General Assembly Resolution *73/153* Child early and forced marriage UN

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Subject:

The Office of the United Nations High Commissioner for Human Rights presents its compliments to all Permanent Missions to the United Nations Office and other International Organizations at Geneva and has the honour to refer to General Assembly Resolution *73/153* entitled "Child, early and forced marriage".

The resolution requests the Secretary-General to submit "a comprehensive report to the General Assembly, based on evidence, before the end of its seventy-fourth session, on progress towards ending child, early and forced marriage worldwide, best practices for programmes aimed at ending the practice and supporting already married girls and women affected by this practice, including girls' and women's empowerment programmes, gaps in funding, research and data collection, using information provided by Member States, United Nations bodies, agencies, funds and programmes, civil society and other relevant stakeholders".

In this context, for the preparation of the report, the Office of the United Nations High Commissioner for Human Rights would be grateful to receive responses to the below questions on progress made to end child, early and forced marriage, and to support already married girls and women affected by this practice.

1. What measures have been taken to implement the recommendations of the last report of the Secretary General on the issue of child, early and forced marriage *(A/73/257)?* The South African Law Reform Commission conducted an investigation on the distorted practice of *ukuthwala* (a cultural practice in which women and girl children are “abducted and forced” into marriage). The Report was finalised and approved by the Commission, awaiting to brief the Minister of Justice and Correctional Services for his consideration.

2. What type of measures are in place to end child, early and forced marriage, including laws and policies as well as national and subnational action plans and programmes? What measures have been taken to ensure adequate budget allocations for the implementation of these plans and programmes? The current law allows children (as outlined in the Marriage Act) to marry subject to the approval of parents and Minister of Home Affairs, if such marriage will be in the best interest of that child.

3. Please provide information on promising practices relating to the development and implementation of holistic, comprehensive and coordinated responses and strategies to prevent and eliminate child, early and forced marriage. The report on the practice of *ukuthwala* has a draft Bill, which provides for forced marriage protection order which may be granted by the court to stop forced and child marriage. It also provides for a court to make an order to nullify a child or forced marriage.

4. What measures are in place to support already married girls and women affected by child, early and forced marriage, including targeted programmes aiming at addressing their specific needs and promoting gender equality in all aspects of marriage and its dissolution?

5. Please provide information on promising practices concerning measures that 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? There should be community awareness programmes to educate children about their rights and that no one has any right to force them to enter into a marriage without their consent.

6. What type of measures are taken to empower girls, including by removing barriers to education and promoting equal access to free and quality education and promoting technical and vocational training and skills development for women and girls? To reaffirm their rights and give them equal opportunities like their male counterparts

7. What type of measures are taken promote women's and girls' access to health care, social services and childcare opportunities?

8. What progress has been made in formulating or reviewing policies, programmes or strategies to address discrimination and violence, including domestic violence, which may occur against women and girls subjected to child, early and forced marriage, including with a view of strengthening child protection systems?

9. What measures are taken to hold perpetrators accountable, to ensure access to justice and accountability mechanisms, and to implement violence prevention and response activities, including at school and community level, as well as to provide adequate victim reparation and assistance measures? To create offences for anyone who forces or aid a person to marry without such person’s consent, and to provide a harsh sentence for committing such offence. To encourage community members to provide support to the victims and also provide victims with temporary accommodation until they are ready.

10. What progress is made to improve the collection and use of disaggregated quantitative, qualitative and comparable data on violence against women and girls and harmful practices in order to strengthen measures to prevent and eliminate child, early and forced marriage?