Girls'
choice and voice in child marriage decision-making:
uncovering the critical issues

PURPOSE
& background

In June and July 2021, Simavi convened a set of learning conversations on girls' agency in child marriage, between prominent researchers, activists, girl leaders and practitioners, working in the area of child rights, adolescent sexual and reproductive health and rights (SRHR) and child marriage.

The purpose was to uncover the critical reflections, key concerns or questions that were on the minds of a diverse group of people and identify key elements of discussion to help frame the issue and stimulate future conversations. A total of six 90-minute online conversations were held over the course of three weeks, involving 32 participants across Asia, Africa, Europe and the United States. The conversations provided a unique platform for sharing, listening and learning among colleagues from a wide range of backgrounds – both in terms of professional role and geographical location.

Since 2019, Simavi has been an active part of the Making the Most of What We Know (MMWWK) programme. This programme explores the links between adolescent sexuality and child marriage, and is a learning initiative of the More Than Brides Alliance. A learning theme within the programme that Simavi had led on is girls' agency and decision-making. In addition to these learning conversations, we have

considered what the academic evidence reveals as well as the viewpoints of girls, parents and other community members, capturing this in a knowledge product for practitioners as a companion piece to this convening report.

Central to these conversations was the shared starting point that issues of girls' agency and choice in child marriage are complex, challenging and critical to grapple with. The following sections will discuss some of the complexities and nuances that emerged in the conversations, and do so by pointing to the tensions and contradictions that current child marriage programming presents. The first section of this report begins by discussing how participants reflect on the use of competing approaches that define and address child marriage practices. Thereafter, participants unpack what is meant by 'agency' and why this concept should be understood in the context of girls' current lived realities and circumstances. The third section presents the programmatic challenges that participants experience, when trying to find a balance between protecting girls from harm, while also respecting their capacity to make decisions regarding their own lives. This report will conclude by bringing together the different voices and viewpoints shared over the course of the conversations, and consolidating them into a set of talking points that can help frame future conversations.

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PROTECTION versus RIGHTS

competing approaches that inform child marriage programming

Since the mid-2000s, the dominant child marriage discourse has followed a traditional protective approach.

From a protectionist viewpoint, all marriages where one or both parties are aged under 18 years are treated as 'forced', as children are not perceived to be physically and mentally mature enough to undergo sexual, marital and reproductive transitions and make responsible decisions on their own behalf. Yet, in the past years, researchers and practitioners have started to challenge this approach, based on the critique that it undermines children's evolving capacity and the complexity of agency. The following section summarises participants' main discussion points with regard to this protection vs rights debate, and does so by focusing specifically on the legal obstacles faced by girls.

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We need to shift the focus from age to agency

Legal child protection frameworks are incomplete in cases where girls choose marriage

Madhu Mehra, a law researcher from Partners for Law in Development India, expressed her critique on the model of child marriage laws, which countries are being pushed to adopt globally, by saying: "*How can child marriage laws that criminalise marriages, based purely on a single indicator as age of marriage, and that declares all such marriages void without hearing what the girl in question has to say, be treated as model law?*"

Mehra also shared that, based on the study undertaken by her organisation in India, cases of elopement tend to be the most prosecuted, whereas forced marriage cases are the least prosecuted in the country. Although the law in India provides that an underage marriage can be nullified by the minor contracting party, increasingly, girls are coming to court to argue that they want to stay within the marriage of their choice, rather than avoid it. In contrast, girls forced into marriages appear to have least access to legal or other remedies. This makes Mehra wonder: "*Do we have solutions to offer besides validating or invalidating marriages? And do we take the choice and voice of young people seriously?*"

Primah Kwagala, executive director of The Women's Probono Initiative Uganda, was also critical of child marriage laws in her country, where the practice is considered a crime, and felt that the issue has been overly politicised. She also faces challenges when representing girls in court: "*They [the girls] say, 'ok I understand you think it is violence, it is unacceptable. I am committing a crime. But this person is feeding me […]. I cannot be the person standing in court against them.' It is unacceptable and unfair in the child's eyes to actually be a witness against the person who they see as their protector.*"

A shift in focus is needed from age to agency

There was a general acceptance among participants that the international development sector should shift its focus from age of marriage towards strengthening girls' agency. Delaying marriage without tackling the root causes of it does not improve the lives of women and girls. Mehra rightfully stressed: "*When girls marry at 19 we have no problem with their lives, how poorly their lives are lived, as long as they do not marry at 17, which is very troubling.*" Furthermore, participants reflected on the challenges that increasing the legal age of marriage may pose for girls with regards to their agency. The case of Nepal was discussed, where the legal age of marriage is 20, but also India was brought up, as the government is considering raising the age of marriage from 18 to 21. By setting the legal age of marriage beyond 18, women will be denied their matrimonial status and rights to make decisions about their own lives. Moreover, it was argued by one participant that such a law reinforces state patriarchy and would make women even more vulnerable to parental control and backlash.

Do we have solutions to offer besides validating or invalidating marriages? And do we take the choice and voice of young people seriously?

Madhu Mehra, law researcher from Partners for Law in Development India

Girls' decision to marry needs to be taken seriously by policy makers and programme designers

Admark Moyo, programme manager at the African Child Policy Forum Ethiopia, asked himself and others in the room to what extent children can exercise agency and what value should be placed on this. He explained that children's evolving capacity should be taken into account when they participate in a decision-making process. Yet, programmes still fall back on an approach that emphasises children's need for protection and downplays their capabilities. Without addressing the root causes that underlie children's decision to marry, progress cannot be made. He stated: "*At the level of the law, we say that we will promote the development and best interests of the child and suppress their autonomy in having this relationship or marriage. But this does not solve the problem. We need practical solutions that solve the real issues that drive children into this sort of relationships.*"

We must move away from a black and white framework towards appreciating girls' choice

A statement by **Hamidou Adarkas Abdoulwahab**, a project manager and legal assistant at NGO Femmes, Actions et Développement Niger, reminded those in the room that, sometimes, girls' decision to marry might be confronting for child marriage practitioners. He stated: "*We started to understand that these young girls, we are making a choice for them that is not necessarily theirs; we are defending one of their rights, but they do not try to make it their own. It is as if they are trying to fight against us, even though the expected results aim at ensuring a better protection for them in this sense.*" This statement stresses that respecting girls' right to choose requires some introspection on the side of practitioners, as it may go against their protectionist view. The proposition that marriage for some girls, in some situations, is a deliberate choice invites policy makers and programme designers to move away from the binary view that child marriage is 'wrong' and preventing the practice is 'right'. Each case of child marriage should be appreciated on its own and better knowledge on the local context and broader ecosystem that surround a girls' choice is needed to come up with adequate programmatic responses, as will be argued in the next section.

We started to understand that we are making a choice for these young girls that is not necessarily theirs.

Hamidou Adarkas Abdoulwahab, a project manager and legal assistant at NGO Femmes, Actions et Développement Niger,

EVOLVING,
complex & contextual
broadening the understanding of agency

Throughout the different conversations, participants repeatedly emphasised that girls' agency in relation to marriage decisions should be understood in the context of their current lived experiences and circumstances.

This means that, when trying to understand to what extent and how children exercise agency, both relational and situational aspects of agency need to be carefully considered. Relational aspects refer to the power dynamics between the girl, her parents, extended family members and community, while situational aspects include the social pressures and possibilities that existed when a marriage decision was taken. Besides, some participants also highlighted the importance of information provision, as without accurate and realistic knowledge, children might unwillingly limit their own choices and opportunities. These key themes will be discussed in detail below.

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Harouna Abdoulaye Mahamane Sale, technical advisor advocacy and governance of children's rights at Save the Children International Niger

Enabling girls to make an informed decision

When talking about the concept of children's agency, some participants stressed that some girls might decide to marry early, because they are not mature enough to fully understand the consequences of a decision to marry or because they lack information to see what different options are available to them. The presence of a mentor or role model was also considered to be a crucial factor in this, as they are the living proof of where different choices may lead to. **Harouna Abdoulaye Mahamane Sale**, technical advisor advocacy and governance of children's rights at Save the Children International Niger, noted that: "*One of the difficulties in Niger is that girls do not have models on which they can base their choices. So they have a problem, because to choose something, you have to already understand the content of that thing, what the consequences are, and what the limits are. […] So the problem of choice here is that choice is not informed by evidence or success stories.*"

In one conversation, participants also shortly touched upon the dangers of misinformation in the digital age, especially during the COVID-19 pandemic, and how that is creating a polarised discourse. **Kate Matheson**, gender and sexual and reproductive health and rights (SRHR) consultant, reminded us that access to the internet is still a massive problem for many people and causes exclusion, especially for girls. Being able to navigate what information is correct and what is not, she said, is an important point for us to be thinking about.

Relational aspects of agency – recognising an individual's embeddedness in social interaction and relationships

During the conversations, several participants challenged the notion of individual agency, arguing that the social structures that girls live in may affect their decision. These structures are composed of girls' immediate family members, but also include broader social networks such as peers, extended family and the broader community.

Peer pressure

Peer pressure to marry was repeatedly flagged as an issue. Girls get easily influenced by their peers when they notice that after getting married, they are taken care of. For example, **Pratima Panthee**, programme manager at Creative Institute Nepal, noted: "*In our context, when a girl sees that her friends get married, and she sees that the girl is happy and is going out with her husband, wearing her ornaments, good clothes, looking beautiful... that thing attracts other girls and they get influenced.*" A central point raised during multiple conversations was that the poor communication between adolescents and their parents is an important push factor that drive adolescents to turn to their peers for advice and understanding.

Influence of parents

Furthermore, when exploring children's 'voice and choice', their inevitable dependence on their parents or caregivers remains a crucial factor to consider. Parents have legal and economic authority over their children and their power and influence should thus not be overlooked. Yet, even though child marriage is often viewed within a context of force and coercion, it is difficult to consider an act forced when children want to please their partners, or do what is expected of them. For example, an SRHR expert rightfully pointed out that for many children, it is important to be a *good kid*. Young people also feel the pressure to get work and marry young, because they want to provide for their families.

Community

What became clear over the course of several conversations is that young people's life decisions need to be understood in the context of their family and community relations. International advocacy efforts pushing for young people's 'individual right' to decide how to live their lives might not always be the most appropriate framing, as in some contexts collective rights and agency may be more relevant to the lived realities of girls. As was mentioned by **Elizabeth Omoluabi**, executive director of AkenaPlus Nigeria: "*A young girl lives in a place, an environment. When we think about her freedom of choice, it is within this context that we must see it. We tend to think that we can build the capacity of an individual; we forget that this individual lives in a system.*"

One participant further illustrated this point, by saying that in most African countries, choice is a communal decision. The aspiration to be married is something that is passed on from generation to generation and girls see it happening all around them while they grow up. Agency may thus be a collective decision made by the family, which includes the parents, but also broader family members such as aunts, uncles and grandparents.

Situational aspects of agency – navigating choice in the absence of viable alternatives

Participants agreed that to better understand girls' decision-making processes, it is important to take into account their contextual realities, as the intersecting vulnerabilities faced by girls have a direct impact on the choices that they are making.

Lack of opportunities

According to several participants, the issue of girls' agency is intrinsically linked to the resources and opportunities that are available to them. Can marriage even be considered a deliberate 'choice' in situations where there is a lack of other realistic options, such as quality education and opportunities for economic empowerment? A youth advocate from Nepal expressed her concerns by saying: "*There are very limited choices – either you do higher studies or you marry. In some places higher studies is not even a thing. Even in my family, I am the only one who is going for a Bachelor's degree, without getting the pressure to marry. But I should not be the only one.*"

Social stigma

Furthermore, it was noted that in contexts where safe and effective family planning methods are lacking and where marriage in case of pregnancy is the norm, girls might choose marriage as their alternative options are limited. Abortion is often inaccessible and out-of-wedlock childbirths presents real socio-economic risks, such as social stigma and discrimination. It is thus understandable how, after weighing their different options, girls consider early marriage the most secure pathway.

Survival strategy

In addition, there were several participants who gave examples of how these situational dynamics play out in constrained contexts, such as (post) conflict settings. In such situations, marriage often becomes the 'better choice' as it can offer girls some sort of protection and economic security. Speaking of post-conflict Uganda, **Kwagala** shared: "*You are going to find a lot of child-headed families. In most cases, if your parents are wiped away during the war, as a girl you are the only one left to take care of your siblings. […] Women do not own land, as land can only be passed on to men, so for you to be able to access these resources, it is through a marriage.*" **Dorothy Aken'Ova**, executive director of INCRESE Nigeria, shared a similar experience from her country, where attacks on rural communities have pushed girls to marry men from urban areas, as this was a way for them to escape the escalating violence. Child marriage in these instances becomes a survival strategy that can provide young girls a temporary respite from the precarity they may face.

> We think we can build the capacity of an individual; we forget that this individual lives in a system
>
> Elizabeth Omoluabi
> executive director of
> AkenaPlus Nigeria

CHALLENGES
for a programmatic response

The complexity of agency and the multi-layered nature of child marriage present several challenges for programmatic responses. The following section will discuss the tensions and contradictions that child marriage programming may involve.

Are programmes setting girls up for failure by creating expectations that cannot be fulfilled?

Some in the room felt that programmes are not doing enough to create a safe support system for girls. They questioned what the sector is really advocating for when there are no social systems in place that can produce the same kind of securities that marriage may be expected to offer. **Sheena Hadi**, executive director of Aahung Pakistan, noted: "*We say*

Are we in a way disadvantaging girls by telling them that this option [child marriage] is wrong, but then not giving them anything else to better their lives?

Sheena Hadi, executive director of Aahung Pakistan

For many girls, school, work or daily vulner- abilities hamper their partici- pation

send girls to school, but we do not have those quality schools and the social infrastructure in place that can better girls' lives […]. Are we in a way disadvantaging girls by telling them that this option [child marriage] is wrong, but then not giving them anything else to better their lives?"

Furthermore, there was a notion that when girls do make the decision to delay marriage, absence of support systems make it challenging to sustain that decision. Moreover, there are few options for children who are trying to leave their marriage. As stressed by **Madhumita Das**, gender, sexuality and rights advocate, divorce is still a neglected topic in child marriage programmes. Even where it is technically possible, divorce is an unimaginable option for women and girls, as it is still seen as a disgraceful topic in many societies.

Does programme design favour a certain target group and exclude others?

Reflecting on the target group of child marriage programmes, a Nepalese youth advocate pointed out that interventions are often catered to those groups of people who can afford to invest their time and effort in the project. Yet, for many girls, school, work or daily vulnerabilities hamper their participation. She questioned: "*Are programmes designed with girls in mind or do they favour those people who already have easy access to opportunities and face less barriers?*" Furthermore, participants raised

that programmes largely focus on prevention activities, targeting girls at risk of marriage. Tailored approaches to respond to the needs of married girls and young couples are very limited. Participants expressed the need for programmes to engage with this gap, for example by including couples counselling as an intervention.

Raising expectations may lead to confusion

One participant expressed that skill-building and/or educational programmes may potentially lead to increased frustration among girls, as they are being thought to be something more than a wife, but in reality society still won't let them. She worried about the impact that this could have on girls' mental health. While programmes often foster leadership skills in girls, many return to a patriarchal family environment after attending the programme. Here, they are taught what it means to be male or female in their society, which has a significant impact on their individual perceptions of gender roles. **Nathalie Sawadogo**, senior lecturer in Demography at the Université Joseph Ki-Zerbo in Burkina Faso, explained: "*There is really this strong socialisation that makes that the first reference of most girls is marriage.*" This is because in many societies, there is prestige related to being a married woman. One participant even pointed out: "*You can have a PhD but people will still ask you if you are married*". Some felt that these norms around women's role in society point towards the need to expand the child marriage discourse, by focusing on gender equality more broadly.

Let's open the discussion about adolescent sex

Opening up a discussion about adolescent sex

There was a sense among participants that a stronger connection between child marriage and adolescent SRHR needs to be established in future programming. **Suzanne Petroni**, gender and SRHR consultant, explained that child marriage and adolescent sexuality have long been viewed as separate issues. She asked a critical question: "*How can we use the discussion around child marriage to bring SRHR for adolescents more out into the open? There is a discomfort around adolescents' SRHR. Talking about married girls needing access to contraception is more politically palatable than talking about adolescents having sex.*" Yet, control of girls' sexuality is a crucial factor underpinning child marriage practices and, going forward, must be talked about.

Comprehensive sexuality education is indispensable

The inconsistency of comprehensive sexuality education (CSE) was raised as an issue requiring further attention. For lots of educators, sexuality remains a sensitive topic. One participant emphasised that teachers feel reluctant to discuss delicate issues, and tend to exclude topics they feel uncomfortable with. This means that most programmes focus on biological and risk-prevention elements, such as education on sexually transmitted diseases and contraceptive use, while topics such as gender norms and sexual diversity are less addressed. In addition to targeting adolescents, several participants also suggested that programmes should invest in CSE for parents. Parents are the first line of reference on issues affecting their children, yet many feel ill-equipped to discuss sexual matters with them, owing to the sensitivity of the topic and their lack of SRHR knowledge. Sensitising parents, participants said, could help children to develop sexual literacy and attain sexual health and wellbeing.

> There is a discomfort around adolescents' SRHR. Talking about married girls needing access to contraception is more politically palatable than talking about adolescents having sex.
>
> Suzanne Petroni, gender and SRHR consultant

Contextualised responses to child marriage are vital

Even though the importance of 'localised' and 'culturally sensitive' responses to child marriage are often emphasised, some participants expressed that this is still difficult to realise in practice. Speaking of the community backlash received after the implementation of a programme with an SRHR component, **Jean Paul Dargal Bitobo**, senior gender equality technical advisor at Save the Children Niger, said: "*For the communities, that is visibly perceived as being unsympathetic. That is to say […] you don't want our girls or our boys to have early access to sex, but at the same time you give them the tools that allow them to express their sexuality.*" This creates contradictory messages for communities.

Girls need to have a seat at the table

The disconnect between programme interventions and the social realities of communities came up as a central point of discussion. One participant even noted that practitioners may be perceived as 'intruders', who come to the community with an outsider perspective and ask them to do something they do not understand the merits of. In addition, the language that civil society organisations use to communicate with their target group was considered too technical and their 'offer' was seen as less responsive to communities' needs. For example, *Harouna Abdoulaye Mahamane Sale* explains how critical it is to listen to parents' concerns with regard to their daughter's safety while designing and implementing education programmes. He said: "*They [parents] say, you know that a girl's virginity is so important to us, and you know that sex outside marriage is prohibited in our communities, and you know too that girls are exposed to both of these problems everywhere in the village. So if you want my daughter to continue her education, please help us educate the young boys so that she [the girl] feels safe at school and on the way to school.*"

Having a seat at the table

These critical reflections point to the need to work on a more integrative strategy, which engages with the realities of communities and involves them in the design, implementation and evaluation of programmes. Far too often, the target group of interventions and policies are not given a seat at the decision-making table. A comment from a Nepalese youth advocate is illustrative of this: "*Policies about girls' lives are often being discussed without girls' input and voice. I have had this happening to myself. I was part of a consultation on child marriage and I was surprised to see that I was the only girl, and others were men in their 30s and women's rights activists.*" Yet, when girls are given a chance to participate in such processes, with their communities as active allies supporting them to defend their rights, a more sustainable change can be achieved.

I was part of a consultation on child marriage and I was surprised to see that I was the only girl, and others were men in their 30s and women's rights activists.

Nepalese youth advocate

Points of convergence – fundamental talking points helping the conversation MOVING FORWARD

The experience of bringing together people from different backgrounds and viewpoints signal that despite everyone's diverse perspectives, there is a 'meeting of the mind' around central concerns or issues.

The importance of creating a space for global colleagues to listen, interact and learn from each other has demonstrated its value by allowing some fundamental talking points related to girls' voice and choice in child marriage to come to the surface. Summarised below they invite future discussion, and the exchange of ideas and experiences to take the conversation forward:

• **Protection vs rights as a spectrum:** exploring how to walk a fine line between empowerment and protection of children, and what this means for programme design and theories of change in child marriage.

• **Agency as a contested and complex concept:** building a shared understanding of how to frame this concept in a refreshed child marriage narrative and its practice.

• **Revisit the principle of least harm:** building a better understanding through critical reflection on programme pitfalls and cautions around exposing girls to risk or harm. Who benefits and who is excluded from programmes? Are we picking low-hanging fruit rather than reaching the 'last mile' or most vulnerable?

• **Taking girls' choice seriously:** continuing to build evidence and understanding on how girls make decisions and navigate choices related to marriage and what this means for empowerment interventions.

• **Considering girls' wellbeing:** building a stronger understanding of the pressures and stresses girls might experience. The social pressure that girls might experience and the mixed messages they may receive can cause anxiety and stress. How can programmes pay attention to this?

• **Context is 'everything':** building a better set of tools and processes to understand context and lived experiences so that programmes and interventions can meet girls, parents and communities 'where they are', which fosters ownership and avoids backlash.

• **Control of girls' sexuality:** exploring control of sexuality as a key situational factor and recognising the presence of power dynamics in understanding her agency in programmatic responses.

CONTINUING
the conversation

The More Than Brides Alliance is committed to working towards a world where girls can effectively unite their voices and build power, advocate for their rights and decisions, and truly have a voice and a choice in their lives.

We will do this through facilitating shared learning and developing and testing innovative approaches. Kindly see our website for more information at: **https://morethanbrides.org.**

Simavi is committed to continue working on issues affecting women and girls' rights, health and wellbeing. Any remaining questions or comments regarding this report can be sent to:

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