

A child, but old enough to be a bride

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Widespread praise for the appointment of the highest ever number of women ministers in the Cabinet of President Joko “Jokowi” Widodo and Vice President Jusuf Kalla may have obscured the dire reality of entrenched gender discrimination in the country.

Only days after the Cabinet’s announcement, on Oct. 30 one of the most egregious, and yet sanctioned, forms of disregard for women’s rights was being scrutinized at the Constitutional Court.

The plight of girl brides emerged in all its unfairness during the fourth hearing of the judicial review of the marriageable age in Article 7 (1) of Law No. 1/1974 on marriage, which was filed by the Women’s Health Foundation (Yayasan Kesehatan Perempuan) and, separately, by a coalition of five concerned women and children rights activists and organizations.

The legitimization of early marriages is increasingly challenged internationally. In 2012, the UN launched a campaign to end all child marriages by 2030, encouraging member states to set a mandatory marriage age of 18. Yet in Indonesia, early marriages are rife, and while it is legal to marry at age 19 for men, it is only age 16 for women.

What is more, exceptions for marrying at even younger ages can be made with parents and religious leaders’ approval. According to National Basic Health Research (Riset Kesehatan Nasional) in 2010, early marriages reached 41.9 percent in the 15-19 age group. In the age group of 10-14, thus below the marriageable limit, 4.8 percent or 22,000 girls were married.

At the hearing, the three plaintiff experts — Muhamd Darvin of Gadjah Mada University; Ninuk M. Pambudy, deputy chief editor of the Kompas daily who covers gender issues; and Missiyah, chief executive of women’s rights NGO Kapal Perempuan — convincingly exposed the adverse and interlinked impacts of such a diffuse practice.

They stressed that early marriages were born out of destitution and perpetuated a vicious circle of inter-generational poverty in which already vulnerable girl brides were deprived of opportunities for them and their children.

Limited education for girls exposes them to early marriages and, at the same time, early marriages limit their educational opportunities. Especially when pregnant, girls drop out of

school — a significant development considering that the 2012 Indonesia Demographic and Health Survey (IDHS) found that 10 percent of adolescent girls had given birth or were pregnant.

Inexperienced girl brides have more limited access to contraceptives and health services compared to older married women and are at risk of unwanted pregnancies, sexual diseases and maternal health hazards. In 2012, 6.9 percent of 4,986 cases of maternal mortality were of women below 20 years of age.

Disempowered by being married by their parents because of economic considerations, cultural notions of family shame and honor, or conservative religious beliefs ascribing a subordinate domestic role to women, girl brides are at elevated risk of violence throughout their lives. Tellingly, the 2012 IDHS shows that the highest acceptance of wife beating is among married women in the 15-19 age group and decreases with aging.

To protect girls and their physical and mental well-being, it is crucial to postpone marriage until a more mature age when they can exercise their right to “only enter into marriage with their free and full consent” as stated in the 1979 Convention to Eliminate All Forms of Discrimination against Women that Indonesia has ratified.

To reduce and eventually eliminate such an extensive and established practice, a comprehensive approach is required that addresses the root causes of early marriages.

Hand in hand with reducing poverty and increasing access to education, efforts are needed to change social and gender norms. Public awareness of girls’ rights has to be promoted, and the importance of them reaching their full potential for themselves, their children and their country.

Families should be encouraged to prioritize their daughters’ education and taboos on sexuality need to be overcome to ensure reproductive and sexual health information and services are provided to adolescents.

Laws alone cannot provide the solution, but changing the discriminatory clause and equalizing the marriage age for males and females in Law 1/1974 would send a strong signal that the nation is appreciative of girls and their potential and welfare.

Legal reform would thus contribute to a “cultural revolution” needed to create an enabling environment for postponing marriages and enhancing girls’ education and empowerment.

Accompanied by the introduction of stronger mechanisms for law enforcement, including the ending of exceptions and the punishment of transgressors, the setting of a higher age limit would ensure marriage is not imposed on girls. Indonesia already recognizes that a child is any individual below the age of 18 in Law 23/2002 on child protection.

To bring the Marriage Law in line with the Child Protection Law would be a significant step toward changing the norms that endanger girls and respond to the UN call to eliminate early marriages in the coming decades.

*The writer is a health and social development adviser and author of *Menuju Kesehatan Madani* (Toward Civic Health, Gadjah Mada University, 2007). - See more at:
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