

# EARLY MARRIAGE: WHOSE RIGHT TO CHOOSE?

## Mission Statement of the Forum on Marriage and the Rights of Women and Girls

The Forum is a network of UK-based NGOs with international affiliates, sharing a vision of marriage as a sphere in which women and girls have inalienable rights. Our shared commitment to social justice places central importance on the need to bring principles and rights which are accepted in the public sphere into effective operation in the private sphere, particularly in marriage.

As a Forum we are committed to the inalienability of the human rights of women throughout their lives, which cannot be reduced or violated by marriage and to the breaking down of barriers (including legal, social and cultural) that impact adversely on women's and girl's rights within marriage.

Two areas of principle concern to the Forum are:

- **Early Marriage:** the Forum supports absolutely the need to eliminate the forced marriage of girls. We draw on the CRC age threshold to argue that marriages involving those aged 18 years or under constitute early marriage and promote the prevention of the marriage of minors.
- **Violence against women and girls:** including forced, coerced and non-consensual activities in all forms are intolerable. Our focus is on violence against women and girls in and related to marriage.

The Forum defines marriage existing in all societies as a formalised relationship with legal and/or social standing between individual men and women, in which sexual relations are legitimised and as an arena for reproduction and child rearing which has state recognition.

We promote the rights of women and girls to all recognised human rights including social rights, reproductive and political rights and the rights to full inheritance and to marry or not. Forum members work together and individually, sharing information on models of good practice, and carrying out joint advocacy activities for the greater realisation of these rights.

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Front Cover

Photo of Beauty, aged 11 and her mother. Beauty has been married for two months and lives with her 24 year old husband. She wants to continue her studies.

Photo credit: Mahmud/MAP/UNICEF.

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## Executive Summary

Early marriage affects millions of children throughout the world, the majority of whom are girls. They are forced to marry men they have never met before, and who are many years older than they are. Once married, they are responsible for looking after their husbands, the house, and the children they give birth to while still children themselves. They often have little knowledge about the responsibilities of being a wife and no information about sex and childbirth.

These girls are forced to marry early for a number of reasons, including tradition, religion, economics and on sexual and reproductive health grounds. The results of early marriage upon the girls can be severe. They are forced out of school without an education, their health is affected because their bodies are too immature to give birth, they may become widows at a young age and they often must put up with domestic violence and sexual abuse. Throughout their lives they are discriminated against because they are girls, and early marriage is another act of discrimination and gender-related violence.

According to international conventions and declarations these girls are adequately protected against the abuse of early marriage, yet it is still taking place. The United Nations Convention on the Rights of the Child, is near universally ratified, but it does not state that early marriage is prohibited, although many of the articles protect the child through other means, such as the right to have their views taken into account and a right to education. This report explores the issue of early marriage, the international instruments that are being contravened and suggests measures that can be taken to bring to an end this abusive practice.

## **1.0 Early Marriage**

Early marriage, the practice of marriage before or during adolescence, prevails across much of Africa, Asia and Latin America, and in some form or another exists throughout the world. Although statistics and data are unclear, it is undeniable that there are millions of girls and boys forced into marriage while they are still children. Early marriage involves both girls and boys, but the low status of girls in many countries means that girls are usually married off at a much younger age than boys.

When children are married off at an early age they are denied their human rights, their right to be children. The United Nations Convention on the Rights of the Child (CRC), which is nearly universally ratified, was drawn-up over ten years ago to protect children, yet thousands are still being abused. 'In many countries, as girls become adolescents, their parents find them husbands. By the age of 19, as many as 60-70% of girls are married in many African and Asian countries' (UNICEF,1993).

This report looks at the lack of protection that is given to young girls who find themselves without a choice over their futures. The report outlines the causes of early marriage, the subsequent consequences, and presents case studies that reveal the reality behind early marriages and highlight good practice in addressing this issue. Finally, the main international conventions and declarations that relate to rights in marriage are laid out, and key activities towards preventing early marriage are identified.

### **1. 2. Marriage and Children**

For some 'marriage is a legal, social and religious arrangement between a woman and a man. The institution of marriage has evolved to provide protection for the cohabitation of women and men and for family life' (Government of Bangladesh,1998). However, marriage is seldom this simple, as protection is rarely afforded to a young girl who is ignorant of her rights as a wife and a child. Furthermore, the marriage is not always between consenting adult women and men: many children are denied the right to choose who to marry or to delay marriage until they are adults.

In Niger, early marriage can be defined as 'marriage contracted before, but not after the age of 13' (Dejean,I, cited in IAC,1984). The Inter-African Committee (IAC) on Traditional Practices Affecting the Health of Women and Children states that early marriage in its broadest sense is 'any marriage carried out below the age of 18 years, before the is girl physically, physiologically, and psychologically ready to shoulder the responsibilities of marriage and child-bearing' (IAC,1993a). Cohabiting unions are primarily informal marriages where the individuals enter consenting unions instead of legal or religious arrangements. Increasingly cohabiting unions 'are quite common in Sub-Saharan Africa and in Latin America and the Caribbean. In Liberia, Namibia and Rwanda, for instance, 50-84% of married women aged

15-19 are in such unions; in Columbia, the Dominican Republic, Peru, and Trinidad and Tobago, the proportion is 70-86%' (The Alan Guttmacher Institute, 1998).

### 1. 3. Marriage without Consent

The IAC (1995) states that the majority of countries have set a minimum legal age of marriage of 15 years, but this varies throughout the world, and is often different for girls and boys. International Planned Parenthood Federation (1993) argue that 'while at first glance a higher minimum age for men appears to discriminate against men, these laws and traditions tend to be based on ideas of women's inferiority. They imply that women need fewer years to prepare for marriage as their duties are confined to childbearing or domestic roles'. Furthermore, the age for marriage with parental consent is invariably lower and although it should, does not require the consent or the presence of those getting married. This is illustrated by a survey carried out with 470 Gambian wives which revealed that 36% had not been asked their consent, and did not know that they were married until their wedding was over (ASI,1994). Belembaogo points out that the families of the future spouses are very much involved in the negotiation, with the children playing no role (cited in UNICEF,1996). (For minimum marriage age see Appendix Two).

Marriage without the child's consent, where only parental consent is necessary, reveals a flaw in safeguarding the minimum age of marriage. In Paraguay and Chile the minimum age of marriage without parental consent is 12 years for girls and 14 for boys. In Malawi and The Gambia, no minimum age is required and parents are allowed, by law, to marry off their children at any age. All but two countries have ratified the CRC and therefore there is almost universal agreement with its definition that all people under the age of 18 are children. However, in a large majority of countries, local and customary law is often adhered to more than international conventions, resulting in children losing any rights they have.

**Table 1: Minimum age of marriage in Latin America for girls with and without parental consent**

<b>Country</b>	<b>Minimum age of marriage for girls/ boys (years old)</b>	<b>Age of marriage with consent for girls/ boys (years old)</b>
Argentina	16 / 18	Allowed earlier with parental consent
Bolivia	14 / 16	Allowed earlier with parental consent
Brazil	21 / 21	16 / 18
Colombia	18 / 18	12 / 14 with legal consent
El Salvador	21 / 21	18 / 18 with parental consent
Guatemala	18 / 18	14 / 16 with parental consent
Mexico	18 / 18	16 / 16 with parental consent

Peru	14 / 16	Allowed earlier with parental consent
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*(Taken from Centre for Reproductive Law and Policy (CRLP) et al, 1997)*

The principal reason that girls in Latin America get married early with parental consent is usually because of pregnancy. In Bolivia, children can get married before they are 12 or 14 years old if 'under serious or justifiable circumstances including pregnancy' (CRLP, 1997). In El Salvador, young couples can get married under the minimum age if they already have a child together or if the girl is pregnant. Furthermore, in Guatemala, if a parent refuses to give their consent, a judge can overrule their decision and allow the young couple to marry if the girl is pregnant. In all of these countries the shame of pregnancy out of wedlock appears to be the most steadfast reason for a couple marrying no matter what their age.

## 2.0 The Context Of Early Marriage

### 2.1. Age of Brides

Anti-Slavery International (1994) points out that on average, almost 50% of African girls are married by the time they are 18 years old. The age of child brides varies according to the country where the marriage is taking place. In some communities, girls are betrothed before they are born. In a survey conducted by UNICEF, the average age of first marriage in Africa varied from between 15 years in Niger to 25 years in Botswana (UNICEF,1998b). However, statistics such as these vary widely according to the registration of marriages, the profile of the respondents and the rate of response. In Bangladesh, although the minimum age of marriage is 18 years, approximately half of girls are under 18 when they marry (Government of Bangladesh,1998).

**Table 2: Average age of girls at first marriage and first birth**

<b>Region: Africa</b>	<b>Median Age at First Marriage</b>	<b>Median Age at First Birth</b>
Nigeria	17	20
Cameroon	17	19
Mali	16	19
Senegal	17	19
Guinea	16	18
Niger	15	18

*(Taken from DHS Survey, 1994 cited in 'Progress of Nations', 1998)*

Statistics, such as these disguise the very young age at which girls are married, as only the average age is shown. One report cites cases of child brides in the Ivory Coast with ages ranging from 8 – 12 years (see The Washington Post,1997), and Anti-Slavery reveals evidence from Northern Nigeria which shows 7 year old girls marrying teenage boys (ASI,1994). The IAC supports this with data from some parts of Nigeria, showing that 79% of girls between the ages of 9 – 15 are married (IAC,1995). A survey of over 5000 women, carried out in 1993 in Rajasthan, India, revealed that 56% had married before they were 15 years old, and of these 17% were married before the age of 10 (New York Times, 11/5/98 cited in CHANGE,1999). The age gap between the men and their wives varies, but the men are often much older, as in many countries girls marry men two to four times their age.

Available information on early marriage reveals a worrying picture of girls forced into marriage. Furthermore, information and statistics that are available fail to include thousands of girls and women unable to be reached by the surveyors. Women and girls in rural areas who have no financial means or transport to reach clinics are not registered as young mothers, and are missed by censuses while their children often fail to be officially registered. Ismail (cited in WHO Seminar,1982) states, in reference to

Somalia, that 'there are no valid statistics on child marriage, as it seldom conforms to legalities and the "Wadaad" [elder] of the settlement conducts the marriage, without legal registration of the marriage. There are no accurate rates of birth within the communities, as communities deliver their own babies, and rarely seek services of health personnel'.

Overall the data and statistics that are gathered are often limited, incomplete and inadequate. For example, statistics taken from hospital records show only a low number of young women who have been admitted because of birth-related health complications, as many give birth at home and are unable to reach a hospital. Moreover, surveys that use aggregated statistics miss out a large proportion of the information, and should be disaggregated to reveal the true picture. Finally, the use of statistics fails to show non-quantifiable data, such as psychological and social problems.

## **2. 2. Reasons for Early Marriage**

The literature on early marriage illustrates many reasons for early marriage, such as societal coercion, religion and economics. However, this does not tell us why it is particularly girls that are married off early, rather than boys. The underlying reason behind early marriage is simple: discrimination against girls and women from the time they are born and throughout their life cycles.

Reasons for early marriage differ according to the culture. However, there are common themes that can be broken down into three main categories:

- Cultural and religious justification
- Economics and poverty
- Sexual and reproductive health

### **Cultural and Religious Justifications**

For many communities the loss of virginity in girls before marriage is the worst shame that can be brought upon a family. For this reason and to control a girl's sexuality, girls are married early to prevent pre-marital sex or pregnancy.

Prior to early marriage, in some parts of the world girls are genitally mutilated (circumcision). Female genital mutilation (FGM) takes most, if not all, feeling away from a girl's genitals and is considered a means of preventing a girl from having pre-marital sex. Like early marriage, it controls the girl's sexuality. For those who practise FGM, it 'validates a girl's body for marriage and procreation' (Hinshelwood,2000). These cultural beliefs foster the idea that a girl who has not been circumcised is unclean. For girls who are married early and have been circumcised the act of childbearing can be dangerous, as is explained later in this report (section 3.5) .

For a husband, marrying a child bride is an effective way of ensuring control over her productive and reproductive role (IAC,1995). At such a young age a child bride is not given the right or power within the marriage to say when she wants to have children or whether she wants children at all. She is also unable to say 'no' to work that is traditionally women's work and everything she does is controlled by her husband.

Others reasons for early marriage may include:

- respect for traditions that dictate that girls should marry early;
- the honouring of pledges to family or benefactors;
- the strengthening of community ties;
- girls given as a substitute to the husband of a deceased sister

Some myths on early marriage:

- In areas of Bangladesh, an unmarried young girl is thought to be an omen of bad luck
- In the Cameroon, young girls should not have their first menstruation while still living with their parents
- girls in some parts of Ghana must not wait too long after their first menstruation to get married, as this may lead to barrenness.

The Sabinu tribe in the mountainous eastern regions of Uganda are a small minority group, with a small population. Early marriage is regarded as away to increase the population by early and prolonged child bearing

(Children Concern Organisation,2000).

'When I got married I was young, I did not want to get married but circumstances forced me. I did not do well at my O levels, I only passed 3 out of 8 of them. My foster father said that I would be a prostitute if I did not get married, since I had done so bad, so I decided it was best to get married to a boy I knew' (Arisma, aged 16).

(Womankind,1999)

## **Economics and Poverty**

While many families marry their daughters early out of traditional obligation, there are also economic reasons behind the decision. In many of the cases the families are poor, and one less daughter is one less mouth to feed. In other cases, such as in Sierra Leone, the future husband must provide labour at her parents home, as part of the brideprice before marriage can take place, (when the girl is ten to fifteen years old). In these cases the parents receive free labour. If the girl decides she does not want to marry the chosen suitor her parents must repay the cost of his labour. However, in many cases the compensation cannot be paid, and the girl is forced to marry (IAC,1984). Once married, a large part of the new bride's role is to look after all domestic chores and her husband. Additionally, as a young bride she has a longer fertility period which means more children to help with labour duties for her in-laws.

In cases of brideprice payment, where the future husband must pay his in-laws, the girl is married off to a man much older than her because he can afford to pay the designated price. If a brideprice is necessary, the girl's family also have to pay for their daughter to be married, as she must enter her marriage with 'women's things', such as cooking utensils and cloth. In many cases the girl's family are unable to pay for the girl's 'trousseau', and she has to work at an early age to earn the money herself (Bere/Lompo,1995). On the other hand, it has been argued that early marriage is still prevalent in some regions of Africa today only because of greed rather than tradition (Reuters,1999a; Times of Zambia,1998). Children Concern Organisation reports that indigenous groups in Uganda marry off their daughters early, in exchange for the brideprice, to have the funds to enable the girls' brothers to take a wife.

In Bangladesh where the girl's parents must pay their son in-law to take their daughter in marriage (dowry), girls are married off early, not just because of tradition, but because after the age of 15, their dowry price doubles (Mamhud, 2000; Bangladesh Observer,1999; The Independent,1999a/b). In cases where even a small portion of the dowry is not met the girl is returned to her family, until they can pay all the money. In several South Asian countries many women face domestic violence and other crimes arising from unpaid dowry. The UNHCHR (1997) states that dowry crimes include 'mental and physical torture, starvation, rape and even the burning alive of women by their husbands and/ or in-laws in cases where dowry payments are not met', although in many countries, such as Bangladesh and India, the giving or taking of a dowry is illegal and punishable by imprisonment and/or a fine.

However, a recent article from Bangladesh shows that girls are not married early just because of economic necessity, but because of the need for a good match. Ain O Shalish Kendra, an organisation in Bangladesh, documented cases of middle class families marrying off their daughters to good families. In one case a mother married her 13 year old daughter to a 23 year old because she did not want to miss having a well to do son-in-law (The Daily Star,1999).

### **The Potential of Income Generation**

A study in Bangladesh has shown a relationship between the age of marriage and the ability of girls to earn wages. Traditionally, a girl had to give up any job she had when she moved into her husband's home. However, recent programmes enabling girls to earn a wage have shown that they are delaying their marriages as a result. In the study, half of the women interviewed said that dowry payments were less because of their income, and their earning ability gave them more voice in their family. 'Earning wages opened their eyes, made them independent, and helped them enjoy the freedom which ultimately enables them to choose to delay marriage' However, the parents of the girls still wanted their daughters married early as they were concerned that greater independence would expose them to greater risks, such as socialising with unrelated men (Khan,1999). Other research shows that women's earnings are used to contribute to their own dowry payments, suggesting that the girls do not have complete control over their own earnings.

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### **Sexual and Reproductive Health**

A new trend has recently emerged – the marrying of young girls to avoid contracting HIV/AIDS and other sexually transmitted diseases. These girls have no choice about whether they have a sexual relationship with their husband, and are unable to voice their opinions about contraceptives, even if they know that their husbands have other lovers. In many of these marriages, the men are not virgins and the girls are therefore at a higher risk of contracting a sexually transmitted disease (STDs) or HIV/AIDS. Furthermore, the age of the girls and the taboos on talking about sex and related problems mean that the girls are often ignorant of contraception and STDs in the first place.

UNICEF has found that this is a growing phenomenon in Bangladesh with older men seeking young girls for sexual partners and wives. UNICEF indicate that knowledge of HIV/AIDS is significantly lower amongst adult married men and women than amongst unmarried (Kabir,1999). AIDS awareness amongst unmarried men, and the myth that children do not have HIV/AIDS both result in more careful choice of partners and the consequent selection of young girls. In 1994, a WHO spokesperson in Dacca said there were fewer than ten cases reported in the whole of the country. However, with the booming red-light districts of Dacca and Chittagong and increased trafficking of women, such low figures are clearly under estimated (cited in Kabir,1999).

Ugandans have always practised early marriage, although prior to 1996 the age at which girls married had been increasing. However, the AIDS epidemic has changed this. In Uganda there has been an AIDS Control Programme for a number of years and increased awareness, ironically is leading to girls

being married earlier. Owen's (1996) research into widowhood and AIDS in Uganda revealed that, as in Bangladesh, girls are being forced to marry early so that men could avoid HIV/AIDS. Myths that virgins will cure someone infected with HIV or that safe sex in or outside marriage can only occur with someone very young, have led to a decrease in the age at which girls are married. However, not all the men are free of HIV/AIDS themselves, leading to an increase in the number of young widows, with the added risk that they and their children will have contracted HIV/AIDS.

Amongst the Basoga in south-eastern Uganda, a grandfather is the 'husband' to his granddaughter, and a grandmother is the 'wife' of her grandson. Sadly, these terms are interpreted literally some of the time. Children Concern Organization cite a case of an eight year old girl who had to look after her 79 year old grandfather because her parents had died from AIDS. The old man was classed as her 'husband' and took this literally, resulting in the girl's pregnancy

(Children Concern Organisation,2000).

### **3.0 Key Issues Surrounding Early Marriage**

Many writers on early marriage cite reasons why this practice should be stopped. Apart from the basic human rights injustices, such as loss of freedom, inability to gain an education and health problems, the young wives are denied their childhood and are forced to become adults before they reach adolescence. This has a grave impact on the girls. While many try to run away from their husbands, others commit suicide as the only way out of their nightmare. However, some girls do want to be married early, for example those who face abuse at home, who are ridiculed by their community for being unmarried or because they have fallen in love. Additionally, it has been argued that delaying marriage until adolescence increases the risk of unmarried teenage girls becoming sexually active and contracting sexually transmitted diseases or HIV/ AIDS or having unintended pregnancies (The Progress of Nations, 1998). However, this argument hides the failure of education and health systems in not relaying adequate information to young girls about preventing diseases and pregnancy.

Critics maintain that early marriage undermines the self-confidence and self-identity of the young girls (IAC, 1990), exposes them to physical violence and abuse (UNICEF, 1996) and causes the girls to enter marriage unhappily. This results in emotional and psychological problems, desertion and possibly divorce (IAC, 1987). Additionally, early marriage has been cited as contributing to the rush of girls to urban areas (IAC, 1984) and has been connected to the trafficking of girls across borders for marriage or prostitution (Goonesekere, 1994 cited in UNICEF, 1996). The move to urban centres and trafficking are explained in the next section which looks at discrimination against girls and gender-related violence. The problems that result from early marriage are outlined under four headings: education; health; early widowhood; domestic violence and sexual abuse.

#### **3. 1. Discrimination against Women and Girls**

Almost universally women and girls are treated as inferior and subordinate to men. Their role is one of child bearing and house keeping. A woman's role is to look after her children and husband, and help produce and supply food for the house. In times of hardship the females of the household are the first to suffer from the lack of resources. Male children and adults are given priority, as they are the potential money earners, inheritors and labourers. Although this is a generalisation, and throughout the world women and their partners have differing degrees of equality in their relationships, a woman's role is still one of procreation. Women's biological role means they are the nurturers who give birth to the next generation.

Although the reasons why girls are less valued than boys are different throughout the world, they are frequently related to the rights of inheritance and descent. An example of this can be found in China where traditional

patrilineal kinship structures recognise that only male children have the right of descent and inheritance and when a daughter marries she moves to her husband's house, limiting ties with her family. 'Parents considered daughters a liability – as household members who drained family resources when they were children and who withdrew their assets of domestic labour and earning power when they married' (Gallin cited in Visvanatan et al, 1997). On the other hand, sons stayed with the family and provided an income when the parents were elderly.

Another example from Paraguay illustrates discrimination against girls. Fisher (1993) quotes a Paraguayan woman, Magui, who says:

'It starts at birth. When a baby girl is born people say that she's going to be a burden on the family, that she's not going to contribute anything'.

Discrimination against girls affects all aspects of their lives. This is reflected in the much higher rates of child marriage amongst girls than boys. Girls are often the first to be sent away, sold or married in times of hardship. Even when the family is comfortably off, daughters are still viewed as potential money earners through brideprice, or an extra burden, the absence of which can make the situation easier for the rest of the family. For many, it is tradition that dictates how they should act and commands that girls should be married off early. It is also tradition that has made girls worth less, even though their value as potential mothers to male heirs is viewed positively. Additionally, a father's domination is reinforced by his ability to marry his daughter to the man of his choosing and a husband's masculinity is reinforced by his ability to control his new wife and make her serve all his needs and demands. Under this domination young girls are unable to say what they need or feel and are often subjected to marriages that place them in lives of servitude.

### **3. 2. Gender-Related Violence**

A manifestation of this inferiority is revealed through gender-based violence, directed at women and girls because they are female. By definition gender-based abuse is "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life" (United Nations Backgrounder, 1996).

According to the Platform for Action (1996) 'Violence against women is a manifestation of the historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of women's full advancement. Violence against women throughout the life cycle derives essentially from cultural

patterns, in particular the harmful effects of certain traditional or customary practices and all acts of extremism linked to race, sex, language or religion that perpetuate the lower status accorded to women in the family, the workplace, the community and society’.

Throughout the world strategies have been adopted which discriminate against women and girls. In Korea during the 1970s, pregnant women used ultrasound to determine the sex of their unborn child, and female fetuses were commonly aborted. China’s one child policy led to many baby girls being drowned at birth by midwives. In the Punjab, girls aged between two and four years are twice as likely to die from childhood disease because they are uncared for, and in Bangladesh girls are three times more likely to be undernourished than boys. This has all resulted in 60 million women ‘missing’, mainly from the Asian nations (Panos,1998:4).

Early marriage is a form of gender-related violence. After the marriage comes the unavoidable sexual relations between the husband and wife. This can be a traumatic event for a young girl who is still a virgin, with a body not yet old enough to enable safe sexual intercourse. There are some reports that girls are protected from sexual relations by in-laws until they reach puberty, but this is rarely the case (Barnes et al,1998; CHANGE,1999). CHANGE (1999) argues that ‘sex in such relationships, involving young girls, is not built upon consent but is essentially forced upon the girls’. The result of this force is physical, sexual and psychological suffering and harm, in line with the definition of gender-related violence.

### 3.3. Education

Early marriage affects a girl’s education in many ways. Girls are taken out of school, or prevented from attending in the first place. A report by the Alan Guttmacher Institute (1998) states that early marriage is ‘universally associated with low levels of schooling. School attendance is a function of familial poverty, societal resources and community values, factors that often limit the education of young women. A woman who marries as an adolescent lacks the experience and skills that a slightly older woman brings to her marriage and family. Subject to the will of an older partner and family elders, she may have little say in deciding when to have children and how many to have’. As revealed in this quote, girls have little say over the number of children they have. This often results in girls having to leave school, if they haven’t already, and in the poor schooling of their children.

**Table 3: Results from a Demographic and Health Survey: 1996-7 in Bangladesh**

Average age of marriage	Average age of marriage
Urban areas: 19 years	Some secondary education: 19.6 years

Rural areas: 15 years	No education: 14.2 years
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*(cited in Kabir, 1999)*

Evidence from a school in Kenya established to help girls in trouble, shows that many of the girls received are escaping from early marriage. The head teacher argues that the reason girls are not sent to school is because parents believe girls do not need an education for their roles as wives and mothers, that education undermines cultural practises, and it teaches the girls to reject tradition (Reuters, 1999b). While early marriage leads to girls remaining illiterate and untrained, it further prevents their children from learning at an early age. UNICEF (1994a) suggest that the girls who receive at least seven years of education, marry later and bear two to three fewer offspring. The fewer the children a girl has, the better standard of living she and her children can have.

Additionally, young girls are kept from school or married early to stop them socialising with young boys and unrelated men. Panos (1998) describe incidences in Kenya that have prevented efforts to increase girls' access to schooling. In a number of cases there have been repeated instances of serious sexual harassment by schoolboys, teachers and neighbours. In 1991, 19 schoolgirls were killed by their male schoolmates and a further 71 were raped in one school. The headmaster commented that 'the boys never meant to hurt the girls' but "only wanted to rape". Although this is an exceptional case in the severity of the abuse (in 1996 there were two more cases of mass attacks and rapes), it shows the negative attitude men and boys have towards young schoolgirls. Rather than addressing the sexual violence in schools, parents keep their daughters away and the girls' education suffers.

Evidence from Ghana has shown that early marriage today is also due to increasing numbers of school girls being made pregnant by fellow pupils (IAC, 1993b). In Paraguay, after the age of 10 years, girls are not trusted to go out alone, even to attend school. 'They [men] say "girls only pretend to study but really they're going off with men". They say girls don't need to study to get married and have children. The only thing we are taught is that we are inferior to boys' (Magui cited in Fisher, 1993).

"At the age of about 14 years, my father sent me to my uncle in Adagbira near Binaba so that he could let his wives "train me" for marriage. He believed that if I continued to go to school, I would be a "spoilt girl" and no man would agree to marry me. Being a "spoilt girl"

meant that I would be too wise to marry back in his village where he could get my dowry”

(Interview with Ateni Adongo, *Womankind*, 1999).

To sum up UNICEF (1998) states ‘Where the mean rate of under-five mortality is 86 per 1,000 live births, it raises to 108 among children of illiterate mothers, and drops to 74 among the offspring of the literate. Every hazard facing the young child – nutritional, sanitary, communicable disease – is heightened by a mothers’ youth and ignorance’.

### **3. 4. Sexual and Reproductive Health Problems**

#### **Maternal Mortality and Morbidity**

Studies confirm that early marriage and early childbirth are linked to high rates of adolescent fertility and pregnancy related complications. ‘In many cultures, a girl is led to believe that her status as a wife is tied to the number of male offspring she has; frequent pregnancies are therefore common’ (UNICEF, 1994). Sadly, the more children a young girl has, the higher the chances are of maternal and infant death. Evidence shows that girls aged between 15 and 19 years old are twice as likely to die from childbirth than a woman is in her twenties. Those aged under 15 years are six times more likely to die (Barnes et al, 1998). The extent of this problem can be seen by the fact that three out of four teenagers are mothers in Africa, and 40% of teenage births are to girls under 17 years old. These girls are particularly prone to anaemia as their bodies are not yet developed; ‘she still has 4% of her height to gain and her pelvis will only be 82-88% of its fully grown width’ (ASI, 1994). Due to the girl’s small pelvis, labour is often slow and the child becomes stuck, resulting in vesico and recto-vaginal fistulas<sup>1</sup>, and incontinence. In many societies, incontinence results in desertion by the husband, family and friends, leaving the girl’s mother to look after her and her children. Sometimes not even this support is given (IAC, 1984). Fistulas also occur when young circumcised girls give birth. For many, circumcision leaves rigid scars that are torn during childbirth and are often irreparable (Hinselwood, 2000).

Young girls have a larger number of child bearing years, leading to more chances of miscarriage, infant death, malnutrition, cervical cancer, sterility and maternal death. Recent evidence from Pakistan revealed that in a one-year period, at a hospital in Rawalpindi, 50% of cervical cancer patients had been married before the age of 20 years. The doctor in charge of the one year study was also interested to learn that the average number of children

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<sup>1</sup> A fistula is an abnormal track between the bladder or rectum or both and the vagina, that usually results from tearing during childbirth (Merriam Webster’s Medical Dictionary, from <http://healthgate.com>).

per patient was 6.47 and that cancer was most commonly found in women between the age group of 45-60 years (Medical News,1999).

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### **Fistula cases**

A study of fistula cases in the Urology and Maternity Hospital in Conakry (Guinea) revealed that out of 26,536 deliveries between 1988-1990, there were 132 vesico-vaginal fistulas (VVF) and 55 recto-vaginal fistulas (RVF). Of these, 125 and 42 respectively were young, first time mothers aged between 14-19 years, representing 94.6% and 76.36% of all fistula patients at the hospital. All of these patients were from the inner regions of the country and were received during external consultation, meaning that they did not have their children in a hospital in the first place (IAC,1990). For many young girls, childbirth in a hospital is not possible because of lack of resources and the large distances to a hospital. They must give birth in their village without proper medical attention, resulting potentially in obstructed labour and fistulas.

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### **Sexuality Issues**

A problem related to early marriage is the ignorance and innocence of young girls on their wedding nights. In many societies sex is not discussed, it is just something that is done for the pleasure of men. Poor communication and young women's low status and powerlessness makes discussions on the subject of sexuality issues harder.

Until recent years young women were given very little access to sex education and sexual health services or to contraception. Many young women still do not receive relevant information or support to access this type of advice or service. Poverty means they may not be able to travel to clinics or pay for contraception and in many impoverished areas, lack of resources means that these services may not even exist.

## **3. 5. Domestic Violence and Sexual Abuse**

Domestic violence is the most widespread and common form of violence against women and young girls. Child brides live with older men who expect them to carry out all the duties of an adult woman, even if those responsibilities are too great for a young girl, let alone a woman. In most cultures it is common for men and boys to assert their authority in the home through physical violence.

Evidence of domestic violence is shown in the story of Ana Cristina in Nicaragua. Ana was married at the age of 15 years to a man twice her age.

Soon after their marriage he began to beat her. This beating continued over the next five years, even though Ana went to her mother and mother-in-law. Both these women gave Ana no support and treated the violence as normal, as they believed it is a wife's duty to put up with her husband's abuse. After five years, she left her husband because her children were being affected by the violence (cited in Save the Children,1999).

In Uganda women are regarded as properties of their husbands, no matter what their age, and because of brideprice the men feel that they have absolute power over their wives. Children Concern Organisation (CCO) (2000) found that many women are beaten by their husbands, and although some oppose this, many believe it is a sign of love. CCO also reveal women are unable to make decisions in the household, and if they make a decision without the husband's consent, they are beaten. They also confirm that financial matters can cause problems as any money earned by the wife is taken by the husband and he alone decides how it is spent.

In Uganda there are no laws that make non-consensual sex within marriage a crime. Women are not allowed to deny their husband sex, and denial can mean automatic divorce. According to CCO (2000) 'here in Uganda non-consensual sex in families is taken as normal. It is a daily practice for husbands to rape wives'. Although this example relates to adult women, married girls are subjected to the same rules. They are less able to defend themselves and their immature bodies against the physical and sexual abuse from their husbands. They are also harmed psychologically. Girls live in fear of their husbands and are often severely traumatised by these events. Suicide to escape early marriage has been documented in Burkina Faso and Bangladesh, and it no doubt happens in other countries.

In Sen's research in Calcutta she discovered that almost half of the women she interviewed had been married at or below the age of 15, with the youngest being married at 7 years old. She points out that this age group has 'one of the highest rates of vulnerability to sexual violence in marriage, second only to those whose dowry had not been paid'. The women interviewed said they had sexual intercourse before menstruation had started, that sex was early and very painful, and 'many still continued to be forced into sexual activity by their husbands'. Additionally the young girls "had made their husbands aware of their unwillingness to have sex or of pain during sex, but in 80 per cent of these cases the rapes continued" (cited in Ouattara et al,1998).

### **3.6. Early Widowhood**

In many cultures husbands are often many years older than their young brides, and consequently die while the girl is still young. Traditionally, girls were not allowed to remarry or were passed onto their dead husbands' brothers. In the first instance, the girl must fend for herself and her children. This is difficult under any circumstances but child widows who have been

denied an education find it harder to support themselves and their children. Furthermore, the girl's family's are unlikely to accept her back once she has become widowed. In many cases today girls can remarry but the chances of making a good second marriage are very limited.

In cultures that permit polygamy, the youngest co-wife is required to care for elder co-wives. This relationship is sometimes a daughter/mother relationship, but in many cases the elder wives view the younger with bitterness and resentment. In many polygamous relationships, the child bride is treated as an unpaid servant and may never succeed in earning the respect of the elder wives or their children. In these circumstances, once widowed, girls are often 'deprived of all rights to their share of the inheritance' (Owen, 1996), leaving them destitute and without financial or social support. Child brides have no power compared to the elder women, and once without husbands they are discriminated against because of their age and their status as widows.

Additionally, as noted above, young girls are finding themselves affected by the AIDS epidemic. In some cases they are made widows and have to become responsible for fatherless children, or must nurse their ailing co-widows and their offspring. In other cases they are affected directly when they contract HIV from their husbands.

## 4.0 CASE STUDIES

### 4.1 Bangladesh

The statistics on the rates of early marriage in Bangladesh vary considerably.

**Table 4: Age of Marriage in Bangladesh**

<b>Bangladesh Demographic and Health Survey – 1996/7</b>	<b>Bangladesh Bureau of Statistics (BBS) Survey on Marriage - 1996</b>
<b>5% of 10 – 14 year olds 48% of 15 – 59 year olds married</b>	<b>2% of 10 – 14 year olds 27% of 15 – 19 year olds married (compared to 1% and 3% respectively of adolescent males)</b>

*(cited in Kabir, 1999).*

A special study carried out on adolescents found that the mean age of marriage was between 14 and 15 years, whereas the BBS marriage survey states that the mean age is 18.3 years. The difference in statistics could be for a variety of reasons, such as children not admitting to being married or not registering their marriages.

The registration of marriages is important in safeguarding the lives of young girls from their families' wishes to marry early. Although marriages take place in front of an official, two recent small-scale surveys revealed that 40% of marriages are unregistered. Further research has shown that parents change the age of the girl to 20 years on legal documents, with the help of registrars who don't take the signatures of the under-age girl. According to the Muslim Marriages and Divorces (Registration) Act 1974 the non-registration of marriage is an offence which is punishable with imprisonment and/ or a fine. Hindu Family Law Rules make no provision to register, while the Christian Marriage Act of 1892 makes registration compulsory (Kabir, 1999).

Apart from providing safeguards, the registration of marriage aims to protect both parties, especially the wife, in many different ways. Registration helps with proof of marriage, the claiming of maintenance, protection against the husband taking another wife, and recovering the spouses' legal share upon the death of her husband.

In 1929 the Child Marriage Restraint Act was passed which makes it an offence, under any religion to marry or play a part in the marriage of a child, which is any female under 18 years and any male under 21 years. Although child marriages are not void under this act, those who have taken part in the marriage (excluding the child) can be imprisoned and/or fined. Additional protection is also afforded under the Dissolution of Muslim marriage Act 1939, which gives the girl the right to obtain a court order dissolving her marriage, as long as she does this before she is 19 years old and the marriage has not been consummated (Government of Bangladesh, 1998).

Unfortunately, according to Islam et al. (1995 cited in Kabir, 1999), out of 1900 girls interviewed, 90% had had their marriage consummated immediately after the marriage had taken place. The only time consummation did not take place immediately, was if the girl was menstruating. Therefore, the chances of a girl being able to dissolve her marriage under the Muslim Act are very slim.

Attitudes towards early marriage in Bangladesh are similar to those in other countries, in that women and girls are viewed as inferior, with an innate role as wives and mothers. In Bangladesh marriage is seen as the best option for a woman, and the earlier the better. Women are viewed as dependent on men, 'incomplete, useless even, if she is not married' (The Daily Star, 1999). Fair girls are more beautiful and are married earlier, and in Hindu societies girls who are not married are believed to bring bad luck. Girls are considered eligible for marriage at the onset of puberty (at about 13 years), while boys are eligible after several years of adolescence and young adulthood. However, Amin (1996 cited in UNICEF, 1996) reveals that marriage may also result before the menarche.

One 12 year old girl called Deepali, from Churamonkathi, stayed in school until the second grade, but left when a marriage proposal came for her.

"People say I'm very fortunate to have been born so fair, so beautiful. My parents have no problems finding an eligible husband for me. Unlike my dark cousin Maya, who is thirteen and still unmarried! I also don't have to go to school anymore, but Maya, she has to go to school until she gets married".

(The Daily Star, 1999)

Deepali is unaware of the plight she faces as a young girl who is expected to do the washing, cooking, take care of her husband's demands, and bear his children. The Daily Star (1999) explains this by saying that girls accept that 'they were born without a choice and it was only meant to be'. However, not all marriages work out how the husband thought they would, as the girls are neither physically nor mentally mature enough to handle marriage. It is not unheard of for girls to be thrown out only months after they are married, or after they have given birth. The family then spend time trying to get the girl, now with children, married again. Additionally, physical and mental abuse caused by early marriage and issues of dowry payment have led to suicides amongst child brides who are unable to cope with the 'psychological breakdown caused by such marriages (The Daily Star, 1999).

## **4.2 Ethiopia**

Early marriage can be found throughout Ethiopia as tradition demands that girls marry young. In a study of vesico-vaginal fistulas in north-western Ethiopia, the mean age of marriage was 11.5 years, with the marriage being arranged by parents when the girl is as young as five years old. On the other hand, men tend to marry at an older age (Gossa cited in IAC,1990). In another study initiated by the Inter-African Committee on Traditional Practices, the research team took a sample of 500 community leaders, traditional leaders, traditional birth attendants, spiritual leaders, government workers and the female victims and their families, in the provinces of Gojam and Wolayta, in the North and the South of Ethiopia. This study found that:

- Child marriage rather than early marriage was the norm
- Girls at the time of marriage were between 5-10 years in Gojam and 12-13 years in Wolayta
- Circumcision was a pre-requisite
- The girls suffered enduring physiological and psychological damage
- There were high incidents of maternal and child mortality
- The marriage took place due to economic reasons relating to the parents of the girls

(IAC, 1993a).

Early marriage is not just practised for economic reasons. Strong religious messages also enforce the view that marrying early is best. According to tradition girls should be dutiful, virtuous and obedient. One priest representing Ethiopian's Orthodox Church says:

'These days, with Western ideas spreading everywhere, girls stay unmarried as late as 30. It's all very scientific and modern, but in our church it is prohibited. Such girls are neither clean nor blessed'

(Barnes et al,1998).

The occurrence of early marriage is so common that a hospital has been set up to deal only with fistulas, a consequence of early sexual relationships and childbirth. The Fistula Hospital, based in Addis Ababa operates on 1200 patients a year. However, these are just the girls who manage to get to the hospital and represent only a small proportion of the girls who are affected throughout Ethiopia. The rest may remain unaware that an operation can help them. One case highlighted in Barnes et al (1998) followed the plight of a 24 year old woman who had developed a fistula during childbirth when she was 12 years old. Her husband had abandoned her and the baby had died. She was ostracised and made to live in a dilapidated hut on the outskirts of the village. She was helped only by her mother, until she also died. During the filming of the TV programme made by Barnes et al, a representative of a family planning organisation visited the woman and told her about the hospital. She did not have the £20 needed for travel to Addis Ababa. Her fare was then funded by a family planning programme and the operation was a

success. This small operation, that lasted less than an hour, changed her whole life. Her story is no different from the other girls at the hospital, as nearly all of them have been abandoned by their husbands because of their incontinence. Once they leave the hospital most girls must return to their parents to await the next marriage.

### **Aberash Bikele<sup>2</sup>**

In the south of Ethiopia abduction and rape are the traditional means of obtaining a wife. Once pregnant the young girl has to agree to marry her 'suitor'. The girls are invariably younger than 15 years, and have no choice in the men they marry. Aberash was 14 years old and on her way to school when seven men on horseback abducted her. Gemeche Kebede, 29 years old, was the main abductor and he repeatedly beat her, with the help of the other men, before taking her to his home and raping her. However, Aberash's case differs from other cases, as she escaped from Gemeche, stole a gun and killed him. Aberash was quickly arrested by the police, who inadvertently saved her life from the rest of the men who were ready to kill her.

In court Aberash was represented by the Ethiopian Women Lawyers' Association, who were able to win an acquittal for Aberash on the grounds of self-defence. The acquittal was not accepted by the traditional elders of Aberash's village, who banished her for her crime.

Today, Aberash studies at a boarding school in Addis Ababa, hoping one day to become a lawyer. She is unable to visit her family, but her younger sister, fearful of being abducted, has also moved to Addis Ababa. Aberash has an older sister, whose chances of becoming an international athlete had to be abandoned when she was abducted and forced to marry her abductor. However, she left her husband and her whereabouts are now unknown.

## **4.3 Nepal**

### **A Report of Good Practice**

In Nepal, Save the Children UK (SC UK) is addressing early marriage within the context of a regional programme of activities, at different levels, on discrimination and violence against girls. A study (Gautam, 1999) was carried out in 1999 to find out the difficulties faced by girls by talking to them directly and involving them, their parents and other stakeholders in looking for solutions to violence and discrimination against girls. One of the key issues identified was that of early marriage. The study was carried out with different ethnic communities and castes in the Surkhet district of mid-western Nepal where early marriage is common. One of the findings of the study is that the Brahman/Chhetri (higher castes) girls do not feel pressure to marry at a very

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<sup>2</sup> The story of Aberash was taken from the UK BBC 2 programme entitled 'School Girl Killer'. The information on Aberash and her life after her acquittal was kindly obtained by Marlene Hinshelwood for CHANGE.

young age and while they are in primary school. But when they reach 13 years old pressure is put on them, especially if they fail their school exams, although if they are doing well their parents will often let them continue with their studies. A recent development is that young girls themselves are choosing to marry early, without their parent's permission. However, in the Kami/Damai lower caste communities, girls are forced into marriage by their parents and there is also a lot of pressure from the community:

'The girls who participated in the discussion groups are 14 to 17 years old. It is a big issue that they have not married. Men say, "Look! What will these girls do in the future," and want to take revenge on them. If girls do not marry until 18 to 20 years then the issue of not being married becomes bigger. She then becomes a topic of conversations and people start to suspect that she is promiscuous...'

Gossip and comments from neighbours also puts pressure on girls to marry young. For example in the Tharu communities early marriages are very common:

'The girls explained that if they walk with a boy or man it is not accepted and neighbours say they are spoilt... they choose to marry themselves starting about the age of 14 or 15 years.'

Some of the reasons the girls gave for early marriage were that adolescent girls and boys do not discuss the changes they are going through as they reach puberty and do not know about the consequences of sex, marriage and early pregnancies. Girls dream about love, good food, having nice clothes and seeing new places and think these will be realised if they get married. Girls often elope in order to get away from the heavy workload and the harsh treatment they receive at home, little realising the responsibilities that marriage will bring. The media plays a part in promoting the early age of marriage, as do cultural attitudes. In some villages it is socially unacceptable to have sex before marriage and unmarried mothers are outcasts.

The approach that SC UK has taken to tackle early marriage is to work in partnership with a local NGO and a core group of girls in a project called the Safe Environment for Girls, which began in September 1999. It is a local community girls' project in Surkhet in Western Nepal, but the aim in the longer term is to influence at a regional and national level through advocacy initiatives.

A core group of 19 girls (plus two alternates) were selected and it is they who define their own activities and are the beneficiaries as well as participants in

the planning of the project. These girls work with children groups, women's groups and local authorities.

In a meeting to select the girls who would participate in the project they put forward the following proposals about the purpose of the girls group:

- To raise voices against the injustice and oppression of girls
- To raise awareness and to bring about positive changes in the behaviour of children who are involved in negative activities in the society
- To change conservative tradition (gender discrimination between caste, son/daughter, male/female)
- To decrease early marriage
- To demonstrate girls' ability within the community
- To gain the recognition of the girls by their parents
- To raise awareness about girls' rights and promote the same opportunities for girls' development as for boys.

The project aims to highlight the capacity and potentiality of rural girls to expand their secure environment. This process-oriented project is based entirely on the initiatives of the girl children and is a new approach. SC UK will support the girls in this rural village development committee and from these experiences the girls will replicate the same process in adjoining communities and share their thoughts and feelings more widely.

At this early stage results have shown that the girls have developed greater confidence, openness, and individual conflict management. They have also developed the ground rules for the project and monitored progress so far but it is still too early to measure achievements or any results of the project. Discussions with parents have already led to changes in attitudes towards girls, and one 12 year old girl in particular who was destined for early marriage was given a reprieve by her parents as a direct result of their participation in a workshop on discrimination against girls.

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### **Children Oppose Early Marriage**

Children in Surkhet, Nepal were asked for their views on early marriage and gave the following reasons for opposing the practice:

- Children are not mature enough to take on responsibilities

- It is dangerous from a health perspective, such as early pregnancy, which can result in infant and mother mortality. Both mother and child may be unhealthy
  - Once married, the workload for girls increases
  - If children marry early, their parents think they are grown up and give them more responsibilities, which is why boys are going to India to earn money
  - Both girls and boys drop out of school once they are married
  - Life is dark once they are married to someone
  - If they marry early, the girl might have a baby but won't be able to take proper care of it.
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Reports from New Delhi indicate that nearly 14% of girls in India's largest state are married between the ages of 10 – 14 years. 16.4% of girls in rural areas in the central province of Madhya Pradesh and 11% in cities are married before they are 14, although under Indian law 18 years and 21 years are the minimum age of marriage for women and men respectively

(The Independent, 1999a).

## 4.4 United Kingdom

### Forced Marriage and The Government

'A British born Indian woman was saved from a forced marriage by Foreign Office diplomats, it was revealed yesterday'. This quote was taken from a news report dated 14<sup>th</sup> March 2000 (London Metro). Although technically not early marriage in this instance, the actual ages at which girls are taken from the UK and forced to marry in another country are largely unknown. However, there have been reports of girls below the age of 18 years being taken from the UK to be married overseas (Stolen Brides, 1997). Baroness Scotland, in a speech in March 2000, stated that hundreds of women and men were affected, and that the Foreign and Commonwealth Office (FCO) has to deal with over two victims of forced marriage a week. When referring to forced marriage, the Government (FCO and Home Office) makes the clear distinction between 'arranged' marriages, which are marriages with consent, and 'forced' marriage, where the consent of either spouse is not taken into account. Their work is mainly dealing with British nationals being taken to Pakistan, Bangladesh and India, and they are clear to point out that these areas are not being targeted because they are minority groups, but because they have the largest number of cases.

In response to this problem, the FCO has set up a forced marriage desk to work with 'minority ethnic communities and our partners in government on the issues' (Family Proceedings Conference, 2000). The Home Office has also set up a Forced Marriage Working Group, led by Baroness Uddin and Lord Ahmed, to research and explore the issues surrounding forced marriage in the UK and overseas. The aim of the working group is to 'develop a detailed strategy to protect a small minority of women, mostly from Asian background, from being forced to marry against their will' (Home Office, 1999).

Although the Government's response to the problem may seem admirable this has come only after years of lobbying and many of the government agencies are still reluctant to get involved with the issue or to act. Of the hundreds of cases each year of girls being taken abroad to be married, very few have been 'rescued'. Historically the Government has been reluctant to involve their overseas missions, even though the individuals involved are British passport holders. Further reluctance to tackle the problem has been hidden behind cultural relativism and the idea that other peoples' traditions should be left alone, resulting in young girls receiving no protection from the social services or the State. Another problem relating to culture is the verification of the girls' ages. In many cases, the girls' ages are misrepresented knowingly, or the system of age tracking is incorrect. Finally, the Government's lack of decision on how to tackle the issue of violence against women and female discrimination has left hundreds of young girls vulnerable to early and forced marriages.

### **Study on Forced Marriage**

In their paper Beckett and Macey refer to the custom of arranged marriages in the UK amongst minority ethnic groups, especially people who originally came from the Indian sub-continent, notably Pakistan. These authors note that 'Theoretically, arranged marriages are subject to the agreement of the proposed partners and compulsion is forbidden by the *Qu'ran*...In reality, there is increasing evidence in Britain of *forced* marriages which involve the exertion of varying kinds of pressure, harassment and physical violence' (KDVF, 1998; Macey, 1999 cited in Beckett et al, 1999). Beckett et al (1999) also highlight the fact that young people respect their parents' tradition of arranged marriages, but do not find forced marriages acceptable. Interestingly, men and women do not agree on where their future partner should come from. Young men awaiting their brides want girls who are not educated in Britain, as these girls are 'awkward, difficult, disobedient and badly behaved', but girls want men who are educated in Britain as they fear that men brought up in India will take away their independence.

This example shows that even in 'developed' countries, early and forced marriage is an important issue. In many immigrant and refugee communities, the presence of tradition is strong, as for many the transition to another country is forced, and a way of adapting to an alien culture is through the

maintenance of tradition. A further obstacle in these situations is the divide between parents and their children who have been brought up in another country with different traditions and practices. As seen above, young people may try to utilise both traditions to their liking, but their parents' decisions usually remains final.

## 5.0 The Rights of Women and Girls

National laws and international conventions throughout the world state, to varying degrees, that girls and women have rights in relation to the age at which they marry and the consent they must give. However, these laws are flaunted, and girls continue to be married off at young ages, in many cases with the full knowledge of the law makers and enforcers. The following International Conventions all make reference to the rights women and girls have in marriage.

### **The United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institution and Practices Similar to Slavery (1956):**

Article 1 (C) (I): Prohibition of any institutions or practice whereby a woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or another person or group.

Article 2: States Parties undertake to prescribe, where appropriate, suitable minimum ages of marriage, to encourage the use of facilities whereby the consent of both parties to a marriage may be freely expressed in the presence of a competent civil or religious authority, and to encourage the registration of marriages.

### **Recommendations on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1965):**

Principle II: Member States should take legislative action to specify minimum age for marriage, which in any case should not be less than 15 years of age.

Article 1 (I): No marriage should legally be entered into without the full and free consent of both parties, such consent to be expressed by them in person after due publicity and in the presence of the authority competent to solemnize the marriage and other witnesses.

### **Convention on Economic, Social and Cultural Rights:**

Article 10: The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses;

Article 12: The right to education;

Article 13: The right to physical and mental health.

Under the **Convention on the Rights of the Child**, no particular mention is given to early marriage but some articles could refer to early marriage:

Article 12: The right of children to have their views taken into account in matters that concern them;

Article 24: The abolition of traditional practices prejudicial to the health of children;

Article 28: The right to education.

### **International Covenant on Civil and Political Rights**

Article 23 (3): No marriage shall be entered into without the free and full consent of the intending spouses.

(4): States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.

### **Universal Declaration of Human Rights**

Article 16 (1): Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2): Marriage shall be entered into only with the free and full consent of the intending spouses.

(3): The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

### **Convention on the Elimination of All Forms of Discrimination Against Women**

Article 16 (1): States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

- (a) The same right to enter into marriage;
- (b) The same right freely to choose a spouse and to enter into marriage only with free and full consent;
- (c) The same rights and responsibilities during marriage and at its dissolution;
- (d) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(2) The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriage in an official registry compulsory.

### **The African Charter on Human and People's Rights**

Article 18 (3) The State shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of women and the child as stipulated in international declarations.

### **The African Charter on the Rights and Welfare of the Child**

Article XXI (2): 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 over 18 years and make registration of all marriages in an official registry compulsory.

## **Plan of Action for the Elimination of Harmful Traditional Practices**

**Affecting the Health of Women and Children** – Adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in its resolution 1994/30 of 26 August 1994.

### **Early Marriage**

(29) Governments are urged to adopt legislative measures fixing a minimum age for marriage for boys and girls. As recommended by the World Health Organisation, the minimum age for girls should be 18 years. Such legislative measures should be reinforced with necessary mechanisms for its implementation.

(30) Registration of births and deaths, marriage and divorces should be made compulsory.

(31) Health issues relating to sex and family life education should be included in the school curricula to promote responsible and harmonious parenthood and to create awareness among young people about the harmful effects of early marriage, as well as the need for education about sexually transmitted diseases, especially AIDS.

(32) The media should be mobilized to raise public awareness on the consequences of child marriage and other such practices and the need to combat them. Government and women's activist groups could monitor the role of the mass media in this regard. All Governments should adopt the work towards 'safe motherhood' initiatives.

(33) Effective training programmes should be ensured for traditional birth attendants and paramedical personnel to equip them with the necessary skills and knowledge, including concerning the effects of harmful traditional practices, to provide care and services during the ante-natal, child delivery and post-natal periods, especially for rural mothers.

(34) Governments should promote male contraception, as well as female contraception.

(35) To discourage the early marriage of girls, the Government should make provision to increase vocational training, retraining and apprenticeship programmes for young women to empower them economically. A certain percentage of the places in existing training institutions should be reserved for women and girls.

(36) Governments should recognize and promote the reproductive rights of women, including their rights to decide on the number and spacing of their children.

(37) Considering that non-governmental organisations have an effective role in urging Governments to enhance women's health status and in keeping the international organisations informed about the trends relating to traditional

practices affecting the health of women and children, they should continue to report on the progress made and obstacles encountered in this area.

The United Nations Conventions and other international instruments often fall short when applying these laws at the grassroots level, and young girls do not feel the benefits of laws against early marriage. In many societies that adhere to traditional systems, customary laws are seen as the real laws, and the national and international laws are often ignored. Additional problems occur because, although the Conventions exist, there are gaps in who the Convention applies to, and cooperation between the Committees is not always high.

In relation to early marriage, two conventions are particularly important. The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC). CEDAW directly addresses the problem of child marriage and states that such marriages are prohibited. However, the CRC, as illustrated above, does not contain any provisions for children who are forced to marry, and although their rights may be protected by other articles, there are no specific references to early marriage being prohibited. Ouattara, Sen and Thomson (1998) argue that 'the absence of proper legal and policy action frameworks to deal with women's and girls' rights, coupled with lack of sanctions against these abuses, amount to state complicity and neglect of duty under international law to these citizens'.

## **6.0 Platform for Action at Beijing and Subsequent Work**

In September 1995, the Platform for Action (PfA) was agreed at the United Nations' 4<sup>th</sup> World Conference on Women. The Platform for Action was a set of promises made by governments to women in their countries, covering many issues, including a number relating to the girl child, women and marriage. Relevant objectives and actions include:

### **Strategic Objective L.1 to eliminate all forms of discrimination against the girl-child** states that all Governments should take action to:

274 (e) Enact and strictly enforce laws to ensure that marriage is only entered into with the free and full consent of the intending spouses; in addition, enact and strictly enforce laws concerning the minimum legal age of consent and the minimum age for marriage and raise the minimum age for marriage where necessary.

That Government and international and non-governmental organizations should take action to:

275 (b) Generate social support for the enforcement of laws on the minimum age for marriage, in particular by providing educational opportunities for girls.

**Strategic Objective L.2, to eliminate negative cultural attitudes and practices against girls** states that Governments, and as appropriate,

international and NGO's should take action to:

277 (d) Develop policies and programmes that support girls and enable them to acquire knowledge, develop self-esteem and take responsibility for their own lives; and place special focus on programmes to educate women and men, especially parents, on the importance of girls' physical and mental health and well-being, including the elimination of discrimination against girls in food allocation, early marriage, violence against girls, female genital mutilation, child prostitution, sexual abuse, rape and incest.

Subsequent to the PfA and Beijing, studies have been carried out to assess the impact of the PfA on women and girls. The Women's Environment and Development Organization (1998) argue that since the 'conference of commitments', the majority of governments are carrying out initiatives to implement the PfA. They state that 'More than 70% of the world's 187 governments that adopted the Platform for Action report that they have drawn up national plans and drafts, blueprints for action to address the needs and priorities of women in their countries'.

A report prepared by the NGO Working Group on Girls, New York and Geneva for the 42<sup>nd</sup> Session on the Commission on the Status of Women in 1998 indicated that there was still a long way to go. It illustrated that the low status of girls is further reinforced by the priorities of government agendas and 'the failure of governments to enforce their own laws and carry out their own policies'. This group gathered information from different regions of the world to find out what problems still existed for girls. There were 50 responses from 25 countries in Sub-Saharan Africa. Their reports revealed that negative cultural attitudes and practices still existed, the most frequently mentioned practice being early marriage. The responses argued that early marriage was difficult to eliminate because of the deep religious attitudes and cultural beliefs, partnered with little political will.

For Asia and the Pacific (88 responses from 20 countries), the most serious problem was the widespread violence against women, in various forms. Early marriage appeared in the manifestations of violence, as did dowry deaths and infanticide. Early marriage also appeared as a problem amongst indigenous populations in El Salvador and Peru, although its meaning was also stretched amongst other countries in Latin American and the Caribbean, to include adolescent motherhood, whether inside or outside of marriage. Ouattara et al (1998) support the view that little has changed since the Platform for Action, and they argue that violations against children and the girl-child may in fact be increasing.

## 7.0 Conclusion

This report has shown how those forced into marriage at an early age have their lives as children cut short. Young girls in particular are forced to become adults with the responsibilities of looking after their husbands, children and homes. For some girls early marriage is an escape from an abusive family, or is a result of a love match, but this applies only to a small percentage of those married. Girls are married early because they are female and are expendable, and the sooner they become someone else's responsibility, the better.

Early marriage contravenes international and national human rights conventions; it deprives young girls of their right to an education, creating a vicious cycle of early and frequent births. UNICEF (1994b) argues that it is not only the girls that pay for early marriage but that 'society also pays. 'Population pressure, health care costs and lost opportunities of human development are just a few of the growing burdens that society shoulders because of teenage pregnancy'.

A key to preventing early marriage is educating everyone involved in the practise of early marriage. Parents and the community should be made aware of the rights of girls, to value their contributions and not be seen as an economic burden or asset. The majority of mothers are fully aware of the implications of early marriage and are fearful for their daughters' futures, but they see no alternatives. Research on early marriage indicates that educating girls and their communities is the key to empowering girls and women. Early marriage prevents girls from receiving education and can in turn also prevent the children of young mothers from gaining an education. Policy makers throughout the world have recognised the need for the education of girls to address poverty and development problems. For example, the UK Department for International Development (2000) have prioritised education for girls in their development programmes: 'The headline target for gender equality relates to education, and the need to ensure that girls get the same opportunities as boys to develop their potential and become full and equal members of society'. With education girls are given the chance to choose their own futures, and not one chosen only by their parents or guardians.

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### **Key Activities to Prevent Early Marriage:**

- Education for girls and boys about their rights
- Further research on the prevalence and nature of early marriage
- Ensure that the views of girls and boys married early or who are vulnerable to early marriage are included in research and projects
- Raise the awareness of parents, communities and policy makers about the negative impacts of early marriage on girls
- Organise projects to address discrimination and violence against girls

- Advocate to policy makers to change legislation with regard to the minimum age of marriage and consent and the enforcement of existing legislation
  - Ensure that the reproductive and human rights of girls and women are protected in respect to marriage, violence and abuse
  - Recognise early marriage as a harmful traditional practice
  - Press for universal ratification of the CRC, and increased ratification of CEDAW
  - Raise awareness of good practise amongst NGOs and community groups, to teach them to listen to girls, involve them in planning and working with communities on changing cultures that have harmful practices
  - Encourage parents to allow daughters to stay at school
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## Appendix One: Testimonies of Women Married Early<sup>3</sup>

### Case study 1: Arisma

I was first married at 16. I have one daughter 1 year and 4 months, called Latoya. I am an orphan and was brought up by foster parents. When I got married I was young, I did not want to get married but circumstances forced me. I did not do well at my O levels, I only passed 3 out of 8 of them. My foster father said that I would become a prostitute if I did not get married, since I had done so bad, so I decided it was best to get married to a boy I knew. We were together for a while but then his mother said that I should go to the rural areas to learn the customs. I went and worked and then I would come back to town and visit my husband, but after that I started to get sexually transmitted diseases such as warts, vaginal discharge and sores. He loved other women whilst I was away. This kept on happening and I asked him to wear a condom but he got angry and said he would not wear a condom for his wife. He would beat me up for no apparent reason. I told my foster parents but they said that marriage was like that.

At one time I was pregnant, 4 months, but he hit me and I miscarried. That was before this child.

All the hurting was affecting me mentally, I started talking to myself and being affected by all the problems, and I started thinking about committing suicide. One time, when I was sent to the rural area, my mother-in-law wanted me to sow the grain, at a time when I had only recently given birth, I had stitches and was very uncomfortable. The baby was only 10 days old and it was not right for her to be in the field so soon. My mother-in-law was very cruel and did not see my pain. So I decided to go back to Harare. My husband did not want me back, he got angry that I had come back, so I decided to leave him without knowing where I was going. I decided to kill myself and I went towards the railway crossing. I walked along the railway until it got dark, but a train did not come. Around 9 o'clock, I went to the bus shelter. I was just sitting there when a man came and started to talk to me, he asked me what I was doing and told me it was dangerous to sit there, in the end he took me to the police station because it was safer there. At the police station there are benches where you can sleep, so I stayed there over night and then I left and walked in the park, still thinking about killing myself. In the end, I decided to go back to the police station and I went to talk to a police woman, the public relations person there and then they referred me to social welfare and then they told me about Musasa.

I had heard about Musasa before but had not thought of turning to them and did not know exactly how they could help me. When I went to Musasa, first I talked to a counsellor (a counsellor who has since died). At the time you could see that I had been beaten and the counsellor helped me. Then

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<sup>3</sup> All testimonies have been kindly contributed by Womankind Worldwide.

someone from Musasa talked to my husband but he said that he did not want to see me again, so I collected all my things and I went to the shelter.

What Musasa has done for me is to give me confidence, the counselling was very powerful. Also I was very skinny and I was ill and I thought that I had AIDS, and had suffered much from STDs. I have not gone for tests but I am now feeling healthy. It is now 1 year since I left him and I am not regretting leaving him, even now if I have a problem I know I can still turn to Musasa. But now I feel I am strong, though I have not gone to the doctors to have the HIV/AIDS test.

First I came for two weeks, then I went to a friend's place. But she was a prostitute and she tried to make me do the same, so I phoned Mrs Kwaramba who accepted that I go back to the shelter. Then I went somewhere but they told me I could not stay with my child, I turned again to Musasa who let me come back to the shelter for another two weeks. Then I tried to stay with my uncle, but he would not keep me so again I was accepted at the shelter, but then I found a job and then I found myself a place to stay. Now I have started selling clothes, and I can pay for my rent. Then Musasa called me to help relieve the matron of the shelter for two days a week, so now I have a better income and I have gone back to school and am studying English and commerce.

The most difficult moment for me was when my mother-in-law made me work in the field when I had just had my baby, then another time which was really bad was when I found him, my husband with his girlfriend in my bed.

I wasn't beaten as a child, so my first experience of being beaten was by him, once we were married. At the beginning it was OK, it was fine for one year. Then, my husband paid lobola (bride price) to my mother's sister and brother. They were paid nicely. At the beginning my husband and I, we both wanted to go back to school, but by the second year it had all changed, I was pregnant and he had started beating me.

*Why did he start beating you?*

We have discussed this amongst ourselves and I realise that so many women are experiencing this. The men want to be with many women and then they reject you. Then there is the problem of unemployment, and when I stopped working because I had the baby he started to say I am feeding you, etc.

At home, with my foster parents, I was expected to clean the house, and then I went to school. At school my mind would not concentrate on the learning, I would be tired already and then when I got back there would be ironing and other work to do. But for the boys it would be different, they would not be expected to do so much work around the house.

The violence, if you are not educated, it is worse, if you can earn some money you are better off, less dependent, it is worse if you are at the home with the child.

The shelter has helped me a lot. When you are alone, you think you are the only person suffering, that it is only you, but at the shelter, you are relieved of your problems by talking to others, it helps. And also when you talk to others, you realise you all have the same problems and it makes it easier.

### **Case Study 2: Ateni Adongo**

‘My name is Ateni Adongo. I was born in Obuasi near Kumasi where my father worked in the gold mine. I am about 31 years old.

My father’s name is Abuliga Ayamba. He has 3 wives and a total of 10 children. My mother is his first wife. She has 4 children and I am her first born.

My husband’s name is Adongo Awini. My husband has three wives. I am his third wife. My husband has 9 children by his three wives.

I have 3 children made up of 2 boys and 1 girl. My first born who is a boy is now in primary 3. The second child who is a girl is yet to go to school. The third child is about one year old and too young to go to school. I hope to have only two more children before I stop giving birth. This will enable me to support them well in feeding and to give them better education.

I was in school in Obuasi up to primary class six. At the age of about 14 years, my father sent me to my uncle in Adagbira near Binaba so that he could let his wives “train me” for marriage. He believed that if I continued to go to school, I would be “spoilt girl” and no man would agree to marry me. Being a “spoilt girl” meant that I would be too wise to marry back in this village where he could get my dowry.

My uncle gave me up for marriage to his best friend who had two wives already. I could not resist though I did not love the man. It is against our custom to disobey your uncle. I could be cursed for the rest of my life.

My husband was suspicious that I would run away when I was given to him for marriage. He prevented me from attending social gatherings such as markets, funerals and public meetings. However, he made sure that he provided my daily basic needs such as soap, soup ingredients, millet and money for milling grain. My personal clothes were also provided by my husband. This continued for 7 years’.

Ateni joined a credit scheme which has enabled her to crochet, knit, make batiks and farm her own land. She earns her own money, but her husband is careful to ensure she does not become rich because if she does she ‘would disrespect him because I would be able to buy my basic needs’.

### **Case Study 3: Aneenaba Atubilla**

'My name is Aneenaba Atubilla. I was born in Gumbare, a village about 4 km away from Binaba. I am about 35 years old.

My father's name is Awuuga Akolnaba. He died about five years ago. He was a farmer and had 4 wives with a total of 17 children made up of 9 females and 8 males.

I did not go to school though the school was just about 4 km away from my house. My parents complaint was that teachers inflicted corporal punishment on children therefore they would not send their children to school. The male children were engaged on the family farm while the female children supported their mothers in domestic work.

I am married to Atubilla Ndago for about 20 years now. He is a farmer in Agoago. I am Atubilla's only wife. We have 5 children made up of 3 females and 2 males.

None our children have had a formal education. The reason is that we spent about 15 years of our married life in Tema where our first 3 children who are females were born. While in Tema we did not realise the value of education and so our daughters were taken by other rich women as help-mates.

We returned home to Agaogo about 5 years ago and realised that even in a village such as Agaogo, people understand the value of education and almost all children in the village are sent to school. It was then too late to send our daughters who were already in their early teens to school again.

Our fourth born who is now about 6 years old would be sent to primary class one in September 1999. We also plan to send our last born who is now two years to school in 4 years time.

Though I am still young and capable of getting more children we have decided to have only 5 children. The reasons are that we have since our return home form Tema, faced problems of feeding our family. Our farming activities have since proved futile. Meeting our daily basic needs was also a serious problem until 1997'.

Aneenaba joined a credit scheme and through farming has made enough to repay her loans and make a profit.

## Appendix Two: Legal Age of Marriage

The following information is taken from the International Planned Parenthood Foundation and the International Women's Rights Action Watch (1995).

### Key to categories in table:

#### Equal Marriage Rights

Customary law may override legislation

Explicit statement of equality in law

No explicit statement of equality in law

#### Marriage Consent

Marriage only with woman's consent

Marriage without woman's consent

Country	Equal Marriage Rights	Marriage Consent	Minimum Marriage age (years) Women/ Men	Equal Divorce Rights
Albania	Customary law	Without	16 / 18	Same grounds
Angola	Customary Law	Marriage only with consent		Same grounds
Argentina	No explicit statement	With	16 / 18	Same grounds
Armenia	Explicit statement	With	18 / 18	Same grounds
Australia	Explicit statement	With	18 / 18	Same grounds
Austria	Explicit statement	With	19 / 19	Same grounds
Bangladesh	Customary law	With	18 / 21	Different grounds Renunciation (Islam)
Barbados	Explicit statement	With	18 / 18	Same grounds
Belarus	Explicit statement	With	18 / 18	Same grounds
Belgium	Explicit statement	With	21 / 21	Same grounds
Benin	Explicit statement	Marriage only with consent		
Bhutan	Explicit statement	With	16 / 20	Same grounds
Bolivia	Explicit statement	With	14 / 16	Same grounds
Bosnia-Herzegovnia	Explicit statement	With	18 / 18	Same grounds
Brazil	Explicit statement	With	16 / 18	Same grounds
Bulgaria	Explicit statement	With	18 / 18	Same grounds
Burkina Faso	Explicit statement	With	17 / 20	Same grounds
Burundi	Explicit statement	Marriage only with consent		
Cambodia	Explicit statement	With	18 / 20	Same grounds
Cameroon	Customary law	With	15 / 18	Different grounds Renunciation (Islam)
Canada	Explicit statement	Marriage only with consent	Minimum age varies by province	Same grounds

Cape Verde	Explicit statement	Marriage only with consent		
C.A.R	Explicit statement	Marriage only with consent		
Chad	Customary law	Marriage only with consent		
Chile	No explicit statement	With	12 / 14	Divorce not legal
China	Explicit statement	With	20 / 22	Same grounds
Colombia	Explicit statement	With	18 / 18	Same grounds
Comoros		Marriage only with consent		Different grounds Renunciation (Islam)
Congo	Explicit statement	No data available		
Costa Rica	Explicit statement	With	18 / 18	Same grounds
Croatia	Explicit statement	With	18 / 18	Same grounds
Cuba	Explicit statement	With	18 / 18	Same grounds
Cyprus	Explicit statement	With	16 / 18	
Czech Republic	Explicit statement	With	18 / 18	Same grounds
Denmark	Explicit statement	With	18 / 18	Same grounds
Dominican Republic	Explicit statement	With	18 / 18	Same grounds
Ecuador	Explicit statement	With	18 / 18	Same grounds
Egypt	Customary law	Without	16 / 18	Different grounds Renunciation (Islam)
El Salvador	Explicit statement	With	21 / 21	Men – different grounds
Estonia	Explicit statement	With	18 / 18	Same grounds
Ethiopia	Customary law	Without	15 / 18n	Different grounds Renunciation (Islam)
Finland	Explicit statement	With	18 / 18	Same grounds
France	Explicit statement	With	18 / 18	Same grounds
Gabon	Explicit statement	With	15 / 18	Same grounds
Gambia		Marriage only with consent	No minimum age	
Georgia	Explicit statement	With	18 / 18	Same grounds
Germany	Explicit statement	With	18 / 18	Same grounds
Ghana	Customary law	With	21 / 21	Different grounds Renunciation (Islam)
Greece	Explicit statement	With	18 / 18	Same grounds
Guatemala	Explicit statement	With	18 / 18	Same grounds
Guinea	Customary law	With	17 / 18	Different grounds Renunciation (Islam)
Guinea-Bissau	Customary laws	With	15 / 18	Different grounds
Guyana	No explicit statement	With	18 / 18	Different grounds
Haiti	Explicit statement	With	18 / 18	Different grounds Renunciation (Islam)
Honduras	Explicit statement	With	21 / 21	Same grounds
Hungary	Explicit statement	With	18 / 18	Same grounds

Iceland	Explicit statement	With	18 / 18	Same grounds
India	Customary law	Without	18 / 20	Different grounds Renunciation (Islam)
Indonesia	Customary law	With	16 / 19	Different grounds
Iraq	Customary law	Without	18 / 18	Different grounds Renunciation (Islam)
Ireland	Explicit statement	With	21 / 21	Divorce not legal
Israel	Customary law	With	16	Different grounds Renunciation (Islam)
Italy	Explicit statement	With	18 / 18	Same grounds
Jamaica	Explicit statement	With	16 / 16	Same grounds
Japan	Explicit statement	With	16 / 18	
Jordan	Customary law	With	17 / 18	Different grounds Renunciation (Islam)
Kenya	Customary law	With	18 / 18	Different grounds Renunciation (Islam)
Korea, Republic of	Explicit statement	With	16 / 18	Same grounds
Kuwait		Marriage only with consent	No minimum age	Different grounds Renunciation (Islam)
Laos	Explicit statement	Marriage only with consent		
Latvia	Explicit statement	With	18 / 18	Same grounds
Liberia	Explicit statement	With	16 / 16	
Libya	Customary law	With	20 / 20	Different grounds Renunciation (Islam)
Lithuania	Explicit statement	With	18 / 18	Same grounds
Luxembourg	Explicit statement	With	18 / 18	
Macedonia	Explicit statement	With	18 / 18	Same grounds
Madagascar	Customary law	With	18 / 18	Different grounds Renunciation (Islam)
Malawi	Customary law	Marriage only with consent	No minimum age	Different grounds Renunciation (Islam)
Mali	Customary law	With	18 / 21	Same grounds
Mauritius	Customary law	With	18 / 18	Same grounds
Mexico	Explicit statement	With	18 / 18	Same grounds
Moldova	Explicit statement	With	18 / 18	Same grounds
Mongolia	Explicit statement	With	18 / 18	Same grounds
Morocco	Customary law	Without	15 / 18	Different grounds Renunciation (Islam)
Namibia	Customary law	With	18 / 21	Same grounds
Nepal	Customary law	With	18 / 18	
Netherlands	Explicit statement	With	18 / 18	Same grounds
New Zealand	Explicit statement	With	20 / 20	Same grounds
Nicaragua	Explicit statement	With	14 / 15	Different grounds
Nigeria	Customary law	With	16 / 16	Different grounds Renunciation (Islam)
Norway	Explicit statement	With	18 / 18	Same grounds
Panama	Explicit statement	With	15 / 16	Same grounds
Papua New Guinea	Customary law	Without	16 / 18	

Paraguay	Explicit statement	With	12 / 14	Different grounds
Peru	No explicit statement	With	14 / 16	Same grounds
Philippines	Customary law	With	18 / 18	Different grounds
Poland	Explicit statement	With	18 / 18	Same grounds
Portugal	Explicit statement	With	18 / 18	Same grounds
Romania	Explicit statement	With	16 / 18	Same grounds
Russian Federation	Explicit statement	With	18 / 18	Same grounds
Rwanda	Customary law	With	21 / 21	Same grounds
Senegal	Customary law	With	16 / 20	Same grounds
Sierra Leone	Customary law	With	18 / 21	
Slovakia	Explicit statement	With	18 / 18	Same grounds
Slovenia	Explicit statement	With	18 / 18	Same grounds
Spain	Explicit statement	With	18 / 18	Same grounds
Sri Lanka	Customary law	With	21 / 21	Same grounds Renunciation (Islam)
Sweden	Explicit statement	With	18 / 18	Same grounds
Tajikistan	Explicit statement	With	18 / 18	Same grounds
Tanzania	Customary law	With	18 / 18	Same grounds
Thailand	Explicit statement	With	17 / 17	Different grounds
Togo	Customary law	With	21 / 21	Different grounds Renunciation (Islam)
Trinidad/Tobago	Customary law	With	18 / 18	Same grounds Renunciation (Islam)
Tunisia	Customary law	With	20 / 20	Same grounds
Turkey	Explicit statement	With	15 / 17	Same grounds
Uganda	Customary law	With	21 / 21	Different grounds Renunciation (Islam)
Ukraine	Explicit statement	With	18 / 18	Same grounds
United Kingdom	Explicit statement	With	16 / 16	Same grounds
Uruguay	Explicit statement	With	21 / 21	Different grounds
Venezuela	Explicit statement	With	16 / 16	Different grounds
Vietnam	Explicit statement	With	18 / 20	Same grounds
Yemen	Customary law	Without	15 / 15	Different grounds Renunciation (Islam)
Yugoslavia	Explicit statement	With	18 / 18	Same grounds
Zaire	Customary law	With	21 / 21	Different grounds Renunciation (Islam)
Zambia	Customary law	With	21 / 21	Same grounds
Zimbabwe	Customary law	With	18 / 18	Same grounds Renunciation (Islam)

## The Forum on Marriage

The Forum on Marriage and the Rights of Women and Girls is an inter-agency forum founded by Anti-Slavery, CHANGE, Child Rights Information Network (CRIN), International Planned Parenthood Federation (IPPF) and Save the Children UK. The Forum was officially launched in November 1998 with the initial idea of enabling organisations to share experiences of research and programme work, and to identify common agendas for advocacy and policy development at the national, regional and international level. The organisations involved in the Forum are concerned with girls' and women's rights in relation to marriage, especially the issues of early and forced marriage, non-consensual sex within marriage, domestic and family violence and female genital mutilation.

The main vision of the Forum is to build a global network with the aim of:

- gathering and sharing information;
- reaching a better understanding of the legal, social and health implications of the violations of girls' and women's human rights in relation to marriage;
- improving approaches to work on these issues, through the development of common strategies and
- carrying out joint advocacy activities to monitor the implementation of international conventions on the human rights of women and girls.

As of April 2000, there are over 40 individuals who make up the Forum. These members are based in organisations in the UK and overseas and include both large and small non-governmental organisations and some independent researchers and activists.

This report investigates current research on early marriage and draws attention to the wide ranging issues that surround early marriage. The issue of early marriage was chosen, not only because the Forum on Marriage is concerned with the plight of millions of girls forced into early marriage, but also because it is a relatively neglected area. Previous research has often investigated early marriage and its occurrence in a specific region, or its relation to a certain topic, such as health. However, the Forum is aware of the holistic approach that must be taken to tackle early marriage, and this report aims to draw attention to early marriage throughout the world and its relation to a wide range of issues.

Funding for this initiative has been primarily through UNICEF, New York. The Forum is grateful for this support which was used to employ a part-time co-ordinator to research and write-up this report and also to plan a workshop to be held at the Beijing +5 meeting in New York in June 2000.

# Members of the Forum on Marriage and the Rights of Women and Girls

## Organisation

Anti-Slavery  
Asian Human Rights Commission, Hong Kong

British Council

Centre for Reproductive Law and Policy, New York  
Children Concern Organisation, Uganda  
Commonwealth Secretariat Health Programme  
CHANGE  
Child & Woman Abuse Studies Unit  
Child Rights Information Network

Department for International Development, UK

The Florence Nightingale Division of Nursing  
FORWARD

ICI Health Rights  
International Planned Parenthood Federation  
IPAS – Uganda

London Black Women's Health Action Project  
Louise Paton Productions

Map Photo Agency, Bangladesh  
Marlene Hinselwood  
Minority Rights Group

National Council of NGO Networks, India  
National Council for Childhood and Motherhood, Egypt

One World Action  
OXFAM  
Population Concern

Q Web Sweden

Rayalaseema Rural Development Society, India  
Rights and Humanity

Save the Children UK  
School of Oriental and African Studies  
Sudan National Committee on Harmful Traditional Practices, Sudan  
UNICEF Bangladesh  
UNICEF UK

Womankind Worldwide  
Women & Law', ILS Law College, India  
Women's Collective, India  
World Association of Girl Guides and Girls Scouts  
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