**EU Contribution to the High Commissioner for Human Rights' report**

**on child, early and forced marriage in humanitarian settings**

Child, early and forced marriage is a human rights violation and constitutes a form of violence against children. Child marriage is often referred to as *early* and is considered by definition to be *forced* as to emphasize that due to their age, children are not in the position to give their full and free consent to marriage. Boys and girls are both subjected to child marriage; however girls are affected in larger numbers and with more severe consequences. Child marriage deprives children, and particulary girls, of their human rights, such as the right to education, the right to be protected from all forms of violence, the right to fully participate in society or the right to the enjoyment of the highest attainable standard of health (affecting both their physical and mental integrity) entailing sexual and reproductive health risks such as early pregnancies.

***The EU strategy and policies to eliminate child, early and forced marriage***

In its work in combating and eliminating child, early and forced marriage, the EU is guided by international instruments and mechanisms, in particular the UN Convention on the Rights of the Child (UNCRC)[[1]](#footnote-1), its Optional Protocols[[2]](#footnote-2), the General Comments of the UN Committee on the rights of the child[[3]](#footnote-3) and the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)[[4]](#footnote-4). Combating child marriage requires a **comprehensive strategy** that covers protective legislation, access to quality education, healthcare, justice and other services as well as a change in social norms. It equally requires adequate and sustainable funding.

The EU is committed to protect the rights of the child in its external policy, as stated in the Article 3.5 of the Treaty of the EU[[5]](#footnote-5). The **Global Strategy for the EU Foreign and Security Policy**[[6]](#footnote-6) emphasizes the EU's role as a pioneer in promoting the transversal relevance of gender equality and women's empowerment. It refers to an external advocacy on gender and the implementation of UN Security Council Resolution 1325 on Women, Peace and Security, in particular on prevention of all forms of gender-based violence. Ending child, early and forced marriage has been identified as a priority for the EU in its **2015-2019 Action Plan on Human Rights** **and Democracy**[[7]](#footnote-7) and in the **EU Gender Action Plan (GAP II) for 2016-2020**[[8]](#footnote-8). In the Action Plan,the EU and its Member States committed to prioritise actions targeting the *protection of* *physical and psychological integrity of women and girls through activities which help protect women's human rights and freedom from violence with special attention to ending child early and forced marriage, female genital mutilation, gender based and sexual violence in conflict*. **GAP II** focuses on ensuring the physical and psychological integrity of girls and women, ensuring that girls and women are empowered and that their social and economic rights are fulfilled, strengthening girls and women's voice and participation and shifting institutional culture. The EU dedicated the year 2017 to European action to eliminate all forms of violence against women and girls. This action included the EU signature of the **Council of Europe Convention on preventing and combating violence against women (Istanbul Convention)**[[9]](#footnote-9)as the first international legal instrument at EU level and the most far-reaching international treaty to combat violence against women as human rights violations. Article 16(2) stipulates that *the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory*. In 2017, the EU issued revised **Guidelines on the Promotion and Protection of the Rights of the Child**[[10]](#footnote-10) setting out the overall EU strategy on the right of the child in external action. The document highlights the importance of raising awareness and promoting gender equality in relations with third countries.It also proposes concrete actions, for instance, to support partner countries toadopt a national strategy on the rights of the child based on a child rights gender-sensitive analysis of the situation of children in a country. The EU continues to implement the **EU Guidelines on children and armed conflicts**[[11]](#footnote-11)and its **revised implementation strategy**[[12]](#footnote-12) that propose actions to influence third countries and non-state actors to implement international and regional human rights norms, standards and instruments to protect children from effects of conflict and to end impunity of crimes against children. Moreoever, the EU engagement in ending child marriage is showcased by several European Parliament (EP) resolutions, such as the recent resolution of 4 July 2018 **Towards an EU external strategy against early and forced marriages – next steps**[[13]](#footnote-13) or the resolution of 4 October 2017 on **ending child marriage**. The 2017 **Communication on the protection of children in migration**[[14]](#footnote-14) sets out comprehensive actions to be undertaken by the EU and includes recommendations to EU Member States for actions to protect all children in migration. The **Human Rights and Democracy Country Strategies** for the period 2016-2020, that the EU Delegations prepare for their engagement with third countries, included gender equality as one of the main priorities or as an underlying priority. Many of EU Delegations have prioritized rights of children in their Strategies; some of them focus on combating child, early and forced marriage. The subject also is being regularly raised in **political dialogues and human rights dialogues/sub-committees** with the EU partner countries around the world.

The EU has intensified its efforts to fight **the systemic causes of child, early and forced marriage:** it does soboth through specific programmes or through support to long-term programmes aiming, for instance, to **improve children's access to justice, to strengthen birth registration services, to ensure children's access to safe spaces, to quality education and to health services, to clean water, to protect them from all forms of violence, to address poverty and to ensure that compliant mechanisms are in place. Those contribute to end child, early and forced marriage even if they do not have the seal “child marriage”**. As for the specific programs, the EU has contributed**6.45 million EUR to the UNICEF-UNFPA Global Programme to Accelerate Action to end Child Marriage** which aims to end this harmful practice in one generation. The Programme targets communities from a group of twelve countries[[15]](#footnote-15) and focuses on access to quality education and healthcare, strengthening enforcement mechanisms, girls' empowerment and social norms change. Two years after, the Global Programme has a **strong influential role**: it act as a catalyst for change, identifying models and scalable platforms for systems-level change, inspiring similar programmes in other countries through its intervention methodology, theory of change, result framework and guidance note. In September 2017, the EU and UN launched a historic initiative branded **Spotlight Initiative** to end violence against women and girls, with an investment of 500 million EUR. The Spotlight initiative will be put to action in five regions of the world and will work in support of achieving the **Sustainable Development Goals**.

***Child, early and forced marriage in humanitarian settings***

The EU pays particular attention to the needs of women and girls that are vulnerable to various forms of violence in humanitarian, emergency and crisis settings or/ and in conflicts. With the disruption to basic security, health-care, justice and social services, the incidents of violence and risk of violence, exploitation, abuse and trafficking are increasing. In these settings, children might be deprived of parental care, caregivers, basic social services, health-care, education and justice. Many become displaced or refugees, others are abducted or trafficked. Girls are particularly at risk of child, early and forced marriages: it can be used as a response to economic insecurity as their families struggle in straitened circumstances, as a perceived coping mechanism to protect girls against sexual gender based violence or yet, as a means to promote interfamily alliances within displaced and host communities. More specific actions and programs to address this particular human rights violation in these specific settings are being taken up by the EU.

Since June 2017, the EU is holding the leadership of the **Call to Action on Protection from Gender-Based Violence in Emergencies (Call to Action)**: multi-stakeholder global initiative that aims to fundamentally transform the way Gender-Based Violence is addressed in humanitarian emergencies throughout collective action. The main priorities of the EU's leadership of the Call to Action are increasing advocacy on the need to prevent and respond to gender based violence, increasing focus on prevention of gender based violence in emergencies, bringing the Call to Action to the field, where it can have the biggest impact. In 2017, the EU allocated nearly 22 million EUR in **humanitarian aid to projects addressing and preventing gender based violence.** In addition, 975 000 EUR was allocated to UNFPA under the **Enhanced Response Capacity Programme** to operationalise the Call to Action at field-level, piloting the Road Map in Nigeria and Democratic Republic of the Congo.

Ending early and forced marriage is as much abouteliminating gender based violence as it is about empowering young girls and enhancing **access to education**: a key element in the campaign against child marriage. Women and girls caught up in emergencies and protracted crises are in an extremely vulnerable situation and education offers them hope for the future and protection from harmful practices such as child marriage. The EU is a leading humanitarian donor in **education in emergencies (EiE):** it has scaled up its funding from 1% in 2015 to 8% in 2018 from the humanitarian budget and committed to increase it to 10% in 2019. This funding is aimed to address barriers that the most vulnerable children face in humanitarian emergencies in accessing, remaining in or re-entering education. The EU is a major global player in education and training in general, allocating an estimated **5.3 billion** **EUR** to education and training at all levels (2014-2020). A budget of 3.356 billion EUR has been allocated for EU bilateral programs for education and training in 45 countries during the 2014-2020 programming period**,** including via EU Trust Funds.About **60% of bilateral funding is allocated to fragile and/or conflict-affected countries**. Approximately 1.9 billion EUR was allocated to education financing through regional programs and global initiatives, including to **Education Cannot Wait** (ECW) fund launched at the World Humanitarian Summit in 2016. The fund brings together key players to form a powerful global alliance on behalf of children and young people whose education and learning are disrupted because of emergencies and protracted crises. The EU has also launched an initiative: **Building Resilience in Crises through Education** (24 million EUR, 2018-2022)[[16]](#footnote-16) which aims at improving access to quality education in pre-school, primary and lower secondary levels for girls and boys in fragile and crisis-affected environments, including refugees. The European Commission is involved in international discussions that shape global approaches in education in emergencies through the **Inter-Agency Network on Education in Emergencies** and the **Global Education Cluster**. The EU is an important donor to both the **Global Partnership for Education** (475 million EUR). The **Communication on education in emergencies and protracted crises**[[17]](#footnote-17)adopted in May 2018 reiterates the protective role of education recognizing that out of school children are exposed to forced marriage and early pregnancy, among many other risks. With the Communication, the Commission underpins EU actions to support girls and boys affected by humanitarian crises with access to safe, inclusive and quality formal and non-formal learning opportunities at the primary and secondary levels. It supports the return to education within three months and promotes the integration of displaced children into national education systems, host communities with special attention to girls and young women, in line with the Gender Action Plan 2016-2020. Therefore, the EU will pronouncedly focus its **education in emergencies actions to bring back out of school children**, those forcibly displaced or those belonging to vulnerable and disadvantaged groups, into quality education. To illustrate, **Finn Church Aid** project offers inclusive access to quality education for 3,000 Drought Affected Internally Displaced and host community children in Bay Region of Southwest State of Somalia through inclusive, protective and safe learning environment and quality education. Through this, it seeks to prevent young people's childhood being lost to child labour, child marriage, recruitment by armed groups or other life-threatening activities. Over 1.5 billion EUR was allocated to provide access to education for children affected by the Syrian crisis. This year, at the second conference hosted in Brussels onSupporting the future of Syria and the region, the EU reiterated to continue this work towards ensuring a **No Lost Generation of children in Syria** and in the region and getting all refugee children and vulnerable children in host communities into quality education with equal access for girls and boys. In the Northern Syria, the EU-funded project offers assistance to unaccompanied and separated children by providing shelters, protection and integration in families of origin or alternative care facilities. A specific project **Providing life-saving protection and income generation support to at risk refugees** is focused on providing frontline Sexual and Gender Based Violence prevention and response activities, including vital livelihoods support to survivors and those at risk, to vulnerable women and girls within the refugee populations of Dadaab, Kakuma and Kalobeyei. It aims to prevent SGBV and the resort to negative coping mechanisms by families, including early/forced marriage.

The EU has also been actively engaged with partner countries in multilateral fora on this subject. Every year the EU and GRULAC table the resolution on the rights of the child at the UN Human Rights Council (HRC) and the UN General Assembly. This year the theme for the UN HRC was the **Protection of Children in Humanitarian Settings**. The resolution has called for the development and integration into humanitarian response of measures to address the increased vulnerability of girls to child, early and forced marriage from early stages of humanitarian emergencies.

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Child, early and forced marriage is both a source and a consequence of barriers to girls' empowerment. These barriers are linked to insecurity, restricted mobility, gender based violence and sexual harassment in public spaces as well as to restricted access to essential services such as education, health-care and justice. This is particularly pervasive in conflict areas. Other barriers include lack of access to life-skills, economic and employment opportunities as well as social networks especially for adolescent girls important for socialization. Social norms practices continue to drive child marriage practices also in humanitarian contexts (e.g. perceptions around the role and value of the girl child in society, family honour, maintaining kingships, and transition to adulthood). Access and quality of current services remain a challenge. Education, health, protection and other essential services are not adequately equipped to prevent, mitigate and respond to the consequences of child marriage, care for teenage pregnancy, and the education needs of a child mother. Linked to this, lack of knowledge of available services, their rights and technical capacity of the workforce are also among the factors that increase risk of child marriage. The **2030 Agenda** offers us a real opportunity to push **gender equality forward**, especially under target 5.3 eliminate all harmful practices, such as child, early and forced marriage.

1. <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx> [↑](#footnote-ref-1)
2. <https://www.ohchr.org/en/professionalinterest/pages/opaccrc.aspx> and <https://www.ohchr.org/EN/ProfessionalInterest/Pages/OPSCCRC.aspx> [↑](#footnote-ref-2)
3. <https://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=5&DocTypeID=1> [↑](#footnote-ref-3)
4. <https://www.ohchr.org/Documents/ProfessionalInterest/cedaw.pdf> [↑](#footnote-ref-4)
5. <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A12012M%2FTXT> [↑](#footnote-ref-5)
6. <https://europa.eu/globalstrategy/en/global-strategy-foreign-and-security-policy-european-union> [↑](#footnote-ref-6)
7. <https://eeas.europa.eu/sites/eeas/files/eu_action_plan_on_human_rights_and_democracy_en_2.pdf> [↑](#footnote-ref-7)
8. <https://eeas.europa.eu/sites/eeas/files/gap_ii-staff-working-document-gender-2016-2020-20150922_en.pdf> [↑](#footnote-ref-8)
9. <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx> [↑](#footnote-ref-9)
10. <https://eeas.europa.eu/sites/eeas/files/eu_guidelines_rights_of_child_2017.pdf> [↑](#footnote-ref-10)
11. <https://europa.eu/capacity4dev/sites/default/files/learning/Child-rights/docs/eu_guidelines_on_children_and_armed_conflict.pdf> [↑](#footnote-ref-11)
12. <http://data.consilium.europa.eu/doc/document/ST-17488-2010-INIT/en/pdf> [↑](#footnote-ref-12)
13. <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2018-0292+0+DOC+XML+V0//EN&language=EN> [↑](#footnote-ref-13)
14. <https://eur-lex.europa.eu/legal-content/FR/TXT/?uri=COM:2017:211:FIN> [↑](#footnote-ref-14)
15. Bangladesh, Burkina Faso, Ethiopia, Ghana, India, Nepal, Niger, Mozambique, Sierra Leone, Uganda, Yemen and Zambia [↑](#footnote-ref-15)
16. <https://eeas.europa.eu/delegations/iraq/21009/building-resilience-education-opportunities-fragile-and-crisis-affected-environments_en> [↑](#footnote-ref-16)
17. <http://ec.europa.eu/echo/files/news/Communication_on_Education_in_Emergencies_and_Protracted_Crises.pdf> [↑](#footnote-ref-17)