

**UNFPA inputs to OHCHR’s report pursuant to Human Rights Council resolution A/HRC/RES/24/23 entitled, “Strengthening efforts to prevent and eliminate child, early and forced marriage: challenges, achievements, best practices and implementation gaps**

**Introduction**
UNFPA works with governments and civil society partners at all levels to protect, respect and fulfill the human rights of girls, including efforts to prevent and eliminate child, early and forced marriage. This issue is featured on the agenda for the 20th anniversary of the International Conference on Population and Development (ICPD+20) and in line with the ICPD Programme of Action 1994 (ICPD-PoA), it is UNFPA’s goal to ensure that every pregnancy is wanted, every childbirth is safe and every young person's potential is fulfilled.

UNFPA supports the comprehensive empowerment of girls through education, economic and health assets, including by enabling the provision of sexual and reproductive health information and services, drawing attention to the risks and rights violations associated with child marriage, and supporting community-owned solutions. UNFPA also advocates for empowerment of girls in situations of vulnerability to defer marriage and realize their human rights to make an appropriate and gradual transition into adulthood.

This submission argues for a comprehensive approach to the prevention and elimination of child, early and forced marriage, which addresses underlying and root causes of this human rights violation. Moreover, the importance of paying attention to girls in situations of vulnerability and marginalization, including from the perspective of indigenous peoples, is highlighted in this submission.

UNFPA has published a report entitled “Too young to marry”[[1]](#footnote-1), which offers data, findings, analysis and recommendations to end child early and forced marriage. This report expands further on summarized points raised in this submission.

1. **Challenges**

Despite near-universal commitments to end child marriage, one in three girls in developing countries[[2]](#footnote-2) will probably be married before they are 18. One out of nine girls will be married before their 15th birthday. Most of these girls are poor, less-educated, and living in rural areas. Over 67 million women 20-24 year old in 2010 had been married as girls. Half were in Asia, one-fifth in Africa. In the next decade 14.2 million girls under 18 will be married every year; this translates into 39,000 girls married each day. This will rise to an average of 15.1 million girls a year, starting in 2021 until 2030, if present trends continue. While child marriages are declining among girls under age 15, 50 million girls could still be at risk of being married before their 15th birthday in this decade.

**a) Legal measures vis-a-vis social norms**

The Convention on the Elimination of Discrimination against Women (CEDAW), is one of the almost universally ratified human rights conventions with 187 States Parties. Article 16 of CEDAW consecrates the equal right of men and women to freely choose a spouse and to enter into marriage only with their free and full consent, while prohibiting child marriage (art. 16.2). International human rights bodies have agreed that 18 is the appropriate minimum age for marriage and have requested States to enact and enforce laws that prohibit child marriage.

Since 1994, more than 158 countries have passed legislation raising the minimum age of marriage to at least 18 years. Yet 34 % of women aged 20 -24 in developing regions were married or in union before age 18, 12 % were married or in union before age 15 (2001-2011). While they are often viewed as adults in the eyes of the law or by customs (when children are married, they are often emancipated under national laws and lose protections as children), in reality they are children or adolescents who need particular protection. Despite the impressive legal advancement, and the international political commitment to ending child marriage, still today 146 countries have sub-national or customary laws allowing girls to be married below the age of 18 with parental consent.

Hence legal reform is not enough. In some cases, practice diverges from the law, and even where the legal age of marriage is 18, the median age of marriage is lower, especially in rural areas.[[3]](#footnote-3)
In plural legal systems, the simultaneous existence and operation of national legislation, customary and/or religious laws often lead to tensions and complications in the implementation of the rights of women and girls. Legal commitment to end child marriage needs to be translated into action. To combat this unlawful practice, treaty-monitoring bodies such as the Committee on the Elimination of Discrimination against Women, recommend awareness-raising campaigns aimed at changing attitudes and call for measures such as the implementation of marriage-registry systems that can help enforce laws or identify violations.[[4]](#footnote-4)

It is urgent to change social norms that legitimate child marriages. Even with laws against child marriage in place, the practice persists for a variety of complex, interrelated reasons. Unequal gender norms put a much higher value on boys and men than on girls and women. When girls lack the same perceived value as boys, families and communities may discount the benefits of educating and investing in their daughters’ development. Social norms and perceptions that tolerate inequity in gender roles and responsibilities must change through introducing and implementing alternatives to child marriage that empower girls, build up girls’ assets, coupled with activities to change harmful social norms in the community.

**b) Addressing underlying and root causes**
Child marriage must be approached comprehensively in order to capture legal, cultural, economic and social determinants. Programmes to eliminate child marriage should go beyond immediate causes of child marriage and address underlying and root causes and integrate issues of access to sexual and reproductive health, education and other basic social services. Child marriage is often coerced on the grounds that the family cannot support its daughter, that the daughter can provide valuable labour to her husband’s family, or that the family is simply following local custom. Hand in hand are expectations of sexual activity and early childbearing, resulting in harm to the girl’s health and lost educational and employment opportunities. Child brides are generally more vulnerable than older women to domestic violence, sexually transmitted infections and unintended pregnancy due to power imbalances, including those that may result from age differences.[[5]](#footnote-5) A married girl is usually not enrolled in school or is forced to drop out and never return, limiting her earnings, and deepening her dependence on her spouse and his family. Child marriage also isolates adolescents socially, hindering their social development.[[6]](#footnote-6)Poverty is a major factor underlying child marriage. Many parents genuinely believe that marriage will secure their daughters’ futures and that it is in their best interests. Alternatively, girls may be viewed as an economic burden, as a commodity, or a means for settling familial debts or disputes, or securing social, economic or political alliances. Customary requirements such as dowries or bride prices may also enter into families’ considerations, especially in communities where families can give a lower dowry for younger brides.

South Asia and sub-Saharan Africa have the highest prevalence of child marriage (46 per cent and 37 per cent, respectively). They also show the greatest disparities, with 50 per cent or more of girls belonging to the least advantaged groups being married—that is, girls who live in **rural areas**, have no education and live in the poorest 20 per cent of households. In South Asia, the greatest disparity is observed in terms of **wealth**: girls in the poorest quintile were four times more likely to be married than those in the richest quintile (72 per cent versus 18 per cent). In sub-Saharan Africa, the largest disparities are associated with the level of **education**: 66 per cent of women with no education became child brides, versus 13 per cent of those with secondary of higher education— a rate over five times higher.

Approaches to eliminating child marriage among girls should be strongly rooted in empowering girls with the tools and opportunities for a complete and relevant education, for better economic opportunities and to provide sexual and reproductive health information and services. This requires multidimensional strategies that are oriented towards girls’ empowerment and tailored to particular populations of girls, especially those in situations of vulnerability. Policies are needed across sectors to delay marriage, ensuring that girls go to school and attend beyond primary level, analyzing underlying and root factors perpetuating the practice, identifying alternatives and creating opportunities for girls, and reaching out to communities to support these moves in a participatory manner. Policies and programmes should be designed according to data, which enables targeted efforts in areas or communities where high proportions and numbers of girls are at risk.

**c) Sexual and reproductive health, including for young girls ages 10-14**
Child marriage stands in the way of ensuring that girls have healthy and productive lives and realize their potential fully. Child marriage directly threatens health. Complications from pregnancy and childbirth together are a leading cause of death among adolescent girls 15-19 in developing countries. Thus ensuring universal access to sexual and reproductive health information and services remain key to prevent adolescent pregnancy. It is especially important to improve access to sexual and reproductive health services and information and comprehensive sexual education for young people, including age 10-14. Policymakers often overlook the needs, vulnerabilities and challenges of very young adolescents. Interventions are critical in this period, where many very young adolescents go through puberty, have their first sexual experiences, and may be married as children. It is crucial that public data collection includes this age group, including questions on sexual and reproductive health, in order to inform public policy programming.

The realization of the right to health is dependent on the availability of youth-friendly services, information and education both in and out of school. Given the correlation between child marriage and lower levels of school attainment, it is fundamental to define strategies to reach out to child brides and those at higher risk of child marriage with information in and out of school settings. Most immediately important is helping already married girls to avoid early pregnancy and when pregnant have access to appropriate care during pregnancy, childbirth and postpartum, including access to family planning. Compared to other age groups, adolescents who are married or in a union have both the lowest use of contraception and the highest levels of unmet need, hence, the lowest levels of demand satisfied for contraception. Lack of knowledge and fear or experience of side effects are major reasons for non-use or discontinuation.[[7]](#footnote-7) The rights to privacy and confidentiality should always be observed and specific barriers in accessing sexual and reproductive health services such as spousal consent should be removed.

**d) The perspective of indigenous peoples**

In some countries, cases of child marriage at a very early age have been documented. Despite the particular risks and vulnerabilities girls of ages 10 to 14 confront, their situation remains highly invisible in national data systems regarding access to sexual and reproductive health and services, maternal health, HIV prevalence, and violence against women. As a result policies and programmes do not address the specific needs and rights of this particular age group and the impact of development interventions on their health and wellbeing cannot be properly assessed.

**A recent study conducted by UNICEF, UNFPA, UN-Women and the Office of the SRSG on violence against children[[8]](#footnote-8), indicates that, where data is available, child marriage is more prevalent amongst indigenous communities. For instance, In Myanmar**, where 7 per cent of adolescents aged 15-19 are married nationally, the highest rates are found among the Shan indigenous group. Twenty-two (22) per cent or one in every five females is found in the largely indigenous populated areas of Shan (East), followed by Shan (North) and Shan (South) at 14 per cent and 11 per cent, respectively. Similarly, **In Kenya**, where early marriage and FGM/C are intertwined, the latter practice remains far more prevalent among the Somali (98 per cent), the Kisii (96 per cent) and the Maasai (73 per cent) indigenous populations than among other groups, although previous and current DHS data (1998, 2003 and 2008-2009) show a steady decline of national prevalence (38 per cent, 32 per cent and 27 per cent respectively). Kenya’s State party reports to the CRC and CEDAW Committees note that the latter remains a common practice due to customary laws that allow the marriage of girls as early as 12 years old, particularly after certain rites of passage such as FGM/C have taken place.

Although indigenous women and girls remain largely invisible in national data systems, there is some evidence on the linkages between child marriage and lack of access to sexual and reproductive health and education. For instance, the Global Campaign to Stop Violence against Women found that child marriage in the **indigenous-dominated Autonomous Region of Muslim Mindanao (ARMM)** of the Philippines is largely influenced by Article 16 of the Muslim Code, which sets the minimum age of marriage of both males and females at 15 years and also confers powers on sharia district courts to sanction the marriage of a girl who has attained puberty. A total of 593 respondents from five provinces in ARMM who were younger than 18 at marriage when surveyed by Nisa Ul-Haqq Fi Bangsamoro showed that 83 per cent were aged 15-17, while 17 per cent were aged 9-14. Other related reproductive health data on ARMM include the region having the: 1. *Lowest* percentage of girls and women aged 15-49 receiving antenatal care from a skilled provider (47 per cent), compared to 91 per cent of the total population; 2. *Highest* likelihood of women aged 20-49 delivering their babies at home (85 per cent, compared to 56 per cent of the total population) and less likely in a health facility (15 per cent, compared to 44 per cent of the total population); and the 3. *Lowest* median duration of schooling (4 years for women and 3 years for men, compared to 7 and 6 years, respectively, for the total population) based on *de facto* household population.

At a recent meeting of indigenous experts on the sexual health and reproductive rights of indigenous peoples on 15-17 January, 2014 in New York, it was acknowledged that not all cultural traditions and practices of indigenous peoples are intrinsically good. Therefore, culture and tradition should not be invoked as a justification to violate the rights of women and girls. However, if strategies to address harmful practices, including child marriage, are going to make a headway in the lives of indigenous women and girls, the inclusion of a cultural lens will be a an important pre-condition for success.

1. **Achievements**

It is urgent that social norms, which serve to legitimate child marriage change and that structural root causes are addressed. Social norms start to change, once parents and communities understand the harm that child marriage does and once they are able to identify alternatives that discourage and eventually will end the practice. Promising strategies for change are in evidence but they need more investment.

Programmes around the world, including those supported by UNFPA, are making headway. Once parents and communities understand the irreparable harm that the practice of child marriage can inflict on girls, practices can shift. Alternatives to child marriage that build up girls’ assets, coupled with activities to change harmful social norms and practices, must be introduced and implemented so that girls can enjoy the childhood to which they are entitled. Programmes must employ a variety of key strategies, and the more successful ones often combine interventions into an integrated and multi-sectoral response targeted at girls and their families.

UNFPA is spearheading efforts to protect adolescent girls’ rights and empower the most marginalized girls, in particular those at risk of child marriage. UNFPA supports partnerships and advocacy efforts to raise awareness globally and within countries about child marriage and its causes and consequences, in order to foster supportive policies, legislation and dialogue to promote the dignity and rights of both married and unmarried girls. UNFPA programmes support community mobilization efforts that shift harmful norms and promote community-owned solutions that discourage and eventually end the practice.

Most critically, UNFPA supports girls-centered programmes that build their life skills, provide safe spaces to learn, play and make friends; deliver sexual and reproductive health information and services, and improve their economic and social well-being. A new initiative, **Action for Adolescent Girls**, was launched on the inaugural International Day of the Girl Child in 2012 to provide targeted investments in twelve countries to reach thousands of adolescent girls at the highest risk of the most severe violations of rights at the youngest ages. With the Population Council as the main technical partner, this global initiative is building the health, social and economic assets of girls by providing them access to health information and services (including sexual and reproductive health), the opportunity to learn life skills, a chance for social participation and leadership, and links to formal/non-formal education and livelihoods. Girl groups meet regularly in community-based safe spaces, led by slightly older female mentors and role models from the community.

**Niger** has the highest rate of child marriage in the world. UNFPA and partners are supporting out-of-school girls between ages 10 and 19 to participate in the “Burkinatarey Bayrey/Ilimin Zaman Dunia” programme, which is operational in 40 communities across four regions. Girls receive a health check-up (with optional HIV vaccine for eligible girls), literacy training, and a birth certificate or national identity card. Supplementary activities include monthly community dialogue sessions and national level advocacy against child marriage and to change the legal age of marriage. Stronger partnerships have been built with the Ministry of Population, Women and Children, Lafia Matassa (the local implementing partner), and the World Bank.

In **Ethiopia**’s Amhara region, over half of the girls are married by age 18. With the support of UNFPA in its first stage, the Berhane Hewan programme was one of a number of programmes that supported girls to avoid child marriage by increasing their life options. Implemented by the Ministry of Youth and Sports with technical support from the Population Council, the programme promoted schooling, functional literacy, life skills, and sexual and reproductive health and HIV information and services for girls. Girls’ clubs served as platforms from which married and unmarried girls found social support, accessed mentors, and learned new skills. At the same time, the programme sensitized communities to the risks of child marriage and promoted alternatives to the practice. These community conversations helped transform social norms that sanctioned child marriage, while economic incentives addressed the economic drivers of the practice. Families were encouraged to keep girls in school, and girls were provided with school supplies. Three years after the programme was piloted, girls involved were nearly three times more likely to be in school than non-programme girls. Married girls in the groups were nearly three times more likely to have used family planning compared to married girls in the control group.[[9]](#footnote-9) The programme has received wide acclaim for being a good practice, and UNFPA now plans to reach girls living in Afar region and at risk of child marriage and the worst forms of FGM/C with a similar programme approach.

In **Guatemala**, UNFPA supports the integral programme “Abriendo Oportunidades” that focuses on building the social, health and economic assets and capabilities of rural indigenous girls, one of Guatemala's most vulnerable and underserved sub-populations, as a core strategy for poverty alleviation and long-term social development. Adolescent girls, in particular, find their future paths are often constrained by discrimination and the traditional practice of child marriage. The approach is unique through its targeted and evidence-based design. The approach is girl-centered, participatory and the programme is designed with and for girls, departing from their perceived problems and solutions. The girls are divided into age cohorts (8-12 and 13-18) and participate in a programme of activities geared to their life stage. Younger girls may learn about self-esteem, reproductive health, communication and community participation; older girls discuss sexuality, HIV prevention, and family planning. Age-appropriate lessons also deal with financial literacy, sexual relationships and life skills. Team leaders report that the participants are showing progress in terms of higher self-esteem, desire to pursue higher education and plans to delay marriage and childbearing. Notably parents also report changed expectations for their daughters. In **Zambia**, the Ministry of Chiefs and Traditional Affairs, with support from UNFPA and other partners, has embarked on a nationwide campaign to end child marriages in Zambia, where almost half of the girls are married before their 18th birthday. To complement this wide-scale awareness-raising effort, UNFPA is supporting a girls’ empowerment programme targeting very young adolescent girls at risk of child marriage and already married girls at risk of poor sexual and reproductive health outcomes. The programme also aims to build the health, social and economic assets of these girls through girls’ clubs and mentors. Girls will be linked to sexual and reproductive health and HIV information and services, as well as opportunities for leadership development, participation, life skills and financial literacy. UNFPA is working with the Central Statistical Office to analyze the latest census information in order to identify where the most vulnerable girls reside. This evidence-based approach will ensure that the most vulnerable girls are reached through the programmatic efforts.

**Nepal** is one of the poorest countries in the world. According to the 2011 Demographic Health Survey, 41 per cent of Nepalese women aged 20-24 years were married before they turned 18. UNFPA Nepal has conducted a series of advocacy efforts to empower adolescents and young girls in all 75 districts to mobilize their out-of-school peers. Resource centres were set up by local women’s cooperatives in which adolescent girls could interact with their peers and other stakeholders and could participate in learning opportunities. In all, more than 5,000 adolescent girls in 18 districts participated in two months of training in reproductive health, focusing also on life skills. It was an engaging way for adolescent girls to learn about the changes taking place in their bodies, enhance their self-confidence and self-reliance, and consider their options in regards to education, work, legal rights, marriage, childbearing, family relations and community involvement. Many of the girls initiated dialogues with their parents concerning the risks associated with child marriage and sought support from others in their community. The project also honed the girls’ problem-solving, decision-making and negotiation skills, and helped them establish supportive relationships with their peers. Following these “Choose your Future” trainings, girls spoke out against child marriage and, in several cases, were actually able to persuade parents to stop planned weddings or to refer their cases to paralegal committees. Girls also organized programmes to encourage parents to send their daughters to school. In some cases, with others’ help, girls who had been trained were able to stop weddings planned for them and later went back to school. Other girls started savings and credit programmes linking to women’s cooperatives where they further advocated against child marriage.

1. **Recommendations**
* **Enact and enforce national legislation that raise the age of marriage to 18 for both girls and boys**States must review national legislation, as well as subnational and customary laws, in light of international human rights standards and ensure law enforcement accordingly. Greater efforts are needed to raise awareness of and enforce existing laws at the community level, while fostering a rights culture among the judiciary, legislators and the police to protect girls from child marriage and fulfill their rights overall. Birth and marriage registration systems must also be strengthened to support the enforcement of laws banning child marriage.
* **Expand prevention programmes that empower girls at risk of child marriage and address the underlying and root causes of this practice**
Programmes aimed at preventing child marriage must employ a variety of key strategies in a multi-sectoral response approaching girls and their families. These programmes must improve access to education for girls, especially the post-primary and secondary level; build up girls’ economic, health and social assets through the safe spaces model; address underlying economic motivations; seek to change social norms that undervalue girls; and reduce the social pressures on families to marry off their girls at early ages. Timing is key; these interventions, especially schooling and asset-building for girls, must be directed during very young adolescence (10-14 years old), a crucial period around puberty in order to counter pressures on girls for marriage and childbearing for social and economic security. In view of the deeply rooted cultural factors underpinning child marriage, policies and programmes will require the integration of a cultural lens to complement existing legal and social approaches for the eradication of child marriage and other harmful traditional practices. This cultural lens includes the need to ensure the active participation of local communities in designing, implementing and monitoring policies and programmes to end child marriage so that these development interventions are perceived as locally owned rather than imposed upon them.

* **Use data to identify and target areas with high proportions and numbers of girls at risk of child marriage, including focus on girls age 10 to 14**

Despite a range of efforts, child marriage rates have not changed significantly for the poorest and least educated girls and those who live in rural areas. It is therefore important to address girls in situations of vulnerability and at risk e.g. by introducing indicators of vulnerability, including low levels of demand for family planning satisfied among young women; large age differences between girls and their partners; high proportions of young women experiencing violence. In particular, it is important reaching out to the overlooked group of girls age 10 to 14 to intervene early with preventive measures. Hence national censuses and future household surveys should include a basic set of questions about 10 to 14-year-olds. Data on younger and older adolescent girls should be combined to identify and highlight the trajectory from childhood through adolescence to adulthood. Such data analysis reveals critical junctures in the lives of girls that are preceded by critical investment windows and can be used to inform policy and programme priorities, and to remove specific barriers this age group faces in accessing sexual and reproductive health services and information.

* **Mitigate the harmful impact of child marriage on married girls**

Zero tolerance towards child marriage is the goal. However, until that aspiration becomes a reality, millions of girls will become child brides with irreparable harm to their lives and life prospects. Married girls occupy a difficult and oft neglected space within society, receiving scant, if any, attention from social protection programmes. Dedicated and well-resourced efforts are needed to make the needs of married girls a priority in health and development efforts. For example, examining the unique circumstances of married girls and tailoring specific interventions accordingly, with measurable targets and indicators, could strengthen maternal health and family planning programmes. Sexual and reproductive health of adolescents, including married girls, is key to preventing unintended pregnancies associated with higher risks of maternal morbidity and mortality. Preventing early marriages and avoiding high-risk childbearing among children and adolescents are two key objectives of ICPD- PoA. In developing countries, 90 per cent of births to adolescents aged 15-19 are to married girls, and pregnancy-related complications are the leading cause of death for adolescent girls.

* **Invest in efforts to improve data on monitoring and evaluation in order to strengthen programmes for girls at risk and married girls**

Data collection systems should collect sufficient and appropriate data to inform public policy and decision-making processes that aim to end child marriage including data on cultural and social practices that embed child marriage such as gender based violence. Efforts are also needed in the development of further analysis of the determinants of child marriage (demographic, cultural, social and economic factors) to better inform policies and programmes and to strengthen the evidence base and programmatic linkages with education, health, and poverty reduction. Indicators frameworks and data collection systems should be reviewed in order to include statistics and disaggregated data reflecting the social situation and the health condition of girls aged 10 to 14.

* **Inclusive and culturally responsive policy making to address indigenous peoples**

A culture lens needs to complement existing legal and social approaches for the eradication of harmful practices, including child marriage within indigenous and rural communities. It is important to assess what has and has not worked with each of these approaches while drawing lessons from those few places and experiences which have managed to eliminate child marriage. Access to formal education was identified as a long term emancipator of indigenous women and girls, but making sure that education is culturally appropriate and indigenous peoples participate in its design so that education is a vehicle for empowerment and not for cultural alienation

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3. Guttmacher Institute and IPPF, 2013 in UNFPA, Background paper for the State of the World Population, 2013 [↑](#footnote-ref-3)
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5. Ibid. [↑](#footnote-ref-5)
6. Center for Reproductive Rights, 2008; Guttmacher Institute and IPPF, 2013 in UNFPA, Background paper for the State of the World Population, 2013, [↑](#footnote-ref-6)
7. State of the World Population 2013, UNFPA [↑](#footnote-ref-7)
8. ”Breaking the silence of violence against indigenous girls, adolescents and young women” (2013) [↑](#footnote-ref-8)
9. UNFPA 2012, Marrying Too Young: End Child Marriage [↑](#footnote-ref-9)