

FROM BABY TO BRIDE

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Wanjala Wafula, the founder and CEO of the Coexist Initiative in Kenya, once said, “By getting men to reject the practices that subordinate women and girls and subject them to violence, we can get to the root of child marriage.” Child marriage is an extremely common, controversial, and detrimental practice carried out in several areas of the world, most commonly in Africa, Asia, and the Middle East. Despite attempts to raise awareness and some successfully passed legislation, this procedure continues as a common practice in many of these areas for various reasons. Child marriage, a practice all too prevalent specifically in the Southern Asian countries of Pakistan and India, is a violation of children’s and women’s most basic human rights and has lasting impacts for both the parties involved as well as the communities perpetuating the practice. The aim of this research paper is to present the background information and prevalence of this practice, define its consequences, and explore the current legislation and activism surrounding the practice.

According to the “Child Marriage” article published by United Nations Children’s Fund (UNICEF), child marriage can be defined as “a formal marriage or informal union before age 18.” Before the age of 18, a person is still a child. A child is still developing both physically and mentally up until the age of 18 (and even slightly after that). Before the age of

18, a child is still growing, learning, experiencing new things, and trying to find a place in the world. UNICEF's "Child Marriage" article points out that these young girls are "deprived of their fundamental rights to health, education, and safety." Given the constant rise in the world's population, globally there are more young people, specifically young girls, than ever before. Instead of making the most of this opportunity and supporting these young girls in their growth and development, many countries are instead marrying these girls off, often to much older men. These young brides are robbed of any sense of power or privilege and are forced to become dependent on their husbands. These young girls are thrust into a life as a wife and frequently a mother before they are ever physically or emotionally prepared.

Ruth Gaffney-Rhys, a professor at the Newport Business School at the University of Wales in Newport, UK, reported on the prevalence of this practice in her article titled "A comparison of child marriage and polygamy from a human rights perspective: are the arguments equally cogent?" In her article, Gaffney-Rhys makes several arguments against the practice of child marriage on the basis that it is a human rights violation and in the process of doing so notes that "in Africa 42% of young women between the ages of 15 and 24 were married before reaching 18 whilst in Southern Asia, the figure rises to 48%" (49). That is nearly half of the population being married off before they are 18 years old – in other words, nearly half of the young girls in these countries are being deprived of their childhood and their right to figure out who they are and what they want out of life for

themselves. Susan Lee-Rife, an independent consultant and social demographer, along with several other researchers, reviewed numerous child marriage prevention programs and published the findings in an article titled “What Works to Prevent Child Marriage: A Review of the Evidence.” According to their findings, “worldwide more than 60 million women aged 20-24 were married before they reached 18” (287). Specifically, they note that “The extent of child marriage varies substantially between countries, with the highest rates found in West Africa, followed by South Asia, North Africa/Middle East, and Latin America” (287). Statistics like this show that an overwhelming number of young girls are forced into this lifestyle, especially in Southern Asia.

For the purposes of narrowing down the plethora of research on this topic, the remainder of this paper will focus specifically on the practices within the Southern Asian countries of Pakistan and India. Muazzam Nasrullah, a medical epidemiologist at the U.S. Centers for Disease Control and Prevention, along with several other researchers, conducted numerous interviews and compiled their findings in an article titled “Knowledge and Attitude towards child marriage practice among women married as children – a qualitative study done in the urban slums of Lahore, Pakistan.” In this article, Nasrullah et. al. note that “in Pakistan, where gender inequality is one of the highest in the world, substantial numbers of girls are victims of child marriage” (2). Biswajit Ghosh, a professor and head of the department of Sociology at the University of Burdwan in West Bengal, India wrote an article titled “Child Marriage, Society and the Law: A

Study in a Rural Context in West Bengal, India.” In his article, he states many shocking statistics about the prevalence of this practice specifically in India, noting the fact that “40% of the world’s child marriages occur in India though only 514 cases of such marriages were registered with the police during 2004-2008” (203). He goes on to say that “one of every two girls is found married in childhood in eight Indian states” (203). Given these incredibly high numbers, it can easily be argued that child marriage is an epidemic in these countries that needs to be stopped immediately. As a result of these practices, young girls suffer from a variety of lasting consequences.

Knowing now how incredibly widespread the practice of child marriage is in Pakistan and India, it is important to consider the potential outcomes of this practice, both at the individual level as well as the societal level. On an individual level, there are countless negative consequences. For starters, practices like this undermine the notion of gender equality and function to keep women at a disadvantage within the given society. This is accomplished by taking away their most basic rights of safety, education, health, and freedom to choose and control the outcome of their own lives. Gangoli Geetanjali, a professor at the School for Policy Studies at the University of Bristol in Bristol UK, along with a team of researchers, compiled research findings in an article titled “Child Marriage or Forced Marriage? South Asian Communities in North East England.” In this article, the researchers point out that “early marriages have gendered consequences, with girls experiencing a greater vulnerability to domestic and

sexual violence within the marriage and loss of opportunities to study or pursue a career” (427). Naturally, a young girl is going to have less control and less of an influence in a relationship with an older man, which in and of itself creates the possibility for intimidation, violence, and an unequal power balance within the relationship. To compound the issue, the article published by Lee-Rife et. al. furthers this notion of a negative correlation between girls’ education and child marriage by saying that “although the direction of causality in this relationship likely runs in both directions, the evidence is strong that girls with low levels of schooling are more likely to be married early, and child marriage typically puts an end to a girl’s education” (288). As if these serious and lasting psychological consequences weren’t enough, there are also physical consequences to these practices as well. Referring back to the article about Pakistan, Nasrullah et. al. noted several physical consequences of child marriage for the child brides, including frequent pains, disturbed menstrual cycles, abortions, difficulty in child birth, and physical weakness (7). This is likely due to the fact that these young girls are being forced into sexual intercourse and child bearing relatively soon after getting married before their bodies are ready for that responsibility. This same article goes on to talk about the negative consequences for the potential children of these child marriages, noting that “child marriage was found to be associated with negative fertility-control outcomes and child diarrhea and malnutrition, even after controlling for social vulnerabilities” (7-8).

Not only does this practice negatively affect individuals, at a

societal level this practice also has lasting negative consequences. When roughly one quarter of a country's population is comprised of young girls that can no longer pursue an education and consequently do not join the workforce or positively contribute to the economy (assuming equal birth rates of girls and boys and assuming nearly half of the girls become child brides as stated earlier), these young girls are also unable to contribute to the growth and/or development of their countries; instead, these girls are forced into a life that perpetuates poverty and gender inequality. Lee-Rife et. al. state that “national and international indicators regarding maternal health, education, food security, poverty eradication, HIV/AIDS, and gender equality are all negatively associated with high rates of child marriage” (288). Taking into consideration the mounting evidence of negative consequences of the practice of child marriage, what has been done about this? Have there been any actions taken to control or prevent this from continuing?

In Pakistan, there has been some progress in legally controlling and eventually putting an end to child marriage. That being said, there are numerous factors (which will be covered later) that continue to perpetuate the practice despite the legal progress being made. Referring back to the article by Nasrullah et. al., the researchers note that progress began with the Child Marriage Act Restraint in 1929 which “prohibit[ed] the marriages of children below the age of 16 for girls and 18 for boys” (9). After a long period of time and innumerable child brides, attempts through the Child Marriages Restraint (Amendment) Bill of 2009 and the Charter of

Child Rights Bill of 2009 “have been made in the country to increase the age of marriage to 18 years for girls” (9). According to the article, “these efforts will help eliminate, at least on paper, the discriminatory provisions of age and aligning the legislation with the requirements of international laws against child marriages such as [the] Convention on the Rights of the Child [in] 1989” (9). In a country like Pakistan there seems to be hope for this to work, but in countries like India (where the conditions are much drearier) there is a much higher cause for concern.

India has a long history of legislation related to the practice of child marriage, the beginnings of which date back to the 1800s. During the 1880s a campaign was launched in order to increase the legal age of consent (as it relates to rape) from 10 to 12 years old under Section 375 of the Indian Penal Code (Ghosh 201). The article written by Ghosh about West Bengal India did cite the progress of the legislation from there; according to the article, next came the Child Marriage Restraint Act in 1929 that set the minimum age of marriage for girls at 14 and for boys at 18 (201). Although this was a great start, 14 is hardly an acceptable age for a young girl to become a wife or mother. People eventually agreed, ultimately leading to this Act being amended several times. The first amendment occurred in 1949 where the age was changed from 14 to 15 for girls; a second amendment, in 1972, set the minimum age to 18 for girls and 21 for boys (Gosh 201). As in Pakistan, despite the legislation, the practice continues even today for various reasons that will be discussed next. It is because of this lack of usefulness (in regard to the Child Marriage

Restraint Act) that the Prohibition of Child Marriage Act in 2006 was enacted and later implemented in West Bengal India in 2008 (Ghosh 201). This Act has various parts, but essentially the Act keeps the age set at 18 and 21 for girls and boys respectively, steepens the punishment for any and all parties found contracting a child marriage, and appoints Child Marriage Prohibition Officers (Ghosh 202). Perhaps the most notable facet of the Act however is that for the first time it declared child marriage voidable. According to Ghosh's article, "[the marriage] is 'voidable' because [the] contracting party who was a 'child' at the time of the marriage has the option to nullify the marriage within two years of attaining majority" (202). Given that all of this legislation is nearly a decade old, it is worrisome that this still occurs today despite the legislation at both the national and international level.

In different contexts there are different reasons for the perpetuation of child marriage and, in many cases, the practice is protected under various religious and cultural standards and/or laws. In order to fully understand this as citizens of the Western world, it is important to understand the various social constructs of the societies in question. For example, Saudi Arabia "contains no minimum age for marriage and in such cases early marriage is considered lawful because it is a traditional practice sanctioned by customary law or the personal religious law of the parties such as Sharia law" (Gaffney-Rhys 50). Sharia law also protects those marrying younger than 18 in some African countries like Nigeria, despite the Nigerian Child Rights Act of 2003 that defined a child as a person

under 18; consequently, “the average age of marriage for girls in Nigeria is 17 and in the state of Kebbi it is only 11” (Gaffney-Rhys 50).

On top of these religious reasons for the perpetuation of the practice of child marriage, there are several cultural and social expectations and benefits for a family to marry their daughter off young in these cultures. Referring back to the article by Lee-Rife et. al., in many of these non-western countries there is a very high value placed on female virginity and because of this societal preference, families often feel pressured to force their daughters into marriage at a young age to avoid the chances of her becoming promiscuous or having pre-marital sexual relations (288). Another potential motivating factor for this practice, according to Lee-Rife et. al., is that in the process of marrying off a daughter, a family can form important and strategic associations with other families that might benefit them in the future (288).

Now knowing some of the more broad potential conflicts with enforcing the legislation against child marriage, it is important to consider some of the perpetuating factors within Pakistan and India (although it is probable that these factors are applicable in other countries as well. In the article published by Nasrullah et. al., the researchers note some of the potential reasons for the high rates of child marriage in Pakistan as having to do with cultural practices. In Pakistan, there are many traditional practices that preserve the practice of child marriage, known as “WattaSatta (bartering bride for bride), PaitLikkhi (marrying children before they are born

or are still very young), AddoBaddo (marriage among tribes), and Swara / Khoon-Baha / Vani / Sakh (girls given in marriage as a form of dispute resolution)” (3). Unfortunately, deep-rooted traditions and societal norms such as these are very difficult to overcome and the process can take a long time.

In India, as well as numerous other countries where this occurs, the practice itself is rooted in the patriarchal values and institutions in place within the country. As Ghosh noted in his article, “more than 90% of the fathers, mothers, and elders in [the study] consider ‘marriage as essential for girls’ [while also showing a] ‘fear about elopement’ and a ‘concern for social security of girls’” (207). To compound this patriarchal belief system, in countries such as India there is evidence that dowry demands are rising, especially as the age of the girl at marriage increases (209). For many of the families in the country that are already living below the poverty line, this puts a lot of pressure on them to marry their daughters off early to avoid having to pay an expensive dowry.

So, where does this leave things? Will child marriage prevail and continue to ruin the lives of young girls across the globe despite the necessary interventions by various organizations and legislation criminalizing the practice? Tackling this issue of child marriage is not going to be easy given the age-old thoughts, practices, standards, and belief systems underpinning the societies involved. If there is going to be any progress, according to Ghosh, it will need to overcome three important challenges,

which are creating knowledge and awareness, convincing families, and ensuring continued compliance by families (213). In order to overcome those challenges, Ghosh suggests four broad strategies, including “education and empowerment, employment and capacity development, awareness and motivation building, and administrative and community actions” (213). It will not be an easy or a quick process, but it is, without a doubt, a necessary and long overdue process.

In conclusion, child marriage is a common practice in many non-Western countries that devastates the lives of young girls and their societies. Child marriage is all-too prevalent globally, but specifically in Southern Asian countries such as Pakistan and India. There are innumerable negative consequences of this appalling practice, both at the individual level as well as the societal level. Despite legislation and attempts to raise awareness about the practice, there are very deep-rooted religious, social, and cultural explanations as to why the practice is still so common today. As Ghosh put it in his article, “There is...every need to argue for the rights of adolescent girls by preventing child marriage and promoting the importance of the girl child in human society” (200).

Works Cited

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