

# Chapter I

## BACKGROUND

### 1. Background

Child marriage is defined by the UNICEF as the under 18 years children marriage whether it is informal or formal, where the children under 18 are living with a partner as marriage partner. The main victims of the child marriage are women under 18 that being forced to move in to their husband residences and being given a great responsibility to to become a woman who keeps house and raises a family, rather than play and study like the child she is (Selby & Singer, 2018). In some country, child marriage becomes a custom, practices which are inherited from the past and which are accepted and respected by the members of a community. Child marriage, forced marriage or arranged marriage is viewed as a custom which has a harmful effect on children's health. In effect, children who are forced to marry against their will are subjected to trauma which endangers their physical and mental development.

Girls around the world deserve to live full childhoods, go to school, be free of the violence and negative health consequences associated with child marriage, and choose—for themselves and without violence or coercion—when and whom they marry. Not only does child marriage negatively impact the lives of girls themselves, it also directly hinders the accomplishment of the Millennium Development Goals (MDGs), which set development priorities for the world. Efforts to end child marriage and advance the health and rights of girls must be at the center of the global development agenda in order to end extreme poverty and ensure human rights for all.

Mostly, child marriage happens in area with high level of poverty because poorer households, with many families marrying off their daughters to reduce their perceived economic burden. Child marriage and forced marriage are most common in Sub-Saharan Africa where 38% of girls become child brides. Among girls growing up in South Asia, 30% experience early marriage, compared with 25% in Latin America and the Caribbean. Rates are 17% in the Middle East and

North Africa, and 11% in Eastern Europe and Central Asia. (UNICEF, 2018)

Table 1.

Countries with the highest prevalence of child marriage cases in the world.		
NO	Countries	Total
01.	India	15.509.000
02.	Bangladesh	4.451.0000
03.	Nigeria	3.538.000
04.	Brazil	3.034.000
05.	Ethiopia	2.104.000
06.	Pakistan	1.909.000
07.	Mexico	1.479.000
08.	Indonesia	1.459.000
09.	Democratic Republic of the Congo	1.300.000
10.	Uganda	787.000
Source; (Organization, 2017)		*Women aged 20 to 24 years old who were married before they turn 18.

According to UNICEF, India has the highest absolute number of child brides in the world with the number of 15,509,000, in many communities in India girls are seen as an economic burden and marriage transfers the responsibility to her new husband. Poverty and marriage expenses such as dowry may lead a family to marry off their daughter at a young age to reduce these costs. Patriarchy, class and caste influence the norms and expectations around the role of women and girls in India. In many communities, restrictive norms limit girls to the role of daughter, wife and mother who are first seen as the property of her father and then of her husband. Controlling girls and women's sexuality is an influential factor in the practice of child marriage too. (Indira Sharma; Blaram Pandit; Abhishek; Reet

Sharma , 2013)Pressure towards early marriage aims to minimize the dishonor associated with improper female sexual conduct, often leading to marriages arranged around the time of puberty. Poor educational opportunities for girls, especially in rural areas, also increase girls' vulnerability to child marriage. (Schultz & Raj, 2018)

Child marriage has become a major global issue since the child marriage leads to a violation towards children right as the idea of human right is denying the basic right of the children such as: health, nutrition, education, freedom from violence, abuse and exploitation and deprives the child of their childhood. (Chaudhuri, 2015) UNICEF estimates that globally 12 million girls marry each year before they turn 18 and also the proportion of the women worldwide that has been into marriage and union before they turn 18 is 21% that is relevant with 12 million of children especially girls are still being married off before age 18. Considering those facts, the global community through the United Nations has passed the Convention on Right of the Children; the United Nation Convention on the Rights of the Child (UNCRC) is the human right agreement that sets out the civil, political, economic, social, health and cultural rights of children. ( Edilberto Loaiza; Sylvia Wong, 2012)

The convention requires compliance with child custody and guardianship laws as that every child has basic rights, including the right to life, to their own name and identity, to be raised by their parents within a family or cultural grouping, and to have a relationship with both parents, even if they are separated. (Thomas N. , 2011)The Convention obliges states to allow parents to exercise their parental responsibilities, beside of that, the convention also mandates the signatory states to provide separate legal representation for a child in any judicial dispute concerning their care and asks that the child's viewpoint be heard in such cases.

India as one of the signatories and as one of the countries that has also ratified the convention, should recognize the Child Rights as binding constraint but still India's child marriage rate is one of the highest in the world, with a long list of social and economic pressures, from poverty to a dearth of education

opportunities, propping up the number. India has committed to eliminate child, early, and forced marriage by 2030 in line with target 5.3 of the Sustainable Development Goals. The government did not provide an update on progress towards this target during its Voluntary National Review at the 2017 High Level Political Forum. India acceded to the Convention on the Rights of the Child in 1992, which sets a minimum age of marriage of 18, and ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1993, which obligates states to ensure free and full consent to marriage. India is a focus country of the UNICEF-UNFPA Global Programme to Accelerate Action to End Child Marriage, a multi-donor, multi-stakeholder programme working across 12 countries over four years. India is also a member of the South Asian Initiative to End Violence Against Children (SAIEVAC), which adopted a regional action plan to end child marriage from 2015 – 2018. Representatives of the South Asia Association for Regional Cooperation (SAARC), including India, asserted the Kathmandu Call to Action to End Child Marriage in Asia in 2014. As part of its commitment, India will ensure access to legal remedies for child brides and establish a uniform minimum legal age of marriage of 18. During its 2017 Universal Periodic Review, India agreed to consider recommendations to improve enforcement of legal provisions against child marriage. In 2014, the CEDAW Committee raised concerns about high school dropout rates among young girls in India, making them particularly vulnerable to child marriage. (Girls Not Brides, 2018)

A National Action Plan to prevent child marriages was drafted by the Ministry of Women and Child Development in 2013, but has not yet been finalised. Key components include law enforcement, changing mind-sets and social norms, empowering adolescents, quality education and sharing knowledge. However due to its decentralised governance structure, in recent years there has been greater movement at the state level in terms of the development of state-level action plans. (Girls Not Brides, 2018) Whilst some states have taken limited action, Rajasthan launched a Strategy and Action Plan for the Prevention of Child Marriage in March 2017. The government has also used cash incentives adolescents'

empowerment programmes and awareness-raising to encourage behaviour change related to child marriage. This is limited to the role of UNICEF on decreasing child marriage level in India through their function as international organization.

## **2. Research Question**

According to the background of the problem that has been elaborated the writer wants to identify: ***“How does UNICEF Strategy in Eradicating the Child Marriage in India?”***

## **3. Theoretical Framework**

In analyzing the role of UNICEF in decreasing the child marriage level in India, the writer uses theory and also concept which are:

### **a. Constructivism**

John M. Hobson stated that constructivists argue in favour of international organizations. They argue that international organizations have the role of not only regulating state behaviour but also modifying the identity and interest of states, which, in turn, directs states action. Constructivist believes that states are “normative-adaptive entities”. This means that, through international organizations, states adapt international norms of appropriate state behaviour to inform their policies and domestic structures.

International norms push states to cooperate internationally even though states’ power as well as utility-maximizing interests is not achieved. Constructivists underestimate the relevance of relative gain, unlike the neo-realists, and propagate the more likelihood of cooperation among states. Moreover, international organizations, by constraining self-interest of states and infusing new appropriate norm to states, control states not to deviate from international cooperation .

This optimistic view on the role of international organizations makes constructivists to embrace neo-liberals. Above all, international organizations have the role of, interalia,

promoting democratization of member states and encouraging member states to pursue peaceful conflict management strategies.

b. Theoretical Framework

International Organizations is defined as the formal structure and sustainability thus formed based on the agreement of the member (Government and Non-Government) from two parties or more which aimed to pursue the mutual interest of its member. (Archer, 2001)

To affirm with the suggested precondition, Harold K. Jacobson categorized the function of International Organizations into five basic points which are:

1. Information functions

This function deals with the function of the organization as an information container. International organizations collect data while analyzing it, and then exchange data to disseminate data and inform their point of view or opinion.

2. Normative Function

This function is closely related to the formation of norms or principles, whether in the form of declarations or statements which can affect the domestic or world environment. This function is not binding on the instruments involved, but more so publicly recognized statement.

3. Regulatory Function

This function relates to the role of an international organization to make a new regulation or strive for regulations, agreements that have been agreed upon and signed and ratified can bind those directly involved.

4. Function of Supervision

This function is related to supervision or retrieval actions to ensure enforcement of a regulation by the actor.

5. Operational functions

This function includes the use and operation of all resources in an international organization, whether in the form of funding, the operation of sub-organizations or also the development of military forces. (Jacobson, 1979)

Based on the classification of international organization that consists of Inter-governmental organization and non-

governmental organization having a role as the media to solve shared problems, UNICEF is included as the inter-governmental organizations that abbreviated to IGO whose members are the government of the states or the representatives of agency that officially representing particular state the IGO administrative activity usually regulated by international public law.

UNICEF as the international organization which is engaged in protecting and ensure the protection of children has a function that is in accordance with the purpose its stand. In achieving its mission, UNICEF has successfully run some functions of international organizations but there are some functions that have not successfully executed. The function of the international organization that implemented by UNICEF in decreasing the child marriage level in India is by undertaking several functions.

#### **4. Hypothesis**

The role of UNICEF on decreasing the number of child married in India is through undertaking their functions as follows:

1. Normative functions, UNICEF produce the UNCRC as the set of standard norms thus; it will become the guidance to the Indian Government in addressing child marriage issues.
2. Operational function, UNICEF collaborates with UNFPA conducting the global program to accelerate action to end child marriage; the program promotes the rights of adolescent girls to avert marriage and pregnancy, and enable them to achieve their aspirations through education and alternatives pathways.

#### **5. Research Method**

The method used by the author in this study is the method analytical descriptive. By using data collection techniques in the form of Library Research by utilizing secondary data that collects data from libraries, books, journals, articles, printed media, electronic media, and websites that have been processed into data for classified which are then compiled, analyzed and concluded accordingly thesis problems studied.

## **6. Writing System**

### **Chapter I**

In this chapter, the author describes the background, research question relevant to the background, theoretical framework, hypotheses, research scope, research objective, research methodology, and writing system.

### **Chapter II**

This chapter contains further explanation of the previous chapter. This chapter will discuss about the history of the United Nation Children's Fund (UNICEF).

### **Chapter III**

In this chapter, the author describes the current status of India Child Marriage and elaborate the reason behind the child marriage emerge in India.

### **Chapter IV**

In this chapter, the author explains about the process and steps that taken by the UNICEF in exercising their function as international organization in decreasing the child marriage level in India.

### **Chapter V**

In this chapter, the author closes the thesis by concluding the whole chapters explained previously.