



Pupils at a primary school in Shahrasti, Chandpur, Bangladesh ~ Photo: G.M.B. Akash/Panos/ActionAid

AN ADVOCACY TOOL FOR ACTIVISTS AND ORGANISATIONS

EARLY MARRIAGE VIOLATES CHILDREN'S RIGHT TO EDUCATION

Many rights are affected by early marriage, including the right to education. The right to education is central to the overall development of the person and cannot be compromised for early marriage.

- Early marriage results in **education drop-outs**, particularly for girls, which severely limits the kind of future life available to them.
- Children who are married are **twice less likely to attend school** than single children.
- Marriage **limits girls' lives more than boys**: fewer married girls will be enrolled in school than married boys.

EDUCATION CAN HELP TO ADDRESS EARLY MARRIAGE

Ensuring the right to education of adolescent girls and boys has been **a critical factor in increasing the age of marriage** in a number of developing countries. Why?

- Education allows children and young people to **make their own choices** about their future and enter into marriage only when they choose to.
- Free and compulsory education is a **key factor in combating discrimination** and helps to ensure that the child is at the centre of educational laws and policies.
- If the right to education is fulfilled, **early marriage will no longer be a default choice for poorer parents** who wish to safeguard their children's future, in particular for girls.

As a result, **girls with higher levels of schooling are less likely to marry as children**. For example in Mozambique, 60% of girls with no education are married by 18, compared to 10% of girls with secondary schooling, according to the International Center for Research on Women (ICRW).



AT WHAT AGE?...

EARLY MARRIAGE
AND THE
RIGHT TO EDUCATION

AT A GLANCE...

1. Early marriage affects **the right to education** and vice versa.
2. In many countries marrying age is younger for girls than boys. Different marrying ages for boys and girls can constitute **legalised discrimination** and must be addressed.
3. **It is essential to pass minimum age laws** for completing education and for entering into marriage.
4. There may already be legislation in place to increase the minimum age for education and marriage but **weak enforcement of the law** renders these laws meaningless.

WHAT IS EARLY MARRIAGE?

- ✓ Marriage is a partnership between consenting adults and is usually binding in law. In early marriage (sometimes called child marriage) **one or both of the people involved are under 18**.
- ✓ Early marriage often happens under **customary laws** without any formal registration. It mostly affects girls, who may be coerced, tricked or forced into marrying against their will, but it **affects boys too**, albeit on a smaller scale.
- ✓ Early marriage is **not specific to any country or region**. It happens for many reasons, but the causes are usually complex.

This factsheet is a tool to help you understand the critical link between early marriage and the right to education. We have drawn out the most important facts you need to know on how early marriage and education affect each other.



A school in Om Rum Check village, Battambang Province, Cambodia ~ Photo: Nicolas Axelrod/ActionAid

WHAT CHANGES ARE NEEDED?

The good news is that rates of early marriage are declining. However, a lot of efforts are still needed to ensure that all children enjoy the right to education. This includes directly tackling early marriage and reinforcing the importance of access, retention and success of children's education, in particular girls. We need to ensure that:

- All states have **minimum age legislation**, which provides a legal guarantee of minimum ages for both compulsory education and marriage and puts responsibility upon States to enforce it. These minimum ages should be set as high as possible.
- Governments **eliminate inconsistencies between domestic laws** that deal with the minimum age for the end of compulsory education and the minimum age for marriage.
- The minimum marrying age is the **same for girls and for boys**.
- Legislation is followed by **policies and programmes** for bringing the legal obligations into practice.
- Victims of early marriage can access **effective redress mechanisms**.

GOOD PRACTICE IN LAW AND POLICY

Zambia is currently redrafting its constitution. After a period of public consultation, the April 2012 draft constitution included a provision to protect children from early marriage.

In **South Sudan** there is currently a civil society push for constitutional protection around early marriage and a proposed constitutional amendment.

In **Morocco**, the national government has recently raised the age of marriage for girls from 15 to 18, to match the age for boys. The Moroccan government also ran a media campaign to raise awareness of the change in legislation.

A recent Supreme Court ruling in **India** requires marrying couples to register with their local authorities, to better enforce the minimum age law of 18.

The practice of men marrying underage girls in **Swaziland** has recently been declared illegal.

QUICK FACTS

75%

.....of girls in Niger are married before the age of 18

Plan, UNICEF, ICRW, 2011

74

...countries in the world have reported to the CRC and have not indicated the minimum age for marriage

Right to Education Project, 2011

35

...countries in the world have reported to the CRC and have not indicated the minimum age for leaving school

Right to Education Project, 2011

64%

...of the world's illiterate adults are women

UNESCO, 2010

100 million

...girls under the age of 18 will marry over the next decade if the current trend continues

UN Population Council, 2002 projections

That's...

25,000

...girls married every day around the world
- one every three seconds

ICRW, 2012

SYOWAI'S STORY

When a drought in eastern Kenya's Makueni district left Ruth Nthambi unable to pay for her eldest daughter's school fees, she sent 14 year-old Syowai to a job in Nairobi as a domestic worker. Before turning 15, Syowai was married.

"It's young, yes," says Ruth. "I was not comfortable with that, but it's because of the drought that she dropped out of school and got married."

Ruth's dreams for her daughter had nothing to do with early marriage. "I wanted her to become a teacher," she says. Instead, Syowai is married to a gas station attendant in Nairobi. She has had no further education, and has little hope of getting one.

World Vision 'Before She's Ready', 2008

USING HUMAN RIGHTS AS A TOOL FOR CHANGE

Human rights are universally agreed standards which belong to everyone and which aim to ensure that every person is treated with **dignity and respect**. All human rights are underpinned by the principles of **equality and non-discrimination**. Several treaties protect the right to education and require that marriage be only entered into freely.

- **Article 13 of International Covenant on Economic Social and Cultural Rights (ICESCR)** recognises the right of everyone to education. Education must free and compulsory at primary level and progressively introduced for secondary and higher levels.
- **Articles 28 and 29 of the CRC** say that the education of the child should help develop their skills, talents and abilities to their fullest potential.
- **Article 16 of the UN Convention on the Elimination of Discrimination Against Women (CEDAW)** says that early marriage should have no legality and that states should legislate for a minimum age for marrying.
- **Article 23 of the International Covenant on Civil and Political Rights (ICCPR)** says no marriage should be entered into without the free and full consent of those involved.
- **A number of regional Conventions**, such as articles 6 and 12 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa also protect the right to education and prohibit early marriage.



Al-Qudus primary school, Freetown, Sierra Leone
Photo: Aubrey Wade/ActionAid

"People in our village value marriage more than education of the girls. I stopped school because I got married at 14 years."

Girl, Mpika, Zambia
Enabling Education Network

TAKING ACTION ~ TEN THINGS YOU CAN DO

Organisations can take action in many ways, from human rights activities to campaigning, from research to forming partnerships. Here are some ideas:

1. **Collect data** at the local level to demonstrate the impact of early marriage, using, for instance, the *Promoting Rights in School* tool developed by ActionAid and RTE. www.right-to-education.org/node/1374
2. **Conduct research** on early marriage in your region and the educational effects; find out if minimum age legislation exists.
3. **Develop a campaign** to raise awareness or incorporate these issues into existing campaigns; aim to educate parents, policy-makers, community elders, teachers and the judiciary.
4. **Link with community based organisations** which may be finding innovative ways to encourage girls to stay in school.
5. **Form partnerships** with other organisations interested in the right to education or early marriage, or become part of larger coalitions working on these issues (such as www.girlsnotbrides.org)
6. Lobby governments **at the domestic level** and hold them accountable for their human rights obligations.
7. Bring **legal complaints**, when possible, at the domestic level, and then at the regional or international level, if needed
8. Link with the work of UN Special Rapporteurs. www.ohchr.org/EN/HRBodies/SP
9. Use **shadow reporting** to the United Nations treaty bodies (such as Equality Now, right) to focus attention on minimum age legislation. www.right-to-education.org/node/171
10. Take part in a state's **Universal Periodic Review** (UPR) which happens once every four years. Send a report to the Office of the High Commissioner for Human Rights. www.ohchr.org/en/hrbodies/upr



Pupils at Sanzale Secondary School, Bagamoyo, Tanzania
Photo: Liba Taylor/ActionAid

ORGANISATION FOCUS

EQUALITY NOW is an international human rights organisation which works to protect and promote the rights of women and girls worldwide.

In March 2012, they lobbied the UN Human Rights Committee to pay special attention to the issue of early marriage in the recent examination of Yemen's state record under the International Covenant on Civil and Political Rights in March 2012. Yemen has no law requiring a minimum age of marriage, resulting in a greater likelihood that Yemeni girls will not complete basic education.

The Human Rights Committee expressed serious concerns at the discriminatory legislation and practices still in place and recommended the adoption of a minimum age for marriage.

http://www2.ohchr.org/english/bodies/hrc/hr_c5104.htm

RANA'S STORY

Blue Veins, an organisation dealing with early marriage in Pakistan, tells the story of 14 year old Rana (pictured right). The youngest of a family of eight, Rana lives in the village of Agra in Khyber Pakhtunkhwa, Pakistan. Her ambition was to become a teacher and run her own school. Monsoon rains caused major flash flooding in the region in 2010 and Rana's family were forced to flee their home, ending up in a shelter. She managed to continue her education in a temporary school and after almost a year in the shelter, Rana's family moved back to their home, where villagers set about reconstructing houses and buildings that had been eroded by flood waters. Classes were held in a tent, while the school building was rebuilt, and Rana returned to her studies.

One day some women came to Rana's home, gave her money and presented her with a dress. One of the women said, 'You are now my daughter'. Until these women arrived with gifts for the 'bride', Rana had no idea that she was going to be married to a distant relative. Rana is now a mother of boy, Hassan, and says that she hopes never to have a daughter, who may end up like her. Reinforcing and rewarding education for adolescent girls would help to protect girls like Rana.



FURTHER READING

At what age?..Report

www.right-to-education.org/sites/r2e.gn.apc.org/files/At%20What%20Age_.pdf

Promoting Rights in Schools

http://www.right-to-education.org/sites/r2e.gn.apc.org/files/S333%20PRS_final_1.pdf

Breaking Vows: Early and Forced Marriage and Girls' Education

www.plan-uk.org/resources/documents/Breaking-Vows-Early-and-Forced-Marriage-and-Girls-Education

Girls Not Brides

www.girlsnotbrides.org/child-marriage

PLAN - Because I am a Girl project

www.becauseiamagirl.org

International Center for Research on Women

www.icrw.org/files/images/Child-Marriage-Fact-Sheet-Education.pdf

"My sister got married so early, she couldn't even graduate from secondary school. She got married to a family friend. Because I saw what happened to her, I decided to go to university."

Kastamonu, Turkey

Flying Broom Women's Association

LAXMI SARGARA'S STORY

In 2012, several news outlets reported the story of Laxmi Sargara, a young Indian woman who had her child marriage legally annulled in Northern Rajasthan in India.

At the age when most children are learning to walk, Laxmi was already married. She was just one year old when she unknowingly married her husband, Rakesh, who was three.

17 years later, the couple made history when they signed an affidavit declaring the marriage null and void in the presence of a notary public in Jodhpur.



Photo: Sharia Allaqaband/ Cover Asia Press

ABOUT THE RIGHT TO EDUCATION PROJECT AT ACTIONAID

The Right to Education Project (RTE) promotes mobilisation and accountability on the right to education and builds bridges between human rights, development and education. RTE is housed at ActionAid International and works with partner organisations Amnesty International and the Global Campaign for Education.

The RTE report *At what age?.. are school-children employed, married and taken to court? – Trends over time* uses information contained in the reports of 186 states on the Convention on the Rights of the Child to look at children's development based on the minimum age for finishing compulsory education, marrying, entering employment and criminal responsibility. The report is available on RTE's website.

