



Report of the Office of the High Commissioner for Human Rights to the Human Rights Council on child, early and forced marriage

Submission on behalf of the *Girls Not Brides* secretariat¹

Girls Not Brides is a global partnership of more than 300 civil society organisations from over 50 countries across Africa, South Asia, the Middle East, Europe and America united by a commitment to end child marriage and enable girls to fulfil their potential. The partnership was initiated in 2011 by The Elders, a group of independent global leaders brought together by Nelson Mandela to promote peace and human rights, in order to enhance, strengthen and accelerate efforts to prevent child marriage and to support married girls.

Girls Not Brides members vary in size, location, and the type of work they do, from programme implementers and service providers working to end child marriage and support child brides in their communities, to organisations that focus on research or advocate for greater political and financial support to end child marriage and support married girls. Members work to end child marriage as an essential part of their efforts to increase access to education, to improve maternal, newborn and child health, to defend human rights, and to promote development worldwide.

This submission highlights the scale and impact of child, early and forced marriage, challenges to ending it, and offers recommendations for critical actions needed to address it. It aims to complement the submissions of individual and groups of *Girls Not Brides* members.

Child, early and forced marriage: a serious and pressing human rights issue

Child, early and forced marriage is a cross-cutting human rights issue affecting the rights of girls and women to health, education, equality, non-discrimination, and to live free from violence and exploitation, including slavery and servitude. We understand child, early and forced marriage to be any legal or customary union involving a boy or girl below the age of 18, or any marriage without the free and full consent of both the intended spouses.

Child, early and forced marriage continues to occur on a global scale and cuts across countries, cultures, religions and ethnicities. While boys can also be at risk of child, early and forced marriage, girls are disproportionately affected. Approximately 14 million girls are married every year before they reach the age of 18. 1 in 3 girls in the developing world is married by age 18, and 1 in 9 is married by age 15, some as young as eight or nine.²

The practice is driven by structural inequalities and discrimination, including gender inequality, unequal power relations, gender norms and stereotypes, and control of women's sexual choices and bodies. Other underlying factors include poverty, concerns about the security and protection of girls, lack of education opportunities that are safe, high-quality and accessible, and harmful cultural or religious traditions and norms. Child, early and forced marriage is also closely linked to low levels of economic development and is often concentrated among the poorest households.

¹ The *Girls Not Brides* secretariat facilitates collective action among member organisations of the *Girls Not Brides* Partnership around the world to increase policy, financial and programmatic attention to child marriage. It also facilitates exchanges and learning between organisations working to address child marriage. The views contained within this document represent those of the secretariat based on its interactions with member organisations and other stakeholders, but may not necessarily represent the views of all of the members of the *Girls Not Brides* Partnership.

² United Nations Population Fund, *Marrying Too Young: End Child Marriage*, 2012



Challenges to ending child, early and forced marriage

Members of *Girls Not Brides* take different approaches to addressing child, early and forced marriage in order to respond to the different drivers of the practice in their communities. They find solutions and create change within their communities, including through partnerships with UN agencies, government bodies, religious and community leaders, teachers and parents and, of course, the girls themselves. However, despite the sheer scale and devastating impact of child, early and forced marriage, and the fact that it impedes a range of development goals, the pace of change is slow. Ultimately, ending child, early and forced marriage will require fundamental shifts in discriminatory social norms. However, structural challenges to ending child, early and forced marriage also remain and include, amongst others:

- **Absence of strong legal frameworks to prevent child, early and forced marriage, and to address gender inequality:** While many countries have laws which set 18 as the minimum age of marriage, there are often exceptions in place, linked to parental consent or authorisation of the court. In some countries, customary or religious laws, which set lower or no minimum age of marriage, can take precedence over national law. Such exceptions undermine the efficacy of legal protections against child, early and forced marriage. According to a recent mapping of minimum age of marriage laws, 93 countries legally allow girls to marry before the age of 18 with parental consent. Furthermore, 54 countries allow for girls to marry at a younger age than boys, thereby reinforcing, rather than combatting, gender inequalities through their legal frameworks.³
- **Lack of implementation of existing legal frameworks:** Even where strong legal frameworks exist, their enforcement is often weak. The reasons for non-implementation of the law can vary from one context to another and can include an absence of political will, insufficient resources for implementation, or a lack of awareness and training among law enforcement officials and other relevant professionals to ensure that laws are understood, implemented and enforced. The lack of effective birth and marriage registration systems also contributes to the non-implementation of laws related to the minimum age of marriage.
- **Insufficient policy and financial attention dedicated to addressing child, early and forced marriage:** Adequate resourcing of policies and cooperation across Ministries to end child, early and forced marriage and support married girls is paramount. In some instances, married girls who would like to continue schooling may be both practically and legally excluded from doing so. It is important that a holistic and comprehensive approach is adopted across Ministries (including justice, women and children, youth, education, health, social protection and security) as child, early and forced marriage affects all their areas of focus. However, one Ministry normally has to take the lead in coordinating across the government, to ensure that policies related to child, early and forced marriage do not fall through the cracks.
- **Lack of coordinated efforts to address child, early and forced marriage on a wide scale:** While there are pockets of successful programmes which have had a demonstrated impact in lowering the age of marriage and increasing the empowerment of girls, examples of successful scale-up of such programmes are almost non-existent. To reach those affected by child, early and forced marriage at a nation-wide scale, it will be necessary to move beyond small pilot projects to more coordinated, large-scale efforts.
- **A historic lack of attention to the issue on the agendas of international human rights and development bodies:** The continued existence of child, early and forced marriage around the world is a reflection of the

³ World Policy Analysis Centre, *Changing Children's Chances: New Findings on Child Policy Worldwide*, 2013



broader lack of attention to the needs and rights of adolescent girls on international development agendas. This is changing slowly; child, early and forced marriage is now becoming increasingly visible in inter-governmental fora, reflecting greater political will to discuss this often taboo topic. The adoption of resolutions at the Human Rights Council and the General Assembly in 2013, as well as the integration of child, early and forced marriage in discussions of other international and regional bodies, are positive developments which should be built upon.

Recommendations

There is no single solution that will end child, early and forced marriage in all contexts. The practice has multiple complex causes and, as a cross-cutting issue, its solutions also lie in a range of different sectors, including health, education, child protection, poverty alleviation, and humanitarian response. Ending child, early and forced marriage will require concerted action at all levels. This encompasses work at community level by grassroots groups in changing attitudes, supportive legal and policy frameworks in countries where the practice is prevalent, recognition by the international community of child, early and forced marriage as a barrier to fulfilling human rights and achieving lasting development, and investment in programmes aimed at preventing child, early and forced marriage and supporting married girls.

- **Child, early and forced marriage must be addressed in relevant human rights and development fora**, including the Commission on the Status of Women, the International Conference on Population and Development Beyond 2014 review, the Beijing +20 review, relevant discussions around the post-2015 development framework, and at the UN General Assembly. Given that the prevalence of child marriage is a well-defined and measurable data point, with clear links to a range of interconnected development and human rights outcomes, changes in its prevalence could be used by the global community as a concrete indicator to track progress on any new international goals related to the needs and rights of adolescent girls in the post-2015 development framework.
- **The Human Rights Council has an important role in recognising child, early and forced marriage as a serious human rights issue**, with multiple human rights implications, and calling on States to implement their international human rights obligations related to child, early and forced marriage. It should keep the issue on its agenda and should:
 - **Encourage governments to sign, ratify, uphold and implement** international and regional human rights standards to address child, early and forced marriage (including the Convention on the Rights of the Child, the Convention on the Elimination of all Forms of Discrimination Against Women, the Convention on Consent to Marriage, Minimum Age for Marriage, and Registration of Marriages, the African Charter on the Rights and Welfare of the Child, and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa), including by asserting the primacy of international human rights law over national law.
 - **Ensure that governments are held accountable** to their national laws and policies and internationally recognised legal frameworks that support an end to child, early and forced marriage. Relevant recommendations made by treaty body monitoring mechanisms, including the Committee on the Elimination of Discrimination Against Women and the Committee on the Rights of the Child, as well as relevant recommendations under Universal Periodic Review, should be implemented.



- **Call on governments to raise public awareness of legislation that sets 18 as the minimum legal age for marriage**, including by asserting the primacy of national laws over other forms of law such as religious or customary laws. Safeguards must be included in the law and its implementation to ensure that ‘parental consent’ is not used to justify customary or religious practices that permit child, early or forced marriage. Impunity must be combatted and the rule of law promoted.
- **Hold governments accountable for protecting women’s and girls’ rights**, including property rights, access to remedies, support for those wishing to leave a marriage, protection from violence, sexual and reproductive health and rights (including access to sexual and reproductive health services for both married and unmarried girls), removing any requirements for spousal consent that restricts young women’s access to health. The Council should also hold governments accountable for removing any reservations to international and regional human rights treaties which allow discrimination against girls or women, including within the context of marriage and family relations.
- **Call on governments to invest more in girls at risk of child, early and forced marriage and in support for married and divorced girls**, for example by developing programmes which equip girls with training, skills, information, safe spaces, shelters, support networks and counselling; providing access to justice for girls seeking to end their marriages; and empowering girls to make their own choices and control their own lives.
- **Call on governments to work in partnership with UN agencies, civil society organisations, community and religious leaders, and other relevant stakeholders** to design and implement programmes to prevent child, early and forced marriage and to support married girls, with an emphasis on scale and evaluation, where they don’t already exist, and to scaling up successful programmes where they do exist.
- **The UN Special Procedures mandate holders have an important role in bringing visibility to the multiplicity of human rights violations** faced by girls who are married before they are ready, an issue which cuts across many mandates (including trafficking, violence against women, slavery and others). They should consider and raise child, early and forced marriage in any country visits to high prevalence countries.
- Governments should be encouraged to track the number of child brides nationally, and to ensure that a **focus on child, early and forced marriage prevention and mitigation is integrated into related policies and programmes** on maternal health, education, poverty reduction, etc.
- Investments into programmes to empower girls and prevent child, early and forced marriage should be **integrated into relevant foreign policy and development assistance programmes**, as well as in the funding priorities of private foundations and other donors. Development programmes and strategies addressing related issues, such as health and education, should also include explicit indicators related to child, early and forced marriage.
- Governments, donors and other stakeholders should ensure that programmes aimed at preventing child, early and forced marriage and mitigating its harmful impact on girls and families, are accompanied by **robust research, data collection and evaluation efforts**. It is essential to **widely share lessons learned and examples of promising practices from all regions of the world and at all levels**, to inform the development of new approaches or adaptation of existing approaches if necessary to reflect the latest evidence.