



Child Marriage As An Human Rights Issue: An Over View

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ABSTRACT

In India, child marriage is widely practiced particularly in rural areas. Newspapers have recently reported solemnization of thousands of marriages in Rajasthan during the festival of Akha Teej" without any interference from the authorities" It is indeed surprising to note that the marriage of nine minor daughters of one Manu Singh was celebrated simultaneously in Gujarat. The most distressing fact is that even educated people deliberately break the law with full awareness of its consequences. Reports from Bihar, Uttar Pradesh, Madhya Pradesh, Andhra Pradesh, Assam Tamil Nadu and Maharashtra point out the gravity of the problem of child marriage in India. Children are considered to be the most precious legacy of a nation. They are to be nurtured, loved and protected. They deserve care, understanding and above all the best that man can offer. They have an inborn right to justice, freedom and opportunity for development irrespective of their nationality, caste, creed, and sex. Justice Subba Rao, the former Chief Justice of India emphasized this in the following words.

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Introduction:

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Children 'a supremely important national asset'. But this appears to be a myth rather than a reality. Since ancient times, children seem to have been exploited in many ways within the family and society. Child marriage, the age old means, is one of the worst forms of such exploitation.

Child Marriage:

Child marriage is the marriage of children. Sometimes, the marriage of a boy with a girl is celebrated; sometimes an elder contracts a marriage with a minor girl. Both these are child marriage. Legally it is defined as 'a marriage to which either of the contracting parties is child'. It is a socially established practice that has been carried on from generation to generation, of course with the blessings of the religion, in particular. Child marriage is a universal phenomenon. According to the report of the UNICEF, it can be found in every nook and corner of the world. But it is most common in Sub-Saharan Africa and South Asia. Democratic Republic of Congo, Niger, Uganda, Mali and Cameroon are the countries in Sub-Saharan Africa where this menace is quite prevalent. In South Asia, it is widely spread in Bangladesh, Afghanistan, Nepal, Pakistan and India.

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consequences. Reports from Bihar, Uttar Pradesh, Madhya Pradesh, Andhra Pradesh, Assam Tamil Nadu and Maharashtra point out the gravity of the problem of child marriage in India.

The State of Kerala having a higher age at marriage is also not free from the menace. In spite of Kerala's high level of education and progressive social environment, an alarmingly large number of teenage girls are married off every year. The Arabic marriage of the northern districts of Kerala especially Malappuram, is a striking example which illustrates the economic exploitation of daughters by parents.

Generally the social evil is common among the lower state of the society. The causes of child marriage are manifold. Traditional religious, and social acceptance of child marriage is a predominant reason for its prevalence moreover, many societies believe that women are weak and needs protection and this may be a factor which forces the parents to perform the marriage of their daughters at a young age. Poverty or economic struggle is yet another major factor. The social prestige attached to child marriage serve as an additional impetus for its growth. Lack of education and low status of women also play a significant role in the persistence of child marriage.

It appears that in India, religious, social and economic factors are more responsible for the growth of this baneful custom. In the past it has its origin in the foremost need, to protect unmarried girls from the foreign invaders and hence early marriage was preferred. Later on this became a social custom the people in the village or Rajasthan and Bihar often justified this evil saying that they are bound to follow the traditional custom. The Hindu community gave undue importance to virginity and chastity of woman. Their urge to protect the purity of women resulted in early marriage.

Dowry is another contributing factor for the growth of the evil custom in India. Fear of payment of dowry in the case of a girl married after puberty further compounded the problem. The amount of dowry normally goes up for the grown up girl child. Hence, parents prefer early marriage for girls.

Girl children are the worst affected by child marriage. Generally a girl child is subjected to more abuses than a male child. The girl child is counted as another's property 'a guest' house

or a thing which has to be given away. The patriarchal society views girl children as a burden, a curse and a liability. She is an unwanted and unwelcome thing for Indian parents. She is often abused and misused.

It is distressing to note that she is not safe even in her mother's womb. Sometimes she may be killed in the womb of the mother after the amniocentesis test. A study of 8000 cases on the abortion in a hospital in Bombay showed 7999 was of female fetus. Even if the female fetus survives and is born alive she has to face many obstacles for her survival. She is still under the threat of murder at the infant stage. Female infanticide was banned in 1870, but even today this practice is prevalent all over the country.

Salem District of Tamil Nadu gives us a shocking picture of the wide practice of female infanticide. This is probably on account of a superstition existing among a set of people in Salem District that the sacrifice of a female child would result in the birth of a male child. If at all the attempts to kill her fail, she is yet to be the victim of exploitation to the maximum extent by her parents and the family. She is put to hard labor even at a young age. She is destined to assist in the daily chores of life. It is noted that a girl child shares 30 percent of the burden of household activities and 20 percent of the agricultural work.

According to the statistics of the United Nations she works more than 9 hours a day. Nobody in the house realizes the quantity of work done by the tiny tots. And the girl children are treated as a curse or a burden. They constitute the mute segment of the society, often referred to as economic liability.

Present time, child marriage is a curse in the global society. Child marriage is a violation of human rights. In most cases young girls get married off to significantly older men when they are still children. Child marriages must be viewed within a context of force and coercion, involving pressure and emotional blackmail, and children that lack the choice or capacity to give their full consent. Child marriage must therefore always be considered forced marriage because valid consent is absent - and often considered unnecessary. Child marriage is common practice in India, Niger, Bangladesh, Pakistan, Guinea, Burkina Faso, Africa and Nepal, where mostly girls are married below the age of 18.

Consequences of child marriage

Child marriage has its own worse effect on the young girls, society, her children and health. Young girls who get married will most likely be forced into having sexual intercourse with their, usually much older, husbands. This has severe negative health consequences as the girl is often not psychologically, physically and sexually mature. Child brides are likely to become pregnant at an early age and there is a strong correlation between the age of a mother and maternal mortality and morbidity. Girls aged 11-13 are five times more likely to die in pregnancy or childbirth than women aged 20-24 and girls aged 15-19 are twice as likely to die. Good prenatal care reduces the risk of childbirth complications, but in many instances, due to their limited autonomy or freedom of movement, young wives have no access to health services, which aggravates the risks of maternal complications and mortality for pregnant adolescents. Because young girls are not ready for the responsibilities and roles of being a wife, sexual partner and a mother, child marriage has a serious negative impact on their psychological well-being and personal development.

Psychological effect of the child marriage is worse than the physical effect of the young girl. Girls are disproportionately affected by HIV/AIDS as compared to boys due to physical and social factors. Young married girls are even at higher risk because their older husbands may already be infected in previous sexual relationships. Furthermore, the age difference between the girl and the husband and her low economic status make it almost impossible for the girl to negotiate safe sex or demand fidelity.

Young girls also have to face many domestic pressures. Mostly, girls are used to be beaten by their husbands including my country INDIA. Domestic violence seriously endangers the physical and mental health of women and girls and can even put their lives at risk.

Dowry is another part of this violence. Girls are forced to bring more dowries from their parents. If they do not bring they are harassed, some times they are burnt alive, often hanged, poisoned and killed by her family. Because of our past traditional patriarchal society, there always remained gender inequalities as pointed by a great historian GERDA LERNER. Gender inequality is both a cause as well as a consequence of child marriage. Child brides usually have lower levels of education than girls who get married at an older age. Education is therefore seen as a way to prevent child marriages. Once a girl is married, she experiences a lack of autonomy to make personal decisions about her life.

To a limited extent, this affects the future of child, his education and health. Early marriage, together with its relation to low levels of education, high levels of violence and abuse, severe health risks and harmful power dynamics, results in increased vulnerability to poverty for girls and young women. So child marriage has worse effects not only the mother of the child and child but also on the society.

Human Rights Violation

Child marriage is a violation of human rights and is prohibited by a number of international conventions and other instruments. Nonetheless, it is estimated that in the next ten years more than 100 million girls are likely to be married before the age of 18. There are universal rules for the marriage and rules against the child marriage. The Universal Declaration of Human Rights (1948) states that men and women of full age are entitled to equal rights as to marriage, during marriage and at its dissolution. Marriage shall be entered into only with the free and full consent of the intending parties.

The Convention on the Elimination of All Forms of Discrimination of Women (1979) states that the betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, should be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory. In their general recommendations of 1994, the Committee considers that the minimum age for marriage should be 18 years for both men and women.

CONCLUSION & SUGGESTION

We call on all governments to take all necessary action to end child marriage by:

- The full implementation of the above mentioned Human Rights Conventions.
- Adopting a clear and unambiguous position on child and forced marriages.
- Introducing laws to raise the legal age of marriage to 18 years as a universal law.
- Raising the awareness on the negative impacts of child marriage.
- Promoting and protecting the sexual and reproductive health and rights of girls and young women, through legislation, availability of services and information and community outreach.
- Promoting gender equality and the right of girls and young women to education.
- Promoting higher education to all young girls so that they can decide what is important for their future.

As a conclusion it can be pointed out that child marriage is a major subject of concern. It should be eradicated globally as soon as possible. It is up to us to solve this problem as we have created this inequality in the society.

REFERENCES

- 1) Aldous, J. (1996). Family careers: Rethinking the developmental perspective. Thousand Oaks, CA: Sage. | 2) Ammons, P., & Stinnett, N. (1980). The vital marriage: A closer look. *Family Relations*, 29, 37-42. | 3) Boss, P. (1988). Family stress management. Newbury Park, CA: Sage. | 4) Bray, J. (1995). Family assessment: Current issues in evaluating families. *Family Relations*, 44, 469-477. | 5) Buckner, L., and Saktsm, C. (1985). A premarital assessment program. *Family Relations*, 34, 512-520. | 6) Carter, B., and McGoldrick, M. (1989). Overview: The changing family life cycle: A framework for family therapy. In B. Carter & M. McGoldrick (Eds.), *The Changing family life cycle: A framework for family therapy* (2nd ed.) (pp. 3-28). Boston: Allyn and Bacon. | 7) Caspi, A., and Herbener, E.S. (1990). Continuity and change: Assortative marriage and the consistency of personality in adulthood. *Journal of Personality and Social Psychology*, 58(2), 250-258. | 8) Knowles, M. (1980). The modern practice of adult education: From pedagogy to andragogy. Englewood Cliffs, NJ: Cambridge. | 9) Knox, D. (1985). Choices in relationships: An introduction to marriage and the family. New York: West. | 10) Kosek, R.B. (1997). The quest for a perfect spouse: Spousal ratings and marital satisfaction. *Psychological Reports*, 79(3, Pt 1), 731-735. | 11) Kurdek, L.A. (1991). Marital stability and changes in marital quality in newlywed couples: A test of the contextual model. *Journal of Social and Personal Relationships*, 8, 27-48. | 12) Kurdek, L., & Smith, P.J. (1987). Partner homogamy in married, heterosexual, cohabitating, gay, and lesbian couples. *Journal of Sex Research*, 23, 212-232. | 13) Larson, A.S., & Olson, D.H. (1989). Predicting marital satisfaction using PREPARE: A replication study. *Journal of Marital and Family Therapy*, 15, 311-322. |