

THE WALL STREET JOURNAL

WSJ.com

May 8, 2012, 11:30 AM IST

Child Marriage: A Human Trafficking Problem?



Prakash Hatvalne/Associated Press

A nine-year-old boy, right, stood with his seven-year-old bride, left, near the central Indian city of Bhopal, May 7, 2011.

Days before law professor [Michele Goodwin](#) was [set to speak in Chicago](#) about why child marriage persists widely in India despite almost a century of legislation, a [heart-warming story](#) made the rounds.

Laxmi Sargara, an 18-year-old who was married to another child when she was a baby, rebelled when her in-laws came to take her away from her family. She eventually got the marriage annulled – though that may not be quite the right term for an act that wasn't legal in the first place.

Advocates against child marriage hailed her bravery. But in the paper that Ms. Goodwin [presented](#) last Friday, she noted that the triumphs that catch international attention represent just a fraction of child marriages, which are still extremely widespread in India.

According to a major recent [survey](#) by the Ministry of Health, which covered 700,000 households between 2007 and 2008, 43% of the married women in the age group of 20-24 had been child brides. The legal age for a girl to marry in India is 18 – marriages below that age are considered child marriage.

"There is real competition in law in India, between federal law and the law of custom," said Ms. Goodwin, in an interview last week.

For uneducated girls, the [average age of marriage is around age 15](#), according to the United Nations child rights group Unicef, citing figures from a national survey conducted between 2005 and 2006.

After field research conducted over two years in both urban and rural areas of several Indian states – including in Bihar, where nearly 70% of young brides said they

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married before they were 18 – Ms. Goodwin said she has come to view child marriage in India as a form of human trafficking.

As in trafficking, girls have no say in the arrangement and after their marriages they often experience sexual and physical abuse in their new households. "She is the property of anyone in the household," said Ms. Goodwin.

But because this treatment happens in the realm of marriage, it is seen as separate from human trafficking, she said.

"We overlook this aspect of it because we consider marriage to be so sacred," she said. "Once one begins to unpack what this is all about, one can really see how brutal this is for these young girls."

As with trafficking, money changes hands. In this case, though, it's the "selling" party that makes the payment, in the form of dowry. The broker who helps arrange the match also makes some money. Even though the bride's family isn't getting a payment, there's a financial incentive to marry a girl earlier, since they'll need to pay the groom's family more money to take an educated girl, she found. Also, once a daughter has been sent off, that leaves a little more to go around for everyone else.

In some cases, those who are part of the formal legal system acquiesce in the custom.

"If law after law is passed but the situation is not changing that indicates there's a problem on the ground," said Ms. Goodwin. "One of the challenges happens to be, interestingly enough, with judges."

Ms. Goodwin said that while local judges attended child weddings as guests – and sometimes even solemnized the marriages – they did not often take steps to stop them from happening.

It isn't only women who get married below the legal age. In the 2007-2008 survey, almost a quarter of the boys who had married in the preceding three years were younger than the legal age of 21 when they did so. Ms. Goodwin suggests that the pressure for early marriage from the groom's side could come from mothers-in-law who want free domestic labor.

"I interviewed a young man who was 12, 13, about to get married and the mother specifically made the reference that this was going to be a new worker in the house and she didn't say this in any kind of way that intimidated warmth," she said.

One of the problems, as Ms. Goodwin acknowledges in her paper, is that the choice for a bride's family is not always between the good – say, education – and the bad, early marriage. It's often between the [bad and the worse](#), which could involve selling a daughter into prostitution.

But it's not all bad: Urbanization is reducing rates of child marriage.

Ms. Goodwin suggested that the Indian government needs to invest resources to bring some of the features of urban areas to rural areas, namely education and the presence of more people or organizations that might try to uphold the law or advocate with families on behalf of their daughters.

"So long the government treats these communities as being remote, these communities will treat federal law as

being remote,” she said.

The law professor said that it might be tempting for the government to see the issue of underage marriage as one in which the harm was restricted to the family sphere – and therefore not worth spending a lot of money on. But she said the government should look at the bigger picture, at costs like higher maternal mortality among teen brides, and at the higher rates of malnourishment among them and their children.

“India’s economic future depends in part on what it does in these communities,” she said.

And then there’s the smaller picture.

In her interviews with women who had been married in their teens, Ms. Goodwin said that she would describe them as reconciled to their situation “with regret.”

“There is the pressure to go along and to get along as if this is something that is decreed by something higher than government,” said Ms. Goodwin. “No one wants to be told that one is violating a long-held, thousands-of-years-old tradition. They’re making the best of a very compromised situation.”

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