

The logo for World Vision, featuring the text "World Vision" in a black sans-serif font. To the right of the text is a stylized orange graphic consisting of a curved shape with a white starburst or spark-like element inside.

World Vision

## **Situational Analysis on Child, Early and Forced Marriage in Vietnam, Laos, Myanmar and Cambodia.**

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### Glossary of Abbreviations

AMS	ASEAN Member State
ASEAN	Association of Southeast Asian Nations
CAT	The Convention Against Torture, and Other Cruel Inhuman or Degrading Treatment or Punishment
CEFM	Child, Early and Forced Marriage
CRC	The Convention on the Rights of the Child
ECCC	Extraordinary Chambers in the Courts of Cambodia
ICRC	International Committee of the Red Cross
ICCPR	International Covenant on Civil and Political Rights
ILO	International Labor Organization
MoI	Ministry of Interior
MoJ	Ministry of Justice
NGO	Non-Governmental Organization
OHCHR	Office of the United Nations High Commissioner for Human Rights
RC	Registered children that receive sponsorship through World Vision
UN	United Nations
UNICEF	United Nations Children's Fund
WV	World Vision

## Definitions

### “Child Marriage”:

The United Nations defines ‘child marriage’ as a formal or informal union either between two children, or one child and an adult before the age of 18.

### “Early Marriage”:

This is a term used to describe a legal or customary union involving a person below the age of 18 years. The Human Rights Council states that: “an 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”.

### “Forced Marriage”:

This is a legal or customary union which occurs without the full and free consent of one or both of the parties, or one in which one or both parties are unable to end or leave the marriage.

### “Child Sexual Abuse”:

This when a child participates in a kind of sexual activity that he or she does not completely understand, and is incapable of giving free and informed consent to. It can also be an act for which the child is not developmentally prepared, or an act that violates the laws or social taboos of society. These acts can be between a child and an adult or a child with another child who by age or development is in a relationship of trust with the other.

CEFM indicates that child and early marriage is taking place at an age, which challenges the ability to give full and free consent, which is considered a form of forced marriage. On the basis of this definition, unions contracted by individuals younger than 18, should be regarded as being concurrently child, early *and* forced marriages.

## Executive Summary

This research has been developed to assist World Vision International in addressing Child, Early and Forced Marriage (CEFM) in Cambodia, Vietnam, Laos and Myanmar. The analysis will provide the relevant national offices with an understanding of the root causes of CEFM and contextualize the practice as it occurs at the local and national level. The aim is to fill the current knowledge gap about CEFM and give World Vision the opportunity to develop effective strategies to accomplish the goals described in the Girl Marriage Theory of Change. This research will add to the body of knowledge regarding CEFM as it relates to child protection, ending violence outcomes and to also give further understanding on the specific impacts of CEFM.

CEFM is exceptionally challenging to address because of the cultural and economic factors associated with it. Fortunately, global consensus on the need to end CEFM has never been stronger. International efforts to end CEFM have built momentum through a UN General Assembly Resolution and a zero target on CEFM in the post-2015 development agenda, which are the global targets set to replace the Millennium Development Goals.<sup>1</sup> This global movement is the first in history to take collective and coordinated action to end CEFM. World Vision must prioritize the protection of every girl's right to a future that she has chosen for herself - and a life in which her health and wellbeing are not endangered by CEFM.

## Objectives and Methodologies of the Research

This research project will highlight the root causes of CEFM in the four named countries and to identify gaps in where CEFM is not being adequately addressed in the local communities.

The research will utilize a combination of 3 methodologies:

- Desk research will be conducted first in order to evaluate the already known facts about the practice. This will include an overview of the programs, policies, international and domestic laws in each country. Law-related strategies alone are not sufficient to address CEFM, however, legal guidelines will assist in creating well-defined standards and remedies to address the issue.
- The desk research is complemented with a number of different case studies and projects from NGOs who are active in the field of CEFM.
- Interviews will be conducted in Cambodia with key subjects in order to supplement the research with appropriate case studies.

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<sup>1</sup>[http://www.eurongos.org/fileadmin/files/We\\_Do/Conferences/2014/Report\\_\\_2014\\_EuroNGOs\\_Conference.pdf](http://www.eurongos.org/fileadmin/files/We_Do/Conferences/2014/Report__2014_EuroNGOs_Conference.pdf)

## Introduction

CEFM is one of the most pressing issues in the East Asia region today, despite efforts to eliminate the practice. Reports from UNICEF indicate that 18% of girls worldwide are married before the age of 18, and that 61% of these marriages are between a girl under 18 and a man approximately 15 years her senior.<sup>2</sup> Unless the trend is reversed, we can expect an estimated 39,000 child marriages every day by the end of this present decade.<sup>3</sup> In East Asia, between 10-24% of girls are married by the time they are 18. While laws against CEFM exist in many countries, the practice persists, particularly in rural communities.<sup>4</sup>

In order to comprehensively address the main causes and impacts of CEFM, each country will address different issues. However, a consistent theme throughout all the countries is that of gender inequality. This is, because at its heart, CEFM is driven by beliefs about the rights and status of girls who are seen as having little value outside the traditional role of being a wife and mother.<sup>5</sup> The more central the role of a wife and mother in women's identities, the fewer social and economic alternatives are encouraged. Gender inequality exists not only within the family, but also in schools. This means that parents, teachers and students often have lower academic expectations for girls than for boys, partly because of ingrained beliefs that a woman's rightful place is in the home.<sup>6</sup> Tanushree Soni, Plan International's gender specialist in Asia, says that many girls in Asia are considered "left on the shelf" if they are not married by age 18. "Gender is society's expectation of the roles of boys and girls. If a society assigns high value and expectations to nurturing roles for women, then girls will be socialized and prepared to perform them".<sup>8</sup> There is an overall need to reform traditional practices that restrict freedom of self-determination and gender equality, and to strengthen recognition of women's contributions to stable families and societies.<sup>9</sup> It is a practice that truly diminishes the possibility for wholesome development in a child.

Although CEFM is an issue that affects boys as well as girls, the tradition has a disproportionately negative impact on girls despite facially neutral laws, and therefore the focus of this analysis will be on CEFM against girls under 18. This analysis will emphasize the need for a comprehensive plan of action between World Vision, government institutions, civil society and communities in order for CEFM to be adequately addressed.

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<sup>2</sup> [http://www.unicef.org/media/files/Child\\_Marriage\\_Report\\_7\\_17\\_LR..pdf](http://www.unicef.org/media/files/Child_Marriage_Report_7_17_LR..pdf)

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup>

<http://www.girlsnotbrides.org/wp-content/uploads/2014/07/Girls-Not-Brides-media-coverage-at-Girl-Summit-2014-with-annexes.pdf>

<sup>6</sup> Ibid.

<sup>7</sup> <http://www.her-turn.org/category/uncategorized/page/2/>

<sup>8</sup> <http://www.her-turn.org/category/uncategorized/page/2/>

<sup>9</sup> Ibid.

## VIETNAM

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### Landscape Analysis

#### National Overview

The Socialist Republic of Vietnam is a one party state led by the Vietnamese Communist Party, who retains tight national control over a wide variety of policy areas notwithstanding input from INGOs, UN agencies and donors.<sup>10</sup> Vietnam has enjoyed relative stability since the late 1970s, but its government today faces a number of social problems. Its greatest concern has been unrest in rural areas brought on by land disputes.<sup>11</sup> Vietnam has a legal system supported by a police force, a judicial and a security system.<sup>12</sup> Yet, many Vietnamese feel that the system does not work, particularly with regard to its failure either to punish high-ranking offenders.<sup>13</sup> There is a limited police and security presence in rural communities, and if possible, local officials often prefer to settle disputes internally, rather than involve higher authorities.<sup>14</sup> Public skepticism regarding the police and judicial system is a source of concern.<sup>15</sup>

Vietnam has made tremendous progress towards its Millennium Development Goals (MDG) in recent years.<sup>16</sup> As the World Bank notes, Vietnam has elevated nearly half of its population out of poverty in two decades and has succeeded in reaching a number of

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<sup>10</sup> <http://www.bbc.com/news/world-asia-pacific-16567315>

<sup>11</sup> <http://www.everyculture.com/To-Z/Vietnam.html>

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> <http://www.everyculture.com/To-Z/Vietnam.html>

<sup>16</sup> <http://www.bbc.com/news/world-asia-pacific-16567315>

MDG's early.<sup>17</sup> Future advancement, however, will depend not just on more growth but also on shaping that growth to incorporate the ethnic minorities that are falling behind.

<sup>18</sup> Vietnamese policies endorse the principle of gender equality, but its realization in social life has been imperfect. Men dominate official positions, the Communist Party, business, and all other prestigious realms of social life. Women play a strong role within their families, a point made in the reference to the wife as the "general of the interior" (*noi tuong*).<sup>19</sup> The position and status of women has improved significantly since 1950, but lower literacy rates, less education, and a smaller presence in public life indicate that their inferior status remains.<sup>20</sup>

### Social Overview

As of 2016, figures estimates Vietnam's total population to be about 94 million people. In prerevolutionary Vietnam the "public" (*ngoai*) domain was the male domain while the "domestic" (*noi*) domain was for women.<sup>21</sup> This pattern still largely remains with women performing most of the essential tasks for running the household such as cooking, cleaning, going to market, and caring for children. In urban areas women are often secretaries or waitresses, occupying lower level service positions.<sup>22</sup> In general, men perform the majority of public activities, particularly business, political office or administration.

The Hmong are one of the largest of Vietnam's 53 ethnic minority groups and characterize approximately 1% of Vietnam's total population.<sup>23</sup> Principally restricted to the mountains near Vietnam's border with China, and surviving almost solely on farming, their poverty rate is over 90%; the highest rate of poverty in the country.<sup>24</sup> The Hmong have the lowest average age of marriage and a fertility rate with UNICEF estimating the numbers to be around 11% of the total population.<sup>25</sup> Hmong adolescent girls face profoundly rooted gender norms that stunt their social value by stringently holding girls to the sole customary position of a wife and mother.<sup>26</sup> CEFM is a disturbing and alarming issue that is taking place not only in mountainous provinces but also on a nationwide scale. In the Mekong Delta, CEFM numbers are actually increasing, with some brides ranging from 13 to 16 years old.<sup>27</sup> In some cases, bridegrooms were only 14, according to Dr Trinh Thi Kim Ngoc of the Vietnam Academy of Science and Technology.<sup>28</sup>

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<sup>17</sup> <http://www.worldbank.org/en/country/vietnam/overview>

<sup>18</sup> Ibid.

<sup>19</sup> <http://www.everyculture.com/To-Z/Vietnam.html>

<sup>20</sup> Ibid.

<sup>21</sup> <http://www.everyculture.com/To-Z/Vietnam.html>

<sup>22</sup> Ibid.

<sup>23</sup> [http://www.academia.edu/11079036/Ethnic\\_Minority\\_Development\\_in\\_Vietnam\\_A\\_Socioeconomic\\_Perspective](http://www.academia.edu/11079036/Ethnic_Minority_Development_in_Vietnam_A_Socioeconomic_Perspective)

<sup>24</sup> Ibid.

<sup>25</sup> [http://www.unicef.org/media/files/Child\\_Marriage\\_Report\\_7\\_17\\_LR..pdf](http://www.unicef.org/media/files/Child_Marriage_Report_7_17_LR..pdf)

<sup>26</sup> Ibid.

<sup>27</sup> Ibid.

<sup>28</sup> <http://vietnamnews.vn/sunday/features/260387/child-marriage-still-common-in-rural-areas.html>

## The National Human Rights Framework

### Review of International Instruments:

Vietnam is a State party to several human rights instruments, including the *Convention on the Elimination of all Forms of Discrimination against Women* (CEDAW) and the *Convention on the Rights of the Child* (CRC).<sup>29</sup> Although Vietnam has ratified the CEDAW Convention, in July 2015, the UN Committee experts had serious concern over persisting gender inequality and the widespread abuse of women's rights at the conclusion of their review of the country's implementation of the Convention.<sup>30</sup> In its concluding observations, the Committee criticized Vietnam for its inability to grasp the concept of substantive gender equality. The Committee conveyed its apprehension about "the persistence of patriarchal attitudes and deep-rooted gender stereotypes regarding the roles and responsibilities of women and men in the family and in society that overemphasize the subordinate and caring roles of women and are reflected in practices such as son preference."<sup>31</sup> It also expressed concern regarding the prevalence of harmful practices such as CEFM and the persistence of gender bias and gender stereotypes.<sup>32</sup> The Committee noted that internal and cross-border migration has rapidly increased in recent years and that there were concerns about underage girls migrating abroad and being victimized by fraudulent brokers for international marriage, putting them at risk for CEFM.<sup>33</sup>

The Government took an important step forward in the new *Law on Marriage and Family* in 2014 by raising the age of marriage for girls to 18 instead of the 17th birthday and the 20th instead of 19th birthday for boys.<sup>34</sup> This aligns Vietnam with the CRC's definition of a "child".<sup>35</sup> However, in the government structure, there is lack of a coordination agency being responsible for these issues. The central Thanh Hoa Province's People's Committee approved a project aimed at bringing awareness to the harmful effects of CEFM and marriages between blood relatives among ethnic people.<sup>36</sup> Statistics from the province's Department of Ethnic Minority Affairs showed that there were 1,207 child marriages and 86 marriages between bloods relatives in the province between 2011 and June this year.<sup>37</sup> Most marriages between bloods relatives take place

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<sup>29</sup> <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx>

<sup>30</sup> <https://www.crin.org/en/library/un-regional-documentation/committee-rights-childs-concluding-observations-vietnam-3rd-and>

<sup>31</sup> <https://www.crin.org/en/library/un-regional-documentation/committee-rights-childs-concluding-observations-vietnam-3rd-and>

<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

<sup>34</sup>

[http://www.younglives.org.uk/sites/www.younglives.org.uk/files/YL-VIETNAM-PB3\\_Risk%20factors%20for%20early%20marriage.pdf](http://www.younglives.org.uk/sites/www.younglives.org.uk/files/YL-VIETNAM-PB3_Risk%20factors%20for%20early%20marriage.pdf)

<sup>35</sup> Ibid.

<sup>36</sup> <http://en.vietnamplus.vn/thanh-hoa-works-to-aid-kho-mu-ethnic-minorities/95190.vnp>

<sup>37</sup> <http://en.vietnamplus.vn/thanh-hoa-works-to-aid-kho-mu-ethnic-minorities/95190.vnp>

between Hmong and Thai ethnic people. Every year, 250 to 400 child marriages and more than 20 marriages between blood relatives are recorded in the province. The project will be implemented in the province during the 2016-20 period.<sup>38</sup>

### Involvement of Civil Society in Child Marriage

The Women's Union has been involved in an outreach project focused in targeted communities on raising awareness of CEFM laws by educating all members of the community on potential fines that can be implemented if families marry off their children below the legal age.<sup>39</sup> They have been reaching out to schools and explaining to teachers and parents that they can face heavy fines if they are caught marrying their children too early.<sup>40</sup>

Young Lives UK has been involved in data collection and advocacy campaigns regarding CEFM in a number of rural villages. Some of their key recommendations are discussed below.<sup>41</sup>

## **CEFM in Vietnam**

### Overview

CEFM remains widespread in Vietnam, increasingly so in rural areas, including the mountainous provinces of the North, Northwest and Central Highlands of Vietnam. Child marriage happens mostly among ethnic minorities with the rate 26,6 % among 53 groups of ethnic minorities.<sup>42</sup> (See table)



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A study conducted by the General Department of Population and Family Planning in 2014, showed the proportion of child marriages against total marriages in 15 selected cities.<sup>43</sup>

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<sup>38</sup> Ibid.

<sup>39</sup> <http://mcnv.org/who-we-work-with/women-union/?lang=en>

<sup>40</sup> Ibid.

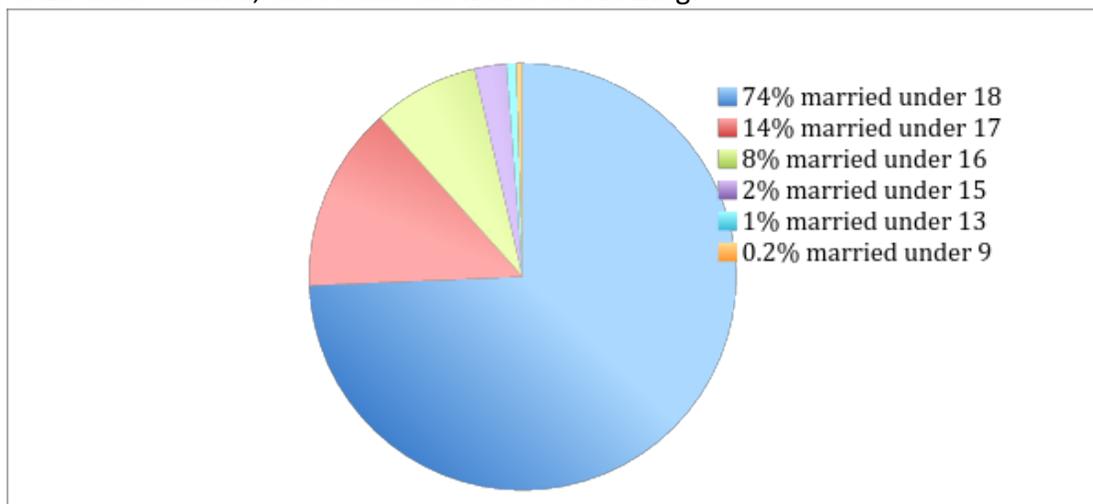
<sup>41</sup>

[http://www.younglives.org.uk/sites/www.younglives.org.uk/files/YL-VIETNAM-PB3\\_Risk%20factors%20for%20early%20marriage.pdf](http://www.younglives.org.uk/sites/www.younglives.org.uk/files/YL-VIETNAM-PB3_Risk%20factors%20for%20early%20marriage.pdf)

<sup>42</sup> Social economic status study on 53 ethnic minorities groups, 2015, Vietnam government's Committee on Ethnic Minority affairs, (<http://english.ubdt.gov.vn/home.htm>)

<sup>43</sup> <https://www.vietnambreakingnews.com/tag/the-general-department-of-population-and-family-planning/>

Of the 15 cities studied, the results showed the following:



Dang Dung Chi, director of the National Academy of Politics and Public Administration noted that the number of CEFM's increased in the rural areas, particularly in the Hong (Red) River Delta provinces of Bac Ninh.<sup>44</sup> Many of these marriages are low profile, solemnized in secrecy and under-reported. They only come to local authorities' attention when the couples have children.<sup>45</sup>

### Causes of Child Marriage

#### *Harmful Practices*

There is a custom of hai pu (literally “pull wife”) or bride kidnapping, which, although illegal in Vietnam, is regularly practiced in Hmong communities.<sup>46</sup> The process includes a boy kidnapping a girl without her or her family's consent. Once the girl is at the expectant husband's home, his parents are forced to contact the girl's family, who can either ask that she be released back to the family, or they can accept the marriage.<sup>47</sup> A bride price, to be paid by the boy's family, is then negotiated.

It has been the tradition for generations for girls of Ro Coi Commune in the Central Highland region to tie the nuptial knot while still under the age of 18.<sup>48</sup> The belief is that boys and girls are mature enough for marriage at the age of puberty. With approximately 703 of 1,101 households in the commune living below the poverty line

<sup>44</sup> vietnamnews.vn/.../child-marriage-still-common-in-rural-areas.html

<sup>45</sup> Ibid.

<sup>46</sup> www.girlsnotbrides.org/girls-voices/the-burden-of-being-a-child-bride-in-vietnam/

<sup>47</sup> Ibid.

<sup>48</sup> Ibid.

(US\$26 per month) the incentive to marry the children is that the young couples will join the family workforce.<sup>49</sup>

Other contributing factors, leading to prevalence of child marriages in Vietnam, are identified as follows:

- Lack of supporting services and reproductive health education targeting teenagers;
- Poverty;
- Low level of awareness and implementation of the legal framework;
- Low level of literacy (language barrier among ethnic minorities);
- Urbanization, with parents occupied to earn a living, often leaving their children behind.
- Early pregnancy happens frequently among girls in urban settings.

### *Lack of Birth Registration and Legal Enforcement*

While birth registration is mandatory in Vietnam, it is part of an extremely complicated and tightly managed system, which includes many different processes, records and documents.<sup>50</sup> Formally, the rate of birth registration in Vietnam is high at 95%; however, Plan USA has suggested that this is not an entirely accurate representation.<sup>51</sup> Under Vietnamese law, a child is to be registered within 60 days of birth, but when parents are under the legal age of marriage, they often do not register their child.<sup>52</sup> In a case study administered by Plan USA, one Vietnamese respondent (an 18 year old man with a 17 year old wife) explained to researchers that his 1-year-old child was not registered because they had to wait to legally register the marriage first.<sup>53</sup> The percentage of children who are not registered, but are in the most need to registration are located in the North West and Central Highlands, where CEFM precludes the most vulnerable children from reaping the benefits of being registered as a Vietnamese citizen.

In regards to the issue of fines, many marriages are simply enforced by moving in with one another, and therefore fines for CEFM's are rarely issued. Young couples can easily avoid detection by not applying for a marriage license until they have reached the age required by the law. Given however, that young couples typically live with the husband's parents and the heightened awareness of educational fines, research had suggested that further knowledge of marriage fines may reduce the number of CEFM's if the fines are enforced and large enough to be consequential. Former Deputy Chairman of Ro Coi Women's Organization said local authorities have not allowed the marriage of young teens, but many of them simply turn a deaf ear to sound advice and drop out of school to get married.

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<sup>49</sup> Ibid.

<sup>50</sup> <https://www.planusa.org/docs/birth-registration-rights-2014.pdf>

<sup>51</sup> <https://www.planusa.org/docs/birth-registration-rights-2014.pdf>

<sup>52</sup> <https://www.planusa.org/docs/birth-registration-rights-2014.pdf>

<sup>53</sup> <https://www.planusa.org/docs/birth-registration-rights-2014.pdf>

## Impact of Child Marriage

### *Adolescent Pregnancy*

CEFM encourages sexual activity when girls are still developing and know little about their bodies, sexual and reproductive health, and their right to contraception. When girls bear children while they are children themselves, their lives are put at risk as are the child's. Shortly after marriage, child brides face pressure from their husband and in-laws, and their family to prove their fertility. In fact, 90% of adolescent pregnancies in the developing world are to girls who are already married.<sup>54</sup>

In the event that a child bride survives childbirth, they remain at risk of health complications. Early pregnancy leaves child brides vulnerable to obstetric fistula, a 'preventable yet debilitating injury resulting from obstructed labor or prolonged childbirth'.<sup>55</sup> In fact, 65% of all cases of obstetric fistula occur in girls under the age of 18.<sup>56</sup> According to local health agencies in Vietnam, the majority of the newborns born to adolescent girls are often stunted and suffering from malnutrition, leading to non-development or death.<sup>57</sup> Statistics from the agency said: 'for every 10 births to a girl under the age of 18, 3.4 were dead and cases of malnutrition were countless, occupying the large majority of cases'.<sup>58</sup> In rural areas, the 'under five' mortality rate is at 22 per 1000 live births. Ethnic minority populations have the highest rates at 43 deaths per 1000 live births for girls under the age of 18.<sup>59</sup>

### *Suicide*

In a case study done by the ODI, research recorded a number of suicides had occurred when girls were forced to marry.<sup>60</sup> A participant in the study commented that in a particular commune, it was known that girls would eat "heartbreak grass" if her parents forced her to marry someone that she did not choose.<sup>61</sup> Another commented that one of her siblings had killed herself in this manner in order to escape the mother in law, who had a violent tongue.<sup>62</sup>

### *Trafficking*

CEFM manifests itself in other harmful ways, such as the trafficking of child brides from Vietnam to China. Within the last year, Vietnam has seen an alarming increase of girls

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<sup>54</sup> <http://www.girlsnotbrides.org/5-reasons-end-child-marriage-improve-maternal-health/>

<sup>55</sup> [www.girlsnotbrides.org/5-reasons-end-child-marriage-improve-maternal-health/](http://www.girlsnotbrides.org/5-reasons-end-child-marriage-improve-maternal-health/)

<sup>56</sup> Ibid.

<sup>57</sup> Ibid.

<sup>58</sup> Ibid.

<sup>59</sup> Ibid.

<sup>60</sup> <https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications...files/9182.pdf>

<sup>61</sup> Ibid.

<sup>62</sup> Ibid.

being trafficked and sold as brides to Chinese men. A consequence of over 35 years of China's one-child policy, the nation has found itself with the highest gender imbalance in the world. Sex-selective abortions have created a situation where by the year 2020 eligible males of marrying age will outnumber their female counterparts by more than 30 million. To alleviate this, Vietnamese girls as young as 13 are taken across the border to China and sold as young brides. Young Vietnamese women command a high price as brides, and traffickers have stepped in to fill the demand by forcibly bringing the girls into China. "It costs a very huge amount of money for normal Chinese men to get married to a Chinese woman," explained Ha Thi Van Khanh, national project coordinator for the U.N.'s anti-trafficking organization in Vietnam. Chinese men, wanting to marry local women, pay for an extravagant banquet and must buy a home to live in after the wedding. "This is why they try to import women from neighboring countries, like Vietnam."

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### Landscape Analysis

#### National Overview

The Lao People's Democratic Republic is ruled by its only constitutionally legitimate party, the Lao People's Revolutionary Party (LPRP).<sup>63</sup> Lao PDR has an estimated population of 6.5 million with 59% of the population being below the age of 25 years.<sup>64</sup> Laos remains a least developed country, ranked 139 out of 187 countries in the 2015 Human Development Report.<sup>65</sup> While the Government of Laos prioritizes human development as critical to their graduation to a Middle Income Country status by 2030, deep social inequities persist.

There have been attempts by the Lao government at resettling minority groups for political control, ecological preservation of forests, and delivery of social services.<sup>66</sup> However, these attempts have been poorly executed and have caused resentment within the nation. In the north, Hmong groups have resisted these attempts at control, sometimes violently.

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<sup>63</sup> [countrystudies.us/laos/85.htm](http://countrystudies.us/laos/85.htm)

<sup>64</sup> Ibid.

<sup>65</sup> Ibid.

<sup>66</sup> Ibid.

Child protection issues in Laos are largely associated with poverty and rapid social economic changes, including an increase in rural-urban migration, meaning that children are increasingly accompanying their migrant working parents or being left behind.<sup>67</sup> UNICEF reports that of the particularly vulnerable are the non-Lao Thai ethnic communities who live in remote, rural areas where there are no roads and the land is contaminated with unexploded ordnances.<sup>68</sup> Lao PDR is the world's most heavily bombed country.<sup>69</sup>

### Social Overview

An ethnic hierarchy exists in Laos, placing ethnic Lao at the apex. Many urban Chinese have assimilated into Lao culture, and even those who have not, are considered to represent sophistication.<sup>70</sup> Vietnamese also have assimilated, and those who have not are situated just below the Chinese population in Laos.<sup>71</sup>

Lao PDR is in a unique situation where 1 in 4 people are adolescents.<sup>72</sup> Although this comes with opportunity, much attention and support is required from the community. Laos is a patriarchal society with very traditional gender roles; men serve as the head of the family who are often comprised of 9-14 people.<sup>73</sup> Men are responsible for the financial support of their wives and children and they dominate political positions, whereas women are the caretakers responsible for the children and the home. With a greater emphasis on domestic roles for women, they are less likely to be encouraged to pursue an education or develop a career. Besides age, gender is the main way in which social roles and practices are organized. In Buddhism, men are the main religious leaders as monks, and while women can become nuns, it does not entail a sacred transformation.<sup>74</sup> In rural areas there is little separation of tasks by gender, except for weaving, and sewing. There is a tendency for women to be concerned with household chores and 'lighter' work. Women have played a major role in petty trade, and recently in long-distance trade. While girls take on the majority of household responsibilities, they are also expected to contribute equal amounts in income generation as boys.<sup>75</sup>

Among all groups, the avoidance of conflict and actions likely to cause emotional discomfort is emphasized. Careful attention to one's place in the social hierarchy is important, with inattention or deliberate flouting of the hierarchy being considered a source of conflict. Hierarchical interaction also involves polite forms of speech and body movements. Public body contact, especially between men and women, is avoided.<sup>76</sup>

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<sup>67</sup> <http://www.unicef.org/laos/about.html>

<sup>68</sup> <http://www.unicef.org/laos/about.html>

<sup>69</sup> <http://www.unicef.org/laos/about.html>

<sup>70</sup> [countrystudies.us/laos/85.htm](http://countrystudies.us/laos/85.htm)

<sup>71</sup> Ibid.

<sup>72</sup> [lao.unfpa.org/.../lao-pdr-adolescent-and-youth-situati...](http://lao.unfpa.org/.../lao-pdr-adolescent-and-youth-situati...)

<sup>73</sup> Ibid.

<sup>74</sup> [countrystudies.us/laos/85.htm](http://countrystudies.us/laos/85.htm)

<sup>75</sup> Ibid.

<sup>76</sup> Ibid.

## The National Human Rights Framework

### Review of International Instruments

Laos is a party to the *Convention of All Forms of Discrimination Against Women* (CEDAW) and is also a State Party to the Convention on the Rights of the Child (CRC). In 2015, The Committee on the Rights of the Child today considered reports of the Lao People's Democratic Republic on how the country was implementing the legislation.<sup>77</sup> The Committee noted that while progress had been made in the country, significant challenges regarding the rights of children existed.<sup>78</sup> The Government's challenges, which included institutional and capacity constraints, such as in the area of data collection, and limited public awareness about laws and policies made it difficult to assess the actual situation.<sup>79</sup> Jorge Cardona Llorens, Committee Chairperson and the Rapporteur of the report of the Lao People's Democratic Republic in his closing remarks, said that without data the Government did not know what was happening and so could not address problems.<sup>80</sup> In response, The National Plan of Action to Prevent and Eliminate Violence against Women and Children (2014 to 2020) was adopted last year, and on 30 January 2015 the National Assembly adopted the Law on Preventing and Combatting Violence against Women and Children.<sup>81</sup> A national prevalence study on violence against children was conducted in 2014, the first such data-collection process in the Lao People's Democratic Republic, with the Lao Government saying that the results would form the basis for future policy and legislative development and for establishing effective prevention and response systems.<sup>82</sup>

### Involvement of Civil Society in CEFM

Nongovernment Organizations (NGOs) established by Lao nationals are not permitted. International NGOs (INGO's) have been allowed to operate since the early 1990s, but they must be connected to a particular ministry or government organization so their activities can be monitored.<sup>83</sup> Relations between some INGOs and the government have been strained, particularly over the issues of dam building and the relocation of minorities.<sup>84</sup> Nevertheless, their presence has seen the emergence of discussions of politically related social and cultural issues. Oxfam notes that it is early days for Laos' civil society organizations.<sup>85</sup> While there are a number of different non-profit organizations spread over the country, the capacity of the still young civil society

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<sup>77</sup> [www.childrightsconnect.org/wp-content/uploads/.../Laos\\_OPACSessionReport.pdf](http://www.childrightsconnect.org/wp-content/uploads/.../Laos_OPACSessionReport.pdf)

<sup>78</sup> Ibid.

<sup>79</sup> <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=16016&LangID=E>

<sup>80</sup> Ibid.

<sup>81</sup> Ibid.

<sup>82</sup> Ibid.

<sup>83</sup> <https://www.kepa.fi/tiedostot/vietnamese-cs-2015.pdf>

<sup>84</sup> Ibid.

<sup>85</sup> <https://www.oxfam.org/en/laos/early-days-laos-civil-society-organizations>

organizations is rather limited in supporting the wide range of development working areas.<sup>86</sup> Asia Development Bank has remarked that most civil societies in Lao generally work to implement, not challenge, government policy.<sup>87</sup>

The Lao Women's Union (LWU), was established in 1995, and has more than 800,000 members with strong grassroots linkages.<sup>88</sup> It is involved in community-level socio-economic development work in many parts of Laos, with most projects aimed at reducing poverty and increasing women's knowledge and skills through vocational training.<sup>89</sup>

## **CEFM in Laos**

### Overview

The legal minimum age of marriage for boys and girls is 18 years. However, it is common for the law to allow underage marriage in special and necessary cases, often in cases of underage pregnancy.<sup>90</sup> In 2016, the United Nations confirmed that Laos has one of the highest rates of CEFM in the region.<sup>91</sup> One-third of women marry before age 18, while one-tenth marry before age 15.<sup>92</sup> According to the most recent Lao Social Indicator Survey (2011-12), more than 1 in 5 girls aged 15-19 years were already married. The culture of girls marrying early is advantageous for the recipient family as they gain a laborer, as well as being an advantage for the girl's family due to the dowry paid.<sup>93</sup>

### Causes of CEFM

#### *Geographic Isolation*

The Lao People's Democratic Republic is more rural in character than any other country in South-East Asia.<sup>94</sup> More than three quarters of the total population lives in rural areas and depends on agriculture and natural resources for survival.<sup>95</sup> Geographical isolation fosters a persistent cultural environment that does not promote innovate beliefs, effectively contributing to the continuance of CEFM.<sup>96</sup> A United Nations Population Fund report noted that young girls growing up in isolated minority communities that were not integrated into a wider society saw marriage as their only option, partly because they were not aware of other options, and were not able to speak the national language proficiently enough to effectively communicate with members outside their

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<sup>86</sup> <https://www.oxfam.org/en/laos/early-days-laos-civil-society-organizations>

<sup>87</sup> <http://reliefweb.int/sites/reliefweb.int/files/resources/csb-lao.pdf>

<sup>88</sup> <http://reliefweb.int/sites/reliefweb.int/files/resources/csb-lao.pdf>

<sup>89</sup> <http://reliefweb.int/sites/reliefweb.int/files/resources/csb-lao.pdf>

<sup>90</sup> <https://www.unicef-irc.org/publications/pdf/digest7e.pdf>

<sup>91</sup> [www.la.undp.org/](http://www.la.undp.org/)

<sup>92</sup> Ibid.

<sup>93</sup> <https://campaigns.savethechildren.net/sites/campaigns.savethechildren.net/files/Laos%20Spotlight.pdf>

<sup>94</sup> [www.ruralpovertyportal.org](http://www.ruralpovertyportal.org) › Region & country › Asia

<sup>95</sup> <http://www.ruralpovertyportal.org/country/home/tags/laos>

<sup>96</sup> <http://web.williams.edu/Economics/wp/ashrafisolation.pdf>

isolated community.<sup>97</sup> Furthermore, a community's availability and utilization of social services is affected by geographic isolation. For example, the prevalence of CEFM in more rural communities is linked to the lack of schools built close to communities. Given the distance from villages to school, many lower secondary students do not attend school or they live as informal boarders in hazardous situations on the campuses of those schools.<sup>98</sup> They are unaccompanied minors, often living in provisional shacks. More schools need to be built closer to rural communities to ensure that families feel safe enough to let their children, and especially, their girls attend. In addition, school curricula should prepare all adolescents for the life skills they need to navigate the risks and challenges inherent in living far away from home.<sup>99</sup>

### *Harmful Practice*

Specific harmful practices of CEFM in Laos generally involve force or coercion. In addition to violating a child's right, this force and coercion exposes the child to safety risks and social isolation. A form of marital practice by the Hmong still existing is the practice of "zig pojniam" or the capture theory.<sup>100</sup> This occurs when the groom takes the bride-to-be to his family. It is not considered kidnapping because it's likely that the girl knows about the marriage, but it is a form of saving face for the bride's parents. This can occur if the groom knows that the bride's parents do not approve of him as a son-in-law. After taking the bride to the groom's family, the groom's family has to report to the bride's family within 24-48 hours to arrange for a wedding.<sup>101</sup> Usually the wedding will take place 3 days after the bride is taken to the groom's house.

### Impact of CEFM

#### *Sexual Abuse*

CEFM often takes place in environments marked by pressure and even violence in the event of non-compliance. In cases of abduction in forced marriages, the marriage itself is an act of violence, and may be accompanied by sexual, physical, and psychological violence.<sup>102</sup> CEFM is a form of sexual abuse against children. In comparison to trafficking and some of the worst forms of child labor, sexual abuse in CEFM has been overlooked in the vast literature on child protection. CEFM often includes some element of compulsion. The outcome of coercion and pressure is characteristically violence against children, which in the setting of marriage, often reveals itself as sexual abuse and exploitation. By virtue of their early or forced marriages, these girls are disempowered and likely exposed to abusive power dynamics and violence, especially by an intimate partner. CEFM is often centered on control over a girls' sexuality, especially when there

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<sup>97</sup> <http://eeca.unfpa.org/sites/default/files/pub-pdf/Child%20Marriage%20EECA%20Regional%20Overview.pdf>

<sup>98</sup> <https://campaigns.savethechildren.net/sites/campaigns.savethechildren.net/files/Laos%20Spotlight.pdf>

<sup>99</sup> <https://campaigns.savethechildren.net/sites/campaigns.savethechildren.net/files/Laos%20Spotlight.pdf>

<sup>100</sup> [www2.uwstout.edu/content/lib/thesis/.../2000vuem.pdf](http://www2.uwstout.edu/content/lib/thesis/.../2000vuem.pdf)

<sup>101</sup> [www2.uwstout.edu/content/lib/thesis/.../2000vuem.pdf](http://www2.uwstout.edu/content/lib/thesis/.../2000vuem.pdf)

<sup>102</sup> <http://eeca.unfpa.org/sites/default/files/pub-pdf/Child%20Marriage%20EECA%20Regional%20Overview.pdf>

is an importance attached to women's virginity at the time of marriage.<sup>103</sup> Forced sex in early marriages is reported to be a common issue due to sex being considered a right of the husband.<sup>104</sup> Young brides are more vulnerable to sexual abuse from their partners, but also by older men in their marital homes.<sup>105</sup> These adolescent brides are also more inclined to tolerate sexual abuse and less likely to leave abusive partners. Parents will often reassure their married daughters to endure any violence in the home, partly because marriage now views them as adults, and partly because they refrain from interfering with private family matters.<sup>106</sup> CEFM exposes these adolescent girls to recurring sexual abuse that repeatedly weakens them.

### *Adolescent Pregnancy*

CEFM is often associated with early pregnancy and Lao PDR is no exception. Each year, nearly 1 out of 10 Laotian girls between 15 and 19 gives birth, according to the latest Social Indicator Survey.<sup>107</sup> The proportion is much higher in remote areas, where some cultural practices, such as giving birth in the wild, pose additional risks to the health of young mothers and their babies.<sup>108</sup> Laos has the highest adolescent birth rate in the region with 94 births per 1,000 girls aged 15 - 19 years.<sup>109</sup> The implications of CEFM have been placed in more focus in recent years as there are growing concerns about the violation of sexual and reproductive rights suffered by an under-age bride. Brides, under the age of 18 are more prone to experiencing maternal and child mortality, malnutrition, as well as sexually transmitted diseases.<sup>110</sup> Early pregnancies force adolescent girls into levels of physical and emotional strain for which neither their bodies nor minds are prepared. Premature childbearing leaves long-lasting consequences, which will negatively impact the lives of both mother and child.<sup>111</sup>

A child's body is not suitable for giving birth, and early childbearing will often occur before young brides have completed their own physical and sexual growth. A child does not have the psychological and emotional maturity required to carry a pregnancy. There is insufficient data to accurately ascertain the maternal mortality risk in adolescent mothers, but the most mutual declaration is that girls are twice as likely to die from childbirth as women in their 20s.<sup>112</sup>

### *Self-Concept and Identity*

CEFM affects the healthy development of self-concept. For children who are married early, there is no concept of self-identity to be developed; there is simply a transfer of

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<sup>103</sup> [www.unicef.org/.../NATIONAL\\_STRATEGY\\_ON\\_CHILD\\_MARRIAGE-PR...](http://www.unicef.org/.../NATIONAL_STRATEGY_ON_CHILD_MARRIAGE-PR...)

<sup>104</sup> [www.unicef.org/.../NATIONAL\\_STRATEGY\\_ON\\_CHILD\\_MARRIAGE-PR...](http://www.unicef.org/.../NATIONAL_STRATEGY_ON_CHILD_MARRIAGE-PR...)

<sup>105</sup> [www.girlsnotbrides.org/why-is-child-marriage-a-form-of-violence-against-women-an...](http://www.girlsnotbrides.org/why-is-child-marriage-a-form-of-violence-against-women-an...)

<sup>106</sup> Ibid.

<sup>107</sup> [www.unfpa.org/.../teenage-pregnancy-way-life-remot...](http://www.unfpa.org/.../teenage-pregnancy-way-life-remot...)

<sup>108</sup> Ibid.

<sup>109</sup> Ibid.

<sup>110</sup> [unicef.in/Whatwedo/30/Child-Marriage](http://unicef.in/Whatwedo/30/Child-Marriage)

<sup>111</sup> Ibid.

<sup>112</sup> <https://www.nice.org.uk/.../full-guidelin...>

one's identity to a new role and family.<sup>113</sup> For example, girls go from being a daughter to a daughter-in-law. The wife, regardless of age, is expected to take on multiple roles such as taking care of her parents in law, wife, mother and employee if she works.

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<sup>113</sup> [www.mdpi.com/2076-0760/3/2/242/pdf](http://www.mdpi.com/2076-0760/3/2/242/pdf)

## MYANMAR

### Landscape Analysis

- National Overview
- Social Overview
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- Child Marriage
  - Overview
- Causes of CEFM
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### Landscape Analysis

#### National Overview

Myanmar is undergoing an intense transformation, evolving from under more than 50 years of military rule, centralized control, and internal conflict.<sup>114</sup> According to the results from the 2014 census, Myanmar has a population of 51.4 million and is expected to reach 66 million by 2020.<sup>115</sup> Myanmar has a diverse ethnic and religious makeup, including 135 officially recognized nationality groups, divided into eight national ethnic groups (the Bamar are the largest, forming 69% of the total population).<sup>116</sup> Myanmar remains a low-income country in South-East Asia.<sup>117</sup> Not only is poverty widespread, there is marked inequality. Essentially, the society is divided into a small elite, a fairly small middle class, and a large number of very poor people. In recent years, income from the narcotics trade has been an important source of wealth for members of the elite.<sup>118</sup>

#### Social Overview

Myanmar operates under a 'male-preference' culture.<sup>119</sup> Members of the Kachin society believe that it is not worth investing in a daughter because she will eventually be sold to

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<sup>114</sup>[http://www.themimu.info/sites/themimu.info/files/documents/Ref\\_Doc\\_Brief\\_on\\_CS0\\_and\\_NGOs\\_ADB\\_Feb2015\\_0.pdf](http://www.themimu.info/sites/themimu.info/files/documents/Ref_Doc_Brief_on_CS0_and_NGOs_ADB_Feb2015_0.pdf)

<sup>115</sup>[http://www.themimu.info/sites/themimu.info/files/documents/Ref\\_Doc\\_Brief\\_on\\_CS0\\_and\\_NGOs\\_ADB\\_Feb2015\\_0.pdf](http://www.themimu.info/sites/themimu.info/files/documents/Ref_Doc_Brief_on_CS0_and_NGOs_ADB_Feb2015_0.pdf)

<sup>116</sup>[http://www.themimu.info/sites/themimu.info/files/documents/Ref\\_Doc\\_Brief\\_on\\_CS0\\_and\\_NGOs\\_ADB\\_Feb2015\\_0.pdf](http://www.themimu.info/sites/themimu.info/files/documents/Ref_Doc_Brief_on_CS0_and_NGOs_ADB_Feb2015_0.pdf)

<sup>117</sup> Ibid.

<sup>118</sup> Ibid.

<sup>119</sup><http://www.genmyanmar.org/publications/GEN%20Raising%20the%20Curtain%20Full%20Eng.pdf>

another family, giving birth to another family name.<sup>120</sup> Only a son can carry on the family name, hence investment in a son is meaningful.<sup>121</sup> Both men and women do agricultural work, but individual tasks are often gender-specific. Men prepare the land for planting and sow seeds, and women transplant rice seedlings. Women do most domestic work, but small-scale market selling and nomadic trading are conducted by both sexes.<sup>122</sup> Traditional society was known for the relatively high status of women. If a couple divorces, for example, common goods are divided equally and the wife retains her dowry as well as the proceeds from her commercial activities. However, military rule has undermined the status of women, especially at the higher levels of government and commerce. The higher levels of business are in the hands of men, but women run many medium-size and small businesses.<sup>123</sup>

Children in Myanmar are expected to study hard and/or work hard (including domestic chores). Attitudes towards children make little allowance for play and recreation.<sup>124</sup> There is widespread acceptance of working children and little evidence of children's participation in decisions affecting them.<sup>125</sup> Myanmar society is generally patriarchal: men are the main bread-earners and decision-makers. Attitudes to women are strongly underpinned by religious beliefs.<sup>126</sup> A qualitative study by UNICEF across five regions found that both men and women believed the men should be the family breadwinner.<sup>127</sup> Women's involvement and consultation in household decision-making was found to be limited, particularly in rural environments, with most women having to request their husband's permission to vary their daily routines.

## The National Human Rights Framework

### Review of International Instruments

Myanmar has a complex legal system with varying sources of law. Myanmar had its own system of customary laws, and its various ethnic groups follow their own customary laws, most of which were unwritten.<sup>128</sup> Myanmar acceded to the *Convention of All Forms of Discrimination Against Women* (CEDAW) in 1997, however, many of its domestic laws are not currently harmonious with CEDAW, being gender restrictive and inconsistent with CEDAW principles. Myanmar became a State Party to the Convention on the Rights of the Child (CRC) in 1991. However, the CRC does not have constitutional status in Myanmar, which means its provisions can be overridden in court by existing national rules and laws.<sup>129</sup> This makes revision of all national instruments to ensure

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<sup>120</sup> <http://www.genmyanmar.org/publications/GEN%20Raising%20the%20Curtain%20Full%20Eng.pdf>

<sup>121</sup> Ibid.

<sup>122</sup> Ibid.

<sup>123</sup> Ibid.

<sup>124</sup> [www.unicef.org/eapro/Myanmar\\_Situation\\_Analysis.pdf](http://www.unicef.org/eapro/Myanmar_Situation_Analysis.pdf)

<sup>125</sup> Ibid.

<sup>126</sup> Ibid.

<sup>127</sup> Ibid.

<sup>128</sup> [www.burmalibrary.org/docs20/Myanmar\\_Law+CEDAW-en-red.pdf](http://www.burmalibrary.org/docs20/Myanmar_Law+CEDAW-en-red.pdf)

<sup>129</sup> <https://www.crin.org/en/library/publications/myanmar-national-laws>

conformity with the CRC an important step to enable Myanmar to meet its obligations as a State Party.

An Anti-Trafficking Unit has been established within the Myanmar Police Force under the Ministry of Home Affairs, and several in-country task forces and working groups involving the government, international and local agencies are also focused on the issue of trafficking. In addition, a border liaison office has been established in the border towns of Lwei Je and Muse.

### Involvement of Civil Society in CEFM

The standard civil society structure in Myanmar exists mainly within religious groups, emerging from Buddhist and Christian-led social welfare activities and focusing on poverty, health, and practical daily needs of the communities.<sup>130</sup> A common exhortation heard in Yangon from civil society groups is that more time is spent in training and meetings than actual implementation.<sup>131</sup> However, most civil groups agree that there is increasing coordination among all levels of civil society, which is manifesting itself in new working relationships across groups and networks.<sup>132</sup>

Gender Equality Network (GEN), formerly the Women's Protection Technical Working Group, was set up in 2008 to focus on multi-sector and cross-cutting issues faced by girls and women.<sup>133</sup> GEN is an interagency network, comprising of approximately 60 local and international NGOs, civil society networks, and technical resource persons specializing in the development and implementation of enabling systems, structures, and practices for the advancement of women, gender equality, and the realization of women's rights in Myanmar.<sup>134</sup> Activities employed within GEN include activities such as: Engaging male and female teachers in an effort to transform gender norms and stereotypes and ensure gender awareness is included in teacher training in both formal and non-formal education.<sup>135</sup> There is a focus on bringing together a broad range of stakeholders, including education practitioners, employers and students, for programming aiming at challenging gender norms in occupational choices.<sup>136</sup> The GEN has also employed an initiative that takes advantage of the space created by HIV prevention activities to broaden awareness from not only disease control but also personal integrity and sexual and reproductive rights.<sup>137</sup>

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<sup>130</sup>[http://www.themimu.info/sites/themimu.info/files/documents/Ref\\_Doc\\_Brief\\_on\\_CS\\_O\\_and\\_NGOs\\_ADB\\_Feb2015\\_0.pdf](http://www.themimu.info/sites/themimu.info/files/documents/Ref_Doc_Brief_on_CS_O_and_NGOs_ADB_Feb2015_0.pdf)

<sup>131</sup> Ibid.

<sup>132</sup> Ibid.

<sup>133</sup>[http://www.themimu.info/sites/themimu.info/files/documents/Ref\\_Doc\\_Brief\\_on\\_CS\\_O\\_and\\_NGOs\\_ADB\\_Feb2015\\_0.pdf](http://www.themimu.info/sites/themimu.info/files/documents/Ref_Doc_Brief_on_CS_O_and_NGOs_ADB_Feb2015_0.pdf)

<sup>134</sup> Ibid.

<sup>135</sup><http://www.genmyanmar.org/publications/GEN%20Raising%20the%20Curtain%20Full%20Eng.pdf>

<sup>136</sup><http://www.genmyanmar.org/publications/GEN%20Raising%20the%20Curtain%20Full%20Eng.pdf>

<sup>137</sup><http://www.genmyanmar.org/publications/GEN%20Raising%20the%20Curtain%20Full%20Eng.pdf>

## CEFM in Myanmar

### Overview

As reported by UNFPA, CEFM remains under-addressed and incredibly complex in Myanmar, because, as noted above, they consist of mostly unwritten, customary laws which vary across the ethnic and religious groups. For example, Buddhist law allows boys from puberty to marry without parental consent, while the Christian Marriage Act allows the marriage of girls from 13 years and boys from 16. Collectively, it is relatively common for girls to marry in their teens with approximately 22% of girls 15-19 already married. Children in Myanmar can be married by participating in a ceremony conducted by a respectable couple or by sheer mutual consent with no ceremony at all.<sup>138</sup> Often couples would simply live together for a period and then announce to everyone they were married.<sup>139</sup> The union was formalized when they announced this to a senior person or respected member of the community.<sup>140</sup> Today a couple is considered married if they have lived together and are recognized as a couple by their neighbors.<sup>141</sup>

### Causes of CEFM

#### *Migration*

Due to Myanmar's significant economic and political changes since 2011, urbanization and internal migration have gained a lot of attention.<sup>142</sup> Studies have demonstrated particular rural/urban disparities, resulting from urban growth and the internal migrant population moving within the country for better job or educational opportunities.<sup>143</sup> Approximately two million Myanmar migrants are estimated to be in Thailand, many of their children left behind without suitable care in Myanmar.<sup>144</sup> UNICEF notes that the protracted situation of forced displacement, especially in the Northern States, has placed boys and girls at disproportionate risk of violence, neglect and abuse, including sexual exploitation, trafficking, and CEFM.<sup>145</sup> UNICEF reports that children affected by migration form a considerable proportion of trafficked persons, for sexual or CEFM purposes.

#### *The Role of Boys*

There is an important facet that needs to be considered, and that is; the role young boys play in CEFM, not as grooms, but as catalysts to the issue. In a study conducted by the ODI, it is suggested that boys drive CEFM. In most cases, boys initiate contact because it

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<sup>138</sup> [http://factsanddetails.com/southeast-asia/Myanmar/sub5\\_5c/entry-3041.html](http://factsanddetails.com/southeast-asia/Myanmar/sub5_5c/entry-3041.html)

<sup>139</sup> *Ibid.*

<sup>140</sup> *Ibid.*

<sup>141</sup> *Ibid.*

<sup>142</sup> <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC4784279/>

<sup>143</sup> <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC4784279/>

<sup>144</sup> <http://www.unicef.org/myanmar/protection.html>

<sup>145</sup> <http://www.unicef.org/myanmar/protection.html>

is culturally unacceptable for girls to pursue boys.<sup>146</sup> Boys have many reasons to marry early and little reason to wait because a wife reduces their workload and improves their social status. Among boys, while less controlled by filial piety, also want to help their parents by marrying sooner rather than later.<sup>147</sup> A case study from Girls Not Brides quoted a young girl as saying “If I don’t get married at this age, I can go to school and nurture my dream to be a teacher. However, if I become a teacher, no men in the village will want to marry me. They don’t like highly educated women. They prefer the young ones who can work hard in the field,” she says.<sup>148</sup> “Now I’m married, I will live a life like other married girls in the village: taking care of the family, working on the field and giving birth.”<sup>149</sup>

## Impact of CEFM

### *Education*

It is difficult to define whether CEFM causes school dropouts or vice versa, however, it is certain that CEFM often means the end to a girls’ formal education. Adolescent girls tend to drop out when they get married because the new role of a wife often comes with the expectation that she will take care of the home and care for her new husband, extended family and children.<sup>150</sup> CEFM disproportionately affects the educational opportunities and achievements of married girls, because it is unlikely that a married girl will return to school after her marriage. Child brides are far less able than older or unmarried girls to access schooling and income-generating opportunities”.<sup>151</sup>

The longer a girl stays in school, the less likely she is to be married before her 18<sup>th</sup> birthday. A study by the World Bank showed that girls who complete roughly 10 years of education are six times less likely to be married before her 18<sup>th</sup> birthday.<sup>152</sup> To accomplish this, they identified early enrollment in education as a priority and some incentives that are discussed below. Educating girls has an enormously positive impact on their communities. It can lower maternal mortality, improve children's health, lower birth rates and help women to find employment.<sup>153</sup>

As suggested by World Bank, it is imperative that a society is educated on the effects of CEFM. At its best, education regarding CEFM will provide girls with some tools to consult her own future.<sup>154</sup> Regardless of whether or not her opinions are considered by the decision makers, at least she is equipped with the knowledge to negotiate her future. It vests power in young girls to understand and claim their rights.

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<sup>146</sup> <https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications...files/9088.pdf>

<sup>147</sup> Ibid.

<sup>148</sup> <http://www.girlsnotbrides.org/>

<sup>149</sup> Ibid.

<sup>150</sup> <http://www.girlsnotbrides.org/themes/education/>

<sup>151</sup> Ibid.

<sup>152</sup> <documents.worldbank.org/curated/.../881790WP0Voice00Box385212B00PUBLIC0.pdf>

<sup>153</sup> Ibid.

<sup>154</sup> <documents.worldbank.org/curated/.../881790WP0Voice00Box385212B00PUBLIC0.pdf>

## *Marital Violence*

An ICRW report has determined that girls in a CEFM marriage are more likely to experience domestic violence than their peers who marry later.<sup>155</sup> They are more likely to believe that a man is justified in beating his wife.<sup>156</sup> Reports show that lack of relationship power among young brides is considered to be a key-moderating factor for violence within the relationship.<sup>157</sup>

In a case study administered by the United Nations Population Fund, child spouses often recounted instances of physical and psychological violence at the hands of not only husbands, but also at the hands of mothers-in-law, and other members of the husband's family.<sup>158</sup> Young, married girls, under the age of 18, are often reluctant to talk about instances of marital violence due to the cultural preference on the appearance of harmony and the shame associated with conflict at home.<sup>159</sup>

A 2015 workshop, 'Engaging Men to End Violence Against Women' organized by CARE Myanmar in Kayah State, found that that survivors of domestic abuse are often young, impressionable wives who are socially pressured into accepting traditional offerings as a ritual compensation practice referred to as 'cleansing the village'.<sup>160</sup> The practice of killing pigs and hens and distributing the meat to community members, instead of reporting domestic abuse to the police, is believed to spare the community from losing its dignity. The workshop noted that an inherent lack of legal awareness is a key barrier for women to access justice in these cases.<sup>161</sup>

Through Action Aid's Access to Justice and Preventing Sexual Violence Initiatives, funded by the UN Trust Fund and the UK's Foreign and Commonwealth Office, Action Aid has trained 20 men to be role models in their communities.<sup>162</sup> Action Aid's male-to-male engagement program has helped dramatically to modify the behavior and attitudes of, at least, 4 men in the community who, as a result of the training, have stopped beating their wives, as they were unaware that "beating your wife is not alright".<sup>163</sup> Engaging with men and boys to end violence, through awareness raising and peer-to-peer mentoring, is crucial, Action Aid concluded.<sup>164</sup>

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<sup>155</sup> <https://www.icrw.org/files/images/Child-Marriage-Fact-Sheet-Domestic-Violence.pdf>

<sup>156</sup> <https://www.icrw.org/files/images/Child-Marriage-Fact-Sheet-Domestic-Violence.pdf>

<sup>157</sup> <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3741349/>

<sup>158</sup> <http://eeca.unfpa.org/sites/default/files/pub-pdf/Child%20Marriage%20EECA%20Regional%20Overview.pdf>

<sup>159</sup> *Ibid.*

<sup>160</sup> *Ibid.*

<sup>161</sup> *Ibid.*

<sup>162</sup> [www.actionaid.org/.../should-men-be-involved-addressing-issues-violence-myanmar](http://www.actionaid.org/.../should-men-be-involved-addressing-issues-violence-myanmar)

<sup>163</sup> [http://www.actionaid.org/sites/files/actionaid/vaw\\_policy\\_brief\\_final\\_copy.pdf](http://www.actionaid.org/sites/files/actionaid/vaw_policy_brief_final_copy.pdf)

<sup>164</sup> [http://www.actionaid.org/sites/files/actionaid/vaw\\_policy\\_brief\\_final\\_copy.pdf](http://www.actionaid.org/sites/files/actionaid/vaw_policy_brief_final_copy.pdf)

## CAMBODIA

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### Landscape Analysis

#### National Overview

Cambodia's population sits at approximately 16 million people.<sup>165</sup> Cambodia is one of the world's poorest countries, with most of the workforce still employed in subsistence farming.<sup>166</sup> The World Bank estimates the poverty rate at 17.7% of the population, which equates to approximately 3 million people, with 90% living in rural Cambodia.<sup>167</sup> Today, Cambodia's urban areas generate 50% of gross domestic product (GDP) and are home to about 20% of the total population.<sup>168</sup> By 2030, Cambodia's urban population is expected to double, and the urban share of the national economy is estimated to rise to 70%.<sup>169</sup> Phnom Penh, a city of 1.5 million people, and other major urban centers will experience rapid growth and migration of people in search of a better life.<sup>170</sup> This increasing urbanization brings with it several consequences – both positive and negative – that influence economic and social development”.<sup>171</sup> There is much distrust of the police and judicial systems, which are believed to be corrupt with a number of disputes negotiated outside the legal system. There is a widespread assumption that persons with wealth and political power are outside the law. There have been many cases of violence against opposition politicians and journalists.

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<sup>165</sup> [www.theodora.com/wfbcurrent/cambodia/cambodia\\_people.html](http://www.theodora.com/wfbcurrent/cambodia/cambodia_people.html)

<sup>166</sup> Ibid.

<sup>167</sup> <http://www.phnompenhpost.com/analysis-and-op-ed/urbanisation-and-growth>

<sup>168</sup> <http://www.phnompenhpost.com/analysis-and-op-ed/urbanisation-and-growth>

<sup>169</sup> Ibid.

<sup>170</sup> <http://www.phnompenhpost.com/analysis-and-op-ed/urbanisation-and-growth>

<sup>171</sup> <http://www.phnompenhpost.com/analysis-and-op-ed/urbanisation-and-growth>

## Social Overview

In most spheres, there is some flexibility in gender roles. Most tasks performed by men are occasionally performed by women, and vice versa. Traditionally among villagers, men fish, plow, thresh rice, make and repair tools, and care for cattle. Women transplant seedlings, do washing, mending, house cleaning, perform most of the childcare and do the everyday shopping. Women are traditionally responsible for a family's money and engage in small-scale marketing. The fact that women control family finances may not be regarded as a sign of superiority but represents real power in practical terms. However, women have much less access than men to the highest positions of political and economic power. Traditional codes of behavior for women are more elaborate and strict than those for men. Their role is often marked symbolically as inferior.

The majority of people in Cambodia are Khmer (90 %) and smaller ethnic groups include Cham, Vietnamese and Chinese.<sup>172</sup> Buddhism is established as a national religion by the Constitution and 90% of the population is Buddhist.<sup>173</sup> Other religions practiced in Cambodia include Islam and Christianity.<sup>174</sup>

## **The National Human Rights Framework**

### Review of International Instruments in Cambodia

The *Convention on the Elimination of Discrimination Against Women* (CEDAW) was ratified by Cambodia in 1992, and clearly prohibits the practice of child marriage in Article 16.<sup>175</sup> In 1992, Cambodia ratified the *Convention on the Rights of the Child*, which prohibits States from allowing a union between persons who have not attained the age of majority, which is 18.<sup>176</sup> The CRC contains provisions that call for the abolishment of traditional practices prejudicial to the health of children.

The seriousness of CEFM can be illustrated through a decision by The Extraordinary Chambers in the Courts of Cambodia (ECCC), which was established in 2006 to bring the senior leaders of the Khmer Rouge to justice.<sup>177</sup> The ECCC found that rapes, which occurred in CEFM marriages, would be tried by the ECCC as inhumane acts under crimes against humanity.<sup>178</sup>

The Cambodian laws have set the minimum age of marriage for women at 18, however two important exceptions apply.<sup>179</sup> The first is that a woman under the age of 18 can be

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<sup>172</sup> [factsanddetails.com](http://factsanddetails.com) › Southeast Asia › Cambodia - People, Life and Culture

<sup>173</sup> Ibid.

<sup>174</sup> Ibid.

<sup>175</sup> <https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY...>

<sup>176</sup> Ibid.

<sup>177</sup> <http://digitalcommons.law.byu.edu/cgi/viewcontent.cgi?article=3021&context=lawreview>

<sup>178</sup> Ibid.

<sup>179</sup> <http://www.techinfomatique.tk/2016/04/law-on-marriage-and-family-of-cambodia.html>

married if her parents or guardian consent to the marriage.<sup>180</sup> The second is that if a woman under the age of 18 becomes pregnant, her parents or guardian can consent to the marriage.<sup>181</sup>

### Involvement of Civil Society

Generally, local NGOs are funded by donor countries and international NGOs. Given a traditional absence of associations outside the state and religious institutions, NGOs represent a significant development. Many focus on rural development, welfare, education, and women's issues. Perhaps the NGOs with the greatest immediate impact have been local human rights organizations, which have established extensive grassroots networks that have documented human rights abuses.

In 2005, Plan International began working with the Ministry of Interior towards Universal Birth Registration (UBR) under the country's registration system.<sup>182</sup> They have addressed the issues of overcharging for registration fees and the overly complicated registration procedures at the national level.<sup>183</sup> The Cambodian Committee of Women (CAMBOW), a coalition of 35 NGOs and networks dedicated to the advancement of women and children in Cambodia has opposed the Cambodian law that gives parents' the right to marry their daughter if she becomes pregnant.<sup>184</sup> In the context of Cambodian society and its culture to disapprove of children being born outside of marriage, it is very likely that pregnant girls under 18 will be forced to get married.<sup>185</sup> CAMBOW reports that children as young as 15 are being forced to marry men who have raped them after falling pregnant through rape. At the present time, the Cambodian government has not implemented any sort of plan to reduce CEFM, nor have they vocally committed to formally supporting women who were married as children.<sup>186</sup>

Chab Dai, a coalition of local NGOs assisting Cambodian women in China, fielded 55 cases of CEFM's in 2015.<sup>187</sup> Twenty-one of those women are waiting to be repatriated.<sup>188</sup> Launched in June 2014, the cross-border trafficking rescue department of Agape International Missions—a Cambodia-based Christian NGO—has handled 139 cries for help, with 66 of those women still stuck in China, awaiting either the funds or legal documentation to leave.<sup>189</sup>

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<sup>180</sup> <http://www.techinformatique.tk/2016/04/law-on-marriage-and-family-of-cambodia.html>

<sup>181</sup> *Ibid.*

<sup>182</sup> [unstats.un.org/unsd/vitalstatkb/Attachment698.aspx?AttachmentType...](http://unstats.un.org/unsd/vitalstatkb/Attachment698.aspx?AttachmentType...)

<sup>183</sup> *Ibid.*

<sup>184</sup> [ngocedaw.org/wp-content/uploads/2015/03/CEDAW-Shadow-Report-2013.pdf](http://ngocedaw.org/wp-content/uploads/2015/03/CEDAW-Shadow-Report-2013.pdf)

<sup>185</sup> *Ibid.*

<sup>186</sup> *Ibid.*

<sup>187</sup> <https://www.cambodiadaily.com/news/wedlocked-109814/>

<sup>188</sup> *Ibid.*

<sup>189</sup> [agapewebsite.org/](http://agapewebsite.org/)

## CEFM in Cambodia

### Overview

WHO statistics report that 18% of girls are married before the age of 18 and 2% are married before the age of 15.<sup>190</sup> Cambodia is a patriarchal society and women are expected to obey to traditions. Children are compelled to show gratitude to their parents; obliging to a marriage is a way of showing such gratitude.<sup>191</sup> It is highly unlikely that children will challenge their parents if facing CEFM. Cambodian society disapproves of children born out of wedlock; so very young girls who become pregnant will be forced into a marriage with the man.<sup>192</sup>

In Cambodia, marriage traditionally follows a spouse-selection process, negotiated primarily by the parents of the spouses, often before either child had reached the age of 18.<sup>193</sup> The parents' marital strategy is guided foremost by a concern over the social and economic status of both families.<sup>194</sup> Either the groom or his parents can initiate contacts with a potential bride's family, but a matchmaker is often involved in identifying an acceptable match.<sup>195</sup> The norm appears less flexible with respect to marrying an older bride than marrying a much younger bride, which is not favored but is tolerated.<sup>196</sup> The fairly long process of spousal selection and a preference for young wives imply that a daughter cannot veto her parents' choices too often.<sup>197</sup> A Khmer proverb reminds would-be picky daughters that: "you should be married before you are called an old maid."<sup>198</sup>

Sambo Manara, a History professor and deputy director of the History department at the Royal University of Phnom Penh says that early marriage is not just something that happens in the present day.<sup>199</sup> He says that: "early marriages often happened when there was a need to increase the birth rate, especially during and after war. In the post-Khmer Rouge regime period, a lot of people had lost family members, so they tried to build up their families again by marrying".<sup>200</sup> The effect of this is that the tradition continues to follow each generation.<sup>201</sup>

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<sup>190</sup> Ebihara M. A Cambodian Village Under the Khmer Rouge, 1975–1979. In: Kiernan B, editor. *Genocide and Democracy in Cambodia: The Khmer Rouge, the United Nations and the International Community*. Yale University Southeast Asia Studies; New Haven, CT: 1993

<sup>191</sup> Ibid.

<sup>192</sup> Ibid.

<sup>193</sup> Frieson KG. Revolution and Rural Response in Cambodia, 1970–1975. In: Kiernan B, editor. *Genocide and Democracy in Cambodia: The Khmer Rouge, the United Nations and the International Community*. Yale University Southeast Asia Studies; New Haven, CT: 1993. pp. 33–50.

<sup>194</sup> Ibid.

<sup>195</sup> Ibid.

<sup>196</sup> Ibid.

<sup>197</sup> Migozzi J. *Cambodge: faits et problèmes de population*. Editions du Centre National de la Recherche Scientifique; Paris: 1973. [Cambodia: Facts and population problems]

<sup>198</sup> <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3930764/>

<sup>199</sup> <http://www.phnompenhpost.com/lift/young-and-married>

<sup>200</sup> <http://www.phnompenhpost.com/lift/young-and-married>

<sup>201</sup> <http://www.iser.osaka-u.ac.jp/library/dp/2011/DP0805.pdf>

## Causes of Child Marriage

### *Security and Migration*

It is common for families to adopt the harmful practice of CEFM as an attempt to protect their children. The culture of sexual violence against girls may provoke parents to minimize the risk of sexual assault by marrying them as children early in order to protect them.<sup>202</sup> It is not uncommon for young girls to leave their homes and move into a home with their husbands if they feel unsafe in the village.

Thim Narin, from Adhoc, a specialist in women's issues in the Kompong Cham region speaks about the parents' concern that the children will leave the village in search of better economic opportunities if forced to marry a partner of whom they do not approve.<sup>203</sup> South Korea has been a destination for thousands of desperate young Cambodian women. However, this migration flux requires migrants to first learn the local language, which costs money that most families don't have, and requires a basic education, which is almost as scarce.<sup>204</sup> It is not uncommon for women to desperately begin working as domestic and sexual slaves.

Particularly, the region of Kompong Cham has for more than a decade been a source for East Asian men seeking foreign brides. Organizations and police from the national level admit they have scarce data on the latest trend in marriage migration, but the limited data does show that certain rural areas remain strategically targeted by those whom almost everybody here calls 'the brokers'.<sup>205</sup> "They go where the people are poor, where people are in debt," said Thol Meng, who, as deputy chief of the anti-human trafficking bureau in Kompong Cham, has a team of 17 officers at his disposal—the largest such force in the country, outside of Phnom Penh. During an interview, Mr. Meng explained how the furthest reaches of Chamkar Loev district, as well as similarly impoverished parts of Tbong Khmum and Stung Trang districts, were some of the hardest hit in the country by these "brokers".<sup>206</sup> After identifying a target area, he explained, squads of brokers sweep through communities, make their pitch to as many families as possible, and get out. As a narrative of sale and abuse began to take shape around this business, the Cambodian government in 2014 pressured the Chinese Embassy in Phnom Penh to more stringently assess the visa applications of young, single Cambodian women.<sup>207</sup> Until an alternative way emerges for young rural women to earn money, or the education of youth in rural Cambodia improves dramatically, China will remain a most attractive option for those laboring their lives away only to live on the edge of poverty. "As long as there is nothing for them to do here, young women will keep going to China," Ms. Narin said. And as long as they keep going to China "they will be failed by their own imaginations."<sup>208</sup>

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<sup>202</sup> <http://www.humanium.org/en/asia-pacific/cambodia/>

<sup>203</sup> <https://www.cambodiadaily.com/news/wedlocked-109814/>

<sup>204</sup> Ibid.

<sup>205</sup> Chea H, Sok H. The Cambodian Garment Industry. *Cambodian Development Review*. 2001;5(3):1–8.

<sup>206</sup> <https://www.cambodiadaily.com/news/wedlocked-109814/>

<sup>207</sup> Ibid.

<sup>208</sup> <https://www.cambodiadaily.com/news/wedlocked-109814/>

## Impact of Child Marriage

### *Adolescent Pregnancy*

Adolescent pregnancy is often not the result of a deliberate choice, but rather the absence of choices combined with the pressure to start a family after marriage. Adolescent pregnancy stemming from CEFM remains a major health concern in Cambodia. CEFM is a main contributing factor to adolescent pregnancy which can unquestionably endanger girls' lives. Pregnancy-related complications are the second leading cause of death among girls 15 to 19 years old in Cambodia. Khut Khemrin, a doctor and clinical service manager at Marie Stopes International in Cambodia said: "women at the age of 18 years or under have organs which are still developing, so pregnancy will cause problems, especially during delivery of a baby".<sup>209</sup> It is not only the girls giving birth who are endangered, but their children as well. The children born to adolescent girls are also prone to greater health risks and mortality.

### *Education*

Cambodia is recovering from many years of internal and external strife. The Khmer Rouge regime of the 1970s and Vietnamese occupation in the 1980s had severe repercussions for all aspects of the economy and society, including the education sector. Most Cambodian children attend school, but a large share complete only very few grades. Many Cambodian girls are being denied access to education if they are already married, so the opportunity to receive a quality education is a distant reality for the already married child bride. Provisions for better education may help delay the age at marriage and empower women. The future generations pulled out of school early with no skills to access employment opportunity become part of the vicious cycle of poverty.

### *Domestic Abuse*

WHO reports that girls married too early are more likely to experience domestic violence, abuse and forced sexual relationships. Research by UNICEF found that over 30% of women married as girls in Cambodia had experienced domestic violence, which is much higher than levels experienced by women who married as adults.<sup>210</sup> CEFM can increase the risk of girls falling victim to domestic violence because of an extreme power imbalance in the home, especially if there is a large age difference between a child bride and her husband.<sup>211</sup> In a study conducted last year measuring attitudes about violence against women, researchers inquired young girls on what reasons justified a husband in hitting or beating his wife. The participants gave the following scenarios: (1) if she goes out without telling him, (2) if she neglects the children, (3) if she argues with him, (4) if she refuses to have sex with him, and (5) if she burns the food."<sup>212</sup> Due to perceived

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<sup>209</sup> <http://www.phnompenhpost.com/lift/young-and-married>

<sup>210</sup> [www.breakthrough.tv/earlymarriage/.../impact-early-marriage-domestic...](http://www.breakthrough.tv/earlymarriage/.../impact-early-marriage-domestic...)

<sup>211</sup> Ibid.

<sup>212</sup> <https://rewire.news/article/2014/01/21/report-sex-trafficking/>

stigma related to reporting crimes and attitudes that encourage reconciliation rather than prosecution, domestic assault are frequent.<sup>213</sup>

### **CASE STUDY: CAMBODIA**

In September 2016, World Vision Cambodia conducted a number of focus group discussions and one-on-one interviews in different Area Development Programmes (ADP's) across the country. The groups of people interviewed were:

- 1) Parents- male and female
- 2) Girls who married under 18
- 3) Unmarried boys and girls under 18
- 4) Commune Leaders
- 5) School Teachers
- 6) A midwife

Case study interviews are presented in synthesized form to eliminate redundancies and to highlight thematic parallels across accounts.

### **FINDINGS**

#### Participants:

Group discussion with parents with unmarried children and children married under 18

- Male and female participants
- Between 24-55 years of age
- Most of the women were married at 14 or 15 and had an average of 7 children

Firstly, the parents were asked whether they had knowledge of the legal age of marriage in Cambodia. The answers ranged from 15-28 years old. When parents were asked about the ideal age for persons to be married, the answers varied from 15 – 21 years for girls and 18-31 for boys. The median age of marriage in this community is 14 – 21. When asked about the discrepancy between the ideal age and actual age, the parents said that often it was the children who wanted to get married early because they wanted to have their own house, live separately from their parents, start a family, have some financial independence or they were concerned that their boyfriends would leave them if they did not marry early and quickly. They also did not want to be left behind as the only unmarried girl in the village. All participants said that if a couple was having sex outside of marriage or if the girl fell pregnant, then they would force them to get married. It was far better to be married when pregnant, than not.

When asked about the situations where the parents forced the child to get married, they said that they forced their children to get married because getting married keeps

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<sup>213</sup> Ibid.

men in the community and out of trouble, while unmarried men will begin using drugs and migrate to the city and leave their families.

There were a number of situations where the parents admitted that they did not even know the age of their daughters but they married them when they looked big enough. In especially dire circumstances, poorer families married their daughters early for the benefit of the bride price.

When asked about premarital sex, they said that it is considerable taboo in the village. They said premarital sex is not good because it is against the culture of Cambodia. They gave no specific reasons just that it is not allowed. When asked what was worse; premarital sex or early marriage, they said that it was best to get married early because the reputation to the family is harmed if the village finds out a child is having sex before marriage. They believe that there are some ghosts that come to the family if the child has sex before marriage.

The parents were asked on what actions they would take if their child wanted to marry early without their blessings. Nearly all the parents agreed that they would still let their children marry early, even if they disagreed for fear that the child would kill themselves, get pregnant outside marriage or migrate to another country and not care for the parents in their old age. This led the discussion to pregnancy outside of marriage. All the participants agreed that it was especially taboo for a girl to be pregnant outside of marriage and that they would force their child to marry if she fell pregnant out of wedlock. They said that a girl who is known not to be a virgin may be stigmatized and regarded as unworthy of marriage for having brought dishonor to herself and her family, even if the loss of virginity has been the result of sexual abuse.

The group was asked about the advantages and disadvantages of being married under the age of 18. A number of the participants agreed that an advantage of an early marriage was having children early, the couple gets their own land to harvest, the parents have someone to look after them and they can start contributing some income to the family. When asked about the disadvantages of marrying before 18, the answer was simply, that the children are not wise enough to marry at that age. Another disadvantage voiced by the group was that marriage increased the instances of domestic violence. They explained that while at home a son is less likely to drink alcohol and act out, but once married and in his own home, these instances are more frequent.

When asked about whether any parents had forced their daughters to get married before 18, some admitted that they had. In these instances, the parents said that the daughter had honored their wishes to get married, but that the couple divorced shortly after. When asked about the topic of divorce, the members had little problem with it; it was not ideal, but it was neither a taboo in the community; it was quite common.

The participants were asked about the importance of educating the children in the community. A majority of their own children were not in school or had dropped out. The

group placed a high value on the importance of education, and would often try to force their children to go to school. They said that many of the village children did not want to go to school because they liked to farm, and go to the field and not go to school. Again, the parents did not want to upset the child too much for fear that they would leave the home. The participants expressed a desire for the school curriculum to include the disadvantages of early marriage, which is currently not the case. The consensus was that a girl was not to continue schooling if she was married.

When asked about their wishes for their children, all parents said they wanted their children to finish school and have a career but they did not have the option. When asked what they preferred for their own lives, nearly all said they would like preferred to get marry later and have careers, but they did not have the money or means to get an education or begin a career. When asked what kind of careers they would have wanted they said simple careers like smaller businesses. For the participants who had young children, they said that they will teach their children to stay in school, but if it is not an option, they will marry them early.

The groups were asked about the ideal number for grandchildren. The median number was 3. The participants came from larger families of 7 or 8 and expressed concern that these numbers were too high. They would encourage their children to have fewer children themselves. Most parents felt comfortable talking and teaching their children about birth spacing or would encourage them to meet with the Village doctor. They did not feel comfortable talking to children about sex.

#### Participants:

Girls married before the age of 18; participants were married between the age of 15-17.

All the girls interviewed in this section were married before the age of 18 and some had children before the age of 18.

There was a myriad of responses from the participants when asked about the circumstances of their marriages. However, whether due to family pressure or lack of other options, all the participants felt compelled in some way to marry early. One of the girls fell pregnant at 15 out of wedlock and was forced to marry. Many others felt that if they did not marry their boyfriends early that they would leave them and choose other girls. When asked one of the respondents whether she would have liked to pursue some kind of career, she responded: "yes, but I am not a good student, I am not clever. I do not know how to read or write, so I got married instead".

One participant, when asked about the circumstances of her marriage said: "No one told me to get married. I just wanted to have a family. I had a son, but he died. He was alive for only one month and then he passed away. He cried and cried and then he died. I do not know what happened. I brought him to the hospital but when I got there, he was already dead".

Unanimously, all participants in the interviews believed that marrying before the age of 18 was too young. None of them wished the same fate on their own children. All expressed a desire for their children to go to school and get educated but acknowledged that if not economically possible, they would, by no other option, marry their children early. Each participant agreed that it would have been better to go to school and have a career than marry early. Another participant said: "I dropped out of school when I was 15 because I did not have enough money for school so I decided to get married. I would have liked to be a nurse. I do not want my children to be like me. I want them to have a career and then have a husband or a wife. I am living in such a difficult situation, I do not want the same for my children".

When asked about the advantages of being married early, the participants cited reasons such as eternal companionship, love, sex without guilt and starting families.

None of the girls interviewed knew the legal age of marriage in Cambodia

All had some knowledge of maternal health from the local family health center, but it was very limited. Half of the participants were spoken to about sex from their mothers, and the other half had no sexual or reproductive education. None of the participants were taking or using any form of contraception, but they were aware of "birth spacing". The average number of children desired by the women was 2-3.

None of the participants acknowledged any kind of sexual or domestic abuse in the relationship, however, the interviews were conducted in the presence of a male translator from World Vision and a male Village Leader, and so it is difficult to assess the truthfulness of their answers in respect to these sensitive topics.

#### Participants:

Commune Leaders

The participants suppose that the average age of marriage in the community is 16-18 for girls and 20 for boys. All participants agreed that it was not appropriate to be married under the age of 18, but that it happened frequently. One commune leader spoke of a few girls around the age of 15 who were married in the community.

When asked about the traditional practices, they said that often, one month prior to the marriage, the prospective couple must go to the Commune and give consent to the commune leader for the marriage. When asked whether they would process a marriage if under the age of 18, then they would because many believed the legal age of marriage in Cambodia is 16. There was inconsistency in the commune leaders' knowledge of the legal age of marriage in Cambodia.

Some leaders explained that for early marriage, they did not issue a marriage certificate; rather they made an informal contract with the family. The contract is not a marriage

certificate, but it is an acknowledgment of the marriage. The contract states that when the couple turns of legal age, then they will register the marriage.

The customary practice in these communities is that the groom will ask the brides' parents for the girl's hand in marriage. She often has no decision on whether she wants to get married to that person. Similarly, some grooms might not like the girl, but his parents make him marry for economic reasons, or the bride price, for example. A common price bride for a wealthy family is USD 3000 or between USD 600 and USD 900 for a poorer family. The leaders recanted instances where they have seen couples attempt to reject one another, but they are often forced by their parents to marry anyway. They believed that parents may view early marriage as an opportunity to economically unburden themselves of the responsibility of providing for a child, who is ultimately meant to contribute to another household.

When asked about the process of birth registration, all the commune leaders say that it is common in the community for children to be registered. It may not happen within the 30 days that is legislated, but within a year or two of a birth, the child is often registered.

The marriage registration is not common because it is challenging to get through the process of a divorce. To get a divorce certificate, it is the responsibility of the court.

When asked about the enforcement of fines for an early marriage, all participants knew that they existed, but none of them had ever seen it implemented. However, in a one-on-one interview with a leader, he said that he knew of some commune leaders threatening to enforce the penalties, but taking the money for themselves instead and still marrying the children.

A recommendation from a commune leader was that the Government should collaborate with NGO's and Commune Leaders and have them all bring awareness to the disadvantages of early marriage.

#### Participants:

School Teachers from primary and secondary schools

The teachers from both the primary and secondary level schools confirmed that there is no teaching regarding CEFM in either school curriculum. When asked the reason, they said that the Ministry of Education in Cambodia writes the curriculum for urban children and they do not often consider issues faced by rural children, like CEFM. The curriculum does not talk about migration and trafficking either, because it is the role of the police to address this. The police report incidents of trafficking to the school, but it is not incorporated into the curriculum.

In these communities, it is quite common for boys to drop out of school earlier than girls. Boys drop out of school around Grade 4 to help their families, but girls stay in school a few years later, often until they get married.

When asked on their opinion of the appeal of getting married young, all teachers said it was either because they children were forced by their parents or because of lack of opportunity. If it is not possible for a child to study, either for financial or personal reasons, then the only thing for them to do was get married. The appeal of marriage is the companionship that it brings.

The teachers said it is common for the children to marry in secret, so they do not get in trouble by the commune leaders.

None of the teachers had ever heard of an already married girl continuing education.

When asked about recommendations for this report, they said that teaching of CEFM should be included in the curriculum and that penalties should be enforced and increased against parents if they get caught marrying their children early. They believed this would serve as a deterrent.

Participants:

Unmarried girls and boys 13 – 23 years old

The median answer for “best age to marry” amongst the groups was between 18-30 for girls and boys respectively. Most participants acknowledged that it was best to wait until over 18 to be married. However, if you wanted to marry early, it was simple to go to the government and ask them to move up the age. They unanimously said that the legal age of marriage in Cambodia was 18.

The children were asked about their responses if their parents forced them to get married. Many would try and disagree with their parents but that that would be challenging because they should respect their parent’s wishes to marry. No respondents made mention of leaving the village or harming themselves, they would simply follow their parents’ wishes.

When asked about the advantages of being married early, they said the advantages would be that they could have sex, have a family, and move away from their family early.

When asked about premarital sex, they said it was against the Khmer tradition. However, the advantage is that they get to experience it without committing to marry the person.

Feelings about divorce were mixed, some believed it was appropriate to divorce in certain circumstances and some thought that it was against tradition. The most appropriate circumstances were domestic and alcohol abuse and infidelity.

A majority of children expressed an interest to become a teacher, a nurse, a doctor or an engineer.

Participant:

Midwife.

She says it is normal for a 14 or 15-year-old girls to deliver babies at her health center; the girls marry at an early age, which is why they have children so young. Having a child is like an automatic response to marriage.

It is common for babies of adolescent girls to be delivered at 6 or 7 months.

There are no injections given during birth, just local relaxants. C-section births are not common in the village.

Birth certificates are not issued in the health center, they are issued by the commune leaders.

Recommendations – The Government should train the midwives on the disadvantages of early marriage.

## GENERAL AND KEY RECOMMENDATIONS

CEFM is complex, influenced by – and influencing – the social and economic conditions in a given national context, as well as cultural, social, and religious attitudes to gender roles, sexuality, and the appropriate age for childbearing. If this practice continues at its current rate, then approximately 320 million girls will be at risk of CEFM by 2050. This means that over 18 million girls a year will be married before the age of 18.<sup>214</sup> All of the countries covered in this report have some form of law in place to protect girls from CEFM and yet the practice is prevalent throughout these countries. What is needed is better engagement in challenging people’s attitudes both to CEFM and to the status of women and girls more generally. Without this grassroots engagement, little will change across these countries, and thousands of girls each year will continue to see their futures cut off by CEFM. Fortunately, there are a number of ways World Vision International can take part in elimination this harmful practice. Below are a number of key and general recommendations that are applicable to Vietnam, Laos, Myanmar and Cambodia.

There is not a single methodology found to be visibly more successful than others in determining how different policies and programs effect adolescent girls’ development from childhood to adulthood. However, a systematic review of evidence-based programs completed by the International Centre for Research on Women found that the majority of programs in Asia used five primary strategies:

1. Empowering girls with information, skills, and support network
2. Educating and mobilizing parents and community members
3. Enhancing the accessibility and quality of formal schooling for girls
4. Offering economic support and incentives for girls and their families and;
5. Fostering an enabling legal and policy framework.<sup>215</sup>
6. Strengthening child protection system
7. Empowering child participation and enhance life skills education, reproductive health education and these should be integrated into the education curriculum
8. Enabling environment for social work profession

### Role Models

Girls Not Brides’ Theory of Change includes a Safe Space Program, which provides young girls at risk of CEFM, with an opportunity to meet mentors in an informal setting and learn about the services they can access in their community.<sup>216</sup> Role models help young

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<sup>214</sup> [www.icrw.org](http://www.icrw.org) › ... › *Child Marriage*

<sup>215</sup> [www.icrw.org/.../Solutions-to-End-Child...](http://www.icrw.org/.../Solutions-to-End-Child...)

<sup>216</sup> [www.girlsummit2014.org/](http://www.girlsummit2014.org/)

girls to envision what alternative roles could look like in their communities, by supporting them in choosing their own paths.<sup>217</sup>

The Overseas Development Institute (ODI) reported that peer-to-peer messaging about the advantages of later marriage - older girls are better able to handle the workload of marriage and carry healthier babies - appear to be well understood.<sup>218</sup> The interviewees in the ODI's case study reported that while their schoolteachers were inspirational, most adolescents are unable to conceive that their lives could differ significantly from those of their parents and teachers.<sup>219</sup> Initiatives could include visits from University students in urban centers and girls clubs where role models could be invited to talk.

In Laos, teenage girls who continue to study beyond puberty are exceptional because traditionally they do not attend school past the 6<sup>th</sup> grade. There are almost no educated Hmong women who act as role models in Laos, most would be already married and having families of their own. Recent consultations from a study group administered by Save the Children in Laos, showed that girls identified their desire for a trusted advisor who can support them. They also expressed their desire to learn from an adult about different and safe ways to make and manage money.<sup>220</sup>

#### Increased Access to Information

Primary prevention, such as educating children from an early age, should be more strongly enforced, as well as public awareness campaigns on the unacceptability and the sanctions against CEFM. Prevention needs to be done by educating communities and by enforcing the existing family law, which does not allow marriage before the age of consent.

Increased access to information regarding education, sexual and reproductive health including family planning can help young people stay healthy, stay in school, and contribute to the workforce, subsequently resulting in sustainable development and advancement of the country. "If a girl is educated, healthy, safe and skilled, she will invest in herself, her present and future family, her community and in the end this will help to build a healthy nation," says Esther Muia, UNFPA Representative.<sup>221</sup>

To increase school enrolment in poorer villages, residents need to be convinced that education brings real economic benefits. To improve education in ethnic communities, linguistic and cultural barriers must be overcome along with geographic challenges. "We have to improve primary education and secondary schools, to a point where everyone sees that education can really lead to better livelihoods and living conditions," says Dr. Phankham Viphavan, Lao PDR's Minister of Education and Sports.

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<sup>217</sup> Ibid.

<sup>218</sup> <https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications...files/8832.pdf>

<sup>219</sup> Ibid.

<sup>220</sup> <https://campaigns.savethechildren.net/sites/campaigns.savethechildren.net/files/Laos%20Spotlight.pdf>

<sup>221</sup> [www.unfpa.org/es/node/8314](http://www.unfpa.org/es/node/8314)

### Birth/Marriage Registration

Birth registration is a human right, which supports the enjoyment of certain rights. For example, a birth certificate in Cambodia provides children with an official identity, giving them greater protection against being married off before the age of 18.

Registration of birth and marriage can be essential to combating child marriage by requiring documentation of the age of the prospective spouses prior to solemnization. CEFM is very common in rural areas where registration offices for births and health centers are few and far between.<sup>222</sup> The aim should be to provide greater access to registration centers and support for registration in rural areas, or perhaps even mobile services. Government failure to implement systems of birth and marriage registration makes it easier to avoid compliance with minimum age of marriage law.<sup>223</sup>

The registration of marriages is an unsuccessful means to enforcing the minimum age of marriage if the age of the children is uncertain. Effective marriage registration is only possible if it can rely on judicious birth registration. In countries where birth registration is not implemented consistently, marriage registration is likely to hinge on unreliable birth certificates. According to UNICEF, the gap in recording births facilitates the falsification of the age and identity of children, particularly of girls being sought for early marriage. When a girl's birth is correctly licensed, her identity is secure and her ability to access basic services and have her rights protected are significantly heightened.<sup>224</sup>

### Campaigns for Continuing Education

Being enrolled in school is associated with a 35% lower chance of girls marrying early. This effect is after controlling for other factors such as poverty, which may themselves affect the chances of early marriage.<sup>225</sup>

Schooling protects against CEFM for at least two reasons. First, simply being enrolled in school helps in society still seeing the girl as a child, and thus not marriageable.<sup>226</sup> Secondly, other than home, schools can be seen as a "safe space" for girls. There are continued parental apprehensions about violence or sexual harassment in settings outside of the home. Additionally, the content of schooling helps girls acquire skills and information, which provide an ability to better communicate and negotiate their

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<sup>222</sup> [http://www.equalitynow.org/sites/default/files/Protecting\\_the\\_Girl\\_Child.pdf](http://www.equalitynow.org/sites/default/files/Protecting_the_Girl_Child.pdf)

<sup>223</sup> [http://www.equalitynow.org/sites/default/files/Protecting\\_the\\_Girl\\_Child.pdf](http://www.equalitynow.org/sites/default/files/Protecting_the_Girl_Child.pdf)

<sup>224</sup> Ibid.

<sup>225</sup>

[http://www.younglives.org.uk/sites/www.younglives.org.uk/files/YL-VIETNAM-PB3\\_Risk%20factors%20for%20early%20marriage.pdf](http://www.younglives.org.uk/sites/www.younglives.org.uk/files/YL-VIETNAM-PB3_Risk%20factors%20for%20early%20marriage.pdf)

<sup>226</sup> <http://www.icrw.org/files/publications/Solutions-to-End-Child-Marriage.pdf>

interests. One health officer in Phu Yen province in Vietnam explained that: “The reason why ethnic minority girls get married early is they are not going to school (thus they have time to hang out). Being close to boyfriends makes them afraid of getting pregnant, thus they want to get married early.”<sup>227</sup>

The International Centre for Research on Women (ICRW) found that programs that worked directly with the girls to empower them with information, skills and resources produced the strongest results.<sup>228</sup> Those in charge of girls' education campaigns should be supported with leadership and technical training. Families should be taught about the option of flexible schooling (if an option), which could allow girls to work and earn money while not dropping out of the school system entirely.<sup>229</sup> Campaigns should not ignore girls who are already married.<sup>230</sup> They could teach girls, their husbands and their husbands' families about alternative, non-formal education models. ICRW found that providing incentives for continuing education, such as uniforms or scholarships, were effective. Young Lives UK suggested that incremental incentives should be given to all ethnic minority girls as they progress to higher grades.<sup>231</sup>

### Cash Incentives

Researchers found that keeping adolescents in school delays CEFM,<sup>232</sup> and that cash incentives were effective at preventing CEFM and adolescent pregnancy.

The Japan Fund for Poverty Reduction (JFPR) is a scholarship program, which was initiated in Cambodia in the 2004 school year. This program awarded scholarships to young girls from poor families who were completing sixth grade.<sup>233</sup> The scholarship program increased the enrollment and attendance of recipients at program schools by about 30%. The impact of the program on enrollment and attendance is largest for the most disadvantaged girls—girls of lower socio- economic status, girls with lower parental education levels, and girls living further away from school. The results showed that demand-side incentives can effectively increase the school enrollment and attendance of girls in one of the poorest countries in the world, with weak public sector institutions and relatively low quality schooling.<sup>234</sup> Raising the schooling levels of girls is generally seen as an important priority for many developing countries. The correlation is clear, with research indicating that a contributing factor to child marriage is lack of

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[http://www.younglives.org.uk/sites/www.younglives.org.uk/files/YL-VIETNAM-PB3\\_Risk%20factors%20for%20early%20marriage.pdf](http://www.younglives.org.uk/sites/www.younglives.org.uk/files/YL-VIETNAM-PB3_Risk%20factors%20for%20early%20marriage.pdf)

<sup>228</sup> [http://www.icrw.org/sites/default/files/publications/19967\\_ICRW-Solutions001%20pdf.pdf](http://www.icrw.org/sites/default/files/publications/19967_ICRW-Solutions001%20pdf.pdf)

<sup>229</sup> Ibid.

<sup>230</sup> Ibid.

<sup>231</sup>

[http://www.younglives.org.uk/sites/www.younglives.org.uk/files/YL-VIETNAM-PB3\\_Risk%20factors%20for%20early%20marriage.pdf](http://www.younglives.org.uk/sites/www.younglives.org.uk/files/YL-VIETNAM-PB3_Risk%20factors%20for%20early%20marriage.pdf)

<sup>232</sup> Ibid.

<sup>233</sup> [siteresources.worldbank.org/INTPUBSERV/.../Filmer&SchadyGettingGirlsSchool.pdf](http://siteresources.worldbank.org/INTPUBSERV/.../Filmer&SchadyGettingGirlsSchool.pdf)

<sup>234</sup> Ibid.

education. It is appropriate to identify incentives to keep girls in school as a means of alleviating the prevalence of child marriages.<sup>235</sup>

Plan International's "Because I am a Girl", campaign was aimed directly at tackling CEFM. Plan advocated for the education and involvement of community elders and families in programs addressing CEFM. They said: "the cultural norms in many parts of these countries are that girls should marry early and the opinion of elders is highly respected, especially among ethnic minority groups".<sup>236</sup> In a case study, a senior citizen was quoted as saying: "They get married because they are truly in love, which is much better than having premarital sex with each other before marriage. They get married early to stabilize their lives and work for a better living, so it's good".<sup>237</sup>

The key findings from the "Because I am a Girl", campaign were:

1. Efforts should be made to teach parents about the specific vulnerabilities that face girls.
2. Direct enforcement of the law is effective.
3. Promotion of peer-to-peer education to help tackle the issue of female role models for adolescent girls. This could include offering the girls already enrolled in high school the opportunity to show younger girls, through peer-to-peer mentoring initiatives, what girls can do. Building bridges between high school students and lower-secondary schools foster leadership skills in older girls and provide younger girls with the role models they desperately want and need.
4. Programming should also proactively target boys.
5. Girls' clubs that encourage a participatory approach are effective and should be expanded.<sup>238</sup>

## Conclusion

Clearly, CEFM is a multi-faceted issue with varying root causes. Whether a child chooses to marry for lack of other options, or families adopt CEFM as an ultimate act of care and responsibility to protect the honor of their daughters, CEFM is a problem that requires in depth understanding and integrated responses.

For many parents, early marriage is resorted to as a safeguard against disrepute and a path to giving the girl child a future, while averting actions that would bring shame to the family, such as a daughter engaging in pre-marital sex, eloping, or leaving the community. Poverty, social expectations, culturally-embedded norms and gender stereotypes compel parents of girls to take upon themselves the responsibility to marry

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<sup>235</sup> Ibid.

<sup>236</sup> <https://www.planusa.org/docs/birth-registration-rights-2014.pdf>

<sup>237</sup> Ibid.

<sup>238</sup> <https://www.planusa.org/docs/birth-registration-rights-2014.pdf>

their daughters early and encourage them to leave home and start their own families when they are still children.

Regardless of whether a girl chooses to marry prematurely or if it is forced on her, an early marriage is an abrupt event that stops the natural personal and social evolution of a girl at a critical time. In the research conducted, it is clear that there is little to no understanding at the grassroots level on the harmful effects an early marriage has to a young girl. Simply put, great emphasis needs to be placed on educating all relevant persons on the destructive effects of CEFM and the perpetuating cycle of poverty that it creates in a community.

Understanding the plea of prematurely married girls and preventing CEFM requires a commitment by World Vision as a key step toward achieving agenda for global human, social, economic development and, in particular, as a necessary route toward achieving gender equality and empowering all women and girls.