

# Child Marriage, LAWS & CIVIL SOCIETY ACTION



USAID / L. Larrigue

Child marriage is outlawed in many developing countries and a series of international agreements and conventions also forbid the practice. 🌿 Despite nearly universal consensus that child marriage is harmful, the practice continues because of insufficient resources, lax enforcement or ingrained cultural traditions. 🌿 However, communities are mobilizing to take a more active role in working with families to end child marriage.

## GOVERNMENTS PROHIBIT CHILD MARRIAGE

**At the international level, the 1948 Universal Declaration of Human Rights recognizes the right to “free and full” consent to marriage and determines that this standard is not met when a person is not mature enough to make an informed decision.**<sup>1</sup> The International Convention on the Rights of the Child does not directly address the problem of child marriage, although it upholds the right of children to be protected from harmful traditional practices. The 1990 African Charter on the Rights and Welfare of the Child prohibits marriage under age 18.

At the national level, most countries with high rates of child marriage have legally established the minimum age of marriage at 18 to end the practice. For example, in 12 of the 20 countries with the highest rates of child marriage, the legal age of marriage is 18 or older: Bangladesh, Burkina Faso, Central African Republic, Eritrea, Ethiopia, India, Malawi, Mali, Mozambique, Nepal, Nicaragua and Uganda.<sup>2</sup>

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## COMMUNITIES MOBILIZE TO END CHILD MARRIAGE

Yet child marriage persists because these countries lack the resources, and sometimes the political commitment, to enforce the laws. Nevertheless, governments and local civil society organizations in a number of countries are actively

working to discourage the practice by raising community awareness of the adverse consequences for girls, running programs that provide girls with alternative choices and demanding more effective enforcement of the laws.

- The government of **Bangladesh’s** secondary school enrollment program provides parents with monetary compensation for the loss of their daughters’ domestic and agricultural labor and requires parents to sign a statement of commitment not to have their daughters marry until they reach age 18. It also covers the cost of school fees and books for girls to remain in school. As a result, girls’ school enrollment doubled between 1994 and 2001, and girls’ age of marriage increased.<sup>3</sup>
- In **Ethiopia**, the Ministry of Youth, Sports and Culture together with USAID-funded projects are supporting an initiative to delay the age of marriage through economic incentives that keep girls in school and provide life skills training. In a number of cases, the local parent-teacher association and Girls’ Advisory Committee, working with local government officials, has intervened with parents and religious elders who had arranged early marriages of girls as young as 10 and persuaded them to cancel the marriages and keep the girls in school.<sup>4</sup> The Ethiopian Women Lawyers Association campaigns for communities, local governments and religious institutions to observe the legal age of 18 for marriage.
- Nongovernmental organizations from six **West and East African countries**, with support from the United Kingdom-based Forum on Marriage and the Rights of Women

## Minimum Legal Age of Marriage for Girls in the 20 Countries with the Highest Rates of Child Marriage<sup>1</sup>

RANKING	COUNTRY	MINIMUM LEGAL AGE OF MARRIAGE FOR GIRLS
1	Niger	15
2	Chad	15
3	Bangladesh	18
4	Mali	18
5	Guinea	17
6	Central African Republic	18
7	Nepal	18
8	Mozambique	18
9	Uganda	18
10	Burkina Faso	19
11	India	18
12	Ethiopia	18
13	Liberia	15
14	Yemen	15
15	Cameroon	15
16	Eritrea	18
17	Malawi	18
18	Nicaragua	18
19	Nigeria	Not Available
20	Zambia	No Minimum

and Girls, met in Burkina Faso in February 2003 and issued a declaration calling on African governments, civil society organizations and the international community to work to end child and forced marriages.<sup>5</sup>

- In **Morocco**, the national government recently raised the age of marriage for girls from 15 to 18, the same age as boys. The government also organized a large-scale media campaign—involving Islamic law experts, intellectuals and political representatives—to raise awareness of the new law and encourage changes in behavior.<sup>6</sup>

- In **India**, the Supreme Court recently handed down a decision requiring married couples to register their consent to be married and their age with local authorities, to better enforce the law establishing 18 as the minimum age of marriage. In the state of Uttar Pradesh, the government has launched a program to increase awareness about the legal age of marriage, change values and attitudes about child marriage, and deny eligibility for government jobs to people marrying before age 18.<sup>7</sup>

### REFERENCES

- <sup>1</sup> UNICEF (2005). *Early Marriage: A Harmful Traditional Practice*. UNICEF: New York.
- <sup>2</sup> Melchiorre, A. (2004). "At What Age...Are school-children employed, married, and taken to court? Second Edition" The Right to Education Project. U.S. Department of State (2005). "Country Reports on Human Rights Practices – Nepal" Found online at: [www.state.gov/g/drl/rls/hrrpt/2005/6/1709.htm](http://www.state.gov/g/drl/rls/hrrpt/2005/6/1709.htm). U.S. Department of State (2002). "2001 Country Reports on Human Rights Practices – Ethiopia" Found online at: [www.state.gov/g/drl/rls/hrrpt/2001/af/8372.htm](http://www.state.gov/g/drl/rls/hrrpt/2001/af/8372.htm).
- <sup>3</sup> Amin, S. and G. Sedgh (1998). Incentive schemes for school attendance in rural Bangladesh. *Policy Research Division Working Paper* no. 106. New York: Population Council. Arends-Kuenning, M. and S. Amin (2000). "The effects of schooling incentive programs on household resource allocation in Bangladesh," *Policy Research Division Working Paper* no. 133. New York: Population Council.
- <sup>4</sup> World Learning, "Annual Report, 2004-2005. USAID/Ethiopia, Basic Education Strategic Objective 2: Community-Government Partnership Program." August 2005.
- <sup>5</sup> Otoo-Oyortey, N. and Sonita Pobi (2003). *Early Marriage and Poverty: Exploring the Links for Policy and Program Development*. The Forum on Marriage and the Rights of Women and Girls: London.
- <sup>6</sup> Middle East Media Research. "King of Morocco Calls for Fundamental Reform in Family Law." November 7, 2003.
- <sup>7</sup> Department of Health and Family Welfare, Government of Uttar Pradesh (2000). "Population Policy of Uttar Pradesh."

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