



Plan International Australia

JUST MARRIED, JUST A CHILD

Child marriage in the Indo-Pacific region



ABOUT PLAN INTERNATIONAL AND OUR WORK ON CHILD MARRIAGE

Plan International is one of the world's oldest and largest child focused development agencies. Our approach to development is community-focused and rights-based. This means we work in local contexts with families and communities, as well as at the national and international level to advocate for policy and structural change to address the underlying causes of poverty and disadvantage. Plan International recognises that girls are most negatively affected by child marriage, which is reinforced by gender inequality. We work across the world to end child marriage, including in the Indo-Pacific region (for example, in Bangladesh, Pakistan, Indonesia and Cambodia).

With that in mind, we work with communities to:

- improve educational opportunities for girls through formal schooling and alternative or vocational training, and make educational institutions safe and empowering places for girls;
- reduce the social pressures which motivate families to favour child marriage by working with boys, girls, men and women to change and challenge attitudes, beliefs and behaviours about the practice;
- build girls' leadership skills through empowerment and improved socio-economic capabilities;
- facilitate social networks for girls and increase their participation in political and civic action;
- train and support community leaders and organisations to design and carry out advocacy and awareness activities which promote and protect the rights of girls;
- work with governments to introduce improved systems and laws to end child marriage.

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Cover photo: Child marriage and early motherhood is a prevalent problem in Bangladesh. Sherina was married while still a child. She is 24 years old but has already gone through 11 pregnancies. Six miscarriages and five neonatal deaths later, she decided to adopt a child instead. Daily prayers have become part of Sherina's way of coping with the challenges she faces in life.
(Photo credit: Plan / Bernice Wong)

This page: Rajbanu had her first child when she was barely 14 years old, Bangladesh



Girls promote the “18+ Ending Child Marriages in Southern Africa” campaign, Mozambique



WHAT IS CHILD MARRIAGE?

Plan International defines child marriage as any marriage – whether under civil, religious or customary law, and with or without formal registration – where either one or both spouses are children under the age of 18. Plan International uses the term child marriage in recognition of the fact that it is the most commonly used term to refer to the practice of children being married before the age of 18. Other terms, such as early marriage, child and forced marriage, and early and forced marriage are also often used by international agencies, governments, academics and activists. These are often used to emphasise that children who are married – particularly girls – are usually not in a position to give their free, full and informed consent to marriage, and are often subject to marriage under pressure and coercion, sometimes using violence. In some countries though, child marriage results from self-choice; that is, girls choosing to marry for complex reasons including the stigma of pre-marital sex and pregnancy.

A FUNDAMENTAL BREACH OF HUMAN RIGHTS

Child marriage is a violation of human rights. Human rights law mandates that marriage should only ever involve a formal, binding partnership between adults. The *Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)* states that the marriage of a child shall have no legal effect.¹ According to the United Nations (UN) *Convention on the Rights of the Child (CRC)*, a child is “every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier”.²

Child marriage also breaches the human rights of children because it usually happens without their consent.³ The *Universal Declaration of Human Rights* states that marriage should be “entered only with the free and full consent of the intending spouses”.⁴ Instead, child marriage usually involves an element of coercion where parents, guardians or others put pressure on girls to wed or force them into marriage against their will.⁵ Marriage before the age of 18 is also a breach of children’s rights because, as recognised by the UN CEDAW Committee, boys and girls almost always do not have the “full maturity and capacity” to consent to marriage.⁶

This report shows how child marriage leads to the breach of a number of fundamental human rights:

- the right to education and play because it stops girls from going to school and reaching their full potential⁷;
- the right to live a life free from violence and discrimination⁸;
- the right to health by increasing adolescent girls’ risk of pregnancy- and birth-related illness and death.⁹

“Since children are, by definition, incapable of consent or of exercising the right of refusal, child marriage is forced marriage, and as such violates fundamental human rights standards and must therefore be strictly prohibited.”

- UN Special Rapporteur on Trafficking in Persons, Sigma Huda

CONTENTS

About Plan International and our work on child marriage	2	5. Child marriage, human rights and the global and regional response	32
What is child marriage?	4	5.1 Child marriage and human rights	33
A fundamental breach of human rights	5	5.1.1 The right to education and play	33
Foreword	8	5.1.2 The right to equality	34
Executive summary	10	5.1.3 Obligation to establish a minimum age of marriage of 18	34
Summary of recommendations for action	10	5.1.4 Health and reproductive rights	34
1. Introduction	12	5.1.5 The human rights response to child marriage at the global level	34
1.1 What about boys?	13	5.2 The human rights response to child marriage at the regional level	35
2. The causes of child marriage	14	6. Taking action to end child marriage	36
2.1 Gender inequality, culture and beliefs	15	6.1 Designing successful programs to end child marriage	37
2.2 Poverty, scarce economic opportunities and insecurity	16	6.1.1 The need for integrated programming	37
2.3 Crisis, fragility and emergencies	16	6.1.2 Monitoring the impact of programs	37
2.4 The role of the law	17	6.1.3 Target countries where child marriage is most prevalent	37
3. The impacts of child marriage	18	6.1.4 Reaching out to girls who are already married	37
3.1 Illiteracy and interrupted education	19	6.2 Good practice to end child marriage	37
3.2 Domestic violence	19	6.2.1 Improving women's and girls' access to high quality education	37
3.3 Health	19	6.2.2 Mobilising communities and empowering girls	38
3.4 Poverty	20	6.2.3 Enhancing young women's economic empowerment and livelihood training	40
4. The global impact of early and forced marriage	22	6.2.4 Encouraging supportive laws, policies and protection mechanisms	40
4.1 Overview	23	6.2.5 Improving access to health services and health information	40
4.2 Child marriage in the Indo-Pacific region	23	7. The role of the Australian Government in ending child marriage	42
4.2.1 Bangladesh	24	7.1 Recommendations	44
4.2.2 Papua New Guinea	24	7.1.1 Ending early and forced marriage through Australian aid and development work	44
4.2.3 Cambodia	26	7.1.2 Taking action on the global stage	45
4.2.4 Indonesia	26	Endnotes	46
4.3 Child and forced marriage in Australia	28		
4.3.1 Little is known about child and forced marriage in Australia	28		
4.3.2 Consent: Forced and child marriage	28		
4.3.3 Laws against child and forced marriage in Australia	30		
4.3.4 Support services, legal advice and front-line training	30		
4.3.5 Community leadership and engagement	31		

ACRONYMS AND ABBREVIATIONS USED

CAMBOW	Cambodian Committee of Women
CEDAW	United Nations Convention on the Elimination of All Forms of Discrimination Against Women
CHOGM	Commonwealth Heads of Government Meeting
CPGs	Child protection groups
CRC	Convention on the Rights of the Child
CSW	Commission on the Status of Women
ECCD	Early childhood care and development
HLP	High-Level Panel on the post-2015 Development Agenda
ICRW	International Centre for Research on Women
MDGs	Millennium Development Goals
NFE	Non-formal education
ODA	Overseas development assistance
PNG	Papua New Guinea
UBR	Universal birth registration
UN	United Nations
UNDP	United Nations Development Program
UNICEF	United Nations Children's Fund



Faridah, married at 15, Pakistan



FOREWORD

This report explores the causes and harmful consequences of child marriage globally, with a special focus on our region and Australia. Child marriage occurs on an alarming scale around the world, including in many parts of the Indo-Pacific region – at least 14 million girls under the age of 18 marry every year globally. It is a practice that is showing no signs of stopping: an estimated 140 million girls are expected to become child brides this decade if current rates continue.

“Child marriage is the legacy of entrenched age and gender-based discrimination against girls.”

At its heart, child marriage is driven by beliefs about the rights and status of girls, who are too often seen as having little value outside the traditional roles of wife and mother. Child marriage is a breach of girls’ human rights that limits their ability to reach their full potential. It exposes girls and women throughout the world to an unacceptable risk of domestic violence and rape, pregnancy-related illness and death, HIV, illiteracy and poverty. Girls married as children are less likely to be in school and are often burdened with the roles and responsibilities of adults before they are ready and against their will. Child marriage is the legacy of entrenched age and gender-based discrimination against women and girls, and drives their unequal status in many of the world’s poorest nations.

Fortunately, global consensus on the need to end this practice has never been stronger. International efforts to end child marriage have built momentum for comprehensive action through a UN General Assembly Resolution and a zero target on child marriage in the post-2015 development agenda. (These are

the global targets set to replace the Millennium Development Goals). This global movement has the potential to be the first in history to take collective and coordinated action to end child marriage. Plan International encourages the Australian government to take the lead in this global effort.

Outside the international arena, what can Australia do to help stop child marriage? This report outlines how the Australian government can champion the elimination of child marriage in Australia and the Indo-Pacific region as well as how it can support women and girls already married as children. Increased investment in adolescent girls’ education in our foreign aid program represents a vital strategy in ending child marriage. Australia can also do much more to help partner governments prevent child marriage; for example, by empowering girls and mobilising communities to bring about attitudinal change, reforming and implementing anti-child marriage laws, strengthening child protection systems, and improving livelihoods and access to health services for girls and women.

Ending child marriage will help ensure every girl can secure her right to a quality education and reach her true potential. Empowered, educated girls transform not only their own lives, but the development futures of families, communities and whole nations. We all have a responsibility to ensure girls secure their rights in societies where they are valued, not forced into early marriages. We must all act now to end this practice once and for all.

Ian Wishart
CEO, Plan International Australia



Girls taking part in the Plan International-supported Better Life Option Programme which is helping to eliminate child marriage in Nepal through its learning centres for adolescent girls

EXECUTIVE SUMMARY

Child marriage is a violation of the rights of millions of girls around the globe. One in every three girls in the developing world is married by the age of 18 and one in seven before the age of 15.¹¹ Girls are far more likely to marry as children than boys.¹²

Child marriage is a serious problem in Africa and many parts of the Indo-Pacific region, including Bangladesh, Pakistan, Nepal, Indonesia and Papua New Guinea (PNG). Globally, girls in rural areas are twice as likely to be married by 18 as those in urban areas.¹³

THE CAUSES OF CHILD MARRIAGE

Child marriage is driven by complex and interrelated factors. Child marriage is often underpinned by **rigid gender and cultural beliefs** about the role of girls, and the common view that once girls have reached puberty, their duty is to marry, produce children and care for the household.¹⁴

Poverty and scarce economic opportunities also play a role in driving child marriage. Parents frequently decide to marry their daughters as children because they believe it is the best thing for the child and the family. Child marriage can act as a financial survival strategy in communities and families experiencing **economic hardship, emergency or crisis**.¹⁵ This is particularly the case in cultures where women and girls are viewed as a financial burden – a belief that is all too common in much of the Indo-Pacific region.¹⁶ Families also often marry off their children because they believe it will provide them with **protection from sexual assault, rape** or the **stigma of pregnancy** outside of wedlock.

Weak laws and a **culture of impunity** also contribute to child marriage. Many countries, including in the Indo-Pacific region, place no age restriction on marriage, impose a minimum age for marriage of less than 18 years old, allow exceptions for marriage under the statutory minimum age, or permit women to marry at an earlier age than men. These laws all contravene children's rights and encourage the belief that child marriage is acceptable. A lack of **effective birth and marriage registration systems** also interferes with attempts to prohibit child marriage.

THE IMPACT OF CHILD MARRIAGE

This report finds that the impacts of child marriage for women and girls are stark and alarming. Child marriage **forces girls to leave school early**, limiting their ability to develop mentally, gain work outside of the home or escape the **poverty cycle**.¹⁷ Once out of school, they are often restricted to the home and prevented from re-engaging with school or other forms of vocational training.

Child marriage harms girls' emotional and physical wellbeing. Girls who marry as children are more likely to be subjected to **domestic violence** by their husbands and in-laws, and to be **isolated** from their wider community.¹⁸ Because married girls usually have their first child at an earlier age than women who marry as adults, they are much more likely than adult women to experience **pregnancy and birth problems**. Pregnancy-related deaths are the leading cause of mortality for girls aged 15–19 globally.¹⁹ An increasing body of evidence also suggests that child marriage may heighten women's risk of contracting sexually transmitted infections, including **HIV**.²⁰ Studies also indicate that married girls are more likely to suffer from **anxiety and depression** or contemplate **suicide**.²¹

THE MOST EFFECTIVE TOOLS TO FIGHT CHILD MARRIAGE

To be effective, the global response to child marriage must involve the delivery of “integrated programs focusing on girls' empowerment ... and changing related attitudes and knowledge”.²² Interventions have the highest impact in countries where child marriage is most prevalent if they include assistance to girls who are already married and are backed up by rigorous monitoring and evaluation.

A growing body of international research suggests the most effective policy, programmatic and systemic interventions are those which:

- enable girls to stay in school and receive a quality education
- empower girls and mobilise communities to challenge attitudes that support child marriage
- address economic insecurity and the root causes of poverty
- encourage the implementation of appropriate laws, policies and protection systems
- improve access to health services, health information and contraception.

SUMMARY OF RECOMMENDATIONS FOR ACTION

Plan International calls on the Australian government to properly tackle and address the issue of child marriage in Australia and overseas.

We ask the Australian government to:

1. incorporate an integrated response to child marriage in its key **overseas development and assistance (ODA) policies and priorities**
2. prioritise ODA programs which promote girls' and women's **access to gender transformative and inclusive quality schooling** (including second-chance education) with an emphasis on areas where child marriage is prevalent
3. **work with development partner governments** to end child marriage through sector initiatives, programs, and systems-based responses, including maternal health, food security, education, child protection, birth and marriage registration, and the justice system
4. **support civil society programs** to work with girls, parents and community stakeholders, and mobilise community support to create an environment where adult marriage is favoured over child marriage
5. advocate for a **substantive UN General Assembly resolution** to end child marriage, support married girls and ensure that the post-2015 development framework includes a target on ending child marriage
6. in Australia, identify national, state and territory responses to child and forced marriage, define roles, coordinate responsibilities and develop national best-practice responses.

The full list of recommendations is in section 7.

Child marriage in the Indo-Pacific region: Percentage of women married by age of 18



.....
Shefali has been suffering from fistula since the birth of her first child when she was just 14, Bangladesh

1. INTRODUCTION

FACTS ABOUT CHILD MARRIAGE

- There are almost 70 million child and adolescent brides in the world today.²⁵
- At least 14 million girls marry under the age of 18 every year – or nearly 39,000 every day.²⁶
- More than 140 million girls will marry this decade if current rates of child marriage continue.²⁷
- Girls in rural areas are twice as likely to be married by 18 as those in urban areas.²⁸
- Girls with no education are three times as likely to marry as girls with secondary education.²⁹
- Every year, nearly 14 million 15–19 year olds in the developing world give birth while married. Complications in pregnancy and childbirth are the leading cause of death for girls aged 15–19 in developing countries.³⁰
- 50,000 teenagers die every year due to pregnancy and birth complications.³¹

At the age of 15, Faridah, a young Pakistani girl, was forced to drop out of school and marry a much older man.²³ When Faridah asked her husband if she could go back to school, the response was severe. “My husband became angry”, Faridah explains. “He beat me, argued with me and refused to let me go. He said, ‘What’s the point in educating girls? There’s no point because it’s the boys who get the jobs’.” Faridah’s story is all too common in the Indo-Pacific region where child marriage denies women and girls the right to reach their full potential and instead exposes girls and women like her to an increased risk of harm and abuse.

Child marriage is a serious violation of human rights that hurts young people, especially girls.²⁴ Child marriage is interlinked with gender inequality and discrimination. Married girls, because of their young age and gender, face an unacceptable risk of family violence, sexual abuse, poor health (including often fatal complications due to early pregnancy), illiteracy, entrenched poverty, and limited economic and social opportunities. For girls, child marriage is a harsh transition from childhood to adulthood which denies them the right to choose if, when, and who they will marry.

Child marriage is a global problem but it is particularly widespread in many African and Indo-Pacific nations, such as Bangladesh, Pakistan and PNG. However, child marriage affects developed as well as developing nations. While the number of child marriages occurring in Australia is unknown, individual cases reported in the media and heard in Australian courts show that many children and young people under the age of 18 are forced into marriages against their will.

We can make a difference for girls at risk of child marriage or who have already married, like Faridah. Growing international evidence shows that integrated, nuanced, evidence-based, context specific and gender-transformative policies and programs can help reduce the prevalence of child marriage. Programs must include education, community mobilisation, awareness raising, attitude and behaviour change, economic empowerment, and improved legislation and government systems. Such efforts require political consensus and joint international action. We call on Australia to become a champion to end this practice once and for all in our region.

1.1 WHAT ABOUT BOYS?

While this report is focused on the impact of child marriage on girls, there is also a need to address its impact on boys and young men. Globally boys marry as children at much lower rates than girls, but it is still a violation of their rights. When boys marry, it often interrupts their schooling and places them under major pressure. They struggle to live with the weight of being “the main [economic] provider for the family, with the responsibilities of parenthood, when they are still children themselves”.³² Further research is needed to explore the prevalence and impact of child marriage on boys and men.³³ Through its work, Plan International recognises that boys and men can play a powerful role in challenging gender norms which support child marriage.³⁴

Afroza, aged 17, with her twins, Bangladesh

2. THE CAUSES OF CHILD MARRIAGE



Girls walking to school, Bangladesh

The causes of child marriage are complex and interrelated. Its determinants vary depending on individual circumstance and the broader social and economic context.³⁵ The practice is often driven by gender inequality (which may be entrenched in gender stereotypes, cultural or religious social norms and practices), poverty, crisis, and a lack of laws or weak enforcement of laws prohibiting child marriage.

2.1 GENDER INEQUALITY, CULTURE AND BELIEFS

Rigid gender roles and cultural beliefs are key determinants of child marriage. In countries where child marriage is common, girls are far more likely to marry young than boys.³⁶ This inequality arises through understandings about the respective places of men, women and children in society. In particular, beliefs that the primary role of girls, often once they have reached puberty, is to produce children and care for the household as opposed to men whose primary role is to provide for the family financially.³⁷ As a result, in many countries women are often thought to be ready for marriage at an earlier age than men. Men are encouraged to complete their education so they can take up better-paid work to support their future family.³⁸ For example, in the Highlands Region of PNG, girls are often kept at home and denied the opportunity to attend school as it is assumed that they will become homemakers following marriage at an early age.³⁹

Discriminatory gender and age-related norms, which view girls as passive objects to be exchanged rather than active bearers of rights, also make it very difficult for women and girls to play an equal role in decision making about their own lives. This includes decisions about marriage, sex, reproductive health, and motherhood. Failure to conform to this passive role often results in violence, “ridicule, disapproval or family shame”.⁴⁰

Girls are marginalised and denied a voice because of the double discrimination of age and sex. The common belief that girls are intrinsically of less value than boys leads families to marry their daughters for the perceived economic or strategic good of the family. These attitudes reinforce the idea that marrying a girl off is the most important way to safeguard her future.⁴¹ This gender discrimination continues after girls marry and is particularly severe where local customs or beliefs dictate that girls must marry much older husbands, such as in parts of Cambodia and Indonesia.

Gender inequality at school also means that parents, teachers and students often have lower academic expectations for girls than for boys, partly because of ingrained beliefs that a woman’s rightful place is in the home. As one Pakistani woman told Plan International during a focus group:

“In our community, we don’t allow a girl to continue her education when she is married because of her responsibilities. She doesn’t have any spare time to continue her education. Her in-laws and home should be her priority”.⁴²

In many of the countries where child marriage is common, parents often organise child marriages for their daughters in order to protect them, and their family, from the stigma of pre-marital sex, pregnancy and loss of virginity.⁴³ For example, in Malaysia, child marriage has popular support as it represents a means of preventing pre-marital sex and pregnancy out of wedlock.⁴⁴ This fear of pregnancy out of wedlock is often an understandable one given the inaccessibility of contraception and safe sex information.⁴⁵ Parents often also consider child marriage as an important way to protect their daughters from harassment and gender-based violence, such as bullying, eve-teasing and sexual abuse.

In reality, rather than protecting women or girls, child marriage often serves to ensure “a girl is placed firmly under male control, that she is submissive to her husband and works hard

for her in-laws' household" and that the children she bears are "legitimate".⁴⁶ This is regardless of whether the children are conceived consensually or at a safe age. Added to this, families sometimes force their daughters to marry early in an attempt to control girls who are perceived to have rebelled against family or community expectations.⁴⁷ Furthermore, in many countries, such as Bangladesh, Pakistan and India, there is often strong societal pressure for women to have a large number of children. This motivates families to marry their daughters early to ensure they can begin bearing children as soon as possible.⁴⁸

2.2 POVERTY, SCARCE ECONOMIC OPPORTUNITIES AND INSECURITY

In a context of entrenched gender inequality, poverty often increases the social and economic pressures on girls and their families, which in turn decisively affects the prevalence of child marriage. Globally, child marriage is most prevalent in the least developed countries.⁴⁹ UNFPA research conducted across 78 developing countries in 2012 found that "more than half (54 per cent) of girls in the poorest 20 per cent of households are married, compared to only 16 per cent of girls in the richest 20 per cent of households".⁵⁰ The highest rates of child marriage occur in countries where 75 per cent of the population lives on less than US\$2 a day.⁵¹ As wealth increases, child marriage rates decline.⁵²

Child marriage often acts as a financial survival strategy in communities and families experiencing economic hardship,

particularly in cultures where women and girls are viewed as a financial burden, such as in South Asia and South East Asia.⁵³ A 12-year-old boy and member of a Plan International children's group in northern Dhaka, Bangladesh, informed us that, "Behind our parents' decisions to marry girls young is poverty – extreme poverty. If our parents get a good offer, sometimes it is very difficult to change their minds".

Marriage of girls is sometimes used as a way to earn income, pay off debts or strengthen ties between different families.⁵⁴ Parents also often decide to marry their daughters as children because they believe it is the best thing for the child and the family. In countries or locations "where there are few educational, economic, or professional opportunities for women, marriage can seem the best available option to secure their livelihood and financial security".⁵⁵ In eastern Sri Lanka, Plan International has gained a firsthand understanding of how young girls are attracted to early marriages in the absence of genuine livelihood opportunities, or coerced into marriage to reduce the perceived burden they place on their families.

2.3 CRISIS, FRAGILITY AND EMERGENCIES

There is growing evidence that conflict and natural disasters are contributing factors to the risk of girls marrying at a young age. More than half of the 25 countries where child marriage is most prevalent are considered fragile states or at heightened



Residents of Dhaka campaigning for Universal Birth Registration (UBR), Bangladesh



Tabia standing outside with her birth certificate that the Plan International-supported Drop In Centre helped her obtain, Bangladesh

risk of natural disaster.⁵⁶ Plan International research conducted in Bangladesh has also found that drought, flooding and food crises exacerbate the incidence of poverty and child marriage.⁵⁷

During humanitarian crises, as social and government protection mechanisms are disrupted, girls experience an increased fear of and exposure to abuse. As one young girl from Burguna in Bangladesh told Plan International, "After cyclones, families think their condition is worse and send their daughters to get married".⁵⁸ A recent study by World Vision stated that "[f]ear of rape and sexual violence, of unwanted pre-marital pregnancies, of family shame and dishonour, of homelessness and hunger or starvation were all reported by parents and children as legitimate reasons for early marriage" in fragile states.⁵⁹ In such precarious contexts, the marriage of young girls is often used by families as a protective measure due to the belief that they have no other viable alternatives for their daughters.⁶⁰ Plan International also observed an increase in child marriage among the communities it was assisting in the aftermath of the 2010 floods in Pakistan. For those affected by the floods, child marriage represented a way to cope with increased financial insecurity.⁶¹

2.4 THE ROLE OF THE LAW

National legislative frameworks also play a role in the continued existence of child marriage. In keeping with the recommendations of the UN CRC and CEDAW Committees, Plan International advocates for 18 to be the minimum age of marriage for both boys and girls, with or without parental consent. While acknowledging children's evolving capacity and their right to participate in decisions that affect their lives, Plan International believes it is in the best interests of the child to establish 18 as the minimum legal age for marriage. This ensures they are able to give their free and full consent to marry, and have the necessary maturity (physical, emotional and psychological) to enter into marriage.

A recent study found 74 nations are yet to declare a minimum age for marriage.⁶² In countries where a minimum age limit does exist, it varies from 22 years to as young as 12, with 16 being the most common age limit.⁶³ In many countries the disparity between the age at which women and men marry is codified in discriminatory laws. In countries where child marriage is a problem, the marriageable age for girls is often one or two years lower than for boys.⁶⁴ For example, in Bangladesh where child marriage is a serious problem, the minimum age for boys to marry is 21 while it is 18 for girls. Even among countries with laws establishing the

minimum age of marriage as 18, many allow exceptions, including where parental consent is given.⁶⁵ In 2010, girls under the age of 18 were legally permitted to marry with parental consent in 148 countries (including Australia) and girls under 15 were allowed to marry with parental consent in 52 countries.⁶⁶ In countries where child marriage is common, laws which set a low age for sexual consent reinforce the idea that girls are ready to become mothers at an early age. For example, the age of consent in Bangladesh and Burma is 14. It is 15 in Cambodia, Laos and Thailand.⁶⁷

Many developing countries, including in our region, face significant economic, political and resource constraints which prevent the enforcement of laws prohibiting child marriage. This is especially the case in rural and remote areas where government and justice institutions are often a distant presence. Failure to enforce legislation consistently or impose penalties, combined with a lack of community awareness of laws which prohibit child marriage, means that many parents who arrange child marriages for their daughters do not realise they are breaking the law.⁶⁸

A culture of impunity for adults responsible for child marriage leaves the acceptability of child marriage unchallenged.⁶⁹ In countries where child marriage is a continuing problem, this culture of impunity means crimes against girls that occur in marriage, including family violence and rape, are not prohibited and not punished.⁷⁰ Weak penalties also encourage non-compliance with the law, together with a belief that the crime of child marriage is not particularly serious. For example, in Bangladesh the punishment for facilitating, performing, or failing to stop a child marriage is a maximum fine of about US\$13 (roughly a week's minimum wage), one month in prison, or both.

Conflicting religious, customary or local laws operating in a country can also pose a major barrier to ending child marriage. In practice, these parallel legal systems often undermine the legitimacy of national laws both in local courts and in the eyes of the wider community.⁷¹ Local communities are often more interested in obeying local religious or customary authority than the state's. A lack of birth and marriage registration also thwarts attempts at outlawing child marriage, particularly in rural and remote areas where many births go unrecorded.⁷² In the absence of a birth certificate, it is often impossible to verify a child's age at the time of marriage and it is "equally hard to establish formally whether a marriage has taken place without a marriage certificate".⁷³



Sabita, married at 14 comes from a poor family in Nepal

"If girls have birth registration then it is much easier to prevent the child marriage because we can prove that they are too young. At the time of marriage, many parents say 'my child is over 18' because there is no proof. But if the certificate is there then we can say 'no, this is the age of your child, you cannot get them married at this time!'"

Thirteen-year-old girl and member of a Plan International children's group in northern Dhaka, Bangladesh.

“Before marriage I did not face any domestic violence. But after, I did, along with other responsibilities. My husband would slap me, beat me with his fists, kick me and sometimes even use kitchenware. ... One time I asked to sell my own cow, but my husband and his parents would not allow it and they started to beat me. This beating was very serious. [My husband] beat me with pots and pans from the kitchen and I needed to get stitches on the top of my head. He fractured my elbow and hurt my back.”⁸⁹

– Woman married as a child, Pakistan.

3. THE IMPACTS OF CHILD MARRIAGE

Without question, child marriage can lock girls into a cycle of illiteracy, poverty, ill-health, and marginalisation, further fostering the unequal position of girls and women in society. The negative consequences of child marriage for girls are wide-ranging and vary across countries, cultures and communities. Girls who are married early are more likely to experience reduced levels of education, physical and sexual violence, poor sexual and reproductive health, and poverty.

3.1 ILLITERACY AND INTERRUPTED EDUCATION

Child marriage is a significant barrier to education for many of the 75 million girls globally who do not go to school. Girls already in school are often forced to end their education as soon as they get their first period or to prepare for marriage.⁷⁴ Girls are often removed from school when they reach puberty due to the fear that they may enter into a relationship with or receive unwanted attention from male classmates or teachers.⁷⁵ Once married, child care responsibilities, restricted mobility and pregnancy hamper their ability to return to school.⁷⁶ The children of women who marry young are “also less likely to attain high levels of education, perpetuating cycles of low literacy and limited livelihood opportunities”.⁷⁷ When families struggle to afford the cost of educating their children, many parents prioritise their boys’ education due to the expectation that their daughters will soon marry.⁷⁸ In some Pacific nations, such as Vanuatu, “[m]any families consider that girls will be ‘lost’ to them by marrying out of the family and therefore are more willing to ‘invest’ in their son’s future than their daughter’s”.⁷⁹

Many schools across the world refuse enrolment of girls and women who are married, pregnant or have children. An East Timorese woman married at 15 told Plan International, “When my family found out that I was pregnant, my uncle, a teacher at my school, asked my parents to take me out of school. If I continued my studies then I would have embarrassed my school”.

Outside of child marriage, women and girls face many other barriers to accessing quality education. Legitimate concerns about safety on the way to, from and at school (including gender-based violence from male students and teachers) often result in girls quitting school early. A study by Action Aid in Bangladesh revealed that almost half of all girls surveyed and three quarters of their parents considered ceasing their education due to concerns about sexual harassment on the way to school.⁸⁰ In Indo-Pacific nations, including PNG, Vanuatu, Fiji, Solomon Islands and Nepal, it is not uncommon for male teachers to sexually assault or rape female students.⁸¹ In some schools in PNG, girls are also forced to share toilets with boys, leaving them vulnerable to sexual abuse.⁸²

Denying girls their right to education has serious implications for their development. Adolescence should be a period of physical, psychological and cognitive development for girls during which experimentation and risk-taking are a normal and fundamental part of developing decision making skills and autonomy.⁸³ When child marriage abruptly ends a girl’s education, it undermines her transition to adulthood and burdens her with all the responsibilities that marriage entails.⁸⁴ As one Pakistani woman who was married at the age of 13 told Plan International:

“When I got married and lived the life of a wife, it resulted in bad health. I couldn’t finish my exams. I dreamt of being an undergraduate student, but the dream never came true. My parents said ‘even if you get educated now, eventually you will have to cook’.”

3.2 DOMESTIC VIOLENCE

Girls who marry young are more likely to be physically and mentally abused by family, their husband and their in-laws, and to be isolated from their wider community.⁸⁵ A survey by the International Centre for Research on Women (ICRW) in India found that women married under the age of 18 were twice as likely to report being physically abused by their husbands and three times as likely to have been forced to have sex in the previous six months.⁸⁶

The heightened level of abuse against girl wives is often due to their relative lack of status and bargaining power in their relationship and household.⁸⁷ A 2008 South Asian study by UNICEF found that when child wives communicated to their husbands that they did not want to have sex, or that they experienced sex as painful, their husbands continued to have sex with them in about 80 per cent of cases.⁸⁸

3.3 HEALTH

Child marriage has life threatening consequences for girls. Girls who marry young are often coerced into sexual relationships where early pregnancy puts their physical and mental health at risk.⁹⁰ Despite the reality that young girls are not physically or emotionally ready for pregnancy or birth, the overwhelming majority of adolescent mothers in developing nations are married.⁹¹ This is because married girls are frequently expected to bear a child as soon as they wed and often have comparatively less power than older women to negotiate the use of contraception or the number and timing of their children.⁹²

Married girls usually have their first child at an earlier age than women who marry as adults. They are also much more likely than adult women to experience pregnancy and birth problems (such as fistula and obstructed labour) because their bodies are not yet fully developed or “they have repeated and too closely timed pregnancies”.⁹³ Alarmingly, pregnancy-related deaths are the leading cause of mortality for girls aged 15–19 globally.⁹⁴ Girls under the age of 15 are five times more likely to die in childbirth than women in their twenties.⁹⁵ About 50,000 women aged 15–19 die due to pregnancy-related causes every year.⁹⁶

Age-desegregated World Health Organisation data for maternal mortality across the Indo-Pacific region are not publicly available. However, four out of the top 10 countries with the greatest number of women aged 20–24 who gave birth by age 18, are in this area (India, Bangladesh, Indonesia and Pakistan).⁹⁷ Unsurprisingly, all of these countries share a high maternal mortality rate and a high incidence of child marriage.⁹⁸ UNICEF reports that in Southern Asia, girls between the ages of 15 and 19 are twice as likely as women aged 20–24 to die from pregnancy-related complications.⁹⁹

Girls who marry young in the Indo-Pacific region are also less likely to access health care during pregnancy and when they give birth. A study among early married young women aged 15–23 who had given birth in the previous five years in Bangladesh, India, Indonesia and Nepal found that “those who were aged 18 years or younger at last birth were less likely than those who were aged 19–23 years at last birth to have sought antenatal care and delivery care”.¹⁰⁰



“My daughter got married when she was 14. The health centre is too far away and we were not able to stay there after my daughter gave birth to her first child. After a week at home my daughter died. Her husband disappeared, leaving me to take care of my grandson who is now three years old.”

– Phay, Cambodia.

Phay and her grandson in their home, Cambodia

Poor maternal health for adolescent married mothers in turn increases the risk of “neo-natal death and stillbirth, premature and low birth weight infants, and infant and child morbidity and mortality”.¹⁰¹ A baby born to an adolescent mother is twice as likely to die before the age of one as the child of a woman in her twenties.¹⁰² Every year about one million babies die as a result of pregnancy and birth-related complications.¹⁰³

Child marriage also impacts on women’s sexual health. There is a growing body of evidence, particularly in Africa and South Asia, that child marriage may increase women’s risk of contracting sexually transmitted infections, including HIV and HPV. (HPV exposes girls to a greater risk of cervical cancer.)¹⁰⁴ The likely cause is that adolescent female brides are more likely to have greater difficulty negotiating safe sex with their partners and are less likely to have access to sexual health information.¹⁰⁵ Contraceptive use is especially low in South Asia (where only 15 per cent of girls

aged 15–19 who are married or in a union have access to or use contraception) and in many parts of the Pacific such as PNG.¹⁰⁶

Married girls in South Asia have been found to be at increased risk of suffering anxiety, depression or thinking about suicide, partly because of their increased exposure to abuse and gender-based violence.¹⁰⁷ Presumably this is also due to a lack of power, agency and control over their own lives. A recent study conducted in the United States discovered a 41 per cent increase in mental health problems including depression, anxiety and bipolar affective disorder, among married women aged under 18.¹⁰⁸

3.4 POVERTY

Women and girls who marry as children “are more likely to be poor and to remain poor”.¹⁰⁹ While many parents marry off their children believing that it will be in their daughter’s and family’s best interests, child marriage is in fact responsible for reinforcing cycles of poverty.¹¹⁰ Child brides, as a consequence of having more children, tend to earn less income. Being confined to household duties limits their opportunity to earn.¹¹¹ In many cultures parents marry their children at a young age in the hope that it will enhance their collective financial security. It often has the opposite effect, further entrenching these girls and their families in the poverty cycle.¹¹² Early marriage perpetuates poverty by denying girls education, good health and meaningful work outside of the domestic sphere. On the other hand, where girls are generating income, this may protect them from early marriage as their families are less likely to perceive them as a financial burden.¹¹³

“When a child becomes a mother due to child marriage, she is always sickly. This leads to malnourished and anaemic babies who are ultimately a burden in the family.”

– Nazrul Islam, technical officer for Plan International Bangladesh’s Community-Managed Health Care Program in Lalmonirhat, Bangladesh.

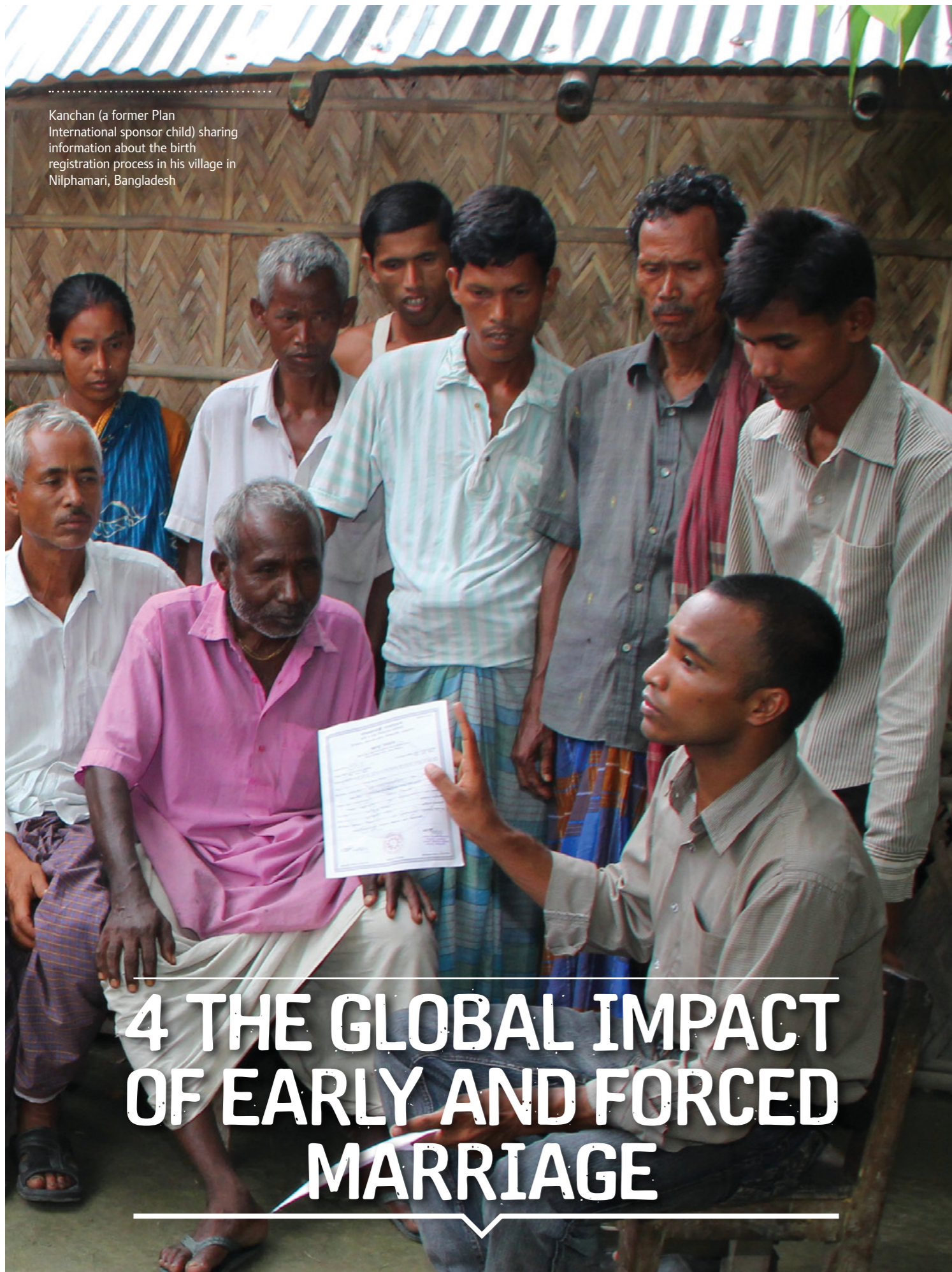


Rujina had to drop out of school at age 12 when she got married, Bangladesh

“Child marriage is a global issue across, but sensitive to, culture, religions, ethnicity and countries. When children marry young, their education can be cut short, their risk of maternal mortality is higher and they can become trapped in poverty.”

– Report of the High-Level Panel of Eminent Persons on the Post-2015 Development Agenda.¹¹⁴

Kanchan (a former Plan International sponsor child) sharing information about the birth registration process in his village in Nilphamari, Bangladesh



4 THE GLOBAL IMPACT OF EARLY AND FORCED MARRIAGE

4.1 OVERVIEW

It is estimated that over 100 million girls internationally will be married in the next decade.¹¹⁵ Child marriage is most common in South Asia and Sub-Saharan Africa.¹¹⁶

UNICEF reports that the countries with the highest child marriage prevalence rates are Niger (75 per cent), Chad (68 per cent), Central African Republic (68 per cent), Bangladesh (65 per cent), Guinea (63 per cent), Mali (55 per cent), South Sudan (52 per cent), Malawi (50 per cent), Mozambique (48 per cent), Eritrea (47 per cent), India (47 per cent), Somalia (45 per cent), Sierra Leone (44 per cent), Nepal (41 per cent), Ethiopia (41 per cent), Dominican Republic (41 per cent), Afghanistan (40 per cent), Cuba (40 per cent) and Uganda (40 per cent).¹¹⁷ In many countries where child marriage is common, data is either not available or reliable. It is difficult to gain a full picture of the prevalence of child marriage. People are often reluctant to report it due to stigma and age falsification, and the absence of birth and marriage registration is common.

4.2 CHILD MARRIAGE IN THE INDO-PACIFIC REGION

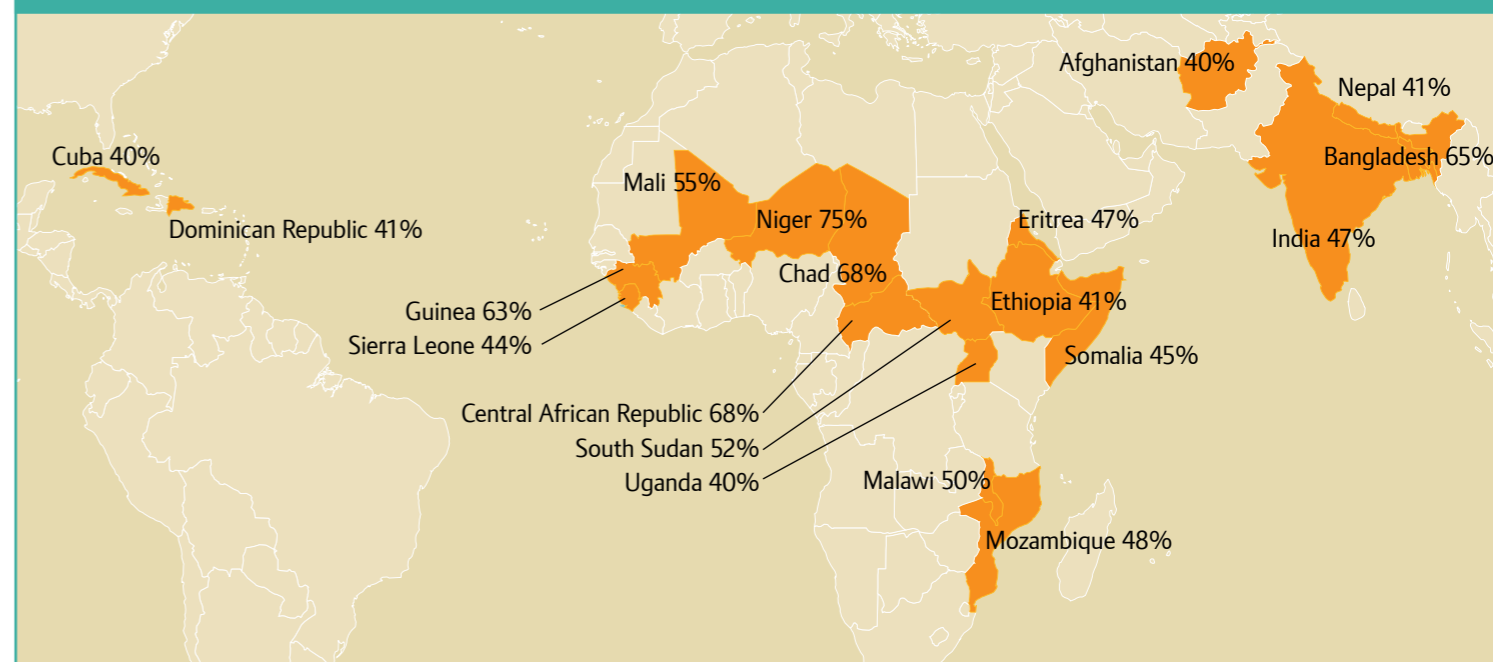
Child marriage is also a problem in our neighbourhood – the Indo-Pacific region. This is an area with generally limited research, attention or activity focused on responding to child marriage (with the exception of India, Bangladesh and Pakistan). The table below highlights known prevalence rates in the Indo-Pacific region based on available data.¹¹⁸ Data gaps exist, including for much of the Pacific Islands region where the practice of child marriage is hard to quantify as it often occurs in rural and remote areas according to local custom.

The next section focuses on child marriage in four different countries in the Indo-Pacific region: Bangladesh, PNG, Indonesia and Cambodia. It also examines child marriage in Australia.

CHILD MARRIAGE RATES IN THE INDO-PACIFIC REGION

Country	Percentage of women married by the age of 15	Percentage of women married by the age of 18	Country	Percentage of women married by the age of 15	Percentage of women married by the age of 18
Afghanistan	15%	40%	P.N.G	2%	21%
Bangladesh	29%	65%	Philippines	2%	14%
Cambodia	2%	18%	Singapore	Unknown	Unknown
China	Unknown	Unknown	Solomon Is	3%	22%
Fiji	Unknown	Unknown	Sri Lanka	2%	12%
India	18%	47%	Thailand	3%	20%
Indonesia	3%	17%	Timor-Leste	3%	19%
Malaysia	Unknown	Unknown	Vanuatu	9%	27%
Nepal	10%	41%	Vietnam	1%	9%
Pakistan	13%	40%			

Countries with the highest rates of child marriage: Percentage of women married by the age of 18



4.2.1 BANGLADESH

Child marriage remains common in Bangladesh where 65 per cent of women are already married by their eighteenth birthday and almost one in three girls are married before the age of 15.¹²¹ Women from poor and rural areas face a heightened risk of child marriage.¹²² Child marriages in Bangladesh often go ahead without the consent of the girls who are to be married. In response to a survey by Plan International in Bangladesh, 60 per cent of women reported that the wish of parents or family was the reason for their marriage. In only 4 per cent of cases was the decision to marry the girl's own.¹²³

Prevalence of child marriage in Bangladesh is highest (91 per cent) among rural women with no formal education.¹²⁴ In fact, women's post-primary education is the most significant factor determining whether or not a girl will marry early.¹²⁵ Girls' education is often not valued in Bangladesh due to the belief that education serves no purpose once a girl is married.¹²⁶ As a consequence, girls are much more likely than boys to drop out after primary school, with only 47 per cent of girls continuing on to secondary school.¹²⁷ In addition to location and education, a complex interplay of social values, local beliefs and gender norms underpin the high prevalence of child marriage in this country.¹²⁸

Child marriages put girls' lives at risk in Bangladesh. A 2012 report estimated that the maternal mortality rate was as high as 340 per 100,000 live births.¹²⁹ Girls aged between 15 and 19 are twice as likely to die due to pregnancy and birth complications compared to women between the ages 20 and 24.¹³⁰ Child marriage also puts women at heightened risk of abuse in Bangladesh. A 2005 study found that 48 per cent of female urban Bangladeshi respondents aged 15–19 reported experiencing either physical and/or sexual violence by a married partner in the past 12 months, as opposed to 10 per cent of 45–49 year olds.¹³¹

Under Bangladeshi law, a woman must be at least 18 years old before she can legally marry. In practice, the enforcement of this law is weak, partly because of difficulties determining a bride's age at the time of marriage because her birth was never registered.¹³² However, a national law passed in 2004 requires universal birth registration. The implementation of this law has led to a marked improvement in birth registration. Between 2006 and 2009, registered births increased from 9.8 per cent to 53.6 per cent.¹³³ At the grassroots level, new village governments (*Gram Sakars*) have been given responsibility for enforcing laws against child marriage.¹³⁴

While government, civil society and international NGOs in Bangladesh are making positive moves towards ending child marriage, decline in the practice is slow and there remains much work to be done.¹³⁵ In 2009, the UN CRC Committee expressed concerns about the inadequate facilities and counselling services for reproductive health for adolescents in Bangladesh. It also noted that poor health outcomes for girls were a consequence of "violence against girls and early marriages".¹³⁶ The CRC Committee called on the Bangladeshi Government to "introduce gender-sensitive awareness-raising programs, with the involvement of community leaders, for practitioners, families and the general public to prevent and end harmful practices, especially in rural areas".¹³⁷

4.2.2 PAPUA NEW GUINEA

Given limited available data, it is difficult to gain a clear picture of the prevalence of child marriage in PNG. Most marriages in PNG are not registered with the state and instead are approved according to local custom. In both rural and urban areas men and women are often considered husband and wife as soon as they begin to live together. It is estimated that 21 per cent of women in PNG marry before the age of 18.¹³⁸ A 2004 UNICEF study calculated that at least 4,503 female children aged 10–14 had been married and were living in rural areas in 2000 (the figure was 633 for urban areas). Of these 4,503 girls, about one quarter had already been separated, divorced or widowed.¹³⁹ The high levels of child marriage, combined with limited access to contraception, are likely to be a significant contributing factor to PNG's overall high infant and maternal mortality rate (64 per 1,000 live births).¹⁴⁰ Child marriage and early pregnancy are a key barrier to girls' and women's access to education in PNG: when girls or women fall pregnant, they are usually expelled from school.¹⁴¹

In some rural areas of PNG, girls are frequently married as young as 13 years old. Child marriages are usually arranged by "parents, other family members, or other village chiefs on behalf of their family".¹⁴² Exploitative forms of marriage are a major problem in areas where extractive industries operate, as girls are often sold as wives to logging and mining workers.¹⁴³ A 2004 UNICEF study found that girls aged under 18 were being sold by their families to men with large amounts of disposable cash earned through mining or royalty payments.¹⁴⁴

The minimum age for marriage in PNG is 18 for males and 16 for females which reinforces "a view that girls 'mature' more quickly than males" and are therefore ready for marriage during adolescence and childhood.¹⁴⁵ PNG's Consultative Implementation and Monitoring Council has criticised the PNG Government for its failure to enforce these laws.¹⁴⁶ While there are various government and civil society programs in PNG focused on empowering women through health, education and economic livelihoods, at present none have a specific focus on preventing, measuring or mitigating the impacts of child marriage.

"I was studying in grade 8 when child marriage shattered all my dreams. My first son died and I was abused by my in-laws. Now I have another son, but he is malnourished."

– Nargis, married at 15 in Gaizpur District, Bangladesh.



Nargis with her son Zaman, Bangladesh

4.2.3 CAMBODIA

In Cambodia 18 per cent of women marry under the age of 18.¹⁴⁷ UNICEF reports that in about 61 per cent of cases, girls married as children marry a man who is at least 15 years older than they are.¹⁴⁸ Child marriage is often the result of social pressure on women to marry early because “girls who remain unmarried at a certain age are not viewed positively” and due to the importance attached to women’s virginity at the time of marriage.¹⁴⁹ In 2005, research by UNICEF found that over 30 per cent of women married as girls in Cambodia had experienced domestic violence, which is much higher than levels experienced by women who married as adults.¹⁵⁰ While limited research has been conducted into the issue, Plan International is preparing a comprehensive study of child marriage in Cambodia. Early findings suggest that many Cambodian girls are being denied access to education due to child marriage.

At present the Cambodian government has not formally adopted a strategy to reduce the prevalence of child marriage or to support women who are married as children. While Cambodian laws set the minimum age of marriage for women at 18, an exception applies where a woman under the age of 18 is pregnant and her parents or guardians consent to the marriage. The Cambodian Committee of Women (CAMBOW) opposes this law on the basis that “[i]n the context of Cambodian society and its culture to disapprove of children being born outside of marriage, it is very likely that pregnant girls who are very young will be forced to get married”.¹⁵¹ CAMBOW also reports that children as young as 15 are being forced to marry men who have raped them after falling pregnant through rape.¹⁵²

“Based on our study, girls in some of our targeted areas are denied access to education due to child marriage. There are cultural and economic reasons behind this denial of their basic rights. Child brides are physically not ready for reproduction and psychologically not ready to take care of their children.”

– Mr Supriyanto, Country Director of Plan International, Cambodia (2014).

4.2.4 INDONESIA

The dynamics of child marriage in Indonesia are complex and driven by interrelated legal, religious, social, cultural and economic factors. According to UNICEF, 22 per cent of girls aged between 20 and 24 in Indonesia were married before 18.¹⁵³ More recent Indonesian government statistics put this figure at 24 per cent.¹⁵⁴ Child marriage rates in Indonesia have been falling for the last five decades, largely because of women’s improved access to education.¹⁵⁵ Recent research suggests that in most cases, adolescents opt for marriage against the wishes of their parents.¹⁵⁶ However, the stigma of being unmarried as an adult, fear of pregnancy or disclosure of pre-marital sex, and poverty all influence this decision.¹⁵⁷ Plan International’s research also suggests that poor and marginalised girls in Indonesia are most at risk of early marriage and its harmful physical and psychological impacts.

Child marriage in Indonesia has been linked to comparatively negative reproductive health outcomes for young wives, and young women generally continue to have limited awareness of the risks of having children too young.¹⁵⁸ Based on the findings from a literature review conducted for Plan International, 85 per cent of women ceased education upon marriage.¹⁵⁹ However, the decision to marry and abandon education may also result from a lack of employment opportunities, particularly for rural women.¹⁶⁰

Indonesia’s national law mandates that that all marriages must be registered with the state and sets the minimum age to marry at 19 for men and 16 for girls. Parental consent is required for any marriage involving people younger than 21.¹⁶¹ However, the same law allows girls younger than 16 to be married where their parents have gained permission from a district level religious court or a marriage officer. More than 90 per cent of dispensation requests are approved by the district religious courts, and the number of applications has been increasing significantly in recent years.¹⁶² In 2012 there were 9,632 cases of parents requesting permission for their underage children to marry.¹⁶³ Children do not have the right to speak in the religious court when their future is being discussed, and many girls and boys may be married against their will. Plan International is also aware of local authorities falsifying documents to alter the age of children in order to overcome the legal age requirements for marriage so the permission of the court is no longer necessary.

Lack of birth and marriage documentation is strongly linked to early marriages in Indonesia. Nine of every 10 child marriages involve girls and boys who do not have birth certificates.¹⁶⁴ The lack of an effective, integrated and coordinated child protection system in Indonesia impedes the timely identification of, and response to, cases of child marriage.



Children take part in anti-child marriage play, Rembang District, Indonesia

Get married, better do it later

By Indah Utamim, 16-year-old girl, Dompu, Indonesia

At first, I thought it was just a try
then it could be eventually
At first, I thought it was okay
then it happened finally

Parents are getting mad
friends are all gone
lover no longer cares
have to bear this on your own

Is marriage the best solution?
It is the best assumption
the best just for now
but how about then?

They are going to school
while you are just at home
they are happily playing around
when you are taking care of your baby
Dating?
You’d better finish your school first
Get married?
You’d better do it later

So, come on friends
your future is not theirs to decide
better stay alert and careful for now
than all regrets in the end

*This poem was an entry in the Child Marriage competition held by Plan Indonesia in Dompu district during May and June 2013.¹⁶⁵

ANTI-SLAVERY AUSTRALIA

WORKING TO ABOLISH SLAVERY

4.3 CHILD AND FORCED MARRIAGE IN AUSTRALIA

This section on child and forced marriage in Australia was written by Anti-Slavery Australia. Anti-Slavery Australia is the only specialist legal research and policy centre in Australia focused on the abolition of slavery, trafficking and extreme labour exploitation. Anti-Slavery Australia grew out of a research focus on human trafficking at the UTS Community Law Centre beginning in 2003 and continues to be part of the Faculty of Law at the University of Technology, Sydney. Anti-Slavery Australia advocates for changes to laws and policies that will improve the protection of the rights of people who have been trafficked or enslaved. Anti-Slavery Australia includes a legal practice that provides pro bono legal advice and representation for trafficked and enslaved people and assists an emerging client group of young people in or facing forced marriage.

Other Anti-Slavery Australia activities include:

- creation of Australia's first nationally accessible e-learning platform to raise awareness of slavery, human trafficking and slavery-like practices, including forced marriage;
- research on forced and servile marriage, deceptive recruitment and the supply chain;
- research on the global patterns and practices of slavery and human trafficking in Australia and around the world;
- skills-based practical training on slavery and human trafficking issues;
- outreach, education and media advocacy;
- awareness raising of all forms of trafficking and slavery;
- coordinating the Sydney Trafficking Response Network to assist survivors and build capacity in the community.

For more information on our work, see: www.antislavery.org.au

4.3.1 LITTLE IS KNOWN ABOUT CHILD AND FORCED MARRIAGE IN AUSTRALIA

Child and forced marriage is an emerging human rights issue in Australia receiving growing academic,¹⁶⁶ government,¹⁶⁷ community¹⁶⁸ and media attention,¹⁶⁹ yet the practices of child and forced marriage are under-researched and often misunderstood.¹⁷⁰ In Australia, reports of child and forced marriage have not been limited to any specific cultural, religious or ethnic group. While a small number of cases are reported in the family law jurisdiction, community groups suggest that the actual number of those affected is much greater.

Cases of child and forced marriage have been identified by community workers in Australia as a form of family violence and a slavery-like practice affecting women and girls.¹⁷¹ Dr Eman Sharobeem, manager of the Immigrant Women's Health Service in Fairfield, NSW, reports that there are at least 60 child brides in south-west Sydney alone.¹⁷² Over the last two years, the National Children's and Youth Law Centre has identified approximately 250 cases of child marriage.¹⁷³

Australian court cases, discussed below, are an important source of information about the nature of child and forced marriage in Australia. Reported cases point to a pattern of Australian residents being taken overseas for marriage; children under the age of 18 in Australia undergoing a cultural or religious marriage that takes place outside the provisions of the *Marriage Act 1961* (Cth);¹⁷⁴ and asylum seekers asking for protection in Australia on the basis of fear of harm in the form of child or forced marriage if returned to their country of origin.¹⁷⁵

Recent research conducted by the Australian Institute of Criminology (AIC) on the Australian partner visa system and the potential for human trafficking¹⁷⁶ documents women being recruited and transported to Australia for the purposes of exploitation (including domestic or sexual servitude), through the partner visa system. The partner migration program may be a potential risk for children forced into marriage and sponsored into Australia as partners of Australians, highlighting the need for thorough scrutiny of identity documents submitted in support of migration applications.

While there is increasing solid evidence, most information about the prevalence and dimensions of child marriage is anecdotal and fragmented; this points to a compelling need for scholarly research to build an evidence base for the development of a coordinated and nuanced response to child marriage. However, international research to date suggests community engagement, prevention and the protection and support of those affected must be a priority.

4.3.2 CONSENT: FORCED AND CHILD MARRIAGE

In Australia, much of the early discussion about forced marriage has also addressed child marriage. This reflects international thinking that a child does not ordinarily have the capacity to consent to marriage. In Australia, complex factors create the conditions for forced marriage of adults, including structural, cultural and gender inequalities. In child marriage, these conditions are exacerbated by vulnerability due to age. The exercise of unequal power is therefore central to the nature of child marriage.

CASE STUDIES ABOUT CHILD AND FORCED MARRIAGE¹⁷⁷

Australian case reports are a reliable source of information about patterns of child marriage in Australia or involving Australians married in other countries. The stories below show the circumstances experienced by children facing child and forced marriage, and highlight the important role that police, lawyers, child protection agencies and others can play. The stories also give accounts of bravery, determination and resilience. They demonstrate the necessity of effective community engagement, awareness raising, training of front-line officers (including school teachers) and the importance of research. As these cases show, vulnerable children can exercise control in their lives but they need information and support to do so.

MS ELIA'S STORY

Ms Elia made an application to the Federal Court of Australia for a parenting order on behalf of her six-year-old daughter.¹⁷⁸ The evidence to the court was that Ms Elia was 14 when she underwent a "non-legally sanctioned marriage ceremony" with a man who was over the age of 18. The court found Ms Elia, at the time of the marriage, was legally and psychologically a child:

"My mother pushed me to get married. She would say to me, words to the effect, 'You will have your fun. Your dad is strict. You can come and go as you please. You've always wanted to go out to Jamberoo and Wonderland. You get to go to movies, have popcorn, lollies, ice-cream and chocolate. You get to have fun and live life. What you see of everyone having fun on the TV, this is what it is going to be like. You're very, very lucky'.¹⁷⁹

Ms Elia asserted to the court she had told a teacher at her high school about her marriage; the court noted there had been a failure by the teacher to comply with legislation relating to mandatory notification of harm.¹⁸⁰ After her marriage, Ms Elia attempted to continue her education but she reported that her husband burnt her homework and forced her to leave school. He would threaten her, "if you don't drop out ... I'll move so far away you won't ever see people".¹⁸¹

V'S STORY

In 2010, the Department of Human Services (DHS) in Victoria received a report that "V", then aged nearly 14, had ceased to attend school because she was about to be married. In response to the report, DHS interviewed V and applied to the Family Court for orders to prevent her from being taken out of Australia. V told the DHS child protection officer she was engaged to be married to her 17-year-old fiancé and she was going to travel overseas to meet him. V had not met her fiancé but had seen his photograph.¹⁸² In an affidavit prepared after the interview, the DHS officer concluded:

"It is my belief that it would not be in [the child's] best interests to travel ... to be married as she is a child and does not appear to understand the consequences of marriage. Furthermore, she would be deprived of a school education, and she may be at risk of sexual exploitation and emotional harm".¹⁸³

The court accepted that permitting V to be taken overseas for marriage was contrary to her welfare and that "a 14-year-old child would not have the understanding of the significance of marriage which would be attributable to an adult".¹⁸⁴ The court issued an injunction preventing V's removal from Australia prior to her eighteenth birthday. The court also retained V's passport and prohibited her parents from applying for a new one while she was still a child.¹⁸⁵

MS KANDAL'S STORY

Ms Kandal, a 17-year-old, secretly telephoned the Australian Federal Police (AFP) operations centre. She told the police her mother and other family members had arranged to take her outside Australia for marriage against her will. Ms Kandal was aware of the airport watch list (also known as the PACE Alert system) and asked the police that her name be placed on the list. She wanted minimal involvement from other authorities. The AFP, DHS and Legal Aid NSW assisted Ms Kandal. On hearing the application brought by the AFP on behalf of Ms Kandal, the court ordered that Ms Kandal's name be placed on the airport watch list, at all Australian arrival and departure points, that her passport be surrendered to the court and that her parents be restrained from assaulting, threatening, harassing or intimidating her.¹⁸⁶

MS MADLEY'S STORY

Ms Madley was 16 years old when she asked Legal Aid NSW to help prevent her proposed marriage, which was planned to take place within two weeks in a country outside Australia to a person she had only met once. With the help of Legal Aid, Ms Madley made an application for ex parte orders to the Federal Magistrates Court of Australia. In her evidence she was insistent that she did not want to marry or travel overseas. She also gave evidence that she was fearful for her safety when her family became aware of the legal proceeding. The court commended Legal Aid NSW "for their prompt action and their efforts in accordance not only with their charter but with the spirit of the legislation [(the Family Law Act 1975)] to protect this young person's rights."¹⁸⁷

In making his orders, Federal Magistrate Harman observed, "it is not the right of any parent to cause their child to be married against their will, whether in accordance with Australian law or otherwise" The court ordered her parents be restrained from removing, attempting or causing her removal from Australia. Ms Madley's passport was surrendered to the court and she was placed on the airport watch list.¹⁸⁹

4.3.3 LAWS AGAINST CHILD AND FORCED MARRIAGE IN AUSTRALIA

The *Marriage Act 1961* (Cth), which regulates marriage in Australia, specifies that consent to a marriage must be real consent¹⁹⁰ and the marriageable age is 18.¹⁹¹

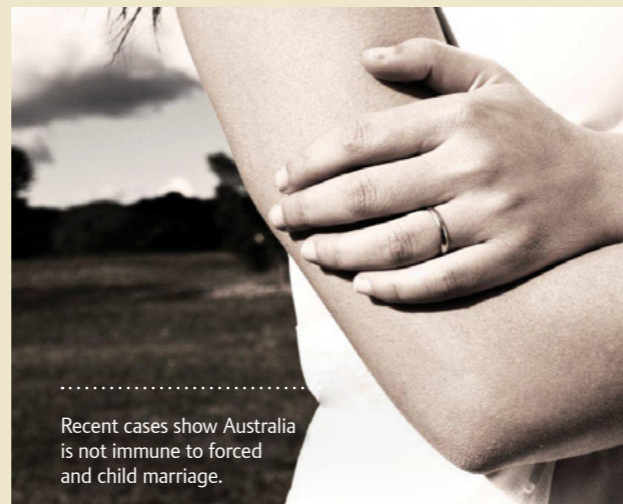
The *Family Law Act 1975* (Cth) permits orders to be made for the welfare of children, including for their personal protection.¹⁹² Additionally, the *Family Law Act* authorises parenting orders for children under the age of 18 on application by a child, the child's parents, grandparents or "any other person concerned with the care, welfare or development of the child".¹⁹³ As the case studies above demonstrate, such civil law protection orders function as strong safeguards for children at risk of forced marriage.

In February 2013, the Australian Parliament passed the *Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Act 2013* (the 'Slavery Act'),¹⁹⁴ which amended the *Commonwealth Criminal Code Act 1995* (the 'Criminal Code') and introduced a range of new offences related to slavery and slavery-like conditions, including offences that criminalise the practice of forced marriage.

The amended *Criminal Code* states "a marriage is a forced marriage if, because of the use of coercion, threat or deception, one party to the marriage (the victim) entered into the marriage without freely and fully consenting."¹⁹⁵ Coercion includes any of the following: "(a) force; (b) duress; (c) detention; (d) psychological oppression; (e) abuse of power; and (f) taking advantage of a person's vulnerability". There are two kinds of offences: conduct causing a person to enter into a forced marriage as a victim of the marriage;¹⁹⁶ and being a party to a forced marriage where that person is not a victim of the forced marriage.¹⁹⁷ The new laws apply to marriages and marriage-like relationships that take place in Australia, and where an Australian citizen or resident engages in conduct outside Australia that compels a person to enter into a marriage that is forced.¹⁹⁸ Since the criminalisation of forced marriage on 8 March 2013, as at 1 May 2014, the AFP has received 10 referrals for suspected forced marriage matters, nine of which were for children.¹⁹⁹

4.3.4 SUPPORT SERVICES, LEGAL ADVICE AND FRONT-LINE TRAINING

While Australia has created strong laws prohibiting forced marriage within Australia, the laws have not yet been tested in the courts so it is difficult to assess their effectiveness. International and domestic legislative remedies have usually focused on supporting those in forced marriage through civil protection measures²⁰⁰ and/or the criminalisation of forced marriage.²⁰¹ However, the law is only one part of a comprehensive and effective response to child and forced marriage. Strong laws must be accompanied by culturally appropriate, victim-focused and human rights-based social and legal services. These services must be able to meet the needs of people who have experienced or are at risk of child or forced marriage²⁰² and promote their safety and rehabilitation.²⁰³ This is because the conditions that enable forced marriage to occur situate people at risk, usually women and girls, at the intersection of cultural, systemic and gendered inequalities. Violence and threats might be used, as well as more subtle



Recent cases show Australia is not immune to forced and child marriage.

forms of coercion that include, but are not limited to, practices of parental control, pressure or persuasion, in combination with socio-cultural expectations.²⁰⁴

International research points to the need for community engagement and inter-cultural dialogue that genuinely seeks to engage with all relevant communities.²⁰⁵ A successful community education campaign would include carefully framing a space for growing awareness, discussion and negotiation with families and communities to support young people in or at risk of forced marriage.²⁰⁶

The Australian government currently provides the *Support for Trafficked People Program*²⁰⁷ for any person identified by a law enforcement agency as a potential victim of forced marriage. Through this program, comprehensive and intensive support is provided by the Australian Red Cross to children facing forced marriage for an initial period of up to 45 days (which may be extended by a further 45 days). During the period of intensive support, there will be an assessment of the best interests of the child taking into account their wishes as appropriate. Beyond that time, further support is dependent on the child's willingness to assist law enforcement in the investigation of a criminal offence. This may require their cooperation in a criminal investigation into the conduct of their parents or other family members.

Despite the *Support for Trafficked People Program*, there remains a critical gap in the Australia-wide approach to community consultation, awareness raising and integrated system-based prevention and protection. More work needs to be done to ensure there are sufficient support services and resources for children at risk of, or forced into marriage.

Experience in the UK suggests that NGOs and community organisations will play a critical part in developing and implementing an effective response to child and forced marriage.²⁰⁸ Anti-Slavery Australia urges that the provision of timely legal advice and representation is an important response in any case involving child marriage. Access to a range of support services, including safe accommodation, financial support, health care, interpreting and translation, legal and sometimes migration advice, comprehensive casework, counselling, and education and employment assistance, are essential to a human rights-based approach.²⁰⁹

Available support services within pre-existing programs that have been developed to respond to and protect victims of family violence, may not be appropriate for children facing marriage.²¹⁰ Consequently, it would be helpful for communities, law and policy makers to consider how existing programs could be extended to meet the specific needs of people facing child or forced marriage. A comprehensive response to this issue should also be integrated within the Australian government's *National Framework for Protecting Australia's Children* and *National Plan to Reduce Violence against Women and their Children*.²¹¹

The Commonwealth and States each have responsibilities in the area of legislation affecting children and systems for child protection. There is a clear need for the development of a holistic framework that sets out responsibilities for all levels of government and a national service framework to provide protection and support for children in or at risk of forced marriage.²¹²

Training is essential for frontline government and NGO workers, and needs to be tailored to specific professionals such as teachers, school counsellors, health care workers and legal practitioners.²¹³ Lack of training of frontline service providers in areas where child and forced marriage is suspected to be prevalent creates a real risk of missing opportunities to identify and support children facing child and forced marriage. To give one example of a best practice training initiative, in 2014, Anti-Slavery Australia with Australian government funding, launched Australia's first e-learning course on human trafficking, slavery and slavery-like practices, including forced labour and forced marriage. The course is designed for the wider Australian community, and frontline workers including teachers, counsellors, health care workers, child protection officers and law enforcement.

4.3.5 COMMUNITY LEADERSHIP AND ENGAGEMENT

Civil society is better able to respond to the many complex ways a child or young person might experience the threat of forced marriage.²¹⁴ International experience shows community consultation is essential to develop a meaningful response.²¹⁵ Community engagement strategies are best designed by community leaders and representatives themselves. Best practice initiatives in community engagement and education include factsheets in community languages and outreach programs in schools, youth centres, migrant resource centres, community newspapers and media. Information about risk factors, identification and support is a key component of an effective strategy. In a significant initiative, the Australian Government's National Roundtable on Human Trafficking and Slavery has established a specific working group to develop best practice standards in awareness raising materials for Australian communities.

RECOMMENDATIONS TO AUSTRALIAN GOVERNMENTS

Anti-Slavery Australia makes the following recommendations to Australian governments:

- **Ensure national, state and community-based responses to child marriage are informed by a human rights-based approach.**
- **Promote research into the full extent of child and forced marriage in Australia, effective strategies to communicate information and best practice models to protect and empower children facing child and forced marriage.**
- **Integrate responses to child and forced marriage into existing frameworks for the protection of women and children against violence, such as the Australian government's National Framework for Protecting Australia's Children, and the National Plan to Reduce Violence against Women and their Children.**
- **Identify national and state responses to child and forced marriage and define roles, coordinate responsibilities and develop national best-practice responses.**
- **Review and assess the appropriateness of commonwealth and state laws relating to child and forced marriage and define the respective responsibilities of relevant agencies.**
- **Provide accurate, culturally-appropriate and evaluated community awareness raising material and referral pathways to children and school communities.**
- **Train child protection, law enforcement, community based multi-lingual workers, domestic and family violence workers and health, education, and community organisations about the risk factors for child and forced marriage and how to identify and assist children at risk.**
- **Establish an effective and comprehensive national support program for children at risk of child and forced marriage including referral pathways, provision of accommodation, help with education, financial support and employment assistance, including counselling, health care support and legal advice and representation.**



.....
A Plan International NFE centre helped Nasreen avoid child marriage, Pakistan

5.1 CHILD MARRIAGE AND HUMAN RIGHTS

Child marriage is a human rights issue. Universal international human rights obligations require countries to protect children and to “eradicate both through legislation and any other appropriate measures, all cultural or religious practices which jeopardize the freedom and well-being of female children”, including child marriage.²¹⁶ Respecting human rights means that governments, including the Australian government, need to take action to make equality, non-discrimination and human dignity a reality in women’s and girls’ lives.²¹⁷

5.1.1 THE RIGHT TO EDUCATION AND PLAY

International human rights standards maintain that women must be guaranteed the same opportunities to access education as men.²¹⁸ Because girls usually stop going to school once they are married, child marriage undermines this right. As a consequence, states must take immediate action to help girls stay in, or return to, school.

By requiring children to take on adult roles and responsibilities before they are ready, child marriage interferes with children’s right to be children, that is, to play and take part in “recreational activities appropriate to the age of the child”.²¹⁹ Child marriage also alienates children from their friends and the world of learning and ideas. Fulfilling girls’ rights to education is a powerful tool in preventing child marriage. The transformative potential of education is discussed in more detail in section 6.

Although girls are often forced into child marriage, Plan International recognises that it is often girls themselves who are the most powerful advocates for their right to education and decision making. In its work Plan International has supported many girl students who have successfully persuaded their families to delay their marriage and let them continue at school. One Pakistani girl engaged in a Plan International education program told us, “I wanted to study, but my in-laws were insisting that I get married quickly. I was able to persuade my parents to let me continue my education instead of getting married, but my in-laws were not happy, so they ended the engagement”.

“We must do all we can to eradicate practices that condone the subjugation of women. That is why Australia has joined international action against harmful traditional practices including child, early and forced marriage, and female genital mutilation. Resolutions in both the Human Rights Council and General Assembly have focused attention on the consequences of these crimes and called on states to take action.”

– Senator the Hon Michaelia Cash, Minister Assisting the Prime Minister for Women.

5. CHILD MARRIAGE HUMAN RIGHTS AND THE GLOBAL AND REGIONAL RESPONSE

5.1.2 THE RIGHT TO EQUALITY

Child marriage is a violation of women's and girls' right to equality which limits their ability to participate as equals in society.

It does this by:

- limiting women's access to education, health, income generating activities, paid work, and participation in decision making at social and political levels;
- confining them to pre-defined subordinate roles of wife, mother and homemaker;
- restricting their agency and ability to make decisions about their lives and bodies (such as whether they will marry and when they will have children);
- exposing them to domestic violence and sexual abuse.

The CRC Committee has repeatedly emphasised that child marriage fundamentally undermines girls' status and dignity, and their capacity to reach their full potential.²²⁰ International children's rights obligations require states to "take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse".²²¹ This includes taking action to protect women's and girls' right to refuse marriage.²²²

5.1.3 OBLIGATION TO ESTABLISH A MINIMUM AGE OF MARRIAGE OF 18 AND ABOLISH DISCRIMINATORY LAWS

CEDAW states that child marriage must not be permitted under law and that countries must introduce and enforce legislation which sets a minimum age for marriage and requires the official registration of all marriages.²²³ Unfortunately there is an urgent need for such laws in many countries around the globe. CRC also prohibits laws that discriminate against men and women on the basis of their gender.²²⁴ Marriage laws that set a lower minimum age for women than men, do just this.

5.1.4 HEALTH AND REPRODUCTIVE RIGHTS

Everyone has the right to enjoy "the highest attainable standard of physical and mental health," and importantly, women and girls have the right to health without discrimination.²²⁵ It is widely recognised that child marriage often has a life threatening impact on child and adolescent health. Governments must take action to stop child marriage, as well as ensuring that all women have access to adequate "sexual health information, education and services".²²⁶ Additionally, child marriage limits women's rights to control their sexuality and reproductive capacity, and "results in significant risks of unwanted and forced pregnancies".²²⁷ CEDAW states that women must have the same right as men "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".²²⁸ In order to fulfil this right, CEDAW requires states to take action to:

"modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women".²²⁹

5.1.5 THE HUMAN RIGHTS RESPONSE TO CHILD MARRIAGE AT THE GLOBAL LEVEL

Over the last three years there has been growing momentum internationally around the issue of child marriage, with a number of global initiatives, including the inaugural International Day of the Girl Child adopting this theme. At the United Nations, this wider global movement contributed to the adoption of the first ever resolutions on the issue – first at the Human Rights Council (September 2013) and then at the General Assembly (November 2013).²³⁰ While both are procedural, they have paved the way for a substantive resolution on child marriage.

The agreed conclusion from the 57th Session of the Commission on the Status of Women (CSW) in 2013 highlighted the need to end the practice of child, early and forced marriage, asking states to:

- review, enact and strictly enforce laws and regulations concerning the minimum legal age of consent and the minimum age for marriage;
- raise the minimum age for marriage where necessary;
- generate social support for the enforcement of these laws in order to end the practice of child, early and forced marriage.

This year, the 58th Session of CSW renewed its call to eradicate child marriage. CSW expressed concerns that the Millennium Development Goals (MDGs) had not adequately addressed several "critical issues related to gender equality and the empowerment of women" including child marriage.²³¹ In addition CSW commented that this oversight had posed a significant barrier to the achievement of these global targets.²³² In a similar vein, the High-Level Panel on the post-2015 Development Agenda (HLP) has advocated for a robust response to the issue of child marriage. The 27-member HLP was established by Secretary-General Ban Ki-moon to advise on the global development framework after 2015 (the target date for the MDGs). It is co-chaired by President Susilo Bambang Yudhoyono of Indonesia, President Ellen Johnson Sirleaf of Liberia and Prime Minister David Cameron of the United Kingdom.²³³ In its report, the HLP recommended a stand-alone goal for gender equality, including a zero target and gender-desegregated target for child marriage.²³⁴

5.2 THE HUMAN RIGHTS RESPONSE TO CHILD MARRIAGE AT THE REGIONAL LEVEL

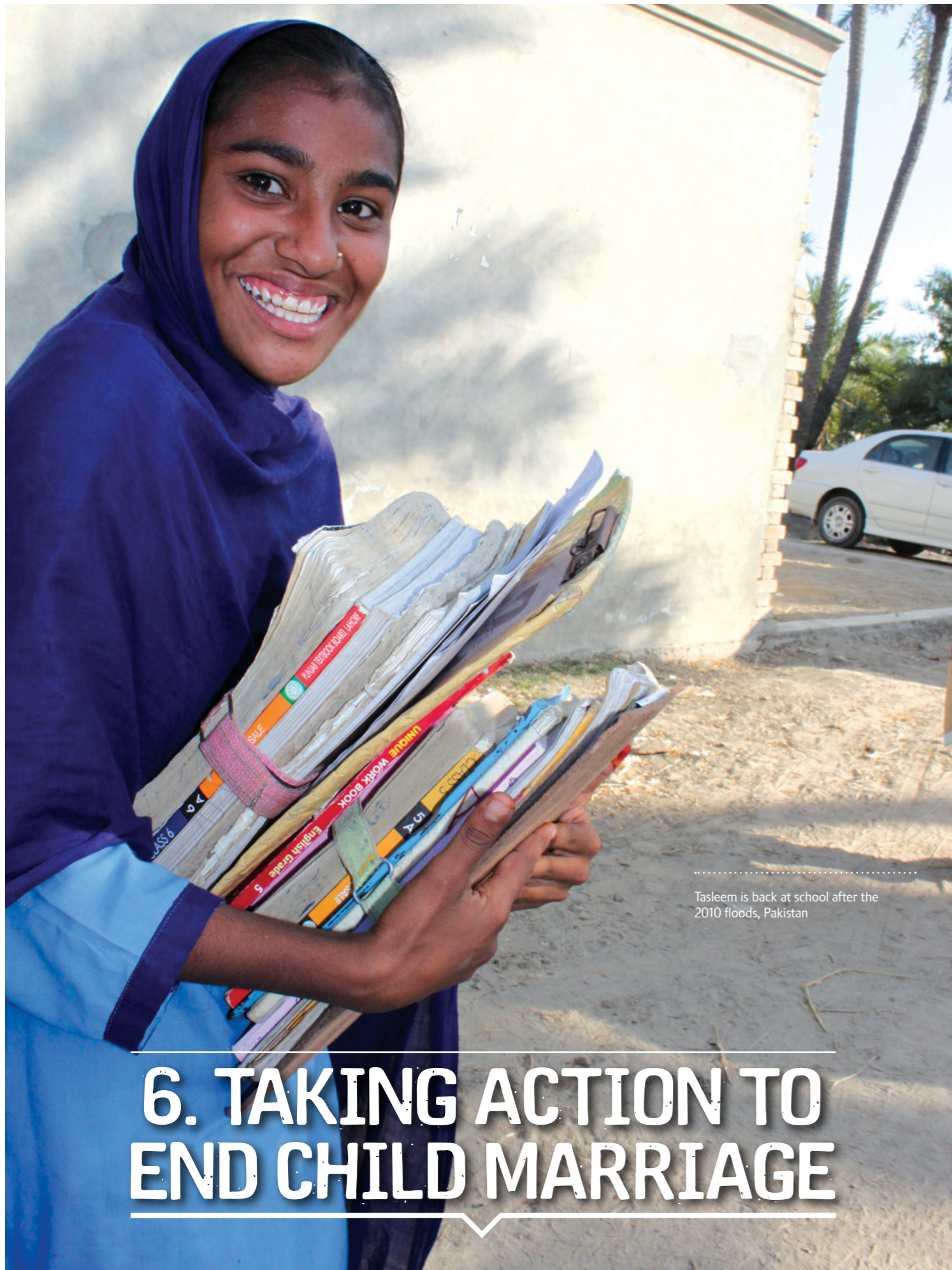
The need to address child marriage was recognised in the final communique of the Commonwealth Heads of Government Meeting (CHOGM) 2011, which stated that "the Commonwealth may address the issue of early and forced marriage".²³⁵ The issue was taken up again in 2013 by CHOGM where "Heads of Government agreed that the Commonwealth will continue to address the issue of child, early and forced marriage".²³⁶ The

Commonwealth Women's Affairs Ministers Meeting in Dhaka, Bangladesh, in June 2013, discussed the new global women's agenda to emerge after the MDGs. It recommended that "the context of the post-2015 development framework should address gender inequality in social institutions, norms and practices" which should logically extend to child marriage.²³⁷

At the global and regional level there is clearly a growing consensus to end child marriage. Australia, as a leader in the Indo-Pacific region and a signatory to fundamental human rights conventions which prohibit child marriage, has a clear role to play in empowering women, girls and communities to end this practice.



Women learn how to use a sewing machine at a Plan International livelihoods programme in Timor-Leste



Tasleem is back at school after the 2010 floods, Pakistan

6. TAKING ACTION TO END CHILD MARRIAGE

If urgent action is not taken to end child marriage and current trends continue, another 140 million girls will be married this decade. This means another 140 million young women exposed to an unacceptable risk of poverty, illiteracy, violence, poor health and marginalisation. Well-designed and effectively implemented responses can empower girls to decide if and when they will marry; reduce their risk of poverty, abuse and other human rights violations; and help girls reach their full potential.

6.1 DESIGNING SUCCESSFUL PROGRAMS TO END CHILD MARRIAGE

6.1.1 THE NEED FOR INTEGRATED PROGRAMMING

A comprehensive 2012 study of various programs trying to reduce child marriage concluded: “integrated programs focusing on girls’ empowerment and programs offering incentives have been reasonably successful in preventing child marriage and changing related attitudes and knowledge”.²³⁸ The study found best practice integrated programs are well designed and contain clearly articulated theories of change.²³⁹ They also address the multiple causes of child marriage.²⁴⁰ Recognising that governments are key duty bearers in responding to child marriage, integrated programs must take a systems-based approach, addressing the issue through legal, health, education policy and action.

6.1.2 MONITORING THE IMPACT OF PROGRAMS

Successful child marriage programs involve relatively rigorous monitoring and evaluation which help understand the process of change.²⁴¹ Globally there has been an overall lack of quality evaluation data on the effectiveness and impact of programs dedicated to ending child marriage.²⁴² Policy makers must take action to improve the evidence base to inform effective programming and broader systemic responses.²⁴³

6.1.3 TARGET COUNTRIES WHERE CHILD MARRIAGE IS MOST PREVALENT

Internationally, government-initiated responses to child marriage are concentrated in just a few countries. Many high prevalence countries have no programs to reduce child marriage.²⁴⁴ Global studies suggest that child marriage programs, systemic responses and resources should be targeted to hotspot countries, particularly if resources are limited.²⁴⁵

6.1.4 REACHING OUT TO GIRLS WHO ARE ALREADY MARRIED

To be effective, interventions should not just focus on the triggers but must extend to helping and empowering girls who are already married.²⁴⁶ As a 2014 ICRW report observes, “unfortunately, married girls remain a forgotten population in global programming and policy efforts, which have focused increasingly on preventing, rather than mitigating, child marriage and supporting girls who are already married”.²⁴⁷ Married girls deserve special attention because of the harmful immediate and intergenerational impacts of child marriage. Empowering these women will also help their children reach their full potential and “may play a critical role in reducing intergenerational patterns of poverty and poor health” and gender-based violence.²⁴⁸

6.2 GOOD PRACTICE TO END CHILD MARRIAGE

There is growing knowledge about effective ways of preventing child marriage and supporting girls who are already married. Given the complex and interwoven causes and consequences of child marriage, international research has consistently found the most effective policy, programmatic and systemic interventions are those which:

- enable girls to stay in school and receive a quality education;
- empower girls and mobilise communities to challenge the beliefs and attitudes which support child marriage;
- address economic insecurity;
- encourage the implementation of appropriate laws, policies and protection systems;
- improve access to health services, health information and contraception.²⁴⁹

6.2.1 IMPROVING WOMEN’S AND GIRLS’ ACCESS TO HIGH QUALITY EDUCATION

Since 2007, Plan International has produced an annual report on the state of the world’s girls (*Because I am a Girl*). The reports have documented the particular disadvantages faced by girls around the world. A quality secondary education for girls has emerged as one major way to address gender inequality, poverty and child marriage. Quality education that is relevant to the needs, rights and aspirations of girls is vital to empower girls and women to make free choices and decisions about their lives. Education also enables girls to acquire the skills, knowledge and confidence necessary to protect their sexual and reproductive health and rights; protect themselves against unintended pregnancy and sexually transmitted infections (including HIV); delay childbearing; and decide if, when and how many children they have.²⁵⁰

In countries with the highest prevalence of child marriage, “[t]he education a girl receives is the strongest predictor of the age [at which] she will marry”.²⁵¹ Women with more education tend to marry at an older age and are less likely to have children while still in their teenage years.²⁵² ICRW has found that “girls with no education are three times as likely to marry before 18 as those with secondary or higher education”.²⁵³ Access to primary education can also reduce the likelihood of child marriage. A 2005 UNICEF study of 42 countries found that women who attended primary school were less likely to marry by 18 than women without any primary education.²⁵⁴

Schooling can protect against marriage in several important ways. First, just being at school helps support the perception that a girl is a child and is therefore not ready for marriage.²⁵⁵ Second, when girls stay in school longer, it helps challenge ideas about the normality of child marriage as well as harmful gender beliefs about girls’ inferiority to boys. Third, when schools have a gender transformative curriculum, combined with broader community engagement strategies (for example, youth-led awareness raising), it may help girls improve their social networks and ability to negotiate what they want.²⁵⁶

By the time a girl reaches adolescence, gender stereotypes and expectations of her role in society are already well entrenched. Programs to end child marriage through education must start early in a child’s life. Girls who participate in early childhood care and

development (ECCD) programs, with a focus on combating gender stereotypes and discrimination, are more likely to begin school at the right age and to complete their primary schooling.²⁵⁷ Evidence also suggests that ECCD programs often have a transformative effect on the attitudes and perceptions of the parents of young girls participating in them. Families begin to perceive girls as capable of learning and fulfilling roles beyond mother and wife.²⁵⁸ In the longer term, ECCD programs have delayed the age of first pregnancy for young women and promoted women's empowerment by encouraging positive attitudes about gender equality.²⁵⁹ Girls as a group also need targeted support during their primary school years, particularly at the point of transition into secondary or post-primary education.²⁶⁰

Successful school programs that break the cycle of child marriage and overcome gender barriers to girls continuing their education have:

- supported girls to enrol and re-enrol in school (including girls who have become pregnant or married);
- made schools a safer environment which supports and values girls' learning;
- trained teachers to make education relevant to girls' lives while still challenging gender norms which restrict girls' ability to reach their full potential;
- improved school curricula to include life skills, sexual and reproductive health, and content which promotes gender equality and challenges negative gender stereotypes;
- ensured that all students receive the skills they need to find decent work;
- improved school facilities for girls, such as building or upgrading girls' toilets;
- ensured that primary school is free and compulsory;
- included scholarships, fee subsidies and free uniforms for girls;
- included parenting courses.²⁶¹

GOOD PRACTICE FROM THE FIELD - NON-FORMAL EDUCATION IN PAKISTAN

PROJECT

Plan International's non-formal education projects sit under its Girl Power Program. As part of the project, Plan International has set up a series of non-formal education (NFE) centres in various communities. They aim to fast-track girls' education to grade 10 so they can get a school leaving certificate, as well as receive education on basic life skills, such as health, sanitation, and sexual and reproductive rights. Many girls drop out of government schools because of poverty or distance. Plan International's NFE centres are free to attend and close to communities. The centres provide a female caretaker to accompany the girls to school to ensure their safety. They are a safe space for girls who are married at a young age. Rather than being subjected to a life behind closed doors the NFE centres provide a protective environment where girls can access education safely.

IMPACT

As of 2012, Plan International's NFE centres have educated over 11,000 girls and women across Pakistan.²⁶² The centres play an important role in delaying child marriage as well as supporting girls who are already married. In 2012 about 800 married girls attended Plan International's NFE centres.²⁶³ A 15-year-old NFE student said to Plan International, "Education is very important. The teachers at the NFE are good and I enjoy going there. Through education, we can gain awareness and learn the basic skills for life".

6.2.2 MOBILISING COMMUNITIES AND EMPOWERING GIRLS

Empowering girls to participate in the promotion of their rights, including their own protection, is crucial to ending child marriage. A systematic review by ICRW of 23 programs aiming to prevent or reduce child marriage across a range of countries found, "the strongest, most consistent results are evident in a subset of programs fostering information, skills and networks for girls in combination with community mobilisation".²⁶⁴ Whether married or unmarried, girls meeting together to improve communication and negotiation skills, and financial literacy helps to increase their knowledge, self-confidence, broaden their support networks and ultimately claim their rights.²⁶⁵

Engaging, educating and mobilising parents, families and communities is also crucial to challenging the attitudes, behaviours and socio-cultural practices that support child marriage. This work has the potential to foster environments where girls are able to complete their education, and improve their agency over decisions about marriage and if and when they will have children. Broader community mobilisation programs are most successful when they involve women in leadership roles and are integrated with other interventions that address the multiple drivers of child marriage.²⁶⁷ Cultural beliefs and values can often help support inter-community dialogue about the harms of child marriage. In communities where family and elders traditionally make decisions about when and to whom a girl will marry, working with children, youth, parents and community stakeholders is "vital in changing the attitudes and social norms that perpetuate harmful practices such as child marriage".²⁶⁸

In societies where men play a central role in making decisions about marriage, these same men can play a powerful role in challenging gender norms that support child marriage.²⁶⁹ They should be supported to participate in programs targeting men that promote healthy relationships and gender equality.



Girls taking oath to raise awareness of the practice of child marriage, Bangladesh

GOOD PRACTICE FROM THE FIELD - CHILD MARRIAGE-FREE ZONES IN BANGLADESH

PROJECT

Child Marriage-Free Zone is a Plan International-supported movement led by local government that aims to stop child marriage. A zone consists of the smallest rural administrative and local government units in Bangladesh, headed by the local government body, the Union Parishad. With Plan International's help, child marriage-free zones have been declared in 22 unions through sustained dialogue and action, often spanning several years.

Once a formal declaration is made by the Union Parishad, all are committed to work collectively to stop child marriage in the zone. Plan International has undertaken interventions with communities, including the formation of child protection groups (CPGs) with support from Union Parishads and government law enforcement agencies. These groups involve influential community members and act as a watchdog in Plan International intervention areas on child abuse cases, including child marriage. They serve as community-based child protection mechanisms.

Children's organisations established in the child marriage-free zones have been pivotal to the success of this project by providing life skills training to empower children to negotiate and delay child marriage in their communities. Once trained, children work in their communities to increase awareness of the harm that can result from child marriage. They also participate in regular meetings to alert other group members to suspected cases, or those at risk of child marriage, and work together to take preventative action or report the suspected cases to elders in the community.

IMPACT

This movement has led to a remarkable reduction in the incidence of child marriage in the areas where Plan International works. Since 2005, 22 of the 39 unions in Plan International coverage areas in the Lalmonirhat, Dinajpur, Nilphamari and Gazipur districts have been declared child marriage-free. This equates to coverage of a total population of 596,653 people, of which 147,400 are girls aged under 18. Child marriage-free zones were recommended as a model for scale-up in the UN Special Envoy for Global Education's recommendations for education financing during the April 2013 Learning for All ministerial summit hosted by the World Bank.

6.2.3 ENHANCING YOUNG WOMEN'S ECONOMIC EMPOWERMENT AND LIVELIHOOD TRAINING

Given the link between child marriage and poverty, employment or income generating opportunities for girls and young women at risk of child marriage during or when they finish school can help create viable alternatives to child marriage.²⁷⁰ Opportunities include vocational training targeting women. For those who are already married, providing girls with these skills can help them develop financial autonomy later in life while at the same time supporting their families.²⁷¹ Potential programs may include training in basic business skills; age-appropriate activities, such as agriculture and farming, craftsmanship, tailoring and sewing; vocational training; access to microfinance and savings groups; and other economic empowerment opportunities.²⁷² When women who marry young work, it can help support their families to overcome poverty, curb perceived financial imperatives for child marriage and “provide girls, as well as their families, with the option to delay marriage”.²⁷³

6.2.4 ENCOURAGING SUPPORTIVE LAWS, POLICIES AND PROTECTION MECHANISMS

Introducing laws that prohibit child marriage before the age of 18 cannot single-handedly eliminate the problem. However, if strengthened and enforced, legal protections can provide the basis for successful government action and challenge the belief that child marriage is acceptable.²⁷⁸

Research conducted in 2013 demonstrates that countries with laws strictly establishing 18 as the minimum age of marriage without exceptions tend to have much lower levels of adolescent pregnancy.²⁷⁹ Countries which allow exceptions to the minimum age of marriage in regards to rates of teenage pregnancy have been found to be “statistically indistinguishable from countries that lacked laws setting 18 as the minimum age of marriage”.²⁸⁰ Because we know that 90 per cent of adolescent pregnancies globally occur within the context of child marriage,²⁸¹ this suggests a link between less strict child marriage laws and the practice of child marriage.

Laws which permit exceptions to a minimum age for marriage may signify a country's lack of serious commitment to ending child marriage and create confusion or ambiguity about the legality of all child marriage in the community.²⁸² Repealing exceptions to child marriage, backed by political will and government enforcement, represents a potential way to bring about societal change. Lifting the minimum age of sexual consent can also support the belief that children are not ready to be parents at an early age.

Working with governments to implement or improve universal birth registration systems can also help reduce child marriage by making it possible to know a person's age when they marry.²⁸³ Supporting countries to register marriages is another important step towards monitoring and preventing the practice.²⁸⁴ Finally, repealing laws which criminalise abortion may help give pregnant women and girls more options when they fall pregnant apart from marriage.

6.2.5 IMPROVING ACCESS TO HEALTH SERVICES AND HEALTH INFORMATION

Ensuring girls access quality sexual and reproductive health information and services (including access to contraception and safe and legal abortions) can help reduce pressure on girls to enter into child marriages. Culturally sensitive community and family directed education which includes men is also required.²⁸⁵ When girls can access these services, it may minimise fear of unwanted pregnancy which often motivates child marriage. Comprehensive health services can deliver essential informal education to married and unmarried girls on sexual and reproductive health and rights. They can also “support changes in norms and attitudes around marriage for girls and help to delay first pregnancy” and associated health problems.²⁸⁶

Governments have a human rights obligation to establish and support services, including refuges, specially trained health workers, rehabilitation and counselling services for women and girls married as children who are the victims of violence or who are at risk of domestic violence.²⁸⁷ These services should be accessible to rural women.²⁸⁸

GOOD PRACTICE FROM THE FIELD - ISHORI ABHIJAN, BANGLADESH

PROJECT

Initiated in 2001 and led by a group of international and local development agencies, *Kishori Abhijan* (Adolescent Girls' Adventure), set out to “lower school dropout rates, increase girls' independent economic activity and raise the age of marriage” through life-skills and livelihoods training.²⁷⁴ Peer leaders – trained by UNICEF – formed self-help groups known as kishori clubs. Every fortnight, 30 peers gathered to discuss everything from reproductive health and nutrition to women's rights, child marriage, gender roles and violence against women. The clubs also engaged in community-based awareness raising, addressing the same issues. Group leaders helped boys and girls in their community learn specific vocational skills, such as poultry care, handicrafts, sewing and teacher training.²⁷⁵

IMPACT

By 2010, the project had successfully established nearly 3000 adolescent centres and about 68,000 adolescents had participated in life skills and livelihood training. Almost 60,000 mothers, fathers and community members attended social actions and mobilisation activities, and 9000 influential community members spoke out at a public event on at least one *Kishori Abhijan* priority issue.²⁷⁶ Program evaluation findings indicate that participants waited significantly longer to marry and that the program led to an “increase in self-employment and part-time employment opportunities for participating girls of all ages, and all participants demonstrated increased knowledge about health, family planning, nutrition and the causes of disease”.²⁷⁷

GOOD PRACTICE FROM THE FIELD - UNIVERSAL BIRTH REGISTRATION IN CAMBODIA

PROJECT

Since 2005, Plan International has worked cooperatively with the Ministry of Interior towards universal birth registration (UBR) under the country's uniform registration system. In addition, Plan International has been lending its expertise to district and provincial officials looking for solutions to specific civil registration concerns. Plan International has also engaged in advocacy work, ranging from tackling the problem of overcharging for registration fees at the grassroots level, to registration procedures and legislation at the national level.

IMPACT

The campaign has been an extraordinary success, with the total number of registered Cambodians increasing from 5 per cent to 92 per cent. The UBR project has encompassed public awareness activities, such as TV and radio broadcasts of civil registration educational clips, the Civil Registration Awareness Bus, and the printing of 400,000 information leaflets. The bus has visited 123 communities, raising awareness of the importance of civil registration with 16,230 people, including 7,895 children. UBR project activities were completed in 2008 but Plan International continues to promote birth registration by ensuring that all newborns are registered by the local community council in its program areas. A birth certificate in Cambodia provides children with an official identity, giving them easier access to education and health services; protection against child labour and child marriage; and safety from abuse and child trafficking.



Girls learning at one of Plan's NFE centres, Pakistan

Mangyan women, trained by Plan International to weave baskets to sell in the market, Philippines

7. THE ROLE OF THE AUSTRALIAN GOVERNMENT IN ENDING CHILD MARRIAGE

7.1 RECOMMENDATIONS

Over the last decade, Australian aid and development sectorial policies have maintained an emphasis on women's health, education and gender-based violence.²⁸⁹ These three areas are intrinsically linked to child marriage and have the capacity to stem it. However, to date these policies have not specifically responded to the issue of child marriage or its impacts on girls and women. This is a missed opportunity to meaningfully and strategically address this issue.

Accordingly, Plan International calls on the Australian Government to integrate a response to child marriage into its overseas development assistance (ODA) policies and funding priorities as part of a larger strategy focused on empowering women and overcoming gender inequality. Given child marriage is also a problem in Australia, we urge the Australian government to develop a comprehensive response to this issue at home.

7.1.1 ENDING EARLY AND FORCED MARRIAGE THROUGH AUSTRALIAN AID AND DEVELOPMENT WORK

Plan International calls on the Australian government to do the following:

Direct its international aid program as follows.

Develop an integrated response to child marriage by:

- incorporating an integrated response to child marriage in its key ODA policies (including in the areas of gender equality, gender-based violence, education, HIV and health) which addresses the economic and social determinants which motivate families to marry girls early;
- prioritising help for girls at risk of child marriage as well as women and girls married as children in countries with the highest prevalence of child marriage;
- working with girls, boys, women, youth-run organisations and community leaders to tackle the assumptions and harmful gender stereotypes underpinning the practice of child marriage.

Monitor, evaluate and learn more about child marriage by:

- including sex-disaggregated indicators at program, partner, government, and project levels which measure progress towards reducing and responding to child marriage;
- supporting further research into the prevalence, causes and consequences of child marriage, particularly in areas where the issue is poorly understood, such as in the Pacific;
- funding and publicising good practice by civil society and women's organisations on child marriage.

Work with development partner governments, particularly in the Indo-Pacific region.

Implement systems-based responses by:

- developing effective monitoring and reporting mechanisms on child marriage, including strengthening or introducing compulsory marriage and birth registration;

- where appropriate, implementing laws setting a minimum age for marriage (of both men and women) at 18 or above;
- building the capacity of partner government officials responsible for upholding laws prohibiting child marriage and for birth and marriage registration;
- developing effective and integrated national child protection systems and community-based child protection mechanisms capable of sensitively responding to child marriage and involving the judiciary, law enforcement agencies, health professionals, welfare and education services, teachers and school staff, as well as parents and communities.

Support girls to access education and health services by:

- prioritising programs which promote girls' and women's access to gender transformative and inclusive quality schooling (including second chance education, technical and vocational training, subsidies for uniforms, books and transport to school), particularly in areas where child marriage is prevalent;
- reforming or removing laws or policies which prevent adolescent girls from continuing to attend school due to marriage and/or pregnancy, and adopting strategies which ensure that girls who are married, become pregnant or have had children, receive the necessary support to be able to return to school;
- developing educational policies and practices which support teaching methods and curricula that promote gender equality, including quality, comprehensive, age-appropriate education on sexual and reproductive health and rights;
- establishing and expanding programs to support married girls to access adequate sexual and reproductive health services, including information and support for the prevention of HIV and AIDS, and for family planning directed at communities, families and men.

Uphold human rights by:

- promoting the need to ratify and enact international and regional instruments that prohibit child marriage.

Work with and support civil society programs to:

- motivate community stakeholders (women, girls, boys and men) to create an environment where adult marriage is favoured over child marriage;
- shelter, support and empower women and girls who seek to escape from forced or abusive marriages;
- help girls build leadership skills, extend their social networks and increase their participation in political and civic action, including youth-led initiatives to end child marriage;
- train and enable youth, community leaders and civil society organisations to design and carry out advocacy and awareness activities that promote and protect the rights of girls.



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Maryam, Plan International youth delegate from Pakistan, speaks at panel on Early and Forced Marriage, New York

7.1.2 TAKING ACTION ON THE GLOBAL STAGE

We urge the Australian government to honour its commitments as a signatory to international human rights conventions relating to women and children's rights, and to lead action to bring early and forced marriage to an end in the Commonwealth and globally. We want Australia to become a global champion to end child marriage by ensuring this issue remains on the international agenda, and working with countries in our region to support global processes to end the practice.

In particular, we call on the Government to:

- work with other governments at the UN to call for and develop a new General Assembly resolution to end child marriage and support married girls;
- ensure that the post-2015 development framework includes a target on ending child marriage, a stand-alone goal on gender equality and the empowerment of women and girls, and a specific goal on ensuring all girls and boys complete, at a minimum, quality primary and lower secondary education;

- influence partner governments to improve enforcement of international human rights instruments relating to child marriage, in particular CEDAW and CRC;
- request that UN Women, United Nations Development Program, UNICEF and the International Labour Organization address child marriage as a priority issue;
- take advantage of international lobbying opportunities to influence action against child marriage and raise the issue at upcoming CHOGM, G20 Development Working Group, and UN Human Rights Committee meetings;
- ensure that the 2015 CHOGM communiqué includes a commitment to tackling early and forced marriage, including a pledge to develop a plan of action to end child marriage in the Commonwealth;
- support children affected by child marriage to have their voices heard and acted upon at the international level through mechanisms such as UNICEF, the CRC Committee, UN Women and the CEDAW Committee.

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