

UN WOMEN

Topic 1: Considering early marriage as a form of child abuse

Research Report by Irene Soro

Index

| | |
|--|---|
| 1. Definition of Key Terms | 1 |
| 2. Introduction | 1 |
| 3. Background Information | 2 |
| 4. Major Countries Involved | 3 |
| 5. UN Involvement | 3 |
| 6. Timeline of Events | 4 |
| 7. Official documents and treaties about the issue | 4 |
| 8. Impact of the issue | 5 |
| 9. Useful links | 5 |
| 10. Bibliography | 5 |

1. Definition of Key Terms

Early marriage: Early marriage or child marriage refers to any formal marriage or informal union between a child under the age of 18 and an adult or another child.

Out of wedlock: with the natural parents not legally married to each other.

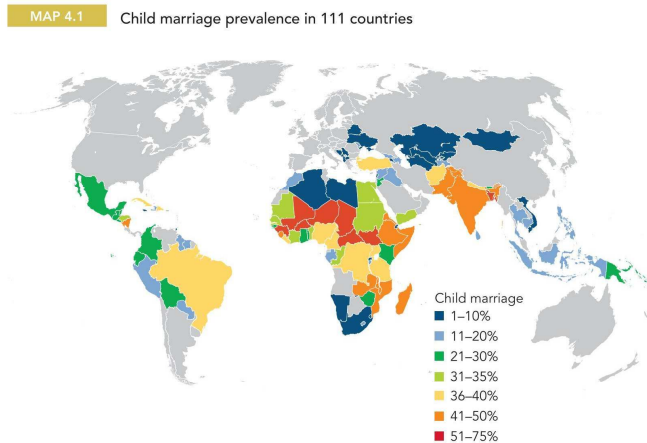
Abuse: bad or cruel treatment of a person or animal, or the use of something in an unsuitable or wrong way.

LDCs: Least developed countries (LDCs) are low-income countries confronting severe structural impediments to sustainable development. They are highly vulnerable to economic and environmental shocks and have low levels of human assets. There are currently 46 countries on the list of LDCs which is reviewed every three years by the Committee for Development (CDP). LDCs have exclusive access to certain international support measures in particular in the areas of development assistance and trade.

2. Introduction

Child marriage is a legal marriage or informal union where one or both parties are children under the age of 18. Girls are more affected by the practice than boys. Globally, the prevalence of child marriage among boys is just one-sixth that among girls. This practice occurs because of different factors. Two of those are often poverty and engrained traditions. For families who have economic problems, one of the most effective solutions is to marry off their daughters, thus having one less mouth to feed. Child marriage is also used to offset debts or settle conflicts. Because of these factors, most of the child brides come from the world's poorest countries. As for traditions, in some of them marriage is nothing more than a stage of womanhood. As soon as a little girl gets her period, she is seen as a grown woman, so the next step for her is marriage. In others, child marriage is political. In some places, it is about family honour. The practice is

used to avoid the shame of having an unmarried daughter or one who becomes pregnant out of wedlock. In some environments, like war-torn countries, child marriage is used as a protection for girls because if they marry they have at least the husband's protection. Another factor is education. Girls who do not go to school are more likely to become child brides.



Sources: Estimates based on Demographic and Health Surveys, International Center for Research on Women reports, and United Nations Children's Fund statistics, using the latest available data for women ages 20 to 24, 2001–12.

Note: Countries in gray do not have comparable data available.

3. Background Information

650 million women and girls alive today were married as children (21 per cent of all young women globally). Every year, 12 million girls marry before turning 18. In other words, one in five girls gets married before her 18th birthday. In LDCs 40 per cent of girls marry before turning 18 and 12 per cent marry before they turn 15. The highest percentage of child marriage is in sub-Saharan Africa, with 37 per cent of young women marrying before turning 18.



Almost every country has laws specifying at what age a couple can marry, and in most of these countries, those who have not turned 18 yet are allowed to wed. At least 117 nations allow children to marry. In many countries, the age of majority is reached when you turn 18. However, in some states it does not

correspond to the age at which you are allowed to get married. 153 out of 198 countries require that people must be at least 18 to marry. There are exceptions to some of these, however. For example, two individuals can marry even if under the age of 18 with parental consent. In other cases, such as in Australia, if one person is at least 18 years old, the other with judicial approval can be 16. In 38 countries, the minimum age for marriage differs between men and women. In 37 of these, the minimum age to marry for girls is lower than the one for boys.

Although the prevalence of child marriage has decreased globally (one in five girls instead of one in four), it is still widespread. Before the COVID-19 pandemic, 100 million girls were expected to marry before the age of 18 in the next decade. Now, as a result of the pandemic, this number has grown and 10 million more girls are expected to marry in the next decade.

4. Major Countries Involved

- **Niger:** Niger, in sub-Saharan Africa, has the highest percentage of child brides (76% of girls in Niger are married before their 18th birthday and 28% are married before the age of 15). This practice is more common in rural areas than in urban ones. Moreover, educated girls are less likely to marry as children. Child marriage in this country is addressed in family law: the Civil Code, customs and international legal instruments. The Civil Code states that the minimum age for marriage is 15 years for girls and 18 years for boys. An amendment to this law changed the age of boys to a minimum of 21. With the consent of the family, however, children can marry at a younger age. The law does not impose any sanction on child marriage.
- **Central African Republic:** the Central African Republic, CAR, has the second-highest percentage of child brides (68% of girls are married before the age of 18 and 29% are married before the age of 15). According to the Family Code (1998), the minimum age of marriage is 18 years. However, if a person has parental consent, they can marry before they turn 18.
- **Chad:** Chad has the third highest percentage of child brides (67% of girls are married before the age of 18 and 30% are married before the age of 15). In 2015 an ordinance signed by the President of Chad, Idriss Deby, increased the minimum age of marriage from 15 to 18 years old.
- **South Sudan:** South Sudan has the eighth-highest percentage of child brides (52% of girls are married before they turn 18 and 9% before the age of 15). South Sudan became independent from Sudan in 2011. Until 2018 the country was engaged in a civil war. Although the war ended, violence continues and most of the population lives in poverty. The law in this country prohibits marriage before the age of 18, but most of the time it is not respected, especially in rural areas.
- **United States of America:** in the USA only seven states (Delaware, Massachusetts, Minnesota, New Jersey, New York, Pennsylvania, and Rhode Island) have established the minimum marriageable age at 18 without exceptions. Nearly 300,00 children were married in the U.S. between 2000 and 2018.

5. UN Involvement

The UN has always been trying to eliminate, or at least reduce child marriages. Already in 1948, with the Universal Declaration of Human Rights, several international treaties and agreements followed to wipe out early marriage to protect the human rights of children. In 1962 the Convention on Consent to Marriage, Minimum Age for Marriage, and Registration of Marriages (OHCHR) took place and it established minimum marital ages and required the registration of marriages. Building on that treaty, in 1979 the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was held in New York and states that “the betrothal and 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.” CEDAW also states that if a girl marries the marriage is not official because the girl is not an adult who can freely and fully consent to the marriage. This declaration was re-

emphasized by the Convention of the Rights of the Child in 1989. In 2014, the High Commissioner issued a report on preventing child, early and forced marriage to the Human Rights Council (A/HRC/26/22). This report looks at existing measures and strategies to prevent and abolish child, early and forced marriage with particular attention to challenges, achievements, best practices and execution gaps. In July 2015, the Human Rights Council adopted its first substantive resolution in which child and forced marriage were recognized as human rights violations. In resolution A/HRC/RES/29/8, the Human Rights Council asked the UN High Commissioner for Human Rights to organize an expert seminar to examine and discuss the impact of existing strategies and initiatives to address child, early and forced marriage. The Human Rights Council noted with concern in its resolution A/HRC/RES/35/16 of July 2017 that child, early, and forced marriage is highly prevalent in humanitarian settings. In June 2019 the High Commissioner focused its report, submitted to the Human Rights Council A/HRC/41/19, on the issue of child, early and forced marriage in humanitarian settings. In July 2019, the Human Rights Council approved Resolution A/HRC/RES/41/8 on child, early and forced marriage expressing concern about prevailing impunity and lack of accountability. In this resolution, the High Commissioner for Human Rights requested that two local seminars be organized on the child, early and forced marriages, and measures to guarantee liability at the local and national level. The result of these workshops will be reflected in a report on this same topic to be presented to the Human Rights Council at its fiftieth session (June/July 2022).

In 2016 the UN launched the UNFPA-UNICEF Global Programme to End Child Marriage, an international initiative to help protect the rights of millions of girls. This initiative has the ambitious aim of ending the practice by 2030 and it will be renewed for another three years, according to UNICEF and the UN Population Fund (UNFPA). Since then, it has helped more than eight million adolescent girls and more than five million community members. By 2023, the programme seeks to have reached more than 14 million girls across 12 countries in Africa, the Middle East and South Asia. On June 14, 2022, UN Women partnered with UNICEF to launch an anti-child marriages and women empowerment campaign in remembrance of the Day of the African Child.

The United Nations Sustainable Development Goals call for global concrete action to end child marriage, a human rights violation, by 2030.

6. Timeline of Events

Child marriages have been and still are part of the history of the whole world since ancient times.

- 1929- child marriages became illegal in Bangladesh
- 1948- the Universal Declaration of Human Rights
- 1962- the Convention on Consent to Marriage, Minimum Age for Marriage, and Registration of Marriages
- 1979- the Convention on the Elimination of All Forms of Discrimination against Women
- 1989- the Convention on the Rights of the Child
- 1998- Family code in the Central African Republic: a minimum age for marriage is set;
- 2015- in Chad, the minimum age of marriage was increased from 15 to 18 years old;
- 2015- child marriages became illegal in South Sudan
- December 2019- child marriages became illegal in Mozambique

7. Official documents and treaties about the issue

General Assembly resolution 1763 (XVII) 7 November 1962: establishes minimum marital ages and requires the registration of marriages <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-consent-marriage-minimum-age-marriage-and>

The Convention on the Elimination of All Forms of Discrimination against Women, New York, 18 December 1979 <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>

Human Rights Council resolution (A/HRC/26/22), 2014: report on preventing child, early and forced marriage

<https://undocs.org/Home/Mobile?Final Symbol=A%2FHRC%2F26%2F22 Language=E&DeviceType=Desktop Lang Requested=False>

Human Rights Council resolution (A/HRC/RES/29/8), July 2015: child and forced marriage are recognized as a human rights violation

<https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2FRES%2F29%2F8&Language=E&DeviceType=Desktop&LangRequested=False>

Human Rights Council resolution (A/HRC/RES/35/16), July 2017 <https://daccess-ods.un.org/tmp/5748132.4672699.html>

Human Rights Council resolution (A/HRC/RES/41/8), July 2019

<https://undocs.org/Home/Mobile?Final Symbol=A%2FHRC%2FRESH%2F41%2F8 Language=E&DeviceType=Desktop&Lang Requested=False>

8. Impact of the issue

Child marriage has severe consequences for the health, education and social life of child brides. As for health, it can have both physical and psychological consequences. Physical risks include premature pregnancy, complications during pregnancy and childbirth, maternal and infant mortality, and malnutrition. From a psychological point of view, early marriage can cause anxiety, stress and depression.

Very often girls who marry as children drop out of school and this also leads to an increase in illiteracy. Socially, these girls are deprived of independence and freedom. Moreover, they are prone to domestic and sexual violence.

9. Useful links

- <http://www.un.org/>
- <https://www.unwomen.org/en>
- <https://www.girlsnotbrides.org/>
- <https://www.unicef.org/>

10. Bibliography

- <https://www.publichealthnotes.com/child-marriage-key-facts-causes-consequences-and-prevention/>
- <https://www.pewresearch.org/fact-tank/2016/09/12/many-countries-allow-child-marriage/>
- <https://toolkits.knowledgesuccess.org/toolkits/youthpolicy/early-marriage-0>
- <https://www.unicef.org/protection/child-marriage>
- <https://www.worldvision.com.au/global-issues/work-we-do/forced-child-marriage>
- <https://www.humanium.org/en/child-marriage-in-the-sub-saharan-africa-the-case-of-niger/>

- <https://www.girlsnotbrides.org/learning-resources/child-marriage-atlas/regions-and-countries/central-african-republic/#:~:text=What%20is%20the%20minimum%20legal,requirement%20based%20on%20serious%20grounds.>
- <https://apnews.com/article/pope-francis-education-united-nations-marriage-d941a3da2ea40ad5f1c6ff33613c1f26>
- https://www.equalitynow.org/learn_more_child_marriage_us/
- <https://www.girlsnotbrides.org/learning-resources/child-marriage-atlas/regions-and-countries/chad/#:~:text=In%20Chad%2C%2067%25%20of%20girls,of%20child%20marriage%20among%20boys.>
- https://dictionary.cambridge.org/dictionary/english/abuse#dataset_cbed
- [https://www.un.org/development/desa/dpad/least-developed-country-category.html#:~:text=Least%20developed%20countries%20\(LDCs\)%20are,structural%20impediments%20to%20sustainable%20development](https://www.un.org/development/desa/dpad/least-developed-country-category.html#:~:text=Least%20developed%20countries%20(LDCs)%20are,structural%20impediments%20to%20sustainable%20development)
- <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>
- <https://www.ohchr.org/en/women/child-and-forced-marriage-including-humanitarian-settings>
- <https://news.un.org/en/story/2020/03/1059141>
- <https://africa.unwomen.org/en/stories/news/2022/06/un-women-partner-with-unicef-in-campaign-against-child-marriages>