



UN WOMEN



How to revoke child, early and forced marriage?

Study guide - SPL MUN 2019



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Introduction to the chairs

Hello distinguished delegates!

My name is Valentina Oporto, and I will be one of the chairs of UN Women's during SPLMUN 2019 with Livio. I was born in Bolivia (no I don't know how to ride a lama), and I was in a French school, so now I came to France to continue my studies. I always wanted to study architecture, but when I participated in my first MUN in 2015 I knew that this was what I wanted to do in the future, so after 3 MUN now I'm a first-year student at Sciences Po Lyon.

What I like the most in MUN conferences is that you learn a lot and that you get to know a lot of people. I also enjoy the socials and working all together to reach an agreement in really serious matters. I'm really excited to share this experience with you all, and I hope you enjoy it as much as we enjoyed preparing it for you!



Honorable delegates,

My name is Livio and I will chair SPLMUN's UN Women committee with Valentina. I actually live near Paris, but I discovered Lyon last year when I became a student of Sciences Po Lyon and I am sure you will love the city, just like I do.

I am very excited to be a chair, specifically for this topic that I find very interesting! And I am really looking forward to meeting you all and share a great experience with SPLMUN 2019.

PS: Valentina finds my presentation too serious, so I was going to make a joke, but Iran out of ideas.

Introduction to the Committee

"I encourage all relevant stakeholders to work towards a future when not only is marriage delayed, but the choices of girls and women are expanded beyond marriage."

(Report of the Secretary-General on "Child, Early and Forced marriage" – July 2016)

Child, early and forced marriage (CEFM) is a human rights violation and a harmful practice that disproportionately affects women and girls globally. But gender equality is not only a basic human right, it has enormous socio-economic ramifications. And as of today, gender inequalities remain deeply entrenched in every society. Women in all parts of the world suffer violence and discrimination.

UN Women was created by the General Assembly in 2010 to promote gender equality and the empowerment of women. The entity is governed by an Executive Board composed of forty-one members, as follows: ten from the Group of African States, ten from the Group of Asian State, four from the Group of Eastern European States, six from the group of Latin American and Caribbean States, five from the Group of Western European and Other States and six from contributing countries.

The Entity shall provide, through its normative support functions and operational activities - across all levels of development and in all regions - guidance and technical support to all Member States on the empowerment and rights of women. In other words, UN Women supports UN Member States as they set global standards for achieving gender equality and works with governments and civil society to design laws, policies, programs and services for women. It works globally to make the vision of the Sustainable Development Goals a reality for women and girls, focusing on four strategic priorities:

- Women leading, participating and benefiting equally from governance system
- Women having income security, decent work and economic autonomy
- Women and girls living a life free of all forms of violence
- Women and girls contributing and having a greater influence in building sustainable peace and resilience, and benefiting equally from the prevention of natural disasters, conflicts and humanitarian action.

Revoking Child, Early and Forced marriage is an approach to achieve them all¹.

¹ UN Web site

Introduction to the Topic

Child, early and forced marriage – Definition and Issues

*« Men and Women of **full age**, without any limitation due to race, nationality or religion, have the right to marry and to find a family. They are entitled to equal rights as to marriage, during marriage, and at its dissolution (...) Marriage shall be entered into only with the fees and **full consent** of the intending spouses»*

(Article 16 - Universal Declaration of Human Rights - 1948)

“Child marriage” is any marriage where at least one of the parties is under 18 years of age. “Early marriage” is often used interchangeably with child marriage and refers to marriage involving a person aged below 18 in countries where the age of majority is attained earlier or upon marriage. “Forced marriage” is a marriage in which one and/or both parties have not personally expressed their full and free consent to the union and have been unable to end or leave the marriage, including as a result of duress or intense social or family pressure. A child marriage is considered to be a form of forced marriage, given that one and/or both parties have not expressed full, free and informed consent.

The definition of CEFM rises first a **legal** issue. It jeopardizes through both full age and consent, the rights entitled to all individuals by the Universal Declaration of Human Rights (1948). Even though this document is only a Declaration and therefore not legally binding, it has been adopted by most constitutions since 1948 and has largely influenced others. Furthermore, many international legal frame pieces have followed the Declaration to make CEFM illegal, such as “*The Convention on Consent to Marriage, Minimum Age for Marriage and Registration for Marriages*” (Article 1 - 1964), “*The International Covenant on Civil and Political Rights*” (Article 23 - 1966) and “*The International Covenant on Economic, Social and Cultural Rights*” (Article 10 - 1966).

But child, early and forced marriage also appears to be an **economic** issue. In many communities, marriage is often perceived as a way to ensure the economic subsistence of girls and women with no autonomous access to productive resources or living in situations of extreme poverty. Families may agree to the marriage of their daughter in exchange for financial gain (“contractual marriage”). Poverty may also encourage women to marry foreign nationals for financial security, a practice increasing opportunities for women trafficking. In some countries, CEFM also takes place in wealthy families, where it is perceived as a means of preserving wealth among families from the same socioeconomic class, leading to more inequalities.

Child, early and forced marriage is a **social** issue as well. Not only CEFM is associated with girls who haven’t received an average or formal education, but in most cases, it makes them end up their education. Parent’s decision to force their daughter to get married at an early age is often motivated by stereotypical views of sexuality and women’s role in society. Religion

also plays a large role in having young girls being married. Eventually, child marriage is a significant obstacle to ensuring education or employment chances for girls and young women but also economic opportunities.

Finally, it turns out to be a **political** issue. The risk of child, early and forced marriage is worsening for girls in conflict and humanitarian crisis situations, where the increased risks of poverty and sexual violence leave girls even more vulnerable to this practice.

Child, early and forced marriage – History

In July 2010, the United Nations General Assembly created UN Women, the United Nations Entity for Gender Equality and the Empowerment of Women. In doing so, UN Member States took an historic step in accelerating the Organization's goals on gender equality and the empowerment of women. It merges and builds the important work of four previously distinct parts of the UN system, which focused exclusively on gender equality and women's empowerment, such as the United Nations Division for the Advancement of Women (DAW), the UN International Research and Training Institute for the Advancement of Women (INSTRAW), the Office of the Special Adviser on Gender Issues and Advancement of Women (OSAGI), and the United Nations Development Fund for Women (UNIFEM).

Over many decades, the United Nations has made significant progress in advancing gender equality, including through landmark agreements such as the Beijing Declaration and Platform for Action and the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW). Working for the empowerment and rights of women and girls globally, UN Women's main roles are:

- To support inter-governmental bodies, such as the Commission on the Status of Women, in their formulation of policies, global standards and norms.
- To help Member States implement these standards, standing ready to provide suitable technical and financial support to those countries that request it, and to forge effective partnerships with civil society.
- To lead and coordinate the UN systems on gender equality, as well as promote accountability, including through regular monitoring of system-wide progress.

UN Women shall:

- Support intergovernmental bodies, such as the Commission on the Status of Women, in their formulation of policies, global standards, and norms
- Help UN member states implement the above standards, standing ready to provide suitable technical and financial support to those countries that request it and to forge effective partnerships with civil society
- Enable member states to hold the UN system accountable for its own commitments on gender equality, including regular monitoring of system-wide progress

Moreover, child, early and forced marriage was recognized as a violation of human rights by the UN in 2013 in the first resolution on child early and forced marriage. More than 100 countries stated that it is a human rights violation and must be stopped².

A year later, the UN's Commission on the Status of Women agreed to eliminate child marriage. Since then, there are several organizations, such as the World Health Organization, World

² <http://tooyoungtowed.org/blog/un-resolution-acknowledges-child-marriage-as-human-rights-violation/>

Vision, and others, proposed various programs to prevent child marriage. This has been held by governments of different countries to make laws that states a minimum age for a person to get married. This fight is been a coalition between organizations and governments that wants to end CEFM with founding, education, health systems. We can take the example of the Population Council and the regional government in Ethiopia's rural Amhara region, where families received money if their daughters stayed in school and unmarried at least the two years of the program. Other programs have addressed child marriage less directly through programs for girls' empowerment, education, sexual and reproductive health, life skills, communication skills, and community mobilization.³

One of the last intervention of UN Women was in 2018, when they announced that Jaha Dukureh would serve as Goodwill Ambassador in Africa to help organize to prevent child marriage

Child, early and forced marriage – Past Action

On 15th November 2018, the United Nations General Assembly's third committee (UNGA), agreed a third resolutions on child, early and forced marriage (CEFAM), led by Canada and Zambia, co-sponsored by 114-member states. The resolution calls to take action and continued progress are crucial in keeping up international pressure on member states to implement their committee to eliminate child marriage by 2030. They proposed measures such as:

- “Make adequate resources available across relevant sectors, including health, nutrition, protection, governance and education”
- “Laws with lower minimum ages of marriage and/or ages of majority to 18 and engage all relevant authorities to ensure that these laws are well known.”
- “Laws and remove any provisions that enable perpetrators of rape, sexual abuse or abduction to escape prosecution and punishment by marrying their victims.”
- “Strengthen their efforts to ensure the timely registration of births and marriages, especially for individuals living in rural and remote areas, including by identifying and removing all physical, administrative, procedural and any other barriers that impede access to registration and by providing, where lacking, mechanisms for the registration of customary and religious marriage.”⁴

Among others.

The United Nations views forced marriage as a form of human rights abuse, since it violates the principle of the freedom and autonomy of individuals. The Universal Declaration of Human Rights states that a person's right to choose a spouse and enter freely into marriage is central to his/her life and dignity, and his/her equality as a human being. The Roman Catholic Church deems forced marriage grounds for granting an annulment; for a marriage to be valid, both parties must give their consent freely. The Supplementary Convention on the Abolition of Slavery also prohibits marriage without will and requires a “suitable minimum age” (not specified by the convention) for marriage to prevent forced marriage.

In 1969, the Special Court for Sierra Leone's (SCSL) Appeals Chamber found the abduction and confinement of women for "forced marriage" in war to be a new crime against humanity (AFRC decision). The SCSL Trial Chamber in the Charles Taylor decision found that the term

³ https://en.wikipedia.org/wiki/Child_marriage#International_initiatives_to_prevent_child_marriage

⁴ A/C.3/73/L.22/Rev.1 (Third resolution on child, early and forced marriage)

'forced marriage' should be avoided and rather described the practice in war as 'conjugal slavery' (2012).

In 2013, the first United Nations Human Rights Council resolution against child, early, and forced marriages was adopted; the resolution recognizes child, early, and forced marriage as involving violations of human rights which “prevents individuals from living their lives free from all forms of violence and that has adverse consequences on the enjoyment of human rights, such as the right to education, [and] the right to the highest attainable standard of health including sexual and reproductive health”, and also states that "the elimination of child, early and forced marriage should be considered in the discussion of the post-2015 development agenda

Child, early and forced marriage – Figures

Here are some figures about the current issues of child, early and forced marriage:

- Each year, 12 million girls are married before the age of 18
- That is 23 girls every minute, nearly 1 every 2 seconds
- Worldwide, there are more than 650 million women alive today that were married as children
- 95% of the world’s adolescent births occur in developing countries, 90% of these adolescent births are to girls already married or in a union

- Around 1 in 4 adolescent girls in West and Central Africa is currently married or in a union
- In Niger, revoking child marriage and early pregnancy would slow the country’s population growth by more than 5% by the year 2030. Therefore, Ending CEFM would relieve pressure on the country’s budget with potential welfare gains of up to \$1.7 billion per year.
- Girls married very young are up to 24% less likely to complete secondary school than girls who marry at or above 18
- Maternal mortality is the main cause of death for girls aged between 15-19

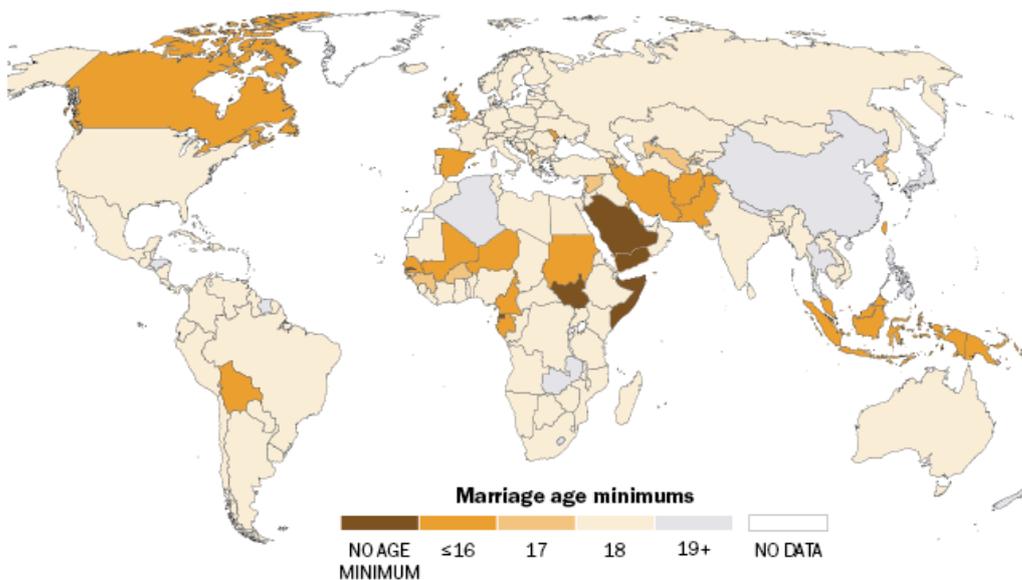
Block positions

“Choosing when and whom to marry is one of life’s most important decisions. Child marriage denies millions of girls this choice each year.”

UN Population Fund’s Executive Director, Dr Babatunde Osotimehin

If current trends continue, the number of girls who get married as children will reach nearly one billion by 2030, according to the UN, which launched an initiative earlier this year to protect girls from child marriage. Girls who get married as children are less likely to achieve their full potential, because they are more likely to leave education early, suffer domestic violence, contract HIV/AIDS and die due to complications during pregnancy and childbirth.

Marriage age minimums for girls



Note: Data show ages at which girls can marry without parental or judicial consent.
Source: Pew Research Center analysis of U.S. State Department country reports on human rights practices for 2015.
Supplemental data taken from the United Nations Population Fund. U.S. data taken from Cornell University Law School Legal Information Institute.

PEW RESEARCH CENTER

And yet, at least 117 countries around the world allow it⁵. Pew looked at 198 countries and found that almost all (192) of them have laws that specify when people can legally marry. Only six countries, Equatorial Guinea, Gambia, Saudi Arabia, Somalia, South Sudan and Yemen, do not specify a minimum age for marriage. Forced marriage is still practiced in various cultures across the world, particularly in parts of South Asia and Africa, and the in the majority of the

⁵ Pew Research Center

cases, ending a forced marriage may be extremely difficult. In about one fifth of these countries (38), there are different minimum ages for men and women to get married, and almost always the girl is younger. Sometimes the marriage age depends on religious affiliation. One of the ongoing issues is that in many countries, minimum age requirements are ignored, even if they are enshrined in law.

In some parts of Africa, one of the main obstacles for leaving the marriage is the bride price. Once the bride price has been paid, the girl is seen as belonging to the husband and his family. If she wants to leave, the husband may demand back the bride price that he had paid to the girl's family. The girl's family often cannot or does not want to pay it back. There's many countries in Africa that already banned child and forced marriage due to its consequences in girls health and education, but there's still some practices and traditions that forces girls to get married, even at the age of seven. For example, the Sharia Law requires the permission of the bride and her family, to get married but it also consideres their silence as consent.

In some parts of Asia, Compensation marriage is the traditional practice of forced marriage of women and young girls, in order to resolve tribal feuds in parts of Pakistan and Afghanistan. Although it is illegal in Pakistan, it is still widely practiced. It is nearly impossible for women to escape forced marriage in this countries because it is considered as a crime, or often a divorce is not given unless the husband gives his support, which is almost never the case. Human Rights Watch stated that about 95% of girls and 50% of adult women imprisoned in Afghanistan were in jail on charges of the "moral crime" of "running away". The majority of the victims commit suicide to escape this. In other countries of Asia, the law even encourages forced marriage, for economic issues or to help their daughters not to lose their capability of finding a husband by losing their virginity.

Child marriage is common in Latin America and the Caribbean island nations. About 29% of girls are married before the age of 18. The child marriage incidence rates varies between the countries, such as the Dominican Republic, Honduras, Brazil, Guatemala, Nicaragua, Haiti and Ecuador, reporting some of the highest rates in the Americas. Bolivia and Guyana have shown the sharpest decline in child marriage rates as of 2012. In Guatemala, early marriage is most common among indigenous Mayan communities. Brazil is ranked fourth in the world in terms of absolute numbers of girls married or cohabiting by the age of fifteen. Poverty and lack of laws mandating minimum age for marriage have been cited as reasons of child marriage in Latin America. In an effort to combat the widespread belief among poor, rural, and indigenous communities that child marriage is a route out of poverty, some NGO's are working with communities in Latin America to shift norms and create safe spaces for adolescent girls.

In North America, Canada strictly forbids forced marriage and marriage before 16. The legal age to get married is 18 or 19 depending on the region but between 16 and 18/19 years the parents can give their consent. Before this age, marriage is condemned by prison time. Nevertheless, the UNICEF called the US under observation for practices of child marriage. Laws regarding child marriage vary in the different state. However all states but Delaware and New Jersey have exceptions for child marriage within their laws, and although those under 16 generally require a court order in addition to parental consent, when those exceptions are taken into account, 17 states have no minimum age requirement. In 2018, Delaware became the first state to ban child marriage without exceptions, followed by New Jersey the same year. Between 2000 and 2015 there were at least 207.468 child marriages in the United States of which over 1,000 marriage licences were for children under 15, some as young as ten years old.

Meanwhile, in Europe, every country has its own laws. The Istanbul convention, the first legally binding instrument in Europe in the field of violence against women and domestic violence, only requires countries which ratify it to prohibit forced marriage (Article 37) and to ensure that forced marriages can be easily voided without further victimization (Article 32), but does not make any reference to a minimum age of marriage. In the European Union, the general age of marriage as a right is 18 in all member states, except in Scotland where it is 16. When all exceptions are taken into account (such as judicial or parental consent), the minimum age is 16 in most countries, and in Estonia it is 15. In 4 countries marriage under 18 is completely prohibited. By contrast, in 8 countries there is no set minimum age, although all these countries require the authorization of a public authority (such as judge or social worker) for the marriage to take place. Therefore, there are particular situations where european citizens are victims of forced marriage in foreign countries with different law. For example, UK citizens escaping forced marriage abroad are forced to pay their repatriation costs or get into debt. This makes escaping a forced marriage harder.

Issues to tackle

With regard to the legal framework and the implementation of laws, 147 countries currently permit children below the age of 18 to be married, either with parental, spousal or caregiver consent or with court permission but also in accordance with cultural practices. In some countries, the Law is responsible for child or forced marriage, for instance countries that exempt a rapist from punishment if he marries his victim. In others however the Civil Law establishes the minimum age of marriage at 18 years while religious law enables a parent (often the father) to decide the appropriate age of marriage for his daughter. **What approaches shall be taken in order to revoke CEFM in theory and in practice ?**

Child, early and forced marriage is not only caused by economic inequalities, it creates even more. The economic impact of child marriage is important for nations. The cumulative costs of child marriage between 2014 and 2030 have been estimated to reach \$5 trillion globally. **How to make sure that nations understand that revoking child marriage could boost their economy?**

The criminalization of early marriage may deter victims, especially those from immigrant or minority communities, from coming forward if it results in the criminal prosecution and imprisonment of family members. **How to ensure more appropriate legal punishments ?**

The prohibition of child and forced marriage is eventually difficult to implement. Many factors allow the marriage of children to persist and prevent women from marrying a spouse of their choice. **What policies and strategies shall be adopted to address the systemic and underlying factors allowing CEFM to take place ?**

Child, early and forced marriage is made possible because of the various inequalities in opportunities for girls compared to boys. **What actions of UN Women for promoting gender equality could have positive side effects on revoking CEFM ?**

Having legislation, prevention and care measures is a necessity. But they would be pointless if the victims remained unknown. **How to identify girls at risk or actual victims ?**

UN Women works a lot with the Civil Society and addressing the widespread cultural and social acceptance of child, early and forced marriage is a way of tackling it. **How to raise awareness of CEFM ?**

Conclusion

Child, early and forced marriage is an issue that need to be considered widely in order to be tackled. One should not only curb its analyze to the moral issue it raises but also to the economic and social consequences CEFM has on a country.

A good resolution should remain broad enough to be ratified by the Member States. However it is crucial that the resolution not only acknowledges the problem but proposes concrete solutions for initiating a global massive action for the rights of individuals threatened by child, early and forced marriages.

We wish you the very best for your preparation, good luck with your position papers. We are really looking forward seeing you in April!



Further reading

More informations on UN Women

(<http://www.unwomen.org/en/about-us/about-un-women>)

The “Action on Child Early and Forced marriage” NGO website

(<http://actiononchildearlyandforcedmarriage.org>)

Reports of the Office of the United Nations High Commissioner for Human rights

- Preventing and eliminating child, early and forced marriage
(<https://documents-ddsny.un.org/doc/UNDOC/GEN/G14/128/76/PDF/G1412876.pdf?OpenElement>)
- Recommendations for action against child and forced marriages
(<https://www.ohchr.org/Documents/Issues/Women/WRGS/CEFM/RecommendationsForActionEbook.pdf>)

Fact sheet and Brief of “Girls not Brides”

- Economic Impact of Child marriage : an information sheet
(<https://www.girlsnotbrides.org/wp-content/uploads/2018/11/Economic-Impact-of-CM-Final-LR.pdf>)
- What lies beneath ? Tackling the roots of religious resistance to ending child marriage
(<https://www.girlsnotbrides.org/wp-content/uploads/2019/01/W11839-SU-Theology-Report.pdf>)

About child marriage

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