

United Nations High Commissioner for Human Right

Child, Early, and Forced Marriage

**Introduction**

Child, Early, and Forced Marriages (CEFM) are of grave concern for the UN, as they violate our fundamental understandings about the concepts of consent and law, often under the guise of tradition and religion. The United Nations defines child marriage as marriages in which one spouses is under 18 years old. However, early marriage is when both spouses are under 18 or a circumstance in which one or both partners have a compromised ability to grant consent. Forced marriage, on the other hand, is a marriage regardless of age in which one or both spouses do not give full and free consent. [[1]](#footnote-1)

More than 650 million women and 156 million men globally are victims of child marriage. The United Nations estimates that around 12 million girls are child brides each year.[[2]](#footnote-2) Since the war-effort has grown in Yemen the number of girls married by 15 has skyrocketed, equating to approximately 45% of females in 2017.[[3]](#footnote-3) Though child marriages most affect sub-Saharan Africa and Southern Asia it has proven to be a global issue.[[4]](#footnote-4) In developed states like the United States had 167,000 children in 38 states married off between 2000-2010, mostly attributed to family honor and religion.[[5]](#footnote-5) While there have been significant reductions in child marriages over the last decade, the progress is happening at too slow of a rate. It is believed that by 2050, worldwide the number of women married before the age of 18 will reach 1.2 billion.[[6]](#footnote-6) There are currently 15.4 million people living in forced marriage today, however that number is an estimate because it is rare for cases in the developing world to be reported. [[7]](#footnote-7) Of the 15.4 million people mentioned earlier, 84% or about 13 million are women. That is not to say that men are never forced into marriage it is just usually more of a female issue.[[8]](#footnote-8)

Allowing child marriages strips kids of their fundamental human rights; depriving them of their basic right to education, safety, and health. In developing member states, war and poverty are often the roots of child marriage. Generally, when young girls and boys marry their childhood abruptly ends. They are expected to drop out of school and immediately become a traditional caretaker. The union of marriage introduces sexual intimacy and eventual pregnancy to children whose bodies and minds are still maturing. Child brides have a significant likelihood of contracting HIV and dying from complications resulting from pregnancy and childbirth.[[9]](#footnote-9)

In the developed world forced marriage is rare but, usually occurs when a person travels to another country and is roped into marriage with no way out. On the other hand, in the developing world forced marriage is normally orchestrated by the parents. It can be done to settle a debt or family disputes, pull themselves out from poverty, or because of cultural traditions.[[10]](#footnote-10) A majority of cases are in Africa, South Asia, and former Soviet Republics because poorer nations tend to have lower life expectancies and less education. [[11]](#footnote-11) In extreme cases where the country have high levels of conflict, women may be taken by armed groups and forced into marriage as a way of torturing the enemy or taking a reward or both.[[12]](#footnote-12) The majority of women living in forced marriages face repeated sexual, physical, and emotional abuse.[[13]](#footnote-13)

**History and the Actions Taken By the International Community**

Child, early, and forced marriage (CEFM) dates back thousands of years. Rooted in the dowry system, a woman was seen as property that once they hit puberty were required to help their family financially. The younger the bride is the more fertile and “pure” or in tact the chasity is viewed, meaning they can gain a higher price from a suitor.[[14]](#footnote-14) Once married off they are no longer a mouth the family has to pay for and can fulfill their duty of reproduction. Views towards CEFM altered with the abolishment of slavery, emergence of modern medicine, and rise of the feminist movement. Girls began to be looked at as more than tools to increase the population to combat high mortality rates. The Universal Declaration of Human Rights states that forced marriage is a violation of basic human rights. Article 16 in the declaration stated a woman has the equal right to enter into a marriage freely and with full consent.[[15]](#footnote-15) In 1979 international governing bodies recognized forced marriage as an prominent issue at the Commission on the Elimination of all forms of Discrimination Against Women.[[16]](#footnote-16) The United Nations later called on countries to put a stop to child marriage at the International Conference on Population and Development in 1994.[[17]](#footnote-17) While most member states began to assume a new stance towards CEFM, some member states ruled by religious laws failed to adopt the new attitude. Iran’s legal affairs Committee of Parliament released a statement arguing the law prohibiting girls younger than ten from marrying was both un-Islamic and should be illegal because the Prophet Muhammad married a six year old. The committee argues that Sharia law states that Prophet Muhammad is their model for life and he himself consummated his relationship with his nine-year old wife.[[18]](#footnote-18) In Europe Roma communities explain their high rate of child marriages, as reflecting their traditional cultural values and option to fight against poverty.[[19]](#footnote-19) The United Nations Human Rights Council pledged to eliminate the practice as part of their 5.3 Sustainable Development Goals.[[20]](#footnote-20) The UN has created three resolutions directly addressing child marriages in 2013, 2015, and 2017. The resolutions are /HRC/24/L.34/,[[21]](#footnote-21) /HRC/29/L.15[[22]](#footnote-22) and HRC/35/L.26.[[23]](#footnote-23) In response to declarations defending the practice of CEFM the Committee on the Elimination of Discrimination against Women and Convention on the Rights of the Child (CRC) committees in 2014 specified the obligations of member states to prevent, clarified what constitutes CEFM, and provided policy recommendations.[[24]](#footnote-24) The U.S. State Department a year later denounced other countries for their handling of CEFM. President Obama said, “ just because something is a part of your past doesn’t make it right [...] there’s no place in civilized society for the early or forced marriage of children. These traditions may date back centuries; they have no place in the 21st century.” [[25]](#footnote-25) United Nations General Assembly resolution 71.175 was adopted without a vote to protect all people from child, early, and forced marriage. Despite a low prevalence in developed nation states, CEFM still exist globally. Denmark sought to combat the increase of child marriages in 2016, requiring couples to have “exceptional reasons” approved by their government for cohabiting before 18 and prohibiting couples to live together under 15. Weeks later Denmark was forced to reverse the policy, opponents argued it went against the U.N.’s assertion that one has the right to a private family life. [[26]](#footnote-26) Numerous programs have been created by international bodies during the 21st century in an effort to eliminate CEFM including, but not limited to Action for Adolescent Girls program and Accelerate Action to End Child Marriage.[[27]](#footnote-27) The UN launched an initiative in 2016 to end child marriage by 2030. The initiative from the UN Children's and UN Population Fund proposed focusing on 12 African nation states where the rates of child marriage are high. The program seeks to establish globally the minimum age to marry as 18. [[28]](#footnote-28)

**Key Challenges**

While early, child, and forced marriages are recognized as a problem by the UN and the Human Rights Committee and resolutions have been made, the problem still exists and millions of women are girls are still being forced into marriage. There are many challenges in resolving this problem, however the key ones are: the lack of education in the developing world, extreme poverty, the silencing of women’s voices, overcoming cultural and religious norms, and impeding on national sovereignty.

Lack of education seems to be at the root of most poverty-stricken nation states’ issues. Without education, it is almost impossible to break out of the poverty cycle. Women especially are stuck in the cycle because in many developing nations, women are unable to go to school for a plethora of reasons. In some places school is simply not offered while in others women must stay home due to cultural values or to simply walk miles to find water for their family. With equal access for women to education, women acquire knowledge and skills that help them make informed decisions. This leads to a decrease of forced marriage, but it is not enough.[[29]](#footnote-29)

Poverty is one of the many reasons for forced marriage of all kinds. In some cases, women or girls are married off to improve economic security for the family as a whole. If regions were able to end poverty, the economic need for forced marriage would be gone, however ending poverty is a task that the UN has been working on for years. The Sustainable Development Goal is working on ending poverty, which along with education would get rid of two major reasons forced marriage is approved of by families.[[30]](#footnote-30)

Many of the member states and regions that have forced marriage are patriarchally run governments that do not believe women belong in places of power or that their voices should be heard. However, if the men in power do not listen to the problems women voice, nothing will be done about it. If those voices were heard and women’s problems voiced there is a bigger chance that advancements will be made in women’s favor in terms of working towards gender equality.[[31]](#footnote-31)

Silencing women’s voices goes along with the battle of cultural and religious norms as well as infringing on a nation’s sovereignty. The UN has made many resolutions addressing forced marriages, poverty, and education within their Sustainable Development Goals, however the UN cannot force countries to abide by them. If a resolution is passed that a country does not agree with, in this case many Middle Eastern and Sub-Saharan African member states, they often say that forced marriage is their cultural or religious norm and that the UN is not able to impede on their freedoms.[[32]](#footnote-32) While the UN has passed resolutions, the regions stated above are simply ignoring the laws because the UN has not given any repercussions to countries that do not follow their esolutions or orders.[[33]](#footnote-33) Numerous countries have independently attempted to implement policies prohibiting CEFM, their laws too are ignored. India in 1978 passed the Child Marriage Restraint law which was later adopted and amended by other Asian nation states. The law places provisions on the age a person can marry however, the law does not permit police to enforce the law without going through a lengthy court process first.[[34]](#footnote-34) The lack of enforcement by government officials allows for the practice to continue despite both the U.N. and individual member states denouncing it.

**Committee Directive and Conclusion**

The issue of child, forced, and early marriage is a significant problem around the world making it of utmost importance for intervention to be taken now. Child, early, and forced marriage remains a problem in 2018 due to cultural practices, extreme poverty, and gender inequality. When young girls and boys are forced into CEFM it takes away there human rights of consent and self determination, in addition, they are often denied the ability to pursue their education. The United Nations has previously passed resolutions affirming that CEFM is in fact a violation of human rights. While the resolutions and efforts by some nation states have identified it as a problem, action now must be taken. Delegates should look to member states that have have had success in combating child marriage such as Western European member states in which the minimum age is 18, with the exception of parental consent. Member states should look at solutions to reduce the systemic gender inequality within their cultural practices of marriage. Member states should look at the possibility of creating a Universal Convention on CEFM modeling it after the Convention on the Rights of Child and the Convention on the Elimination of Discrimination against Women. Delegates should discuss ways to combat CEFM in nation states that occurs with parental consent.

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