



LIVES TAKEN

VIOLATIONS OF WOMEN'S AND GIRLS' HUMAN RIGHTS IN CHILD MARRIAGE

Photographs by Stephanie Sinclair/VII

INTRODUCTION

Author Isabelle Cutting

Edited by Liesl Gerntholtz and Marianne Mollmann

Reviewed by Nadya Khalife, Aisling Reidy and Zama Coursen-Neff

Worldwide more than 50 million girls and young women between the ages of 15 and 19 are married.¹ The majority of them live in sub-Saharan Africa and South Asia, in areas characterized by persistent poverty and low levels of economic development, but child marriage - a marriage in which one spouse is younger than 18 years of age - is found all over the world. Estimates are that worldwide, one girl out of seven is married before the age of fifteen, and some are as young as eight years old when forced to marry.² Many get pregnant as a result of marital rape and forced sex, without understanding what is happening to their bodies. They must then care for their own children while they are still children themselves. Often, married girls drop out of school or are expelled, limiting their ability to learn skills to work later in life. Many suffer violence and face barriers in accessing justice and available legal protections. Tragically, in many cases, daughters of child brides are married before coming of age, reinforcing the same inequality and human rights violations suffered by their mothers.

Human Rights Watch has documented the human rights violations suffered by married girls and boys under the age of 18 in the Middle East, South Asia, and sub-Saharan Africa. The testimonies of the children we interviewed illustrate the profoundly detrimental impact of child marriage on children's physical and mental well-being, education, and ability to live free of violence. For child brides in particular, the consequences of child marriage do not end when they reach adulthood, but follow them throughout their lives as they struggle with the health effects of getting pregnant too young and too often, their lack of education and economic independence, domestic violence, and marital rape.

Governments can mitigate some of the worst abuses linked to child marriage by setting and enforcing age limits for marriage, establishing and enforcing compulsory marriage registers, and prosecuting perpetrators of forced marriage. Many, however, fail to do so. Furthermore, many countries in Africa, Asia, and the Middle East, and some in Latin America, the Caribbean, and the Caucasus region have yet to enact and effectively enforce laws on domestic violence, marital rape, and women's equal rights in marriage and divorce.

This briefing paper focuses on human rights abuses in the context of child marriage, including the rights to consensual marriage, health, education, employment, and to live free from violence and discrimination. It then makes a series of recommendations for action.

Human Rights Watch has cited cases of child marriage in Chad, Egypt, India, Iraq, Kenya, Kyrgyzstan, Papua New Guinea, Saudi Arabia, Syria, Uganda, and Uzbekistan, and interviewed women and girls who experienced child marriage in Afghanistan, Kyrgyzstan, Nepal and most recently in Yemen. The girls and women we interviewed told us about physical violence; sexual and psychological abuse; complications during pregnancy, and their marginalization in and outside of the home. Their experiences translate to violations of the right to consensual marriage, health, education, employment, and to live free from violence and discrimination.

1. Fact Sheet: Young People and Times of Change, prepared by the United Nations Population Fund in August 2009., http://www.unfpa.org/public/home/factsheets/young_people#child_marriage, accessed December, 2 2011).

2. See Analysis of Demographic and Health Surveys (DHS) data by the Population Council in "Programs to Address Child Marriage: Framing the Problem," Transition to Adulthood, Brief No. 14, updated January 2011, http://www.popcouncil.org/pdfs/TABriefs/14_ChildMarriage.pdf (accessed December, 2 2011), p.1.



“They were dressing me up and I was asking where are you taking me? They just said, come, come and they performed the wedding.
Tehani, 8, Yemen.

Three young brides 11, 12, and 13, are married to three brothers during a combined ceremony in the rural areas outside Hajjah, Yemen.



An 11-year old girl is married to a 23-year-old priest in a traditional Ethiopian Orthodox wedding in a rural area outside the city of Gondar, Ethiopia.

ABUSES AND RISKS EXACERBATED BY CHILD MARRIAGE

International human rights standards call for the minimum age of marriage to be set at 18, and most often, child marriages are also by their nature forced marriage (although adults above the age of 18 can often also be victims of such marriages). A minimum age of 18 and the prohibition on forced marriage aims to protect both girls and boys from child marriage although the practice affects girls more frequently and often coincides with other rights violations including but not limited to domestic violence and impeded access to reproductive health care and education.

In practice children rarely have a say in choosing their spouses or in whether they want to get married. A child marriage means depriving children of their right to decide whether to marry and to choose a spouse, a right that is well established in international human rights law: the UN Convention on Consent to Marriage the International Covenant on Civil and Political Rights (ICCPR), and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) all recognize the right to marry based on the consent of both spouses.

International law recognizes older children's evolving capacity for autonomous decision-making in matters affecting them. It also directs states to prioritize the best interests of the child in setting and implementing its laws and policies.

More than half of the young women and girls Human Rights Watch interviewed in 2010 in Yemen, for example, said they had no choice in selecting their spouse. Sultana H., married at 16, said, "I finished seventh grade, and left [school] because of marriage.... I didn't want to get married, but my father forced me to."³ Even where children appear on the surface to have a choice, testimonies gathered by Human Rights Watch demonstrate that child marriage often occurs in a coercive context of prevailing norms of male authority, low social status of women and girls, and financial deprivation. These factors may undermine the ability of older and adolescent girls to meaningfully decide whether to marry, whom to marry, and when to marry.

3. Human Rights Watch interview with Sultana H., San'a, September 2, 2010.



Two 8-year-old girls are seen with their husbands outside their home in Hajjah, Yemen.

MATERNAL MORTALITY AND ACCESS TO REPRODUCTIVE HEALTH SERVICES

In societies where child marriage is common, girls are often expected to become pregnant soon after they marry. Research cites complications from pregnancy as the leading cause of death for girls and young women between 15 and 19 years old. Studies show that adolescent girls are twice as likely, and girls between the ages of 10 and 14 five times more likely, to die during delivery than pregnant women between 20 and 24 years old. These consequences are due largely to girls' physical immaturity where the pelvis and birth canal are not fully developed.⁴ Complications in labor are exacerbated where emergency obstetric services are scarce, as is the case in many societies where child marriage is prevalent.⁵ A child born to a girl under 18 has a 60 percent greater chance of dying in the first year of life than one born to a woman 19 and older.⁶

The right to health includes the right to access reproductive health services. The Committee on the Rights of the Child, which monitors the implementation of the Convention on the Rights of the Child, has noted its concerns in its General Comment on adolescents about the sexual and reproductive health problems linked to early marriage and pregnancy. The Committee recommended improved access to sexual and reproductive health services as well as the establishment of information centers to raise awareness about the dangers of child marriage and early pregnancy.⁷

Testimonies gathered by Human Rights Watch link limited access to information and health care to a limited understanding of sexual intercourse and its consequences. Most girls interviewed in Yemen had little or no understanding about sexual intercourse before they were married. In some cases, women may be prevented by their husbands from obtaining and using accurate and adequate information on contraception and contraception itself, limiting their control over the number and spacing of their children. Fathiya L. married at 14 and pregnant with her first of 7 children at 15, explained: "I got pregnant, but I didn't want to because I didn't know what was going on."⁸

A lack of understanding and access to information on reproduction and sexual intercourse also leaves girls and young women vulnerable to rape and other forms of sexual abuse, including by their spouses.

4. UNICEF Innocenti Digest, "Early Marriage Child Spouses," No. 7- March 2001, p. 11 footnote 109. <http://www.unicef-irc.org/publications/pdf/digest7e.pdf> (accessed December 2, 2011),.

5. Yemen-German Reproductive Health Program (YG-RHP), "Situational Analysis on Emergency Obstetric Care in Public Hospitals," February 2006, <http://www.yg-rhp.org/oc/EmOC%20Situation%20Yemen%202006%20YG-RHP.pdf>, (accessed December 6, 2010), p. 10.

6. Save the Children, "State of the World's Mothers: Children Having Children, 2004" May 2004, http://www.ungei.org/resources/files/SaveTheChildren_SOWM_2004_final.pdf, (accessed February 2, 2011), p. 4.

7. CRC, "Concluding Observations of the Committee on the Rights of the Child, India," February 23, 2000, CRC/C/15/Add.115, <http://www.unhcr.org/refworld/publisher/CRC,,IND,3ae6afc44,0.html> (accessed December 9, 2010), para.50.

8. Human Rights Watch interview with Fathiyah L., September 7, 2010.

VIOLENCE IN THE HOME

Child marriage exposes girls and young women to the risk of violence, including marital rape, sexual and domestic violence, and emotional abuse. In 2010, the case of Elham Mahdi Al-Assi, a 12-year-old girl in Yemen, caught international media attention when she died three days after she was married to a much older man. Her death was the result of severe bleeding caused by tears to her genital and anal area. Elham's mother told the Associated Press that her daughter had complained that her husband tied her up and raped her.⁹ This was after Elham's mother warned her that failure to consummate the marriage would bring her family shame.

While Elham's case may be extreme, it is by no means extraordinary. Married girls and young women between the ages of 15 and 19 with low levels of education are at a much greater risk of domestic and sexual violence from their spouses than older and more educated women. Research cites spousal age difference, typical of child marriage, as a significant risk factor associated with violence and sexual abuse against girls.¹⁰

Non-consensual sex can have especially devastating mental health consequences for young girls because they are at a formative stage of psychological development.¹¹ Child brides also often face emotional abuse and discrimination in the homes of their husbands and in-laws. Confined to a home that may be removed from their hometown and familiar surroundings, they are isolated from friends and family. Mandana Hendessi, Afghanistan Director of Medica Mondiale, told Human Rights Watch, "so many of the cases we deal with have child marriage or marriage by force at the heart of them--cases of violence, running away, self-immolation, and suicide attempts."¹²

International human rights standards recognize the right of women and girls to live free from physical, mental, and sexual violence. However, in many countries where child marriage is an accepted practice, governments also fail to criminalize domestic violence and marital rape. Girls in child marriages, already vulnerable due to their age and alienated due to their gender and low social status, are thus denied the protection from their governments they so greatly need.

Child marriage is more prevalent in jurisdictions that generally offer fewer protections for women and girls. Yemen currently has no minimum age for marriage and girls of any age can and are being married. After her husband raped her, 11-year-old Reem al-Numeri in Yemen attempted to seek a divorce only to be told by the judge "we don't divorce little girls."¹³

Where legal provisions do exist to protect girls from child marriage or related forms of violence, authorities often fail to persecute perpetrators. Cases of domestic violence in Turkey and

9. Arthur Weinreb, "Child Bride in Yemen Dies of Internal Bleeding Days After Wedding," Middle Eastern Affairs, April 10, 2010, <http://news.suite101.com/article.cfm/child-bride-in-yemen-dies-of-internal-bleeding-days-after-wedding-a223789#ixzz0kiwNY00v> (accessed November 11, 2010).

10. International Center for Research on Women, "Too Young to Wed: The Lives, Health, and Rights of Young Married Girls," 2003, <http://www.icrw.org/publications/too-young-wed-0>, p. 6.

11. Population Council, "Protecting young people from sex without consent," Brief no. 7, July 2007, updated January 2011, http://www.popcouncil.org/pdfs/TABriefs/07_Nonconsensual.pdf (accessed December 2, 2011), pp. 2-3.

12. Human Rights Watch Interview with Mandana Hendessi, Kabul, May 4, 2009

13. Human Rights Watch interview with Reem al-Numeri, San'a, September 2, 2010.



A 15-year-old boy accepts gifts from visitors as his new bride, 16, sits in their new home in Kagati Village, Kathmandu Valley, Nepal.

Afghanistan show that many women and girls are afraid to seek help from justice or security departments because they fear further abuse or being forcibly returned home.

Osman Baydemir, mayor of the Diyarbakir Greater Municipality in Turkey, explained to Human Rights Watch: “Only 10 percent of women go to the police at all, and 90 percent of women who do go to the police are further violated in some way ... there are so many women who went to the police and didn’t get any protection.”¹⁴

Rangina Y., married at the age of 13 in Afghanistan, expressed similar distrust for courts and judges. After running away from the physical and verbal abuse of her in-laws, she faced pressure from President Karzai, hostility from powerful members of parliament and extralegal arguments by the head of the Family Court to return to her husband. Rangina Y. told Human Rights Watch: “I don’t want to go back. I can’t go back. They want to kill me.”¹⁵ She described testifying in the Family Court in Kabul as too dangerous. Failing to receive protection and enforcement of national marriage laws, women and girls in situations such as Rangina have little reason to trust the state or government to protect them.

ACCESS TO EDUCATION

Child marriage significantly limits or deprives access to education for children, most often girls. Many child brides are illiterate, and many who do attend school are forced to leave when they get married. Radhia was married at age 16 in Yemen and told us, “My family took me out of school, and my husband said that he doesn’t need me in school.”¹⁶

A lack of education limits girls’ choices and opportunities throughout their lives, not just when they are children. The price of this exclusion is often poverty. Without education, girls and adult women have fewer opportunities to financially provide for themselves and their families. Research shows how limited education may make girls and women more vulnerable to persistent poverty when their spouses die, abandon, or divorce them.¹⁷

In addition to measurable effects such as illiteracy and economic dependency, limited access to education carries intangible consequences for a girl’s adulthood. Testimonies gathered by Human Rights Watch demonstrate that the removal of girls from school may limit their opportunities to develop their intellect and their own independent identities. Fathiya L. married in Yemen at the age of 12 expressed, “All that I’m good for is to be a mother, and a home maker.... I’m illiterate. They didn’t teach us anything. If they did, at least I would have benefitted from something.”¹⁸

Data gathered by the UN Development Program show a strong correlation between illiteracy and a country’s development, including factors of under-employment of women and girls, and maternal and child mortality. Simply put, where child marriage limits access to education, the ultimate consequence of child marriage may be death for girls and their children.

14. Human Rights Watch interview with Osman Baydemir, mayor of Diyarbakir, June 16, 20??.

15. Human Rights Watch interview with Rangina, May 6, 2009.

16. Human Rights Watch interview with Rhadia N., San’a, September 2, 2010.

17. UNICEF Innocenti Digest, “Early Marriage Child Spouses,” No. 7, March 2001, <http://www.unicefirc.org/publications/pdf/digest7e.pdf>, p.12.

18. Human Rights Watch interview with Fathiyah L., San’a, September 5, 2010.

CONCLUSION

All non-consensual marriage is a violation of human rights law, regardless of whether the individuals forced to marry are adults or children. States must take the necessary legislative and other measures to ensure that anyone who intentionally forces any person of any age to enter into a marriage is appropriately penalized, and that marriages concluded under force may be voided, annulled, or dissolved without undue burden placed on the victims of these marriages.

States must also fulfill their obligations under international law to set a legal minimum age for marriage. There is an evolving consensus that the minimum age for marriage should be set at 18 for both spouses in accordance with the Convention on the Rights of the Child, which defines a child as anyone under 18.

In exceptional cases children aged 16 and 17 may be permitted to enter into marriage. To the extent that national systems provide for such an exception, the law should require prior authorization by an independent officer established by law, if and only if, upon application by the couple wishing to marry, she or he reaches a determination that both intended spouses have given informed, full, and free consent to the marriage and that the marriage would be in the best interests of the child or children.

RECOMMENDATIONS FOR ACTION

Human Rights Watch calls on all governments, civil society organizations, donors, and international actors to address child marriage and related violations of girls' and women's human rights. Essential first steps include:

TO GOVERNMENTS

- Enact legislation on the minimum age for marriage, which should include requirements for the full and meaningful consent of both spouses.
- Take the necessary legislative and other measures to ensure that anyone who intentionally forces an adult or a child to enter into a marriage is appropriately penalized, and that marriages concluded under force may be voided, annulled, or dissolved without undue burden placed on the victim(s).
- Provide training to law enforcement officials on gender discrimination and violence against women, including investigations into child marriages.

- Recognize marital rape as a criminal offense.
- Increase and improve access to reproductive healthcare for all girls and women in rural and urban areas by taking measures to ensure adequate resources and personnel are available.
- Ensure access to emergency obstetric care including monitoring of labor, trained birth attendants, newborn care, and contraception are available to all girls and women in rural and urban areas.
- Raise awareness among health workers and the public on the importance of registering births, including those that take place at home.
- Provide continuing formal education and vocational training opportunities for married girls and women.

TO CIVIL SOCIETY ORGANIZATIONS

- Develop prevention campaigns against child marriage in primary and secondary schools targeted at children and parents on the harms the practice causes.
- Support programs to help end violence against women and girls.
- Provide psychological health services to young married girls and to young mothers.
- Assist married children in seeking legal remedies, financial compensation after divorce, and continuing their education.

TO INTERNATIONAL DONORS

- Ensure that programs and policies on human rights and development issues address the incidence, prevention, and consequences of child marriage.
- Support awareness raising initiatives in the school curriculum to address violence and discrimination against women and girls.
- Support programs that seek to address barriers to girls' education, such as the elimination of school related costs and the provision of safe transportation for girls to schools in rural communities.
- Support programs that train traditional birth attendants in rural communities, provide transportation to women and girls seeking emergency care in rural areas.

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Cover Photo: A 40-year-old man and an 11-year-old girl sit in her home prior to their wedding in the rural Damarda Village, Ghor province, Afghanistan on Sept. 11, 2005. When asked how she felt that day, the girl responded, 'I do not know this man. What am I supposed to feel?' © 2005 Stephanie Sinclair/VII