

# THE CONTRIBUTION OF CIVIL REGISTRATION FOR THE ENDING OF CHILD MARRIAGE

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## INTRODUCTION

One-quarter of the world's women aged 20-24 globally were married or in union before the age of 18, and 6 percent before the age of 15<sup>2</sup>, according to numbers released in 2017. In South Asia, almost half of all girls are married or in union before the age of 18 (45 percent), and 17 percent before the age of 15<sup>3</sup>. Child marriages challenge protective mechanisms and social norms, and often result in serious health issues for a child mother and her offspring, harms the social wellbeing of child brides and child grooms, and has been found to cost the global economy trillions of dollars. One way that countries are trying to end this practice is through improved civil registration that provides secure documents to prove the age of the proposed bride and groom to support the enforcement of legislation that prohibits early marriage, ensures that individuals have the necessary legal documents to access services that have been found to create an environment that curbs the use of this practice, and provides statistics that can help direct where further policy interventions may be required.

## CIVIL REGISTRATION

"Civil registration is defined as the continuous, permanent, compulsory and universal recording of the occurrence and characteristics of vital events pertaining to the population .... Civil registration is carried out primarily for the purpose of establishing the legal documents provided for by law."<sup>4</sup> To end child marriage, the recording and secure and protected storage of the records of two events, birth and marriage, are the most critical. It is also the responsibility of the civil register to issue unalterable certificates that attest to these vital events.

In Asia and the Pacific the recognition of the importance of civil registration resulted in the Declaration and Regional Action Plan on Civil Registration and Vital Statistics in Asia and the Pacific which has a shared vision that "by 2024, all people in Asia and the Pacific will benefit from universal and responsive CRVS systems that facilitate the realization of their rights and support good governance, health and development."<sup>5</sup> Similar plans are in place in other regions.<sup>6</sup> All forms of registration provide a legal protective framework for the individual, as well as statistical data for policy planning.

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<sup>2</sup> UNICEF (2017) *State of the World's Children: Children in a digital age*, United Nations Children's Fund: New York.

<sup>3</sup> UNICEF database 2014. Accessed at: <http://data.unicef.org/child-protection/child-marriage.html>.

<sup>4</sup> United Nations Department of Economic and Social Affairs (2014). *Principles and Recommendations for a Vital Statistics System, revision 3*. New York: United Nations, pg.65.

<sup>5</sup> See <http://www.getinthepicture.org/>.

<sup>6</sup> For example the Africa Programme for Accelerated Improvement of Civil Registration and Vital Statistics, and the Universal Civil Identity Project of the Americas.

### Marriage registration

Marriage registration is the recording of the “act, ceremony or process by which the legal relationship of spouses is constituted”<sup>7</sup>. The registration should include all types of marriage be it a lawful marriage, religious marriage, consensual or customary union. Ideally the registration should be founded on trusted and trustworthy birth certificates. The resulting marriage certificate is necessary for ensuring the legal obligations of the spouses during the marriage as well as responsibilities in the case of a separation or divorce. It may be necessary for the property ownership regimes during the marriage and for the implementation of inheritance entitlements. In some countries the marriage certificate is required to obtain travel documents such as passports. A person who marries a citizen of a different country, may require the certificate to apply for the citizenship of the spouse, to obtain a visa to travel to the spouse’s country, or to obtain a residency permit. Their offspring may need to certificate to claim citizenship of a country. In some countries registration is required to access social benefits provided to a family unit. It may also be required, by the courts, in situations of domestic violence and marital rape.

Marriage registration provides an indication of the strength and stability of the institution as a determinant of the family unit. Tracking the age of marriage and in the numbers of marriages over time provides information on changes in the institution, including child marriage prevalence. It can be combined with other vital statistics, such as child birth, to understand the social requirement of marriage for producing offspring. Information on the duration of marriage in connection with live births and foetal deaths is used in the analysis of fertility, as well as examining the use of divorce or annulment to end a child or early<sup>8</sup> marriage.

With marriage registration a country can plan and respond to relevant social changes, such as benefit structures for children born out of wedlock with or without information on the father. Examining the corresponding divorce events, and the number of children dependent on the divorced persons, may support the implementation of child support decisions and child care policies. Analysing the fertility differentials by the marital status contributes to policy discussions on social benefit and insurance structures. Disaggregating the marriages by the different types of marriages provides data on the nature of the practice and policy guidance on where attention needs to be paid to end child marriage.

### Birth Registration

Birth registration is the recording of the occurrence and characteristics of the birth. A recording by the State, it is a permanent and official record of the person’s existence before the law. It is a right for every child enshrined in the Convention on the Rights of a Child, yet only 70 percent of children under the age of 5 are registered globally and only 60 percent in South Asia.<sup>9</sup>

Birth registration supports the implementation of age related legislation such as the minimum age of criminal responsibility, the age of work and the minimum age of marriage. It identifies family relationships that provide protection in the case of the illegal procurement of children and child

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<sup>7</sup> Ibid, pg. 4.

<sup>8</sup> Early marriage is a marriage or a union where one of the parties is below the legal age of marriage in the country.

<sup>9</sup> UNICEF (2017) *State of the World’s Children: Children in a digital age*, United Nations Children’s Fund: New York.

trafficking, and supports the reunification of families that have been separated. The registration usually includes the place of birth and in some cases the parent's citizenship is recorded, both of which contribute to defining the person's citizenship. Like with marriage registration it also provides evidence to resolve inheritance issues. Birth certificates may be required to access health care and enrol in school, and later in life to obtain other documents such as driver's license, passport or to open a bank account. It may be required to determine voting rights.

Along with death registration, birth registration is one of the most important events to record for statistical purposes. It provides the necessary denominator for planning, such as the number of children who may need secondary school education. It can provide age-specific fertility rates, and identify policy concerns such as trends in adolescent pregnancies.

### CHILD MARRIAGE

Child marriage is the marriage or union of two people where one person is under the age of 18. The marriage may be arranged between families, or may be initiated by the parties on their own accord. It may stem from the tradition in the community and it may also be seen as a way to protect a child. Child marriage can be viewed as a risk mitigation measure, such as by protecting the child from sexual advances, or to secure their livelihood. It may be an economic strategy for the household, to bring down current and future costs (of education, health expenditure and the cost of marriage itself), manage or repay debt, and build socio-economic capital – including by creating a broader family network, securing more land or property, and/or the pooling of resources and support. Girls may be seen by their families as an economic burden, or as capital for their exchange value; for example in South Asia a younger girl often attracts a lower dowry and a higher bride price. It may be seen by a young person as a way to escape a stressful home environment, or as a way to explore their own choice of relationship.

Yet child marriage is a harmful practice due its negative consequences. Children who marry are less likely to complete school<sup>10</sup> which impacts on their lifetime earnings potential and possibilities for participation in the labour force. They can suffer from social isolation and the risk of gender-based violence in the home. Girls who marry young tend to give birth earlier and more often contributing to higher maternal and infant mortality<sup>11</sup>. The cost of child marriage has been found to be in the trillions globally<sup>12</sup>.

Knowing the age of a person is a requirement to end child marriage; knowing the person's age is what identifies them as a child. The below graph illustrates the relationship between the registration of births for those under five years of age, and the rate of girl marriage.

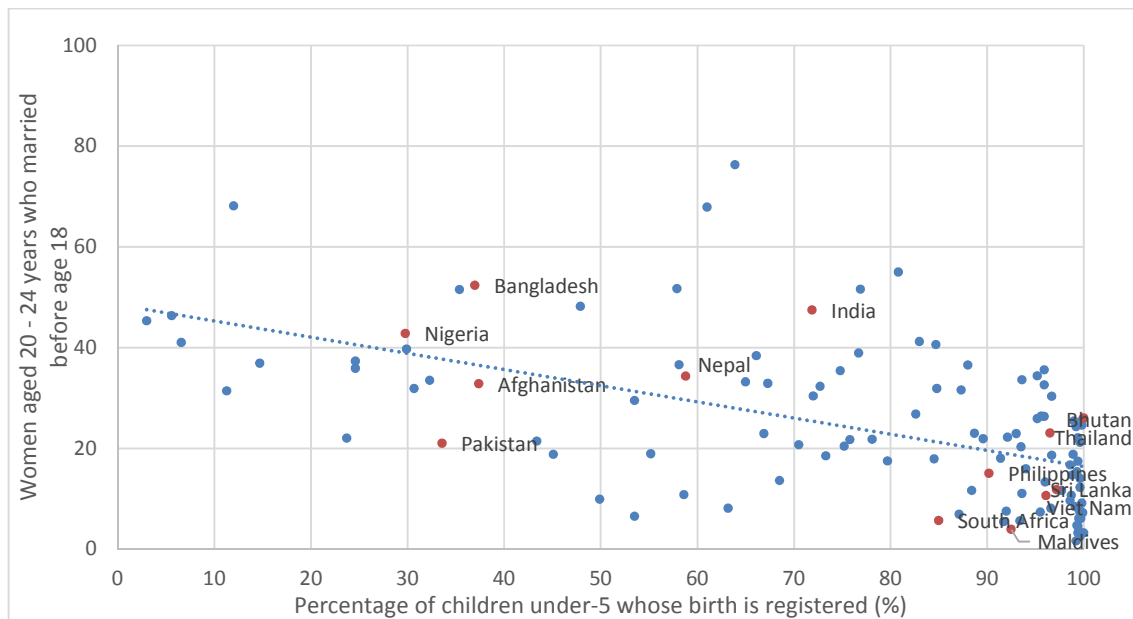
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<sup>10</sup> Sekine K, Hodgkin ME (2017) Effect of child marriage on girls' school dropout in Nepal: Analysis of data from the Multiple Indicator Cluster Survey 2014. PLoS ONE 12(7).

<sup>11</sup> United Nations Population Fund (2012) *Marrying Too Young: End Child Marriage*. United Nations Population Fund: New York.

<sup>12</sup> Wodon, Q., C. Male, A. Nayihouba, A. Onagoruwa, A. Savadogo, A. Yedan, J. Edmeades, A. Kes, N. John, L. Murithi, M. Steinhaus and S. Petroni (2017). *Economic Impacts of Child Marriage: Global Synthesis Report*, The World Bank and International Center for Research on Women: Washington, DC.

### Relationship between Birth Registration and Child Brides



Data Source: UNICEF (2017) *State of the World's Children: Children in a digital age*, United Nations Children's Fund: New York.

While the registration of births within the civil registry are not complete globally there is a correlation between higher birth registration and lower rates of child brides.

#### POLICIES AND PLANS IN SOUTH ASIA

States have recognised the harm of child marriage and the importance of its elimination to ensure sustainable development. States committed within the Sustainable Development Goals (SDGs) Target 5.3, to *"Eliminate all harmful practices such as child, early and forced marriage, and female genital mutilation."* Within the same agenda States committed to Target 16.9 to *"Provide legal identity for all, including birth registration"* and within the target of 17.19 which focuses on the capacity to monitor progress on the SDGs, the indicator 17.19.2 is the *"Proportion of countries that ... b) have achieved 100 per cent birth registration and 80 per cent death registration"*.

In South Asia the regional intergovernmental body, *South Asia Initiative to End Violence against Children* (SAIEVAC), which is an Apex body of SAARC, adopted the Kathmandu Call for Action<sup>13</sup> that includes a requirement for birth and marriage registration and is supported by a Regional Action Plan to End Child Marriage (2015-2018)<sup>14</sup>. Within this plan birth and marriage registration are considered necessary in the efforts to end the practice. Two of its indicators are the number of States where birth registration is compulsory and free of cost and can be done by mothers and, the number of States where marriage registration is compulsory and free of cost.

<sup>13</sup> South Asia Initiative to End Violence Against Children (2014) *Kathmandu Call to End Child Marriage in South Asia*, SAIEVAC: Kathmandu.

<sup>14</sup> South Asia Initiative to End Violence Against Children (2015) *Regional Action Plan to End Child Marriage in South Asia (2015-2018)*. SAIEVAC: Kathmandu.

This Regional Action Plan has been used as a model by countries in the region to develop national and sub-national plans. In Bangladesh, for example, the National Plan of Action is under review. In the area of registration it proposes to strengthen compulsory birth registration and establish an accountability system to ensure proof of marriageable age. In Rajasthan India the adopted plan<sup>15</sup> includes the improvement of the vital statistics system to capture marriage registration and to strengthen the capacity of the registrars to understand not only the legislation guiding marriage registration but also the consequences of child marriage. In Nepal the draft plan aims to enhance the effectiveness of registration, including the harmonisation across the relevant laws such as those governing birth registration and the annulment of marriage. Focusing on birth registration immediately after birth, combined with the issuance of secure tamper proof certificates, can eliminate late registration and false claims of age. A strong institutionalised civil registry provides a sustainable mechanism to contribute to the prevention of child marriage.

As noted, improving civil registration is a priority of the governments of Asia and the Pacific. The Ministerial meeting on civil registration of the Economic and Social Commission for Asia and the Pacific recognises that civil registration contributes to ending child marriage<sup>16</sup>, and notes its profound development implications such as contribution to gender equality and the drastic impact that this has on the lives of individuals.<sup>17</sup>

#### REGISTRATION AS A CONTRIBUTION TO ENDING CHILD MARRIAGE

There are a number of areas where civil registration may potentially contribute to ending child marriage. As registration is by definition permanent and continuous, the impact of registration not only facilitates the prevention of a child getting married now, but also in the future. With a complete civil registration system, birth registration data is available and the institutional structures established such that the civil registry can be used to prevent child marriage.

Birth registration, especially when implemented immediately after birth defines a person's age. It is a prerequisite to knowing if one of the parties proposed for marriage is a child. Examining the birth registration before a marriage is conducted determines if the parties are of the legal marriage age.

There are a number of programmes that are known to improve the environment around the child and that may act as a preventative factor in child marriage.<sup>18</sup> For example access to education supports a child's socialisation and also has a positive effect, in the future, on how they raise their own children. Education also contributes to the person's future earning potential. Cash benefits may mitigate the use of child marriage as a household poverty reduction strategy<sup>19</sup>. For some services like primary

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<sup>15</sup> Government of Rajasthan (2017) *State Strategy and Action Plan for the Prevention of Child Marriage* "Towards creating a child marriage free Rajasthan. Government of Rajasthan: Jaipur.

<sup>16</sup> Economic and Social Commission for Asia and the Pacific (2014) *Ministerial Conference on Civil Registration and Vital Statistics in Asia and the Pacific: Report of the Conference, E/ESCAP/MCCRCS/4.*, para. 11f.

<sup>17</sup> Ibid, para. 15.

<sup>18</sup> Malhorta, Anju, Ann Warner, Allison McGonagle, Susan Lee-Rife. (2011) *Solutions to End Child Marriage: What the evidence shows*. International Center for Research on Women, Washington; Girls Not Brides (2013) *Ending Child Marriage: What will it take?* Girls Not Brides: USA.

<sup>19</sup> United Nations Population Fund and United Nations Children's Fund (2017). *Income Support Programmes to End Child Marriage in South Asia*. UNFPA: Bangkok.

health care, school enrolment and income transfers, a birth certificate is required. Birth registration may facilitate access to services which have been identified as contributing to ending child marriage.

Access of adolescents to confidential health care and social service networks may improve their understanding of the risks of bearing children at an early age and provide comprehensive sexuality education. Not only is this important for the individual but is also information they can share. Being registered may facilitate access to these supportive services that can contribute to ending child marriage.

In a number of countries, to register a child's birth requires the parent's marriage registration. Not having this registration therefore hinders the registration of the couple's offspring who may also be at risk of child marriage.

Civil registration and the resulting certificates are an enabler for the access to services such as social services, education and health care and also support the realisation of other rights such as work, voter registration and citizenship. In many countries women are less able to access services, particularly if they do not have the legal documentation. Registration therefore may help to promote women's empowerment<sup>20</sup>.

A child marriage, if annulled or if there is a divorce, will have property implications for each party as well as any offspring. The registration documentation may provide the necessary assurances that the entitlements due to both parties are respected.

Vital statistics provide directions on where a policy adjustment may be required to end this harmful practice, such as the need for more services due to demographic shifts, or attention to a particular type of marriage where children are more likely to marry. It monitors changes in marriage patterns and progress towards achieving the Sustainable Development Goals.

To be an effective protective factor and to implement the above, civil registrars need to examine how to make this process efficient for the end user. Programmatically this could include simple ways to access copies of the birth records as a mandatory procedure before marriage. Direct links between a marriage and a birth registry can facilitate the marriage registrar determining the age of the parties before completing a marriage registration and having a role in annulment if applicable, and the birth registrar would be able to easily access any marriage registration required for birth registration. Additionally, copies of records need to be simply provided to be able to access other services that are shown to prevent child marriage. Complete registration and secure records will create a sustainable support to effectively to end child marriage long into the future.

## CONCLUSION

Civil registration, and particularly birth and marriage registration, helps to prevent child marriage. Civil registration records, secure from unauthorised access, along with a certificate that is not easily tampered with are the basis for this protection. Birth registration provides the legal documentation to prove a person's age, such that the minimum age legislation for marriage can be accurately implemented. The birth registration also facilitates the access to the necessary services that can help

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<sup>20</sup> Dahan, Mariana and Lucia Hanmer (2015) *The Identification for Development (ID4D) Agenda: Its potential for empowering women and girls – Background paper*. World Bank: Washington.

end the practice of child marriage. Issuing tamperproof birth certificates can support the determination of the age of the couple. The statistics from marriage registration provide information on the type of marriage that is used most often for child marriage, on any marriage related trends, and provide indications of where policy adjustments may be necessary. It also provides a protective factor such as for inheritance, property rights and the further support of any offspring. Ending child marriage is a human rights imperative, and ending the practice results in significant benefits that can help accelerate realisation of other development goals.