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World Health  
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# Child, early and forced marriage legislation in 37 Asia-Pacific countries



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A 15-year old girl poses for a video on the day of her wedding to a 32-year old man in Bangladesh. The Government is proposing new legislation to close the gap between civil law, which forbids marriage for girls under 18, and religious personal law which permits marriage to girls at 14. © Getty Images/AFP/Allison Joyce, 2015

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# Abbreviations

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CEFM	child, early and forced marriage
CESCR	International Covenant on Economic, Social and Cultural Rights
CRC	Convention on the Rights of the Child
DHS	Demographic and Health Survey
GNI	gross national income
IPU	Inter-Parliamentary Union
MDG	Millennium Development Goal
MICS	Multiple Indicator Cluster Survey
NFHS	National Family Health Survey
UN	United Nations
UNPD	United Nations Department of Economic and Social Affairs, Population Division
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
WHO	World Health Organization

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# Foreword

Practices like child, early and forced marriage (CEFM) remain an obstacle to the full achievement of better health for children and adolescents. CEFM is also a human rights violation that endangers health and growth, disrupts education, limits opportunities for empowerment and social development, and increases the risk of exposure to violence and abuse. It results in both short- and long-term negative consequences on the social and economic development of children, as well as on their health, including their physical, psychological, emotional, and sexual and reproductive health.

The Global Strategy on Women's, Children's and Adolescents' Health makes a clear reference to CEFM. It highlights how investing in CEFM prevention has the potential to yield high returns in terms of women's, children's and adolescents' health. A 10 per cent reduction in CEFM could contribute to a 70 per cent reduction in maternal mortality rates and a three per cent decrease in infant mortality in individual countries. Getting married at an early age also leads to higher fertility rates, unwanted pregnancies, a higher risk of complications during childbirth, limited educational advancement, and reduced economic earning potential for girls and women.

As legislators, overseers of government action and community leaders, members of parliament are well placed to support efforts to end CEFM. If parliamentarians have the right resources and are effectively engaged in this effort, they can become influential leaders who are able to take forward a new vision for women and girls and enable them to survive, thrive and achieve their full potential.

This study aims to assist parliamentarians in their efforts to end CEFM through legislation, and to improve the health of children and young girls in their countries. It reviews CEFM legislation in 37 countries in the Asia-Pacific region and identifies both good practices and barriers to implementing laws against CEFM. It also introduces important findings and recommendations in order to further advance parliamentary engagement in the effort to end CEFM.

The study is the result of a long-standing close collaboration between the Inter-Parliamentary Union and the World Health Organization. We hope that it will inspire and help parliaments and parliamentarians everywhere to intensify political leadership and to exercise fully their legislative, budgetary and oversight powers in order to end CEFM in their communities and countries.



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# Introduction

Child, early and forced marriage (CEFM) is a human rights violation that robs a girl of her childhood, puts her health and growth at risk, disrupts her education, limits her opportunities for empowerment and social development, and increases her risk of exposure to violence and abuse.

This paper provides an overview of how the laws of 37 countries in the Asia-Pacific region<sup>1</sup> address the issue of CEFM, highlighting contradictions between different legislative tools in each country, with the ultimate aim of identifying key elements of legislation to fight CEFM.

Parliamentarians play a crucial role in enforcing existing laws and policies and in bringing about the necessary legal reforms. Parliamentarians in the Asia-Pacific region have taken vital steps towards the development of legal tools aimed at reducing CEFM and have worked to raise awareness on this issue, but much more needs to be done. Harmonizing existing laws and ensuring their implementation, for instance, are some of the priorities (see Annex 1). Despite the introduction of laws to prevent the practice in many of the countries where CEFM is common, global rates have declined only slightly over the past decade (1).

Given the nature of the issue of CEFM as inherently linked to deep-rooted gender inequalities, norms, stereotypes and harmful practices, there is a need to develop and implement holistic, comprehensive and coordinated responses and strategies, including the strengthening of child protection systems, protection mechanisms such as safe shelters, access to justice, promotion of education and access to health care, including sexual and reproductive health (2). These responses and strategies are needed in addition to the enactment, enforcement and upholding of laws and policies aimed at preventing and ending this practice.

In 2014, the Inter-Parliamentary Union (IPU) together with the Parliament of Bangladesh organized a regional seminar for the Asia-Pacific parliaments entitled “Ending the cycle of violence against girls in Asia-Pacific”, which took place in Dhaka on 23–25 September. During the discussions at the seminar, parliamentarians underlined the importance of legislation in fighting the practice of CEFM, placing their focus on an analysis of what laws have been adopted in the region and how they are being implemented to ensure an effective impact. They examined how laws and policies can also provide for a range of preventive approaches, including measures aimed at empowering girls, improving their health and building an environment conducive to ending CEFM.

An earlier draft of this paper served as a resource for the parliamentarians attending the regional seminar in Dhaka to inform the discussion on CEFM, especially with regard to the impact of this practice on the life, health and development of girls in the region.



Child marriage threatens the lives and health of millions of girls. Ending this practice can only happen when laws are changed and with the participation of local communities.  
© Getty Images/AFP/Allison Joyce, 2015

<sup>1</sup> Asian countries include Afghanistan, Bangladesh, Bhutan, Cambodia, China, Democratic People's Republic of Korea, India, Indonesia, Iran (Islamic Republic of), Japan, Lao People's Democratic Republic, Malaysia, Maldives, Mongolia, Myanmar, Nepal, Pakistan, Philippines, Republic of Korea, Singapore, Sri Lanka, Thailand, Timor-Leste and Viet Nam.

Pacific countries include Australia, Kiribati, Marshall Islands, Micronesia (Federated States of), Nauru, New Zealand, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu.

This work has been developed in collaboration with the Inter-Parliamentary Union (IPU) and these are the countries in the Asia-Pacific IPU group.

Numbers indicated in the text in *italics* are references, which can be found on pages 16–17.

# Background

In the context of this report, the authors use the comprehensive definition of child, early and forced marriage (CEFM) where child marriage includes any “marriage in which at least one of the parties is a child” – a person below the age of 18. It also “refers to marriages involving a person aged below 18 in countries where the age of majority is attained earlier or upon marriage” (2). Early marriage can also refer to marriages where “both spouses are 18 or older but other factors make them unready to consent to marriage, such as their level of physical, emotional, sexual and psychosocial development, or a lack of information regarding the person’s life options” (2). Furthermore, “any marriage which occurs without the full and free consent of one or both of the parties and/or where one or both of the parties is/are unable to end or leave the marriage, including as a result of duress or intense social or family pressure”, also falls within the definition of CEFM (2).

Nevertheless, within the report and individual country profiles reference is sometimes made to “child marriage”, “marriage of minors” or “early marriage” to reflect how a specific source – such as a provision of an international convention, a United Nations (UN) report or national legislation – refers to the issue.

CEFM is addressed in a number of international conventions and agreements.<sup>2</sup> While CEFM is not mentioned specifically in the 1989 Convention on the Rights of the Child (CRC), it does contain a provision requiring governments to abolish “traditional practices prejudicial to the health of children” and calling on governments to protect children from “all forms of sexual exploitation and sexual abuse” (3, Art. 4). In addition, CEFM is connected to other children’s rights, such as the right to express their views freely, the right to protection from all forms of abuse, and the right to be protected from harmful traditional practices. The Committee on the Rights of the Child has consistently dealt with the issue of marriage as it relates to children and consent in its “Concluding observations” to governments that have ratified the CRC.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) covers the right to

“the betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage” (4). The right to “free and full” consent to marriage is recognized in the Universal Declaration of Human Rights, which specifies that consent cannot be free and full when one of the parties involved is not sufficiently mature to make an informed decision about a life partner (5). The Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages provides detailed provisions in terms of age of consent, parental consent and procedures for legal registration of marriages (6, 7).

Many countries of the world, including those analysed in the context of this report (see Annex 2), are parties to the above-mentioned UN treaties and have committed to taking special measures to protect and assist children (see Child, early and forced marriage legislation country profiles).

The devastating impact CEFM has on the lives of children has been repeatedly documented. It results in both short- and long-term negative consequences for the health of the child – including physical, psychological, emotional, and sexual and reproductive health – as well as the social and economic development of the child (8). Children of young mothers are at substantially greater risk of perinatal and infant mortality and morbidity, and stillbirths and newborn deaths are 50 per cent higher among mothers under 20 years than women who give birth later in life (9, 10).

Women who are married as children are far more vulnerable to the profound health risks of early pregnancy and childbirth. According to the World Health Organization (WHO), complications from pregnancy and childbirth are the leading causes of death for girls aged 15–19 years in developing countries (11). WHO estimates that some 50,000 such girls die from pregnancy and birth-related complications every year, almost all of them in low- and middle-income countries (11).

Additionally, women married at a young age have a greater risk of becoming victims of intimate partner violence than those

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