be repugnant to any decent minded man or woman, accordingly the girl was ordered to be committed to a local authority. This court exemplifies what a radical legal approach is, between the rights of a girl child and inordinate respect for mundane religious practice, the government of the day must make a choice.

This approach is what this current research seeks to provide further clarifications upon through focus on an alternative dispute resolution mechanism that best suits the victims of early and forced marriages victims in Nigeria.

Analyzing the Current Legal Regime for Alternative Dispute Resolution in Nigeria

Also, since the breach of fundamental and human rights of the girl child is integral to this cause, it

also qualifies as a civil matter which may be classified under Section 67(1)(c), AMA 2023. Therefore, this research shall focus on the online mediation technique as a potential ADR mechanism that may be duly employed in addressing matters arising from early and forced marriages in Nigeria.

The Mediation Process under AMA, 2023.

The Mediation Process under the Arbitration and Mediation Act 2023 introduces detailed provisions on Mediation in replacement of Conciliation as was in the Arbitration and Conciliation Act 1988. The provision of the Act adapts the 2018 UNCITRAL Model Law on International Commercial Mediation. The Act highlights the mediation procedure whereby, at either party's request, a jointly appointed mediator may review the conflict, hear from the parties, and then submit settlement ideas. A legally binding settlement agreement is then drawn up if both parties agree (Section 82, AMA 2023). The parties are still free to decide on a different process. Section 87 of the Act establishes the scope of application of the Singapore Convention on Mediation to international settlement agreements made in States other than Nigeria with the conditions that the State is a party to the Singapore Convention.

On the appointment of a Mediator, the parties shall endeavor to reach an agreement on a mediator or mediators unless a different procedure for their appointment has been agreed upon (Section 72(2), AMA 2023). A party may seek the assistance of a mediation provider that keeps a list of qualified mediators in connection with the appointment of mediators, and in particular, a party may request (a) the mediation provider to recommend suitable persons to act as a mediator; or (b) that the appointment of one or more mediators be made directly by the mediation provider, and the appointment made by the institution that is approached is final and binding on the parties (Section 72(3)(a) & (b) AMA 2023). In recommending or appointing individuals to act as a mediator, the mediation provider shall have regard to the considerations that are likely to secure the appointment of an independent and impartial mediator and, where appropriate, shall take into account the advisability of appointing a mediator of a nationality other than the nationalities of the parties (Section 72(4) AMA 2023). When a person is approached in connection with a possible appointment as a mediator, the person shall disclose the circumstances likely to give rise to justifiable doubts as to impartiality or independence (Section 72(5), AMA 2023).

Interrogating the Relevance and Implementation of Online Dispute Resolution (ODR) in Matters of Child Early and Forced Marriages in Nigeria

At first encounter, it appears vague and obscured how any form of dispute resolution is relevant to addressing child early and forced marriage. This is what this section seeks to demystify. It has been earlier shown that the current legal regime on alternative dispute

resolution in Nigeria recognizes virtual dispute resolution meetings. Hence, it is only necessary to proceed to elucidate on the concept of 'Online Dispute Resolution' in relevance to the objectives of this research. Online Dispute Resolution (ODR) refers to a wide class of alternate dispute resolution processes that take advantage of the availability and increasing development of internet technology. It is a set of DR processes that allow for the resolution of disputes via online mechanisms such as the Internet or some form of technology that allows for virtual communication without requiring the parties to be in a room together (Feliksas, 2017).

Furthermore, Online Dispute Resolution (ODR) uses alternative resolution processes to resolve a claim or dispute. ODR can be used for disputes arising from an online, e-commerce transaction, or disputes arising from an issue not involving the internet, called an "offline" dispute. Online dispute resolution can involve the parties in mediation, arbitration, and negotiation. The parties may use the internet and web-based technology in a variety of ways. Online dispute resolution can be done entirely on the internet, or "online," through email, video conferencing, or both. The parties can also meet in person, or "offline." Sometimes, a combination of online and offline methods is used in ODR. Online Dispute Resolution is a branch of dispute resolution that uses technology to facilitate the resolution of disputes between parties (American Bar Association, 2002).

In furtherance of this interrogation, there are questions, limitations, and inquiries that must be necessarily made, they are highlighted as follows:

1. If child early and forced marriage is prevalent among religiously and culturally uneducated folks, how can online dispute resolution be a reasonable model for addressing such issues?
2. Following the above question, is there a need to grant *locus standi* to an enlightened and technologically savvy third party who complains or makes a report on behalf of a victim of early and forced marriage?
3. Considering the nature of a report being a subject of marriage and human rights, is this a call for a special review of existing law on the current scope of issues that may be resolved by alternative dispute resolution?
4. Can child early and forced marriage qualify as a dispute, especially if a concerned child desires it, or is it in all circumstances that the consent or intention of the concerned girl child does not matter as long as she is a minor under the law?
5. Are there established online mediation portals in Nigeria effective in order to facilitate suggestions and recommendations regarding the use of ODR in addressing CEFM matters?
6. Since mediation is the only form of ADR deductively captured under AMA 2023 by which CEFM matters may be resolved, should

the decision of a Mediator be only suggestive to and not binding on parties according to the legal nature of mediation process?

7. Following (6) above, should there be different established standards of dispute resolution i.e., mediation whether online or offline in matters relating to the early and forced marriage of a girl child?
8. Since it is inadvisable to subject a girl child to litigation to prove a case of early or forced marriage, as this will jeopardize the entire philosophy of the campaign against it and since the focus is on a radical legal approach, Alternative Dispute Resolution (ADR) or Online Dispute Resolution (ODR) offers possible alternatives. How can this be practically implemented and achieved?
9. During the mediation process, is it compulsory for the mediator to respect the religious beliefs of the other party, i.e., the groom? This is important if the process is to represent a typical alternative dispute resolution or perhaps a win-win situation.

ODR generally involves the use of technology. However, a step-by-step insight into the questions highlighted above reveals that it is hardly practicable to adopt ODR to resolve early and forced marriage issues, considering that the population of concerned victims is not exposed to, nor accustomed to, technological advancements. In Nigeria, the practice is most prevalent in the North Central, Northwest, and North-East (Fayoum, 2015). This is one of the greatest limitations to the suggestion proposed by this current research. However, this limitation may be addressed by empowering a third party who is enlightened and aware of the campaign against, and the illegality of, early and forced marriages to make a report via an established online channel or a dispute resolution authority within the State or jurisdiction.

Furthermore, in order to facilitate the easy adoption of online dispute resolution in early and forced marriages, there is a need to move beyond legal deduction to legal facts conclusive upon the clear provision of child early and forced marriages as one of the matters that may be brought under the jurisdiction of the Arbitration and Mediation Act 2023 in Nigeria. In the United States, ODR provides both fully automated and assisted forms of negotiation, which are very well advanced in the US. Automated negotiation covers many areas of disputes, including personal injury, divorce, uncollected judgments, and real estate, with the most frequent use being in the area of insurance (Schultz et al, 2001). It is clear from the list that even divorce matters are brought under online negotiation as a form of alternative dispute resolution.

To interrogate the fourth question, it is important to examine who a child is under the law and

the capability of a child. International legal norms prescribe age descriptions of children. Childhood ends at age eighteen. The consistent position in several international legal instruments, including the Universal Declaration of Human Rights (UDHR) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), is that girls of relatively tender age are the most vulnerable persons in need of added legal protection. There have been several international initiatives to prevent child marriage in this decade alone. In December 2011, a resolution was adopted by the United Nations General Assembly (A/RES/66/170) designating October 11 as the International Day of the Girl Child. On October 11, 2012, the first International Day of the Girl Child was held, the theme of which was ending child marriage.

In 2013, the first United Nations Human Rights Council resolution against child, early, and forced marriages was adopted. The resolution recognizes child marriage as a human rights violation and pledges to eliminate the practice as part of the UN's post-2015 global development agenda. In 2014, the UN's Commission on the Status of Women issued a document in which they agreed, among other things, to eliminate child marriage. The Convention on the Rights of the Child (CRC) was adopted by the United Nations in November 1989. Nigeria ratified the CRC in March 1991. It is the most widely accepted instrument of the UN so far. Its provisions are not only binding on Nigeria but have also attained the status of international customary law. Article 1 defines a child. For the purposes of the present convention, a child means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier.

The African Union Charter on the Rights and Welfare of the Child, of which Nigeria is a signatory, contains more explicit provisions. Article 2 states categorically that: "For the purposes of this Charter, a child means every human being below the age of 18 years". Article 21 goes on to say: Child marriage and the betrothal of girls and boys shall be prohibited, and effective action, including legislation, shall be taken to specify the minimum age of marriage to be eighteen years and make registration of all marriages in an official registry compulsory.

After many years of lobbying and debate, the CRC and African Children Charter were finally domesticated in Nigeria by the promulgation of the Child Rights Act (2003). Section 21 of the CRA prohibits child marriage. 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 of no effect whatsoever. For the avoidance of doubt, section 22 states that:

- (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.

Moreover, section 23 criminalizes the practice of child marriage. A person—

- (a) who marries a child; or
- (b) to whom a child is betrothed; or
- (c) who promotes the marriage of a child; or
- (d) who betroths a child.

Commits an offense and is liable on conviction to a fine of 500,000 naira or imprisonment for a term of five years or both such fine and imprisonment.

From the foregoing, it is deducible that if the marriage of a girl child is conducted while she is below the age of 18 or any other age limit permitted by law, such marriage is *ab initio* void and consequently makes accomplices to such an illegal union criminal. Based on the aforementioned points, it can be affirmed that the consent or lack thereof of a child will not negate the necessity to uphold the rights of a girl child.

Questions 5, 6, and 7 will be addressed collectively. It is crucial to recognize that the legal landscape in Nigeria has increasingly integrated advanced technologies into its operations. Federal government agencies handling consumer complaints and dispute resolutions have established online platforms for lodging complaints. In Lagos, the High Court has implemented trials via video conferencing, which commenced during the Covid-19 pandemic. However, it remains uncertain to what extent centers for alternative dispute resolution and multi-door courts have provided online portals for conducting settlement meetings in disputes.

Identifying mediation as a potential mode of alternative dispute resolution (ADR) suitable for addressing the issue of early and forced marriage in Nigeria, it is important to note that one of the key features of mediation is that the mediator's decision is not binding. In cases where a child is coerced into early marriage, the purpose of a mediation session may not necessarily be to find a compromise between the victim and her husband or other involved parties. This paper argues that the mediator's decision in a mediation process involving early and forced marriage should be enforceable, rather than merely a suggestion. To ensure the rights of the girl child to health, education, and a good life are upheld, the husband or relevant parties must consent in writing to the mediator's decision and be actively involved in enforcing these rights, while also respecting the religious beliefs of the husband. This relates to questions 8 and 9 above. Each case should be evaluated based on its unique circumstances, leading to different standards being applicable in cases of early and forced marriage.

Exploring the significance of online dispute resolution in cases of child early and forced marriage may initially seem impractical, but with aligned perspectives, it can offer a timely, accessible, and cost-effective means of delivering justice. By addressing potential limitations and issues, a progressive legal approach to enforcing the Child's Right Act of 2003 through online dispute resolution becomes feasible. If voluntary compliance is not achieved through online dispute resolution, sanctions provided by the law can be enforced to compel compliance.

RECOMMENDATIONS AND CONCLUSION

This research highlights a consensus on the illegality and impropriety of child early and forced marriage in Nigeria. Despite numerous studies and recommendations emphasizing the importance of social awareness about the rights of girl children to education and health, there has been limited reduction in the practice. Therefore, a new approach is necessary.

One key recommendation is to utilize an appropriate model of online dispute resolution mediation to address the prevalence of child early and forced marriages in Nigeria. Given the intersection of human rights and marriage in cases of child early and forced marriages, urgent legislative amendments are needed to address these issues comprehensively.

A distinct mediation approach must be developed to address the specific nature of child early and forced marriages. While mediation typically aims for a win-win outcome, in cases of enforcing the rights of a girl forced into early marriage, a binding decision is essential. Despite the criminalization of early and forced marriages, prosecutions are rare in Nigeria. Involving the husband in a mediation process should not shield them from criminal prosecution but rather impose legal obligations to ensure the child's education and health. Post-mediation procedures should be implemented to monitor compliance.

Lastly, the paper explores the global trend of online dispute resolution, commonly used in commercial disputes, and suggests its application to address long-standing socio-cultural issues like early and forced marriages. Legislative reviews and thoughtful considerations are essential for implementing online dispute resolution effectively.

The paper also delves into the prevalence and drivers of child marriage in Nigeria, including poverty, weak legal frameworks, harmful traditional practices, gender discrimination, and limited educational opportunities for girls. It emphasizes the need for a settlement approach, whether online, offline, or a combination of both, to address these issues effectively. Online dispute resolution offers a swift, accessible avenue to report incidents.

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