**Submission to the Office of the High Commissioner for Human Rights**

**Report to the Human Rights Council**

**on Child, Early and Forced Marriage pursuant to Resolution 35/16**

Geneva, September 2018

Save the Children is the world’s leading independent organisation for children, working in 120 countries through our members, programmes and partners. Our mission is to inspire breakthroughs in the way the world treats children and to achieve immediate and lasting change in their lives. Save the Children works as a development and humanitarian agency, covering issues such as health and nutrition, education, child protection and child rights governance. We believe that child, early and forced marriage (CEFM) is a violation of children’s rights and negatively affects girls’ health, education, psychosocial wellbeing and lifelong development.

This submission was prepared in response to the call for submissions issued by the Office of the High Commissioner for Human Rights to inform the report on Child, Early and Forced Marriage that will be presented to the Human Rights Council at its forty-first session, pursuant to Resolution 35/16.

The information contained in this submission was mainly extracted from “Toward an End to Child Marriage - Lessons from Research and Practice in Development and Humanitarian Sectors”, a recent collaborative study between Save the Children and the Human Rights Center at the University of California Berkeley’s School of Law,[[1]](#footnote-1) which outlines what we know and still need to know about preventing and responding to child marriage in both development and humanitarian contexts.

The study methodology includes a literature review, a mapping exercise of Save the Children’s past and current programs to address child marriage and information obtained through key informant interviews conducted with 27 practitioners active in child marriage prevention and response in 21 countries or regions across Africa, the Middle East, South Asia, Europe, and North and South America. We also relied on feedback received from various Save the Children’s offices in response to the present call for inputs.

1. *Please provide information and data on the prevalence of child, early and forced marriage (CEFM), in relation to the number of women and girls living in specific humanitarian settings. Kindly provide data disaggregated by sex and age, and in relation to the overall number of women and girls, as well as boys where relevant, in the population.*

In our joint study with the University of California Berkeley, informants generally spoke about child marriage increasing in crisis. Acknowledging the lack of official data, practitioners working in Diffa, Niger, Northeast Nigeria, and Bangladesh shared anecdotal evidence that child marriage was on the rise in these settings. Inconsistent with these narratives, however, one informant in Somalia explained that child marriage had actually decreased throughout the country, including in the drought-affected areas. He noted that one possible theory for this decline in a humanitarian context is that due to the prolonged droughts, the ability of households to afford the costs of marriage has also declined. In order to better assess the impact of our programmes, Save the Children is currently developing a standard approach to collect data on CEFM in humanitarian settings. As a result, we are not yet in a position to provide comprehensive disaggregated data on the prevalence of CEFM, in relation to the number of women and girls living in humanitarian settings, where we are working.

*2. What measures were taken to strengthen data gathering, contextual analysis and analysis of social factors contributing to child, early and forced marriage in humanitarian settings?*

In order to strengthen data gathering, contextual analysis and analysis of social factors contributing to CEFM in humanitarian settings, one of the measures we took was to produce a joint study with University of California Berkeley referenced above, which analysed data comprised in Save the Children’s Awards Management System Database, and its program and project Evaluation Repository database. While the study produced a number of findings, discussed in this submission, we have concluded that more rigorous impact evaluations of child marriage programming and advocacy initiatives are still required. In particular, the study recommends the development of an evidence base in humanitarian settings that addresses the following topics: 1) why child marriage increases in some contexts, 2) decision-making factors of parents, 3) pre-existing and crisis-specific drivers of child marriage, 4) support needs of girls and their families, and 5) what interventions work to address child marriage. We are currently looking at how we can take forward these recommendations.

In addition to Save the Children’s own efforts to improve data on child marriage in humanitarian settings through our work, we also recognize that there is a need for the wider humanitarian sector to address the evidence gaps and support stronger prevention and response to child marriage. We are currently working on a detailed road map that will assess how the data on CEFM in humanitarian contexts can be better collected and aggregated, accessed and used internationally, and where such a database would best be housed and maintained. This piece of work will be shared with OHCHR and other key partners for comments and suggestions in the coming months.

*3. What are the specific challenges and gaps in the prevention and eliminating of the practice of child, early and forced in humanitarian settings? How could such challenges and gaps be overcome?*

As the “Toward an End to Child Marriage” report shows, there is a need for more research to better understand trends, as well as factors contributing to the rise or decline of child marriage in emergencies. For example, in Somalia, one practitioner participating in our research expressed that understanding why child marriage has declined in some areas is critical to understanding how to design effective interventions and avoid negative, unintended consequences of other interventions that may incentivize marriage. In addition, research on the nature and drivers of child marriage in conflict-affected settings in Latin America is absent from the literature and urgently needed. Finally, evidence-based, youth-driven programming was cited as a priority need in crisis settings. Research to understand how to more effectively engage adolescent girls and boys in programming in humanitarian settings through peer-led activities, sexual and reproductive health services, and context-specific life skills programming is necessary. At the country level, there are often disparate efforts to address child marriage through health and nutrition, education, child poverty, child protection, and child rights governance thematic areas. Informants spoke of the importance of developing integrated child marriage strategies focused in a particular geographic area and bringing together various components of this work.

*4. What are the lessons learned and promising practices identified in preventing and eliminating child, early and forced marriage in such settings? ' Please refer to the definition of humanitarian settings provided in resolution 35/16 enclosed.*

To specifically tackle and prevent child marriage and to contribute towards ending child marriage, our experience shows that a combination of empowerment of young girls, mobilization of families and communities, and scaling up access to response services addressing the needs of married girls is required. In the Za’atari Refugee Camp, for instance, Save the Children Jordan has adopted a holistic multi-thematic approach that tackles education, child poverty and livelihoods for children and families/caregivers to address the root causes of protection needs of children. This includes the following actions:

- Addressing child protection, education and advocacy together;

- Engaging boys and men is also imperative given that they can be the agents of change in relation to child marriage;

- Mobilizing families and communities in order to spread awareness and allow young girls and boys to voice their opinions and stands with regards to child marriage;

- Implementing child led community initiatives that enhance open dialogue and communication on this issue; and

- Cooperating with other organizations working in the camp to increase impact and complement efforts.

*5. What impact have exacerbating factors had on child, early and forced marriages in humanitarian settings?*

In our research, practitioners working in humanitarian settings consistently reported that child marriage is driven by acute economic and protection needs in crisis. Many informants discussed child marriage as a form of coping with extreme poverty and financial instability. Even where child marriage is not a common normative cultural practice, in many instances parents enter their daughters into marriage because they simply cannot provide for them. Protection concerns are also a primary driver of child marriage in displacement contexts where traditional family and community support systems have broken down. In South Sudan, for example, one informant observed that when families flee conflict, children are exposed to new protection risks because they are separated from their families, often lack proper accommodation, and are increasingly vulnerable to sexual exploitation and abuse. One practitioner in Lebanon explained that refugee girls are at increased risk of sexual violence, and child marriage often takes place to avoid the shame and stigma associated with sexual violence or pregnancy. Informants who had experience working with IDPs in Iraq, Rohingya refugees in Bangladesh, and IDPs in Nepal during the 2015 earthquake response explained that many families married their daughters because they felt they would be safer and protected from sexual violence. Others working with Syrian, Somali, and Rohingya refugee communities shared the observation that crisis exacerbates the pre-existing cultural drivers of child marriage. For example, in Bangladesh, an informant explained that child marriage was already practiced in Rakhine State in Myanmar, and that crisis and displacement to Bangladesh simply intensifies this risk. In Pakistan, CEFM was reported to be increased during floods of 2012 and earth quake emergencies of 2008. The main reason reported was to ease the financial burden of supporting large families. Child marriage was considered as a possible way out for girls, while boys were considered to be a helping hand in the humanitarian crisis. The lack of security was another major issue reported in the emergencies. For the concerned parents, marrying the girl child off, as early as possible was the only way out to secure some safety in the form of a husband in patriarchal society.

*6. What measures (e.g., legislative, regulatory, policy and programmatic) are in place or have been adopted to address the root causes and exacerbating factors of child, early and forced marriage?*

Enabling policy environments are important for supporting accountability and social norm change in both development and humanitarian settings. In South Sudan, for example, informants of the “Toward an End to Child Marriage” study explained that there is currently no direct legislation addressing child marriage and related laws are not harmonized. The Child Act protects the rights of children; however, customary laws are also recognized by the Constitution and can undermine protections set forth in the Child Act. To address this inconsistency, Save the Children, in partnership with national NGO Advocates without Borders, filed a petition in the Constitutional Court to set the marriageable age at 18 or above. Despite this effort, informants explained that the application of customary law remains very strong.

In addition, the evaluation of our programme “Prevention of Child, Early and Forced Marriage in Somalia: A Child Protection and Gender Equality Approach” found that an enabling policy environment supported by capacity building for enforcement, accountability mechanisms and social norm change efforts for all stakeholders, is essential for sustainable change. As part of capacity building efforts with the government to develop and enforce legal and policy frameworks addressing CEFM, Save the Children provided financial and technical assistance to its local partner to advocate for the finalisation and promulgation of a Sexual Offences Bill to address sexual and gender-based violence in Somalia based on broad national consultation.[[2]](#footnote-2) This was supported by community mobilization and sensitization activities to promote gender equality, prevent child, early and forced marriage, and protect and empower girls and boys who have married early.

*7. What measures are/have been undertaken to enhance the agency and autonomy of girls and women in humanitarian settings, including in relation to their participation and consultation in the design, implementation and evaluation of measures and initiatives that affect the enjoyment of their rights?*

In order to enhance the agency and autonomy of girls in humanitarian settings, Save the Children usually establishes “girls’ groups” with the objective of supporting the empowerment of girls and boys so they can fulfil their equal rights and protect themselves from abuse and violence, including CEFM, as well as participate in decisions that affect their lives. This was the case, for instance, in our programme “Prevention of Child, Early and Forced Marriage in Somalia: A Child Protection and Gender Equality Approach”, where girls at risk of CEFM, including IDPs, were supported to understand and claim their rights. A similar approach is taken by Save the Children Jordan at the Za’atari camp where child community initiatives are developed to promote open dialogue and communication on the issue of child marriage.

*8. What measures are/have been taken to effectively engage family members, community and religious leaders in raising awareness about, and countering child, early and forced marriage in humanitarian contexts?*

Save the Children normally works with communities to engage key influencers and change social norms around child marriage. In our programme to end CEFM in Somalia, for instance, the establishment, strengthening and engagement of Child Welfare Committees and Women’s Lobby Groups to engage local government authorities ensured community-based child protection mechanisms while promoting women and girls’ empowerment and collective action. Close engagement and participation of religious leaders, community gatekeepers (such as law enforcement officials, policy makers, government officials and *Qaadis –* religious leaders) as key allies in the project was critical to ensure social norm change. In Jordan, the support delivered to at risk/married girls and families through Save the Children’s programmes is also strengthened and complemented by community-level interventions. Such interventions are carried out by Child Protection Committees (CPCs), through targeted community-based organizations and usually address the varying levels of awareness and understanding of child protection risks within refugee communities. Building the capacity of CPCs on advocacy efforts, child protection, outreaching, etc. is also conducted. These committees are made of Syrian influencers such as community leaders, elders, teachers, youth groups and religious leaders. These wide-reaching community networks will identify beneficiaries through community initiatives and mobilization efforts. Vulnerability assessments will also take place to ensure the most vulnerable are targeted. Adolescent advocates are also identified and work within their communities to raise awareness on child marriage. Advocacy efforts will take place and will include advocacy campaigns, series of advocacy workshops (among beneficiaries, with stakeholders and national entities), publications and innovative platforms (theatres, exhibitions, etc.) to raise awareness on child marriage, its drivers and impact. In Pakistan, the partner organizations worked closely with communities, schools and marriage registrars for mobilization and awareness raising. In addition to this, parliamentarians were also consulted on a regular basis through consultative meetings. The champion parliamentarians were identified and trained to highlight the issues of child marriage at the floor of National and Provincial Assemblies. Moreover, a Child Rights Education Program was run with the national girls guide batch with a major focus on combating CEFM and having girls as ambassadors of child rights. The formal group of religious leaders, Council of Islamic Ideology, was also accessed and provided sensitization regarding the need for revising the legal age of marriage in the Child Marriage Restraint Act in 2017 at the federal capital area.

*9. What concrete actions are/have been taken to provide appropriate protection and accountability mechanisms for women and girls at risk and also to victims or survivors of child, early and forced marriage, including those living in isolated and remote areas?*

In order to increase access to child protection services for at risk or married girls, their families/caregivers and addressing their immediate needs, a dedicated case management approach that targets the entire family is usually adopted to build their resilience. In the Za’atari Refugee Camp, Save the Children Jordan manages individual cases based on the drivers of each specific child marriage. Besides psychosocial support, referral for at risk girls back to formal or certified non-formal education are conducted. Trainings for at risk girls are also conducted on resilience, and sexual and reproductive health and rights (SRHR). In case the driver was economic, parents/caregivers are supported through a livelihoods component that includes an employment or entrepreneurship pathway. For married girls, support is also given through trainings (child development, positive discipline, SRHR, resilience etc.) that would allow them to forge their own pathways and support their families. The following services are provided:

- Children and adolescents surviving from child protection or Sexual and Gender-Based Violence (SGBV) concerns have access to Psycho-social activities to increase their emotional and social well-being and support their reintegration to the community;

- Caregivers identified using Physical and Humiliating Punishment (PHP) are reached through Positive Discipline programs to decrease the use of PHP for a healthy child development;

- Child Protection and SGBV cases are identified, managed and referred to other service providers if needed;

- Children and adolescents suffering from a mental health concern due to child protection or SGBV issues are reached through Psychological therapy.

ENDS

1. Save the Children and The Human Rights Center at the University of California, Berkeley, School of Law, “Toward an End to Child Marriage - Lessons from Research and Practice in Development and Humanitarian Sectors”, 2018, available at https://resourcecentre.savethechildren.net/library/toward-end-child-marriage-lessons-research-and-practice-development-and-humanitarian-sectors [↑](#footnote-ref-1)
2. The current Somali Penal Code (1962), based on colonial-era Italian laws, is piecemeal and outdated. It fails to protect the survivors and prosecute the perpetrators of sexual and gender-based violence. If successfully implemented, the Somali Sexual Offences Bill will effectively criminalize a wide range of sexual offences, provide vital support to survivors, and clearly define the roles and responsibilities of those investigating and prosecuting sexual violence. More information is available at <http://www.legalactionworldwide.org/somalia-2/sexual-offences-bill/> [↑](#footnote-ref-2)