



Universiteit
Leiden
The Netherlands

Child marriage as a choice: rethinking agency in international human rights

Horii, H.

Citation

Horii, H. (2020, March 18). *Child marriage as a choice: rethinking agency in international human rights*. Meijers-reeks. Retrieved from <https://hdl.handle.net/1887/87059>

Version: Publisher's Version

License: [Licence agreement concerning inclusion of doctoral thesis in the Institutional Repository of the University of Leiden](#)

Downloaded from: <https://hdl.handle.net/1887/87059>

Note: To cite this publication please use the final published version (if applicable).

Cover Page



Universiteit Leiden



The handle <http://hdl.handle.net/1887/87059> holds various files of this Leiden University dissertation.

Author: Horii, H.

Title: Child marriage as a choice: rethinking agency in international human rights

Issue Date: 2020-03-18

Propositions relating to the dissertation

CHILD MARRIAGE AS A CHOICE. *Rethinking agency in international human rights*
by Hoko Horii

1. The current international child marriage framework contains 'blind spots' due to specific assumptions about the meaning of marriage and children. The framework fails to recognize the possibility of adolescent agency existing within so-called 'traditional' social networks.
2. The current human rights framework is challenged to recognize the agency of all, regardless of gender, race, religion, and age. For international human rights to be fully emancipatory, ethical, and effective in practice, agency should be understood and discussed in relational terms.
3. If realizing human rights means realizing rights from the perspectives of rights-holders themselves, customary law is an essential tool for understanding what rights mean for them and for supporting them in attaining their rights.
4. It is misleading to label child marriage as a 'harmful traditional practice'. Instead of being a problem itself, it is a symptom of underlying social phenomena such as teenage pregnancy. It is sometimes a solution that young people use to navigate the modern world in which they live.
5. Some children (particularly in their mid- to late-teens) can decide to marry by themselves. Instead of being dismissed, such decisions should be examined carefully, considering relational factors (power relationship, dependency) and situational factors (options, environment).
6. Child marriage in Indonesia is largely caused by (a fear of) pregnancy outside of marriage. Therefore, knowledge about and tools for reproductive health are essential to prevent 'unwanted' pregnancies. Increasing the minimum age for marriage is not an effective solution. Doing so can even aggravate problems.
7. The consequences, motivations, and meanings of marriage (and divorce) vary significantly between societies, communities, and individuals. Thus, applying the categorical framework of 'child marriage' and the strict normative standard causes unintentional consequences. Making such an international framework requires a contextualized approach.
8. The current international (abolitionist) approach to banning all marriage under 18 is ineffective. Instead, policy priorities should be designed to encourage young people's participation in decision-making and to stimulate their resilience in life after marriage.
9. Bringing one's child to fieldwork simultaneously multiplies hassles, worries, joy, fun, problems, solutions, discoveries, and opportunities. It intensifies and enriches the relationship between oneself and informants, oneself and the child, and even one and one-self. It is worth the hard decisions it involves.
10. Going for a long-distance hike (or whatever one likes to do on holidays) provides the best solution for life and a PhD. At times one needs to be far away to be able to see what is there with open eyes.