Maat for Peace’ submission on the issue of child, early and forced marriage

* **First: Progress made towards ending child and early marriage, especially in light of the COVID- 19 pandemic:**

An alarming phenomenon has been emerging as a result of the recent increase in the number of child marriage cases worldwide, against the backdrop of the global spread of covid-19 pandemic. The dire consequences triggered by the outbreak of the pandemic threaten of school closures, imposing economic pressures and hindering progress in combating child marriage. International human rights estimates suggest that an additional 10 million girls are at risk of child marriage in the coming period, which puts their educational and health rights on the edge, as the consequences seem to be very obvious. On the other hand, In order to confront this phenomenon inevitably and effectively, many countries, topped by the Philippines and US, have begun to enact legislation criminalizing child marriages and establishing an appropriate legal age for marriage during 2021. In the same regard, many countries have taken serious actions and measures to support the rights of victims of early marriage at the educational and health levels, among other steps to combat the phenomenon. Therefore, this intervention submitted by **Maat for Peace, Development and Human Rights** to the Office of the United Nations High Commissioner for Human Rights (OHCHR) highlights the progress made towards ending child and early marriage in the recent period by enacting laws to criminalize the phenomenon in addition to the other measures taken by various State institutions to combat the phenomenon, as well as to support the rights of victims of early marriage at the educational and health levels. Eventually, Maat explains the human rights concerns arising from the outbreak of the covid-19 pandemic on the phenomenon of early marriage, and made a set of recommendations that might serve to reduce the phenomenon.

**Recent legislative steps to reduce the phenomenon of early and forced marriage**

Recent efforts by civil society organizations at the global and local levels have prompted many States to adopt a set of laws criminalizing the phenomenon of early and forced marriage in a broad, clear, more effective and comprehensive manner. In the Philippines, child marriage is now a general offence under a new law signed by the President in January 2022, which defines child marriages as any relationship between two children or one of the parties to which a child, whether formally in the form of civil marriage or in form of religious marriage within different religious institutions or in any recognized traditional, cultural or customary way, any person who causes, facilitates or arranges a child marriage shall be subject to deterrent penalties from imprisonment to a fine.[[1]](#footnote-1)

In December 2021, a member of the Egyptian House of Representatives Egyptian Chamber of Representatives submitted legislation to criminalize the marriage of children and minors. The draft law refers to a range of penalties for anyone who engages in the marriage of a child. These penalties range from imprisonment to a fine, depending on the type of act involved, directly or indirectly. This project came in response to statements made by the President of Egypt on the phenomenon of early marriage and his demand for the House of Representatives to take the necessary measures to prevent the phenomenon through a comprehensive and independent law[[2]](#footnote-2). In this regard, Taliban issued a decree in December 2021, prohibiting forced marriage of girls. The decree did not mention the minimum age for marriage, which had previously been set at 16 years[[3]](#footnote-3). It should be noted that Maat for Peace estimates shows that the rate of early marriages has remarkably increased since the Taliban came to power. Maat for Peace therefore urges Taliban to abide by its recent decree and to set a proper age for marriage.

In the United States of America, the situation would be not so much different if many states adopted laws aimed at eliminating child marriages, which are still widespread. In August 2021, North Carolina issued a law setting the minimum age for marriage at 16 years. Human rights estimates indicate that this is an important step towards ending child marriage in North Carolina and establishing more protection for children[[4]](#footnote-4). In the same context, New York Governor Andrew Cuomo signed a law in July 2021 raising the age of consent for marriage in the state to 18 years in order to combat the phenomenon of underage marriage. Similarly, in June of the same year, Governor Rhode Island signed a law criminalizing marriage before the age 18[[5]](#footnote-5). All these laws affirm that the United States of America is determined to combat the phenomenon of child marriages.

In the meantime, human rights estimates confirm that child marriage continues to be a major problem in the United Kingdom, particularly in the context of dominant traditions and community norms, as well as religious inheritance. In November 2021, a British MP presented a bill that would raise the minimum age for marriage to 18 years in all cases, including those occurring within the framework of religious traditions and inheritance. Under the bill, citizens involved in child marriage are punished with seven years' imprisonment. It is worth noting that this Act is an inevitable consequence of the ongoing efforts of civil society organizations throughout the United Kingdom to reduce the phenomenon.[[6]](#footnote-6)

In June 2021, the Tororo District Council of Uganda passed an internal law to reduce the increasing number of pregnancies and child marriages in the region. The decree emphasizes the punishment of not only six months or a substantial fine for those involved in child marriages, but also the need for safe spaces for children to access sexual reproductive health services as well as educational services[[7]](#footnote-7). The decision of the International Criminal Court in the case of Dominic Ongwen, Commander of the Lord's Resistance Army Chinese Brigade in northern Uganda, to consider forced marriage as a crime against humanity is a glimmer of hope that could open the door to the prosecution of many of those involved in crime at the global level, particularly in States experiencing severe conflicts and wars.[[8]](#footnote-8) Despite these legislative measures, many States, particularly those in conflict, still need laws to limit early marriages. Early and forced marriages are used as a tactic of constant warfare by armed groups of all kinds, which is why Maat for Peace calls on the High Commissioner for Human Rights to put pressure on these countries to issue Legislation criminalizing the phenomenon of early and forced marriage.

**Measures taken by States to combat forced and early marriage**

Many States have begun to take multiple measures to combat the phenomenon of early marriage decisively and effectively, owing to its adverse consequences on societies. In November 2021, many States launched local campaigns against child marriage against the backdrop of the World Days to Combat Violence against Women. The Government of Zimbabwe, in cooperation with the European Union, had launched a campaign to curb the plague of child marriage engulfing the country. The numbers of civil society organizations in Zimbabwe indicates that 31% of girls marry before age of 18 and 4% marry before age 15.[[9]](#footnote-9)

In the meantime, States are launching many multi-objectives programs aimed at eliminating the root causes of child marriage permeating societies. For example, the Egyptian government is working on many programs aimed at combating child marriage, after the recent alarming rise in the number of child marriage cases, according to government’s estimation. During 2021, the National Council for Childhood and Motherhood continued the campaign “She Has the Right to Live her Childhood and her Age” to combat child marriage, as many educational activities were implemented within the framework of the initiative aimed primarily at changing the perspective of societal norms, as well as religious traditions on the concept of child marriage[[10]](#footnote-10). In Bangladesh, the Ministry of Women's and Children's Affairs launched a campaign entitled: "Measures to Prevent Child Marriage in Bangladesh," in collaboration with the United States Agency for International Development (USAID), aimed at reducing the negative effects of early and forced marriage on society, particularly after the wild spread of the phenomenon during the Covid-19 pandemic due to low family income as well as school closures. The campaign sought to raise 1 million pledges from teens, parents, community leaders, policymakers, business leaders and civil society representatives to prevent child marriage.[[11]](#footnote-11)

**Providing educational and medical services to victims of child marriages**

Many child mothers are often denied their right to adequate education as well as medical care, but recently many States have begun to pay attention to the rights of victims of such marriages, with many States allowing married girls to return to school again and giving them all the support needed, as Zimbabwe has changed a law, such as banning pregnant students from attending school, due to increase in the number of pregnancies during the covid-19 epidemic. Under the resolution, female students were entitled to education during pregnancy[[12]](#footnote-12). Uganda and Zimbabwe issued instructions to all primary and secondary schools by the Ministry of Education and Sports to allow pregnant students to return to school to complete their education in January 2022[[13]](#footnote-13). In the same context, the Tanzanian Government had allowed girls to continue their post-natal studies after the previous President's decision to deny them access to educational services, a step that would greatly enhance their rights.[[14]](#footnote-14)

In this context and at the level of health services, many States seek to facilitate the provision of health services, especially reproductive health services, to married children. For example, in Bangladesh and within Chunkori village, citizens have been equipped with tools and training to advocate for the improvement of reproductive and maternal health resources and to provide counselling at their community clinic therefore, the mothers have access to medical care more easily than ever, rather than having to travel elsewhere to obtain medical care. Access to post-natal care is one of the most important gains in this framework, as well as educating mothers about maternal health and reproduction.[[15]](#footnote-15)

**Covid-19 pandemic exacerbates the phenomenon of forced and early marriage**

Many undeniable facts point to the negative effects of the covid-19 on the rise in early and forced marriage. Human Rights indications confirm that an additional 10 million girls may be exposed to early marriage. School closures, increasing poverty, unemployment and poor economic conditions, as well as disruption of services, all put girls on edge. Closing schools increases the phenomenon of child marriage by 25%, but economic shocks accelerate the pace of child marriage to get a dowry[[16]](#footnote-16). For example, Bangladesh has experienced a sharp increase in child marriage, with poor families marrying their daughters to survive, resulting in a decline in years of social progress. This is confirmed by a survey conducted in 13 districts of Bangladesh that about 11,000 early marriages occurred between March 17, 2022 and September 12, 2021.[[17]](#footnote-17)

Recommendations

Overall, despite the efforts of all States to eliminate forced and early marriage, there has been an increase triggered by the covid-19 pandemic, which has strengthened poor economic conditions as well as girls' disruption to education, all of which represent root causes of the persistence of the phenomenon and based on the foregoing Maat for peace, Development and Human Rights recommends the following.

* The need to pressure States to enact legislation criminalizing forced and early marriages as a first step to combat the phenomenon;
* The need to provide medical and educational services to girls who have been victims of early and forced marriages;
* The need to continue to raise awareness of the need for child marriages in society and to explain the debilitating religious causes that keep the phenomenon going in many regions of the world.
* **Second: Progress, gaps and challenges to addressing the phenomenon of early and forced marriage and measures to ensure accountability:**

Early marriage prevention mechanisms led by stakeholders from Governments to civil society organizations are vital to ending child marriage on a large scale. Recognition of victims' rights to adequate compensation is essential for their reintegration into society again as well as their rights. In this regard, many States are working to prevent the early marriage of girls by taking various proactive steps to address the phenomenon and holding accountable whoever is found involved in order to prevent its recurrence in the future. Therefore, this intervention presentenced by Maat for Peace, Development and Human Rights focuses on criminal accountability and recognition of the rights of victims of child marriage.

**Recognizing the rights of victims of child marriage ensures their reintegration into society**

In an important step to ensure accountability and recognition of the rights of victims of child marriage, the Iraqi Parliament enacted the Yazidi Survivors Act in March 2021, which recognizes all crimes committed by ISIS against women and girls from Yazidi, Turkmen, Christian and Shabak minorities. These crimes include forced and early marriage, where they are classified as crimes against humanity. The Act provides compensation to survivors, as well as measures for their rehabilitation and reintegration into society and the prevention of such crimes in the future. It also provides for the allocation of pensions. In September of the same year, the Iraqi Parliament passed regulations on the law, and encourages the institution that has heard the practice and considers it a first step towards holding the perpetrators of forced marriage, especially in conflict States, accountable.[[18]](#footnote-18)

**Legal Consequences of Preventing Child, Forced and Early Marriage**

Early marriage is considered a form of discrimination against women, because it denies their access to many social rights and allows them not to live their lives and enjoy their childhood. In this regard, many countries are seeking to prevent child and forced marriage. In Egypt, the National Council for Motherhood and Childhood (CONAMU) strives to stop this phenomenon by establishing a mechanism for receiving and recording child complaints, through Child Helpline, reachable at the short number 16000. The Egyptian security gets notified in order to prevent the abuse and to file a charge against the perpetrators of such violations. One of the Council's efforts was to stop the marriage of a 14-year-old girl in Minya Governorate in February 2022. The Council received a complaint from a citizen who refused to declare his identity that the child's father intended to marry her before she reached legal age. She was already engaged, but due to the intervention of the Council and security personnel, the marriage was unfulfilled.[[19]](#footnote-19) During Eid al-Fitr in 2021 the Council succeeded in frustrating 5 cases of child marriage in the Minya and Gharbia governorates.

On the other side in India, officials at Gangnam District in Odisha successfully frustrated an attempt to marry a 15-year-old girl to a man twice her age in December 2021[[20]](#footnote-20). In the same month, but in Afghanistan, a civil society organization successfully rescued a 9-year-old girl from her elderly husband after the child's family had to sell her for a sum of money, to save them from poverty.[[21]](#footnote-21)

Recommendations

Many States and civil society organizations continue to take many steps to prevent child marriages, among other steps to recognize the rights of victims. However, these efforts are largely insufficient because of societal norms and religious misinterpretations deeply rooted in societies. Therefore, Maat for Peace, Development and Human Rights recommends the following:

* The need to take further steps to ensure the recognition of the rights of victims of forced and early marriage, particularly in States of conflict in the Middle East;
* The need to strengthen mechanisms to prevent early marriage by all legal and institutional means.
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3. Taliban issue decree banning forced marriage. Deutsche Welle. <https://bit.ly/34og2z8> [↑](#footnote-ref-3)
4. North Carolina Minimum Marriage Age Now 16 With Bill Signing. Usnews.

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7. Uganda: Tororo Passes Law to End Child Marriage. Allafrica. JULY 2021. <https://bit.ly/3ozANyu> [↑](#footnote-ref-7)
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10. حصاد عام 2021 ، المجلس القومي للأطفولة والأمومة ، يناير 2020 ، <https://bit.ly/3oxnwGz> [↑](#footnote-ref-10)
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14. Tanzania to allow students to attend school after giving birth. aljazeera. November 2021. <https://bit.ly/3oDhh4m> [↑](#footnote-ref-14)
15. BREAKING THE CHAIN EMPOWERING GIRLS AND COMMUNITIES TO END CHILD MARRIAGES DURING COVID-19 AND BEYOND. <https://bit.ly/3sm49kU> [↑](#footnote-ref-15)
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17. COVID-19 and child marriage in Bangladesh: emergency call to action. Bmjpaedsopen. <https://bit.ly/3J9OvQo> [↑](#footnote-ref-17)
18. العراق إقرار قانون يعوّض الناجيات من عنف داعش، لكن ماذا عن مصير المواليد من الاغتصاب، أخبار الأمم المتحدة ، أبريل 2021 ، <https://bit.ly/3LlFxlb> [↑](#footnote-ref-18)
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