

## Early Marriage

### Objective:

- Know the law regarding early marriage in Madagascar
- Understand the physical and mental health risks of marrying before age 18

### Behaviour:

- Stand up to early marriage by not accepting this is a practice that is okay
- If parents are pressurising girls to marry before age 18, they should seek help and support from adults that they know are against early marriage (teachers, family members, pastors, etc.)
- Share negative consequences of early marriage with friends, family, and community

### Information:

#### **Definition and Scope of the Problem:**

Early marriage, commonly known as child marriage, is a formal marriage or informal union (marriage) before the age of 18 (UNICEF, 2016).

In Madagascar, the law says you cannot be married before the age of 18. Despite this, the nation still has one of the highest rates of child marriage in the world. In Madagascar, 41% of girls are married before they turn 18 (CARE International, 2015).

#### **Consequences:**

The consequences of early marriage are severe and long-lasting.

Girls who are married before age 18 more likely to:

- Experience intimate partner violence and sexual abuse
- Leave school before finishing their education
- Die from complications of pregnancy and childbirth
- Develop debilitating conditions from childbirth, such as vaginal fistula
- Have a child born stillborn or die in the first month of life
- Experience separation from family, friends, and normal activities; impacting their mental and emotional health
- Be unable to develop skills that would help her gain employment; therefore reducing her ability to support herself and her family financially
- Be at risk for contracting HIV and other STIs

#### **Laws on Early marriage in Madagascar**

Law N° 2007-022 on 20 August 2007 relating to marriage and matrimonial regimes

**Article. 3.** – the legal age for marriage is 18.

However, before reaching that age and for serious reasons, without prejudice to criminal proceedings relating to sexual offences, the President of the Court of First Instance may

authorise marriage at the request of the father and mother or the person authority with respect to the child and with their express consent and of the latter.

The consent must be given before the President of the Court of First Instance and found in the court decision authorizing the marriage.

**Article. 4.** - Consent to marriage is not valid if it has been extorted by violence or if it was only given as a result of error on an essential qualification which the other spouse would not have contracted if had experienced the error.

#### **Art. 331 of the Penal Code**

- (Law n°98-024 on 25.01.99) : Anyone committing or attempting to commit sexual molestation without use of force against the person or a child of either sex, under the age of fourteen years, shall be punished by imprisonment from five to ten years and a fine of 2 000 000 Ariary to 10 000 000 Ariary
- (Ord. n°62- 013 on 10.08.62) : shall carry the penalty set out in paragraph (1), the indecent assault committed by any ascendant against a person of a twenty-one-year-old minor, even over the age of 14 years, but not emancipated by marriage
- (Law n°98-024 on 25.01.99) :Without prejudice to any harsher penalty provided for in the foregoing paragraphs or in articles 332 and 333 of this code shall be punished by prison term of two years to five years and a fine of between 2,000,000 Ariary to 20,000,000 Ariary anyone committing an indecent or unnatural act with an individual of the same sex, under the age of twenty-one years

#### **Art. 356 of the Penal Code**

- A person who, without fraud or violence, has abducted or diverted or attempted to kidnap or divert a minor of eighteen years will be punished by imprisonment of two to five years and a fine of 100,000Ariary at 900 000 Ariary.
- When a minor thus abducted or diverted has married his abductor, the abductor may only be prosecuted on the complaint of persons entitled to request the annulment of the marriage and may only be convicted after the annulment has been pronounced.

#### **What can be done:**

Girls' should be encouraged to seek advice and support from peers, teachers and the wider community if they find themselves in this situation, as early marriage is illegal in Madagascar and incredibly dangerous to their mental and physical health. They should stand-up for other girls if they are also pressured to marry before the age of 18, and call for change within their community, family and region to end this practice.

#### **Summary:**

Early marriage is not recommended in Madagascar, and has very serious consequences for children who are married before age 18. These consequences include risk of violence, death, disease, and disability. Girls who are forced or encouraged to marry before the legal age should

seek advice and help from peers, teachers, family members or leaders in the community to help identify the issue and call for change.

Sources:

Code Pénal Malagasy mise à jour en 2005

Loi N° 2007-022 du 20 août 2007

[https://www.unicef.org/protection/57929\\_58008.html](https://www.unicef.org/protection/57929_58008.html)

<http://www.girlsnotbrides.org/child-marriage/madagascar/>

[http://www.who.int/mediacentre/news/releases/2013/child\\_marriage\\_20130307/en/](http://www.who.int/mediacentre/news/releases/2013/child_marriage_20130307/en/)

<http://www.unfpa.org/child-marriage>

[https://www.careinternational.org.uk/sites/default/files/VOP%202015%20Report\\_CARE.pdf](https://www.careinternational.org.uk/sites/default/files/VOP%202015%20Report_CARE.pdf)