



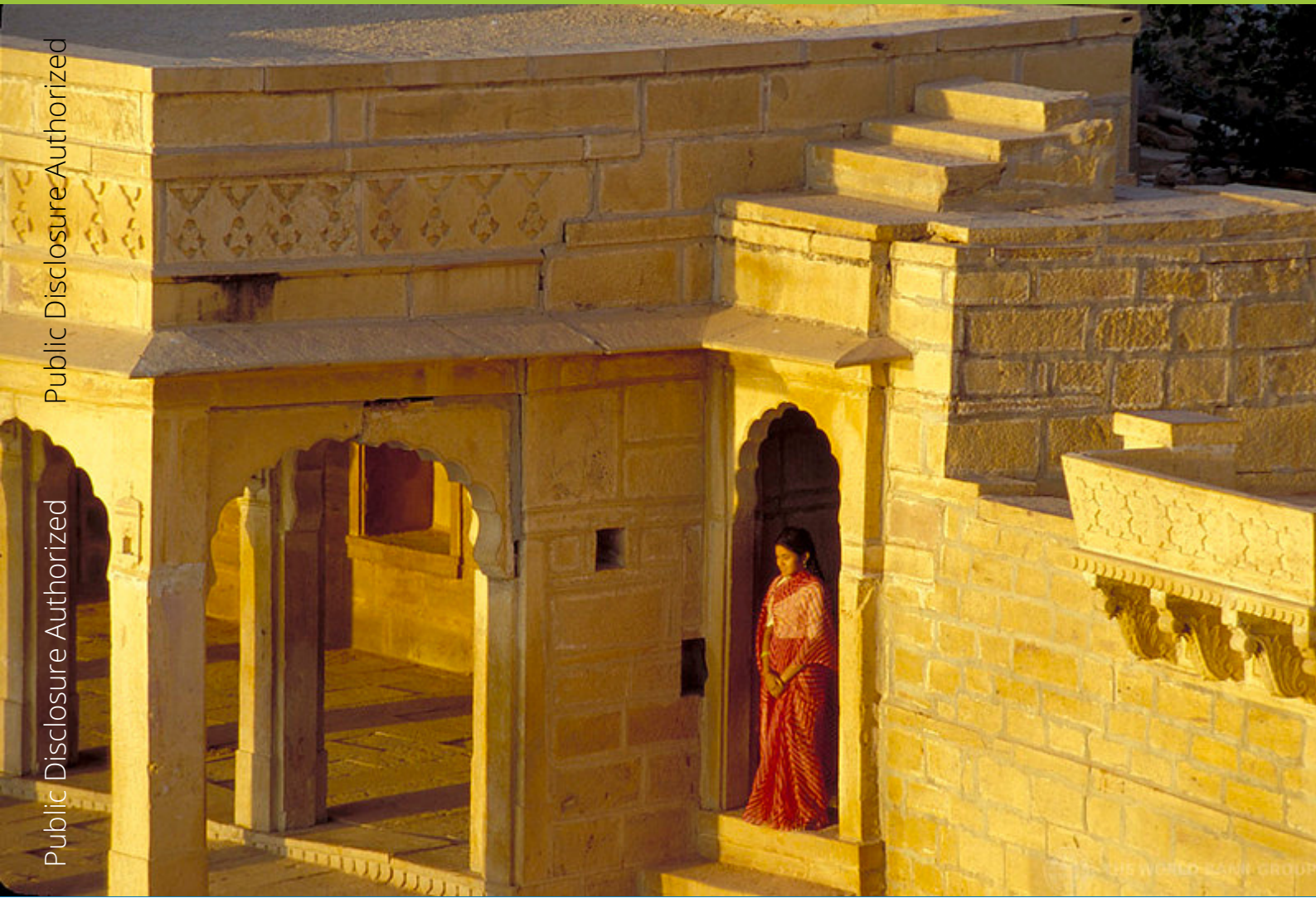
THE WORLD BANK
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Compendium of International and National Legal Frameworks on Child Marriage

SECOND EDITION, JUNE 2022

Volume I of VI



COMPENDIUM OF INTERNATIONAL AND NATIONAL LEGAL FRAMEWORKS ON
CHILD MARRIAGE

**COMPENDIUM OF INTERNATIONAL AND NATIONAL
LEGAL FRAMEWORKS ON CHILD MARRIAGE**

Volume I of VI

JUNE 2022

THE WORLD BANK GROUP

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Internet: www.worldbank.org

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This compendium – developed in the framework of the Empowering Women by Balancing the Law (EWBL) initiative of the Legal Vice Presidency of the World Bank – is a working document intended as reference tool for anyone interested in the topic of child marriage (development practitioners, lawyers, community leaders, academics, researchers, students, etc.). It does not constitute an exhaustive treatment of the legal framework on child marriage and may be updated from time to time.

COMPENDIUM OF INTERNATIONAL AND NATIONAL LEGAL FRAMEWORKS ON
CHILD MARRIAGE

Volume I of VI

**This Compendium on Child Marriage is divided in VI volumes.
Each volume should be observed as part of the whole.**

ACKNOWLEDGMENTS

The initial idea for this compendium came out in 2016 of a collaboration between the Legal Vice Presidency and the Education Global Practice at the World Bank on the role of law to end child marriage. The discussions took place within the context of a global study being conducted by the World Bank and the International Center for Research on Women on the economic and social costs of child marriage with funding from the Bill and Melinda Gates Foundation and the Children Investment Fund Foundation, as well as additional support from the Global Partnership for Education under a grant for work on out of school children.

In 2022, the Empowering Women by Balancing the Law (EWBL) initiative of the Legal Vice Presidency of the World Bank decided to update and upgrade the first edition of the Compendium. The EWBL aims to advance gender equality through substantive legal contributions to promote gender inclusivity in the law. It is rooted in the conviction that gender equality and equity under the law are preconditions for enabling women's full participation in society and for countries to achieve tangible development outcomes. However, to date, billions of women and girls worldwide face systemic barriers due to outdated and discriminatory laws that hinder their rights and opportunities.

We wish to thank the following organizations and individuals for their outstanding contribution, assistance, and guidance on this project.

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FOREWORD

Millions of women around the world continue to experience violence because of their gender. Gender-based violence (GBV) is a pandemic that is often intractable and knows no boundaries.

The United Nations Declaration on the Elimination of Violence Against Women states that “violence against women is a manifestation of historically unequal power relations between men and women” and that it is “one of the most crucial social mechanisms by which women are forced into a subordinate position compared with men”. This violence comes in many forms and includes child marriage, female genital mutilation, intimate partner violence, sexual violence during conflict, and sexual harassment among others.

The marriage of children, which affects girls overwhelmingly, is widely recognized in international and regional agreements as an extreme violation of a number of fundamental human rights. It is directly addressed as a development issue by the international community within UN Sustainable Development Goal (SDG) 5.3 “to eradicate all harmful practices such as early and forced marriage and female genital mutilation”. UNICEF estimates that 25 million child marriages have been prevented over the last decades thanks to multisectoral efforts. Still, today, 21% of girls are married before their 18th birthday—that is 1 in 5 girls in the world—and UNICEF estimates that at the current rate of efforts, more than 110 million girls will be married during their childhood before 2030.

Child marriage affects not only millions of women and girls in the world directly, but the practice also drastically impacts the development of entire societies. Child marriage is correlated with other forms of GBV such as female genital mutilation and sexual abuse, lower rates of school participation and educational achievement for girls, weaker health outcomes, higher incidence of domestic violence, lower rates of female labor force participation, higher rates of poverty and wider gaps of inequalities.

This Compendium has been developed with the conviction that for economies to reach peaceful, just and inclusive societies, they must accelerate action towards enacting and promoting enforcement of gender equality legislation, including the prohibition of child marriage. The law can be an extremely effective empowerment tool: it condemns practices that are no longer tolerated in society and protects the rights of those who in the absence of the law would otherwise be victims of intersectional forms of discrimination. For justice and the rule of law to work, better knowledge of the law, better promotion of the law and better law enforcement are crucial.

We hope that this Compendium can participate in the protection of women and girls’ fundamental rights and the promotion of strong, peaceful, and just societies, as well as to the achievement of our mission to end poverty and promote shared prosperity.

June 15, 2022

J. Clifford Frazier
Interim Senior Vice President and Group General Counsel

DISCLAIMERS AND LIMITATIONS

This Compendium is based on information on international and regional instrument on child marriage as well as domestic law, regulation, and policy as they relate to child marriage and as available online, offline, or both, based on information collected from research conducted, verified, and updated up to June 2022. Because this Compendium is carried out primarily based on information publicly available online, it has more than several hundred URLs and links to publicly available laws, regulations, and electronically published documents. Links to international and regional treaties, agreements, conventions, and other documents are hyperlinked in the title of said treaty, agreement, convention or other document. Similarly, links to national legislations are hyperlinked in the title of said legislation. All referenced URLs and links were checked at the time when they were inserted into the footnotes or in the hyperlinks. There is no guarantee as to their future accessibility. There is also no guarantee as to the continued accuracy of any information included in this Compendium after the last date on which it was verified. The findings, interpretations, and conclusions expressed in this work do not necessarily reflect the views of The World Bank.

This Compendium is limited to 194 countries (54 countries in Africa; 44 countries in Asia; 14 countries in Oceania; 23 countries in North and Central America ; 12 countries in South America ; 47 countries in Europe).

"I'll Marry When I Want."

I'll marry when I want.

My mother can't force me to marry.

My father cannot force me to marry.

My uncle, my aunt, my brother or sister, cannot force me to marry.

No one in the world can force me to marry.

I'll marry when I want.

Even if you beat me, even if you chase me away, even if you do anything bad to me, I'll marry when I want.

I'll marry when I want, but not before I am well educated, and not before I am all grown up.

I'll marry when I want.

Eileen Piri, 13 years old, Malawi¹

¹ Extracted from TED Talk of Memory Banda, Memory Banda, A warrior's cry against child marriage, July 2 2015 available at http://www.ted.com/talks/memory_banda_a_warrior_s_cry_against_child_marriage/transcript

Table of Contents

INTERNATIONAL AND REGIONAL FRAMEWORK ON CHILD MARRIAGE3

INTERNATIONAL LEGAL FRAMEWORK3

THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, 1948	3
INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, 1966	3
HUMAN RIGHTS COMMITTEE (CCPR) GENERAL COMMENT NO. 19: ARTICLE 23 (THE FAMILY), 1990.....	3
INTERNATIONAL CONVENTION ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, 1966	3
COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (CESCR) GENERAL COMMENT NO. 16 (2005)	3
CONVENTION ON CONSENT TO MARRIAGE, MINIMUM AGE FOR MARRIAGE AND REGISTRATION OF MARRIAGES, 1964	4
CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN, 1979	4
JOINT GENERAL RECOMMENDATION NO. 31 OF THE CEDAW COMMITTEE/GENERAL COMMENT NO. 18 OF THE CRC ON HARMFUL PRACTICES (2014)	5
GENERAL RECOMMENDATION NO. 35 ON GENDER-BASED VIOLENCE AGAINST WOMEN, UPDATING GENERAL RECOMMENDATION NO. 19 (2017).....	9
GENERAL RECOMMENDATION NO. 30 ON WOMEN IN CONFLICT PREVENTION, CONFLICT AND POST-CONFLICT SITUATIONS (2013).....	11
GENERAL RECOMMENDATION NO. 21: EQUALITY IN MARRIAGE AND FAMILY RELATIONS (1994)	12
CONVENTION ON THE RIGHTS OF THE CHILD (CRC), 1989	13
CRC GENERAL COMMENT N. 4 (2003): ADOLESCENT HEALTH AND DEVELOPMENT IN THE CONTEXT OF THE CONVENTION ON THE RIGHTS OF THE CHILD.....	14
CRC GENERAL COMMENT N. 20 (2016) ON THE IMPLEMENTATION OF THE RIGHTS OF THE CHILD DURING ADOLESCENCE	14
SUPPLEMENTARY CONVENTION ON THE ABOLITION OF SLAVERY, THE SLAVE TRADE AND INSTITUTIONS AND PRACTICES SIMILAR TO SLAVERY, 1956	16

INTERNATIONAL CONSENSUS AND POLICY INSTRUMENTS16

U.N. GENERAL ASSEMBLY RESOLUTION ON CHILD, EARLY AND FORCED MARRIAGE, 2018.....	16
U.N. GENERAL ASSEMBLY RESOLUTION ON CHILD, EARLY AND FORCED MARRIAGE, 2016	19
U.N. HUMAN RIGHTS COUNCIL RESOLUTION ON CHILD, EARLY AND FORCED MARRIAGE IN TIMES OF CRISIS, INCLUDING THE COVID-19 PANDEMIC, 2021	20
U.N. HUMAN RIGHTS COUNCIL RESOLUTION ON CONSEQUENCES OF CHILD, EARLY AND FORCED MARRIAGE, 2019	24
U.N. HUMAN RIGHTS COUNCIL RESOLUTION ON CHILD, EARLY AND FORCE MARRIAGE IN HUMANITARIAN SETTINGS, 2017	27
U.N. HUMAN RIGHTS COUNCIL RESOLUTION ON STRENGTHENING EFFORTS TO PREVENT AND ELIMINATE CHILD, EARLY AND FORCED MARRIAGE, 2015	29
TRANSFORMING OUR WORLD: THE 2030 AGENDA FOR SUSTAINABLE DEVELOPMENT	31
U.N. ESC COMMISSION ON CRIME PREVENTION AND CRIMINAL JUSTICE: GUIDELINES ON JUSTICE IN MATTERS INVOLVING CHILD VICTIMS AND WITNESSES OF CRIME (2005).....	32

REGIONAL LEGAL FRAMEWORK.....32

EUROPEAN CONVENTION ON HUMAN RIGHTS, 1950.....32

AMERICAN CONVENTION ON HUMAN RIGHTS, 1969.....32

IBERO-AMERICAN CONVENTION ON YOUNG PEOPLE’S RIGHTS, 2005.....33

COUNCIL OF EUROPE CONVENTION ON PREVENTING AND COMBATING VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE, 201133

EXPLANATORY REPORT TO THE CONVENTION ON PREVENTING AND COMBATING VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE37

AFRICAN CHARTER ON HUMAN AND PEOPLES’ RIGHTS, 198138

PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLES’ RIGHTS ON THE RIGHTS OF WOMEN IN AFRICA (MAPUTO PROTOCOL), 200338

AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD, 199038

JOINT GENERAL COMMENT OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES’ RIGHTS AND THE AFRICAN COMMITTEE OF EXPERTS ON THE RIGHTS AND WELFARE OF THE CHILD ON ENDING CHILD MARRIAGE (2017)39

ARAB CHARTER ON HUMAN RIGHTS, 2008.....42

SOUTHERN AFRICAN DEVELOPMENT COMMUNITY (SADC) PROTOCOL ON GENDER AND DEVELOPMENT, 200843

SOUTH ASIAN ASSOCIATION OF REGIONAL COOPERATION (SAARC) CONVENTION ON REGIONAL ARRANGEMENTS FOR THE PROMOTION OF CHILD WELFARE IN SOUTH ASIA, 200243

SAARC CONVENTION ON PREVENTING AND COMBATING TRAFFICKING IN WOMEN AND CHILDREN FOR PROSTITUTION, 200243

REGIONAL CONSENSUS AND POLICY INSTRUMENTS.....44

EUROPEAN PARLIAMENT, COMMITTEE ON WOMEN’S RIGHTS AND GENDER EQUALITY: OPINION (2018)44

COUNCIL OF EUROPE: PARLIAMENTARY ASSEMBLY RESOLUTION 2233 (2018).....48

COUNCIL OF EUROPE: PARLIAMENTARY ASSEMBLY RESOLUTION 1468 (2005).....50

AFRICAN COMMITTEE OF EXPERTS ON THE RIGHTS AND WELFARE OF THE CHILD (ACERWC): ADDIS ABABA DECLARATION ON ENDING CHILD MARRIAGE IN AFRICA, 2014.....52

ADDIS ABABA DECLARATION ON ACCELERATING THE IMPLEMENTATION OF THE BEIJING DECLARATION AND PLATFORM FOR ACTION, 2014.....54

AFRICAN UNION ACCOUNTABILITY FRAMEWORK ON THE ELIMINATION OF HARMFUL PRACTICES (2022)55

SOUTHERN AFRICA DEVELOPMENT COMMUNITY: PARLIAMENTARY FORUM MODEL LAW ON ERADICATING CHILD MARRIAGE AND PROTECTING CHILDREN ALREADY IN MARRIAGE (2016)56

AFRICAN UNION: AFRICAN COMMON POSITION ON THE AU CAMPAIGN TO END CHILD MARRIAGE IN AFRICA (2015).....62

INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR) RESOLUTION 1/2020: PANDEMIC AND HUMAN RIGHTS IN THE AMERICAS.....64

IACHR VIOLENCE AND DISCRIMINATION AGAINST WOMEN AND GIRLS: BEST PRACTICES AND CHALLENGES IN LATIN AMERICA AND THE CARIBBEAN (2019)64

ACCELERATE ACTIONS TO END CHILD MARRIAGE AND EARLY UNIONS IN LATIN AMERICA AND THE CARIBBEAN (2018)69

KATHMANDU CALL FOR ACTION TO END CHILD MARRIAGE IN SOUTH ASIA (2014).....69

INTERNATIONAL AND REGIONAL FRAMEWORK ON CHILD MARRIAGE

INTERNATIONAL LEGAL FRAMEWORK

[The Universal Declaration of Human Rights, 1948](#)

Article 16

1. Marriage shall be entered into only with the free and full consent of the intending spouses.
2. Men and women of full age without any limitations due to race, nationality and religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage during marriage and at its dissolution.

[International Covenant on Civil and Political Rights, 1966](#)

Article 23:

[...]

2. The right of men and women of marriageable age to marry and to found a family shall be recognized.
3. No marriage shall be entered into without the free and full consent of the intending spouses.
4. States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.

[Human Rights Committee \(CCPR\) General comment No. 19: Article 23 \(The Family\), 1990](#)

4. Article 23, paragraph 2, of the Covenant reaffirms the right of men and women of marriageable age to marry and to found a family. Paragraph 3 of the same article provides that no marriage shall be entered into without the free and full consent of the intending spouses. [...] The Covenant does not establish a specific marriageable age either for men or for women, but that age should be such as to enable each of the intending spouses to give his or her free and full personal consent in a form and under conditions prescribed by law. [...]

[International Convention on Economic, Social and Cultural Rights, 1966](#)

Article 10

The States Parties to the present Covenant recognize that:

1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.

[Committee on Economic, Social and Cultural Rights \(CESCR\) General Comment No. 16 \(2005\)](#)

The equal right of men and women to the enjoyment of all economic, social and cultural rights (art. 3 of the International Covenant on Economic, Social and Cultural Rights)

27. Article 10, paragraph 1, of the Covenant requires that States parties recognize that the widest possible protection and assistance should be accorded to the family, and that marriage must be entered into with

the free consent of the intending spouses. [...] to ensure that men and women have an equal right to choose if, whom and when to marry - in particular, the legal age of marriage for men and women should be the same, and boys and girls should be protected equally from practices that promote child marriage, marriage by proxy, or coercion; [...] Gender based violence is a form of discrimination that inhibits the ability to enjoy rights and freedoms, including economic, social and cultural rights, on a basis of equality. States parties must take appropriate measures to eliminate violence against men and women and act with due diligence to prevent, investigate, mediate, punish and redress acts of violence against them by private actors. [...]

[Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, 1964](#)

Article 1

1. No marriage shall be legally entered into without the full and free consent of both parties, such consent to be expressed by them in person after due publicity and in the presence of the authority competent to solemnize the marriage and of witnesses, as prescribed by law.

2. Notwithstanding anything in paragraph 1 above, it shall not be necessary for one of the parties to be present when the competent authority is satisfied that the circumstances are exceptional and that the party has, before a competent authority and in such manner as may be prescribed by law, expressed and not withdrawn consent.

Article 2

States Parties to the present Convention shall take legislative action to specify a minimum age for marriage. No marriage shall be legally entered into by any person under this age, except where a competent authority has granted a dispensation as to age, for serious reasons, in the interest of the intending spouses.

Article 3

All marriages shall be registered in an appropriate official register by the competent authority.

[Convention on the Elimination of all Forms of Discrimination against Women, 1979](#)

Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake: [...]

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women; [...]

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(a) The same right to enter into marriage;

(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent; [...]

2. 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.

[...]

II. Objective and scope of the joint general recommendation/general comment

2. The objective [...] is to clarify the obligations of States parties to the Conventions by providing authoritative guidance on legislative, policy and other appropriate measures that must be taken to ensure full compliance with their obligations under the Conventions to eliminate harmful practices. [...]

VI. Causes, forms and manifestations of harmful practices

17. The causes of harmful practices are multidimensional and include stereotyped sex- and gender-based roles, the presumed superiority or inferiority of either of the sexes, attempts to exert control over the bodies and sexuality of women and girls, social inequalities and the prevalence of male-dominated power structures. Efforts to change the practices must address those underlying systemic and structural causes of traditional, re-emerging and emerging harmful practices, empower girls and women and boys and men to contribute to the transformation of traditional cultural attitudes that condone harmful practices, act as agents of such change and strengthen the capacity of communities to support such processes. [...]

B. Child and/or forced marriage

20. Child marriage, also referred to as early marriage, is any marriage where at least one of the parties is under 18 years of age. The overwhelming majority of child marriages, both formal and informal, involve girls, although at times their spouses are also under the age of 18. A child marriage is considered as a form of forced marriage given that one or both parties have not expressed their full, free and informed consent. As a matter of respecting the child's evolving capacities and autonomy in making decisions that affect her or his life, in exceptional circumstances a marriage of a mature, capable child below the age of 18 may be allowed provided that the child is at least 16 years old and that such decisions are made by a judge based on legitimate exceptional grounds defined by law and on the evidence of maturity without deference to cultures and traditions.

21. In some contexts, children are betrothed or married very young and in many cases, young girls are forced to marry a man who may be decades older. In 2012, UNICEF reported that almost 400 million women aged 20-49 around the world were married or had entered into union before they reached 18 years of age. The Committees have therefore been paying particular attention to cases in which girls have been married against their full, free and informed consent, such as when they have been married too young to be physically and psychologically ready for adult life or to make conscious and informed decisions and thus not ready to consent to marriage. Other examples include cases in which guardians have the legal authority to consent to marriage of girls in accordance with customary or statutory law and in which girls are thus married contrary to the right to freely enter into marriage.

22. Child marriage is often accompanied by early and frequent pregnancies and childbirth, resulting in higher than average maternal morbidity and mortality rates. Pregnancy-related deaths are the leading cause of mortality for 15-19 year old girls (married and unmarried) worldwide. Infant mortality among the children of very young mothers is higher (sometimes as much as two times higher) than among those of older mothers. In cases of child and/or forced marriages, particularly where the husband is significantly older than the bride, and where girls have limited education, the girls generally have limited decision-making power in relation to their own lives. Child marriages also contribute to higher rates of school dropout, particularly among girls, forced exclusion from school, increased risk of domestic violence and to limiting the enjoyment of the right to freedom of movement.

23. Forced marriages are marriages in which one and/or both parties have not personally expressed their full and free consent to the union. They may be manifested in various forms, including child marriage, as indicated above, exchange or trade-off marriages (i.e. baad and baadal), servile marriages and marriages (coercing a widow to marry a relative of her deceased husband). In some contexts, a forced marriage may

occur when a rapist is permitted to escape criminal sanctions by marrying the victim, usually with the consent of her family. Forced marriages may occur in the context of migration in order to ensure that a girl marries within the family's community of origin or to provide extended family members or others with documents to migrate to and/or live in a particular destination country. Forced marriages are also increasingly being used by armed groups during conflict or may be a means for a girl to escape post-conflict poverty. Forced marriage may also be defined as a marriage in which one of the parties is not permitted to end or leave it. Forced marriages often result in girls lacking personal and economic autonomy and attempting to flee or commit self-immolation or suicide to avoid or escape the marriage.

24. The payment of dowries and bride prices, which varies among practising communities, may increase the vulnerability of women and girls to violence and to other harmful practices.[...] States parties to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography have explicit obligations with regard to child and/or forced marriages that include dowry payments or bride prices because they could constitute a sale of children as defined in article 2 (a) of the Protocol. The Committee on the Elimination of Discrimination against Women has repeatedly stressed that allowing marriage to be arranged by such payment or preferment violates the right to freely choose a spouse and has in its general recommendation No. 29 outlined that such practice should not be required for a marriage to be valid and that such agreements should not be recognized by a State party as enforceable. [...]

VII. Holistic framework for addressing harmful practices

31. Both Conventions contain specific references to the elimination of harmful practices. States parties to the Convention on the Elimination of All Forms of Discrimination against Women are obliged to plan and adopt appropriate legislation, policies and measures and ensure that their implementation responds effectively to specific obstacles, barriers and resistance to the elimination of discrimination that give rise to harmful practices and violence against women (arts. 2 and 3). [...] Furthermore, the obligation of States parties to pursue such targeted policies is of an immediate nature and States parties cannot justify any delay on any grounds, including cultural and religious grounds. States parties are also obliged to take all appropriate measures, including temporary special measures (art. 4 (1)) to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices that are based on the idea of the inferiority or the superiority of either sexes [...] and to ensure that the betrothal and the marriage of a child will have no legal effect (art. 16 (2)).

32. The Convention on the Rights of the Child, on the other hand, obliges States parties to take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children (art. 24 (3)). In addition, it provides for the right of the child to be protected from all forms of violence, including physical, sexual or psychological violence (art. 19) [...]

33. In both instances, the effective prevention and elimination of harmful practices require the establishment of a well-defined, rights-based and locally relevant holistic strategy that includes supportive legal and policy measures, including social measures [...]

A. Data collection and monitoring

[...]

39. The Committees recommend that the States parties to the Conventions: (a) Accord priority to the regular collection, analysis, dissemination and use of quantitative and qualitative data on harmful practices disaggregated by sex, age, geographical location, socioeconomic status, education level and other key factors and ensure that such activities are adequately resourced. [...]

B. Legislation and its enforcement

40. A key element of any holistic strategy is the development, enactment, implementation and monitoring of relevant legislation. Each State party is under the obligation to send a clear message of condemnation of harmful practices, provide legal protection for victims, enable State and non-State actors to protect

women and children at risk, provide appropriate responses and care and ensure the availability of redress and an end to impunity. [...]

55. The Committees recommend that the States parties to the Conventions adopt or amend legislation with a view to effectively addressing and eliminating harmful practices. In doing so, they should ensure: (a) That the process of drafting legislation is fully inclusive and participatory. [...] (b) That the legislation is in full compliance with the relevant obligations outlined in the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child and other international human rights standards that prohibit harmful practices and that it takes precedence over customary, traditional or religious laws that allow, condone or prescribe any harmful practice, especially in countries with plural legal systems; (c) That they repeal without further delay all legislation that condones, allows or leads to harmful practices, including traditional, customary or religious laws [...]

(d) That the legislation is consistent and comprehensive and provides detailed guidance on prevention, protection, support and follow-up services and assistance for victims, including towards their physical and psychological recovery and social reintegration, and is complemented by adequate civil and/or administrative legislative provisions; **(f) That a minimum legal age of marriage for girls and boys, with or without parental consent, is established at 18 years. When a marriage at an earlier age is allowed in exceptional circumstances, the absolute minimum age must not be below 16 years, the grounds for obtaining permission must be legitimate and strictly defined by law and the marriage must be permitted only by a court of law upon the full, free and informed consent of the child or both children, who must appear in person before the court;** (g) That a legal requirement of marriage registration is established and effective implementation is provided through awareness-raising, education and the existence of adequate infrastructure to make registration accessible to all persons within their jurisdiction; (h) That a national system of compulsory, accessible and free birth registration is established in order to effectively prevent harmful practices, including child marriage; (i) That national human rights institutions are mandated to consider individual complaints and petitions and carry out investigations, including those submitted on behalf of or directly by women and children, in a confidential, gender-sensitive and child-friendly manner; (j) **That it is made mandatory by law for professionals and institutions working for and with children and women to report actual incidents or the risk of such incidents** if they have reasonable grounds to believe that a harmful practice has occurred or may occur. Mandatory reporting responsibilities should ensure the protection of the privacy and confidentiality of those who report; **(k) That all initiatives to draft and amend criminal laws must be coupled with protection measures and services for victims** and those who are at risk of being subjected to harmful practices; **(l) That legislation establishes jurisdiction over offences of harmful practices that applies to nationals of the State party and habitual residents even when they are committed in a State in which they are not criminalized;** (m) That legislation and policies relating to immigration and asylum recognize the risk of being subjected to harmful practices or being persecuted as a result of such practices as a ground for granting asylum. Consideration should also be given, on a case-by-case basis, to providing protection to a relative who may be accompanying the girl or woman; (n) That the legislation includes provisions on regular evaluation and monitoring, [...] (o) That women and children subjected to harmful practices have equal access to justice, including by addressing legal and practical barriers to initiating legal proceedings, such as the limitation period, and that the perpetrators and those who aid or condone such practices are held accountable; (p) That the legislation includes mandatory restraining or protection orders to safeguard those at risk of harmful practices and provides for their safety and measures to protect victims from retribution; (q) That victims of violations have equal access to legal remedies and appropriate reparations in practice.

C. Prevention of harmful practices

[...]

1. Establishing rights-based social and cultural norms

[...]

60. The Committees recommend that the States parties to the Conventions ensure that any efforts undertaken to tackle harmful practices and to challenge and change underlying social norms are holistic, community based and founded on a rights-based approach that includes the active participation of all relevant stakeholders, especially women and girls. [...]

2. Empowerment of women and girls

69. The Committees recommend that the States parties to the Conventions: (a) Provide universal, free and compulsory primary education that is girl friendly, including in remote and rural areas, consider making secondary education mandatory while also providing economic incentives for pregnant girls and adolescent mothers to complete secondary school and establish nondiscriminatory return policies; (b) Provide girls and women with educational and economic opportunities in a safe and enabling environment [...]; (c) Include in the educational curriculum information on human rights, including those of women and children, gender equality and self-awareness and contribute to eliminating gender stereotypes and fostering an environment of non-discrimination; (d) Ensure that schools provide age-appropriate information on sexual and reproductive health and rights, including in relation to gender relations and responsible sexual behaviour, HIV prevention, nutrition and protection from violence and harmful practices; (e) Ensure access to non-formal education programmes for girls who have dropped out of regular schooling, or who have never enrolled and are illiterate, and monitor the quality of those programmes; (f) Engage men and boys in creating an enabling environment that supports the empowerment of women and girls.

3. Capacity development at all levels

[...]

73. The Committees recommend that the States parties to the Conventions: (a) Provide all relevant front-line professionals with information on harmful practices and applicable human rights norms and standards and ensure that they are adequately trained [...](b) Provide training to individuals involved in alternative dispute resolution and traditional justice systems to appropriately apply key human rights principles, especially the best interests of the child and the participation of children in administrative and judicial proceedings; (c) Provide training to all law enforcement personnel, including the judiciary, on new and existing legislation prohibiting harmful practices and ensure that they are aware of the rights of women and children and of their role in prosecuting perpetrators and protecting victims of harmful practices; (d) Conduct specialized awareness and training programmes for healthcare providers working with immigrant communities [...] provide specialized training also for professionals within child welfare services and services focused on the rights of women and the education and police and justice sectors, politicians and media personnel working with migrant girls and women.

4. Awareness-raising, public dialogue and manifestations of commitment [...]

81. The Committees recommend that the States parties to the Conventions: (a) Develop and adopt comprehensive awareness-raising programmes to challenge and change cultural and social attitudes, traditions and customs that underlie forms of behaviour that perpetuate harmful practices; [...]

D. Protective measures and responsive services [...]

87. The Committees recommend that the States parties to the Conventions: (a) Ensure that protection services are mandated and adequately resourced to provide all necessary prevention and protection services to children and women who are, or are at high risk of becoming, victims of harmful practices; (b) Establish a free, 24-hour hotline that is staffed by trained counsellors, to enable victims to report instances when a harmful practice is likely to occur or has occurred, and provide referral to needed services and accurate information about harmful practices; (c) Develop and implement capacity-building programmes on their role in protection for judicial officers, including judges, lawyers, prosecutors and all relevant stakeholders, on legislation prohibiting discrimination and on applying laws in a gender-sensitive and age-sensitive manner [...]; (d) Ensure that children participating in legal processes have access to appropriate child-sensitive services to safeguard their rights and safety and to limit the possible negative impacts of

the proceedings. Protective action may include limiting the number of times that a victim is required to give a statement and not requiring that individual to face the perpetrator or perpetrators. Other steps may include appointing a guardian ad litem (especially where the perpetrator is a parent or legal guardian) and ensuring that child victims have access to adequate child-sensitive information about the process and fully understand what to expect; (e) Ensure that migrant women and children have equal access to services, regardless of their legal status. [...]

[General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19 \(2017\)](#)

[...]

II. Scope

8.The present general recommendation complements and updates the guidance to States parties set out in general recommendation No. 19 and should be read in conjunction with it. [...]

14.Gender-based violence affects women throughout their life cycle and, accordingly, references to women in the present document include girls. Such violence takes multiple forms, including acts or omissions intended or likely to cause or result in death or physical, sexual, psychological or economic harm or suffering to women, threats of such acts, harassment, coercion and arbitrary deprivation of liberty. Gender-based violence against women is affected and often exacerbated by cultural, economic, ideological, technological, political, religious, social and environmental factors [...]

15.Women’s right to a life free from gender-based violence is indivisible from and interdependent on other human rights, including the rights to life, health, liberty and security of the person, equality and equal protection within the family, [...]

III. State party obligations in relation to gender-based violence against women

21.Gender-based violence against women constitutes discrimination against women under article 1 and therefore engages all obligations under the Convention. Article 2 provides that the overarching obligation of States parties is to pursue by all appropriate means and without delay a policy of eliminating discrimination against women, including gender-based violence against women. That is an obligation of an immediate nature; delays cannot be justified on any grounds, including economic, cultural or religious grounds. [...] the obligation comprises two aspects of State responsibility for such violence, that which results from the acts or omissions of both the State party or its actors, on the one hand, and non-State actors, on the other. [...]

IV. Recommendations

27.Building on general recommendation No. 19 and the Committee’s work since its adoption, the Committee urges States parties to strengthen the implementation of their obligations in relation to gender-based violence against women, whether within their territory or extraterritorially. [...]

28.The Committee also recommends that States parties take the following measures in the areas of prevention, protection, prosecution and punishment, redress, data collection and monitoring and international cooperation in order to accelerate elimination of gender-based violence against women. All measures should be implemented with an approach centred around the victim/survivor, acknowledging women as right holders and promoting their agency and autonomy, including the evolving capacity of girls, from childhood to adolescence. In addition, the measures should be designed and implemented with the participation of women, taking into account the particular situation of women affected by intersecting forms of discrimination.

A. General legislative measures

29.The Committee recommends that States parties implement the following legislative measures:

(a) Ensure that all forms of gender-based violence against women in all spheres, which amount to a violation of their physical, sexual or psychological integrity, are criminalized and introduced, without delay, or strengthen, legal sanctions commensurate with the gravity of the offence, as well as civil remedies;

(b) Ensure that all legal systems, including plural legal systems, protect victims/survivors of gender-based violence against women and ensure that they have access to justice and to an effective remedy [...]

(c) Repeal, including in customary, religious and indigenous laws, all legal provisions that are discriminatory against women and thereby enshrine, encourage, facilitate, justify or tolerate any form of gender-based violence. **In particular, repeal the following:**

(i) Provisions that allow, tolerate or condone forms of gender-based violence against women, including child¹ or forced marriage and other harmful practices, [...]

(ii) Discriminatory evidentiary rules and procedures, including [...] legal defences or mitigating factors based on culture, religion or male privilege, such as the defence of so-called “honour”, traditional apologies, pardons from the families of victims/survivors or the subsequent marriage of the victim/survivor of sexual assault to the perpetrator [...]

(iii) All laws that prevent or deter women from reporting gender-based violence [...]

B. Prevention

30. The Committee recommends that States parties implement the following preventive measures:

(a) Adopt and implement effective legislative and other appropriate preventive measures to address the underlying causes of gender-based violence against women, including patriarchal attitudes and stereotypes, inequality in the family and the neglect or denial of women’s civil, political, economic, social and cultural rights, and to promote the empowerment, agency and voices of women;

(b) Develop and implement effective measures, with the active participation of all relevant stakeholders, such as representatives of women’s organizations and of marginalized groups of women and girls, to address and eradicate the stereotypes, prejudices, customs and practices set out in article 5 of the Convention, which condone or promote gender-based violence against women and underpin the structural inequality of women with men. [...]

(e) Provide mandatory, recurrent and effective capacity-building, education and training for members of the judiciary, lawyers and law enforcement officers, including forensic medical personnel, legislators and health-care professionals, including in the area of sexual and reproductive health, [...]

C. Protection

31. The Committee recommends that States parties implement the following protective measures:

(a) Adopt and implement effective measures to protect and assist women complainants of and witnesses to gender-based violence before, during and after legal proceedings, including by:

(i) Protecting their privacy and safety, in line with general recommendation No. 33, including through gender-sensitive court procedures and measures, bearing in mind the due process rights of victims/survivors, witnesses and defendants;

(ii) Providing appropriate and accessible protective mechanisms to prevent further or potential violence, without the precondition that victims/survivors initiate legal action, [...]

¹ Article 16 (2) of the Convention; and joint general recommendation No. 31/general comment No. 18, para. 42 and para. 55 (f), regarding the conditions under which marriage at an earlier age than 18 years is allowed, in exceptional circumstances.

(iii) Ensuring access to financial assistance, gratis or low-cost, high-quality legal aid, medical, psychosocial and counselling services, education, affordable housing, land, childcare, training and employment opportunities for women who are victims/survivors and their family members. [...]

(v) Establishing and implementing appropriate multisectoral referral mechanisms to ensure effective access to comprehensive services for survivors of such violence, ensuring the full participation of and cooperation with non-governmental women's organizations;

(b) Ensure that all legal proceedings, protective and support measures and services concerning victims/survivors respect and strengthen their autonomy. [...]

D. Prosecution and punishment

32. The Committee recommends that States parties implement the following measures with regard to prosecution and punishment for gender-based violence against women:

(a) Ensure effective access for victims to courts and tribunals and that the authorities adequately respond to all cases of gender-based violence against women, including by applying criminal law and, as appropriate, ex officio prosecution to bring alleged perpetrators to trial in a fair, impartial, timely and expeditious manner and imposing adequate penalties. Fees or court charges should not be imposed on victims/survivors;

(b) Ensure that gender-based violence against women is not mandatorily referred to alternative dispute resolution procedures [...]

E. Reparations

33. The Committee recommends that States parties implement the following measures with regard to reparations:

(a) Provide effective reparations to victims/survivors of gender-based violence against women. Reparations should include different measures, such as monetary compensation, the provision of legal, social and health services, including sexual, reproductive and mental health services for a complete recovery, and satisfaction and guarantees of non-repetition [...] Such reparations should be adequate, promptly attributed, holistic and proportionate to the gravity of the harm suffered;

(b) Establish specific funds for reparations or include allocations in the budgets of existing funds, including under transitional justice mechanisms, for reparations to victims of gender-based violence against women.

F. Coordination, monitoring and data collection

34. The Committee recommends that States parties implement the following measures with regard to coordination and monitoring and the collection of data regarding gender-based violence against women:

(a) Develop and evaluate all legislation, policies and programmes in consultation with civil society organizations, in particular women's organizations, including those that represent women affected by intersecting forms of discrimination. States parties should encourage cooperation among all levels and branches of the justice system and the organizations that work to protect and support victims/survivors of gender-based violence against women [...]

(b) Establish a system to regularly collect, analyse and publish statistical data on the number of complaints about all forms of gender-based violence against women [...]

(f) Allocate appropriate human and financial resources at the national, regional and local levels to effectively implement laws and policies for the prevention of all forms of gender-based violence against women, provision of protection and support to victims/survivors, investigation of cases, prosecution of perpetrators and provision of reparations to victims/survivors [...]

[General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations \(2013\)](#)

III. Application of the Convention to conflict prevention, conflict and post-conflict situations
[...]

B. Women in conflict and post-conflict contexts

1. Gender-based violence (arts. 1-3 and 5 (a))

34. Violence against women and girls is a form of discrimination prohibited by the Convention and is a violation of human rights. Conflicts exacerbate existing gender inequalities, placing women at a heightened risk of various forms of gender-based violence by both State and non-State actors. [...] There are multiple perpetrators of conflict-related gender-based violence. These may include members of government armed forces, paramilitary groups, non-State armed groups, peacekeeping personnel and civilians. [...] women and girls are increasingly deliberately targeted for and subjected to various forms of violence and abuse, ranging from arbitrary killings, torture and mutilation, sexual violence, **forced marriage** [...]

7. Marriage and family relations (arts. 15-16)

62. Inequalities in marriage and family relations affect women's experiences in conflict and post-conflict situations. In such situations, women and girls may be forced into marriage to placate armed groups or because their post-conflict poverty forces them to marry for financial security, affecting their rights to choose a spouse and enter freely into marriage, as guaranteed by article 16 (1)(a) and 16 (1)(b). During conflict, girls are particularly susceptible to forced marriage, a harmful practice that is increasingly used by armed groups. Families also force girls into marriage as a result of poverty and a misconception that it may protect them against rape. [...]

64. Forced pregnancies, abortions or sterilization of women in conflict-affected areas violate myriad women's rights, including the right under article 16 (1)(e) to decide freely and responsibly on the number and spacing of their children.

65. The Committee reiterates its general recommendations Nos. 21 and 29 and further recommends that States parties:

(a) Prevent, investigate and punish gender-based violations such as forced marriages, pregnancies, abortions or sterilization of women and girls in conflict-affected areas;

(b) Adopt gender-sensitive legislation and policies that recognize the particular disadvantages that women face in claiming their right to inheritance and their land in post-conflict contexts, including the loss or destruction of land deeds and other documentation owing to conflict. [...]

[General recommendation No. 21: Equality in marriage and family relations \(1994\)](#)

Article 16

1. States parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(a) The same right to enter into marriage;

(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;

(c) The same rights and responsibilities during marriage and at its dissolution;

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

[...]

2. 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.

Comment

[...]

Article 16 (1) (a) and (b)

15. While most countries report that national constitutions and laws comply with the Convention, custom, tradition and failure to enforce these laws in reality contravene the Convention.

16. A woman's right to choose a spouse and enter freely into marriage is central to her life and to her dignity and equality as a human being. [...]

36. In the context of the Convention on the Rights of the Child, "a child means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier". Notwithstanding this definition, and bearing in mind the provisions of the Vienna Declaration, the Committee considers that the minimum age for marriage should be 18 years for both man and woman. When men and women marry, they assume important responsibilities. Consequently, marriage should not be permitted before they have attained full maturity and capacity to act. According to the World Health Organization, when minors, particularly girls, marry and have children, their health can be adversely affected and their education is impeded. As a result their economic autonomy is restricted.

37. This not only affects women personally but also limits the development of their skills and independence and reduces access to employment, thereby detrimentally affecting their families and communities.

38. Some countries provide for different ages for marriage for men and women. As such provisions assume incorrectly that women have a different rate of intellectual development from men, or that their stage of physical and intellectual development at marriage is immaterial, these provisions should be abolished. In other countries, the betrothal of girls or undertakings by family members on their behalf is permitted. Such measures contravene not only the Convention, but also a woman's right freely to choose her partner.

39. States parties should also require the registration of all marriages whether contracted civilly or according to custom or religious law. The State can thereby ensure compliance with the Convention and establish equality between partners, a minimum age for marriage, prohibition of bigamy and polygamy and the protection of the rights of children. [...]

Recommendations [...]

49. States parties should, where necessary to comply with the Convention, in particular in order to comply with articles 9, 15 and 16, enact and enforce legislation

[Convention on the Rights of the Child \(CRC\), 1989](#)

Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child,

as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

[CRC General Comment N. 4 \(2003\): Adolescent Health and Development in the Context of the Convention on the Rights of the Child](#)

6. The Convention defines the civil rights and freedoms of children and adolescents in its articles 13 to 17. These are fundamental in guaranteeing the right to health and development of adolescents [...] The right of adolescents to access appropriate information is crucial if States parties are to promote cost-effective measures, including through laws, policies and programs, with regard to numerous health-related situations, including those covered in articles 24 and 33 such as [...] protection from harmful traditional practices, including early marriages [...]

16. The Committee is concerned that early marriage and pregnancy are significant factors in health problems related to sexual and reproductive health, including HIV/AIDS. Both the legal minimum age and actual age of marriage, particularly for girls, are still very low in several States parties. There are also non-health-related concerns: children who marry, especially girls, are often obliged to leave the education system and are marginalized from social activities. [...] The Committee strongly recommends that States parties review and, where necessary, reform their legislation and practice to increase the minimum age for marriage with and without parental consent to 18 years, for both girls and boys. [...]

27. Adolescent girls should have access to information on the harm that early marriage and early pregnancy can cause, and those who become pregnant should have access to health services that are sensitive to their rights and particular needs. States parties should take measures to reduce maternal morbidity and mortality in adolescent girls, particularly caused by early pregnancy and unsafe abortion practices, and to support adolescent parents. Young mothers, especially where support is lacking, may be prone to depression and anxiety, compromising their ability to care for their child. The Committee urges States parties (a) to develop and implement programmes that provide access to sexual and reproductive health services, including family planning, contraception and safe abortion services where abortion is not against the law, adequate and comprehensive obstetric care and counselling; (b) to foster positive and supportive attitudes towards adolescent parenthood for their mothers and fathers; and (c) to develop policies that will allow adolescent mothers to continue their education. [...]

V. Nature of States' obligations [...]

(g) To protect adolescents from all harmful traditional practices, such as early marriages, honour killings and female genital mutilation; [...]

[CRC General Comment N. 20 \(2016\) on the implementation of the rights of the child during adolescence](#)

V. Adolescents requiring particular attention

[...]

Girls

27. During adolescence, gender inequalities become more significant. Manifestations of discrimination, inequality and stereotyping against girls often intensify, leading to more serious violations of their rights, including child and forced marriage, early pregnancy [...]. Cultural norms ascribing lower status to girls can increase the likelihood of confinement to the home, lack of access to secondary and tertiary education, limited opportunities for leisure, sport, recreation and income generation, lack of access to cultural life and the arts, burdensome domestic chores and childcare responsibilities. [...]

28. States need to invest in proactive measures to promote the empowerment of girls, challenge patriarchal and other harmful gender norms and stereotyping and legal reforms in order to address direct and indirect discrimination against girls, in cooperation with all stakeholders, including civil society, women and men, traditional and religious leaders and adolescents themselves. Explicit measures are needed in all laws, policies and programmes to guarantee the rights of girls on an equal basis with boys. [...]

VII. Definition of the child

38. The Convention prohibits any gender-based discrimination, and age limits should be equal for girls and boys.

39. States should review or introduce legislation recognizing the right of adolescents to take increasing responsibility for decisions affecting their lives. The Committee recommends that States introduce minimum legal age limits, consistent with the right to protection, the best interests principle and respect for the evolving capacities of adolescents. [...]

40. The Committee reminds States parties of the obligation to recognize that persons up to the age of 18 years are entitled to continuing protection from all forms of exploitation and abuse. It reaffirms that the minimum age limit should be 18 years for marriage [...]. States parties should take into account the need to balance protection and evolving capacities, and define an acceptable minimum age when determining the legal age for sexual consent. States should avoid criminalizing adolescents of similar ages for factually consensual and non-exploitative sexual activity.

VIII. Civil rights and freedoms

Birth registration

41. The lack of birth registration can result in significant additional complications during adolescence, [...]. Adolescents who have not been registered at birth or immediately after should be provided with free late birth certificates and civil registration. [...]

IX. Violence against children

Protection from all forms of violence

49. The Committee refers States parties to the recommendations in general comments No. 13 (2011) on the right of the child to freedom from all forms of violence and No. 18 (2014) on harmful practices for comprehensive legislative, administrative, social and educational measures to bring an end to all forms of violence, [...] and to transform and bring an end to all harmful practices. States parties need to create more opportunities for scaling up institutional programmes on prevention and rehabilitation, and the social reintegration of adolescent victims. [...]

X. Family environment and alternative care

Support for parents and caregivers

50. The role of parents and caregivers in providing security, emotional stability, encouragement and protection to children remains important throughout adolescence. [...] States' obligations to render appropriate assistance to parents and caregivers, [...] have equal application to parents of adolescents [...] States should ensure that they do not, in the name of traditional values, tolerate or condone violence, reinforce unequal power relations within family settings and, therefore, deprive adolescents of the opportunity to exercise their basic rights. [...]

Adolescent-headed families

55. [...] Articles 24 and 27 of the Convention require that adolescent parents and caregivers be provided with basic knowledge of child health, nutrition and breastfeeding, and appropriate support to assist them in fulfilling their responsibilities towards the children they are responsible for and, when needed, material assistance with regard to nutrition, clothing and housing. Adolescent caregivers need extra support in order to enjoy their rights to education, play and participation. [...]

XI. Basic health and welfare

Adequate standard of living

66. [...] Strategies imposed on or adopted by adolescents to address economic hardship can include dropping out of school, being involved in child or forced marriage, becoming involved in sexual exploitation, trafficking, hazardous or exploitative work [...].

67. States are reminded of the right of every child to a suitable standard of living for physical, mental, spiritual, moral and social development, and are urged to introduce social protection floors that provide adolescents and their families with basic income security [...]

XII. Education, leisure and cultural activities

Education [...]

69. The Committee is deeply concerned at the challenges faced by many States to achieve equality in the enrolment of girls and boys and keep girls in school beyond primary education. Investment in girls' secondary education, [...] also serves to protect girls from child and forced marriage, sexual exploitation and early pregnancy, and contributes significantly towards the future economic potential of girls and their children. [...]

Conflict and crisis

79. Situations of armed conflict and humanitarian disasters [...] force many displaced and crisis-affected adolescents to assume adult responsibilities and expose them to risks of sexual and gender-based violence, child and forced marriage and trafficking. [...]

80. The Committee [...] urges States parties to ensure that adolescents are provided with systematic opportunities to play an active role in the development and design of protection systems and reconciliation and peacebuilding processes. [...]

[Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, 1956](#)

Article 1

Each of the States Parties to this Convention shall take all practicable and necessary legislative and other measures to bring about progressively and as soon as possible the complete abolition or abandonment of the following institutions and practices, where they still exist and whether or not they are covered by the definition of slavery contained in article 1 of the Slavery Convention signed at Geneva on 25 September 1926:

[...]

c) Any institution or practice whereby: [...]

(iii) a child or young person under the age of 18 years, is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labor.

[INTERNATIONAL CONSENSUS AND POLICY INSTRUMENTS](#)

[U.N. General Assembly Resolution on child, early and forced marriage, 2018](#)

[...]

2. Calls upon States, with the participation of relevant stakeholders, including women and girls, men and boys, parents and other family members, teachers, religious, traditional and community leaders, civil society, organizations led by girls, women's organizations, youth and human rights groups, the media and the private sector, to develop and implement holistic, comprehensive and coordinated responses and strategies to prevent and eliminate child, early and forced marriage, to support girls and women who are affected or at risk, who have fled such a marriage or whose marriage has dissolved, and widowed girls or women who were married as girls, including through the strengthening of child protection systems,

protection mechanisms such as safe shelters, access to justice and the sharing of best practices across borders;

3. Also calls upon States to develop and implement measures at all levels to end child, early and forced marriage, including national and subnational action plans where appropriate, and to make adequate resources available across relevant sectors, including health, nutrition, protection, governance and education;

4. Urges States to enact, enforce and uphold laws and policies aimed at preventing and ending child, early and forced marriage, protecting those at risk and addressing the needs of those affected, and work towards the coherence of these laws and policies at the local level, to ensure that marriage is entered into only with the informed, free and full consent of the intending spouses;

5. Calls upon States to enact, enforce and uphold laws concerning a minimum age of marriage, to monitor their application and to progressively amend 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;

6. Urges States to repeal or amend laws and remove any provisions that enable perpetrators of rape, sexual abuse or abduction to escape prosecution and punishment by marrying their victims; 7. Calls upon States to 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 marriages;

8. Also calls upon States to promote the meaningful participation of and active consultation with children and adolescents, including already married girls, on all issues affecting them and to raise awareness about their rights, including the negative impact of child, early and forced marriage, through safe spaces, forums and support networks, including in digital spaces, that provide information, life skills and leadership skills training and opportunities, including catch-up and literacy education, and lifelong learning opportunities, remote learning opportunities and childcare , as needed, to be empowered, to express themselves, to participate meaningfully in all decisions that affect them and to become agents of change within their communities;

9. Further calls upon States to promote awareness-raising about the harmful effects of child, early and forced marriage on the individual and wider society and the benefits of ending this harmful practice, including through open dialogue with all stakeholders, [...]

11. Urges Governments, while addressing child, early and forced marriage, to confront family poverty and social exclusion through investing in family-oriented policies addressing the multidimensional aspects of poverty, focusing on education, health, employment, social security, livelihoods and social cohesion, paying special attention to gender-sensitive social protection measures, child allowances for parents and pension benefits for older persons and protecting, supporting and empowering children, including girls, in child-headed households;

12. Also urges Governments, with the collaboration of relevant stakeholders, to tackle poverty, lack of economic opportunities for women and girls and other entrenched economic incentives that act as drivers of child, early and forced marriage, including by ensuring the rights of women and girls to inheritance and property, their equal access with men and boys to social protection, childcare services and direct financial services, to encourage girls to continue their education, including through their re-enrolment in school after childbirth, to develop livelihood opportunities through access to technical and vocational education and training and life skills education, including financial literacy, and to promote freedom of movement, women's equal access to full and productive employment and decent work, as well as equal political participation and rights to inherit, own and control land and productive measures;

13. Encourages States to promote and protect the human rights of already married girls and women affected by this harmful practice, to promote equality in all aspects of marriage and its dissolution and to address their specific needs, such as through targeted programmes that provide social services to protect

them from sexual and gender-based violence, increase their decision-making power, make it easier for them to seek formal employment, increase their economic independence and financial literacy, access education, skills development programmes and lifelong learning opportunities, ensure their equal access to health-care services and information and decrease their social isolation, including by establishing or strengthening childcare services and working with communities to change discriminatory social norms;

14. Calls upon States to promote and protect the right of women and girls to equal access to education through enhanced emphasis on free and quality primary and secondary education, including catch-up and literacy education for those who have not received formal education, have left school early or were forced to leave school, including because of marriage, pregnancy, childbirth and/or childcare responsibilities, which empowers young women and girls to make informed decisions about their lives, [...]

15. Recognizes that education is one of the most effective ways to prevent and eliminate child, early and forced marriage and to help married women and girls to make informed decisions about their lives, and urges States to remove barriers to education, including by investing in quality primary and secondary education for every child in a safe environment, [...]

16. Encourages States to adopt, as appropriate, and implement inclusive policies and programmes to promote technical and vocational training and skills development and lifelong learning opportunities, including in science, technology, engineering and mathematics and in information and communications technology, as well as higher educational opportunities for women and girls, including those at risk of or affected by child, early and forced marriage, so as to enable them to gain the knowledge, attitudes and skills that they need to fulfil their full potential;

17. Urges Governments to promote, respect and protect the right to the enjoyment of the highest attainable standard of physical and mental health through the development and enforcement of policies and legal frameworks and the strengthening of health systems, [...]

18. Also urges Governments to promote and protect the human rights of all women and girls, including the right of women, and those girls who have been subjected to child, early and forced marriage, to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence, and to adopt and accelerate the implementation of laws, policies and programmes that protect and enable the enjoyment of all human rights and fundamental freedoms, including reproductive rights [...];

19. Urges States to formulate or review, as needed, appropriate policies, programmes or strategies in order to prevent and eliminate child, early and forced marriage, and address discrimination and violence, including domestic violence, which may occur against women and girls subjected to child, early and forced marriage, as well as strengthen child protection systems and provide targets and timetables for implementation;

20. Also urges States to ensure access to justice and accountability mechanisms and remedies for the effective implementation and enforcement of laws aimed at preventing and eliminating child, early and forced marriage, including by informing women, girls and boys about their rights under relevant laws, including in marriage and at its dissolution, improving legal infrastructure, removing all barriers to access to legal counselling, assistance and remedies, training law enforcement officers, the judiciary and professionals working with women and children and ensuring oversight of the handling of cases of child, early and forced marriage;

21. Calls upon States to develop and implement, in consultation with and with the participation of women and, as appropriate, girls, and integrate into humanitarian responses, from the early stages of humanitarian emergencies, measures to address the increased vulnerability of women and girls to child, early and forced marriage, and to protect women and girls from sexual and gender-based violence and exploitation during humanitarian emergencies, situations of forced displacement, armed conflict and natural disaster, including by ensuring their access to such services as health and education, as well as

strengthening follow-up and interventions to prevent and eliminate child, early and forced marriage in humanitarian settings, as well as to address the needs of those affected; [...]

[U.N. General Assembly Resolution on Child, Early and Forced Marriage, 2016](#)

The General Assembly, [...]

1. Calls upon States, with the participation of relevant stakeholders, including women and girls, parents and other family members, religious, traditional and community leaders, civil society, organizations led by girls, women's organizations, youth and human rights groups, men and boys, the media and the private sector, to develop and implement holistic, comprehensive and coordinated responses and strategies to eliminate child, early and forced marriage, to support girls and women who are at risk or have been subjected to this practice, including through the strengthening of child protection systems, protection mechanisms such as safe shelters, access to justice and the sharing of best practices across borders;
2. Also calls upon States to enact, enforce and uphold laws and policies aimed at preventing and ending child, early and forced marriage and protecting those at risk, to ensure that marriage is entered into only with the informed, free and full consent of the intending spouses and to amend relevant laws and policies to remove any provision that enables perpetrators of rape, sexual abuse or abduction to escape prosecution and punishment by marrying their victims;
3. Further calls upon States to 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 marriages;
4. Calls upon States to enact, build awareness of, enforce and uphold laws concerning a minimum age of marriage and to progressively amend laws with lower ages of marriage and/or ages of majority;
5. Also calls upon States to promote the meaningful participation of and active consultation with children and adolescents, especially girls, on all issues affecting them and to raise awareness about their rights, including the negative impact of child, early and forced marriage, through safe spaces, forums and support networks that provide girls and boys with information, life skills and leadership skills training and opportunities to be empowered, to express themselves, to participate meaningfully in all decisions that affect them and to become agents of change within their communities;
6. Further calls upon States and encourages other stakeholders to address gender stereotypes, discriminatory social norms and harmful practices that contribute to the acceptance and continuation of the practice of child, early and forced marriage, including by raising awareness of its harm and the cost to society at large [...]
7. Recognizes that the child, for the full and harmonious development of his or her personality, should grow up in a family environment and in an atmosphere of happiness, love and understanding and that parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child, acknowledging the need to support their capacity to prevent and eliminate child, early and forced marriage and reaffirming that the best interests of the child will be their basic concern;
8. Calls upon States to promote and protect the right of women and girls to equal access to education through enhanced emphasis on free and quality primary and secondary education, including catch-up and literacy education for those who have not received formal education or have left school early, including because of marriage and/or childbearing, which empowers young women and girls to make informed decisions about their lives, employment, economic opportunities and health [...]
9. Urges States to prevent and eliminate child, early and forced marriage by removing barriers to education, including by ensuring that married girls and boys, pregnant girls and women and young parents

continue to have access to schooling, improving access to quality formal education and skills development, especially for those living in remote or insecure areas [...]

10. Urges Governments, with the collaboration of relevant stakeholders, to tackle poverty and lack of economic opportunities for women and girls as drivers of child, early and forced marriage [...]

11. Urges States to ensure access to justice and accountability mechanisms and remedies for the effective implementation and enforcement of laws aimed at preventing and eliminating child, early and forced marriage, including by informing women, girls and boys about their rights under relevant laws, training law enforcement officers, the judiciary and professionals working with women and children and ensuring oversight of the handling of cases of child, early and forced marriage, improving legal infrastructure and removing all barriers to access to legal counselling, assistance and remedies;

12. Urges Governments to respect and protect the right to the enjoyment of the highest attainable standard of physical and mental health through the development and enforcement of policies and legal frameworks and the strengthening of health systems [...];

13. Also urges Governments to promote and protect the human rights of all women and girls, including the right of women, and those girls who have been subjected to child, early and forced marriage, to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence, [...]

14. Calls upon States to develop, in consultation with women and, as appropriate, girls, and integrate into humanitarian responses, from the early stages of humanitarian emergencies, measures to address the increased vulnerability of women and girls to child, early and forced marriage [...]

16. Affirms the need for States to improve the collection and use of quantitative, qualitative and comparable data on violence against women and harmful practices, disaggregated by sex, age, disability, civil status, race, ethnicity, migratory status, geographical location, socioeconomic status, education level and other key factors [...]

[U.N. Human Rights Council Resolution on child, early and forced marriage in times of crisis, including the COVID-19 pandemic, 2021](#)

The Human Rights Council, [...]

1. Urges States to respect, protect and fulfil the human rights of all women and girls, including those subjected to child, early and forced marriage, which include the right to education and the right to the highest attainable standard of physical and mental health, including the right to sexual and reproductive health, to promote equality in all aspects of marriage and its dissolution, to guarantee equal access for every girl and woman to quality education, as well as education explaining consent, respect for boundaries and what constitutes unacceptable behaviour and how to report it, that builds self-esteem and informed decision-making and communication skills and promotes the development of respectful relationships based on gender equality, inclusion and human rights, skills development programmes, vocational training and lifelong learning opportunities, counselling, social services to protect them from all forms of violence, including sexual and gender-based violence and domestic and intimate-partner violence, formal employment to increase their economic independence, and psychological, sexual and reproductive health-care services and medical care, to decrease their social isolation and to increase their economic and political participation, including by establishing or strengthening childcare services and working with communities to change discriminatory social norms;

2. Calls upon States to take a comprehensive, rights-based, age and gender responsive, survivor- and victim-centred and multisectoral approach, in consultation with, and with the full, equal, effective, meaningful and inclusive participation of, women and girls, and with relevant stakeholders, including men

and boys, parents and other family members, teachers, religious, traditional and community leaders, minority groups, civil society, organizations led by girls, women's organizations, youth and feminist groups, human rights defenders, parliaments, national human rights institutions, children's ombudspersons, humanitarian and development actors, the media and the private sector, that takes into account linkages with other harmful practices in the prevention of, and response to, child, early and forced marriage in the context of crisis, including the COVID-19 pandemic, and to pay particular attention to the specific needs of all women and girls, in particular those in vulnerable situations and those experiencing multiple and intersecting forms of discrimination and violence, stigmatization, exclusion and inequalities, including in humanitarian situations;

3. Urges States to take comprehensive, multisectoral and rights-based measures to prevent and eliminate child, early and forced marriage, including in times of crisis, and to address structural and underlying causes and risk factors, including by:

(a) Addressing the root causes of gender inequality, including structural, institutional, multiple and intersecting forms of discrimination against women and girls, patriarchal values, discriminatory norms, gender stereotypes, perceptions and customs and harmful social norms, attitudes and behaviours, the socioeconomic drivers of violence and unequal power relations, which perpetuate child, early and forced marriage;

(b) Eliminating discrimination against women and girls in all matters relating to marriage, and guaranteeing women and girls' equality in law and in practice in family life, by opposing all forms of marriage that constitute a violation of the human rights of women and girls and their well-being and dignity;

(c) Respecting, protecting and fulfilling the human rights of all women and girls to have control over, and decide freely and responsibly on, matters relating to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence, and with respect to bodily integrity, autonomy and agency of women and girls, and adopting and accelerating the implementation of laws, policies and programmes that protect and enable the enjoyment of all human rights and fundamental freedoms, including reproductive rights;

(d) Taking immediate and effective action to prevent and eliminate all forms of violence, including sexual and gender-based violence, domestic and intimate partner violence and marital rape;

(e) Upholding all human rights and fundamental freedoms of women and girls with disabilities, and recognizing that disability can increase the risk of child, early and forced marriage, and the importance of ensuring that services and programmes designed to prevent and eliminate child, early and forced marriage are inclusive of, and accessible to, women and girls with disabilities;

4. Calls upon States to promote and protect the right of all women and girls to equal access to education, including in times of crisis, by:

(a) Ensuring access to free and quality primary and secondary education, including catch-up and literacy education for those who have not received formal education, have left school early or were forced to leave school because of, inter alia, marriage, pregnancy and/or childbirth, re-entry policies and vocational training and skills development, which empower young women and girls subjected to child, early and forced marriage to make informed decisions about their lives, employment, economic opportunities and health, including through scientifically accurate, age-appropriate comprehensive education, relevant to cultural contexts, that provides adolescent girls and boys and young women and men, in and out of school, consistent with their evolving capacities, with information on sexual and reproductive health, gender equality and the empowerment of women, human rights, physical, psychological and pubertal development and power in relationships between women and men, to enable them to build self-esteem and informed decision-making, communication and risk-reduction skills and to develop respectful

relationships, in full partnership with young persons, parents, legal guardians, caregivers, educators and healthcare providers, in order to contribute to ending child, early and forced marriage;

(b) Adopting measures to ensure the equal access for girls to quality education, to eliminate discriminatory laws and practices that prevent them from having access to, completing and continuing their education, including the transition from primary to secondary education, and provide incentive mechanisms to this end, to develop and implement programmes, as appropriate, that specifically aim to eliminate gender disparities in enrolment and gender-based bias and stereotypes in education systems, curricula and materials, whether derived from any discriminatory practices, social or cultural attitudes or legal and economic circumstances, and to ensure continued efforts to eliminate all forms of school-related violence against girls, including online, and eliminate obstacles faced by them in access to and use of information and communications technologies, and reaffirming the importance of the right to education as a key to the empowerment of all women and girls and for ensuring equality and non-discrimination;

(c) Ensuring that married and/or pregnant adolescents and young mothers, as well as single mothers, can continue and complete their education, after childbirth, marriage or the dissolution of marriage, by designing, implementing and, where applicable, revising educational policies and programmes to allow them to remain in and return to school and to develop livelihood opportunities through access to technical and vocational education and training and life skills education, including financial literacy, and by providing them with access to health-care services, including for sexual and reproductive health and for family planning, and social services and support, including childcare and breastfeeding facilities and crèches, and to education programmes with accessible locations, flexible schedules and distance education, including e-learning, and bearing in mind the important role and responsibilities of fathers, including young fathers, in this regard;

(d) Mitigating the impact of school closures in times of crisis, in particular for those learners who are among the poorest and most marginalized, especially girls, by facilitating access to, and the continuity of, equitable and inclusive quality education for all, including through distance learning, re-enrolling all previously enrolled children and those who were already out of school, providing community awareness on the importance of girls' education and working to ensure that those subjected to child, early and forced marriage, pregnant girls and women, as well as young parents, also continue to have access to schooling on an equal basis with others, including by enabling access to the Internet and bridging the digital divides, both between and within countries, and the gender digital divide;

(e) Continuing to strengthen the protection of preschools, schools and universities against attacks, making them free from all forms of violence, including by taking measures to deter the military use of schools, [...]

5. Urges States, with the collaboration of relevant stakeholders, including the private sector, communities, not-for-profit organizations and civil society organizations, including in times of crisis, to tackle poverty, the lack of economic opportunities for women and girls and other entrenched economic incentives and inequalities that act as drivers of child, early and forced marriage and as obstacles to leaving a forced or abusive relationship, and to promote sustainable development, including by:

(a) Ensuring the rights of all women and girls to inheritance and property, their access equal to that of men and boys to social protection, childcare services and direct financial services, and promoting freedom of movement, women's equal access to full and productive employment and decent work, as well as their full, equal and meaningful political participation and rights to inherit, own and control land and productive measures;

(b) Ensuring gender-responsive social protection mechanisms, adopting measures to recognize, reduce and redistribute women's and girls' disproportionate share of unpaid care and domestic work and the feminization of poverty, which is exacerbated in times of crisis, including by the COVID-19 pandemic, [...]

(c) Confronting family poverty and social exclusion by investing in family oriented policies addressing the multidimensional aspects of poverty, focusing on education, health, employment, social security,

livelihoods and social cohesion, paying special attention to gender-sensitive social protection measures, child allowances for parents [...];

6. Also urges States to respect, protect and fulfil the right to the enjoyment of the highest attainable standard of physical and mental health, including the right to sexual and reproductive health, by:

(a) Developing and enforcing policies and legal frameworks on and strengthening health systems, including health information systems, that ensure uninterrupted, universally accessible, acceptable, affordable and available quality, gender-responsive, adolescent friendly health services, sexual and reproductive health-care services, information, education and commodities, [...]

(b) Ensuring continuity and further strengthening protection and support services for women and girls who experience all forms of violence, including sexual and gender-based violence and domestic violence, in times of crisis, including the COVID-19 pandemic, especially girls at risk of child, early and forced marriage and already married girls and women affected by this harmful practice, and designating protection shelters, hotlines and help desks, health and support services and legal protection and support as essential services available to all women and girls, in addition to establishing safeguarding measures and raising awareness and providing training for police, members of the judiciary, first responders, health workers and education and child services staff;

7. Further urges States to enact, enforce, harmonize and uphold laws and policies aimed at preventing, responding to and eliminating child, early and forced marriage and that respect and protect bodily integrity and autonomy, protecting those at risk, including in times of crisis, and supporting women and girls subjected to child, early and forced marriage, to ensure that marriage is entered into only with the informed, free and full consent of the intending spouses, and to promote equality in all aspects of marriage and its dissolution;

8. Calls upon States to ensure that all initiatives to draft, amend and implement criminal laws addressing child, early and forced marriage are part of comprehensive rights based, gender-responsive and cross-government prevention and response strategies and coupled with protection measures and services for victims, survivors and those who are at risk of being subjected to harmful practices, including child, early and forced marriage;

9. Urges States to remove any provisions that may enable, justify or lead to child, early or forced marriage, including provisions that enable perpetrators of rape, sexual abuse, sexual exploitation, abduction, trafficking in persons or modern slavery to escape prosecution and punishment by marrying their victims, in particular by repealing or amending such laws;

10. Encourages States to increase public funding for community-based organizations, including organizations led or initiated by young people, including girls, focusing on the human rights of women and girls and child, early and forced marriage, including in times of crisis, and to mitigate the impact of crisis response measures on the ability of civil society organizations and other relevant stakeholders working at the local and national levels to continue their work with girls, families and local communities to prevent and respond to child, early and forced marriage;

11. Also encourages States to consult with civil society organizations, including girl-led and youth-led organizations, as well as community-based organizations, focusing on the rights of women and girls and child, early and forced marriage, in crisis response planning and delivery to ensure that the needs of women and girls affected by child, early and forced marriage are not overlooked and are adequately addressed in crisis response and that crisis response measures do not exacerbate factors that contribute to child, early and forced marriage and other harmful practices or to sexual and gender-based violence;

12. Urges States to ensure access to justice and accountability mechanisms and remedies for the effective implementation and enforcement of laws aimed at preventing and eliminating child, early and forced marriage and protecting the rights of women and girls subjected to this harmful practice, including by informing women, girls and boys about their rights under relevant laws, including in marriage and at its dissolution, improving legal infrastructure, mainstreaming gender equality and human rights perspectives

into justice systems, ensuring equal access to legal aid, including legal advice, assistance and representation, as well as access to judicial and other legal remedies, addressing legal inconsistencies, training law enforcement officers, members of the judiciary and professionals working with women and children and ensuring oversight of the handling of cases of child, early and forced marriage, and working to ensure that these mechanisms and remedies remain accessible in times of crisis or are re-established as quickly as possible when affected by crisis;

13. Also urges States to hold persons in positions of authority, such as teachers, religious leaders, traditional authorities, politicians and law enforcement officials, including at the local government level, accountable for not complying with or upholding laws and regulations relating to violence against women and girls, including child, early and forced marriage, in order to prevent and respond in a gender-sensitive manner, to end impunity and to avoid the abuse of power leading to violence against women and girls and the revictimization of victims and/or survivors of such violence;

14. Calls upon States to ensure the timely registration of births and marriages, including by identifying and removing all physical, administrative, procedural and any other barriers that impede access to registration, especially for individuals living in rural and remote areas, and by providing, where lacking, mechanisms for the registration of customary and religious marriages, as well as working to ensure that the registration of births and marriages remains accessible in times of crisis or is re-established as quickly as possible when affected by crisis;

15. Affirms the need for States and relevant United Nations entities and agencies to improve the collection and use of quantitative, qualitative and comparable data, while observing the principles of confidentiality, informed consent and voluntary self identification, on violence against women and harmful practices, including in humanitarian settings and in the context of public health emergencies, such as the COVID-19 pandemic, disaggregated by sex, age, disability, civil status, race, ethnicity, [...] to enhance research on, and the dissemination of, evidence-based and good practices relating to the prevention and elimination of child, early and forced marriage, and to strengthen monitoring and the assessment of the impact of existing policies and programmes as a means of ensuring their effectiveness and implementation;

16. Calls upon States to promote the meaningful participation of, and active consultation with, children, adolescents and youth, including already married girls, on all issues affecting them, to strengthen their voice, agency and leadership, to raise awareness about their rights, including the negative impact of child, early and forced marriage, through safe spaces, forums and support networks, including in digital spaces, that provide information, life skills and leadership skills training and opportunities, including catch-up and literacy education, and lifelong learning opportunities, remote learning opportunities and childcare, as needed, that empower them, allow them to express themselves, to participate meaningfully in all decisions that affect them and to become agents of change within their communities, and to encourage men and boys to also act for change in their communities through being more involved in information and awareness-raising campaigns, intergenerational dialogues and peer education and training programmes, in partnership with women and girls; [...]

[U.N. Human Rights Council Resolution on consequences of child, early and forced marriage, 2019](#)

The Human Rights Council, [...]

1. Recognizes that child, early and forced marriage constitutes a violation, abuse or impairment of human rights and a harmful practice that prevents individuals from living their lives free from all forms of discrimination and violence, and that it has wide-ranging and adverse consequences for the enjoyment of human rights, the right to education and the right to the highest attainable standard of physical and mental health, including the right to sexual and reproductive health, and that every girl and woman at risk

of or affected by these practices must have equal access to quality education, counselling, shelter and other social services, psychological, sexual and reproductive health-care services and medical care;

2. Urges States to respect, protect and fulfil the human rights of women and girls, including those subjected to child, early and forced marriage, to promote equality in all aspects of marriage and its dissolution and to address their specific needs, such as through targeted programmes that provide social services to protect them from sexual and gender based violence, including domestic and intimate-partner violence, increase their decision making power and financial literacy, make it easier for women to seek formal employment and increase their economic independence, improve women's and girls' access to education, skills development programmes, vocational training and lifelong learning opportunities, ensure their equal access to sexual and reproductive health-care services, including for family planning, information and education, and decrease their social isolation, including by establishing or strengthening childcare services and working with communities to change discriminatory social norms;

3. Also urges States to enact, enforce, harmonize and uphold laws and policies aimed at preventing, responding to and eliminating child, early and forced marriage, protecting those at risk, including in humanitarian settings, and supporting women and girls subjected to child, early and forced marriage, and to ensure that marriage is entered into only with the informed, free and full consent of the intending spouses and that women have equality with men in all matters pertaining to marriage, divorce, child custody and the economic consequences of marriage and its dissolution;

4. Further urges States to remove any provisions that may enable, justify or lead to child, early or forced marriage, including provisions that enable perpetrators of rape, sexual abuse, sexual exploitation, abduction, trafficking in persons or modern slavery to escape prosecution and punishment by marrying their victims, in particular by repealing or amending such laws;

5. Calls upon States to ensure the timely registration of births and marriages, including by identifying and removing all physical, administrative, procedural and any other barriers that impede access to registration, especially for individuals living in rural and remote areas, and by providing, where lacking, mechanisms for the registration of customary and religious marriages;

6. Also calls upon States to develop and implement measures at all levels to end child, early and forced marriage, including national and subnational action plans where appropriate, and to make adequate resources available across relevant sectors, including health, nutrition, protection, governance and education;

7. Further calls upon States to promote and protect the right of women and girls to equal access to education through enhanced emphasis on free and quality primary and secondary education, including catch-up and literacy education for those who have not received formal education, have left school early or were forced to leave school because of, inter alia, marriage, pregnancy and/or childbirth, on re-entry policies and on vocational training and skills development, which empower young women and girls subjected to child, early and forced marriage to make informed decisions about their lives, employment, economic opportunities and health, including through scientifically accurate, age-appropriate comprehensive education, relevant to cultural contexts, that provides adolescent girls and boys and young women and men, in and out of school, consistent with their evolving capacities, with information on sexual and reproductive health, gender equality and the empowerment of women, human rights, physical, psychological and pubertal development and power in relationships between women and men, to enable them to build self-esteem and informed decision-making, communication and risk reduction skills, and to develop respectful relationships, in full partnership with young persons, parents, legal guardians, caregivers, educators and health-care providers, in order to contribute to ending child, early and forced marriage;

8. Calls upon States to ensure that married and/or pregnant adolescents and young mothers, as well as single mothers, can continue and complete their education, and in this regard design, implement and, where applicable, revise educational policies to allow them to remain in and return to school, providing

them with access to health-care and social services and support, including childcare and breastfeeding facilities and crèches, and to education programmes with accessible locations, flexible schedules and distance education, including e-learning, and bearing in mind the important role and responsibilities of fathers, including young fathers, in this regard;

9. Urges Governments to respect, protect and fulfil the right to the enjoyment of the highest attainable standard of physical and mental health, including the right to sexual and reproductive health, through the development and enforcement of policies and legal frameworks and the strengthening of health systems, including health information systems, that make universally accessible, acceptable and available quality, gender-responsive, adolescent-friendly health services, sexual and reproductive health-care services, information, education [...]

10. Calls upon Governments to respect, protect and fulfil the human rights of all women and girls, including those who have been subjected to child, early and forced marriage, to have control over and decide freely and responsibly on matters relating to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence, and to adopt and accelerate the implementation of laws, policies and programmes that protect and enable the enjoyment of all human rights and fundamental freedoms, including reproductive rights, in accordance with the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action, and the outcome documents of their review conferences;

11. Urges Governments, with the collaboration of relevant stakeholders, to tackle poverty, the lack of economic opportunities for women and girls, and other entrenched economic incentives and inequalities that act as drivers of child, early and forced marriage and as obstacles to leaving a forced or abusive relationship, including by ensuring the rights of women and girls to inheritance and property, their equal access with men and boys to social protection, childcare services and direct financial services, to encourage women and girls to continue their education, including through their re-enrolment in school after childbirth, marriage or dissolution of marriage, to develop livelihood opportunities through access to technical and vocational education and training and life skills education, including financial literacy, and to promote freedom of movement, women's equal access to full and productive employment and decent work, as well as full and equal political participation and rights to inherit, own and control land and productive measures;

12. Calls upon States to strengthen laws and regulatory frameworks that promote the reconciliation and sharing of work and family responsibilities for women and men, including by designing, implementing and promoting family-responsive legislation, policies and services [...]

13. Also calls upon States to develop and implement, in consultation with and with the participation of women and girls, and integrate into humanitarian responses, from the early stages of humanitarian emergencies, measures to address the increased vulnerability of women and girls to child, early and forced marriage, and to protect women and girls, in particular those subjected to child, early and forced marriage, from sexual and gender-based violence and exploitation during humanitarian emergencies, situations of forced displacement, armed conflict and natural disaster, including by ensuring their access to such services as health and education, as well as strengthening follow-up and interventions to prevent and eliminate child, early and forced marriage in humanitarian settings, and to address the needs of those affected;

14. Further calls upon States to ensure that all initiatives to draft, amend and implement criminal laws addressing child, early and forced marriage are part of a comprehensive approach and coupled with protection measures and services for victims and survivors and those who are at risk of being subjected to harmful practices, including child, early and forced marriage;

15. Urges Governments to take measures to support girls and women who have been subjected to child, early and forced marriage, and calls upon States and all relevant actors to strengthen, inter alia, the development, enactment, implementation and monitoring of relevant legislation and protection

mechanisms, such as safe shelters, counselling and other support services, as well as programmes focusing on, inter alia, education, health, livelihood, autonomy and decision-making that support the empowerment of girls and women who have been subjected to child, early and forced marriage;

16. Urges States to ensure access to justice and accountability mechanisms and remedies for the effective implementation and enforcement of laws aimed at preventing and eliminating child, early and forced marriage and protecting the rights of women and girls subjected to this harmful practice, including by informing women, girls and boys about their rights under relevant laws, including in marriage and at its dissolution, improving legal infrastructure, removing all barriers to access to legal aid, including legal advice, assistance and representation, as well as to access to judicial and other legal remedies, addressing legal inconsistencies, training law enforcement officers, the judiciary and professionals working with women and children and ensuring oversight of the handling of cases of child, early and forced marriage;

17. Calls upon States, with the participation of women and girls and of relevant stakeholders, as appropriate, including men and boys, parents and other family members, teachers, religious, traditional and community leaders, civil society, organizations led by girls, women's organizations, youth, feminist groups, human rights defenders, parliaments, national human rights institutions, children's ombudspersons, the media and the private sector, to develop, implement and monitor holistic, comprehensive and coordinated responses and strategies to prevent and eliminate child, early and forced marriage, to support girls and women who are affected or at risk, who have fled such a marriage or whose marriage has dissolved, and widowed girls or women who were married as girls, including through the strengthening of child protection systems, protection mechanisms such as safe shelters, access to justice, the sharing of best practices across borders and the collection of relevant, reliable and disaggregated data;

18. Urges States to hold persons in positions of authority, such as teachers, religious leaders, traditional authorities, politicians and law enforcement officials, accountable for not complying with or upholding laws and regulations relating to violence against women and girls, including child, early and forced marriage, in order to prevent and respond in a gender-sensitive manner, to end impunity and to avoid the abuse of power leading to violence against women and girls and the revictimization of victims and/or survivors of such violence;

19. Encourages Governments to include information on progress towards eliminating child, early and forced marriage, including best practices and implementation efforts, in their national reports to relevant international treaty bodies and for the universal periodic review and within the national voluntary reviews conducted through the high-level political forum on sustainable development;

20. Encourages relevant United Nations entities, regional and subregional organizations, civil society and other relevant actors and human rights mechanisms to continue to collaborate with and support States, on their request, in developing and implementing strategies and policies and in strengthening and building capacity for data, indicators and reporting systems for analysing, monitoring and publicly reporting on progress at the national, regional and international levels based on evidence, and to assist States in effectively developing measures to prevent, respond to and eliminate child, early and forced marriage;

21. Affirms the need for States to improve the collection and use of quantitative, qualitative and comparable disaggregated data on child, early and forced marriage, to enhance research on and dissemination of evidence-based and good practices relating to the prevention and elimination of child, early and forced marriage, and to strengthen monitoring and impact assessment of existing policies and programmes as a means of ensuring their effectiveness and implementation [...]

[U.N. Human Rights Council Resolution on Child, Early and Force Marriage in Humanitarian Settings, 2017](#)

The Human Rights Council, [...]

1. Recognizes that child, early and forced marriage constitutes a violation, abuse or impairment of human rights and a harmful practice that prevents individuals from living their lives free from all forms of violence, and that it has wide-ranging and adverse consequences for the enjoyment of human rights, such as the right to education and the right to the highest attainable standard of physical and mental health, including sexual and reproductive health, and that every girl and woman at risk of or affected by these practices must have equal access to quality education, counselling, shelter and other social services, psychological, sexual and reproductive health-care services and medical care;
2. Calls upon States, with the participation of relevant stakeholders, including girls, women, religious and community leaders, civil society and human rights groups, humanitarian actors, men and boys, and youth organizations, to develop and implement holistic, comprehensive and coordinated responses, strategies and policies to prevent, respond to and eliminate child, early and forced marriage, including in humanitarian settings, and to support already married girls, adolescents and women, including through the strengthening of child protection systems, protection mechanisms, such as safe shelters, access to justice and legal remedies, and the sharing of best practices across borders, in full compliance with international human rights obligations and commitments;
3. Urges States to enact, enforce, harmonize and uphold laws and policies aimed at preventing, responding to and eliminating child, early and forced marriage, protecting those at risk, including in humanitarian settings, and supporting already married women and girls, and to ensure that marriage is entered into only with the informed, free and full consent of the intending spouses and that women have equality with men in all matters pertaining to marriage, divorce, child custody and the economic consequences of marriage and its dissolution;
4. Also urges States to remove any provisions that may enable, justify or lead to child, early or forced marriage, including provisions that enable perpetrators of rape, sexual abuse, sexual exploitation, abduction, trafficking in persons or modern slavery to escape prosecution and punishment by marrying their victims, in particular by repealing or amending such laws;
5. Further urges States to promote, respect and protect the human rights of all women and girls, including their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence, and to adopt and accelerate the implementation of laws, policies and programmes that protect and enable the enjoyment of all human rights and fundamental freedoms, including reproductive rights, [...]
6. Calls upon States to promote and protect the right of women and girls to equal access to education through enhanced emphasis on free and quality primary and secondary education, including catch-up and literacy education for those who have not received formal education or have left school early, including because of marriage and/or childbearing, which empowers young women and girls to make informed decisions about their lives, employment, economic opportunities and health [...]
7. Also calls upon States, with the support of humanitarian partners, health-care providers and experts, and in full collaboration with concerned communities and other stakeholders, to strengthen monitoring and interventions to prevent, respond to and eliminate child, early and forced marriage in humanitarian settings, including by integrating and harmonizing such interventions into efforts focused on conflict-prevention, the protection of civilians and access to information and services;
8. Invites all stakeholders to promote the use of the Inter-Agency Standing Committee Guidelines for Integrating Gender-based Violence Interventions in Humanitarian Action;
9. Encourages States to promote open dialogue with all parties concerned, including religious and community leaders, women, girls, men and boys, parents, legal guardians, and other family members, as well as humanitarian and development actors in order to address the concerns and specific needs of those at risk of child, early and forced marriage within humanitarian settings, and to address social norms, gender stereotypes and harmful practices that contribute to the acceptance and continuation of the

practice of child, early and forced marriage, including by raising awareness of its harm to the victims and the cost to society at large;

10. Calls upon States to promote the meaningful participation of and active consultation with children and adolescents affected by humanitarian settings, especially girls, on all issues affecting them, and to raise awareness about their rights, including the negative impact of child, early and forced marriage, through safe spaces, forums and support networks that provide girls and boys with information, life skills and leadership skills training and opportunities to be empowered, to express themselves, to participate meaningfully in all decisions that affect them and to become agents of change within their communities;

11. Also calls upon States to promote, respect and protect the rights of women and girls to education through enhanced emphasis on quality education, and to ensure universal access to sexual and reproductive health-care services, information and education, as set out in target 3.7 of the 2030 Agenda, and to promote school enrolment and retention among girls, including in secondary school, and by allowing access to education services for children who have been forced to flee their homes, schools and communities, and to ensure that schools offer them safe and supportive environments;

12. Urges States to provide specialized child protection services to refugee and displaced children that take into account the particular vulnerabilities and specific protection needs of children, including those who have been forced to flee violence and persecution or who are unaccompanied or separated, including protection and response to the practice of child, early and forced marriage;

13. Also urges States, with the collaboration of relevant stakeholders, to ensure that the basic humanitarian needs of affected populations and families, including clean water, sanitation, food, shelter, energy, health, including sexual and reproductive health, nutrition, education and protection, are addressed as critical components of humanitarian response, and to ensure that civil registration and vital statistics are an integral part of humanitarian assessments and that livelihoods are protected, recognizing that poverty and lack of economic opportunities for women and girls are among the drivers of child, early and forced marriage;

14. Further urges States to ensure access to justice and accountability mechanisms and remedies for the effective implementation and enforcement of laws aimed at preventing and eliminating child, early and forced marriage, including in humanitarian settings, including by informing women and girls of their rights under relevant laws, and by improving legal infrastructure and removing all barriers in access to legal counselling, assistance and remedies;

15. Invites States to consider including, as appropriate, within the framework of relevant national action plans, and in their national reports in the context of the universal periodic review, any best practices and implementation efforts, as well as identified challenges relating to the elimination of child, early and forced marriage, including within humanitarian settings; [...]

[U.N. Human Rights Council Resolution on strengthening efforts to prevent and eliminate child, early and forced marriage, 2015](#)

The Human Rights Council, [...]

1. Recognizes that child, early and forced marriage constitutes a violation, abuse or impairment of human rights and a harmful practice that prevents individuals from living their lives free from all forms of violence, and that it has wide-ranging and adverse consequences for 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;

2. Calls upon States, with the participation of relevant stakeholders, including girls, women, religious and community leaders, civil society and human rights groups, men and boys, and youth organizations to develop and implement holistic, comprehensive and coordinated responses, strategies and policies to prevent and eliminate child, early and forced marriage, and to support already married girls, adolescents

and women, including through the strengthening of child protection systems, protection mechanisms, such as safe shelters, access to justice and legal remedies and the sharing of best practices across borders in full compliance with international human rights obligations and commitments;

3. Urges States to enact, enforce, harmonize and uphold laws and policies aimed at preventing and ending child, early and forced marriage, protecting those at risk and supporting already married women and girls, and to ensure that marriage is entered into only with the informed, free and full consent of the intending spouses and that women have equality with men in all matters pertaining to marriage, divorce, child custody and the economic consequences of marriage and its dissolution;

4. Calls upon States to exercise due diligence in investigating, prosecuting and punishing violence against all children, paying particular attention to child and gender sensitive approaches, and to provide protection and universal access to comprehensive social, physical, mental and reproductive health, and legal services and counselling for all victims and survivors and to ensure their full recovery and reintegration into society;

5. Urges States to remove any provisions that may enable, justify or lead to child, early or forced marriage, including provisions that enable perpetrators of rape, sexual abuse or abduction to escape prosecution and punishment by marrying their victims, in particular by repealing or amending relevant laws;

6. Also urges States to ensure access to justice and accountability mechanisms and remedies for the effective implementation and enforcement of laws aimed at preventing and eliminating child, early and forced marriage, including by informing women and girls about their rights under relevant laws, training law enforcement officers and monitoring how they handle cases of child, early and forced marriage, improving legal infrastructure and removing all barriers to access to legal counselling, assistance and remedies;

7. Further urges States to strengthen their efforts to ensure free birth registration, including free or low-fee late birth registration, by means of universal, accessible, simple, expeditious and effective registration procedures, without discrimination of any kind, and marriage, divorce and death registration as part of the civil registration and vital statistics systems, 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 marriages;

8. Affirms the need for States to improve gender disaggregated data collection, research and dissemination of evidence-based and good practices relating to the prevention and elimination of child, early and forced marriage, as well as the use of quantitative and qualitative data on harmful practices, disaggregated by sex, age, disability, geographical location, socioeconomic status, education level and other key factors, and to strengthen monitoring and impact assessment of existing policies and programmes as a means of strengthening them, ensuring their effectiveness and implementation, including in the context of the post-2015 development agenda;

9. Calls upon States to promote the meaningful participation and active consultation of children and young people in all issues affecting them, and to create awareness about their rights, including the negative impact of child, early and forced marriage, through safe spaces, forums and support networks that provide girls and boys with information, life skills training and the opportunities to be empowered and become agents of change within their communities;

10. Urges States to promote awareness-raising and to engage in dialogue within communities on the health implications of child, early and forced marriage, and to improve equal access to health-care facilities and sexual and reproductive health information, education and services, including modern forms of contraception;

11. Calls upon States to promote and protect the rights of women and girls to education through enhanced emphasis on quality education, including human rights education and training, and catch-up and literacy education for those who have not received formal education, including in remote areas, while recognizing

that education is one of the most effective ways to prevent and end child, early and forced marriage and to help already married women and men, girls and boys to make more informed choices about their lives;

12. Urges Governments to promote and protect the human rights of all women and girls, including their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence, and to adopt and accelerate the implementation of laws, policies and programmes that protect and enable the enjoyment of all human rights and fundamental freedoms, including reproductive rights, in accordance with the Programme of Action of the International Conference on Population and Development, the Beijing Platform for Action and the outcome documents of their review conferences;

13. Calls upon States, with the support of humanitarian partners, and in full collaboration with concerned communities and other stakeholders, to strengthen monitoring and interventions to prevent and eliminate child, early and forced marriage in humanitarian settings and fragile situations, including by integrating and harmonizing such interventions into efforts focused on conflict prevention, protection of civilians, and access to information and services;

14. Urges States to prevent and eliminate child, early and forced marriage by improving safety of girls at, and on the way to and from school, including by establishing a safe and violence-free environment by improving infrastructure, such as transportation, and providing separate and adequate sanitation facilities, improved lighting, playgrounds and safe environments, and adopting policies to prohibit, prevent and address violence against children, especially girls, including sexual harassment and bullying and other forms of violence, through measures such as conducting violence prevention activities in schools and communities and establishing and enforcing penalties for violence against girls;

15. Calls upon States and encourages other stakeholders to address social norms, gender stereotypes and harmful practices that contribute to the acceptance and continuation of the practice of child, early and forced marriage, including by raising awareness of its harm to the victims and the cost to society at large and by providing opportunities for discussion among others, within communities, including with the involvement of unmarried girls and already married girls, adolescents and women, religious, tribal and community leaders, men and boys, and families on the benefits of delaying marriage and ensuring that girls receive education;

16. Calls upon States and the international community to create an environment in which the well-being of women and girls is ensured by, inter alia, cooperating, supporting and participating in efforts for the eradication of poverty, and reaffirms that investment in women and girls and the respect, protection and fulfilment of their rights are among the most effective ways to end the harmful practice of child, early and forced marriage;

17. Urges Governments, with the collaboration of relevant stakeholders, to tackle poverty and lack of economic opportunities for women and girls as drivers of child, early and forced marriage, including by ensuring women and girls inheritance and property rights, equal access to social protection, including direct financial support and microcredit for girls, families and guardians to encourage girls to continue their education; to develop livelihood opportunities and life skills education; and to promote women's equal access to full and productive employment and decent work, as well as equal political participation and rights to inherit, own and control land and productive resources;

18. Also urges Governments to take measures to support girls and women who have been subjected to child, early and forced marriage, and calls upon States and all relevant actors to strengthen, inter alia, the development, enactment, implementation and monitoring of relevant legislation and protection mechanisms, such as safe shelters, counselling and other support services, as well as empowerment programmes focusing on, inter alia, education, health, livelihood, autonomy and decision-making; [...]

Goal 5. Achieve gender equality and empower all women and girls

- 5.1 End all forms of discrimination against all women and girls everywhere
- 5.2 Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation
- 5.3 Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation [...]

[U.N. ESC Commission on Crime Prevention and Criminal Justice: Guidelines on justice in matters involving child victims and witnesses of crime \(2005\)](#)

VI. The right to be protected from discrimination

15. Child victims and witnesses should have access to a justice process that protects them from discrimination based on the child's, parent's or legal guardian's race, colour, gender, language, religion, political or other opinion, national, ethnic or social origin, property, disability and birth or other status.

16. The justice process and support services available to child victims and witnesses and their families should be sensitive to the child's age, wishes, understanding, gender, sexual orientation, ethnic, cultural, religious, linguistic and social background, caste, socio-economic condition and immigration or refugee status, as well as to the special needs of the child, including health, abilities and capacities. Professionals should be trained and educated about such differences.

17. In certain cases, special services and protection will need to be instituted to take account of gender and the different nature of specific offences against children, such as sexual assault involving children.

18. Age should not be a barrier to a child's right to participate fully in the justice process. Every child should be treated as a capable witness, subject to examination, and his or her testimony should not be presumed invalid or untrustworthy by reason of the child's age alone as long as his or her age and maturity allow the giving of intelligible and credible testimony, with or without communication aids and other assistance. [...]

REGIONAL LEGAL FRAMEWORK

[European Convention on Human Rights, 1950](#)

Article 14

1. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

[American Convention on Human Rights, 1969](#)

Article 17. Rights of the Family

[...]

2. The right of men and women of marriageable age to marry and to raise a family shall be recognized, if they meet the conditions required by domestic laws, insofar as such conditions do not affect the principle of nondiscrimination established in this Convention.

3. No marriage shall be entered into without the free and full consent of the intending spouses. [...]

Article 20. Right to found a family.

1. Youth have the right to freely choose a partner, to common life and to the constitution of marriage on the ground of equality among its members, as well as to a responsible maternity and paternity and the dissolution of the marriage according to the civil capacity established by the inner law of each country.

[Council of Europe Convention on preventing and combating violence against women and domestic violence, 2011](#)

Article 37 – Forced marriage

1. Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of forcing an adult or a child to enter into a marriage is criminalised.

2. Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of luring an adult or a child to the territory of a Party or State other than the one she or he resides in with the purpose of forcing this adult or child to enter into a marriage is criminalised.

[...]

Article 41 – Aiding or abetting and attempt

1. Parties shall take the necessary legislative or other measures to establish as an offence, when committed intentionally, aiding or abetting the commission of the offences established in accordance with Articles 33, 34, 35, 36, 37, 38.a and 39 of this Convention.

2. Parties shall take the necessary legislative or other measures to establish as offences, when committed intentionally, attempts to commit the offences established in accordance with Articles 35, 36, 37, 38.a and 39 of this Convention.

Article 42 – Unacceptable justifications for crimes, including crimes committed in the name of so-called “honour”

1. Parties shall take the necessary legislative or other measures to ensure that, in criminal proceedings initiated following the commission of any of the acts of violence covered by the scope of this Convention, culture, custom, religion, tradition or so-called “honour” shall not be regarded as justification for such acts. This covers, in particular, claims that the victim has transgressed cultural, religious, social or traditional norms or customs of appropriate behaviour. [...]

Article 43 – Application of criminal offences

The offences established in accordance with this Convention shall apply irrespective of the nature of the relationship between victim and perpetrator.

Article 44 – Jurisdiction

1. Parties shall take the necessary legislative or other measures to establish jurisdiction over any offence established in accordance with this Convention, when the offence is committed: a in their territory; or b on board a ship flying their flag; or c on board an aircraft registered under their laws; or d by one of their nationals; or e by a person who has her or his habitual residence in their territory.

2. Parties shall endeavour to take the necessary legislative or other measures to establish jurisdiction over any offence established in accordance with this Convention where the offence is committed against one of their nationals or a person who has her or his habitual residence in their territory.

3. For the prosecution of the offences established in accordance with Articles 36, 37, 38 and 39 of this Convention, Parties shall take the necessary legislative or other measures to ensure that their jurisdiction

is not subordinated to the condition that the acts are criminalised in the territory where they were committed.

4. For the prosecution of the offences established in accordance with Articles 36, 37, 38 and 39 of this Convention, Parties shall take the necessary legislative or other measures to ensure that their jurisdiction as regards points d and e of paragraph 1 is not subordinated to the condition that the prosecution can only be initiated following the reporting by the victim of the offence or the laying of information by the State of the place where the offence was committed.

5. Parties shall take the necessary legislative or other measures to establish jurisdiction over the offences established in accordance with this Convention, in cases where an alleged perpetrator is present on their territory and they do not extradite her or him to another Party, solely on the basis of her or his nationality.

6. When more than one Party claims jurisdiction over an alleged offence established in accordance with this Convention, the Parties involved shall, where appropriate, consult each other with a view to determining the most appropriate jurisdiction for prosecution.

7. Without prejudice to the general rules of international law, this Convention does not exclude any criminal jurisdiction exercised by a Party in accordance with its internal law.

Article 45 – Sanctions and measures

1. Parties shall take the necessary legislative or other measures to ensure that the offences established in accordance with this Convention are punishable by effective, proportionate and dissuasive sanctions, taking into account their seriousness. These sanctions shall include, where appropriate, sentences involving the deprivation of liberty which can give rise to extradition.

2. Parties may adopt other measures in relation to perpetrators, such as: – monitoring or supervision of convicted persons; – withdrawal of parental rights, if the best interests of the child, which may include the safety of the victim, cannot be guaranteed in any other way.

Article 46 – Aggravating circumstances

Parties shall take the necessary legislative or other measures to ensure that the following circumstances, insofar as they do not already form part of the constituent elements of the offence, may, in conformity with the relevant provisions of internal law, be taken into consideration as aggravating circumstances in the determination of the sentence in relation to the offences established in accordance with this Convention:

a) the offence was committed against a former or current spouse or partner as recognised by internal law, by a member of the family, a person cohabiting with the victim or a person having abused her or his authority;

b) the offence, or related offences, were committed repeatedly;

c) the offence was committed against a person made vulnerable by particular circumstances;

d) the offence was committed against or in the presence of a child;

e) the offence was committed by two or more people acting together;

f) the offence was preceded or accompanied by extreme levels of violence;

g) the offence was committed with the use or threat of a weapon;

h) the offence resulted in severe physical or psychological harm for the victim;

i) the perpetrator had previously been convicted of offences of a similar nature.

[...]

Article 48 – Prohibition of mandatory alternative dispute resolution processes or sentencing

1. Parties shall take the necessary legislative or other measures to prohibit mandatory alternative dispute resolution processes, including mediation and conciliation, in relation to all forms of violence covered by the scope of this Convention.

2. Parties shall take the necessary legislative or other measures to ensure that if the payment of a fine is ordered, due account shall be taken of the ability of the perpetrator to assume his or her financial obligations towards the victim.

Chapter VI – Investigation, prosecution, procedural law and protective measures

Article 49 – General obligations

1. Parties shall take the necessary legislative or other measures to ensure that investigations and judicial proceedings in relation to all forms of violence covered by the scope of this Convention are carried out without undue delay while taking into consideration the rights of the victim during all stages of the criminal proceedings.

2. Parties shall take the necessary legislative or other measures, in conformity with the fundamental principles of human rights and having regard to the gendered understanding of violence, to ensure the effective investigation and prosecution of offences established in accordance with this Convention.

Article 50 – Immediate response, prevention and protection

1. Parties shall take the necessary legislative or other measures to ensure that the responsible law enforcement agencies respond to all forms of violence covered by the scope of this Convention promptly and appropriately by offering adequate and immediate protection to victims.

2. Parties shall take the necessary legislative or other measures to ensure that the responsible law enforcement agencies engage promptly and appropriately in the prevention and protection against all forms of violence covered by the scope of this Convention [...]

Article 53 – Restraining or protection orders

1. Parties shall take the necessary legislative or other measures to ensure that appropriate restraining or protection orders are available to victims of all forms of violence covered by the scope of this Convention.

2. Parties shall take the necessary legislative or other measures to ensure that the restraining or protection orders referred to in paragraph 1 are:

– available for immediate protection and without undue financial or administrative burdens placed on the victim;

– issued for a specified period or until modified or discharged;

– where necessary, issued on an ex parte basis which has immediate effect; – available irrespective of, or in addition to, other legal proceedings;

– allowed to be introduced in subsequent legal proceedings.

3. Parties shall take the necessary legislative or other measures to ensure that breaches of restraining or protection orders issued pursuant to paragraph 1 shall be subject to effective, proportionate and dissuasive criminal or other legal sanctions. [...]

Article 55 – Ex parte and ex officio proceedings

1. Parties shall ensure that investigations into or prosecution of offences established in accordance with Articles 35, 36, 37, 38 and 39 of this Convention shall not be wholly dependant upon a report or complaint filed by a victim if the offence was committed in whole or in part on its territory, and that the proceedings may continue even if the victim withdraws her or his statement or complaint.

2. Parties shall take the necessary legislative or other measures to ensure, in accordance with the conditions provided for by their internal law, the possibility for governmental and nongovernmental organisations and domestic violence counsellors to assist and/or support victims, at their request, during investigations and judicial proceedings concerning the offences established in accordance with this Convention.

Article 56 – Measures of protection

1. Parties shall take the necessary legislative or other measures to protect the rights and interests of victims, including their special needs as witnesses, at all stages of investigations and judicial proceedings, in particular by:

- a) providing for their protection, as well as that of their families and witnesses, from intimidation, retaliation and repeat victimisation;
- b) ensuring that victims are informed, at least in cases where the victims and the family might be in danger, when the perpetrator escapes or is released temporarily or definitively;
- c) informing them, under the conditions provided for by internal law, of their rights and the services at their disposal and the follow-up given to their complaint, the charges, the general progress of the investigation or proceedings, and their role therein, as well as the outcome of their case;
- d) enabling victims, in a manner consistent with the procedural rules of internal law, to be heard, to supply evidence and have their views, needs and concerns presented, directly or through an intermediary, and considered;
- e) providing victims with appropriate support services so that their rights and interests are duly presented and taken into account;
- f) ensuring that measures may be adopted to protect the privacy and the image of the victim;
- g) ensuring that contact between victims and perpetrators within court and law enforcement agency premises is avoided where possible;
- h) providing victims with independent and competent interpreters when victims are parties to proceedings or when they are supplying evidence;
- i) enabling victims to testify, according to the rules provided by their internal law, in the courtroom without being present or at least without the presence of the alleged perpetrator, notably through the use of appropriate communication technologies, where available.

2. A child victim and child witness of violence against women and domestic violence shall be afforded, where appropriate, special protection measures taking into account the best interests of the child.

Article 57 – Legal aid Parties shall provide for the right to legal assistance and to free legal aid for victims under the conditions provided by their internal law.

Article 58 – Statute of limitation

Parties shall take the necessary legislative and other measures to ensure that the statute of limitation for initiating any legal proceedings with regard to the offences established in accordance with Articles 36, 37, 38 and 39 of this Convention, shall continue for a period of time that is sufficient and commensurate with the gravity of the offence in question, to allow for the efficient initiation of proceedings after the victim has reached the age of majority.

Chapter VII – Migration and asylum

Article 59 – Residence status

1. Parties shall take the necessary legislative or other measures to ensure that victims whose residence status depends on that of the spouse or partner as recognised by internal law, in the event of the dissolution of the marriage or the relationship, are granted in the event of particularly difficult circumstances, upon application, an autonomous residence permit irrespective of the duration of the marriage or the relationship. The conditions relating to the granting and duration of the autonomous residence permit are established by internal law.

[...]

4. Parties shall take the necessary legislative or other measures to ensure that victims of forced marriage brought into another country for the purpose of the marriage and who, as a result, have lost their residence status in the country where they habitually reside, may regain this status.

Article 60 – Gender-based asylum claims

1. Parties shall take the necessary legislative or other measures to ensure that gender-based violence against women may be recognised as a form of persecution within the meaning of Article 1, A (2), of the 1951 Convention relating to the Status of Refugees and as a form of serious harm giving rise to complementary/subsidiary protection.

2. Parties shall ensure that a gender-sensitive interpretation is given to each of the Convention grounds and that where it is established that the persecution feared is for one or more of these grounds, applicants shall be granted refugee status according to the applicable relevant instruments.

3. Parties shall take the necessary legislative or other measures to develop gender-sensitive reception procedures and support services for asylum-seekers as well as gender guidelines and gender-sensitive asylum procedures, including refugee status determination and application for international protection.

[...]

Chapter VIII – International co-operation

Article 62 – General principles

1. Parties shall co-operate with each other, in accordance with the provisions of this Convention [...], for the purpose of: a. preventing, combating and prosecuting all forms of violence covered by the scope of this Convention; b. protecting and providing assistance to victims; c. investigations or proceedings concerning the offences established in accordance with this Convention; d. enforcing relevant civil and criminal judgments issued by the judicial authorities of Parties, including protection orders.

2. Parties shall take the necessary legislative or other measures to ensure that victims of an offence established in accordance with this Convention and committed in the territory of a Party other than the one where they reside may make a complaint before the competent authorities of their State of residence.

[...]

Article 63 – Measures relating to persons at risk

When a Party, on the basis of the information at its disposal, has reasonable grounds to believe that a person is at immediate risk of being subjected to any of the acts of violence referred to in Articles 36, 37, 38 and 39 of this Convention on the territory of another Party, the Party that has the information is encouraged to transmit it without delay to the latter for the purpose of ensuring that appropriate protection measures are taken. [...]

[Explanatory Report to the Convention on preventing and combating violence against women and domestic violence](#)

Article 37 – Forced marriage

195. This article establishes the offence of forced marriage. While some victims of forced marriage are forced to enter into a marriage in the country in which they live (paragraph 1), many others are first taken to another country, often that of their ancestors, and are forced to marry a resident of that country (paragraph 2). For this reason, the drafters felt it important to include in this provision two types of conduct: forcing a person to enter into a marriage and luring a person abroad with the purpose of forcing this person to enter into marriage.

196. The type of conduct criminalised in paragraph 1 is that of forcing an adult or a child to enter into a marriage. The term “forcing” refers to physical and psychological force where coercion or duress is

employed. The offence is complete when a marriage is concluded to which at least one party has – due to the above circumstances - not voluntarily consented to.

197. Paragraph 2 criminalises the act of luring a person abroad with the intention of forcing this person to marry against her or his will. The marriage does not necessarily have to be concluded. The term “luring” refers to any conduct whereby the perpetrator entices the victim to travel to another country, for example by using a pretext or concocting a reason such as visiting an ailing family member. The intention must cover the act of luring a person abroad, as well as the purpose of forcing this person into a marriage abroad. The drafters felt that this act should be covered by the criminal law of the Parties so as to take into account the standards established under other legally-binding international instruments. [...]

[African Charter on Human and Peoples’ Rights, 1981](#)

Article 2

Every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, color, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status. [...]

Article 18

[...]

3. The State shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of the woman and the child as stipulated in international declarations and conventions.

[Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa \(Maputo Protocol\), 2003](#)

Art. 6

States Parties shall ensure that women and men enjoy equal rights and are regarded as equal partners in marriage. They shall enact appropriate national legislative measures to guarantee that:

(a) no marriage shall take place without the free and full consent of both parties;

(b) the minimum age of marriage for women shall be 18 years;

(c) [...]

(d) Every marriage shall be recorded in writing and registered in accordance with national laws, in order to be legally recognised; [...]

[African Charter on the Rights and Welfare of the Child, 1990](#)

Article 21

1. States Parties to the present Charter shall take all appropriate measures to eliminate harmful social and cultural practices affecting the welfare, dignity, normal growth and development of the child and in particular:

(a) Those customs and practices prejudicial to the health or life of the child; and

(b) Those customs and practices discriminatory to the child on the grounds of sex or other status.

2. Child marriage and the betrothal of girls and boys shall be prohibited and effective action, including legislation, shall be taken to specify the minimum age of marriage to be 18 years and make registration of all marriages in an official registry compulsory.

[...]

I. OBJECTIVE AND SCOPE OF THIS JOINT GENERAL COMMENT

[2] The aim of this Joint General Comment is to elaborate on the nature of State Party obligations that arise from Article 6(b) of the Maputo Protocol and Article 21(2) the African Children's Charter, both of which prohibit child marriage, this Joint General Comment describes legislative, institutional and other measures that should be taken by States Parties to give effect to the prohibition and to protect the rights of those at risk or affected by child marriage. [...]

II. UNDERLYING PRINCIPLES OF INTERPRETATION

[7] The Committee applies four general principles as the lens through which interpretation of all African Children's Charter provisions and all issues relating to the protection of the rights and welfare of the child are addressed. These are: the best interest of the child, the child's right to freedom from discrimination, the right to survival, development and protection, and children's right to participate in matters that affect them.

[...]

IV. STATE OBLIGATIONS

Legislative Measures

Ensure that the betrothal and marriage of boys and girls under the age of 18 is prohibited, without exception

[18] The binding obligations set out in Article 6(b) of the Maputo Protocol and Article 21(2) of the African Children's Charter require States Parties to take legislative measures to prohibit child marriage and to specify that the minimum age of marriage shall be 18 years. States Parties should enact, amend, repeal or supplement legislation as appropriate to ensure that the betrothal and marriage of children under the age of 18 years is prohibited. This prohibition should be without exception and should apply to all forms of marriage. Legislative measures should also ensure that practices of abduction and kidnapping for purposes of marriage are prohibited.

[19] Legislative measures that prohibit child marriage must take precedence over customary, religious, traditional or sub-national laws and States Parties with plural legal systems must take care to ensure that prohibition is not rendered ineffectual by the existence of customary, religious or traditional laws that allow, condone or support child marriage.

[20] The Commission and Committee encourage States Parties to engage with children, young people, communities, traditional leaders and other stakeholders in the development of laws prohibiting child marriage. [...]

Ensure personal, full and free consent to marry

[21] Legislation must require that both parties to a marriage give full and free consent. Persons below the age of 18 are not able to give full and free consent to a marriage or similar union.

[22] The requirement of full and free consent must extend to all forms of marriage. Although parental consent may be required in certain instances, the personal, full and free consent of both parties to a marriage cannot be replaced by the consent of a parent, legal guardian or any other person.

[23] Marriage officers must verify the fact of consent. The absence of personal, full and free consent should be clearly established as a legal ground for the annulment of a presumed marriage.

Undertake constitutional reforms

[24] It is highly desirable that where constitutional reforms are undertaken, non derogable clauses that entrench equality within marriage and specify a constitutional minimum age of 18 years for marriage are contemplated. Limitations, exceptions and derogations from these clauses, whether based on tradition, religion or any other ground, should not be permissible.

B. Institutional Measures

[25] Full and effective compliance with the prohibition against child marriage requires that States Parties undertake institutional measures to ensure implementation of laws and policies alongside robust due diligence and accountability mechanisms to prevent child marriage. The following institutional measures are recommended as mechanisms which will help States Parties to identify and prevent child marriages, protect children from the risk of child marriage and reduce the impacts of child marriage, including for those already married.

Implement verification procedures: birth registration, age verification and marriage registration

[26] Birth registration is an essential component of the effort to end child marriage, as birth certificates produced on marriage are the most effective means to ensure that children under the age of 18 do not enter into marriage. Birth registration should be compulsory, accessible and free. Marriage officers should be responsible for verifying that both parties to a marriage meet the minimum age requirement of 18 years of age and birth certificates should constitute the preferred means for verification. In the absence of official documentation, marriage officers may rely on objective evidence, such as school or hospital records, to substantiate a child's date of birth or determine a party's approximate age. Marriage officers may also rely on community knowledge and interviews but wherever possible, this must be substantiated by objective, documentary evidence and verification procedures should not rely solely on the statements of parents or legal guardians. In the event of a dispute or inconclusive evidence as to a person's age, the presumption should be that the person is under the age of 18.

[27] States Parties must accord priority to the establishment and improvement of official systems of registration, including in particular their Civil Registration and Vital Statistics (CRVS) systems to ensure universal coverage within their borders.[...]

[28] States Parties are obligated to make the registration of all marriages in an official registry compulsory. Compliance with this obligation requires the official registration of all forms of union, whether civil, customary or religious. Compliance also requires that marriage registration systems are accessible and cost effective for the parties to a marriage.

Ensure full enforcement of laws, penalties and sanctions

[29] To enforce the prohibition against child marriage, penalties and sanctions should be imposed where marriages are performed without the necessary checks to ensure that the age and consent requirements are met. However, penalties and sanctions should not be imposed on children involved in a child marriage and where penalties or sanctions are imposed, States Parties must be careful to avoid any risk of retaliation against a child. Typically, sanction for non-compliance with marriage requirements will be imposed on marriage officers and they may also be imposed on persons who, although not authorised to perform a marriage, nevertheless purport to do so. [...]

[30] In all instances where a penalty or sanction is imposed in the context of a child marriage, the emphasis should be on prevention and deterrence. In addition, States Parties shall ensure that in enforcing laws and/or imposing penalties and sanctions, whistle blowers who report or disclose child marriage or the suspicion or possibility of a child marriage are fully protected. [...]

Institutional measures around education

[31] The retention of children in school is essential to preventing child marriage and mitigating its effects. States Parties must put in place measures to retain all children but especially girls in school and to raise awareness about the importance of their education.[...]

Institutional measures to ensure access to and uptake of health services

[34] In line with the African Children's Charter and the Maputo Protocol, girls have the right to enjoy their best attainable state of physical and mental health and must be afforded access to a comprehensive range of sexual and reproductive health rights. Child marriage deprives children the full complement of their right to health and increases their risk of exposure to sexually transmitted infections [...]

[35] States Parties are under an obligation to ensure access to comprehensive sexual and reproductive health services.[...]

Institutional measures to promote access to justice

[39] Systematic inadequacies in the administration of justice, such as lack of infrastructure, resources, adequate laws, well-trained personnel and corruption violate States Parties obligations to ensure access to justice and impacts on the obligation of States Parties to protect girls from child marriage. Ensuring access to justice may require States Parties to conduct awareness raising activities about laws on child marriage and how people can enforce them. Toll free helplines are encouraged as an effective means of facilitating access to justice for vulnerable and remote groups. Where needed, free legal aid should be provided.

[40] States Parties should further consider establishing specialised women's and children's police units, programmes aimed at training prosecutors, magistrates and judges in gender and age sensitive approaches and interventions for supporting Civil Society Organisations, national human rights institutions and statutory bodies to ensure access to effective assistance in justice processes.

[41] States Parties must provide for appropriate remedies where rights or freedoms have been violated. [...] In the context of child marriage, relief might include an injunction to prevent a child marriage, a declaration noting the invalidity of a child marriage, an order requiring that services be provided to a victim or compensation. Secondly, laws should give adjudicative authorities discretion to impose remedial remedies are determined by a competent judicial, administrative or legislative authority or by any other competent authority as provided for by law.

Institutional measures to provide redress and support for those already married

[42] In addition to measures aimed at preventing child marriage, States Parties should also provide support to girls and boys already married. Children who have already been affected by child marriages should: (i) be provided with comprehensive social protection and health services, (ii) appraised of their legal rights and options for redress, (iii) assisted to continue with their education, (iv) encouraged to seek advice and assistance for the violation of any other rights, especially in circumstances of domestic violence, and (v) supported in fulfilling their parenting roles in respect of children born of the union.

Capacity building and training

[43] States Parties should conduct training and capacity building workshops for relevant government officials, particularly officials dealing with marriage and birth registration, to raise awareness about the prohibition against child marriage, the legal rights of children and women and the right to be protected from child marriage. Further stakeholders to be targeted include teachers, health providers, judicial officers, the police, religious, community and traditional leaders, national human rights institutions, bodies with a human rights mandate and Civil Society Organisations providing legal, health, psychosocial or other services to the victims of child marriage.

Data Collection

[44] States Parties should establish credible and effective data collection mechanisms to determine which efforts need to be intensified to combat child marriage and in which areas.[...]

Resource allocation and budgeting

[45] To meet their obligations as outlined in this Joint General 23 Comment, States Parties should allocate sufficient budgetary and other resources towards ending child marriage. [...]

C. Other measures

Take measures to address the root causes of child marriage, including:

Poverty

[46] The requirement that States Parties take all necessary measures to address poverty is well established and will contribute to ending child marriage. [...]

All forms of harmful practices

[48] State Parties must prohibit and condemn all forms of harmful practices that perpetuate child marriage or negatively affect the human rights of women.[...]

Therefore, all forms of harmful practices, and particularly those that are interconnected with child marriage, should be condemned and prohibited by States Parties. These include but are not limited to abduction and kidnapping for purposes of marriage, female genital mutilation, virginity testing, breast ironing, forced feeding, forced marriages of persons over the age of 18 years and tourist marriages. In the context of child marriage, the payment of dowry increases girls' vulnerability and compromises the ability to give free consent.[...]

Gender inequality and discrimination

[50] Attitudes and beliefs that perpetuate the subordination of women and girls contribute to the prevalence and impact of child marriage. States Parties have a duty to eliminate discrimination against women in all its forms and whether in law or in fact. This obligation requires that States Parties take measures to eradicate systemic gender inequality and integrate a gender perspective across all policies, plans and programmes. States Parties should also take corrective actions to address discrimination and should commit to modifying social and cultural patterns in diverse ways. [...]

Develop and implement national action plans and early warning programmes

[51] States Parties should develop and implement national strategies and comprehensive action plans to combat child marriage. National action plans should be well resourced, coordinated at the highest levels of government and fully inclusive of Civil Society, women, children, all relevant state departments, the public, human rights organisations and other international bodies and donors. A multi-sectoral approach should be applied to the design, drafting and implementation of plans. [...]

Promote the role of men and traditional and religious leaders [...]

Develop and implement special measures to prevent child marriage among children at higher risk

[54] [...] In particular, States Parties should design measures to protect children affected by conflict, children with disabilities, children in child headed households and children affected by homelessness or internal displacement [...]

Reparation to victims

[59] States Parties are obliged to provide adequate, effective and comprehensive reparation to the victims of child marriage. Where acts and omissions are attributable to the State, States Parties should provide reparation that includes compensation, satisfaction and guarantees of non-repetition [...] However, States Parties are obliged to provide all victims of child marriage reparation in at least the forms of restitution and rehabilitation. Measures of restitution should be aimed at returning victims to the position they were in before and may include restoration of status or citizenship and rights to land or property.[...]

Awareness and public information campaigns

[61] To ensure full and effective prohibition of child marriage, States Parties should develop public awareness and information campaigns that reach all areas of the territory and all sectors of society.[...]

V. DISSEMINATION, MONITORING AND REPORTING ON COMPLIANCE WITH RECOMMENDATIONS IN THE JOINT GENERAL COMMENT

[63] This Joint General Comment suggests a series of measures for implementing the prohibition of child marriage. [...] Alongside legislative reforms, implementing the prohibition on child marriage requires that States Parties undertake institutional measures, ensure the enforcement of criminal provisions and effective awareness raising plans and mechanisms. [...]

[Arab Charter on Human Rights, 2008](#)

Art. 33

1. The family is the natural and fundamental group unit of society; it is based on marriage between a man and a woman. Men and women of marrying age have the right to marry and to found a family according to the rules and conditions of marriage. No marriage can take place without the full and free consent of both parties.

2. The State and society shall ensure the protection of the family, the strengthening of family ties, the protection of its members and the prohibition of all forms of violence or abuse in the relations among its members, and particularly against women and children. [...]

[Southern African Development Community \(SADC\) Protocol on Gender and Development, 2008](#)

ARTICLE 8

MARRIAGE AND FAMILY RIGHTS

1. States Parties shall enact and adopt appropriate legislative, administrative and other measures to ensure that women and men enjoy equal rights in marriage and are regarded as equal partners in marriage.

2. Legislation on marriage shall ensure that:

- a. no person under the age of 18 shall marry unless otherwise specified by law which takes into account the best interests and welfare of the child;
- b. every marriage takes place with the free and full consent of both parties;
- c. every marriage, including civil, religious, traditional or customary, is registered in accordance with national laws; and
- d. during the subsistence of their marriage the parties shall have reciprocal rights and duties towards their children with the best interests of the children always being paramount.

[South Asian Association of Regional Cooperation \(SAARC\) Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia, 2002](#)

ARTICLE IV

REGIONAL PRIORITIES

[...]

3. States Parties shall ensure that appropriate legal and administrative mechanisms and social safety nets and defenses are always in place to:

a) Ensure that their national laws protect the child from any form of discrimination, abuse, neglect, exploitation, torture or degrading treatment, trafficking and violence. [...]

d) States Parties shall make civil registration of births, marriages and deaths, in an official registry, compulsory in order to facilitate the effective enforcement of national laws, including the minimum age for employment and marriage.

[SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, 2002](#)

ARTICLE I

DEFINITIONS

For the purpose of this Convention:

- 1) "Child" means a person who has not attained the age of 18 years;
- 2) "Prostitution" means the sexual exploitation or abuse of persons for commercial purposes;
- 3) "Trafficking" means the moving, selling or buying of women and children for prostitution within and outside a country for monetary or other considerations with or without the consent of the person subjected to trafficking;

- 4) "Traffickers" means persons, agencies or institutions engaged in any form of trafficking;
- 5) "Persons subjected to trafficking" means women and children victimised or forced into prostitution by the traffickers by deception, threat, coercion, kidnapping, sale, **fraudulent marriage, child marriage, or any other unlawful means**; [...]

ARTICLE III OFFENCES

The State Parties to the Convention shall take effective measures to ensure that trafficking in any form is an offence under their respective criminal law and shall make such an offence punishable by appropriate penalties which take into account its grave nature. [...]

ARTICLE IV AGGRAVATING CIRCUMSTANCES

1. The State Parties to the Convention shall ensure that their courts having jurisdiction over the offences committed under this Convention, can take into account factual circumstances which make the commission of such offences particularly grave, viz. [...]

e) the victimisation or trafficking of children; [...]

REGIONAL CONSENSUS AND POLICY INSTRUMENTS

[European Parliament, Committee on Women's Rights and Gender Equality: Opinion \(2018\)](#)

OPINION of the Committee on Women's Rights and Gender Equality for the Committee on Foreign Affairs Towards an EU external strategy against early and forced marriages – next steps 2017/2275(INI)

SUGGESTIONS

The Committee on Women's Rights and Gender Equality calls on the Committee on Foreign Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution: [...]

1. Condemns child, early and forced marriage and other harmful coercive practices imposed on women and girls, including teenage girls and girl children in Europe and the rest of the world, since practices of this kind constitute a serious violation of human rights and, specifically, the abuse of a minor where the victim is under 18 years of age;
2. Stresses that child, early, and forced marriages are a gross affront to the right to free consent;
3. Recognises that child marriages and forced marriage have also become a real problem within the EU, requiring common, decisive and coordinated action by all Member States;
4. Calls on the Member States to actively refuse to recognise forced marriages and provide full family-independent support to victims;
5. Notes that many parents living in distress and extreme poverty in refugee camps feel the need to protect their daughters from the threat of sexual violence by marrying them to older men; stresses however that the EU and its Member States should be united and consistent in their dismissal of the requests of refugees for legal recognition of marriages where one of the alleged spouses is a child or teenager; underlines that refugee status cannot be used as a legal backdoor to recognition of child marriages in Europe;
6. Recommends that a holistic and comprehensive approach be taken to child, early and forced marriages, which means addressing the root causes of child marriage, including gender inequality, poverty and lack of social and economic opportunities; stresses, while underlining the importance of education as a powerful tool for the prevention of child, early and forced marriages, that gender mainstreaming should be extended beyond traditional sectors such as education and health and reach out into all other policy areas;
7. Calls for the EU to play a major role in combating this human rights violation at national, European and international level and calls on the European External Action Service (EEAS) and the Commission to make use of all the existing instruments available while putting forward a specific strategy with a view to

determining what steps need to be taken to combat early, forced and child marriage and other practices harmful to girls and women, such as female genital mutilation, so-called honour crimes, sex slavery and trafficking, and determining the objectives which should be set and funding earmarked expressly for that purpose in order to achieve the overall aim of eradicating the above forms of marriage by 2030, in line with the UN Sustainable Development Goals (target 5.3); calls, therefore, on the Commission and the EEAS to include in the strategy the need to address gender stereotypes and discriminatory social norms which contribute to the acceptance and continuation of the above-listed harmful practices;

8. Recalls that ending child, early and forced marriage is included as one of the priorities for the EU's external action in the field of promoting women's rights and human rights;

9. Calls on the Commission and the EEAS to draw up an action plan to help combat child, early and forced marriage in the context of the EU's relations with partner and non-member countries, in particular in the area of development, and to pay special attention to respect for women's and girls' rights in all trade and partnership agreements, not least by making use of the 'human rights clause'; calls on the Commission and the EEAS to prioritise these issues in the political dialogue with partner countries and establish concrete measures in collaboration with all key actors to eliminate harmful practices; calls, furthermore, on the Member States to encourage efforts to combat child, early and forced marriages in their relations with third countries;

10. Welcomes the launching of the joint EU-UN global gender initiative – the 'Spotlight Initiative' – to address sexual and gender-based violence and harmful practices such as early forced marriage, female genital mutilation (FGM) or human trafficking; notes, however, that the Spotlight Initiative mainly addresses elements of the agenda which are already a shared concern globally; underlines therefore the need to advance gender equality in a more comprehensive way, through an adequate mix of programmes and modalities; calls on the Commission to use the midterm review of its international cooperation programmes to increase funding for the Gender Resource Package in order to streamline gender into bilateral cooperation and through thematic programmes;

11. Calls for the EU and the Member States to work together with UN Women, UNICEF, UNFPA and other partners, including civil society organisations (CSOs), diaspora and migrant associations to draw attention to the issue of child, early and forced marriage by focusing on women's empowerment, including through education, economic empowerment and enhanced participation in decision-making, as well as on the protection and promotion of the human rights of all women and girls, including sexual and reproductive health;

12. Points to the need to make European funding for external action dependent on effective implementation of measures to eradicate early and forced marriage;

13. Encourages the Commission and the Member States to integrate a gender perspective into peacebuilding and post-conflict reconstruction programmes, to develop economic livelihood and education programmes for girls and women who are the victims of early and forced marriages, and to facilitate their access to health and reproductive services in conflict-affected areas;

14. Stresses the need to allocate funding to child marriage prevention programmes that aim to create a social environment in which girls can achieve their full potential, including by means of education, social and economic programmes for out-of-school girls, child protection schemes, shelters, legal counselling and psychological support; calls on the Commission and the Member States to ensure that sufficient resources are allocated to these kinds of programmes and activities in their external actions; calls, furthermore, on the Commission to carry out a systematic evaluation of the effectiveness of its existing programmes and use of available funding for the prevention of early marriage in order to ensure that the programmes are implemented in the regions and countries where child marriages are most prevalent; encourages the EU delegations to fulfil the EU's commitment on the Gender Action Plan 2016-2020 to closely monitor the situation and develop relevant programmes in support of local legislative actions;

15. Stresses the need to develop empowerment programmes for girls and young women as a key

strategy for the prevention and discouragement of early marriage, improving both their self-esteem and their awareness of their rights, including the legal right to refuse marriage;

16. Stresses that ending child, early and forced marriages would in turn have a large positive impact on the educational attainment of girls and their children, would contribute to women having fewer children and could increase their expected earnings and household welfare;

17. Points out that community contacts at local level are essential in helping to overcome traditional and discriminatory attitudes regarding education for girls, thereby improving women's employment prospects for the purposes of ensuring their own livelihoods and those of their families;

18. Encourages the development of information programmes involving all community leaders, educating them with regard to the harmful effects of traditions such as early marriage, so that they can subsequently play an active role in raising awareness within their communities;

19. Stresses the urgent need to inform and educate men and boys, winning their support for measures to uphold human rights, including the rights of children and women;

20. Calls on the Commission and the Member States to take integrated, comprehensive and coordinated measures to prevent and combat all forms of violence against women and girls, including child, early, and forced marriage, in particular through facilitating victims' access to justice and enhancing child protection mechanisms, while providing better support, and further and improved access to funding, for those non-governmental organisations working for the elimination of these practices;

21. Calls on all Member States to fully implement the laws prohibiting child, early and forced marriage by ensuring access to justice, including remedies, and by establishing structures and programmes to support, assist and protect the victims of child, early and forced marriages, including safe reception centres and the assistance of qualified female staff such as midwives, gynaecologists, psychologists and social workers; calls, in this connection, on the Commission and the Member States to ensure the effective implementation of the EU Victims' Directive, in particular by improving access for victims of violence against women to general and specialised victim support and by putting in place effective reporting mechanisms respecting the anonymity and confidentiality of victims in order to encourage victims of forced marriage to report the offence free from the fear of further stigmatisation;

22. Calls for the EU and the Member States to guarantee facilities and training for health workers to enable them to provide confidential and non-judgmental youth-friendly services, information and resources that fulfil the WHO standards of equitability, accessibility, acceptability, appropriateness and effectiveness;

23. Encourages the Commission and the Member States to launch awareness-raising campaigns on the phenomenon, its consequences and available legal remedies throughout the EU, including in refugee camps and in the candidate countries;

24. Welcomes the introduction, as part of the Schengen Information System, of a new alert which can be used to protect children at risk of forced marriage;

25. Points out that Article 37 of the Council of Europe's Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) stipulates that the States Parties must criminalise 'the intentional conduct of forcing an adult or a child to enter into a marriage'; deplors, therefore, the fact that only 12 Member States of the EU have criminalised forced marriage and recalls that, in line with the requirements of this convention, victims who are brought into another country where they lose their right to reside in the EU as a result of the forced marriage should be granted effective recourse to regain their residence status; calls on the Member States which have not yet ratified the Istanbul Convention to do so without delay;

26. Calls on the Member States to guarantee migrant women and girls an autonomous residence permit which is not dependent on the status of their spouse or partner, in particular for victims of physical and psychological violence, including forced or arranged marriages, and to guarantee that all administrative measures are taken to protect them, including effective access to assistance and protection

mechanisms;

27. Calls on the Commission and the Member States to adopt measures which discourage parents – be they EU citizens or not – from offering their under-age daughters as brides, both through trips to their respective countries of origin and – worse still – within the borders of the EU itself, and where necessary to punish those parents;

28. Acknowledges that most of the countries around the world have laws that set a minimum age of marriage, stresses, however, that many countries provide for exceptions to the minimum age requirement for marriage, mostly subject to parental consent or authorisation of the court, and that these should be addressed by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy; calls on those Member States and invites those non-EU countries that have not yet done so to criminalise forced and early marriages, inter alia by revising the minimum legal age, irrespective of parental approval, requiring the full consent of both spouses and penalising those who coerce another person into marriage;

29. Proposes the express inclusion of forced marriage as a form of trafficking in human beings in Article 2 of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, and to develop a shared policy and common definition of forced marriage which should be used consistently at national and European level in policies and civil and criminal law provisions on forced marriage;

30. Calls on the Commission and the Member States to monitor the cases of child, early and forced marriages within the EU and to consider establishing unified legal standards with regard to the procedure for dealing with cases of child and early marriages;

31. Encourages the consideration of mandatory birth registration in the countries where early, child and forced marriage is prevalent as the lack of registration can lead to a higher risk of child and early marriage;

32. Calls on the Commission to set up a European database to monitor and report forced marriage and other forms of gender-based human rights violations, including sexual exploitation;

33. Calls on the Commission and the Member States to set up a consistent data collection system on child, early and forced marriages, including sex-disaggregated data, as robust and reliable data are essential to evidence-based policy making and better targeted interventions;

34. Calls on the Commission and the Member States to draw up specific studies based on the data collected, in order to have a clear picture of the phenomenon at EU level, with specific information relating to each Member State;

35. Emphasises the negative influence of humanitarian crises, conflicts and natural disasters on the proliferation of forced, child and early marriages; stresses, therefore, the need to combine development and humanitarian efforts;

36. Emphasises the need to promote and safeguard the fundamental rights of all women and girls, in particular the right to express their sexuality and to take decisions relating to their sexuality freely and responsibly, in particular as regards their sexual and reproductive health, without facing constraints, discrimination or violence;

37. Emphasises that universal respect for and access to sexual and reproductive health and rights (SRHR) contributes to the achievement of all the health-related sustainable development goals, such as prenatal care and measures to avoid high-risk births and reduce infant and child mortality; points out that access to family planning, maternal health services and safe and legal abortion services are important elements in saving women's and girls' lives; is concerned that no EU delegations in the Middle East and North Africa and the Europe and Central Asia regions chose any SRHR-related indicator despite the significant SRHR needs in these regions; calls on EU delegations in these regions to re-evaluate these worrying figures in order to determine whether they may be linked to misreporting or whether there is a need to complement current programmes with targeted actions on SRHR;

38. Stresses that, while focusing on the prevention of early marriage, the EU, Member States and third countries should also support young women who are already married, helping them to become aware of their sexual and reproductive rights and their right to contraception, for example;

39. Condemns the reinstatement and expansion of the Global Gag Rule and its impact on women's and girls' health; recalls that populations in vulnerable situations, including those that are normally unable to access services 'due to stigma, poverty, location, violence, or HIV status' are hardest hit;

40. Reiterates its call for the EU and its Member States to proactively support women's and girls' rights worldwide and to significantly increase both national and EU development funding for sexual and reproductive health and rights, in particular for access to birth control and safe and legal abortion, with a view to reducing the financing gap left by the United States in this area;

41. Strongly supports the She Decides initiative and calls for the EU and the Member States to step up their support for this initiative and other efforts on SRHR;

42. Believes that increasing the number of women in political and economic decision-making positions can help to ensure that the necessary legislation is put in place and that there is increased support for institutions and civil society organisations working to prevent early and forced marriage. [...]

[Council of Europe: Parliamentary Assembly Resolution 2233 \(2018\)](#)

Forced Marriage in Europe

1. Every day throughout the world, 39 000 young girls are married before reaching the age of majority. More than one third of them are younger than 15. Forced marriages between adults are also frequent. All countries in Europe are affected by these harmful practices, whether in the form of forced marriages concluded in Europe, forced marriages of European nationals or residents concluded elsewhere, or persons forced to marry before arriving in Europe. These human rights violations affect above all women and girls, but they also affect men and boys.

2. Many ruined lives, much wasted potential and serious health risks lie behind these figures. For young girls, marrying often means dropping out of school, separation from their families, transitioning too quickly from childhood to adult life, domestic slavery, unprotected and forced sexual relations and unwanted pregnancies that endanger their health. Forced marriages during adulthood deprive women of the possibility of determining all matters relating to their life choices, their sexuality and sexual and reproductive health freely and without coercion, discrimination or violation of their rights. For women and girls, forced marriage is often synonymous with violence and repeated sexual assault and rape.

3. The Assembly condemned these practices in its [Resolution 1468 \(2005\)](#) on forced marriages and child marriages, in which it defined forced marriage as the union of two persons, at least one of whom has not given their full and free consent to the marriage, and child marriage as the union of two persons, at least one of whom is under 18 years of age. These definitions remain valid today, with child marriage being one form of forced marriage, as a child cannot be considered to have expressed full, free and informed consent to a marriage. A marriage in which at least one of the parties is not free to put an end to the marriage or to leave his or her spouse is also a forced marriage.

4. Forced marriage is not simply a question of being forced to accept a spouse but involves a series of human rights violations, including violations of children's rights and violent acts against women. It violates an entire series of other rights, including their rights to physical integrity, physical and mental health, sexual and reproductive health, education, private life, freedom and autonomy.

5. International standards to prevent and combat forced marriages have existed for a long time. The more recent Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, "Istanbul Convention") moreover defines forced marriage as a form of

violence and calls on States Parties to criminalise such marriages. However, the measures put in place thus far have proved inadequate to stem this harmful practice within our member States.

6. The Assembly considers it essential for member States to step up their efforts to prevent and combat forced marriages and put an end to the violence and violation of rights that they entail. These efforts must include all those concerned, such as the communities in which forced marriages are practised, grassroots organisations, social and education services, the police, the justice system and health-care professionals. Awareness-raising and education campaigns must involve both women and men in the communities concerned and sever the link between these harmful practices and gender stereotypes, and culture and traditions, including the concept of so-called “honour”, which help ensure that they continue.

7. In the light of the above, the Assembly calls on member States of the Council of Europe to:

7.1. include the fight against forced marriages in their national policies and practices to prevent and combat violence against women and girls, and set up a specific body within their administrative authorities dedicated to the fight against forced marriages;

7.2. run public awareness-raising and information campaigns to combat forced marriages and support the initiatives of non-governmental organisations in this field;

7.3. develop and strengthen the structures put in place to assist victims and those at risk of forced marriage, including telephone helplines for urgent calls and accommodation and shelters for women and girls who have had to leave their homes;

7.4. enhance the empowerment of women and girls, in particular by guaranteeing their access to education and to the labour market;

7.5. with regard to domestic law:

7.5.1. criminalise, as a specific offence, intentional conduct forcing an adult or a child to enter into a marriage, as well as luring an adult or a child abroad for the purpose of forcing him or her to enter into a marriage, and provide for effective sanctions against the perpetrators and those who aid, abet, or attempt to commit such offences;

7.5.2. prohibit, without exception, child marriage and abolish differences between girls and boys in terms of the minimum age for marriage;

7.5.3. put in place mechanisms to verify, prior to the marriage, that there is true consent on the part of both spouses, bearing in mind that each party must be free to refuse to go ahead with the marriage without suffering any negative consequences;

7.5.4. adopt civil law measures against forced marriage, such as restraining or protection orders, within the meaning of the Istanbul Convention, together, where appropriate, with a ban on leaving the country, in order to prevent forced marriages when cases involving persons at risk are reported;

7.5.5. ensure that births and marriages are registered and that anyone forced to conclude an unregistered marriage and any children resulting from that marriage are given the same level of protection as if the marriage had been registered;

7.5.6. take measures to ensure that forced marriages may be voidable, annulled or dissolved without placing an undue financial or administrative burden on the victim;

7.6. in order to ensure the effective application of criminal and civil law provisions to prevent and punish forced marriage, improve the conditions for enabling the reporting of cases of forced marriage and guarantee the protection of victims, whistle-blowers and other witnesses as long as required to ensure their safety;

7.7. with regard to their commitments under international law:

7.7.1. sign and/or ratify and fully implement the relevant Council of Europe instruments, in particular the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence;

7.7.2. sign and/or ratify the United Nations Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, and the Amendment and Optional Protocol to the United Nations Convention on the Elimination of All Forms of Discrimination against Women;

7.8. recognise forced marriage as a ground for international protection;

7.9. refrain from recognising forced marriages contracted abroad but, where it would be in the victim's best interests, recognise the effects of the marriage insofar as this would enable the victim to secure rights which they could not otherwise claim;

7.10. collect accurate and comparable data on forced marriages, broken down by sex and age, and carry out detailed studies on the causes and frequency of these practices and on the associated risk factors;

7.11. in order to guarantee the protection of victims and persons at risk from the very moment when their situation is reported, provide detailed training for professionals working in the social and education services, the police and the justice system and health-care professionals;

7.12. establish effective co-ordination mechanisms and mechanisms for monitoring victims and those at risk, and promote exchanges of good practices, referring in particular in this connection to the Guide to good and promising practices aimed at preventing and combating female genital mutilation and forced marriage, drawn up by the Steering Committee for Human Rights.

8. The Assembly encourages national parliaments to support action to prevent forced marriage at national level and through their international co-operation activities.

9. The Assembly welcomes and supports the Sustainable Development Goals adopted by the United Nations, which include the elimination of forced marriage by 2030, and encourages all Council of Europe member States to make an active contribution to the implementation of those goals.

10. Finally, the Assembly acknowledges that forced marriages are linked to other harmful practices, such as female genital mutilation, the subject of its [Resolution 2135 \(2016\)](#), and so-called "honour crimes", the subject of its [Resolution 1681 \(2009\)](#) and its [Recommendation 1881 \(2009\)](#), which the member States of the Council of Europe must also combat firmly and resolutely.

[Council of Europe: Parliamentary Assembly Resolution 1468 \(2005\)](#)

Forced marriages and child marriages

1. The Parliamentary Assembly is deeply concerned about the serious and recurrent violations of human rights and the rights of the child which are constituted by forced marriages and child marriages.

2. The Assembly observes that the problem arises chiefly in migrant communities and primarily affects young women and girls.

3. It is outraged by the fact that, under the cloak of respect for the culture and traditions of migrant communities, there are authorities which tolerate forced marriages and child marriages although they violate the fundamental rights of each and every victim.

4. The Assembly defines forced marriage as the union of two persons at least one of whom has not given their full and free consent to the marriage.

5. Since it infringes the fundamental human rights of the individual, forced marriage can in no way be justified.

6. The Assembly stresses the relevance of United Nations General Assembly [Resolution 843 \(IX\)](#) of 17 December 1954 declaring certain customs, ancient laws and practices relating to marriage and the family to be inconsistent with the principles set forth in the Charter of the United Nations and in the Universal Declaration of Human Rights.

7. The Assembly defines child marriage as the union of two persons at least one of whom is under 18 years of age.

8. The Assembly deplores the drastic effects of marriage on married children. Child marriage in itself infringes their rights as children. It is prejudicial to their physical and psychological welfare. Often an obstacle to school attendance, child marriages may be prejudicial to children's access to education and their intellectual and social development, in that they restrict their horizon to the family circle.

9. The Assembly is appalled to find that some national legislation permits the marriage of minors, sometimes in a discriminatory fashion with gender-based differences in minimum ages.

10. Such marriages should, in fact, no longer take place in our societies, which uphold human rights and the rights of the child. In that respect, the Assembly concurs with the considerations set out in the 1962 United Nations Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages which reaffirms "that all States, including those which have or assume responsibility for the administration of Non-Self-Governing and Trust Territories until their achievement of independence, should take all appropriate measures with a view to abolishing such customs, ancient laws and practices by ensuring, inter alia, complete freedom in the choice of a spouse, eliminating completely child marriages and the betrothal of young girls before the age of puberty, establishing appropriate penalties where necessary and establishing a civil or other register in which all marriages will be recorded".

11. The right to marry is recognised in Article 12 of the European Convention on Human Rights. The Assembly nevertheless recalls the further provision in this article for the exercise of this right to be governed by national laws.

12. It therefore stresses the need to take the requisite legislative measures to prohibit child marriage by making 18 years the minimum marriageable age. Thus, persons not having reached this age would not be able to lawfully contract marriage.

13. The Assembly therefore recommends that Council of Europe member states take the following legal measures regulating the right to marry :

13.1. ratify the 1962 Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, if they have not yet done so ;

13.2. ratify the 1979 Convention on the Elimination of All Forms of Discrimination against Women and the amendment and protocol thereto, if they have not yet done so ;

13.3. ensure their compliance with Council of Europe Committee of Ministers' Recommendation Rec(2002)5 on the protection of women against violence.

14. The Assembly urges the national parliaments of the Council of Europe member states to :

14.1. renegotiate, discard or denounce any sections of international agreements and rules of international private law contrary to the fundamental principles of human rights, particularly as regards personal status ;

14.2. adapt their domestic legislation, if appropriate, so as to :

14.2.1. fix at or raise to 18 years the minimum statutory age of marriage for women and men ;

14.2.2. make it compulsory for every marriage to be declared and entered by the competent authority in an official register ;

14.2.3. institute an interview between the registrar and the bride and groom prior to the celebration of the marriage and allow a registrar who has doubts about the free and full consent of either or both parties to summon either or both of them separately to another meeting ;

14.2.4. refrain from recognising forced marriages and child marriages contracted abroad except where recognition would be in the victims' best interests with regard to the effects of the marriage, particularly for the purpose of securing rights which they could not claim otherwise ;

14.2.5. facilitate the annulment of forced marriages and possibly automatically annul such marriages

14.2.6. lay down a maximum period of one year, in so far as practicable, to investigate and rule on an application for annulment of a forced marriage or a child marriage ;

14.3. regard coercive sexual relations victims are subjected to within forced marriages and child marriages as rape ;

14.4. consider the possibility of dealing with acts of forced marriage as an independent criminal offence, including aiding and abetting the contracting of such a marriage.

[African Committee of Experts on the Rights and Welfare of the Child \(ACERWC\): Addis Ababa Declaration on Ending Child Marriage in Africa, 2014](#)

We, the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) [...]

Recognising article 21(2) of the Charter;

Child Marriage and the betrothal of girls and boys shall be prohibited and effective action ,including legislation, shall be taken to specify the minimum age of marriage to be 18 years and make registration of all marriages in an official registry compulsory.

Welcoming the initiative of the Chairperson of the African Union Commission on the Campaign to End Child Marriage; Understanding that child marriage refers to any marriage where at least one of the parties is below 18 years of age [...]

Hereby call upon:

The African Union Commission to:

- Endorse this Declaration on ending child marriage
- Provide the necessary budgetary and technical support to enable the ACERWC to advocate for the integration of the Declaration into existing national plans of action; and undertake a periodic review of the progress made in its implementation at national level;
- Take child marriage as a policy priority and support policy action in addressing the rights of children and promote common standards on children rights by promoting adoption and implementation of the legal instruments at regional and national level
- Promote the monitoring and evaluation of progress made by Member States in implementing laws and policies on child marriage as a strategy to ensure accountability.
- Facilitate awareness raising on child marriage by engaging with the civil society organizations , grass-roots organizations, traditional and religious leaders and the private sector ,including the media

The African Committee of Experts on the Rights and Welfare of the Child (ACERWC) to:

- Underscore the importance of addressing and eliminating child marriage during the consideration of State Party Reports
- Urge Member States to combat child marriage through setting the minimum age for marriage at 18 years for both girls and boys without exception, including establishing an effective mechanism for registration of birth, marriage and termination of marriage;
- Encourage Member States, CSOs and other relevant actors to build the evidence base on child marriage, including documentation of good practices on child protection and the production of disaggregated data on child marriage;
- Promote access to sexual and reproductive health rights and justice including the provision of comprehensive sexuality education in schools for both boys and girls; [...]

Members of the African Union to:

- Ratify the ACRWC and all the relevant international child rights instruments and fully harmonise their laws and policies with the international and regional child rights standards on child marriage; and for Member States who have placed reservations to remove them
- Put in place mechanisms to operationalize existing legislation relating to child marriage and the rights of children in general including development of national action plans and provision of legal aid for enforcement of the rights of children to be free from child marriage;
- Develop and implement transformative social policies which include communities, traditional and religious leaders as central stakeholders, and which recognize children and child-led initiatives as key players in mitigating child marriage;
- Pay particular attention to girls at higher risks of child marriage such as girls from indigenous and marginalised communities, refugee children and displaced children, among others;
- Ensure that child marriage is tackled in a holistic, multi-sectoral manner, with a balance between preventive and responsive measures including rehabilitation;
- Allocate adequate financial and human resources to ensure implementation and enforcement of laws and policies on the elimination of child marriage;
- Strengthen the evidence base needed to design and implement effective policies and programmes for reducing child marriage. Set up disaggregated data collection and child surveillance systems, and national child rights observatories in line with the aims of the ACRWC and the CRC to maintain an up-to-date record of information on the nature and magnitude of child marriage, and to keep track of emerging child protection concerns;
- Initiate, or if already in place, strengthen programmes on universal access to birth registration, quality education and sexual and reproductive health services, including meeting the unmet needs of married and unmarried adolescents for family planning; Regularly submit State Party Reports to the ACERWC, and highlight the status of child marriage in their country and measures taken towards ending it;
- Take action to promptly follow up on the recommendations of treaty bodies, as well as those made by the UN Secretary General's Study on Violence against Children;
- Engage constructively with relevant stakeholders, including CSOs, the media, and children themselves towards an end to child marriage;
- Provide a conducive legal and policy environment for CSOs to operate in advancing child protection issues in the areas of advocacy, research, litigation and support for victims of child marriage, including setting up of toll free child help lines, the adoption and allocation of 116 as the harmonised toll free helpline number in Africa to facilitate cross-border protection of children.
- Address the structural causes of child marriage through strategies that promote gender equality, poverty reduction, challenge gender stereotypes and harmful social norms and religious practices; creating safe spaces for girls at risk of or affected by child marriage; enhancing girls' access to education and skills development, and employment generation programmes; and engaging men and boys on initiatives to end child marriage, among other ways;
- Legislate against child marriage and the justification thereof and providing for penal consequences for the violation of the law.
- Support the capacity of families and caregivers to adequately protect their children, by enhancing their economic and psycho-social capacities such as through increased access to employment, loans , child sensitive social protection schemes etc. and also by involving parents in programmes that promote positive, non-violent, and non-discriminatory forms of child rearing. • Ensure mechanisms for access to justice are in place and provide rehabilitation, restorative, and support services to victims of child marriage.

- Support Civil Society Organizations and Community Based Organizations in their engagement with Communities towards addressing child marriage
- Ensure that law enforcement authorities are adequately qualified, sensitised on gender and child rights, and well equipped to respond to cases of child marriage. [...]

[Addis Ababa Declaration on Accelerating the Implementation of the Beijing Declaration and Platform for Action, 2014](#)

We, the African Ministers responsible for Gender and Women’s Affairs, [...]

Call to action to achieve gender equality and women’s and girl’s empowerment, as spelled out in the African Union’s Agenda 2063, by 2030: [...]

2. Education and training

[...]

b. Adopt a multi-sectoral approach to address negative social and cultural norms and practices including harmful traditional practices such as early marriage that impede girls’ retention and achievement at the primary, secondary, tertiary and vocational levels of education and training; [...]

d. Adopt and enforce legislation and other measures, including actions on age-appropriate sexuality and reproductive health training, to end teenage pregnancy, patriarchy, early and forced marriages and female genital mutilation; [...]

4. Violence against women and girls

a. Enact and strengthen the enforcement of laws addressing and punishing all forms of violence against women and girls through adequate resource allocation and targeted capacity-building of law enforcement agencies, including the judiciary;

b. Invest in social mobilization and implement public awareness campaigns targeting, men, boys, women and girls, and religious, traditional and community leaders to eliminate violence against women and girls and end trafficking;

c. Undertake empirical studies to document the situation, stories, impact and cost of violence against women on families, in the home, in the public sphere [...];

d. Invest in the collection, analysis and use of data disaggregated by sex, age, location and economic status on violence against women to inform targeted policy interventions and programming;

e. Set up national monitoring mechanisms for gender-based violence;

f. Respond to violence against women and girls by ensuring a well-coordinated, multi-sectoral and multi-stakeholder response that includes provision of efficient gender-responsive medical services, safe spaces for physical safety and security, legal/judicial response and legal psycho-social support [...];

g. Strengthen policies and practices in all schools, including higher institutions of learning; integrate issues of violence against women and girls into the curriculum to promote dialogue and meaningful engagement of men and boys in addressing violence against women in accordance with national laws;

h. Revise existing policies to address emerging trends of violence against women and girls [...];

i. Ensure access to justice for victims and women survivors including protection of women human rights defenders;

j. Set up legal funds for poor and underprivileged women and survivors of sexual and gender-based violence;

k. Strengthen the men’s movement for gender equality [...]

11. The girl child

Continue to strengthen efforts to completely eliminate early child marriages by criminalizing the practice and enforcing the age of marriage of 18 for girls, in accordance with international norms and standards;

- a. Continue to strengthen efforts to completely eliminate early child marriages by criminalizing the practice and enforcing the age of marriage of 18 for girls, in accordance with international norms and standards;
- b. Criminalize all forms of female genital mutilation, early child and forced marriages, and other harmful traditional practices, and disallow judicial consent to marriage in sexual violence cases;
- c. Align all laws and policies with the Convention on the Rights of the Child and the Maputo Protocol to the African Charter on Human and Peoples' Rights; [...]

[African Union Accountability Framework on the Elimination of Harmful Practices \(2022\)](#)

Background

The African Union's (AU) Agenda 2063: "The Africa We Want", commits under Aspiration 6, priority 6.1.2 to achieve "An Africa whose development is people driven, relying on the potential of African people, especially its women and youth, and caring for children". The continental agenda has set a momentum to accelerate the domestication of existing continental commitments of ending all forms of gender-based violence, and violence against women and girls. In particular, it provides the platform for the implementation of the AU Gender Strategy and, the Protocol on the Rights of Women (Maputo Protocol) of the African Charter on Human and People's Rights (ACHPR), as well as the African Charter on the Rights and Welfare of the Child (ACERWC).

The African Union Agenda 2063 and its 10-year action plan, covering 2014–2023, highlights key priorities with a focus on gender equality and women's empowerment and establishing linkages with civil society organizations including on capacity building at all levels to champion accountability and action all relevant commitments for young and adolescent girls and women.

As part of this continental agenda on girls and women empowerment, the African Union Commission is committed to advocating for and working with decision-makers to take strong action to accelerate an end to harmful practices – particularly child marriage and female genital mutilation (FGM). Governments around the world have committed to end harmful practices by 2030 under the 2030 Agenda's Sustainable Development Goals (SDGs)¹, particularly SDG 5, under target 5.3. In addition to Agenda 2063 pronouncements, it is important to hold governments accountable for the SDG commitments. And at the request of African Union Heads of State and Government, the AU is issuing this comprehensive Accountability Framework on the Elimination of Harmful Practices – articulating the policy and legal conviction and architecture for action.

[...]

2.2. Child Marriage

Child marriage refers to any formal marriage or informal union between a child under the age of 18 and an adult or another child. Child marriage is similarly a human rights violation and a manifestation of gender inequality. Child marriage exists in most countries in the world. Increasingly, the global burden of child marriage has shifted from South-Asia to sub-Saharan Africa.

The projected population growth in Sub-Saharan Africa will lead to a higher number of child brides during the coming years. Child marriage, combined with early childbearing, high fertility rates and inadequate

access to sexual and reproductive health and maternal health services are the main contributing factors to the high number of maternal deaths among young women in Africa.

Girls subjected to child marriage are always married to older men, and do not have power or skills to negotiate over sex or birth control, with the resultant outcome of teenage pregnancies, high birth-rates and high maternal and child mortality rates. Other morbidities include obstetric fistula; premature births; still-births; sexually transmitted diseases (including HIV/AIDS and cervical cancer), as well as domestic violence.

[...]

[Southern Africa Development Community: Parliamentary Forum Model Law on Eradicating Child Marriage and Protecting Children Already in Marriage \(2016\)](#)

Child marriage remains a problem in Southern Africa due to a variety of factors. [...] In at least five countries in the Southern African Development Community (SADC), almost 40% of children are married before they are 18 years of age. Malawi and Mozambique are amongst 10 countries in the world with the highest rates of child marriage. In both countries over 50% of children are married before they are 18 years of age. In Mozambique and Malawi 1 in 2 girls is married before she turns 18 years of age. In Zambia and Madagascar, the prevalence of child marriage is over 40%; The Model Law is intended to trigger policy reforms and development or revision of substantive laws in Member States (MS) of SADC [...]

14. Right to registration of birth and marriage

- (1) A child has the right to have his or her birth registered in a register of birth.
- (2) A child has a right from birth to a name which shall be registered immediately after birth, in the register of births.
- (3) All marriages, without exception, shall be registered in a register of marriages, as prescribed. (4) Notwithstanding, subsection (5), registration of a child marriage contracted before the commencement of the law, and where no option has been exercised in terms of section 19, (replace with Act if need be) and the marriage has not yet been registered, shall be compulsory. (5) After the commencement of the law, (use enactment or Act or whatever term or word according to jurisdiction style) a certificate, license or registration shall not be granted in respect of any marriage unless the officer responsible for registering marriages is satisfied, as specified in this law, that the parties to the marriage have attained the minimum age of marriage.
- (6) The Government shall promote education and public awareness on the births and marriages registration system(s).
- (7) The Government shall train public officers responsible for births and marriages in the relevant disciplines related to birth and marriage registration, so as to create competent authorities for such matters.
- (8) The Government shall put in place policies, measures and interventions to assist in registering births and marriages to enable acquisition of birth certificates and the verification of the age of a person.
- (9) A person who contravenes subsection (5) commits an offence and shall be liable, on conviction, to a fine not exceeding XXX. [...]

15. Special policies and programmes for children in marriages and victims of child marriages living in rural and peri-urban areas

(1) The Minister, in consultation with the Ministers responsible for local government, community development, agriculture, finance, health and education, (insert relevant ministerial portfolios) shall put in place special policies and programmes to meet particular challenges facing children in marriages and victims of child marriages, especially the girl child, who live in rural and periurban areas. [...]

PART III PROHIBITION OF CHILD BETROTHAL AND CHILD MARRIAGE

[...]

16. Minimum age of marriage and contractual capacity

From the commencement of the law, a person under the minimum age of marriage has no capacity to consent to a marriage or contract a marriage and any marriage purportedly entered into or solemnised is a prohibited marriage and void.

17. Prohibition of child betrothal and marriage

(1) From the commencement of the law –

(a) the betrothal of a child is prohibited;

(b) a marriage between a child and an adult or between two children is prohibited; and

(c) a person shall not contract, solemnise, abet or aid, promote, permit, coerce or force the betrothal or marriage of a child.

(2) A person, other than a child, who contravenes subsection (1), commits an offence and shall be liable, on conviction, to a fine not exceeding XXX or to a term of imprisonment not exceeding XXX, or to both. (insert offence and penalty clause according to style used in, and sentencing policy of, Member State)

(3) Where it is proved to a court that a child was, at the time the betrothal or marriage was contracted, living or dependant on a person, the court shall consider the parental relationship as an aggravating circumstance. (This provision may need to be amplified to make clear in some jurisdictions that the penalty imposed shall be higher/stiffer)

18. Legitimacy of offspring of prohibited child marriage

(1) From the commencement of the law, every offspring of a prohibited marriage shall be deemed to be a legitimate child for all legal, judicial or administrative purposes.

(2) Every offspring of a prohibited marriage shall enjoy the same rights and responsibilities as those of a legitimate child for all legal, judicial and administrative purposes.

19. Voidable child marriage

(1) Every child marriage contracted before the commencement of the law, shall be voidable at the option of-

(a) one party or both parties to the marriage, where one party was a child or both parties were children at the time the marriage was contracted;

(b) a child to the marriage, where the child is married to an adult person;

(c) an adult person to the marriage, where the adult person is married to a child;

(d) one party or both parties to the marriage, where both parties to the marriage are children; or (e) a third party, in consultation with an appropriate authority, in any of the circumstances specified in paragraphs (a) to (d).

(2) A court shall, on petition of a child, adult person or third party referred to in subsection (1), dissolve/annul the marriage that was contracted before the commencement of the law.

(3) The Chief Justice (state competent authority) shall prescribe rules for the procedures and processes relating to the dissolution/annulment of a voidable child marriage. (These rules and procedures may be prescribed in the law itself)

20. Property and citizenship arising from prohibited marriage or dissolved marriage

(1) From the commencement of the law, where a marriage contracted in contravention of section 17 is dissolved/annulled as specified in section 19 –

(a) any property acquired by either party during the subsistence of the marriage, except property that was inherited or brought into such a marriage, shall be deemed to have been lawfully acquired by both parties to such a marriage and shall be distributed equally between them, as prescribed; and

(b) any citizenship rights that have accrued or due to accrue to any party of such a marriage, as an entitlement arising from such a marriage, shall be deemed to have been lawfully acquired by, and accruing to, that party.

(2) Any property that was inherited, or property that was brought into the marriage, by a child, shall be the property of that child and shall not be subject to distribution in accordance with paragraph (a) of subsection (1).

(4) The Chief Justice (state competent authority) shall prescribe rules and procedures for the distribution of property acquired during a prohibited marriage. (These rules and procedures may be prescribed in the law itself)

21. Custody and maintenance of offspring of victim of child marriage

(1) A court shall make such appropriate orders for the custody, contact, access and maintenance of the offspring of a victim of child marriage, by a party to such a marriage, including maintenance orders by the Government and the parent of the victim of the child marriage, if the court finds it justifiable to do so.

(2) When a court is making an order for the custody and maintenance of an offspring, in accordance with subsection (1), the welfare and best interest of the offspring shall be of paramount consideration. [...]

22. Legal aid and legal services to victim of child marriage

(1) A victim of child marriage, and a third party intervening in a child marriage in accordance with paragraph (e) of section 19, shall be entitled to appropriate legal aid by the Government.

(2) The Government shall put in place policies, programmes and mechanisms that will ensure accessible and affordable legal services to victims of child marriages, and third parties intervening in a child marriage in accordance with paragraph (e) of section 19.

PART IV MEASURES AND INTERVENTIONS TO PREVENT CHILD MARRIAGE

23. Preventative measures and interventions

(1) The Minister shall, in consultation with the relevant appropriate authorities, put in place measures and interventions to prevent child marriage.

(2) Any expenditure relating to the measures and interventions put in place, in terms of subsection (1), shall be paid out of the antichild marriage fund established in accordance with section 42 or such other funds, directly budgeted for such purposes, appropriated, by the Government, to an appropriate authority.

24. Prohibition of solemnisation of child marriage

(1) A person shall not solemnise, conduct, promote, direct or abet the solemnisation of a marriage which the person suspects or believes that one party is a child, or both of the parties are children.

(2) Where a person is requested to, or is about to, solemnise a marriage, suspects or believes that one party is a child, or both of the parties are children, the person shall verify the age of the child by means of a birth certificate, identification card or other official document that may reveal the identity and possible age of the child.

(3) Where a birth certificate, identification card or other official document, referred to in subsection (2), is not available or cannot be accessed within a reasonable period of time, the person who is requested to, or is about to, solemnise a marriage shall determine the age of the person he or she suspects or believes to be a child by the method and criteria prescribed by the Minister responsible for registration of births.

(4) A person who contravenes this section commits an offence and shall be liable, on conviction, to a fine not exceeding XXX or to a term of imprisonment not exceeding XXX, or to both. (insert offence and penalty clause according to style used in, and sentencing policy of, Member State)

25. Restraining orders

(1) Notwithstanding any other enactment,(replace with Act or law if need be) customary or religious practice if –

(a) on an application of a child marriage prohibition officer or an appropriate authority; or

(b) on receipt of information from a person who has personal knowledge or information; relating to the likelihood of a betrothal or solemnisation of a child marriage, a court is satisfied that a betrothal or child marriage has been arranged or is about to be solemnised, the court shall issue a restraining order.

(2) A restraining order issued, in accordance with subsection (1), shall prohibit the respondent (insert appropriate term in accordance with Member States criminal/civil justice system) from committing any act that may lead to a betrothal or child marriage and restrain any person from aiding or abetting the commission of any such act.

(3) A court may, when issuing a restraining order, in accordance with subsection (1), impose any condition or give such direction, as the court considers necessary to protect or provide for the safety of the child, including moving the child to a place of safety.

(4) A person who, knowingly or has been notified that a restraining order has been issued, in accordance with subsection (1), disobeys or disregards such an order, commits an offence and shall be liable, on conviction, to a fine not exceeding XXX or to imprisonment for a term not exceeding XXX, or to both. (insert offence and penalty clause according to style used in, and sentencing policy of, Member State)

26. Programmes and incentives to delay marriage

(1) The Government shall establish programmes and incentives for families and children to assist delay marriage, including the following:

(a) provide opportunities for children, especially girls, to continue their primary, secondary and tertiary education, including life skills and vocational training;

(b) provide opportunities for children whose families live below the poverty datum line to complete their primary and secondary education;

(c) provide opportunities to families and children to earn money through entrepreneurship and work in the public sector through human resource development programmes;

(d) support the retention of children, especially girls, in school;

(e) support positive discrimination and broadening opportunities in relation to education of the girl child, poor child performers and children with special needs;

(f) support innovative programmes for adolescent girls that provide alternatives to marriage;

(g) target families in communities where child marriage is most prevalent by providing advocacy or awareness programmes on the consequences of child marriage; and

(h) support awareness programmes in primary and secondary schools on sexual reproductive health matters and the benefits of not marrying before the minimum age of marriage .

(2) The Ministry shall, in liaison with the Ministry responsible for education and other relevant appropriate authorities, make learning of the nature, causes and consequences of child marriage and the consequences of traditional and customary initiation programmes compulsory, as components of a

comprehensive sexuality education subject, in public and private learning institutions, including vocational, religious, non-formal and indigenous learning systems and institutions. [...]

(4) The Government may establish incentives for families and children to assist in the delay of marriage, such as –

(a) providing cash transfers to the family to encourage children to remain single until they reach the minimum age of marriage;

(b) providing funds to a girl child, to enable the girl child complete secondary education; or

(c) giving scholarships and bursaries to a girl child up to tertiary level. [...]

PART V MEASURES AND INTERVENTIONS TO MITIGATE EFFECTS OF CHILD MARRIAGE AND PROTECT CHILDREN ALREADY IN MARRIAGE

27. Mitigatory measures and interventions

(1) The Minister shall, in consultation with relevant appropriate authorities, put in place measures and interventions to mitigate the effects of child marriage and protect a child already in marriage, which measures shall be funded from an anti-child marriage fund, established in accordance with section 42, or such other funds, directly budgeted for such purposes, appropriated, by the Government, to an appropriate authority.

(2) The Government shall establish public safety homes, public foster homes or any other public facility for the residence, care and maintenance of victims of child marriage which shall be funded from an anti-child marriage fund, established in accordance with section 42, or such other funds, directly budgeted for such purposes, appropriated, by the Government, to an appropriate authority.

28. Protection against violence

(1) A child in marriage shall not be subjected to any form of violence, including sexual violence, rape, coerced sex or harmful practices. (cross reference to gender-based violence laws, if any)

(2) A child in marriage has a right to refuse sexual acts, including acts that put the child at risk of infection, such as HIV or other sexually transmitted infection, and such refusal shall not be a ground for divorce. (cross reference to gender-based violence laws, penal statutes and laws on HIV and AIDS if any)

(3) Marriage shall not constitute a defence to a charge of rape.

(4) A person, who contravenes section (1), commits an offence and shall be liable, on conviction, to a fine not exceeding XXX or to a term of imprisonment not exceeding XXX, or to both. (insert offence and penalty clause according to style used in, and sentencing policy of, Member State)

29. Determination of children in need of care and protection

(1) A child in marriage is in need of care and protection if –

(a) the child has been or there is substantial risk that the child shall be physically, psychologically or emotionally affected or injured, sexually abused or raped by their spouse or any other person and the spouse, parent or other person, knowing of such effect, injury, risk or abuse, has not protected or is unlikely to protect the child from such effect, injury, risk or abuse;

(b) the child requires to be examined, investigated or treated for the purpose of restoring or preserving the health of the child and the spouse neglects or refuses to have the child to be so examined, investigated or treated;

(c) the child behaves in a manner that is, or is likely to be harmful to the child, or to any other person and the spouse or parent is unable or unwilling to take necessary measures to remedy the situation or the remedial measures taken by the spouse or parent are inadequate or inappropriate; (d) the child continues to live with a person who has been convicted of an offence in connection with the child and the living arrangement poses a threat to the child;

(e) the child lives in circumstances that makes the child vulnerable to sexual exploitation;

(f) the child has no place of abode, lives on the street, or is allowed to be on a street, premises or any other place for the purpose of – (i) begging, receiving alms or offering anything for sale; or (ii) carrying out illegal hawking, illegal lotteries, gambling or other illegal activities detrimental to the health and welfare or educational advancement of the child; or

(g) the child is assessed by a court to be in need of care and protection having regard to this section, section 8 and any other enactment (replace with law or legislation if need be) relating to gender based violence.

(2) Any person who has reasonable grounds to believe that a child in marriage is in need of care and protection may, as soon as practicable –

(a) report the matter to a child marriage prohibition officer or an appropriate authority; or

(b) where emergency protection is required, bring the child before a court for an order to move the child to a place of safety.

(3) A child marriage prohibition officer or an appropriate authority shall, upon receipt of a report, submitted in accordance with subsection (2)(a), immediately or as soon as is practicable, take the child to a place of safety until the child is brought before a court.

(4) Where a child is brought before a court, in accordance with subsection (2) (b) or (3), the court may make an order for the placement of the child in a safety home or for the child's temporary committal into foster care.

(5) Where the court determines that a child in marriage is in need of care and protection, the court may order the following:

(a) that the child be returned to the child's parent or the person who has parental responsibility for the child and may direct the parent or the person who has parental responsibility for the child to execute a bond, with or without sureties, to exercise proper care and guardianship of the child; (b) that contact may be established between the child and the child's parent;

(c) that the child be committed to a child correctional centre, (insert appropriate term from the Member State) if the court is satisfied that it is in the best interest of the child;

(d) that the child be committed to a harm reduction centre, a centre for the reintegration of children or the child be accorded professional counseling in an appropriate place, where the court is satisfied that the child has been engaged in drug abuse, and that it is in the child's best interest. [...]

30. Measures, interventions and entitlements for child in need of care and protection

(1) The Government shall ensure, at no cost to the child or the child's parents, that it provides: (a) assistance and maintenance for a child in need of care and protection;

(b) appropriate health facilities for the treatment, counseling, rehabilitation and care for a child in need of care and protection; and

(c) other facilities, programmes and support structures and appropriate measures and interventions to promote the safety, physical and psychological rehabilitation of a child in need of care and protection.

(2) A child in need of care and protection shall be entitled to the following:

(a) free and particularised legal services;

(b) assistance for care and maintenance of any offspring; and

(c) other health and social services for any offspring.

31. Requirements relating to safety homes

A safety home, established in accordance with the law (re-place with this Act, if need be), shall –

(a) secure the physical safety of a victim of child marriage and any offspring;

(b) provide basic material support for the care of the victim of child marriage and any offspring; (c) offer counseling and rehabilitation services to the victim of child marriage and any offspring; and

(d) in cooperation with the Minister responsible for education, offer certain educational programmes, as may be prescribed, to the victim of child marriage and any offspring. [...]

32. Strengthening community networks

(1) The Ministry shall, in order to mitigate the effects of child marriage and prevent child marriage –

(a) establish contact with traditional leaders and religious authorities;

(b) assist in the establishment of community networks; and

(c) encourage the development of community centers or homes for purposes of – (i) providing psychological and physical support to children who leave marriages; (ii) providing emergency facilities to accommodate and care for victims of child marriage; (iii) supporting the re-integration of victims of child marriages with their parents; (iv) re-integrating victims of child marriages into society; (v) launching child advocacy programmes for the prevention of child marriage; and (vi) providing an accessible, youth friendly and gender neutral place for reporting intended child marriages, betrothals, child marriages and children in need of care and protection.

(2) The Ministry shall, in collaboration with other appropriate authorities, encourage and assist local communities to establish community watch committees, under the auspices of traditional leaders or religious authorities, for the prevention of child marriages and protection of children already in marriages.

33. Training of officials

The Government shall provide for the training of child marriage prohibition officers, judicial officers, law enforcement officers, traditional leaders, religious authorities, other public officers and policy makers, at all levels of the State, (insert appropriate terms of officers to be trained according to Member State) on:

(a) the dangers and effects of child marriage;

(b) gender equity, equality and human rights;

(c) the legal protections that must be activated and put in place to address the threats that children face with regards to child marriage;

(d) the link between national development, economic growth, the economic empowerment of society and delayed or reduced child bearing;

(e) reporting on matters related to child marriage, the processes and procedures related to handling cases on children in need of care and protection and the programmes and incentives relating to delaying child marriage; and

(f) the objectives and requirements of this law. (replace with Act if need be)

[...]

[African Union: African Common Position on the AU Campaign to End Child Marriage in Africa \(2015\)](#)²

WE, THE HEADS OF STATE AND GOVERNMENT OF MEMBER STATES OF THE AFRICAN UNION (AU):

RECALLING the continental launch of the AU campaign to End Child Marriage in Africa; [...]

UNDERSTANDING that child marriage refers to any marriage where at least one of the parties is below 18 years of age.

RECOGNIZING Article 21(2) of the African Charter on the Rights and Welfare of the Child, that child marriage and the betrothal of girls and boys shall be prohibited, and effective action, including legislation, shall be taken to specify the minimum age of marriage to be 18 years and to make registration of all marriages in an official registry compulsory;

² [Africa Union Campaign to End Child Marriage in Africa: Call to Action \(2013\)](#).

CONSIDERING Article 6 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003) which prohibits child marriage;

NOTING Article 8 of the African Youth Charter which recognises the rights for all young men and women to freely consent to marriage;

BEARING IN MIND that child marriage is a multi-faceted social-cultural and endemic harmful practice in most parts of Africa [...]

HAVE AGREED AS FOLLOWS:

3. COMMITMENTS FOR FUTURE ACTION

A. At national and regional levels Member States are urged to:

1. Develop, elaborate, and implement national strategies and action plans, including putting in place mechanisms and institutions for the enforcement, monitoring and reporting, along with financial and human resources, all aimed at ending child marriage;
2. Ratify, domesticate, harmonise, apply, and monitor international and regional instruments aimed at improving the welfare of children and women rights';
3. Develop and implement national strategies and comprehensive action plans which are well resourced (budget) that aim to end child marriage;
4. Implement all key continental policies and legal instruments relating to human rights, gender equality, maternal and child health, and "harmful traditional practices" for the empowerment and participation of girls and women in development;
5. Enact and implement laws that set the legal minimum age for marriage at 18 years or above, with no exceptions, and applicable under all legal systems;
6. Implement appropriate legislation and policies that effectively prohibit, prevent, punish and redresses child marriage including cross-border movement of girls for child marriage purposes;
7. Develop and implement, or include in existing initiatives, national-level or subnational-level programmes that aim to prevent child marriage and support already married girls by empowering girls through education, life skills and safe spaces, and providing the adequate health, justice and other services;
8. Ensure that ending child marriage remains high on the political agenda at global, continental, regional and national levels
9. Promote the participation and role of men, particularly fathers, religious leaders and community leaders in promoting positive male role models who oppose child marriage and are knowledgeable about its harmful impacts;
10. Encourage civil society initiatives and partnerships that promote the wellbeing and protection of children by investing in programmes aimed at empowering communities and girls at risk of child marriage;
11. Ensure that child marriage prevention information including legal measures and policies are embedded in the educational curricula and hence schools should prohibit withdrawal of girls from school for child marriage purposes;
12. Promote gender equality within the families - between women and men and girls and boys – and promote and support the role of fathers and mothers as care givers;
13. Provide free and quality health (including sexual and reproductive health such as prenatal, child birth, post-natal and family planning services), education (including life skills, health education including comprehensive education for sexual health), protection, integrated life skills, and other services for all survivors of child marriage, including the expansion of social protection and child rights services;
14. Establish data systems reflecting age and gender disaggregated data on the nature and magnitude of child marriage;
15. Conduct research to inform national policy and action on ending child marriage;
16. Submit Periodic Reports to the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) on the implementation of activities fashioned towards ending child marriage;

17. Encourage to end child marriage as its one of the core human development issues of the post-2015 Development Agenda as well as the African Union's Agenda 2063 to be monitored with a specific indicator in the Agenda 2063's monitoring mechanisms.

[African Union: African Youth Charter \(2006\)](#)

Art. 8 (2) (free consent to marriage; equal rights within marriage)

[Inter-American Commission on Human Rights \(IACHR\) Resolution 1/2020: Pandemic and Human Rights in the Americas](#)

[...]

51. Enhance services that provide a response to gender violence, particularly violence within the family and sexual violence during confinement. Reformulate the traditional response mechanisms by adopting alternative channels for communication and strengthening community networks to expand complaint mechanisms and protection orders during the period of confinement. Also, develop protocols for care, and build the capacities of security officers and justice personnel involved in the investigation and punishment of acts of violence within the family. [...]

Children and adolescents

[...]

65. Take steps to prevent abuse and violence within the family, make available complaints mechanisms, and act with due diligence on complaints that are made. [...]

67. Pay particular attention to children and adolescents who live in the streets or in rural areas. Special care measures must give consideration to economic and social conditions and take into account that the effects of the pandemic on groups of children and adolescents are different depending on their social context [...]

[IACHR Violence and Discrimination against Women and Girls: Best Practices and Challenges in Latin America and the Caribbean \(2019\)](#)

1. Child Marriage and de Facto Unions

213. The Inter-American Court has pointed out that the full autonomy of the person to choose with whom he or she wants to sustain a permanent marital bond, whether natural (de facto union) or solemn (marriage), derives directly from the principle of human dignity. According to the organs of the universal human rights system, a forced marriage occurs without the full and free consent of at least one of the parties or where at least one party is unable to end or leave the marriage, including as a result of duress or intense social or family pressure. The IACHR also notes that it is understood that consent cannot be 'free and full' when one of the parties involved "is not sufficiently mature to make an informed decision about a life partner."

214. The Commission highlights Article 17 of the American Convention, which provides for the right of all persons to marry and to raise a family. In that provision, States identify the free and full consent of the intending spouses as a requirement for marriage. In addition, Article 16 of CEDAW similarly recognizes the equal right of women and men freely to choose a spouse and to enter into marriage only with their free and full consent. The essential nature of the free and full consent of the contracting parties to a marriage is thus recognized.

215. In keeping with the above framework, the Commission holds that child marriages or de facto unions are an expression of forced marriage insofar as there is not only an absence of sufficient maturity of at least one of the contracting parties to choose their spouse on the basis of full, free and informed consent, but also a clearly unequal relationship of power between spouses. Child marriage has been defined by the CEDAW Committee and the Committee on the Rights of the Child as "any marriage IACHR, Report No. 170/11, Case 12.578, Merits, María Isabel Véliz Franco et al. v. Guatemala, 2011, para. 153; I/A Court H.R., Juridical Condition and Human Rights of the Child, Advisory Opinion OC-17/02 of August 28, 2002, Series A No. 17, pars. 56 and 60; I/A Court H.R. The "Street Children" Case (Villagrán Morales et al.), Judgment of November 19, 1999, Series C. No. 63, pars. 146 and 191. I/A Court H.R., Gender identity, and equality and non-discrimination with regard to same-sex couples, Advisory Opinion OC-24/17, November 24, 2017, Series A No. 24, para. 225. Human Rights Council, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, A/HRC/31/57, 5 January 2016, para. 63. UNICEF, Child Protection Information Sheet: Child Marriage, 2006, p. 18. 106 | Violence and Discrimination against Women and Girls: Best Practices and Challenges in Latin America and the Caribbean Organization of American States | OAS where at least one of the parties is under 18 years of age." Alongside that concept, the IACHR notes that early or premature de facto unions have been regarded as an informal form of child marriage in that they follow informal patterns of family ties.

216. For its part, UNICEF has emphasized that when children are victims of this practice, it is a form of sexual abuse and exploitation of girls and adolescents. On this point, the IACHR agrees that child marriages or de facto unions are founded on discrimination by reason of sex, gender and age, and constitute a violation of the human rights of women and girls. This practice has a significant impact on the lives of girls—by reducing and affecting their opportunities for personal, educational, professional development—and on their ability to make important decisions about their lives, including their economic independence. It puts them at greater risk for gender-based exploitation, abuse and violence, especially sexual violence. Thus, in its most extreme form, it has been stated that forced marriage can involve threatening behavior, abduction, imprisonment, physical violence, rape, and, in some cases, homicide.

217. It is cause for concern to the IACHR that there is no evidence of progress in the Latin American and Caribbean region towards eradicating this practice and that the figures show that the indices remain as high as they were 25 years ago. According to UNICEF, this hemisphere is the only region in the world where the prevalence of child marriage and early unions has not decreased in the decade; on the contrary, it has remained at around 25 percent, while other areas of the world have seen significant declines, most notably South Asia. The UNFPA estimates that 2 percent of women of childbearing age in Latin America and the Caribbean had their first birth before the age of 15. CEDAW and Committee on the Rights of the Child, Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices, CEDAW/C/GC/31/CRC/C/GC/18, 14 November 2014, para. 20. Girls Not Brides, The global partnership to end child marriage, Child Marriage in Latin America and the Caribbean, 2017. UNICEF, Child Protection Information Sheet: Child Marriage, 2006, p. 18. CEDAW and Committee on the Rights of the Child, Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices, CEDAW/C/GC/31/CRC/C/GC/18, November 14, 2014, para. 20. United Nations General Assembly, Report of the Secretary-General, In-depth study on all forms of violence against women, A/61/122/Add. 1, 1 July 2006, para. 122. 471 UNICEF, Press Release, Latin America and the Caribbean: a decade lost in reducing child marriage, April 6, 2018. The Commission also considers it essential to note that "one of the main reasons that child marriage and early unions in LAC have not reduced is related to the equally high (second

in the world) adolescent pregnancy rates and risk of sexual violence for girls (1.1 million adolescent girls report having experienced sexual abuse). See UNICEF, Press Release, Latin America and the Caribbean: a decade lost in reducing child marriage, April 6, 2018. Pan American Health Organization, United Nations Population Fund and United Nations Children's Fund, Accelerating progress toward the reduction of adolescent pregnancy in Latin America and the Caribbean, Washington, D.C., 2018. Chapter 3: Challenges in Complying with Recommendations and Decisions of the IACHR: Major Issues Affecting the Rights of Women and Girls | 107 Inter-American Commission on Human Rights | IACHR

218. In some countries in the region, child marriage remains a common practice. In that sense, according to public information, 13 territories in Latin America and the Caribbean still allow marriage for persons under the age of 16 through legislative exceptions (Anguilla, Antigua and Barbuda, Argentina, Bahamas, Belize, Brazil, Guyana, Haiti, Puerto Rico, Dominican Republic, Saint Kitts and Nevis, Saint Vincent and the Grenadines, United States and Suriname), while 6 countries still maintain different minimum ages for marriage for men and women, which represents a persistent disparity between girls and boys in terms of the legal minimum age for marriage.

219. The IACHR has learned that the age difference between minor wives and the men with whom they would be married varies throughout the region, with significant differences in some contexts. In Central America, for example, the average difference is estimated to be 5 to 7 years, which has been assessed as a considerable difference, given the young age of the girls and the difference in power between teenagers and people aged 20 to 30. The Commission highlights that a marked difference in the ages of the spouses in a child marriage can mean different levels of maturity, education and skills to function independently in a community. In that sense, a notable difference in age further deepens the inequalities in historically unequal power relations between women and men, and makes victims more helpless against different forms of violence based on the intersectionality of their gender and age.

220. It is important to note that States have expressly recognized poverty, insecurity and lack of education as root causes of child marriage or unions. In the same vein, the Commission submits that the causal factors of early marriages or unions could include deeply rooted, prevailing gender stereotypes and roles in the region; poverty and the fact that many families lack the means to provide an adequate standard of living for their children, particularly their daughters; domestic violence; lack of information and access to sexual and reproductive health services; and pregnancies arising from early initiation of sexual activity, without adequate information about their sexual and reproductive health. In cases of pregnancies, the IACHR has indicated that family and social pressures often push teenage girls into marriages or early unions, impacting their opportunities for personal, educational, and professional development, as well as important decisions about their lives, making them more vulnerable.

221. It should be noted that in the context of child marriage or unions girls and adolescents are subjected from a very young age to behaviors defined by sociocultural patterns of discrimination and stereotypical roles of women based on their reproductive, caregiver, and household work roles. The Commission finds that Latin American and Caribbean Initiative to Prevent and Address the Early Unions in Girls and Young Women, Legislative mapping of formal early unions in Latin America and the Caribbean, 2018. Plan and UNICEF, Experiences and account of pregnancy amongst adolescents, 2014; Girls Not Brides, The global partnership to end child marriage, Child Marriage in Latin America and the Caribbean, 2017. UN General Assembly, Resolution No. 71/175, Child, Early and Forced Marriage, A/RES/71/175, 23 January 2017. 476 IACHR, Press Release No. 147/16, IACHR Calls Attention to the Continuing Challenges Facing Pre-teen and Teenage Girls in the Region, October 12, 2016. 108 | Violence and Discrimination against Women and Girls: Best Practices and Challenges in Latin America and the Caribbean Organization of American States

| OAS this, together with other factors, could lead to an abandonment of their life plans and, as a result of pressure in the home, from their community or family, and even for fear of retaliation from the latter, limiting themselves to the expectations and desires of their spouse. As a result, girl and teenage wives grow up in an environment where their ability even to make decisions about intimate aspects of their personality is greatly diminished, which could have a powerful impact on their emotional and psychological development.

222. In that regard, the Commission considers that child marriage reproduces cycles of poverty and exclusion of women; can cause physical and psychological harm; and prevents girls from achieving gender parity, equal protection before the law, the free exercise of their human rights, and the ability to realize their full potential and develop skills. The IACHR considers it crucial for States to recognize that, while child marriage occurs across the Hemisphere, child marriage rates are higher among women and girls in rural areas, where they are almost twice as high as in urban areas. In this regard, according to a global UNFPA study on child marriage, “girls living in rural areas of developing countries are twice as likely to marry or enter into a free union as their urban counterparts (44 percent versus 22 percent, respectively).” The Commission considers that this coincides with the fact that girls from poor families, indigenous girls, and those living in rural areas are particularly vulnerable to this harmful practice.

223. The IACHR notes the State obligation to adopt, progressively, specific measures, including programs “to modify the social and cultural patterns of conduct of men and women, ... to counteract prejudices, customs and all other practices which are based on the idea of the inferiority or superiority of either of the sexes or on the stereotyped roles for men and women which legitimize or exacerbate violence against women.” In particular, the Commission considers that the States in the hemisphere have an obligation to prevent and eradicate child marriage or de facto unions as practices in which girls and teenagers are subject to multiple different forms of violence and discrimination based on their age and gender.

224. As a first step, States should strengthen national laws, policy frameworks, and mechanisms to protect and promote the rights of girls, and bring them into line with international and inter-American standards. This includes, in particular, repealing in laws—in particular, customary, religious and indigenous laws—all legal provisions that discriminate against women and thereby permit, tolerate or condone child marriage. In this regard, the IACHR considers that, in order to protect UNICEF, UN Women, et al., *Reforming the legislation on the age of marriage: Successful experiences and lessons learned from Latin America and the Caribbean*, 2016, p. 8. UNICEF, UN Women, et al., *Reforming the legislation on the age of marriage: Successful experiences and lessons learned from Latin America and the Caribbean*, 2016. Article 8.b of the Convention of Belém do Pará. Chapter 3: Challenges in Complying with Recommendations and Decisions of the IACHR: Major Issues Affecting the Rights of Women and Girls | 109 Inter-American Commission on Human Rights | IACHR girls, States should generally set the age of majority as the legal minimum age for marriage.

225. In this context, the IACHR notes that both the CEDAW and the Committee on the Rights of the Child took the view that “as a matter of respecting the child’s evolving capacities and autonomy in making decisions that affect her or his life, a marriage of a mature, capable child below 18 years of age may be allowed in exceptional circumstances, provided that the child is at least 16 years of age and that such decisions are made by a judge based on legitimate exceptional grounds defined by law and on the evidence of maturity, without deference to culture and tradition.” Specifically, the IACHR considers that the adjudicator should assess the circumstances of the particular case and take a reasoned decision in accordance with international and inter-American principles and standards for the protection of minors and women, in particular as regards States’ obligations to protect against discrimination and violence.

226. The Commission recalls that the existence of laws is not a sufficient measure, given that other challenges remain in that same regard, including loopholes, failure to enforce laws, and the difficulty of regulating informal de facto unions, which are often not included in legal definitions. In that respect, the Commission agrees that, given that early de facto unions are understood as an informal expression of marriage, some States do not classify them as marriage, which probably leads to an underestimation of the extent of child marriage in the region.

227. In tandem with the foregoing, States should develop and implement prevention and eradication measures and policies based on in-depth studies to identify the root causes that lead to the practice of child marriage in the country's particular contexts, and the groups of pre-teen and teenage that are most vulnerable. States parties should ensure that their policies and measures take into account the different risk factors faced by girls as regards different forms of violence in different settings, and should include measures starting at the local level in communities. Appropriate resources should be earmarked for steps to reduce child marriage, and inter-agency cooperation in the implementation of clearly defined policies and plans should be ensured.

228. The IACHR reiterates once more that it is essential for women and girls to participate in a direct and organized manner, in order to have in-depth knowledge CEDAW, General recommendation No. 21: Equality in marriage and family relations Thirteenth session, 1994, para. 36. CEDAW and Committee on the Rights of the Child, Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices, CEDAW/C/GC/31/CRC/C/GC/18. 14 November 2014, para. 20. Girls Not Brides, The global partnership to end child marriage, Child Marriage in Latin America and the Caribbean, 2017. UNICEF, UN Women, et al., Reforming the legislation on the age of marriage: Successful experiences and lessons learned from Latin America and the Caribbean, 2016, p. 24. Committee on the Rights of the Child, General Comment No. 13, Right of the child to freedom from all forms of violence, CRC/C/GC/13, April 18 2011. 110 | Violence and Discrimination against Women and Girls: Best Practices and Challenges in Latin America and the Caribbean Organization of American States | OAS of their experiences and opinions. The State should encourage and ensure that they participate and that their input is reflected in the measures and policies adopted. Among other things, States should seek and pursue different avenues for participatory, structured and sustained community-based dialogue. These could include meetings in homes, churches or religious centers, and schools, with the direct and constant participation of women and girls ensured.

229. The IACHR considers it crucial that States include measures to protect women and girls who are already married. In that regard, States should make available their state apparatus to support and protect them from acts of violence, especially sexual violence, forced labor, slavery, and abuse, among others, as well as to remove obstacles to the exercise of their rights, specifically in terms of access to justice. The Commission notes that this includes the creation and maintenance of shelters or homes, as well as protection measures. States should consider the populations where the highest rates of this practice are observed and ensure that access to these measures is not hindered by attitudes or actions of State officials. The Commission stresses that married girls and adolescents also need reproductive health services to help them avoid early pregnancy, as well as access to adequate care during pregnancy, childbirth, and postpartum.

230. As a critical part of eradicating child marriage, the Commission believes that girls should be empowered in the exercise of their rights. In that sense, programs should be implemented to develop life

skills, health information, economic empowerment, and social protection, free from all forms of discrimination and on an equal footing. Such policies and practices should focus in particular on breaking cycles of poverty and violence in rural areas, deprived populations, and indigenous communities. Programs could include courses for women and girls to develop skills applicable in different fields of employment and measures to facilitate and promote access to education, as well as to ensure access to accessible, confidential, and free sexual and reproductive health services for teenage girls. Through empowerment, girls at risk of, and affected by, child marriage could better express and exercise their choices and, at the same time, receive greater support and protection from their community and the State.

[Accelerate Actions to End Child Marriage and Early Unions in Latin America and the Caribbean \(2018\)](#)

[Kathmandu Call for Action to End Child Marriage in South Asia \(2014\)](#)

