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# Forced marriage, forced sex: the perils of childhood for girls

**Mariam Ouattara, Purna Sen, and Marilyn Thomson**

*A new inter-agency group, the Forum on the Rights of Girls and Women in Marriage, has been formed to investigate how early marriage, non-consensual marriage, and rape within marriage affect girls and women. Comparing case studies from Nepal, West Africa, and India, the authors argue that, to be effective, we must address cultural practices harming girls separately.*

**A**nti-Slavery International, CHANGE, the Child Rights Information Network (CRIN), International Planned Parenthood Federation (IPPF), and Save the Children Fund (UK) have recently come together in a Forum on the Rights of Girls and Women in Marriage. The aim of this inter-agency Forum is to gather information and reach a better understanding of the scale of these issues, and of the legal, social, and health implications of early and non-consensual marriage and of rape within marriage. In coming together we are looking to discuss common concerns in relation to these issues, to share experiences, and to identify common agendas for advocacy and policy development on the question of human rights within marriage for women and girls — involving changes in the education of boys, too.

Three bodies of work, from three of the organisations involved in the Forum, form the basis of this article: research into child marriage in parts of West Africa by Anti-Slavery International; an investigation of children's views of early marriage by Save the Children; and research into women's resistance to domestic violence in Calcutta<sup>2</sup>

which is the basis of a new campaign by CHANGE. The conclusion points to the need to investigate and advocate for legislative and policy approaches to tackle non-consensual marriage and sex, as well as servile or slave-like conditions of marriage, and to generate and disseminate successful approaches.

## Force and human rights

The forcing of one human being by another is an infringement of many human rights that are promised to all, but are systematically denied to girls across many countries (see for example Ashworth 1986, Bunch 1997). Adult women experience some such infringements, which include being forced into marriage and into sex within marriage, without the opportunity of giving consent. These wrongs can be similar for both girls and women, but this article draws specific attention to girls and young women, focusing on both forced and early marriage, and on the nature of sexual force within marriage.

The denial of the rights of girls continues on a widespread scale and often centres on

marriage; that is, the most private sphere. Despite the potential of various international conventions and conferences — such as the full body of human rights instruments, including the 1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the 1989 Convention on the Rights of the Child (CRC), and the 1995 Beijing Platform for Action — the lives of many girls remain unchanged. The consequences for girls are grave and pervasive, in terms of health, social status, and the incapacity to determine their own lives. Not only does this mean that much more work needs to be done around implementation of international legal instruments, but it also highlights, as argued in this article, the need for greater recognition of the more difficult aspects of the perils of girlhood, such as marital rape of child brides.

## **Child marriage, forced marriage**

In their work, both SCF and Anti-Slavery International prioritise the need to highlight and work against the practice of child marriage. This section draws on Anti-Slavery International's experience in three African countries, and on SCF's experience in Nepal.

Countries throughout the world, including many African countries, have ratified most international conventions and regional standards on human rights and made great efforts to integrate them into their national legislation. Yet, in many of these countries, attitudes and customs seen as 'traditional' continue to subordinate women and girls. These include human-rights violations such as female genital mutilation, domestic violence, deprivation of land and property, and child and forced marriage. In deprived rural areas in most West African countries, many ten or 11 year-old girls look forward to a bleak future: to work as a domestic servant, as a commercial sex worker, or to be given away as a child bride.

In Cotonou and Porto-Novo in Southern Benin, early marriage is a common practice. Girls as young as ten to 13 are kidnapped from their families and taken to their husband. Girls are betrothed at or before birth by their parents, in respect of friendship or based on a system of exchanging women between ethnic groups within the community. The husband-to-be and his family may have given presents (*dadaho*) or provided services (*glodian*) to their future in-laws according to custom. Parents feel a strong obligation to respect the pledge, forcing the girl to marry the man they have chosen for her. It is not unknown for desperate girls, unwilling to marry a man they do not know or love, to commit suicide.

In Burkina Faso, the practice of child marriage is widespread. Around the capital, Ouagadougou, three Catholic religious centres shelter girls who have run away from early and forced marriage. Many of these girls escape in dangerous conditions, walking from rural areas for three to seven days to the centres. They hide in trees during the day and walk at night-time. Both economically and psychologically, they are in a grave situation. Their families usually disown them, so that they are without moral or financial support; and the religious sisters commonly pressure them to join the orders in which they find refuge. Puksata, a local NGO in Burkina Faso, is working with the religious centres to provide vocational training to the girls and mediating between the families and their daughters.

In Côte d'Ivoire, the Association Beninoise des Femmes Juristes (ABFJ) and the Association Ivoirienne de Defense des Droits des Femmes (AIDDF) are active in campaigning and lobbying on the issue of child marriage. Fanta Keita, aged 15, was jailed two years ago for the murder of her husband. Fanta Keita had been betrothed to her cousin as a small girl; at the age of 15, she was taken to the capital to join the husband whom she had never met. She escaped and returned home, but was

beaten and sent back. She fled a second time, but again was returned to the man her parents had chosen for her. With no way out, Fanta took desperate action and stabbed her husband, killing him. In Côte d'Ivoire and Benin, ABFJ and AIDDF have developed a training programme in the provinces where child marriage is predominant, to educate the public on the rights of women and girls, and to furnish the national legislation with information to improve or abolish some of the customs associated with early marriage.

Early marriage is also an issue in Nepal: according to the 1992 Children's Act, early marriage is defined as marriage under 16 years for girls and 18 for boys. SCF has been running a health project in the Bhutanese refugee camps since 1992,<sup>3</sup> and this has included a Children's Programme since 1997. Here, the practice of child marriage is common for boys and girls under 18 years of age (90 per cent were girls between 12–17 years old). SCF has undertaken a child-centred participatory research project (Umesh Kumar Kattel 1997) to identify the reasons and the effects on children's health, education and family life. A range of participatory research tools were used with children, parents, health workers, and staff in the refugee camps.

The SCF study found that the majority of these marriages were arranged by parents, grandparents, and guardians, and identified a range of reasons: the girls were required to provide domestic help for the boy's family; grandparents wanted to see their granddaughter settled before they died; parents believed that marriage of girls before menstruation is 'holiness', or wished to remove children from a situation where there was domestic violence between parents. In some cases, the children were forced into marriage because of pregnancy; in others, the parents' feared inter-caste relationships or that their children would elope with someone who was unsuitable.

Some children had chosen a love marriage at an early age, for different reasons. These included having nowhere to go and a lack

of recreational activities in the camps; lack of guidance by parents; the frustrations of staying in the camps for a long time; and a desire to find security because life as a refugee meant an uncertain future and a disorganised social environment. Girls' expectations included a belief that they would have a better life after marriage in terms of better clothes, food, and facilities, and revealed a desire to get away from a home life where girls were being abused by step-parents or guardians as well as a lack of knowledge about the health and other consequences of early marriage. 'My step-mother forced me to marry. She said that if you do not marry the boy I find, you will be in trouble {...} Now for six months my husband has not talked to me or seen me, he is always angry with me', said one girl.

Among the many serious consequences of early marriage, for girls in particular, SCF's research identified health risks associated with pregnancy, child-bearing, and lack of care for the girls themselves when they were ill or in need. There were a high number of teenage pregnancies, many of which were identified as high-risk deliveries. A large number of the babies delivered to teenage mothers had a low birth weight (under 2.5 kilos) and the babies were at risk of contracting serious communicable diseases. Teenage mothers lacked knowledge about caring for and breast-feeding their babies. The neo-natal and peri-natal mortality rate was high, as was the still-birth rate. Girls themselves suffered a lack of nutritious food, love, care, and support while sick, pregnant and/or breast-feeding — leading to anaemia and malnutrition. The burden of housework left little time for rest and leisure.

Social consequences included a detrimental effect on the education of both sexes. The majority of boys and girls interviewed had dropped out of school after early marriage (only one respondent — a boy — had started again), which seriously hampered their educational and social

development. 'My wife and I could have been studying in higher classes as friends if my father and relatives had not forced us for marriage when I was 14 years and my wife was 12 years old', said one boy. The general perception of the community involved in the research was that children were not allowed to continue at school once they were married. In fact, the camp schools did not have a clear policy on this; they stipulated that children could only continue if they married with their parents' consent, and had their written permission to continue at school. If these conditions were met, husband and wife could not attend the same school, as this might cause problems in the classrooms and encourage other children to get married.

SCF's research indicated that, once married, the children faced problems in their family and social relationships. They were overloaded with domestic and family responsibilities and had no spare time to see their friends and family or to participate in social activities. The girls were often badly treated by their husbands' families: they were overburdened with domestic chores, shouted at, and mentally abused. For boys, life was easier; but they now faced conflicting situations in their families because their parents and elders did not give them the love and attention they received previously. They were now considered mature and were expected to take care of their wives and to please their parents and leaders.

The study concluded that early marriage has serious health and social implications for children, and made a number of proposals for action and further study. These include raising awareness among children and parents through informal educational approaches; designing sex education and marriage guidance programmes to be introduced through the school curriculum; revising the schools' policies about married children's access; creating opportunities for informal and vocational training;

and involving married children in a youth-education programme on the consequences and negative effects of early marriage.

## **Rape and sexual abuse in marriage<sup>4</sup>**

Child marriage must be understood as a situation of danger for girls, characterised by widespread rape and a life of servility. CHANGE is beginning a major programme on non-consensual sex within marriage which will include the experience of girl-wives. Part of the programme is a world-wide survey on whether or not governments have adopted legal and policy initiatives to tackle these practices, wherever they are found. The survey will also identify the strategies which brought about positive changes, the circumstances in which they were won, and how they are being implemented. For states where no such initiatives exist, CHANGE will explore the obstacles in the path of progress. Outcomes of the survey will be used to lobby for change, at the international and national levels, and successful strategies will be published and disseminated widely. The following discussion of issues facing young girls who undergo early marriage in India draws on a study in Calcutta undertaken by Purna Sen (1997).

In recent years, public knowledge of, recognition of, and action against certain forms of domestic violence against women have increased in many countries — but much of this has focused on physical abuse alone. Sexual abuse remains less well recognised but can have devastating consequences, denying women's bodily integrity and control, causing untold numbers of unwanted pregnancies, and a range of negative health implications, not least of all the risk of HIV infection.

The absence of discussion about sexual abuse has serious consequences. First, the opportunities for young women suffering such abuse to speak about their experiences are negligible, so they cannot easily seek help.

Second, governments and their agencies participate in maintaining this silence, through inaction on sexual abuse and marital rape of women in principle, and of young girls in practice. This precludes both punishment of rapists and protection of victims, and amounts to state collusion with rapists. Third, research (Sen 1997) suggests that sexual violence in marriage is associated with a greater likelihood of separation than physical violence alone. While this is a just outcome in freeing women and young girls from abuse, in many societies their communities are at best uncomfortable in handling single female adulthood. Women who leave their marriage face an immense range of problems, from social ostracism through to violent attacks, including rape, and economic destitution.

While all of the above applies both to child and adult wives, the particular circumstances of young girls should cause great concern. Sen's research in Calcutta found that, compared to women who married after the age of 15, girls who marry young are more likely to be illiterate and to have no experience of formal education. Other aspects in which the younger brides differ from older women include a greater likelihood of sterilisation and dowry payments. Younger brides are also less likely to come into contact with government or voluntary organisations, to have bank accounts in their own names, or to own assets — although they are more likely to carry debt-servicing commitments, despite having lower employment rates. Sadly, young brides also report a higher incidence of infant mortality, with over one-third saying that at least one child had died after birth.

The continuing practice of child marriage contributes to a widespread experience of sexual abuse: it is, in effect, the socially legitimised institutionalisation of marital rape — the rape of (sometimes very) young girls. In Sen's research, almost half of the women in the sample had been married at or below the age of 15, and the youngest was merely seven years old. This age group

(15 and below) had one of the highest rates of vulnerability to sexual violence in marriage, second only to those where dowry had been paid. Women spoke of sexual intercourse before the onset of menstruation, early and very painful sex, and many still continued to be forced into sexual activity by their husbands. Many of these cases meet the narrow definition of marital rape in Indian law. In almost half the cases of forced sex or marital rape, the girl-wives had made their husbands aware of their unwillingness to have sex or of pain during sex, but in 80 per cent of these cases the rapes continued.

The marriage of young girls is often made more traumatic by the absence of public or familial discussion of sexuality and puberty. Girls' access to information on sexuality in India is highly restricted, if there is any at all, and they typically begin marital sexual relations in ignorance of what sex involves. Physical controls on girls' behaviour (particularly in urban areas) leaves them little room to mix with boys or to gain any sexual experience before marriage. Boys enjoy much greater freedoms and a wider range of discussion with their peers, which may include sexual talk. Many women in Sen's study spoke of the intense pain and fear of early sex. However, the absence of a vocabulary to discuss sexual violence denies girls access to support and increases their propensity to separate from husband-rapists.

Contrary to the common perception, and less common practice, of sexual abstinence until girls begin to menstruate, women reported that their husbands had forced sex upon them — raped them — before their periods had started. Others had slept in separate rooms from their husbands until they started to menstruate, but marital sex began almost immediately afterwards. Gita was married at the age of 14 to a man who had previously been married. When asked her why she had been married at such an early age, she said: 'One day when I was out tending to the goats, one got injured. I

carried it back to the village and some of the blood was on my clothes. They all thought that I had started my periods and I got married three months later.'

Asked about sexual relations after marriage, she responded: 'It was very bad, very difficult. I had a lot of pain... I used to be scared when he came to get me and carry me to his bed. I used to cry and go to lie somewhere else, but he'd come and get me... When I came to visit my family, I didn't want to go back... My periods started two years after I got married. I told my {sister-in-law}, and she thought I had started before I got married. Then they didn't let me cook or touch anything for three days. I only told you because you asked. I have never told anyone before.' Gita was 38 years old when she talked about these experiences; she had carried the pain and memory of sexual trauma alone for 24 years. It is hard to imagine the fear of sex and the shock it caused when she was first married.

The notion that the attainment of puberty should give free licence for sex to start are highly problematic, as Gita's example shows. The absence of discussion of sexual matters means that there is considerable room for confusion and mistakes. In effect, society tacitly permits sexual activity between men and very young girls; there is no possibility for girls to give or withhold personal permission for sexual activity. Equating a girl's attainment of puberty with a husband's licence to seek and force sex upon her denies each girl control over her own body, including her control over whether, when, and with whom she has sexual relations. The implications of this are vast. They include all the dangers associated with teenage motherhood which cause such uproar in the West — a disrupted education, the troubled parenting of babies by children, and negative implications for the girls' health, including the risks of childbirth.

The vast majority of countries have not criminalised rape in marriage; but sex with girls below a certain age (which varies) is

usually covered by the standard rape legislation. Indian law recognises marital rape in cases where the girl is aged under 15 (Section 375, Indian Penal Code 1860, Act No 45 of 1860). However, this is mitigated by the religiously defined personal laws (see Socio-Legal Aid Research & Training Centre 1995:6, 24, 40): even the rape of a young girl between the ages of 12 and 15 years carries a lesser sentence if the rapist is married to the victim (Sarkar 1994:83). For adult wives, the only legal protection from husband-rapists exists if the couple have separated. It seems that, in the vast majority of cases, both the state and women's local communities are unwilling to confront the rape of young girls which goes on everyday, in the name of marriage. Young girls are raped; their abusers have the social legitimacy of marriage in which to carry out their assaults.

## Conclusions

Far from being a time of innocence, pleasure, and freedom, childhood for girls in many countries is fraught with danger and potential pain. Forced marriage and forced sex within marriage are horrors that befall countless numbers of girls across the world. The vulnerabilities of young girls are shared with those of adult women. But girls experience them in a particular way because they are children and lack information about what are generally seen as, and should remain, adult issues of marriage and sex. The use of force in these situations is an infringement of girls' human rights.

If women's rights are to be effective, an assessment of existing traditional laws, and of who creates them and who implements them, should be carried out. This should involve women and girls who are affected by these laws. These assessments should screen the negative and positive effects of customs and practices, and facilitate a process of radical change, which will result in abandoning outdated laws and adopting practices which fit in with modern society. *Ad hoc*

interventions are useful for urgent action, but we need long-term solutions, by working continuously on laws and implementation.

Although a number of international legal instruments such as CEDAW and the CRC provide a framework for promoting women's and girls' rights, the present situation, 'post Beijing', is disappointing. Before the World Conference in 1995, African groups met (in Dakar and Addis-Ababa) to consolidate their position: they emphasised that the problems of the girl child should not be subsumed under the heading of women, but should be maintained separately. This position was supported by the Save the Children Alliance and Anti-Slavery International, and was adopted by governments who attended the World Conference in the Platform for Action. However, three years on, violations of the rights of the child and abuse of the girl-child may well be increasing. The absence of proper legal and policy action frameworks to deal with women's and girls' rights, coupled with the lack of sanctions against these abuses, amount to state complicity and neglect of duty under international law to these citizens.

Our three organisations will be working together in the future on research, identifying common strategies, and advocacy to address these public-policy and human-rights issues through the Forum on the Rights of Women and Girls in Marriage. We invite researchers and organisations with an interest in these issues to join us in the Forum.

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## Notes

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- 2 Funded by Bristol University Scholarship and the Tweedie Exploration Fellowship.
- 3 There are more than 97,000 refugees (almost half of them children) from Bhutan living in camps in Nepal. They started arriving in 1991, as a result of repression by Bhutanese government forces of the minority population of Nepalese ethnicity and Hindu religion.
- 4 This section draws on research conducted by Purna Sen (now of CHANGE), in Calcutta, India.

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