



## **One Step Forward, Two Steps Back: How COVID-19 has Setback a Decade's Long Battle to Stop Child Marriage in South Asia**

By: Chandler Wilson

### **Introduction**

In South Asia,<sup>1</sup> a history of troubling social norms and gender inequality, poverty, and lack of education have placed women and girls in inferior positions to men and boys. As a result, the practice of child and forced marriage<sup>2</sup> is common in South Asia. Since 2020, COVID-19 has exacerbated child marriage rates throughout South Asia,<sup>3</sup> disrupting progress made to stop the practice, future generations of families born into these marriages, and South Asian society as a whole. Because of the pandemic, the most vulnerable girls and women in South Asia are at an increased risk of child marriage.<sup>4</sup> These child marriages deprive children of education,

contribute to poverty and intimate partner violence, and heighten health risks associated with adolescent pregnancy, among other things.<sup>5</sup>

Over the last two years, much of the world's time and financial resources have been given to pandemic-related issues and relief, stripping this time and these resources away from other efforts prioritized before COVID-19. This is true as it relates to child marriage in South Asia. Despite COVID-19 playing a crucial role in the increase of child marriage throughout the region, the fight to end child marriage in South Asia largely disappeared following the outbreak of the pandemic. International human rights actors must resume their fight against child marriage in this region and renew their goal of ending the practice.

### **I. Child Marriage Generally**

While child marriages can and do include underage boys and men, child marriages mostly involve underage girls.<sup>6</sup> Child marriage is typically “the result of entrenched gender inequality, making girls disproportionately affected by the practice.”<sup>7</sup> The practice is most prevalent in impoverished, uneducated regions where patriarchal views and gender norms are so fixed that girls and women have no voice in making decisions for their lives.<sup>8</sup> In addition to poverty and economic insecurity, early pregnancy and lack of education are driving causes of child and forced marriage.<sup>9</sup> These preexisting issues are exacerbated by humanitarian emergencies, armed conflict, or other unplanned threats, such as COVID-19.<sup>10</sup> On average, 12 million girls are married underage every year; this is 28 girls every minute.<sup>11</sup> “[Child marriage] threatens the lives and futures of girls and women around the world, robbing them of their agency to make decisions about their lives, disrupting their education, making them more vulnerable to violence, discrimination and abuse, and preventing their full participation in economic, political and social spheres.”<sup>12</sup>

Girls who are forced to marry in childhood face immediate and lifelong consequences. They often experience early and frequent pregnancy and childbirth, which is especially problematic because adolescent pregnancies carry a higher rate of death and complications for both the mother and infant.<sup>13</sup> Further, child brides are often victims of domestic violence, isolated from their families and friends, and excluded from participating in their communities and schooling, resulting in numerous mental health issues.<sup>14</sup>

Education plays a significant role in child marriage. Not only is the practice more common in poor, rural communities where many are uneducated, but girls who have received little or no formal education are disproportionately affected.<sup>15</sup> Further, child marriage creates a serious obstacle to achieving future educational opportunities, developing employable skills, and ultimately entering the workforce.<sup>16</sup> Child marriage robs girls of “educational possibilities and opportunities . . . directly related to the empowerment of women and girls, their employment and economic opportunities, and their active participation in economic, social and cultural development, governance and decision-making.”<sup>17</sup> Additionally, because of the devastating impact on a girl’s physical and mental health, her future, and her family, among other lasting consequences, there are substantial economic costs placed on countries where child marriage is common, like negative implications for development and prosperity.<sup>18</sup>

The risk of child marriage is linked to uncertainty and hardship. This includes times of economic shock, school closures, interruptions in services, and other events or catastrophes that lead to economic insecurity.<sup>19</sup> Additionally, societal norms, customary or religious regulations, the notions of family honor, and death of a parent(s), as well as many other societal, cultural, and familial factors, contribute to child marriage rates globally.<sup>20</sup>

## **II. Child Marriage in South Asia Before and After COVID-19**

Even before COVID-19, 100 million girls were at risk of child marriage before 2030.<sup>21</sup> In the ten years prior to the pandemic, there was a 15 percent decrease in child marriages globally, from one in four to one in five underage girls married.<sup>22</sup> In other words, 25 million marriages were averted between 2010 and 2020. However, child marriage is still a common practice in South Asia.<sup>23</sup> South Asia is the largest contributor to the number of child brides globally, accounting for a significant amount more than West and Central Africa, the second highest contributing area.<sup>24</sup> During 2020, there were 500,000 cases of child marriages estimated worldwide; South Asia had nearly 200,000 cases, West and Central Africa accounted for less than 100,000 cases, and the entire the rest of the world accounted for the remaining 200,000.<sup>25</sup> These numbers worsened once the pandemic hit.

Though COVID-19 is a health crisis, it has played a significant role in various human rights crises internationally. The pandemic has amplified preexisting vulnerabilities and led to overlooking human rights challenges worldwide. “Exacerbated financial crisis, the prolonged shutdown of educational institutions and social insecurities are the principal triggering factors for such a high pace of child marriages [in the region].”<sup>26</sup> Measures put in place to fight the spread of the pandemic are putting a decade’s long progress to end child marriage at risk.<sup>27</sup>

In March 2020, UNICEF estimated that ten million additional child marriages will occur before 2030 because of the pandemic.<sup>28</sup> School closures will likely increase child marriages by 25 percent.<sup>29</sup> Education is evidenced to be a protective factor against child marriage not only because of time spent in the classroom learning but because increased quality of post-schooling opportunities, higher literacy levels, and the benefit of self-sustainability in the future.<sup>30</sup> School closures triggered by the pandemic are pushing girls into marriages due to school no longer being an option for them.<sup>31</sup> This is only worsened by job loss and parental deaths caused by

COVID-19, which disproportionately affects poor families and regions.<sup>32</sup> Because of the devastating effects COVID-19 has had on child marriage rates in South Asia, “[i]t is more important than ever to reimagine approaches to protect girls and accelerate action to end child marriage.”<sup>33</sup>

### **III. Human Rights Violation at Play**

“Child and forced marriage . . . is a human rights violation and a harmful practice that disproportionately affects woman and girls globally, preventing them from living their lives free from all forms of violence.”<sup>34</sup> Under international law, every person has the right to choose whether and when to marry, who to marry, whether and when to have children, and how to raise a family.<sup>35</sup> The United Nations has declared child marriage a violation of human, women’s, and children’s rights under the Universal Declaration of Human Rights; the Convention on the Elimination of All Forms of Discrimination Against Women; the Convention on the Rights of the Child; the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages; the International Covenant on Civil and Political Rights; and the International Covenant on Economic, Social and Cultural Rights.<sup>36</sup>

Specifically, the Universal Declaration of Human Rights protects individuals against entering forced marriages. It states that individuals must enter marriage freely and with full consent of the intending spouses, further stating that only those men and women who are of full age have the right to marry and found a family.<sup>37</sup> Article 15 of the Convention on the Elimination of All Forms of Discrimination Against Women asserts full equality of women and men in civil and business matters.<sup>38</sup> Additionally, article 16 specifically requires the equal rights and obligations of women and men regarding choices of marriage, spouse, parenthood, personal rights and command over property.<sup>39</sup> The Convention on the Rights of the Child protects

children “from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse . . .”<sup>40</sup> The Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages requires all States Parties to determine an appropriate minimum marriage age, making all marriages entered into involving persons below that age unlawful.<sup>41</sup> While it does not state what the specific age must be, the Convention on the Rights of the Child names all persons under the age of 18 to be children.<sup>42</sup> When a country takes advantage of the right to determine minimum marriage age for itself by either setting a very young minimum age or not setting an age at all, international actors should look to the Convention on the Rights of the Child as a guide.

Although most of the South Asian countries have ratified many, if not all, of these treaties,<sup>43</sup> the treaties are not being enforced as they relate to child marriage in the region. Therefore, it is up to the United Nations and other international actors to enforce human rights in vulnerable and developing countries, especially when the country is a treaty party.

#### **IV. Steps Necessary to Halt the Increase of Child Marriage in South Asia**

Immediate action is needed to mitigate the damage done to child brides throughout South Asia. Without tangible action and legitimate steps taken, girls in South Asia will continue to marry before the age of 18, suffering the short- and long-term consequences of child marriage discussed above. Among the most important strategies for decreasing child marriage include expanding opportunities and empowering adolescent girls; promoting gender equality in the family unit and community; strengthening the government and laws regarding child marriage; creating and enhancing child marriage programs; and building partnerships between organizations, international actors, and local and national governments.<sup>44</sup>

Further, in response to COVID-19, there are practical and tangible steps economically, educationally, and governmentally that can be done right now. Economic intervention should prioritize creating opportunities to eliminate poverty; educational change must include schooling requirements for girls and boys up to a certain age or grade; and governmental action must include advocacy as a driving tool for enabling legislative and policy change.<sup>45</sup> These solutions are practical steps that South Asian countries, the United Nations, human rights organizations, and other international actors must begin implementing before all progress made pre-pandemic is destroyed.

### **Conclusion**

Immediate action is needed to mitigate the damage done to children made wives in South Asia. These girls have had their childhoods, educational opportunities, reproductive freedom, and many other human rights stolen from them because of the practice of child marriage throughout the region. COVID-19 has not only exacerbated the root causes of child marriage, but it has also diverted attention and resources away from and disrupted efforts to end this practice. As a result of the pandemic, there has been a regression of a decade's worth of progress toward ending the practice in this region. COVID-19 cannot hinder this fight any longer; international actors must resume their efforts of ending the practice of child marriage in South Asia and around the globe.

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<sup>1</sup> South Asia includes the countries of Bangladesh, Bhutan, India, Pakistan, Nepal, and Sri Lanka; Afghanistan and the Maldives are sometimes considered a part of South Asia as well.

<sup>2</sup> Child marriage is defined by the United Nations as “any formal marriage or informal union between a child under the age of 18 and an adult or another child.” *Child marriage*, UNICEF, <https://www.unicef.org/protection/child-marriage> [https://perma.cc/S3GM-U2YF] (last updated June 2021).

<sup>3</sup> See UNFPA-UNICEF, PROTECTING GIRLS FROM CHILD MARRIAGE DURING COVID-19 AND ALWAYS: STORIES OF CHANGE 6 (June 2021), <https://www.unicef.org/documents/protecting-girls-child-marriage-during-covid-19-and-always-stories-change> [https://perma.cc/NK4N-CAF8] (hereinafter STORIES OF CHANGE).

<sup>4</sup> Kosuke Inoue, *Child marriages in Asia rise as COVID drives more into poverty*, NIKKEIASIA (Jan. 2, 2022), <https://asia.nikkei.com/Politics/Child-marriages-in-Asia-rise-as-COVID-drives-more-into-poverty>

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[<https://perma.cc/DA8F-DEUL>]. See also *Child marriage*, *supra* note 2 (child marriage among boys is just one sixth as that among girls).

<sup>5</sup> *Child and forced marriage, including in humanitarian settings*, OHCHR, <https://www.ohchr.org/en/issues/women/wrgs/pages/childmarriage.aspx> [<https://perma.cc/8J8B-63BL>] (hereinafter *Child and forced marriage*).

<sup>6</sup> *Id.*

<sup>7</sup> *Child marriage*, *supra* note 2.

<sup>8</sup> Taveeshi Gupta & Erin K. Fletcher, *Child Marriage in South Asia: An Evidence Review*, UNICEF (2019), [https://www.unicef.org/rosa/media/4251/file/Child%20Marriage%20Evidence%20Review\\_Web.pdf](https://www.unicef.org/rosa/media/4251/file/Child%20Marriage%20Evidence%20Review_Web.pdf) [<https://perma.cc/S96M-J9D4>].

<sup>9</sup> See U.N.G.A. Res. 75/167, *Promotion and protection of the rights of children* 3, A/Res/75/167 (Dec. 23, 2020) (noting that child and forced marriage “remains common in rural areas and among the poorest communities.”) (hereinafter *Promotion and Protection*).

<sup>10</sup> *Id.*

<sup>11</sup> *Child and forced marriage*, *supra* note 5.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.* See also *10 million additional girls at risk of child marriage due to COVID-19*, UNICEF (Mar. 8, 2021), <https://www.unicef.org/rosa/press-releases/10-million-additional-girls-risk-child-marriage-due-covid-19> [<https://perma.cc/T4AE-ACF8>] (hereinafter *10 million girls at risk*).

<sup>14</sup> *10 million girls at risk*, *supra* note 13.

<sup>15</sup> *Promotion and Protection*, *supra* note 9, at 4.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *Child marriage*, *supra* note 2.

<sup>19</sup> *COVID-19: A threat to progress against child marriage*, UNICEF (Mar. 2021), <https://data.unicef.org/resources/covid-19-a-threat-to-progress-against-child-marriage/> [<https://perma.cc/PC6B-4M5H>] (hereinafter *A threat to progress*).

<sup>20</sup> Jamal Hossain et al., *COVID-19 and child marriage in Bangladesh: emergency call to action*, BMJ PEDIATRICS OPEN (Nov. 7, 2021), <https://cdn.icmec.org/wp-content/uploads/2021/12/Covid-and-child-marriage-in-Bangladesh-Hossain-2021.pdf> [<https://perma.cc/ME7P-957Y>].

<sup>21</sup> *10 million girls at risk*, *supra* note 13.

<sup>22</sup> *Id.*

<sup>23</sup> See, e.g., Inoue, *supra* note 4 (noting that despite Indonesia raising its minimum marriage age for women from 16 to 19 in 2019, more than 33,000 child marriages were approved by religious courts in the first half of 2020 alone, surpassing the 22,000 for all of 2019); Hossain et al., *supra* note 20, at 1 (revealing that there was an increase in child marriages of 13 percent due to school closures caused by COVID-19 in Bangladesh, where “child marriage, especially involving female teenagers or adolescents to much older male counterparts, has been a long-standing socioeconomic crisis in . . . with the highest rate in Asia and fourth highest globally.”). But see *Philippines bans child marriage*, ARAB NEWS (Jan. 25, 2022), <https://www.arabnews.com/node/1999221/world> [<https://perma.cc/BTW4-VF6D>] (making child marriage and cohabitating with someone under 18, as well as the arranging or solemnizing of the same, a criminal offense punishable by up to 12 years in prison in the Philippines, a country where one in six girls marry before reaching age 18, as of Jan. 6, 2022. The government’s hope is to make the law consistent with international law).

<sup>24</sup> Inoue, *supra* note 4.

<sup>25</sup> *Id.*

<sup>26</sup> Hossain et al., *supra* note 20, at 1.

<sup>27</sup> STORIES OF CHANGE, *supra* note 3, at 6.

<sup>28</sup> Inoue, *supra* note 4. It is predicted that 100 million underage children would get married before 2030, not including the additional ten million expected to marry because of COVID-19.

<sup>29</sup> *Id.* See, e.g., Hossain, *supra* note 20, at 1 (evidencing that 71 percent of underage marriages in Bangladesh were caused by school closures during the pandemic).

<sup>30</sup> See Gupta & Fletcher, *supra* note 8, at 2.

<sup>31</sup> *A threat to progress*, *supra* note 19.

<sup>32</sup> Inoue, *supra* note 4; Hossain et al., *supra* note 16, at 1.

<sup>33</sup> STORIES OF CHANGE, *supra* note 3, at 6.

<sup>34</sup> *Child and forced marriage*, *supra* note 5.



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<sup>35</sup> See Gupta & Fletcher, *supra* note 8, at i. See also *Provisions of International and Regional Instruments Relevant to Protection from Child Marriage*, AFRICAN CHILD POL'Y F. (May 2013), available at: <https://www.girlsnotbrides.org/documents/1198/International-and-Regional-Standards-for-Protection-from-Child-Marriage-June-2013.pdf> [<https://perma.cc/33W3-69QJ>].

<sup>36</sup> Afghanistan, Bangladesh, Bhutan, India, the Maldives, Nepal, Pakistan, and Sri Lanka have ratified or agreed by accession to the Convention on the Elimination of All Forms of Discrimination Against Women. Afghanistan, Bangladesh, Bhutan, India, the Maldives, Nepal, Pakistan, and Sri Lanka have ratified or agreed by accession to the Convention on the Rights of the Child. Bangladesh has ratified or agreed by accession to the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages; Sri Lanka signed but never ratified it. Afghanistan, Bangladesh, India, the Maldives, Nepal, Pakistan, and Sri Lanka have ratified or agreed by accession to the International Covenant on Civil and Political Rights. Afghanistan, Bangladesh, India, the Maldives, Nepal, Pakistan, and Sri Lanka have ratified or agreed by accession the International Covenant on Economic, Social and Cultural Rights. See UN Treaty Body Database, OHCHR, [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CRC&Lang=en](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CRC&Lang=en) [<https://perma.cc/5MQ3-UCJM>] (last visited Feb. 14, 2022).

<sup>37</sup> Universal Declaration of Human Rights, G.A. Res. 217 (III) A, at art. 16(1), (2) (Dec. 12, 1948).

<sup>38</sup> The Convention on the Elimination of All Forms of Discrimination Against Women, 1249 U.N.T.S. 13, at art. 15 (Dec. 18, 1979).

<sup>39</sup> *Id.*, at art. 16 (Dec. 18, 1979).

<sup>40</sup> The Convention on the Rights of the Child, 1577 U.N.T.S. 3, at art. 19(1) (Nov. 20, 1989).

<sup>41</sup> The Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, 521 U.N.T.S. 231, at art. 2 (Dec. 9, 1964).

<sup>42</sup> The Convention on the Rights of the Child, *supra* note 40, at art. 1.

<sup>43</sup> See UN Treaty Body Database, *supra* note 36.

<sup>44</sup> STORIES OF CHANGE, *supra* note 3, at 6.

<sup>45</sup> Vanessa Cezarita Cordeiro, *The impact of COVID-19 on child marriage in the Middle East and North Africa* (Dec. 14, 2021, HUMANIUM, <https://www.humanium.org/en/the-impact-of-covid-19-on-child-marriage-in-the-middle-east-and-north-africa/> [<https://perma.cc/6U3P-YPYH>]).