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“CHILD MARRIAGE: THE END OF CHILDHOOD”

AUTHORED BY: ANUPAMA DAS & BISWARUPA DAS

Marriage is a beautiful dream for many; however it becomes a nightmare when it involves children. A Child is a person who is yet to complete his or her 18 years of age¹. Childhood is a time for learning and playing and not for bearing the burden of responsibility. Imagine a 15 years old girl, who, instead of attending school is confined to the kitchen as someone's wife. Is this how a child envisions their childhood? Do they deserve such a fate? It is heartbreaking to know that globally around 650 million girls are married even before they celebrate their 18th birthday.² South Asia has the highest no. of child brides, approximately 285 Million. In Latin America and the Caribbean, the prevalence of child marriage remains as high as it was 25 years ago, showing little to no improvement.³ This issue is not limited to poor countries – child marriage exists even in developed nations, including the United States.⁴

Child marriage is an illegal practice that occurs when a person under the age of 18 marries an adult or a minor. Despite the existence of legal frameworks worldwide to eliminate this practice, child marriage remains prevalent. International forums such as the Convention on the Elimination of All forms of Discrimination against women (CEDAW) and the United Nations Conventions on the Rights of the Child (UNCRC) prohibit child marriage.⁵ In India, The prohibition of Child Marriage Act, 2006, was enacted to eliminate this deeply rooted practice. According to this act, a child is defined as a person who has not attained 21 years of age in the case of boys and 18 in the case of girls.⁶ However, this contradicts the principle of gender equality emphasized by CRC and UDHR, as it enforces different legal ages of marriage for men and women, thereby perpetuating discrimination.⁷ The act renders such marriages null and void, and if they do occur, severe punishments are prescribed for the offence.

¹ Education, Understanding Child Rights, (2024), <https://www.google.com/url?sa=t&source=web&rct=j&opi=89978449&url=https://education.vikaspedia.in/viewcontent/education/childrens-corner/child-rights/understanding-child-rights%3Fln%3Den&ved=2ahUKEwiR6N-3k9eLAXUjTGwGHYXfLMEQFnoECBMQAw&usq=AOvVaw3n3Q3OqxXiDdCF3nDhMylu>

² UNICEF, "Child Marriage: Global and Regional Trends", 2021

³ World Bank, "Child Marriage and Economic Impact," 2020.

⁴ Human Rights Watch, "Child Marriage in the United States," 2019.

⁵ UN Women, "CEDAW and the Fight Against Child Marriage," 2018.

⁶ The Prohibition of Child Marriage Act, 2006 (India)

⁷ United Nations, "Universal Declaration of Human Rights," 1948.

However, child marriage is still prevalent in states such as Rajasthan, Uttar Pradesh, Bihar and West Bengal.⁸ From 2017 to 2021, states like Meghalaya, Mizoram, Manipur, and Nagaland reported zero registered cases of Child Marriage under the PCMA, 2006. There are several factors responsible for this evil practice, including historical, cultural, economic and social influences. Child marriage has been practiced since ancient times, leading people to believe that it is a natural order that must be continued. From a cultural perspective, a virgin woman is often considered a symbol of honor and pride for a family. Families fear that as a girl grows older, she might lose this perceived honor, which leads them to prefer early marriages. From an economic standpoint, families often view daughters as a financial burden and seek to marry them off as soon as possible to reduce household expenses.

Child marriage is more prevalent in rural areas, where poverty is widespread. In patriarchal societies, where women are primarily expected to bear children and manage household chores, early marriage is seen as advantageous. Young brides are considered more suitable for reproduction, and at a younger age, they are less likely to resist control. Another significant reason is dowry. The younger the bride, the lower the dowry demanded, whereas an older groom often requires a smaller dowry. These financial incentives lead many families to prefer marrying off their daughters at an early age.⁹

Laws to abolish child marriage exist worldwide, yet poor implementation and deeply entrenched social norms continue to hinder progress. In some countries, the minimum age for marriage is set at 18, marrying below this is either banned or considered a criminal offence. However, in other nations, the law merely establishes a minimum age without criminalizing child marriage itself. Approximately 88% of countries have ratified the Convention on the Rights of the Child (CRC) and set 18 as the minimum age for marriage. However, a major loophole exists- around 30 % of these countries allow child marriage under parental or judicial consent or personal laws, sometimes even before the age of 15.¹⁰

In many countries around the world, children may be married off before the minimum legal marriage age with parental consent, as marriages often involve parental authority. This creates a loophole that undermines efforts to prevent child marriage and allows the practice to persist

⁸ National Commission for Protection of Child Rights, India, 2021 Report

⁹ Girls Not Brides, "The Root Causes of Child Marriage," 2020

¹⁰ UNICEF, "Ending Child Marriage: Progress and Challenges," 2022

despite legal restrictions. In many civil Law countries, although the legal age of marriage is fixed, parallel personal laws governing different communities may either lack a minimum age requirement or set it lower than the national legal standard. This legal inconsistency remains a major obstacle to effectively preventing child marriage. Another scenario in which a child can be married before the minimum legal age is when a judge, court or government official grant approval, often in cases where a partner is pregnant or has given birth. This exception creates yet another problem that weakens efforts to prevent child marriage.¹¹

Last but not least, no matter how many laws are enacted, they will remain ineffective unless society changes its mindset, stops normalising child marriage, and actively speaks out against it. Both the people and the government must work together to ensure the effective implementation of these laws otherwise they become meaningless.

Devastating Impact of Child marriage

Child marriage has been a prolonged issue impacting on the lives of many girls worldwide. Child marriage amplifies gender inequality, denial of girls access to education, also exposes them to severe health risks, economic hardships, and psychological trauma. As per sources, out of 223 million child brides 102 million brides are married at the age of 15 forcefully. Various non-profit organisations in India like Saarthi Trust, Aangan Trust, Girls not brides, Institute of Health Management Pachod (IHMP) etc are fighting against the child marriage.¹²

Health: Marriage at the right age or the age after the adolescence lets girls to be ready from physical as well as mental aspects. But when it comes to the purview of child brides they are still underdeveloped, going through sexual acts before they are physically or mentally prepared for the act. Adolescent pregnancy is one of the key issue arising out of early marriages which is considered to be risky for the child brides and the baby. Globally, 21 million girls of the age group 15-19 years become pregnant in developing countries. As per the sources of the World Health Organisation (WHO), the 11% birth that are given by the mothers are mostly aged less than 20 years, also most of such cases are arising from the middle-low income

¹¹ National Centre for Biotechnology Information, Child Marriage Laws around the World: Minimum Marriage Age, Legal Exceptions, and Gender Disparities, (2017), https://www.google.com/url?sa=t&source=web&rct=j&opi=89978449&url=https://pmc.ncbi.nlm.nih.gov/article/PMC6382347/&ved=2ahUKEwiKis25mdeLAXVfcGwGHR5aAg4QFnoECBYQAQ&usg=AOvVaw1dqDeulr mUop_HH9WdH4Vf

¹²The Borgen Project, 4 Nonprofit organizations Fighting Child Marriage in India, (25July,2019),<https://borgenproject.org/fighting-child-marriage-in-india/>.

countries.¹³ According to 2010 UNFPA report, India reported the highest rates for women who had live births by the age of 18 years.¹⁴ The 4th National Family Health Survey (NFHS-4) states that there were 11.8 million adolescent pregnancies in India.¹⁵ As per the reports of the National Family and Health Survey (NFHS), it was revealed Tripura has the highest adolescent fertility rate for women aged 15-19 years, experiencing 69 births per 1,000 women. From Union territories, Ladakh and Lakshadweep too recorded lower birth rates having 2 births per 1000 women aged 15-19 years.¹⁶ Underdevelopment of adolescent bodies leads to higher rates of maternal mortality. The major risk involved due to early pregnancy can be increased health risks, complications during pregnancy and childbirth, high risks of abortions and still births, premature births, mental health issues.

Child marriage also increases the chances of girls getting infected with HIV. Since child brides mostly live at remote regions they have limited access of information regarding the contributing factors, treatment or prevention of HIV. India marks the 3rd highest HIV population in the world out of which 35% of such cases are from the age group of 15-24 years.¹⁷ To combat such challenges associated with child marriage an inclusive or a thorough approach must be adopted soon which can include legal, educational, healthcare, and socio-economic reforms.

Educational & Economic Disadvantage: Child brides face the pressure of maintaining certain domestic responsibilities also raising children which in turn leads to dropping out of schools, excluded from the chance of achieving future economic independence etc. As per the recent surveys, The Unified District Information System for Education (UDISE+) 2020-21 report reveals that the dropout rate in India is 14.6% for secondary level education. Also reports from National Statistical Office (NSO) reveals that, 12.6% students are dropped out of schools in

¹³**BMC Pregnancy and Childbirth**, Prevalence and correlates of adolescent pregnancy motherhood and adverse Maternal and Perinatal Outcomes Associated with Child Marriage in South Asia, (26 January 2023), <https://bmcpregnancychildbirth.biomedcentral.com/articles/10.1186/s12884-023-05354-6>.

¹⁴**United Nations Population Fund (UNFPA)**, Adolescent Pregnancy A Review of the evidence, (01 Jan 2013) <https://www.unfpa.org/publications/adolescent-pregnancy>.

¹⁵**BMC Pregnancy and Childbirth**, Prevalence and correlates of adolescent pregnancy, motherhood and adverse pregnancy outcomes in Uttar Pradesh and Bihar, (26 January, 2023), <https://doi.org/10.1186/s12884-023-05354-6>.

¹⁶**Down to Earth**, Adolescent Fertility Rate, Teenage Pregnancies Decline in Indian States: NFHS-5, (31 Dec 2020), <https://www.downtoearth.org.in/health/adolescent-fertility-rate-teenage-pregnancies-decline-in-indian-states-nfhs-5-74850>.

¹⁷ National Centre for Biotechnology Information, Indian adolescents and human immunodeficiency virus: A pilot study from Delhi, (2016) <https://pmc.ncbi.nlm.nih.gov/articles/PMC4943137/>

India out of which mostly are dropped out at secondary and upper primary levels.¹⁸

Child marriage not only affects an individual but also bears a bad fortune for the country. Due to marriage at an early age girls are forced to drop out of schools thus unable to acquire any good job later in their future. According to reports of World Bank and International Center for Research on Women (ICRW) it has been observed that child marriage will affect developing countries by 2030.¹⁹

Psychological & Social Effects: Despite of the physical and economic effects, child marriage also have serious psychological repercussions. Young brides out of early marriages face severe depression, anxiety, Post-traumatic stress disorder (PTSD).

Young child brides face extreme distress due to the violence faced by their partner. WHO's reports suggests that adolescent girls face high rates of violence from their partners. It was also found that 24% of the girls aged 15-19 years faced both physical and sexual violence from their partners. It was observed countries with high rates of girls enrolling in schools had lesser rates of violence against adolescent girls whereas lower income countries reported higher rates of violence against the adolescent girls.²⁰

How Can We End Child Marriage?

Strengthening Legal Frameworks: A sturdy legal framework is crucial to eliminate child marriage. Also in India, The Prohibition of Child Marriage Act, 2006 (PCMA) allows minimum legal age for marriage 18 years for girls and 21 years for boys. But there are loopholes that allows child marriages to continue. According to Muslim Personal Law, a child on reaching puberty is eligible for marriage where the minors can be married with parental or community consent. These exceptions to the law make it easier for child marriages to happen.

¹⁸Research Gate, Understanding The Dropout Crisis: Girls' Education in India and the Impact of Girls' Dropout on Education in India, (2023), https://www.researchgate.net/publication/380324243_Understanding_The_Dropout_Crisis_Girls%27_Education_in_India_and_the_Impact_of_Girls%27_Dropout_on_Education_in_India

¹⁹World Bank Group, Child Marriage Will Cost Developing Countries Trillions of Dollars by 2030, Says World Bank/ICRW Report, (2017), <https://www.worldbank.org/en/news/press-release/2017/06/26/child-marriage-will-cost-developing-countries-trillions-of-dollars-by-2030-says-world-bankicrw-report>

²⁰The Lancet, Intimate partner violence against adolescent girls: regional and national prevalence estimates and associated country-level factors, (2024), [https://www.thelancet.com/journals/lanchi/article/PIIS2352-4642\(24\)00145-7/fulltext](https://www.thelancet.com/journals/lanchi/article/PIIS2352-4642(24)00145-7/fulltext)

Judicial & Grassroots Activism: To combat child marriages the Judiciary must play a strong role in protecting child brides to annul their marriages. Grassroot level organisations like Darpan, a women led organization aims to work for combatting child marriage in Jharkhand since 1998. Also organizations like Girls Not Brides, leads a great role to advocate for stronger laws, raising awareness, and providing legal aid to victims. In 2016, UNICEF, together with UNFPA, launched a global programme to tackle child marriage in 12 of the most high-prevalence or high-burden countries: Bangladesh, Burkina Faso, Ethiopia, Ghana, India, Mozambique, Nepal, Niger, Sierra Leone, Uganda, Yemen and Zambia.²¹ Initiatives of such NGOs in collaboration with Government help to curb down the rates of child marriage also come with alternatives to solve that.

Changing Social Norms: Changing the perception of the society that favours child marriage must be shifted and build a society where girls are valued for their dreams and education. To counter such traditional social norms awareness programmes led by educators, religious leaders or community figures must be actively engaged to make people understand about the harmful effects of child marriages. Also initiatives can be taken by schools to actively engage girls at sex education programmes to let girls know about their rights, reproductive health, and the risks associated with early marriage and pregnancy.

Economic Empowerment of Families: The core reason behind child marriage is poverty so economic support becomes an important ingredient to end the practice. Government can offer financial incentives in the form of conditional cash transfer also scholarships to encourage parents of girl child to let enrol their girls in schools. Former Prime Minister of Australia Julia Gillard, former first lady of the U.S. Michelle Obama, and Prime Minister of Norway Erna Solberg, and U.K. Foreign Secretary Boris Johnson²² have taken interest in educating girls. The scheme Beti Bachao Beti Padhao launched in 2015 in collaboration with women's Self help groups, village level committees aims to provide financial assistance for the health and education of the girl child.²³ Skill development programs can be introduced to provide young girls with vocational training and economic independence reducing the burden of girls on their

²¹UNFPA-UNICEF Global Programme to End Child Marriage, (July 2024) <https://www.unicef.org/protection/unfpa-unicef-global-programme-end-child-marriage>

²²Brookings, Who is shaping girls' education globally?, (7 March 2017), <https://www.brookings.edu/articles/who-is-shaping-girls-education-globally/>

²³ India Today, Top-6 government schemes for girls' education in India, (21 May 2024), <https://bestcolleges.indiatoday.in/news-detail/top-6-government-schemes-for-girls-education-in-india>

family.

Conclusion

Marriage for children is one of the worst human rights violations because it takes away a child's childhood, education, and aspirations for a bright future. This leads young girls to live a life full of poverty, gender discrimination, and health problems. Even though there are laws and global policies, the issue persists because of strong cultural beliefs, poverty, and ignorance. Stamping out marriage for children calls for action from governments, the judiciary, civilians, and everyone in society.

Laws must be developed by governments, but not forgotten about until the end of time. They need to ensure that these laws are followed, as well as provide assistance for at-risk children. The judicial system must oppose marriage for children, enforcing action that is immediate and dependable. Local councils and community groups must understand the issue to provide assistance to victims and work to change the law. Everyone must do their part by fighting against backwards ideas, teaching citizens about the issue, and spreading knowledge regarding marriage for children and its consequences.