

Enforcing Preventions of Child Marriage Cases in ASEAN Member States Within the Framework of Sustainable Development Goals

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ABSTRACT

Law prohibiting Child Marriage already exists in most countries, yet society always finds a way to send vulnerable children into marriage which exposes them to many long-term negative impacts such as higher risk of abuse and reproductive diseases. This is especially the case in developing nations, where culture and norms are still maintained more than the safety of children. Child Marriage is disproportionately harmful to girls, therefore the gender-inequality aspect of this phenomenon needs to be thoroughly analyzed.

Most ASEAN Member States are also still struggling with preventing child marriages, with the rate of women married under 18 as high as 33% in some ASEAN States. Thus, comprehensive solutions are needed. Goal 5 of Sustainable Development Goals (SDGs) ‘Gender Equality’ has included the elimination of Child Marriage as one of its targets, thus emphasizing the importance of decreasing the phenomenon. This paper will examine the structural problem influencing the amount of Child Marriage cases in Southeast Asian countries using the Framework of Child Marriage Key Drivers, measuring the effectiveness of existing solutions, and coming up with sustainable solutions by utilizing the framework of SDGs and the IFRC Technical Guidelines National Society Programming Against Child Marriage.

Keywords: ASEAN, Child Marriage, gender inequality, SDGs.

INTRODUCTION

Child Marriage is supposed to be a thing of the past, but unfortunately, it is still happening all over the world. At least there are 12 million girls under 18 that are married every year and around 650 million girls and women alive were married before 18. (Office of the High Commissioner for Human Rights n.d.) (United Nations Children’s Fund 2021) This amount has indeed decreased a lot compared to decades ago. However, the COVID-19 pandemic has affected progress, with an expected additional 10 million child brides due to COVID-19. (United Nations Children’s Fund n.d.) The danger of child marriage itself lies in risks such as higher pregnancy risks, premature birth, higher risk of domestic violence, poverty, and even death due to pregnancy risks, sexually transmitted diseases, or violence. (Kohno, et al. 2020) The risk is more prevalent in girls with a higher risk of death compared to women of mature age and a higher risk of psychological problems such as depression and suicidal tendencies. (Apriyanti, et al 2018) The region with the highest percentage of child marriage cases are sub-Saharan Africa and South Asia. Comparatively Southeast Asia’s case is not as high as both regions, but that does not mean the issue is any less urgent as it still costs many children’s rights.

Most Southeast Asian countries, or it can be said ASEAN member states, which are all Southeast Asian countries except Timor Leste, have set up a legal age of marriage which is between 16 to 21. Brunei however does not have any explicit legal age for marriage for Muslims except an Islamic Family Law that stated ‘preventing a marriage of a man who is at least 18 or woman who is at least 16 is a violation of law’. (Faizal and Qohar 2021). Brunei also sets a minimum age of 14 under customary law, which is way

below even the region’s standard case is also one of the most fundamental problems in preventing child marriage cases which is an establishment of definite legal marriage and law prohibiting child marriage, but instead the law itself implicitly promote child marriage by banning an annulment of marriage for an age that the SDGs still considered to be underage. (Bandial 2016) As a small country, Brunei’s number of cases may seem insignificant in comparison to other countries, but it poses challenges to ASEAN’s actions that intend to be in line with SDGs. In other ASEAN countries, the problem is not the law, but the enactment and supervision of it. In Cambodia there are 1,4 million people married before age 18 (Kementerian Pemberdayaan Perempuan dan Perlindungan Anak Republik Indonesia 2023); Indonesia recorded 65,000 cases just in 2021 (United Nations Children’s Fund 2014); There are 10,240 applications for child marriage between 2005-2015 just in the Malaysian Shariah Judiciary Department (Hin 2017); In 2017, 1 in 6 Filipino girls are married before 18 that placed Philippines on the 12th rank of highest absolute number of child marriages globally (United Nations Children's Fund 2022); Laos has the worst rate of prevalence among ASEAN states with 33% of Lao girls married before 18 (Girls Not Brides n.d.); Vietnam with 11% girls married before 18 (Girls Not Brides n.d.); and lastly Thailand about 23% in 2022 (Rich 2023). There are several factors behind child marriage cases in ASEAN member states, which will be identified in the discussion and results part.

International conventions adopted to prevent child marriage have existed for a long. Those are; The Convention on Consent to Marriage, Minimum Age for Marriage, and Registration of Marriages has existed since 1962, The Convention on the Elimination of All Forms of Discrimination against Women since 1979, and The Convention on the Rights of the Child since 1989. There are explicit statements on banning child marriage practices on those conventions, such as The Convention on the Elimination of Discrimination Against Women in Article 16, paragraph 2, ‘the betrothal and marriage of a child shall have no legal effect’. (United Nations General Assembly 1979) Currently, there is also Sustainable Development Goals 2030, a framework of 17 goals proposed by the United Nations Development Programme and later on in 2015 adopted by the United Nations which calls for actions to end poverty, protect the planet, and all people to enjoy peace and prosperity. (United Nations Development Programme n.d.) One of the goals, which is Goal 5, calls for ending child marriage in target 5.3, ‘Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation’. (United Nations n.d.) In the Association of Southeast Asian Nations (ASEAN), there was a call for ending child marriage on a regional forum to raise awareness on Child, Early, and Forced Marriage (CEFM) that was organized with UNICEF, United Nations Population Fund (UNFPA), and Plan International in 2019, with the orientation in fulfilling the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) (Association of Southeast Nations 2019) Aside from ACWC, there are two other important frameworks related to the prevention of child marriage which are the ASEAN Socio-Cultural Community Blueprint 2025 and The ASEAN Regional Plan of Action on the Elimination of Violence Against Children 2016-2020. In March 2023, ASEAN ministers also reaffirmed their commitment to achieve the SDGs in the 2nd ASEAN Ministerial Dialogue on Accelerating Actions to Achieve SDGs. (Association of Southeast Asian Nations 2023) The existing child marriage framework in

ASEAN is definite proof that child marriage is both a regional and national issue that needs to be tackled by both regional institutions and its member states.

Before continuing to specify the study case, it needs to be known what is exactly child marriage and its indicators. According to the United Nations Children’s Funds (UNICEF), ‘child marriage’ is both formal marriages and informal unions in which a girl or boy lives with a partner as if married before the age of 18. (United Nations Children's Fund n.d.) There are five indicators related to child marriage by UNICEF which are; (1) Percentage of women 20 - 49 married or in union by age 15 and 18, and classified by age group; (2) Percentage of girls 15 - 19 currently married or in union; (3) Spousal age differences; (4) Percentage of women currently in a polygamous union, by age groups; (5) Percentage of ever-married women who were involved in the choice of their first husband or partner. Meanwhile, from Goal 5 of SDGs, the indicator of child marriage is indicator 5.3.1 ‘Proportion of women aged 20-24 years who were married or in a union before age 15 and before age 18’. (United Nations n.d.) Later, the data classification for child marriage cases in ASEAN would also be based on age, detailing the rate of -married under 18 and under-15 age- classification.

Perhaps it is very noticeable that the indicators are heavily oriented toward girl’s cases, even the SDGs also include this issue in its ‘Gender Equality’ goal. ‘Child marriage definition and cases may involve all genders and sexes and there exists a rate of boys married under 18, but there are a lot of reasons why it is classified as a gender-inequality issue. For example, victims of child marriage cases are heavily, disproportionately dominated by women, or girls to be exact. It is also a fact that child marriage is driven largely by the existence of Therefore this paper will also analyze child marriage through the lens of gender inequality issues. This paper will identify causes of child marriage through key driver analysis, then map the cases and existing solutions throughout ASEAN member states, measuring those solutions using SDGs measurement tool to understand how much enforcement had to be done, and finally suggesting solutions embedded in the IFRC Technical Guidelines National Society Programming Against Child Marriage that focuses on national child marriage-prevention policies leverage.

MATERIALS AND METHOD

There are kinds of literature used as a literature review of this paper and databases used as data sources. Literature review. The first one is ‘What Are the Drivers of Child Marriage? A Conceptual Framework to Guide Policies and Programs’ (Psaki et al, 2021) is the basis of the framework of child marriage key drivers, and the second is ‘Efforts to Eradicate Child Marriage Practices in Indonesia: Toward Sustainable Development Goals’ (Judiasih et al, 2020) which is the basis of child marriage in SDGs discussion and example of case in an ASEAN member. Data(s) are resourced from UNICEF database, Girls Not Brides database, ASEAN members’ government data portal, articles and journals, and trusted web pages. This article is qualitative-descriptive research, which is set to describe a phenomenon that occurred within the related data through descriptive theory. (Zainal 2007)

This article uses secondary data from literature studies made up of books, journals, and internet-based research of web pages and online databases. The interactive analysis is used to analyze the available data by data reduction & and

selection, continue with data display, and lastly conclude the data. (Yusuf 2017)

RESULT AND DISCUSSION

A. Mapping Child Marriage Cases Throughout ASEAN Countries

Below is the mapping of child marriage prevalence rate among ASEAN member states gathered from several sources:

Table 1. Child Marriage Prevalence rate of ASEAN Member States

Source: GirlsNotBrides (n.d.); Kohno et al (2019, 2020); Maitem (2022); Diamondstein (2022).

	Country	Prevalence rate of Marriage among girls before 18	Prevalence rate of Marriage among girls before 15	Prevalence rate marriage among boys under 18
1	Laos	33%	7%	11%
2	Vietnam	11%	1%	3%
3	Indonesia	16%	2%	5%
4	Malaysia	3.8% - 6.1%		
5	Brunei			
6	Philippines	16.5%	2%	3%
7	Cambodia	19%	2%	4%
8	Thailand	20%	3%	10%
9	Myanmar	16%	2%	5%
10	Singapore			

As observed, states with the highest child marriage prevalence rate are Laos and Thailand which remains at 20% or above compared to other states. The data retrieved for Malaysia’s cases are very limited, in the amount it is described as 82,382 cases of child marriage, and some states like Sarawak having higher rate of 9.4%, with the source describing it as ‘depending on the sources, under-reported, mostly unavailable and can’t be made public’. (Kohno, et al. 2019) (Kohno, et al. 2020) So there may be huge chunks of Malaysia’s cases that are missing from the prevalence rate above. Meanwhile, there is no data found for child marriage in Singapore. The only data about marriage found is in the 2020 Census, whereas 95% of women aged 20-24 are still single and there is a growing trend of later marriage in Singapore for years. (Department of Statistics Singapore 2021) Assuming the age below 20 the number of singles is even larger and the marriage trend in Singapore which possibly results in almost non-existent child marriage, this article will exclude Singapore from the examination. There is also no data found for child marriage in Brunei, but considering the legal age for marriage and the prevalence of religious norms that have a high possibility to be a driver for child marriage, Brunei’s data will be included but the possible drivers are included in the analysis. The mapping of each ASEAN state through existing key drivers and identification of each state’s dominant factors that drive child marriage will be explained in the section below.

B. Identifying Problems using Child Marriage Key Drivers

There are diverse driving factors behind child marriage cases across ASEAN states, therefore it needs to be sorted to identify the most influential causes. Therefore,

the identification will use the framework of child marriage key drivers, which is identified by Psaki, et al (2021) that consists of five main drivers:

1. **Economic and Poverty:** Including the relation between economic status and marriage age, marriage to help one’s family’s financial condition, the poorest girl has a higher risk of experiencing child marriage.
2. **Lack of Opportunity:** Girls are seen to have marriage as their only option in life. This point involves the lack of education and employment opportunities being given.
3. **Social Norms:** Social and gender norms cover domains such as adulthood, sexuality, gender inequality, and gender roles. The existence of social expectation of social/gender norm fulfillment has a hand in child marriage cases, as studies show that child marriage is related closely to parents’ behavior and the existence of norms in a community that supports child marriage.
4. **Lack of Agency:** Agency is defined as ‘one’s capability to determine its own goal and do something about it.’ Here, it is defined as ‘the capability to choose and act on the choice regarding one’s marriage’. In some countries, girls do not even have control over who will they marry, or even forced to choose child marriage due to social expectations.
5. **Fear of Girls’ Sexuality and Pregnancy:** Including things like; 1) patriarchal society that believes virginity is sacred and therefore marriage is the only way for girls’ virginity to be taken; 2) Child marriage viewed as preventing potential disgrace like pre-marita pregnancy; 3) Child marriage may occur in response of pregnancy among unmarried girls.

The cases in ASEAN states are going to be identified through all these drivers by classifying each state into the five drivers, which is summarized in the table below:

No	Country	Key Drivers				
		Economic & Poverty	Lack of Opportunity	Social Norms	Lack of Agency	Fear of Girls’ Sexuality and Pregnancy
1.	Indonesia	- Girls married off to lessen family’s economic burden	- Stigma of girls not needing education because they will be housewives	- Influence of religious values that allow girls to be married	- Practice of girls married off by a family without their agreement	- Child marriage to prevent pre-marriage sex - Girls forced to marry if going through adolescent marriage, including rape victims. - Rate of child marriage for pregnant girls to reach 92% - 26% rate of adolescent, premarital pregnancy
2.	Laos	- 56% of women in poorest households married as children - 39% of child brides live in rural areas - Bride trafficking to China	- 60% of women with no education married before 18 - Many girls dropped out of school during COVID-19	- Practices of <i>Tshoob nii</i> /bride theft & <i>Tshoob zawj</i> /bride as payment	- Girls often have limited autonomy as marriages are decided by families.	- Stigma of girls doing premarital sex - 18% of Lao girls gave birth by the age of 18 - 27% rate of pre-marital, adolescent pregnancy - Rate of child marriage for pregnant girls to reach 58%

3	Vietnam	- Girls married off for family's economic survival - Bride trafficking to China	- 33% women with no education married before 18	- Practice of <i>haipu</i> /bride kidnapping - Fear of being 'left over' - Up to 60% of child marriage happened in ethnic minorities like Hmong, Xinh Mun, La Ha, etc.	- Customary law that enables girls to be married just with parents' consent	- Fear of pregnancy due to strict Vietnamese norms - 31% rate of pre-marital, adolescent pregnancy
4.	Cambodia	- Marriage as survival strategy due to economic restraint caused by illegal logging, land concessions, COVID-19, etc. - Bride trafficking to China or South Korea	- 1 in 3 girls aged 15-19 that never attend school started to bear a child.	- some ethnicity sees girls before 18 much valuable to be married - families push girls into marriage to gain son-in-law to help in farms - Arrangement of marriage done before 18	- daughters obliged to show gratitude to parents by relenting their choices in life, including in marriage	- <i>Chbab srey</i> /teaching about how girls should be pure - 9% rate of pre-marital, adolescent pregnancy - Rate of child marriage for pregnant girls reach 78%
5.	Brunei			-religious norms and laws allowing child marriage exist lowest legal marriage age in ASEAN, which is 14		- pre-marital sex is considered sinful
6.	Philippines	- most child marriage happened in BARMM, autonomous region Philippines which is one of the poorest regions and full of conflicts.		-child marriage is a common culture in southern Philippines communities -Islamic advisory council Bangsamoro in Mindanao endorsed early & forced marriage -marriage often happen for status of family	- parents control girls' choice in marriage	-36% rate of pre-marital, adolescent pregnancy -Rate of child marriage for pregnant girls reach 66%
7.	Thailand	- 30% of women in poorest household married before 18	- 32% women with no education were married before 18	-child marriage is a common practice in some ethnic minorities -in southern provinces of Thailand there is a legal loophole which islam customary law does not limit		-36% rate of pre-marital, adolescent pregnancy -As adolescent pregnancy leads to marriage, rate of child marriage for pregnant girls reach 57% -perpetrator of sexual violence can marry their victim under the criminal law

				legal marriage age. -in Pattani province, girls over 16 are already 'too late' for marriage.		
8.	Myanmar	-bride trafficking to China -child marriage as a way to cope in times of economic crisis, because seen as the only way to protect girls. -girls are married to reduce family's burden, most common in ethnic minorities.		-Expectation for girls to be wives and mothers -doctrine to have a family and get money as soon as possible in life -stigma, shaming toward unmarried woman -child marriage is a common cultural practice in Rohingya community	-limited autonomy for girls due to restrictive gender roles -families instructing daughters to get married which can't be rejected.	-forcing girls who are pregnant to marry, including rape victims. -reparation marriage between rape victims and rapist to avoid shame
9.	Malaysia	- child marriage reduce family's financial burden - there are cases of trafficked, cross-marriage to Thailand and other countries.	- children dropping out of schools for marriage, including not being able to continue school due to poverty	- Muslim women is the only group that has minimum legal marriage age of 16 -shariah court approving 8 out of 10 child marriage application on average -community that tolerated child marriage	- Muslim girls can be married below 16 with parents' consent. - some girls do choose to enter child marriage on their own, with reasonings such as believing in fate and having no idea what would happen after marriage.	-reparation marriage for teenage pregnancy -child marriage as solution to prevent pre-marital sex which is seen as sinful
10.	Singapore					

(Sources: GirlsNotBrides (n.d.); Harvey, et al (2021); Taylor (2017); Tanabe, et al (2019); Hin (2017); Kohno (2019); Maitem (2022); Women's Refugee Commission, Plan International, & Transforming Fragilities (2022); Faizal & Qohar (2021); Ellis-Petersen (2018))

To summarize the table above, there are dominant drivers that cause child marriage in ASEAN states, which is the existing social norms that cause child marriage and communities that see marriage as pre-marital sex prevention and adolescent pregnancy solution. It must be noticed that these drivers are linked closely to patriarchal values and gender inequality, which is a clear indication of why child marriage is largely a gender inequality issue. Another specific factor that is dominant in lots of ASEAN states is poverty and religious values which are often used to justify families pushing their daughters into marriage. For the agency of girls, there are some degrees of freedom and

choice their marriage, however some parts of girls who are more exposed to risk of child marriage, like girls in ethnic minorities, are limited in their agency by familial decision. There is also one factor which is shared among ‘mainland’ ASEAN states (Thailand, Laos, Cambodia, Myanmar, Vietnam) which is bride trafficking to China and South Korea, and cross-border marriage cases in Thailand-Malaysia. These could be identified further in another future research. Enforcement of child marriage prevention in the next session will be made according to the mapping above.

C. Sustainable solution according to SDGs & Technical Guideline National Society Programming Against Child Marriage

Solutions need to be tailored according to existing urgencies. But first, let’s take a look at existing ASEAN projects that has relation to prevention of child marriage:

Table 3. Existing ASEAN Projects/Policies relating to preventing Child Marriage

No	Name	Year Published/ Inaugurated	Details
1	ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC)	2010	Promote human rights and fundamental freedom of women and children.
2	ASEAN Socio-Cultural Community Blueprint 2025	2016	Including protection for women & children and upholding gender equality
3	The ASEAN Regional Plan of Action on the Elimination of Violence Against Children 2016-2020	2015	Actions taken to increase protection toward children. Actions to prevent child marriage cited here is recommendation to raise minimum age of marriage to 18, provides care & protection programs, and repealing legislation that can harm children.

The policies above are all in force, however there are two major problems with them. First is only one policy specifying, directing solution toward preventing child marriage. Second, those solutions are very limited in practice, more for ASEAN that has non-interference policy as an action like ‘suggestion on repealing legislation’ from ASEAN would need a direct engagement toward each states’ politics. Therefore this paper suggests the solution to go according to Goals no.5 which is embedded on indicator 5.3.1 ‘proportion of women aged 20-24 years who were married/in union before age 15’ which means decreasing the amount of women married before, and indicator 5.c.1. ‘Proportion of countries with systems to track and make public allocations for gender equality and women’s empowerment’ which means a system must exist to systematically prevent child marriage and not just limited to existence of law. This article judged that to fulfill this indicator, The IFRC Technical Guidelines National Society Programming Against Child Marriage, can be used to be implemented in both individual states and integrated in ASEAN’s frameworks. Why this guideline? Because the creation is based on SDGs and validated by biggest global organization for child marriage Girls Not Brides, and has concrete procedures and technical guide

starting from assessment to evaluation. The (compressed) guideline that can be followed is as below:

Table 4. The IFRC Technical Guidelines National Society Programming Against Child Marriage

Four Orientations	Women Empowerment
	Family and Community Mobilization
	Providing Services in Various Sectors
	Creation and Implementation of Policies.
Assessment Kit: adopted from Child Protection Rapid Assessment Toolkit	Gather and analyze needed information
	Stakeholder identification
	Coordinate and connecting with other multi sectoral assessment. Koordinasi dan berhubungan dengan proses asesmen multisektor lain
	Ethical consideration in conducting rapid assessment
	Form assessment team
	Conduct Focus-Group Discussion
Advocacy	Issue identification
	Issue understanding and proof-gathering
	Target identification
	Clarifying goals and visions
	Create the main narrative
	Advocate the narratives
	Monitoring and evaluation
Children Security	Existence of institution and policy that protects children
	Tight selection of personnel intended to protect children

	Needs identification and prioritize children’s safety
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All existing and planned to be implemented policies and projects need to be measured, using existing measurement tools for SDGs fulfillment such as the SDGs Index by the Bertelsmann Stiftung, the Sustainable Development Solution Network, the OECD’s Distance Measure, and Progress Measure of Eurostat’s report. (Miola and Schiltz 2019) This is to ensure the progress of protection for children in ASEAN states.

CONCLUSION

Most ASEAN states and The ASEAN itself already has legal framework on both marriage legal age and banning of child marriage, however the practice remain prevalent in most countries due to loopholes, lack of emphasis of child marriage ban in society, and lacks of comprehensive actions created for each states' domestic condition. Legal law is clearly not enough in ASEAN states, as the practice of child marriage has become a custom and communities utilize the loophole in the system. Obviously, it can be said that ASEAN has not been able to progress much in fulfilling Goal 5 'Gender Equality' particularly Target 5.3 that seeks to erase early and forced marriage, as the number remains steady in ASEAN even after these years and in some places even got worse due to COVID. Hence the suggestion based on the SDGs and the IFRC's remains important to be noticed and considered to be the option for ASEAN states to use as the baseline in the formation and enforcement of child marriage prevention policy.

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