**Forum:** Human Rights Council

**Issue:**Improving the enforcement of child marriage legislation

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**Position:** Deputy President chair

## Introduction

Childish marriage is a severe violation of basic human rights. It is a serious threat to the lives of young boys and girls as it completely strips them of their basic childhood rights. It is important that children are recognized in the law as being children and that they are accorded the full protection of law. Laws that set a minimum age of marriage are an important way to safeguard boys and girls from being married before they are ready. Governments need to have clear and consistent legislations that establish 18 as the minimum age of marriage. Child marriage not only prevents young children to their rights of education, it also heavily affects their health and limits their opportunities. The existence of laws that set a minimum age for marriage is an important tool that helps those working to dissuade families and communities from marrying off their daughters as children

## Key Terms

**Child Marriage:**

UNICEF defines the term as a formal marriage or informal union before the age of 18. The term is often referred to as “early” and/or “forced” marriage since children that young aren’t able to give informed consent.

**Convention on the Rights of the Child:**

A ratified, international human rights treaty. The acceptance of the treaty showcases a global commitment to promoting the rights of children. In signing the convention, all countries agree to abolish any traditional practices that could potentially harm the health of a child

**Maternal mortality:**

Maternal death is the death of a woman while pregnant or within 42 days of termination of pregnancy, irrespective of the duration and site of the pregnancy, from any cause related to or aggravated by the pregnancy or its management but not from accidental or incidental causes.

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## Countries and Organizations Involved

* Niger:

With 3 in every 4 girls marrying before their 18th birthday, Niger is the country with the highest rate of child marriages in the world. In some regions of Niger child marriage rates are even higher: in the region of Diffa, 89% of the girls living there are married before the age of 18. The official legal age of marriage in Niger is 15, there have been propositions made to change the age to 18, however that proposition has not yet been adopted. The link between education and prevalence of child marriage is particularly evident in Niger as 81% of all women aged 20-24 with no education and 64% with only primary education were married in union at age 18.

* Chad:

Chad has the third highest rate of child marriage in the world, - 68% of girls are married as children, and unlike many other countries, the practice is prevalent in both wealthy and less wealthy households.

In June 2015 the parliament of chad approved and ordinance signed by President Idriss Deby to prohibit child marriage and increase the age of marriage from 15 to 18.
The new law includes 5-10 year of prison and 500,000 FCFA to 5 million CFA to anyone involved in a child marriage.

\* (1,000,000 FCFA = $ 1,616,19 USD)

* CAR:

Almost the entire population of the Central African Republic (CAR) has been directly affected by conflict and violence. Human rights abuses against women and children are widespread, including the practice of child marriage. Poverty and poor access to education contribute to the high prevalence of child marriage in the Central African Republic. The country has the second lowest GDP in the world, along with the second highest rate of child marriage. On average girls in CAR only stay in school until the age of 7 years. Child marriage is common in countries such as the Central African Republic that are experiencing conflict. Families often see child marriage as a way to ensure the safety of their daughters who otherwise maybe at risk of sexual harassment or violence. The legal minimum age for civil marriage is 18, but marriage at 13 years can be permitted if approved by a court and/or if that girl is pregnant. Earlier marriage is also legal alongside the parents’ consent.

## General Overview

**WHY DOES IT HAPPEN?**

**“**Girls Not Brides members believe that 18 should be the minimum age for marriage in line with international human rights standards.

Setting the minimum age of marriage at 18 provides an objective rather than subjective standard of maturity, which safeguards a child from being married when they are not physically, mentally, or emotionally ready. Why allow children to marry at an age when, for example, they do not have the right to vote or enter into other contracts recognized in law? The most widely accepted definition for a child is 18, in line with the Convention on the Rights of the Child. A minimum age of marriage of 18 will also help to ensure that children are able to give their free and full consent to marry and have the minimum level of maturity needed before marrying.

At its heart, child marriage is rooted in gender inequality and the belief that girls and women are somehow inferior to boys and men. Child marriage is a complex issue. Poverty, lack of education, cultural practices, and insecurity fuel and sustain the practice. But drivers will vary from one community to the next and the practice may look different across regions and countries, even within the same country. In many communities where child marriage is practiced, girls are not valued as much as boys – they are seen as a burden on their family. Marrying your daughter at a young age can be viewed as a way to ease economic hardship by transferring this ‘burden’ to her husband’s family.  Child marriage is also driven by patriarchal values and the desire to control female sexuality, for instance, how a girl should behave, how she should dress, who she should be allowed to see, to marry, etc. Families closely guard their daughters’ sexuality and virginity in order to protect the family honor. Girls who have relationships or become pregnant outside of marriage are shamed for bringing dishonor on their family.

 Child marriage is a traditional practice that in many places happens simply because it has happened for generations. In some communities, when girls start to menstruate, they become women in the eyes of the community. Marriage is therefore the next step towards giving a girl her status as a wife and mother.

Harmful traditional practices can be linked to each other. In southern Ethiopia for instance, child marriage usually follows the practice of female genital mutilation/cutting, which is considered a rite of passage to womanhood.

Traditional practices often go unquestioned because they have been part of a community’s life and identity for a very long time. But as Graça Machel, widow of Nelson Mandela, says, “traditions are made by people” – and people can unmake them**.”** **(www.girlsnotbrides.org)**

**WHAT IS ITS IMPACT?**

**“**Each year, 15 million girls are married before the age of 18. That is 28 girls every minute – married off too soon, endangering their personal development and wellbeing. With more young people on our planet than ever before, child marriage is a human rights violation that we must end to achieve a fairer future for all. Child brides face huge challenges as a result of being married as children. Isolated, often with their freedom curtailed, girls frequently feel disempowered and are deprived of their fundamental rights to health, education, and safety. Neither physically nor emotionally ready to become wives and mothers, child brides are at greater risk of experiencing dangerous complications in pregnancy and childbirth, contracting HIV/AIDS and suffering domestic violence. With little access to education and economic opportunities, they and their families are more likely to live in poverty. Communities and nations also feel the impact: systems that undervalue the contribution and participation of girls and women limit their own possibilities for growth, stability, and transformation. If we are to achieve the Sustainable Development Goals by 2030 and uphold the human rights of women and girls, we must act now to end child marriage.

In areas where girls are at high risk of physical or sexual assault, some parents choose to marry off their daughter because they believe it will ensure her safety. These concerns are real; the dangers and risks that girls face in many countries are serious and the real and perceived threat of sexual violence only increases during times of conflict and instability. During these challenging times, families are often forced to make difficult decisions. For some parents, marriage is seen as a form of protection for girls as well as a way to alleviate the economic burden on already over stretched resources. Child marriage puts girls and women at a higher risk of sexual, physical and psychological violence throughout their lives. Girls who are married before 18 are more likely to experience domestic abuse and to report that their first sexual experience was forced. Child brides are rarely able to assert their wishes to their often much older husbands or negotiate safe and consensual sex. Early pregnancy and forced sexual initiation can affect the mental health of girls for years to come. They are also more likely to believe that a man is justified in beating his wife than women who marry later. Globally 44% of girls aged 15-19 think a husband or partner is justified in hitting or beating his wife or partner.

While it is not clear if child marriage causes school dropout or vice versa, it is clear that child marriage often means the end to a girls’ formal education. When a girl drops out of school she is denied her right to an education and the ability to develop the skills and knowledge needed to live a healthy, fulfilling life and one where she can earn an income and contribute to her family and community. Girls tend to drop out of school in the preparatory time before marriage or shortly afterwards. Once a girl is out of school, she is more vulnerable to child marriage and early pregnancy. Many girls aren’t in education because schools are inaccessible or expensive, or simply because parents don’t see the value of education for their daughters, either because it is poor quality or not seen as relevant to their lives. With few alternatives available, parents often see marriage as the best option for their daughter. Child marriage and early pregnancy can also force girls out of school. Girls tend to drop out before or shortly after marriage because their new role of wife often comes with new expectations around taking care of the home as well as caring for children and extended family.

Education can be one of the most powerful tools to enable girls to avoid child marriage and fulfil their potential. The longer a girl stays in school, the less likely she is to be married before the age of 18 and have children during her teenage years. When girls have access to safe, quality secondary education, the benefits are widely felt. Educated girls develop skills, knowledge and confidence to make informed decisions including if, when and whom to marry. Being in school also supports the perception that girls are still children and are therefore not of a suitable age to marry. However, education alone is not enough to end child marriage. We also need to address the root cause of child marriage: gender inequality and the low value assigned to girls in society. Only then we will end the practice once and for all.**” (www.girlsnotbrides.org)**

**“**In recent years child marriage has gained increasing prominence on international and national development agendas. Today, we have a unique opportunity to act on this momentum and accelerate our efforts to help change the lives of girls and young women all over the world. Ending child marriage requires work across all sectors and at all levels. It requires us to understand the complex drivers behind the practice in different contexts and adapt our interventions accordingly. Girls Not Brides has developed a Theory of Change to demonstrate the range of approaches needed to address child marriage, and crucially highlight that everyone has a role to play. The Theory of Change stresses the importance of long-term, sustainable interventions that are coordinated, well resourced and the result of shared learning. Within the Theory of Change, four categories show where the majority of our efforts are aligned: empowering girls, mobilizing families and communities, providing services and establishing and implementing laws and policies. Ending child marriage requires work, which is mutually reinforcing across these areas. These four strategy areas are used to illustrate the types of effective interventions that are helping to prevent child marriage and support married girls all over the world.**” (www.girlsnotbrides.org)**

## Related UN resolutions and Previous Approaches to Solving the Issue

On November 21, 2014 during the 69th session of the General Assembly, a resolution calling for the ban on child marriage passed with a 161 Member States voting in favour. This was the first time UN Member States collectively agreed upon the recommendations for the various steps nations and organization can take to address the practice of child marriage. The resolution was led by the government of Canada and Zambia. It built on the previous year’s resolutions in the General Assembly and the Human Rights Council which were procedural resolutions calling for reports and more information on the issue

([Link](http://www.who.int/pmnch/media/events/2014/child_marriage.pdf?ua=1))

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