



ODUMUNC 2018 Issue Brief  
Third Committee: Social, Humanitarian and Cultural  
**Prevention and Elimination of Child and  
Forced Marriage**



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## Introduction:

Child marriage and forced marriage is considered a violation of basic human rights throughout the world. About 198 countries have minimum marriage age requirements—more than belong to the United Nations—but enforcement often is poor. Even among countries that have age requirements, social and economic pressure for child marriage may be overwhelming, especially for the poor and uneducated, and specific ethnic or religious groups. Governments often look the other way, especially local authorities, who often represent the same communities.

victim's family includes repeatedly telling the victim that the family's social standing and reputation are at stake, as well as isolating the victim or refusing to speak to her. In more severe cases, the victim can be subject to physical or sexual abuse, including rape.

While most government recognize the problem caused by child marriage and want to suppress and eliminate it, many are opposed to strong international action that takes the issue out of domestic control. Some are wary of antagonizing important religious and ethnic groups. Others require financial assistance from UN programs to do more. Funding of such programs is a crucial issue for any UN initiative on child marriage.



Forced marriages differ from arranged marriages. In forced marriages, one or both partners cannot give free or valid consent to the marriage. Forced marriages involve varying degrees of force, coercion or deception, ranging from emotional pressure by family or community members to abduction and imprisonment. Emotional pressure from a

## History:

Child marriage is the toxic product of poverty and gender inequality. Girls in child marriages tend to be less educated and live in rural areas. Many impoverished parents believe that marriage will secure their daughters' future by ensuring that another family will be responsible for their care.

This is also true in humanitarian crises, when many parents fear they will be unable to protect or care for their daughters. Some mistakenly believe marriage will protect their daughters from sexual violence, which is often exacerbated in times of crisis. Some parents see their daughters as burdens or commodities. Dowries complicate the issue: In places where the bride's family pays a dowry to the groom's family, younger brides typically command smaller dowries, creating an incentive for parents to marry their daughters off early. In places where



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the groom's family pays a bride price, parents in difficult circumstances may marry off their daughters as a source of income.

Assembly and Human Rights Council, which were procedural resolutions calling for reports and further consideration of the issue.



The resolution criticized forced and child marriage and uses states to take action against it. The resolutions puts responsibility for action in the hands of governments, to be interpreted as they wish. UN resolutions further develop these basic principles.<sup>2 3</sup>

These resolutions offer a justification for action—on the basis of universal international normative principles—and encourage UN agencies to support governments. But they are vague in their recommendations. They offer no specific standards, no new funding, nor do they create and reassure for compliance.

Often, child marriage is the outcome of poverty, lack of education, and limited personal choice. When girls have a choice, they marry later.

### Current Situation:

### Landmark UN Resolutions:

The precedent for UN action was established only recently, in a landmark resolution calling for a ban on child marriage, agreed on 21 November 2014 during the 69th session of the General Assembly.

The resolution marks the first time that UN Member States have agreed upon substantive recommendations for the steps that countries, international organizations and others must take to address the problem of child, early and forced marriage. The UN Resolution on Child, Early and Forced Marriage,<sup>1</sup> supported by 116 Member States was introduced and led by the Governments of Canada and Zambia and builds on last year's resolutions in the General



In the rural villages of Egypt, Afghanistan, Bangladesh, Ethiopia, Pakistan, India and the Middle East, young girls are rarely allowed out of their homes except to work in the fields or get married. These uneducated girls are often

<sup>1</sup> General Assembly resolution 69/156, A/RES/69/156 (2014): [Press Briefing](#)

<sup>2</sup> A/RES/68/148 (2013): [Press Briefing](#)

<sup>3</sup> A/RES/71/175 (2016): [Press Briefing](#)



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married off as young as 11 years old. Some families allow girls who are only 7 years old to marry. It is very unusual for a girl to reach the age of 16 and not be married. It is believed that between 60 and 80 percent of marriages are forced marriages in Afghanistan. The legal age to get married in Egypt is 16, and it is 18 in India and Ethiopia. But these laws are quite often ignored. A spotlight was thrown on early forced marriage and sexual abuse of young girls in the U.S. with the April 2008 rescue of numerous children who were living on a ranch owned by a polygamist sect in Texas.

Poor health, early death and lack of educational opportunities lead the list of problems attributed to child marriage. Child brides have double the pregnancy death rate of women in their twenties. The leading cause of death for young girls between the ages of 15 and 19 in developing countries is early pregnancy. Child brides are at an extremely high risk for fistulas — vaginal and anal ruptures — from having babies too young, and their babies are sicker and weaker. Many do not survive childhood. Child brides have a higher risk of being infected with sexually transmitted diseases, and they're at increased risk for chronic anemia and obesity.



Child brides typically have very limited access to contraception and a lack of educational opportunities. They're often subject to a lifetime of poverty. Statistically, child brides have a higher risk of becoming victims of domestic violence, sexual abuse, and murder.

## Country and Bloc Positions:

**African Union (AU):** The AU is particularly sensitive to child and force marriages because of their prevalence in this area. Among the 41 states with more than 30% of marriages being child marriages, 30 are within Africa. For the last four years the AU has spearheaded a campaign to accelerate the end of child marriages throughout the African continent. It has an extensive plan of action, which can be viewed at the African Union website.<sup>4</sup>

But African countries are wary of international actions that are seen as neo-colonial, chipping away at their national sovereignty. Funding by donor governments also can be instrumental.

**China:** Within China it is estimated 90% of trafficked victims are women and children from Anhui, Guizhou, Henan, Hunan, Sichuan and Yunnan provinces and are most likely to be sold to men in under developed provinces such as Jiangsu, Zhejiang, Shandong, Henan and Inner Mongolia where gender imbalances are even more severe. This trafficking is recognized as causal in emerging social problems. Mass suicide from swallowing chemical pesticides has begun to occur among women in forced marriages. It is also estimated that for every woman kidnapped at least three family members will end up walking the countryside with no support and thus turn to crime to survive, with over 7000 arrests each year associated with this.

As of the present, as related to Marriage/Child Marriage, China has signed and ratified the UN Convention on Rights of the Child, the Optional Protocol to the Convention on Rights of Child on the Sale of Children, Child Prostitution, and

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<sup>4</sup> African Union, *Campaign to End Child Marriage in Africa, A Call to Action*, 2013, [https://au.int/sites/default/files/pages/32905-file-campaign\\_to\\_end\\_child\\_marriage\\_in\\_africa\\_call\\_for\\_action-english.pdf](https://au.int/sites/default/files/pages/32905-file-campaign_to_end_child_marriage_in_africa_call_for_action-english.pdf)



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Child Pornography, the Convention on the Elimination of All Forms of Discrimination Against Women, Worst Forms of Child Labor Convention, and The Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption.

However, understanding effective change and legal reform in this area can be difficult, as when it comes to child marriage, abduction, and trafficking, China “continues to conflate trafficking with child abduction for adoption, rendering the full extent of the government's anti-trafficking efforts unclear.



**European Union:** The EU strongly support measures to create universal standards and action to suppress and eliminate child marriage. Europe also is a major donor of UN programs.

European Union Agency for Fundamental Rights (FRA) encourages European Union institutions to look at the issue of child and forced marriage in a comprehensive manner. It outlines promising initiatives, both by the authorities and non-governmental organizations addressed at supporting victims of forced marriage and persons at risk of becoming victims of forced marriage. It further suggests that the EU should consider acceding to the 2011 Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), given that the convention envisages this possibility.

**India:** Child marriages have been illegal in India for almost 90 years; however, the punishments do not deter actors and are enforced based on religion. The 2006 Prohibition of Child Marriage

Act, for example, does not apply to Muslims, and penalties max out at two years in prison. The religious exemption particularly demonstrates the social sensitivity of combatting child marriages in India.

**Non-Aligned Movement:** On 19 December 2016, the United Nations General Assembly (UNGA) adopted a second resolution on child, early and forced marriage at its 71st session. The resolution was co-sponsored by Canada and Zambia, with sponsorship from more than 100 Member States, many from the 120-member Non-Aligned Movement.

For the Non-Aligned, the most important issue always is preservation and strengthening national sovereignty. While many NAM countries favor suppression and eradication of child marriage, many, especially in Africa and the Middle East, resist international pressure toward this goal, regarding it as a matter for domestic policy alone. Others are more supportive of international action, especially in East Asia and Latin America. Funding by donor governments, especially from Europe, the Middle East and North America, can be instrumental.

**Russia:** Regardless of the declaration of children's rights in Russian legislation, provisions of Russian laws are not implemented and there is no mechanism that would make the existing legal provisions work. The growing number of orphaned children and the absence of an effective legal defense of children from becoming victims of abuse exemplify the non-implementation of declared rights.

Where Russia previously followed the Non-Aligned Movement on issues like this, it is increasingly independent, acting on the basis of its own distinct national interests.



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**South Asia:** Child marriage is common in South Asia, especially among poor people, including both Hindus and Muslims. The practice has historic roots and is defended as traditional. It helps families deal with the high costs of marriage and the importance of using marriage to build social connections between families and communities.

India has long worked to suppress child marriage, but activist organizations find themselves under growing criticism from the nationalist government of Prime Minister Modi. His political party (the BJP) relies on support from religious conservatives and has tried to reduce the visibility of the issue. In Pakistan the government support suppression of child marriage, but cannot afford to antagonize conservative communities, and must move cautiously. International pressure is more appreciated there, justifying actions that otherwise would be politically risky.

**United States:** The US is taking a whole-of-government approach to address the issue of Child, Early, and Forced Marriages (CEFM) by committing up to \$5.3 million to prevent CEFM in in regions, countries, and communities where interventions are most needed and most likely to achieve results. Congressional leaders have also recognized the importance of these efforts, and The U.S. Agency for International Development (USAID) will work alongside lawmakers to increase United States support next year to expand efforts to prevent CEFM. However, such

programs are scheduled to be eliminated by the Trump Administration under its March 2017 'skinny budget'.

Of highest importance to the Trump Administration is making certain that no UN resolution or action by a UN agency advocates, supports, or makes available abortion counselling or services. American diplomats also may demand that abortion restrictions be added to unrelated resolutions on any topic related to marriage or reproduction.

## Proposals for Action:

The United Nations cannot mandate an end to child marriage. It can only request the action and support of the 193 sovereign Member States. It can *recommend* they make changes to their national policies. It can offer incentives or sanctions to encourage compliance with universal standards. And it can fund action by United Nations agencies.

Ending child marriage requires action at many levels. Existing laws against child marriage should be enforced, especially when girls at risk of child marriage, or who are already married, seek protection and justice. And where it is not yet the case, the legal age of marriage should be raised to 18. But laws only provide the framework for action against child marriage. Practices people deem acceptable are unlikely to disappear through legislation alone.

Governments, civil society and other partners must work together to ensure girls have access to education, health information and services, and life-skills training. Girls who can stay in school and remain healthy enjoy a broader range of options, and they are more likely to be able to avoid child marriage. And, importantly, girls who are already married need to be supported.

Married girls need reproductive health services to help them avoid early pregnancy. Those who



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become pregnant need access to appropriate care throughout pregnancy, childbirth and in the post-partum period. They should be supported, if they choose, in returning to formal or non-formal school. Together, these measures lead to healthier families, higher levels of gender equality and, in turn, stronger societies and more vibrant economies. No society can afford the lost opportunity, waste of talent, or personal exploitation that child marriage causes.

As with most UN topics, progress on this one requires funding to support programming by UN agencies. The United Nations Development Program is the UN's largest and most capable development agency. But it only fund programs supported by donor governments. Finding ways to finance more activity is a major part of any action on this topic. A resolution should recommend specific action, specify the UN agency to conduct it, and arrange financing. Money might come from voluntary donations by donor governments, by shifting money from current UN programs, or special financial arrangements.



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