

The Development of Global Responses to Child, Early and Forced Marriages

A GLOBAL SCOPING PAPER PREPARED FOR HAQ CENTRE FOR CHILD RIGHTS

Emilie Lowe, Nicole Kharoufeh, Belle McKinley, Ellen McDonald, Phillip Alphonse, Rania Boustani, Miriam Milivojevic and Ryan Ferguson.

MACQUARIE UNIVERSITY | 2017

TABLE OF CONTENTS

1. Introduction	5
2. Definitions	7
3. CEFM: Why Should We Care?	9
4. Effects of CEFM.....	11
4.1 Education.....	11
4.2 Poor Maternal and Infant Health Outcomes.....	11
4.3 Mental Health.....	12
5. Responses to the Phenomenon: United Nations.....	13
5.1 Introduction.....	13
5.2 Hard Law Responses.....	14
5.2.1 What are the Approaches?	14
5.2.1.1 The Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices.....	14
5.2.1.2 The Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriage.....	15
5.2.1.3 The International Covenant on Civil and Political Rights.....	16
5.2.1.4 The International Covenant on Economic, Social and Cultural Rights.....	17
5.2.1.5 The Convention on the Elimination of all Forms of Discrimination Against Women.....	17
5.2.1.6 The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.....	19
5.2.1.7 The Convention on the Rights of the Child.....	19
5.2.1.8 The International Labour Organisation’s Convention 182 on the Elimination of the Worst Forms of Child Labour.....	20
5.2.2 How Do These Approaches Concur or Differ?	21
5.2.2.1 Nature of Prohibition.....	21
5.2.2.2 Focus: Capacity.....	21
5.2.2.3 Focus: Rights.....	21
5.2.2.3.1 Right to Equality and Non- Discrimination.....	22
5.2.2.3.2 Right to Free Expression and Information.....	22
5.2.2.3.3 Right to Education and Employment.....	22
5.2.2.3.4 Right to Health.....	23
5.2.2.3.5 Enforcement Mechanisms.....	23
5.2.2.3.6 Threshold for State Responsibility.....	24
5.3 Soft Law Responses.....	25
5.3.1 What are the Approaches?	25
5.3.1.1 The World Conference on Human Rights.....	25
5.3.1.2 The Fourth World Conference on Women.....	26
5.3.1.3 The Girl Child.....	27
5.3.1.4 2015 MDGS and Post-2015 SDGS.....	29
5.3.1.5 International Day of the Girl Child.....	30

LIST OF ABBREVIATIONS

AADH	Alliance of Lawyers for Human Rights
AJWS	American Jewish World Service
AU	African Union
BALIKA	Bangladeshi Association for Life Skills, Income and Knowledge for Adolescents
BAPPD	Bangladesh Association of Parliamentarians on Population and Development
BRAC	Bangladesh Rural Advancement Committee
CAT	Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CEFM	Child, early and forced marriage
CRC	Convention on the Rights of the Child
CSOs	Civil Society Organisations
ECOWAS	Economic Community of West African States
ESCAP	The Economic and Social Commission for Asia and the Pacific
EU	European Union
FGM/C	Female Genital Mutilation/Cutting
GA	General Assembly
GNB	Girls Not Brides
HIV	Human Immunodeficiency Virus
HRC	Human Rights Council
HTP	Harmful Traditional Practices
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic and Social Rights
ILO	International Labor Organisation
MASUM	Mahila Saryangeen Utkarsh Mandal
MBBCDS	Mohammad Baar Backward Class Development
MDGs	Millennium Development Goals
MENA	Middle East and North Africa
NGOs	Non-Governmental organisations
OHCHR	Office of the High Commissioner of Human Rights
POA	Platform of Action for the <i>Beijing Declaration</i>
SAARC	South Asian Association for Regional Cooperation
SADC	South African Development Community
SAIEVAC	South Asia Initiative to End Violence Against Children
SDGs	Sustainable Development Goals
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNFPA	United Nations Fund for Population Activities
UNICEF	United Nations International Children’s Emergency Fund
UN	United Nations
USAID	United States Agency for International Development

1. Introduction

The notion of ‘child’ marriage dates as far back as the institution of marriage itself. It is prevalent across the world in various capacities, and is evidently more ingrained in some cultures and regions than others. Although child marriage affects both boys and girls, research shows it disproportionately affects girls. Over the past few decades, the international community has attempted to come together in order to address this issue of child marriage, with an emphasis on human rights. Particular attention has been given to women’s and children’s rights, and this has resulted in the creation and implementation of various initiatives to eradicate what was once a normal practice, but is now a human rights violation. The focus on ending child marriage has been met with mixed reception in various regions and continents. This report attempts to map the *history* of global responses to eradicate child marriage. However, child marriage is not an isolated issue, as it often encompasses early and forced marriages, though the terms are not always interchangeable. This report will distinguish between child, early and forced marriages (CEFM) when possible, and when various national, regional and international initiatives have attempted to differentiate between them.

Section 2 of this report will attempt to define ‘child’, ‘early’ and ‘forced’ marriages from an international perspective to understand how their differences are used in literature regarding this phenomenon.

Section 3 and 4 will briefly discuss why the wider international community believes that CEFM must be eradicated. Secondly, the effects of CEFM such as physical and mental health effects, as well as future employment, education and welfare prospects will be discussed here.

Section 5 will discuss the hard and soft law responses to CEFM created and implemented by the United Nations (UN). These instruments have explicitly and implicitly prohibited CEFM within the jurisdiction of State Parties. Although these responses have included a multi-sectorial approach, it will be shown that both hard and soft law instruments have responded to the phenomenon of CEFM as a human rights violation. This is evident through the focus on the right to equality and non-discrimination, to free expression, to education and employment and to health. This section will adopt a chronological approach to show the development of these responses and how they stem from a human rights perspective. It will also review the development in terminology the UN uses when addressing CEFM.

Section 6 of this report will consider the responses to CEFM undertaken by International Organisations other than the UN. The specific organisations in focus in this section are United Nations Children’s Fund (UNICEF), The American Jewish World Service, Girls Not Brides, Save the Children and Humanium. This section offers a brief background of each organisation and chronologically reviews UNICEF’s responses to CEFM spanning from 1995 to the current responses. Due to the lack of information on the development of the other organisations’ initiatives, the current responses will be reviewed in light of their different approaches. It will be noted where these organisations use individual aspects of CEFM definition and why their preferred aspect is used. Each organisation’s understanding of CEFM is also examined followed by a discussion of how their understanding affects their approaches.

Section 7 will be divided into four parts, highlighting how CEFM has been addressed in four regions of the world. These are: Asia, the Middle East and North Africa, Central and Southern Africa and the Western region.

Each part will first delve into an overview of the extent of the problem in the respective region, before briefly discussing the history and development of CEFM up until now. Secondly, a chronological structure of both UN Conventions and regional responses to CEFM will be discussed. Finally, three case studies on countries with low, mid and high prevalence of CEFM in the region will be analysed, in order to compare the initiatives at different functional levels, being UN, Government and NGO's.

Section 8 will discuss areas for further research that have been discovered over the course of research for this report and addressing some of the concerns pertaining to CEFM moving forward.

Section 9 will conclude the report with a brief summary of each section, bringing out the key issues with CEFM globally and the need for further initiatives to attempt to combat the issue.

2. Definitions

One of the complexities is defining what constitutes CEFM, as clear definitions for ‘*child*’ ‘*early*’ and ‘*forced*’ are required in order to identify and combat the issue. Although the UN has provided definitions on CEFM, they are not universally accepted by the international community.

Civil society raises issues regarding referring to this practice as ‘marriage’ as girls and boys involved are often too young, and do not provide free and informed consent.¹ Critics highlight the criminal nature of CEFM and contend that by referring to it as ‘marriage’, the international community is allowing these cultural manipulations to be accepted.² Instead, some prefer the term ‘union’ or ‘contractual relationship.’

Whilst noting the issues and referring to this union as ‘marriage,’ this report will use this terminology as it is what is used by the international community and international organisations such as the UN.

The UN High Commissioner of Human Rights provided definitions for CEFM.³

Firstly, ‘**child marriage**’ is a marriage in which at least one of the parties is a child.’⁴ Based on the Convention of the Rights of the Child, a child is ‘every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.’⁵

Early marriage refers to ‘marriages involving a person aged below 18 in countries where the age of majority is attained earlier or upon marriage.’⁶ Early marriage can also include spouses that are older than 18 but are unable to consent to marriage due to factors such as ‘their level of physical, emotional, sexual and psychosocial development, or a lack of information regarding the person’s life options.’⁷ Therefore, the term ‘early marriage’ is sometimes used to denote marriages happening later than age 18 but before a nation’s legal of marriage, which in some cases is 20 without parental consent, or 21 for males.⁸ Hence, based on the above factors there is no objective standard to measuring early marriage nor is it easy to define on an international level. Some countries such as Qatar have noted the imprecise meaning of ‘early marriage.’ They no longer use the term and instead solely focus on ‘child’ and ‘forced’ marriage. This is similarly reflected in the CEDAW Working Group which also does not use the term ‘early marriage.’

¹ United Nations General Assembly Human Rights Council, *Panel Discussion on Preventing and Eliminating Child, Early and Forced Marriage*, 23 June 2014; United Nations General Assembly, *Informal Panel Discussion on Child, Early and Forced Marriage*, 5 September 2014.

² Ibid.

³ *Preventing and Eliminating Child, Early and Forced Marriage: Report of the Office of the United Nations High Commissioner for Human Rights*, GA Res 26/22, UN GAOR, 26th sess, Agenda Items 2 and 3, UN Doc A/HRC/26/22 (2 April 2014) [4]-[6].

⁴ Ibid [4].

⁵ *Convention on the Rights of the Child*, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990) art 1.

⁶ *Preventing and Eliminating Child, Early and Forced Marriage: Report of the Office of the United Nations High Commissioner for Human Rights*, GA Res 26/22, UN GAOR, 26th sess, Agenda Items 2 and 3, UN Doc A/HRC/26/22 (2 April 2014) [5].

⁷ Ibid.

⁸ UNFPA and UNICEF, *Final Mapping of Child Marriage Initiatives* (2016)

UNFPA <<http://asiapacific.unfpa.org/en/publications/mapping-child-marriage-initiatives-south-asia>>.

Forced marriage ‘is any marriage which occurs without the full and free consent of one or both parties and/or where one or both parties is/are unable to end or leave the marriage, including as a result of duress or intense social or family pressure.’⁹ Forced marriages also include parties that are younger than 18 and older than 18, but have a specific focus on the inability of an individual to have full and free consent to enter the marriage. Whilst acknowledging there are many forms of forced marriage, this report will focus on forced marriage that involves children.

Although these terms overlap, there are important differences that makes it difficult to use them interchangeably.

In terms of terminology, when referring to these issues generally, the report will use the term ‘CEFM.’ When referring to specific aspects of the issue, the report will expressly state the aspect (i.e. ‘child marriage’, forced marriage etc.). There will also be a predominant focus on the issue of ‘child marriage’ as this is a subjective measurable term and also because the majority of responses to CEFM and literature on CEFM refer to ‘child marriage.’

⁹ *Preventing and Eliminating Child, Early and Forced Marriage: Report of the Office of the United Nations High Commissioner for Human Rights*, GA Res 26/22, UN GAOR, 26th sess, Agenda Items 2 and 3, UN Doc A/HRC/26/22 (2 April 2014) [6].

3. CEFM: Why Should We Care?

CEFM has become a global phenomenon that has received an increasing amount of international attention. It is difficult to explain precisely why and how CEFM has emerged as an international issue, especially due to its multi-religious and multi-sectoral nature.

As the international community has become increasingly interconnected and interdependent, the relevance of human rights and their capacity to inspire has increased, making the world more human rights-orientated.¹¹ Several well-recognised human rights such as the right to freedom from torture, the prohibition on slavery and on racial discrimination have been integrated into customary international law, demonstrating the world's increasingly uniform acceptance of human rights. As women (in particular the girl-child) represent some of the most systematically disadvantaged and vulnerable groups worldwide, it is no surprise that gendered issues such as CEFM have taken the forefront in recent human rights discourse.

This focus has been recognised and acted upon by a number of important bodies in the human rights sphere. In particular, the negative impact of CEFM on the health, education and future prospects of the parties involved has been discussed. Specifically regarding children, the CRC Committee has recognised that the negative impact that child marriage has on the health, education and social development of children requires concrete and urgent steps by its State Parties to combat child marriage.¹² Further, for many years, ICESCR's Human Rights Council stipulated that the practice of early marriage negatively impacts the "health, education and work" of those involved.¹³

Furthermore, the continuation of CEFM is considered to hinder the achievement of the 2030 SDGs, a number of which address the disadvantages faced by the girl-child.¹⁴ The inclusion of CEFM in SDG is both the outcome of a global recognition as well by itself an important recognition of the gravity of the issue.

It is widely accepted that an early marriage not only robs girls of their childhood, but also affects their access to education and development opportunities. The domestication of young girls results in their planned and expected roles within their household and communities not requiring intensive education, thus limiting the need to educate girls in child marriages.¹⁵ This is compounded by a restriction in opportunities afforded to girls in the minimal education that they do receive as boys are often favoured by the time, focus and opportunities. In addition to this, a significant issue with CEFM is the power imbalance existing when a girl child is married off to a mature, older and physically imposing male.

The girl-child in a child marriage is expected to get quickly pregnant, thus making early pregnancy a common and detrimental effect of CEFM. Early pregnancy is particularly

¹⁰ *United Nations Millennium Declaration*, GA Res 55/2, UN GAOR, 55th sess, 8th mtg, Agenda Item 60(b), UN Doc A/RES/55/2 (18 September 2000) Preamble para 3.

¹¹ *Ibid.*

¹² CRC Committee, Concluding Observations, India U.N. Doc. CRC/C/15/Add.115 (Feb.23, 2000).

¹³ ICESCR Concluding Comments, Sri Lanka, E/1999/22 (1999) para 73.

¹⁴ *Girls Not Brides, The Global Partnership to End Child Marriage: Strategy 2017–2020* (January 2017) <<http://www.girlsnotbrides.org/wp-content/uploads/2017/02/Girls-Not-Brides-strategy-2017-2020-ENG.pdf>>.

¹⁵ The United Nations Children's Fund, *Equality, development and peace* (2000) 15.

harmful as it not only poses a risk to the child bride herself but also to the child she is carrying.

Child brides often have the highest rates of early birth, infant and maternal mortality.¹⁶ This damages not only a girl's physical health through physical abuse and the transmission of sexually transmitted infections,¹⁷ but can also cause emotional harm due to the lack of independence, autonomy and involvement in familial decision making.¹⁸ The harmful effects of CEFM are certainly not limited to the above, and the cycle of harm will continue to perpetuate if this practice is not curbed, and eventually ended entirely.

¹⁶ Save the Children, *Every Last Child: The Children the World Chooses to Forget* (2016) <http://www.savethechildren.org/atf/cf/%7B9def2ebe-10ae-432c-9bd0-df91d2eba74a%7D/EVERY_LAST_CHILD_.PDF>.

¹⁷ The United Nations Children's Fund, *Early Marriage: child spouses*, 'Innocenti Digest' (2001), 10.

¹⁸ *Ibid* 19.

4. Effects of CEFM

CEFM has both positive and negative effects. These range from physical and mental disabilities to a lost opportunity for education and life prospects. Specifically, the consequences of education and life prospects, physical health and mental health will be discussed.

4.1. Education

Girls who marry are not only denied their childhood, but they are often socially isolated, cut off from their family, friends with limited opportunities for education and employment.¹⁹ In the United States of America, 50% of girls who marry prior to the age 19 are more likely to drop out of school and college, earn low wages and live in poverty²⁰ while brides in other regions such as the Middle East and Southeast Asia are more likely to have never attended an education institution and are much more likely to not return to any formal education and vocational training.²¹ Brides in lower socio-economic societies are more likely to be dependent on their husbands for economic stability and maintenance.

4.2. Poor Maternal and Infant Health Outcomes

Child brides are often unable to effectively negotiate safer sex, leaving themselves vulnerable to sexually transmitted infections, along with early pregnancy.²² Child brides are more likely to contract HIV due to unprotected sex as they have less control in negotiating condom use or refusing sex with their partners than their adult female counterparts.²³

Additionally, as these young brides are children they are highly vulnerable to all forms of abuse.²⁴ Studies in India found that young women who married before the age of 18 were twice as likely to report being beaten, slapped or threatened by their husbands than girls who were married at an older age.²⁵ They were three times as likely to report being forced to have sex without their consent and they regularly face domestic violence if they fail to meet household and sexual demands and expectations.²⁶

¹⁹ The United Nations Children's Fund, *Ending Child Marriage: Progress and prospects* (2014) 3.

²⁰ Vivian E. Hamilton, 'The Age of Marital Capacity: Reconsidering Civil Recognition of Adolescent Marriage', (2012) 92 *Boston Law Review* 1817, 1818.

²¹ The United Nations Children's Fund, *Ending Child Marriage: Progress and prospects* (2014) 3.

²² *Ibid.*

²³ The International Centre for Research on Women, *Too Young to Wed: Education & Action Toward Ending Child Marriage* (2005) 3 <<https://www.icrw.org/wp-content/uploads/2016/10/Too-Young-to-Wed-Education-and-Action-Toward-Ending-Child-Marriage.pdf>>.

²⁴ Levine, Lloyd, Greene and Grown, 'Child Marriage, Risk of HIV, and Sexual Violence: How Girls are Affected and what can be done,' (2009), Centre for Global Development.

²⁵ Tina Khanna, Ellen Weiss, 'Child Marriage in South Asia: Realities, Responses and the Way Forward' (Technical Paper, International Centre for Research on Women for the UNFPA) 11.

²⁶ The International Centre for Research on Women, *Too Young to Wed: Education & Action Toward Ending Child Marriage* (2005) 5.

During pregnancy, child brides are less likely to receive medical care during pregnancy than women who were married as adults.²⁷ Women who were married after the age of 18 were four times as more likely to receive adequate health care during pregnancy.²⁸

In Bangladesh, Ethiopia, Nepal and Niger, women who married as adults were at least twice as likely to have delivered their most recent baby in a health facility compared to women who married before the age of 15.²⁹ Early pregnancy places both the mother and the infant in danger of disease and death during childbirth.

In other regions, child marriage is associated with unwanted pregnancies, pregnancy termination, malnutrition in offspring and higher rates of death resulting from childbirth.³⁰

4.3. Mental Health

Depression and suicide are common amongst child brides.³¹ Many brides in Bangladesh reported forced social isolation and limited access to support networks such as family, friends and community, where they are left alone to cope with the physical and emotional challenges of marriage.³²

A 2011 study demonstrated that child marriage in the US was significantly associated with all mental disorders except pathological gambling and histrionic and dependent personality disorders.³³ Women who married as children were three times as high risk of developing antisocial personality disorder than women who married as adults.³⁴ Other prevalent disorders include major depressive disorder, nicotine dependence and specific phobias.³⁵

Furthermore, research in Afghanistan revealed that 2,400 women commit self-immolation every year with child and forced marriage, sexual and domestic violence as the key causes.³⁶

²⁷ The United Nations Children's Fund, *Ending Child Marriage: Progress and Prospects* (2014) 4.

²⁸ *Ibid.*

²⁹ *Ibid.*

³⁰ Yann Le Strat, Caroline Dubertret, Bernard Le Foll, 'Child Marriage in the United States and Its Association With Mental Health in Women' (2011) 128 *Pediatrics Journal of American Academy of Pediatrics* 524, 528.

³¹ *Ibid.*

³² World Vision, *Un Tying the Knot Exploring Early Marriage in Fragile States* (7 March 2013) World Vision UK <<http://www.worldvision.org.uk/news-and-views/blog/2013/march/untying-knot-why-early-marriage-should-be-seen-violence-again/>>.

³³ Vivian E. Hamilton, 'The Age of Marital Capacity: Reconsidering Civil Recognition of Adolescent Marriage', (2012) 92 *Boston Law Review* 1817, 1820.

³⁴ *Ibid.*

³⁵ *Unchained at Last, Devastating Consequences Unchained At Last* <<http://www.unchainedatlast.org/laws-to-end-child-marriage/>>.

³⁶ Afghanistan National Development Strategy, *An interim strategy for Security, Governance, Economic Growth and Poverty Reduction 2011* <<https://www.imf.org/external/pubs/ft/scr/2008/cr08153.pdf>>.

5. Responses to the Phenomenon: United Nations

5.1. Introduction

The UN has strongly responded to CEFM through the implementation of hard and soft law instruments. In particular, the international community has created and implemented hard law instruments that explicitly and implicitly prohibit the legality of CEFM within the jurisdiction of State Parties. These hard law instruments have taken various approaches in their prohibition. Some have approached the issue through the lens of capacity, focusing on consent, whilst others have addressed CEFM as a deprivation of various rights, and within this as a specific violation of the right to equality and non-discrimination, to free expression, to education and employment and to health. The significance of this emphasis on human rights will be discussed. As will be shown, each instrument condemns the practice of CEFM and requires State Parties to actively combat it within their jurisdictions, conferring obligations on States regarding the practice's abolition and enforcement. In reviewing the response within these instruments this section will adopt a chronological approach. It will first start by discussing the *Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices* ('the Supplementary Convention'),³⁷ and will continue by examining the *Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriage* ('Convention on Consent to Marriage').³⁸ The approach taken by the 1976 *International Covenant on Civil and Political Rights* ('ICCPR')³⁹ and the *International Covenant on Economic, Social and Cultural Rights* ('ICESCR')⁴⁰ will then be discussed. This section will then examine the approach taken in both the *Convention on the Elimination of All Forms of Discrimination Against Women* ('CEDAW')⁴¹ and the *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* ('CAT').⁴² The approach taken by the *Convention on the Rights of the Child* ('CRC')⁴³ and the *International Labour Organisation's Convention 182 on the Elimination of the Worst Forms of Child Labour* ('ILO Convention 182')⁴⁴ will be discussed.

The General Assembly (GA) and its subsidiary, the Human Rights Council (HRC) have responded to CEFM through creating resolutions that explicitly address the causes and

³⁷ *Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices*, opened for signature 7 September 1956, 266 UNTS 3 (entered into force 30 April 1957).

³⁸ *Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages*, opened for signature 7 November 1962, 521 UNTS 231 (entered into force 9 December 1964).

³⁹ *International Covenant on Civil and Political Rights*, opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976) ('ICCPR').

⁴⁰ *International Covenant on Economic, Social and Cultural Rights*, opened for signature 16 December 1966, 993 UNTS 3 (entered into force 3 January 1976) ('ICESCR').

⁴¹ *Convention on the Elimination of All Forms of Discrimination Against Women*, opened for signature 18 December 1979, 1249 UNTS 13 (entered into force 3 September 1981) ('CEDAW').

⁴² *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, opened for signature 10 December 1984, 1465 UNTS 85 (entered into force 26 June 1987).

⁴³ *Convention on the Rights of the Child*, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990) ('CRC').

⁴⁴ International Labour Organisation, *Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour*, 87th sess, UN Doc C 182 (19 November 2000).

consequences of this issue. These resolutions have developed since their inception through amending resolutions annually or biennially and have adopted various approaches including human rights, health, education and law to respond to this multi-sectoral issue. There are many GA and HRC resolutions that address the causes and consequences of CEFM such as poverty, lack of education and gender inequality. However, this section will deal specifically with soft law instruments that specifically deal with CEFM as an issue.

This section will first discuss the approaches taken by the Vienna⁴⁵ and Beijing Declarations,⁴⁶ which were endorsed by the GA. These principles and approaches were subsequently transposed into GA and HRC resolutions, such as *The Girl Child*,⁴⁷ *CEFM*⁴⁸ and *Strengthening Efforts to Prevent and Eliminate CEFM*.⁴⁹ In addition, CEFM has been recognised in other GA resolutions such as its inclusion in the Sustainable Development Goals (SDGs)⁵⁰ and using child marriage as the theme for the first international day of the girl child.⁵¹ Although the approaches are interrelated, the initiatives implemented by the soft law instruments will be reviewed chronologically and categorised based on their approach to show the different approaches and how they have developed.

5.2. Hard Law Responses

5.2.1. What are the Approaches?

5.2.1.1. THE SUPPLEMENTARY CONVENTION ON THE ABOLITION OF SLAVERY, THE SLAVE TRADE AND INSTITUTIONS AND PRACTICES

The *Supplementary Convention* entered into force in 1957.⁵² Article 1(c)(a) explicitly prohibits “any institution or practice whereby: a woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind”,⁵³ therefore prohibiting forced marriage of any kind, including child marriage.

⁴⁵ World Conference on Human Rights, *Vienna Declaration and Programme of Action*, A/CONF.157/23 (12 July 1993).

⁴⁶ Fourth World Conference on Women, *Beijing Declaration and Platform for Action*, A/CONF.177/20 (27 October 1995); Fourth World Conference on Women, *Beijing Declaration and Platform for Action*, A/CONF.177/20/Add.1 (27 October 1995) (*The Beijing Declaration*).

⁴⁷ *The Girl Child*, GA Res 51/76, UN GAOR, 3rd Comm, 51st sess, 82nd mtg, Agenda Item 106, UN Doc A/RES/51/76 (20 February 1997).

⁴⁸ *Child, Early and Forced Marriage*, GA Res 68/148, UN GAOR, 3rd Comm, 68th sess, 70th mtg, Agenda Item 65(a), UN Doc A/RES/68/148 (30 January 2014).

⁴⁹ *Strengthening Efforts to Prevent and Eliminate Child, Early and Forced Marriage: Challenges, Achievements, Best Practices and Implementation Gaps*, GA Res 24/23, UN GAOR, 24th sess, 37th mtg, Agenda Item 3, UN Doc A/HRC/RES/24/23 (9 October 2013) (*Strengthening Efforts to Prevent and Eliminate CEFM*).

⁵⁰ *Transforming Our World: the 2030 Agenda for Sustainable Development*, GA Res 70/1, UN GAOR, 70th sess, 4th mtg, Agenda Items 15 and 116, UN Doc A/RES/70/1, (21 October 2015), 18 [5.3].

⁵¹ *International Day of the Girl Child*, GA Res 66/170, UN GAOR, 3rd Comm, 69th sess, 89th mtg, Agenda Item 69(b), UN Doc A/RES/66/170 (30 March 2012).

⁵² *Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices*, opened for signature 7 September 1956, 266 UNTS 3 (entered into force 30 April 1957) (*Supplementary Convention*).

⁵³ *Supplementary Convention* art 1(c)(a).

In addition to this explicit prohibition, article 1 of the *Supplementary Convention* equates forced marriage with slavery, requiring State Parties to take “all practicable and necessary legislative and other measures to bring about ... the complete abolition or abandonment” of practices including forced marriage, as stated in article 1(c)(a). This requirement sets a threshold for the responsibility of State Parties that is both strong and pragmatic. The requirement that Parties take all “practicable” measures constitutes a low, presumably pragmatic threshold as Parties are able to claim that they took only the convenient, or ‘practicable’ measures. However, the second limb of the requirement, that State Parties take all “necessary” measures, places a stronger obligation on Parties. Compliance with this requires Parties to undergo analysis of both the practice itself and the needs required to ensure effective prohibition.

Thus, with the entry into force of the *Supplementary Convention*, the international community saw an early move to explicitly prohibit the practice of forced marriage, and to place a strong obligation on State Parties to completely abolish the practice.

5.2.1.2. THE CONVENTION ON CONSENT TO MARRIAGE, MINIMUM AGE FOR MARRIAGE AND REGISTRATION OF MARRIAGE

In 1964, the *Convention on the Consent to Marriage* entered into force.⁵⁴ Like the *Supplementary Convention*, the *Convention on Consent to Marriage* explicitly prohibits CEFM. The Convention’s Preamble requires that State Parties “should take all appropriate measures” in eliminating customs and traditional laws relating to marriage and the family that would result in the deprivation of “complete freedom in the choice of a spouse.” It specifically notes that State Parties should take such measures to eliminate “completely child marriages and the betrothal of young girls before the age of puberty” and as a result should establish “appropriate penalties where necessary”.⁵⁵ This Convention does not specify a minimum age by which to define ‘child marriage’ however requires State Parties to take legislative action to specify such a minimum age within their jurisdictions.⁵⁶

The *Convention on Consent to Marriage* requires both parties to freely and fully consent to the marriage. This is stipulated in article 1 as it states, “no marriage shall be legally entered into without the free and full consent of both parties”, and in the Preamble’s recalling of article 16 of the *Universal Declaration of Human Rights*. Article 16(1) grants men and women “of full age” the right to marry and to found a family, while sub-section (2) requires this to be entered into only with the “free and full consent” of the “intending spouses”.⁵⁷

The obligation placed on State Parties under the *Convention on Consent to Marriage* is that they “should take all appropriate measures” to eliminate “completely child marriage.”⁵⁸ The lack of weight granted to this obligation through the use of “should” instead of “must” or “shall”, and the subjectivity of the test for “appropriate” measures, shows that this obligation

⁵⁴ *Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages*, opened for signature 7 November 1962, 521 UNTS 231 (entered into force 9 December 1964) (*‘Convention on Consent to Marriage’*).

⁵⁵ *Ibid Preamble para 4.*

⁵⁶ *Ibid art 2.*

⁵⁷ *Universal Declaration of Human Rights*, GA Res 217A (III), UN GAOR, 3rd sess, 183rd plen mtg, UN Doc A/810 (10 December 1948) art 16.

⁵⁸ *Convention on Consent to Marriage Preamble para 4.*

on State Parties is fairly weak. Article 2 places a stronger obligation, through the use of “shall”, on State Parties to, through legislative action, specify a minimum age for marriage.⁵⁹ This is complemented by article 3 under which State Parties “shall” register all marriages in an appropriate official register.⁶⁰

The *Convention on Consent to Marriage* explicitly prohibits the practice of child marriage and seeks to obligate parties, albeit weakly, to eliminate child marriage through all appropriate measures by placing a particular focus on the need for consent within marriages and on state responsibility to legislate a minimum age for marriage and to officially register marriages.

5.2.1.3. THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

Entering into force in 1976, the *ICCPR* implicitly prohibits the practice of CEFM within the jurisdiction of State Parties.⁶¹ It does this by requiring consent between parties prior to marriage, and by applying the right to equality to instances of ‘early marriage’.

Article 23 of the *ICCPR* focuses on the capacity of parties to enter into marriage. Sub-section 3 states, “no marriage shall be entered into without the free and full consent of the intending spouses”.⁶² The ability to possess this consent is limited by the requirement in sub-section 2 to those “of marriageable age”, implying that the right to marriage does not pertain to children.

The *ICCPR* and its Human Rights Committee have interpreted the right to equality of enjoyment of the Convention’s rights, as set out in article 3 of the Convention,⁶³ to extend to cultural, traditional, religious or historical practices of CEFM. In General Comment 28 the Human Rights Committee stated:

Inequality in the enjoyment of rights by women is deeply embedded in tradition, history, and culture including religious attitudes. States parties should ensure that traditional, historical, religious and cultural attitudes are not used to justify violations of women’s right to equality before the law and to equal enjoyment of all Covenant rights.⁶⁴

Narrowing in on the practice of CEFM, the Committee’s Concluding Comments noted that this inequality is pertinent in the practice of child marriage globally. The Committee called for Zimbabwe to prohibit statutory difference in the marriageable age of females and males, and required the adoption of preventative and eliminatory measures regarding any social and cultural attitudes that lead to these differences.⁶⁵ It further criticised provisions that exempt a rapist from criminal punishment if the offender subsequently married the victim,⁶⁶ and called

⁵⁹ Ibid art 2.

⁶⁰ Ibid art 3.

⁶¹ *International Covenant on Civil and Political Rights*, opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976) (*ICCPR*).

⁶² Ibid art 23(3).

⁶³ Ibid art 3.

⁶⁴ Human Rights Committee, *CCPR General Comment No. 28: Article 3 (The Equality of Rights Between Men and Women)* 68th sess, UN Doc CCPR/C/21/Rev.1/Add.10 (29 March 2000) 1 [5] (*CCPR General Comment 28*).

⁶⁵ Human Rights Committee, *Concluding Observations of the Human Rights Committee: Zimbabwe*, CCPR Res 62/3, 62nd sess, UN Doc CCPR/C/79/Add.89 (6 April 1998) [214].

⁶⁶ Human Rights Committee, *Concluding Observations of the Human Rights Committee: Guatemala*, CCPR Res 56/79/Add. 63, 56th sess, UN Doc CCPR/C/79/Add.63 (3 April 1996) para [85(24)].

for the implementation of steps to prevent traditions such as forced marriage, noting that such practices are inconsistent with the equal rights of women.⁶⁷ In conjunction with this, the Committee's General Comment 4/13 interpreted article 3 of the *ICCPR* as imposing a positive obligation on State Parties to remedy sex discrimination within their jurisdictions.

The *ICCPR* implicitly prohibits the practice of CEFM, and is supported by the explicit prohibition set out by the Human Rights Committee in its General Comments and Concluding Statements, taking predominantly a rights-based approach by seeking to remedy gender-based inequality and discrimination.

5.2.1.4. THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Entering into force in 1976, *ICESCR*, like the *ICCPR*, implicitly prohibits the practice of CEFM by State Parties.⁶⁸ It does this through the lens of consent to marriage and the effects of early marriage to health, education and work.⁶⁹

Article 10 of *ICESCR* recognises that marriage “must be entered into with the free consent of the intending spouses.”⁷⁰ This Convention's Concluding Comments have clarified that differences in marriageable age between males and females is a violation of this article.⁷¹ The Concluding Comments have expanded the Convention's reach to recognise that the practice of early marriage has a negative impact on the right to health, as required under *ICESCR* article 12, the right to education, article 13, and the right to work, article 6, and thus constitutes a violation of these articles of *ICESCR*.⁷²

5.2.1.5. THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

CEDAW entered into force in 1981 and has been ratified by 185 countries.⁷³ Unlike the *ICCPR* and *ICESCR*, *CEDAW* explicitly prohibits child marriage. Article 16(2) states, “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 marriage in an official registry compulsory.”⁷⁴

⁶⁷ Human Rights Committee, *Concluding Observations of the Human Rights Committee: The Sudan*, CCPR Res 90/3, 90th sess, UN Doc CCPR/C/SDN/CO/3 (29 August 2007) [122].

⁶⁸ *International Covenant on Economic, Social and Cultural Rights*, opened for signature 16 December 1966, 993 UNTS 3 (entered into force 3 January 1976) (*'ICESCR'*).

⁶⁹ UNICEF, *Child Marriage and the Law: Legislative Reform Initiative Paper Series (April 2007)* <https://www.unicef.org/policyanalysis/files/Child_Marriage_and_the_Law.pdf> 13.

⁷⁰ *ICESCR* art 10.

⁷¹ *UN Committee on Economic, Social and Cultural Rights: Concluding Observations: Suriname*, ESC Res 12/6, UN ESCOR, 12th sess, 27th mtg, UN Doc E/C.12/1996/6 (7 June 1995) [159].

⁷² *UN Committee on Economic, Social and Cultural Rights: Concluding Observations: Sri Lanka*, ESC Res 12/1 Add. 24, UN ESCOR, 18th sess, 25th mtg, UN Doc E/C.12/1/Add.24 (16 June 1998) [73] (*'Concluding Comments: Sri Lanka'*).

⁷³ *Convention on the Elimination of All Forms of Discrimination Against Women*, opened for signature 18 December 1979, 1249 UNTS 13 (entered into force 3 September 1981) (*'CEDAW'*).

⁷⁴ *CEDAW* art 16(2).

Along with this explicit prohibition, *CEDAW* responds to CEFM by focusing on the consent required for marriage. Article 16(1)(b) grants the right to “freely chose a spouse and to enter into marriage only with their free and full consent.”⁷⁵ General Recommendation 21 of the *CEDAW* Committee emphasises this right as central to a woman’s “life and to her dignity and equality as a human being.”⁷⁶ That this right immediately precedes article 16(2)’s explicit prohibition of child marriage implies that consent cannot be considered “free and full” when a party to the marriage is a child.

CEDAW also responds to CEFM by including the right to equality and non-discrimination. Article 16(1) notes that the right to marriage cannot discriminate against women and article 2(e) more broadly notes that State Parties are to take “all appropriate measures” to eliminate discrimination against women.⁷⁷

The *CEDAW* Committee has applied this right to situations of *forced and child marriage*. Regarding forced marriage, the Committee’s General Recommendation 21 noted that there are countries that permit forced marriages due to their customs, religious beliefs or ethnic origins. In such instances the Committee protects the right of a woman to choose “when, if and whom she will marry” and requires this to be protected and enforced by the law of the country in question.⁷⁸

Regarding child marriage, Recommendation 21 calls for the abolition of provisions that provide different ages of marriage for men and women on the basis that they “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.”⁷⁹

Not only does *CEDAW* respond to CEFM through explicit prohibition and through the right to equality and non-discrimination, but also through a focus on the right to health, life, survival and development.⁸⁰ The *CEDAW* Committee’s General Recommendation 19 on Violence Against Women reads articles 2(f), 5 and 10(c) in tandem, concluding that “traditional attitudes by which women are regarded as subordinate to men or as having stereotyped roles perpetuate widespread practices involving violence or coercion, such as forced marriage.”⁸¹ In making this Recommendation the Committee has found that forced marriage is contrary to the physical and mental health of an adult and a child.

Article 18 of *CEDAW* requires states to submit a report to the *CEDAW* Committee within one year of entry to the Convention and in each subsequent fourth year.⁸² In doing so the Convention seeks to see its provisions implemented with the greatest level of compliance as possible. *CEDAW’s Optional Protocol* expanded on this aim by setting up a complaints mechanism. Under this mechanism women can submit complaints to the Committee alleging violations of the Convention. However, this will only be possible if the State Party in question has ratified by the Convention and the *Optional Protocol*. The *Optional Protocol*

⁷⁵ Ibid art 16(1)(b).

⁷⁶ UN Committee on the Elimination of Discrimination Against Women, *CEDAW General Recommendation No. 21: Equality in Marriage and Family Relations* 13th sess, UN Doc A/49/38 (1994) (*‘CEDAW General Recommendation 21’*).

⁷⁷ *CEDAW* arts 16(1), 2(e).

⁷⁸ Ibid.

⁷⁹ Ibid.

⁸⁰ UNICEF, above n 69, 10-11.

⁸¹ UN Committee on the Elimination of Discrimination Against Women, *CEDAW General Recommendation No. 19: Violence against women* 11th sess, UN Doc A/47/38 (1992) para 11 (*‘CEDAW General Recommendation 19’*).

⁸² *CEDAW* art 18.

permits a person other than the victim to submit a complaint on her behalf, which is particularly important in child marriage situations.⁸³

Not only does *CEDAW* explicitly prohibit CEFM by State Parties, it approaches the phenomenon through the lens of the rights to non-discrimination and equality before the law, the lens of health, life, survival and development and by seeking to ensure effective enforcement of its provisions by setting up reporting and complaints mechanisms.

5.2.1.6. THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Entering into force in 1987, the *CAT* has been found to address child marriage through an interpretation of article 1.⁸⁴ It has been found that where a law enforcement individual or body fails to prosecute rape within child marriage, article 1(1)'s requirement that torture includes the "acquiescence of a public official" is considered satisfied.⁸⁵ Therefore child marriage can be interpreted to be included under article 1 where it includes rape and a public official's acquiescence.

5.2.1.7. THE CONVENTION ON THE RIGHTS OF THE CHILD

CRC entered into force in 1990.⁸⁶ It does not explicitly prohibit child marriage but connects it to other rights – most notably to the right to free expression, to protection from abuse and to protection from harmful traditional practices.⁸⁷ Under *CRC* a child is defined as "every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier."⁸⁸ Despite a lack of explicit reference in the Convention, the *CRC* Committee has indicated that it considers that the minimum age for marriage should be 18 years for both men and women.⁸⁹

CRC approaches each of its provisions, including those relevant to child marriage, with the 'best interests of the child' principle. Article 3 states that the best interests of the child "shall be a primary consideration" in all actions concerning children.⁹⁰ This represents a shift from the child as being perceived as merely the recipient of privileges that are bestowed at the discretion of the family or community, and moves towards a "more progressive view of the child as the bearer of legal rights under international law."⁹¹ Under this principle, it is clear that child marriage cannot be considered viable, as empirical evidence indicates that the

⁸³ UNICEF, above n 69, 55.

⁸⁴ *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, opened for signature 10 December 1984, 1465 UNTS 85 (entered into force 26 June 1987).

⁸⁵ UNICEF, above n 69, 15.

⁸⁶ *Convention on the Rights of the Child*, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990) ('*CRC*').

⁸⁷ UNICEF, above n 69, 2.

⁸⁸ *CRC* art 1.

⁸⁹ UN Committee on the Rights of the Child, *UN Committee on the Rights of the Child: Concluding Observations: India 35th sess*, UN Doc CRC/C/15/Add.115 (26 February 2004) para 32 ('*Concluding Observations: India*').

⁹⁰ *CRC* art 3.

⁹¹ UNICEF, above n 69, 5; Savitri Goonesekere, *Children, Law and Justice: A South Asian Perspective* (SAGE Publications, 1997).

married girl-child is often “exposed to violence, divorce, abandonment, and poverty.” States must therefore take legal action to abolish child marriage under this Convention.⁹²

In addition to the best interests of the child principle, *CRC* contains various provisions that protect the rights of children at risk of child marriage. Article 2 grants children the right to freedom from discrimination and requires that State Parties take “all appropriate measures” to ensure that the child is protected against such discrimination.⁹³ The Convention protects a child’s right to seek, receive and impart information and ideas. Article 13 imparts this right to freedom of expression with exceptions only for the respect of rights or reputations of others, and for the protection of national security, public order, public health or morals.⁹⁴ The *CRC* protects a child’s right to education in article 28. Child marriage almost always results in the child dropping out of school and only ever having achieved low levels of schooling. UNICEF found that compulsory education laws that require girls to attend school until the age of 16 years significantly decreases their chance of entering into child marriage.⁹⁵

A significant response by *CRC* to the child marriage phenomenon is found in article 24(3). This article states, “State Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.”⁹⁶ Article 24(1) realises a child’s right to “the enjoyment of the highest attainable standard of health.”⁹⁷ The *CRC* Committee has recognised the negative impact that child marriage has on a child’s health, education and social development and as such requires State Parties to take concrete steps to combat child marriage.⁹⁸ In addition to this, *CRC* seeks to protect children from gendered violence and of particular relevance to child marriage, protection from sexual abuse⁹⁹ and from all forms of sexual exploitation.¹⁰⁰ The *CRC* Committee has emphasised the need to address this within child marriage as in “a very high percentage of early marriages” “the health of adolescents” will be forfeited.¹⁰¹

The *CRC*, therefore, approaches the phenomenon of child marriage through the principle of the best interests of the child, and by seeking to protect the child’s rights to free expression, freedom from abuse, and freedom from harmful traditional practices.

5.2.1.8. THE INTERNATIONAL LABOUR ORGANISATION’S CONVENTION 182 ON THE ELIMINATION OF THE WORST FORMS OF CHILD LABOUR

In 2000, the *ILO Convention 182* came into effect.¹⁰² Bearing less international power than *CRC* and *CEDAW* in this area, this Convention focuses only briefly on areas that may prove useful when considering the phenomenon of child marriage. Child marriage is implicitly prohibited under article 3. This article states, “For the purposes of this Convention, the term

⁹² UNICEF, above n 69, 3.

⁹³ *CRC* art 2.

⁹⁴ *Ibid* art 13.

⁹⁵ UNICEF, above n 69, 20.

⁹⁶ *CRC* art 24(3).

⁹⁷ *Ibid* art 24(1).

⁹⁸ *Concluding Observations: India*, UN Doc CRC/C/15/Add.115.

⁹⁹ *CRC* art 19.

¹⁰⁰ *CRC* art 34.

¹⁰¹ *Concluding Observations: India*, UN Doc CRC/C/15/Add.115, para 32.

¹⁰² International Labour Organisation, *Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour*, 87th sess, UN Doc C 182 (19 November 2000) (*ILO Convention 182*).

the worst forms of child labour comprises: ...work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.”¹⁰³ As has already been shown, child marriage has been proven to be prejudicial to the health of children, and therefore is likely to fall under the Convention’s classification of the ‘worst forms of child labour’.

5.2.2. How Do These Approaches Concur or Differ?

5.2.2.1. NATURE OF PROHIBITION

A number of the responses set out above concur in the manner in which they prohibit the occurrence of CEFM within the jurisdiction of State Parties. **Some instruments explicitly prohibit CEFM whereas others prohibit it implicitly.** Of the above hard law instruments, *CEDAW*, the *Convention on the Consent to Marriage*, and the *Supplementary Convention* explicitly prohibit child marriage. This explicit prohibition can be found in article 16(2) of *CEDAW*, the Preamble and article 2 of the *Convention on the Consent to Marriage*, and article 1(c) of the *Supplementary Convention*. However other hard law instruments implicitly prohibit child marriage. As argued above, article 24(3) of *CRC*, article 23 of the *ICCPR*, article 10 of *ICESCR* and article 3 of the *ILO Convention 182* implicitly prohibit child marriage. Thus, the nature of the response taken by hard law instruments to prohibition of child marriage varies between instruments.

5.2.2.2. FOCUS: CAPACITY

Another way that the responses differ is in the focus taken to CEFM within various instruments. A number of instruments **approach the child marriage phenomenon through the lens of capacity.** Article 3 of *CRC* grants children the capacity to have own their interests protected and makes a child “the bearer of legal rights under international law.”¹⁰⁴ Article 16(1) of *CEDAW* requires consent for marriage between partners whilst emphasising the capacity for equal rights.¹⁰⁵ Similarly to *CEDAW*, article 1 of the *Convention on the Consent to Marriage* instils the need for free and full consent of both parties.¹⁰⁶ This emphasis on consent is echoed in article 10 of *ICESCR*.¹⁰⁷ Article 23 of the *ICCPR* addresses capacity by only allowing men and women to marry when they are of marriageable age. Therefore, there are multiple instruments that concur in their approach to child marriage, namely by responding through the lens of capacity.

5.2.2.3. FOCUS: RIGHTS

A number of the responses pose **CEFM as a clear deprivation of human rights.** The increasing awareness raised throughout the 20th Century for the universal recognition and protection of

¹⁰³ Ibid art 3(d).

¹⁰⁴ Goonesekere, above n 91.

¹⁰⁵ *CEDAW* art 16(1).

¹⁰⁶ *Convention on the Consent to Marriage* art 1.

¹⁰⁷ *ICESCR* art 10.

human rights, particularly following the conclusion of the Second World War, has seen an increasing construction of CEFM as a violation of universal human rights.

5.2.2.3.1. RIGHT TO EQUALITY AND NON-DISCRIMINATION

Various instruments have framed CEFM as a violation of the right to equality and non-discrimination. Article 2 of *CRC* requires parties to act without discrimination, specifically to take “all appropriate measures” to avoid doing so.¹⁰⁸ *CEDAW* also approaches CEFM from this angle, through articles 2(e) and 16, and in General Recommendation 21 of the *CEDAW* Committee. General Recommendation 21 states that jurisdictions that provide different marriageable ages between men and women assume inequality in intellectual and physical capacity and as such contribute to the occurrence of child marriage.¹⁰⁹ The approach of the *ICCPR* also expresses this need to promote the right to equality in regard to child marriage. The General and Concluding Comments of the Human Rights Committee argue that the tradition of child marriage is used to “justify violations of women’s right to equality”¹¹⁰ and as such must be eliminated.

5.2.2.3.2. RIGHT TO FREE EXPRESSION AND INFORMATION

Article 13 of *CRC* provides for the right of children to freely express and receive information and ideas of all kinds.¹¹¹ In limiting the voice and education available to a child, child marriage is argued to be in violation of this article, and as such of a right granted under the Convention.¹¹²

5.2.2.3.3. RIGHT TO EDUCATION AND EMPLOYMENT

Both *CRC* and *ICESCR* confer the right to education and employment upon children and adults. Article 28 of *CRC* requires State Parties to recognise the right of a child to education and agree to make primary education “compulsory and available free to all.”¹¹³ It has been found that compulsory education laws such as this significantly decrease the chances of early marriage amongst children. This right to education is found in *CEDAW*, as previously shown.

UNICEF has found that early marriage amongst children is associated with low levels of schooling and is thus more likely to constitute a violation of the rights set out in *CRC* and *CEDAW*.¹¹⁴ Further, in its Concluding Comments the Human Rights Council stipulated that the practice of early marriage negatively impacts health, education and work of those involved.¹¹⁵

¹⁰⁸ *CRC* art 2.

¹⁰⁹ *CEDAW General Recommendation 21*, UN Doc A/49/38.

¹¹⁰ *CCPR General Comment 28*, UN Doc CCPR/C/21/Rev.1/Add.10.

¹¹¹ *CRC* art 13.

¹¹² UNICEF, above n 69, 6.

¹¹³ *CRC* art 28.

¹¹⁴ Alan Guttmacher Institute, *Into a New World: Young Women’s Sexual and Reproductive Lives’ and Forum on Marriage and the Rights of Women and Girls* (The Institute, 1998) 15.

¹¹⁵ *UN Committee on Economic, Social and Cultural Rights: Concluding Observations: Sri Lanka*, ESC Res 12/1 Add. 24, UN ESCOR, 18th sess, 25th mtg, UN Doc E/C.12/1/Add.24 (16 June 1998) [73].

5.2.2.3.4. RIGHT TO HEALTH

CEFM is most often connected with the violation of the right to health. This right is found in *CRC*, *ILO Convention 182*, *CAT* and *CEDAW*, and often mentioned in connection with practices such as CEFM.

Article 24(3) of *CRC* requires State Parties to “take all effective and appropriate measures” to eliminate traditional practices that are prejudicial to the health of children, undoubtedly including CEFM.¹¹⁶ Article 24(1) also confers upon a child the right to “enjoyment of the highest attainable standard of health.”¹¹⁷ The extent to which CEFM can be considered a violation of this right is set out by the *CRC* Committee which requires concrete steps to be taken to combat early forced marriage for girls due to the “negative impact” that it can have on “their health, education and social development.”¹¹⁸

Further, article 3 of the *ILO Convention 182* prohibits work that “is likely to jeopardise the health, safety or morals of children.”¹¹⁹ The negative impact conferred on children by CEFM, as noted by the *CRC* Committee, is likely to fall into this category. A child’s right to health is considered violated under article 1(1) of *CAT* in a situation in which law enforcement fails to prosecute rape within child marriage.¹²⁰ In this way CEFM is portrayed as a violation of a child’s right to health.

In addition to this, hard law instruments prohibit gender violence. Article 19 of *CRC* protects a child from sexual abuse and article 34 from all forms of sexual exploitation.¹²¹ The *CEDAW* Committee’s General Recommendation 19 defines forced marriage as a widespread practice that involves “violence or coercion”.¹²²

Child marriage, usually considered to be forced marriage either by circumstances or by way of lack of capacity to consent, can thus be considered a violation of a child’s right to health and safety.

2.2.3.5. ENFORCEMENT MECHANISMS

As an example amongst the hard law instruments, *CEDAW* seeks to effectively enforce its provisions, including the provision explicitly prohibiting child marriage. Article 18 requires State Parties to submit a report to the *CEDAW* Committee within one year of entry into the Convention and in each subsequent fourth year. In addition to this, the *Optional Protocol* to *CEDAW* establishes a complaints mechanism allowing women, or a person other than the victim, to submit a complaint to the Committee alleging a violation of the Convention.¹²³ In this way an allegation of an instance of CEFM has a greater chance of being identified by a State Party in its reporting and may be brought directly to the attention of the *CEDAW* Committee through the complaints mechanism. The other hard law instruments mentioned include similar provisions however *CEDAW* is a helpful example for considering this enforcement.

¹¹⁶ *CRC* art 24(3).

¹¹⁷ *CRC* art 24(1).

¹¹⁸ *Concluding Comments: India*, U.N. Doc. CRC/C/15/Add.115.

¹¹⁹ *ILO Convention 182* art 3(a), (d).

¹²⁰ UNICEF, above n 69, 15.

¹²¹ *CRC* art 19, 34.

¹²² *CEDAW: General Recommendation 19*, UN Doc A/47/38 para 11.

¹²³ UNICEF, above n 69, 17.

5.2.2.4. THRESHOLD FOR STATE RESPONSIBILITY

The relevant hard law instruments differ in their treatment of CEFM in the threshold that they establish regarding the obligation of State Parties.

The **instruments that explicitly prohibit CEFM, as a general rule, impose a lower threshold on State Parties.** The Preamble to the *Convention on the Consent to Marriage* states that Parties “should take all appropriate measures” in “eliminating completely child marriage.”

The use of ‘should’ and ‘appropriate’ allow various interpretations by State Parties and grant Parties a choice as to whether to take measures to eliminate child marriage. By reforming this to ‘must’ or ‘shall’ a greater obligation to comply is likely to be placed on State Parties.

Imposing a slightly stronger obligation, article 1(c) of the *Supplementary Convention* requires State Parties to take “all practicable and necessary legislative and other measures” to abolish CEFM.¹²⁴ Standing stronger than the ‘should’ stance of the *Convention on the Consent to Marriage*, the *Supplementary Convention* nevertheless fails to produce a high enough threshold to prevent Parties from making excuses for failing to comply. It does this through the inclusion of ‘practicable’ in its threshold. In this way CEFM is unlikely to be considered a priority, as it must first be practicable for a jurisdiction to implement measures to abolish CEFM – an action unlikely to be considered practicable in societies in which CEFM has operated as a social, historical and cultural tradition for decades.

However, *CEDAW* imposes a stronger threshold with article 16(2) stating that child marriage “shall have no legal effect, and all necessary action ... shall be taken to specify a minimum age for marriage and to make the registration of marriage in an official registry compulsory.”¹²⁵ This threshold overcomes the difficulties posed by the *Convention on the Consent to Marriage*, and the *Supplementary Convention*. Firstly, it imposes a strong obligation on parties to comply with its provisions, using ‘shall’ rather than ‘should’. Secondly, this threshold removes the *Supplementary Convention’s* inclusion of ‘practicable’ as a requirement for compliance with its provisions. By requiring all ‘necessary’ action State Parties are required to make abolition of child marriage a priority above what is convenient. Perhaps this change in approach is due to the increased awareness surrounding issues of CEFM and other human rights abuses in the latter twenty or thirty years of the 20th century.

As a general rule, **the instruments in which CEFM is implicitly prohibited impose a higher threshold on State Parties.** For example, like *CEDAW*, *CRC*, *ICCPR* and *ICESCR* each use ‘shall’ instead of ‘should’ in imposing obligations to comply on State Parties with regards to the various rights to which they refer. This may be due to their broad scope, as states may be more likely to sign an instrument with a broad scope and a consequently broader, and often lessened, enforcement capacity.

¹²⁴ *Supplementary Convention* art 1(c).

¹²⁵ *CEDAW* art 16(2).

5.3 Soft Law Responses

5.3.1 What are the Approaches?

5.3.1.1 THE WORLD CONFERENCE ON HUMAN RIGHTS

In 1993, the World Conference on Human Rights adopted the Vienna Declaration and Programme of Action ('Vienna Declaration').¹²⁶ **The Declaration is a significant document within the international CEFM sphere as it comments substantially on the interaction between the need to maintain human rights standards and the need to abolish CEFM.**

The Vienna Declaration's Preamble establishes the Declaration's emphasis on human rights by reaffirming the international community's commitment to the Universal Declaration of Human Rights and its purposes and principles.¹²⁷ The Declaration continues to express its deep concern regarding the "various forms of discrimination and violence" faced globally by women.¹²⁸ The Preamble concludes by recognising the responsibility of the international community to "devise ways and means to remove current obstacles and meet challenges to the full realisation of all human rights and to prevent the continuation of human rights violations."¹²⁹

In light of this the Declaration continues by expressly stating, "it is the duty of States ... to promote and protect all human rights."¹³⁰ The Declaration requires States to remove all obstacles that would prevent this promotion and protection of human rights,¹³¹ and prioritises the full and equal rights and participation of women in political, civil, economic, social and cultural life, with all forms of discrimination against women to be eradicated.¹³² This document is significant in that it grants that the protection of the human rights of women should form an "integral part" of UN human rights activity.¹³³ With regards to CEFM, the Declaration calls for abolition of CEFM in favour of the protection of the human rights of the girl-child and "urges governments, institutions, intergovernmental and nongovernmental organisations to intensify their efforts" on this front.¹³⁴ **By calling for action in such a strong manner, urging 'intensification' of efforts, this Declaration paved the way for future UN instruments to make provisions with high thresholds for state compliance regarding CEFM's abolition.**

In addition to this call for an intensification of efforts, the Vienna Declaration posed the question of the protection of the rights of the girl-child in instances of CEFM as one of local implementation. In this way, the Declaration sought to "[promote] and [safeguard] human rights" through the incorporation of "standards contained in international human rights

¹²⁶ World Conference on Human Rights, *Vienna Declaration and Programme of Action*, A/CONF.157/23 (12 July 1993).

¹²⁷ *Ibid* Preamble.

¹²⁸ *Ibid*.

¹²⁹ *Ibid*.

¹³⁰ *Ibid* [5].

¹³¹ *Ibid* [13].

¹³² *Ibid* [18].

¹³³ *Ibid*.

¹³⁴ *Ibid*.

instruments in domestic legislation and strengthen national structures.”¹³⁵ This express willingness to include local ratification of the standards expressed in the Declaration indicated a willingness to ensure that human rights violations, such as CEFM, do not go unnoticed.

5.3.1.2 THE FOURTH WORLD CONFERENCE ON WOMEN

The UN convened the ‘Fourth World Conference on Women: Action for Equality, Development and Peace’ in September 1995 in Beijing. During the conference, they focused on women’s empowerment as the main method to achieve gender equality.¹³⁶ To empower women, the conference highlighted the need to remove obstacles that prevent women’s equal participation in economic, cultural, political and social decision-making in both public and private spheres.

The conference resulted in the creation and adoption of the Beijing Declaration and the Platform of Action. The GA adopted the Beijing Declaration and Platform of Action (POA) in its 50th session.¹³⁷

Although the Declaration does not explicitly mention CEFM, it addresses some of the issues surrounding CEFM such as gender equality and poverty and how it disproportionately affects women and children.¹³⁸ More specifically, it refers to the need for women to be economically independent,¹³⁹ as well as the right to control their health, especially their fertility health,¹⁴⁰ and equal access to education.¹⁴¹

The POA affirms and further develops the principles in the Vienna Declaration and Programme of Action by expanding the human rights focus from gender discrimination to other rights such as healthcare and education. It also explicitly refers to CEFM by recognising that child and early marriage is a harmful practice that the girl child faces, which prevents girls from achieving their full potential and perpetuates gender inequality.¹⁴² The POA focuses on the cultural attitudes that permeate CEFM and the cultural preference of sons over daughters that prevent girl’s access to education, nutrition and healthcare services and which curtail further education and employment opportunities.¹⁴³ It also recognises the health issues caused by early marriage including premature and unprotected sexual relations that routinely lead to early pregnancies and child bearing.¹⁴⁴

The POA recognises that a multifaceted approach is needed to address gender inequality and it includes the different approaches that are required by different actors such as states, and

¹³⁵ Ibid [83].

¹³⁶ Fourth World Conference on Women, *Beijing Declaration and Platform for Action*, A/CONF.177/20 (27 October 1995) art 13.

¹³⁷ *Follow-up to the Fourth World Conference on Women and Full Implementation of the Beijing Declaration and the Platform for Action*, GA Res 50/203, UN GAOR, 3rd Comm, 50th sess, 99th mtg, Agenda Item 165, UN Doc A/RES/50/203 (23 February 1996); *Fourth World Conference on Women*, GA Res 50/42, UN GAOR, 50th sess, 86th mtg, Agenda Item 165, UN Doc A/RES/50/42 (17th January 1996).

¹³⁸ Fourth World Conference on Women, *Beijing Declaration and Platform for Action*, A/CONF.177/20 (27 October 1995) art 5.

¹³⁹ Ibid art 26.

¹⁴⁰ Ibid art 17.

¹⁴¹ Ibid art 30.

¹⁴² Fourth World Conference on Women, *Beijing Declaration and Platform for Action*, A/CONF.177/20/Add.1 (27 October 1995) [39].

¹⁴³ Ibid [71] and [93].

¹⁴⁴ Ibid [94].

international and national NGOs, to combat CEFM including legislative measures, changing cultural attitudes and removing discrimination against the girl child. The legal approach calls for the enactment and strict enforcement of laws to ensure marriage is only entered with the full and free consent of both partners.¹⁴⁵ This approach addresses the ‘forced marriage’ aspect of CEFM.¹⁴⁶ Laws should also include a minimum age for marriage and this age should be increased where necessary, which addresses the ‘early marriage’ aspect. However, the POA does not outline what the minimum marriage age should be. Social support must be generated to ensure laws are followed by the community and enforced where necessary.¹⁴⁷ The POA highlights the need for different forms of education, including education for parents on the importance of girls’ health and wellbeing and the need to end early marriage to uphold girl’s health.¹⁴⁸ Girls also need education in the form of schooling and health.¹⁴⁹

5.3.1.3 THE GIRL CHILD

The Girl Child Resolution was enacted in 1996 in addition to the GA Resolutions that implemented the Beijing Declaration.¹⁵⁰ Although the Beijing Declaration had a specific chapter that referred to the girl child and included recommended action, the GA understood the importance of focusing on efforts to empower women to remove barriers to women’s education and economic independence.¹⁵¹ As cultural discrimination against girls stems from the girl child, efforts must focus on removing these root causes in order to achieve this aim. *The Girl Child* Resolution has developed through its subsequent resolutions.

‘Early marriage’ was first mentioned in the second *Girl Child* Resolution, 1997¹⁵² where the preamble explicitly refers to early marriage.¹⁵³ The substantive provisions focus on the enforcement of laws that stipulate the minimum legal age for marriage and that marriage is entered only with the free and full consent of both intended spouses.¹⁵⁴

The 1999 *Girl Child* Resolution added a provision that promotes the continued education and training of married women, pregnant women and young mothers as a method of protecting them from discrimination.¹⁵⁵

The scope of the Preamble changed in the 2006 Resolution¹⁵⁶ to also include ‘forced marriage’ in addition to ‘early marriage’ as an example of cultural, social, sexual and economic exploitation and harmful practices.¹⁵⁷ The substantive provisions of the Resolution

¹⁴⁵ Ibid [274(e)].

¹⁴⁶ Ibid [130(b)].

¹⁴⁷ Ibid [275(b)].

¹⁴⁸ Ibid [277(d)].

¹⁴⁹ Ibid [107(a)].

¹⁵⁰ *The Girl Child*, GA Res 50/154, UN GAOR, 3rd Comm, 50th sess, 97th mtg, Agenda Item 110, UN Doc A/RES/50/154 (15 February 1996).

¹⁵¹ Fourth World Conference on Women, *Beijing Declaration and Platform for Action*, A/CONF.177/20/Add.1 (27 October 1995) [109]-[119].

¹⁵² *The Girl Child*, GA Res 51/76, UN GAOR, 3rd Comm, 51st sess, 82nd mtg, Agenda Item 106, UN Doc A/RES/51/76 (20 February 1997).

¹⁵³ Ibid Preamble para 6.

¹⁵⁴ Ibid arts 3(b), 4.

¹⁵⁵ *The Girl Child*, GA Res 53/127, UN GAOR, 3rd Comm, 53rd sess, 85th mtg, Agenda Item 106, UN Doc A/RES/53/127 (23 February 1999) art 10.

¹⁵⁶ *The Girl Child*, GA Res 60/141, UN GAOR, 3rd Comm, 60th sess, 64th mtg, Agenda Item 67, UN Doc A/RES/60/141 (11 January 2006).

¹⁵⁷ Ibid Preamble para 10.

also urged states to increase resources in health and education sectors to provide young people, especially girls, with the knowledge, attitudes and skills to prevent HIV/AIDS and enjoy the highest attainable standard of physical and mental health, including sexual and reproductive health.¹⁵⁸

The **2008 Resolution**¹⁵⁹ broadened the scope of the creation and enforcement of law that originally focused on the full consent and minimum age of marriage to ensure **all girls are protected ‘from all forms of violence and exploitation including...early and forced marriage.’**¹⁶⁰

The reference to CEFM was significantly increased in the **2010 Resolution**¹⁶¹ in both the Preamble and substantive provisions. Child marriage was included as another example of a harmful practice in the Preamble, which previously only referred to early and forced marriage.¹⁶² The Preamble also recognises how **child and forced marriages often result in early motherhood and the end to girls’ education**¹⁶³ **and that violence against children, such as child and forced marriage disproportionately affects girls.**¹⁶⁴ The amendments to the substantive provisions focus on law and education:

Law:

- In addition to the 2008 amendments, the 2010 Resolution further developed the legal approach by urging states to raise the minimum age for marriage where necessary.¹⁶⁵ However, the Resolution still does not specify what age it should be raised to;
- The Resolution urges for strengthened existing legislative instruments to promote and protect children’s rights, especially girl’s rights.¹⁶⁶

Education:

- The Resolution urges states to use educational activities to raise awareness of the negative impacts of CEFM to address root factors of child and forced marriages;¹⁶⁷
- The Resolution also calls for education programs targeted at parents that highlight the importance of girls’ physical and mental health and well-being.¹⁶⁸

Research:

- The Resolution requests the Secretary-General to create a report that reviews states’ compliance with the Resolution with a particular emphasis on ending child and forced marriages.¹⁶⁹ The findings of this report will not be included in this report as they do not create any additional approaches than what has already been discussed. However, it is important to note the report supported and reinforced the approaches taken during this period.

The 2012 Girl Child Resolution¹⁷⁰ maintains the strengthened reference to CEFM created by the 2010 Resolution¹⁷¹ and notes that child and forced marriage is still underreported.¹⁷² The

¹⁵⁸ Ibid art 24.

¹⁵⁹ *The Girl Child*, GA Res 62/140, UN GAOR, 3rd Comm, 62nd sess, 76th mtg, Agenda Item 66(a), UN Doc A/RES/62/140 (19 February 2008).

¹⁶⁰ Ibid art 13.

¹⁶¹ *The Girl Child*, GA Res 64/145, UN GAOR, 3rd Comm, 64th sess, 65th mtg, Agenda Item 65(a), UN Doc A/RES/64/145 (1 March 2010).

¹⁶² Ibid Preamble para 26.

¹⁶³ Ibid Preamble para 25.

¹⁶⁴ Ibid Preamble para 16.

¹⁶⁵ Ibid art 16.

¹⁶⁶ Ibid art 15.

¹⁶⁷ Ibid.

¹⁶⁸ Ibid art 18.

¹⁶⁹ Ibid art 43.

¹⁷⁰ *The Girl Child*, GA Res 66/140, UN GAOR, 3rd Comm, 66th sess, 89th mtg, Agenda Item 65(a), UN Doc A/RES/66/140 (27 March 2012).

Resolution calls for states to support discussions that explore ways to prevent and address child and forced marriage and multi-sectoral policies and programs to end the practice of CEFM.¹⁷³

The 2012 Resolution focused on the health implications of CEFM:

- The Preamble acknowledges that girl brides face health risks such as HIV and sexually transmitted infections and an increased risk of stillbirth and maternal death;¹⁷⁴
- The negative health consequences and access to health services will improve as the cultural attitudes towards girls change. This reduction will contribute to achieving the Millennium Development Goals (MDGs).¹⁷⁵

5.3.1.4 2015 MDGs AND POST-2015 SDGs

The 2015 MDGs were created by the GA after a conference in September 2000. All 189 UN member states agreed to these goals and aimed to achieve them by 2015. The eight goals that were established include:

- **eradicating poverty and hunger**
- **providing universal primary education**
- **ensuring gender equality and empowering women**
- **reducing child mortality**
- **improving maternal health**
- **combating HIV/AIDS, malaria and other diseases**
- improving environmental sustainability
- creating a global partnership for development

Each of these goals have specific targets that states aim to comply with. The Secretary-General issued periodical reports on the progress made to achieving these goals which were regularly reviewed by the GA.¹⁷⁶ Although the MDGs did not explicitly mention CEFM, as highlighted through HRC Resolutions¹⁷⁷ and the GA's and HRC's Panel Discussions in 2014,¹⁷⁸ CEFM relates to six of the eight goals (the related goals are bolded above). Therefore, addressing CEFM will help achieve the MDGs. Further, both Panel Discussions¹⁷⁹ and the GA's and HRC's subsequent Resolutions¹⁸⁰ advocated for the explicit inclusion of CEFM in the SDGs.

¹⁷¹ *The Girl Child*, GA Res 64/145, UN GAOR, 3rd Comm, 64th sess, 65th mtg, Agenda Item 65(a), UN Doc A/RES/64/145 (1 March 2010).

¹⁷² *The Girl Child*, GA Res 66/140, UN GAOR, 3rd Comm, 66th sess, 89th mtg, Agenda Item 65(a), UN Doc A/RES/66/140 (27 March 2012) Preamble para 21.

¹⁷³ *Ibid* art 20.

¹⁷⁴ *Ibid* Preamble para 18.

¹⁷⁵ *Ibid* Preamble para 20.

¹⁷⁶ See, for example *2005 World Summit Outcome*, GA Res 60/1, UN GAOR, 60th sess, 8th mtg, Agenda Items 46 and 120, UN Doc A/RES/60/1 (24 October 2005); *Outcome Document of the Special Event to Follow up Efforts Made Towards Achieving the Millennium Development Goals*, GA Res 68/6, UN GAOR, 68th sess, 32nd mtg, Agenda items 114 and 118, UN Doc A/RES/68/6 (28 January 2014).

¹⁷⁷ *Strengthening Efforts to Prevent and Eliminate Child, Early and Forced Marriage: Challenges, Achievements, Best Practices and Implementation Gaps*, GA Res 24/23, UN GAOR, 24th sess, 37th mtg, Agenda Item 3, UN Doc A/HRC/RES/24/23 (9 October 2013) Preamble para 10.

¹⁷⁸ United Nations General Assembly Human Rights Council, *Panel Discussion on Preventing and Eliminating Child, Early and Forced Marriage*, 23 June 2014; United Nations General Assembly, *Informal Panel Discussion on Child, Early and Forced Marriage*, 5 September 2014.

¹⁷⁹ *Ibid*.

¹⁸⁰ *Child, Early and Forced Marriage*, GA Res 69/156, UN GAOR, 3rd Comm, 69th sess, 73rd mtg, Agenda Item 64(a), UN Doc A/RES/69/156 (22 January 2015) art 7; *Strengthening Efforts to Prevent and Eliminate Child, Early and Forced Marriage: Challenges, Achievements, Best Practices and Implementation Gaps*, GA Res 29/8, UN GAOR, 29th sess, 42nd mtg, Agenda Item 3, UN Doc A/HRC/RES/29/8 (22 July 2015) art 19.

In September 2015, a summit was established to create and adopt the post-2015 development goals, which were renamed the SDGs. The SDGs include 17 goals that build on the MDGs and focus on the MDGs that were not achieved. Goal 5 aims to achieve gender equality and empower all women and girls and expressly includes CEFM:

*Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation.*¹⁸¹

Although the inclusion of CEFM in the SDGs as an example is criticised as states can technically comply with this goal without addressing CEFM, this is a significant development as it is the first express inclusion of CEFM in the UN development goals.¹⁸²

5.3.1.5 INTERNATIONAL DAY OF THE GIRL CHILD

The international day of the girl child was created in December 2011 by the GA to raise awareness of the discrimination the girl child faces and to empower girls.¹⁸³ The international day of the girl child is the 11th October every year and each year a different issue faced by the girl child is focused on and promoted.¹⁸⁴

The theme of the first international girl child day in 2012 was CEFM. On 11 October 2012 Phumzile Mlambo Ngcuka, the Executive Director of UN Women advocated for accurate, reliable, transparent and comparable gender data to understand all the challenges girls in child, early or forced marriages endure, especially the challenges that are not visible.¹⁸⁵ UN Women Goodwill Ambassador, Emma Watson travelled to Malawi to raise awareness of CEFM. She spoke with traditional chiefs and girls who returned to school after their marriages were annulled.¹⁸⁶ Many girls' stories of early marriage and preventative measures from many countries including Moldova and Syria were shared to raise awareness of the harmful consequences of CEFM and what can be done to address the phenomenon.¹⁸⁷

5.3.1.6 GA RESOLUTION - CHILD, EARLY AND FORCED MARRIAGE GA RESOLUTION & HRC RESOLUTION - STRENGTHENING EFFORTS TO PREVENT AND ELIMINATE CHILD, EARLY AND FORCED MARRIAGE: CHALLENGES, ACHIEVEMENTS, BEST PRACTICES AND IMPLEMENTATION GAPS

The GA and HRC created separate resolutions to respond to CEFM. As these resolutions build on each other and call for similar actions it is appropriate to review them together. The HRC's and GA's first Resolutions in 2014 called for the Office of the High Commissioner of Human Rights (OHCHR) to report on the challenges, achievements, best practices and

¹⁸¹ *Transforming Our World: the 2030 Agenda for Sustainable Development*, GA Res 70/1, UN GAOR, 70th sess, 4th mtg, Agenda Items 15 and 116, Un Doc A/RES/70/1, (21 October 2015), 18 [5.3].

¹⁸² United Nations General Assembly, *Informal Panel Discussion on Child, Early and Forced Marriage*, 5 September 2014.

¹⁸³ *International Day of the Girl Child*, GA Res 66/170, UN GAOR, 3rd Comm, 69th sess, 89th mtg, Agenda Item 69(b), UN Doc A/RES/66/170 (30 March 2012).

¹⁸⁴ *Ibid* art 1.

¹⁸⁵ *International Day of the Girl Child* (11 October 2016) UN Women <<http://www.unwomen.org/en/news/stories/2016/10/ed-statement-day-of-the-girl-child>> 2.

¹⁸⁶ *International Day of the Girl Child* (10 October 2016) UN Women <<http://www.unwomen.org/en/news/stories/2016/10/press-release-emma-watson-shines-spotlight-on-need-to-end-child-marriages>> 2.

¹⁸⁷ *International Day of the Girl Child* UN Women <<http://www.unwomen.org/en/news/in-focus/girl-child>>.

implementation gaps for addressing CEFM.¹⁸⁸ The HRC Resolution called for a panel discussion to review the same focus areas as the OHCHR's report.¹⁸⁹ The GA Resolution asked for a summary of the HRC's panel discussion and also called for their own panel discussion which focused on CEFM and the elaboration of the SDGs.¹⁹⁰

The 2014 OHCHR report provides an in-depth analysis of the causes of CEFM and the effectiveness of the current strategies to combat the issue. It acknowledges how the different sectors such as education, poverty and cultural attitudes contribute to CEFM. The report outlines and analyses the current strategies used to respond to CEFM and bases its recommendations on the challenges and implementation gaps. The report makes the following recommendations:

Law and policy:

- National legal frameworks should comply with international human rights standards, including the age of majority, legal age for marriage for boys and girls and requiring birth and marriage registration to prevent child and early marriage.¹⁹¹ Legislation should also prohibit forced marriage;¹⁹²
- National laws should be harmonised to remove obstacles for the enforcement of laws that prohibit CEFM and remove unreasonable legal requirements to end child marriages.¹⁹³ Remedies should be available to children who leave marriages in order for these laws to be utilised.¹⁹⁴

Gender equality:

- Removing discriminatory practices to empower women and provide access to productive resources.¹⁹⁵

Education:

- Promoting girls' access to education, including reintegration programs for girls who drop out of school due to early marriage or childbirth.¹⁹⁶ Promoting access to education can be achieved through economic support and incentives to girls' families. Other forms of education including sexuality, sexual and reproductive health and life-skills training should be provided to empower women;¹⁹⁷
- Training programs for government officials, the judiciary, law enforcement and other officials including teachers and health workers to identify girls at risk or actual victims of CEFM;¹⁹⁸
- Raising awareness of the harm of CEFM to victims and society at large and also the benefits of delaying marriage and ensuring girls' access to education. This can be achieved through discussions within communities with all members of society including religious and

¹⁸⁸ *Strengthening Efforts to Prevent and Eliminate Child, Early and Forced Marriage: Challenges, Achievements, Best Practices and Implementation Gaps*, GA Res 24/23, UN GAOR, 24th sess, 37th mtg, Agenda Item 3, UN Doc A/HRC/RES/24/23 (9 October 2013) art 2; *Child, Early and Forced Marriage*, GA Res 68/148, UN GAOR, 3rd Comm, 68th sess, 70th mtg, Agenda Item 65(a), UN Doc A/RES/68/148 (30 January 2014) art 1.

¹⁸⁹ *Strengthening Efforts to Prevent and Eliminate Child, Early and Forced Marriage: Challenges, Achievements, Best Practices and Implementation Gaps*, GA Res 24/23, UN GAOR, 24th sess, 37th mtg, Agenda Item 3, UN Doc A/HRC/RES/24/23 (9 October 2013) art 2.

¹⁹⁰ *Child, Early and Forced Marriage*, GA Res 68/148, UN GAOR, 3rd Comm, 68th sess, 70th mtg, Agenda Item 65(a), UN Doc A/RES/68/148 (30 January 2014) art 2.

¹⁹¹ *Preventing and Eliminating Child, Early and Forced Marriage: Report of the Office of the United Nations High Commissioner for Human Rights*, GA Res 26/22, UN GAOR, 26th sess, Agenda Items 2 and 3, UN Doc A/HRC/26/22, (2 April 2014) [54(a)].

¹⁹² *Ibid.*

¹⁹³ *Ibid* [54(b)].

¹⁹⁴ *Ibid.*

¹⁹⁵ *Ibid* [54(d)].

¹⁹⁶ *Ibid* [54(c)].

¹⁹⁷ *Ibid* [54(f)].

¹⁹⁸ *Ibid* [54(h)].

community leaders, men and boys, which will address the cultural and social acceptance of CEFM;¹⁹⁹

- Providing education to girls and women on sexuality, sexual and reproductive health, gender equality and life-skills training for women and girls that is age-appropriate, culturally relevant and empirically based. This education will ensure girls are aware and have the capacity to utilise their rights in relation to marriage;²⁰⁰
- Using technology in an innovative way to create networks that exchange information regarding CEFM between girls and young women;²⁰¹
- Providing adequate financial resources to support programmes that address CEFM that are targeted at married girls in indigenous and rural communities. These programs should co-operate with UN agencies, regional organisations, civil society and other relevant stakeholders.²⁰²

Research:

- Improving data collection and research to obtain a clear analysis of the extent of the phenomenon and to measure effectiveness of CEFM approaches.²⁰³

The GA and HRC panel discussions used the 2014 OHCHR report as a basis to understand the extent of the problem and identify the most effective measures to address CEFM. These panel discussions provided an opportunity for states to ask the expert panellists questions about the most effective ways to implement the OHCHR's recommendations. These discussions lead to the expansion of the GA's and HRC's 2014 Resolutions.

The **2015 GA Resolution** included the information from the 2014 OHCHR report and the panel discussions to become a more substantive *CEFM* Resolution.²⁰⁴ The Resolution stressed that strategies to eliminate CEFM and assist girls that are already married should be holistic, comprehensive and coordinated through the participation of girls, religious and community leaders, civil society, men, boys, youth organisations and UN agencies.²⁰⁵ CEFM policies should be implemented at the local, national, regional and international levels and should also support girls and women that are already married.²⁰⁶ The Resolution urged states and the international community to implement the following responses:

Law and policy:

- Enact, enforce and uphold laws and policies that prevent CEFM and strengthen laws so that marriage is only entered with the free, full and informed consent of both spouses.²⁰⁷

Health:

- Create an environment that supports female well-being through eradicating poverty, investing in women and protecting their rights;²⁰⁸
- Uphold girls' human rights, including their right to decide freely on matters relating to their sexuality, in particular their sexual and reproductive health. Girls should be able to make these decisions free of coercion, discrimination and violence.²⁰⁹

¹⁹⁹ Ibid [54(e)].

²⁰⁰ Ibid [54(f)].

²⁰¹ Ibid [54(g)].

²⁰² Ibid [54(i)].

²⁰³ Ibid [54(j)].

²⁰⁴ *Child, Early and Forced Marriage*, GA Res 69/156, UN GAOR, 3rd Comm, 69th sess, 73rd mtg, Agenda Item 64(a), UN Doc A/RES/69/156 (22 January 2015).

²⁰⁵ Ibid arts 2, 6.

²⁰⁶ Ibid.

²⁰⁷ Ibid art 1.

²⁰⁸ Ibid art 3.

²⁰⁹ Ibid art 5.

Education:

- Protect women and girls' right to education, which includes human rights education and catch-up training for those who dropped out of or never attended school.²¹⁰

Research:

- Requests the Secretary General to provide an updated report on CEFM since the 2014 OHCHR report.²¹¹

The HRC's 2015 Resolution is the most current response to CEFM by the Council.²¹² It complements and further expands on the GA Resolution as well as further implementing the recommendations of the 2014 OHCHR report. It calls for holistic, comprehensive and co-ordinated responses to CEFM that include all members of society, including the active consultation of children and young people.²¹³ These responses should be aimed at the local, national, regional and international contexts and should aim to prevent CEFM and also assist already married girls. The Resolution made the following recommendations:

Law and policy:

- Enacting, enforcing and harmonising laws and policies that prevent and end CEFM and ensuring that marriage is only entered with the free, informed and full consent of both spouses;
- Ensuring equality of men and women in relation to marriage, divorce, child custody and economic consequences of marriage and its dissolution;²¹⁴
- Removing any provisions that enable or justify CEFM such as criminal immunity from rape, sexual abuse or abduction if the perpetrators marry their victims;²¹⁵
- Exercise due diligence in investigating, prosecuting and punishing violence against all children;²¹⁶
- Providing access to justice by improving legal infrastructure and removing all barriers to access legal counselling, assistance and remedies;²¹⁷
- Ensure free or low-fee birth, marriage and divorce registration and removing all barriers that impede access to such registrations.²¹⁸ Access to registration must be universal, accessible, simple, expeditious and effective without any form of discrimination.

Gender equality:

- Tackling drivers of CEFM such as poverty and lack of economic opportunities for women and girls by ensuring women and girls' inheritance and property rights and equal access to social protection. Women's lack of economic opportunities can be reduced by providing direct financial support and microcredit for girls, families and guardians to encourage girls to continue their education, developing livelihood opportunities and life skills education.²¹⁹

Health:

- Providing universal access to comprehensive social, physical, mental and reproductive health, and legal services and counselling for all victims and survivors of CEFM to ensure their full recovery and reintegration into society;²²⁰

²¹⁰ Ibid art 4.

²¹¹ Ibid art 8.

²¹² *Strengthening Efforts to Prevent and Eliminate Child, Early and Forced Marriage: Challenges, Achievements, Best Practices and Implementation Gaps*, GA Res 29/8, UN GAOR, 29th sess, 42nd mtg, Agenda Item 3, UN Doc A/HRC/RES/29/8 (22 July 2015).

²¹³ Ibid art 9.

²¹⁴ Ibid art 3.

²¹⁵ Ibid art 5.

²¹⁶ Ibid art 4.

²¹⁷ Ibid art 6.

²¹⁸ Ibid art 7.

²¹⁹ Ibid art 17.

²²⁰ Ibid art 4.

- Promoting the protection of girls' and women's human rights, 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;²²¹
- Creating an environment in which the wellbeing of women and girls is ensured by co-operating, supporting and participating in efforts for the eradication of poverty, and reaffirms that investment in women and girls.²²²

Education:

- Providing access to justice and remedies by informing women and girls of their rights under relevant laws;²²³
- Effective enforcement of laws by training law enforcement officers and monitoring how they handle cases of CEFM;²²⁴
- Raising awareness about children's rights, including the negative impact of CEFM and providing girls and boys with information, life skills training and the opportunities to be empowered and become agents of change within their communities;²²⁵
- Improving equal access to health-care facilities and sexual and reproductive health information, education and services, including modern forms of contraception;²²⁶
- Raising awareness and engaging in dialogue within communities on the health implications of CEFM;²²⁷
- Protect the rights of women and girls to education, which includes human rights education and catch-up training for those who dropped out of or never went to school;²²⁸
- Improving safety of girls on the way to and from school by establishing a safe and violence-free environment by improving infrastructure, such as transportation, providing separate and adequate sanitation facilities, improved lighting, playgrounds and safe environments.²²⁹

Cultural practices:

- Addressing social norms, gender stereotypes and harmful practices that contribute to the acceptance and continuation of the practice of CEFM by raising awareness of the harm to victims, the cost to society at large and providing for discussion that includes all members of society including men, religious, tribal and community leaders and girls.²³⁰

Research:

- Collecting and using quantitative and qualitative gender disaggregated data and dissemination of information on good practices relating to CEFM;²³¹
- Strengthening monitoring and impact assessment of existing policies and programmes to ensure their effectiveness and improve them;²³²
- Requests the OHCHR to organise an expert workshop to review and discuss the impact of existing strategies and initiatives to address CEFM and to make recommendations for further action.²³³

In addition to these major developments, other GA and HRC Resolutions recognise CEFM and include initiatives to combat this issue.²³⁴ For instance, the *Rights of the Child* Resolution

²²¹ Ibid art 12.

²²² Ibid art 16.

²²³ Ibid art 6.

²²⁴ Ibid.

²²⁵ Ibid art 9.

²²⁶ Ibid art 10.

²²⁷ Ibid art 10.

²²⁸ Ibid art 11.

²²⁹ Ibid art 14.

²³⁰ Ibid art 15.

²³¹ Ibid art 8.

²³² Ibid.

²³³ Ibid art 23.

²³⁴ *Intensification of Efforts to Eliminate All Forms of Violence Against Women*, GA Res 61/143, UN GAOR, 3rd Comm, 61st sess, 81st mtg, Agenda Item 61(a), UN Doc A/RES/61/143 (30 January 2007); *Intensification of Efforts to Eliminate All Forms of Violence Against Women*, GA Res 65/187, UN GAOR, 3rd Comm, 65th sess,

recognises that CEFM disproportionately affects girls and it is an obstacle to girls' education.²³⁵ The Resolution calls for the enactment and enforcement of legislation to eliminate all forms of discrimination including CEFM.²³⁶ These Resolutions codify the major GA and HRC Resolutions on CEFM²³⁷ and places more pressure on states to implement the Resolutions.

In accordance with the GA's Resolution²³⁸ the **Secretary General provided a report on CEFM on 29 July 2016.**²³⁹ The report focuses on the progress of combatting CEFM between April 2014 to May 2016. It reviewed international, regional and national developments since the OHCHR report. Unlike the previous reports and resolutions that gave recommendations on what the different approaches to CEFM, this report focused on how these approaches should be implemented. The report recommended to move beyond small-scale initiatives to well-defined, rights-based and locally relevant holistic strategies that include legal and policy measures as well as political commitment.²⁴⁰ This requires human technical and financial resources to be co-ordinated with local, national and regional levels across different sectors such as education, health, justice, social welfare, law enforcement, immigration and asylum.²⁴¹ The strategies need to consider the wider socio-legal context in which CEFM occurs and these strategies need to prioritise approaches that empower women and promote their human rights in all aspects of their lives.²⁴² The strategies should include traditional and religious authorities, women, girls, adolescents and civil society to design, implement and evaluate strategies to address CEFM.²⁴³ There should be independent mechanisms to track progress of these strategies and provide redress.²⁴⁴ Research needs to identify the hotspots where CEFM is highly prevalent so governments can tailor and target their responses to reach those at the greatest risk of CEFM.²⁴⁵ Solid measurement and evaluation of consistent data collection and disaggregation will identify these hotspots and vulnerable children.²⁴⁶

71st mtg, Agenda Item 28(a), UN Doc A/RES/65/187 (23 February 2011); *Intensification of Efforts to Eliminate All Forms of Violence Against Women*, GA Res 67/144, UN GAOR, 3rd Comm, 67th sess, 60th mtg, Agenda Item 28(a), UN Doc A/RES/67/144 (27 February 2013); *Intensification of Efforts to End Obstetric Fistula*, GA Res 69/148, UN GAOR, 3rd Comm, 69th sess, 73rd mtg, Agenda Item 27(a), UN Doc 69/148 (10 February 2015); *Accelerating Efforts to Eliminate all Forms of Violence Against Women: Violence Against Women as a Barrier to Women's Political and Economic Empowerment*, GA Res 26/15, UN GAOR, 26th sess, 38th mtg, Agenda Item 3, UN Doc A/HRC/RES/26/15 (11 July 2014); *Rights of the Child: Access to Justice for Children*, GA Res 25/6, UN GAOR, 25th sess, 54th mtg, Agenda Item 3, UN Doc A/HRC/RES/25/6 (14 April 2014) art 5(a).

²³⁵ *Rights of the Child*, GA Res 70/137, UN GAOR, 3rd Comm, 70th sess, 80th sess, Agenda Item 68(a) UN Doc A/RES/70/137 (29 February 2016) art 43.

²³⁶ *Rights of the Child*, GA Res 69/157, UN GAOR, 3rd Comm, 69th sess, 73rd sess, Agenda Item 64 UN Doc A/RES/69/157 (3 February 2015) art 48(d).

²³⁷ *Strengthening Efforts to Prevent and Eliminate Child, Early and Forced Marriage: Challenges, Achievements, Best Practices and Implementation Gaps*, GA Res 29/8, UN GAOR, 29th sess, 42nd mtg, Agenda Item 3, UN Doc A/HRC/RES/29/8 (22 July 2015); *Child, Early and Forced Marriage*, GA Res 69/156, UN GAOR, 3rd Comm, 69th sess, 73rd mtg, Agenda Item 64(a), UN Doc A/RES/69/156 (22 January 2015).

²³⁸ *Child, Early and Forced Marriage*, GA Res 69/156, UN GAOR, 3rd Comm, 69th sess, 73rd mtg, Agenda Item 64(a), UN Doc A/RES/69/156 (22 January 2015) art 8.

²³⁹ *Child, Early and Forced Marriage: Report of the Secretary-General*, GA Res 71/253, UN GAOR, 71st sess, Agenda Item 65(a) of the Provisional Agenda, UN Doc A/71/253 (29 July 2016).

²⁴⁰ *Ibid* [64].

²⁴¹ *Ibid*.

²⁴² *Ibid*.

²⁴³ *Ibid*.

²⁴⁴ *Ibid*.

²⁴⁵ *Ibid* [65].

²⁴⁶ *Ibid*.

The Secretary General expert workshop was held in October 2016 and representatives from governments, civil society organisations, research institutions and traditional leaders from 17 countries attended. The workshop reviewed the impact of existing strategies and initiatives that address CEFM, including legislative measures, policy measures, measures that address social norms that support CEFM, and protection measures. The workshop highlighted how the current strategies are resulting in the reduction of CEFM, however continued and further efforts are required to continue to tackle CEFM. Similar to the Secretary General’s report, the workshop provided more general recommendations on how initiatives should be conducted and made the following recommendations:

- Initiatives should be locally relevant and contextualized. When creating these initiatives, members of the local community should participate, especially women and girls, religious and traditional leaders and teachers as these people have influence over CEFM.²⁴⁷
- Prohibiting CEFM should be combined with better services for actual and potential victims. This could be achieved by better enforcement of legislative measures and by capacity building of all professionals that play a role in preventing CEFM and protecting victims.²⁴⁸
- Increased support:
 - with regional and subregional organisations and exchange good practices and lessons learned from CEFM strategies;²⁴⁹
 - financial support for grass-roots initiatives that amplify the voice and agency of adolescent girls and young women is vital as these initiatives facilitate intergenerational dialogue and challenge cultural norms that support CEFM;²⁵⁰
 - through investing in providing access to quality education for girls, including secondary education and in contexts of emergencies and displacement.²⁵¹
- Increase accountability standards:
 - by assessing global, regional and national programmes regularly, independently and objectively so that the successes and failures of different approaches can be learnt from. These assessments should extend to the local level to ensure the initiatives respond to the root causes of CEFM in the particular area;²⁵²
 - at the international level through all reporting mechanisms such as the Committee on the Rights of the Child and the Universal Periodic Review. Links should be established between these human rights mechanisms and monitoring SDGs;²⁵³
 - at the national level by ensuring human rights institutions have the mandate, resources and capacity to hold states accountable for addressing CEFM adequately, strengthening the parliamentary role of monitoring the implementation of policies to eliminate CEFM and supporting the engagement of civil society.²⁵⁴

In early 2017, the GA introduced an updated resolution on CEFM.²⁵⁵ This is currently the most recent version of the resolution and uses the Secretary General’s 2016 report to build on the GA’s 2014 Resolution. In addition to the approaches outlined in the 2014 Resolution, the current Resolution makes the following recommendations:

²⁴⁷ *Expert Workshop on the Impact of Existing Strategies and Initiatives to Address Child, Early and Forced Marriage: Report of the High Commissioner for Human Rights*, GA Res 35/5, UN GAOR, 35th sess, Agenda Items 2 and 3, Un Doc A/HRC/35/5 (24 March 2017) [47(a)].

²⁴⁸ Ibid [47(h)].

²⁴⁹ Ibid [47(c)].

²⁵⁰ Ibid [47(d)].

²⁵¹ Ibid [47(g)].

²⁵² Ibid [47(b)].

²⁵³ Ibid [47(e)].

²⁵⁴ Ibid [47(f)].

²⁵⁵ *Child, Early and Forced Marriage*, GA Res 71/175, UN GAOR, 3rd Comm, 71st sess, 65th mtg, Agenda Item 64(a), UN Doc A/RES/71/175 (23 January 2017).

Procedural:

- Broadening the community members that should be involved in creating holistic, comprehensive and co-ordinated responses by including women, parents and other family members, civil society organisations that are led by girls, women's organisations, youth groups, the media, the private sector and regional and subregional organisations.²⁵⁶

Law and policy:

- Removing laws and policies that enable rape, sexual abuse or abduction perpetrators to escape prosecution and punishment by marrying their victims;²⁵⁷
- Strengthening efforts to ensure the timely registration of births and marriages by removing all barriers that impede access to registrations;²⁵⁸
- Building awareness of, enforcing and upholding laws that include a minimum age for marriage and to progressively amend laws that have a lower marriage age;²⁵⁹
- Ensuring access to justice and remedies to effectively implement laws that prevent CEFM.²⁶⁰

Education:

- Promoting meaningful participation and active consultation with children and adolescents by providing them with information, life skills and leadership skills training and opportunities for empowerment. This will enable children and adolescents to participate in decisions that affect them and enable them to become agents of change within their communities;²⁶¹
- Providing girls with free and equal access to quality education that empowers them to make informed decisions about their life, employment, economic opportunities and health.²⁶² Barriers to education should be removed to ensure that married boys and girls have access to schooling and skills development. Girl's safety when travelling to and from school, adequate sanitation and policies that prohibit, prevent and address violence against children should be implemented;²⁶³
- Providing girls and boys with information on sexual and reproductive health, gender equality, human rights, human development and power relationships that is relevant to cultural contexts;²⁶⁴
- Ensuring effective implementation of laws that prevent CEFM by educating women, girls and boys about their rights and training law enforcement officers, the judiciary and professionals that work with women and children.²⁶⁵

Health:

- Respecting and protecting the right to the enjoyment of the highest attainable standard of physical and mental health by increasing health systems and health information services that are universally accessible and available.²⁶⁶

Gender equality:

- Tackling poverty and lack of economic opportunity for girls and women by ensuring women's rights to inheritance and property, equal access to social protection, political participation, full and productive employment and decent work;²⁶⁷
- Introducing measures to protect women and girls from sexual and gender-based violence and exploitation during humanitarian emergencies, forced displacement, armed conflict and natural disasters.²⁶⁸

²⁵⁶ Ibid arts 1, 15.

²⁵⁷ Ibid art 2.

²⁵⁸ Ibid art 3.

²⁵⁹ Ibid art 4.

²⁶⁰ Ibid art 11.

²⁶¹ Ibid art 5.

²⁶² Ibid art 8.

²⁶³ Ibid art 9.

²⁶⁴ Ibid art 8.

²⁶⁵ Ibid art 11.

²⁶⁶ Ibid art 12.

²⁶⁷ Ibid art 10.

²⁶⁸ Ibid art 14.

Cultural practices:

- Addressing gender stereotypes, discriminatory social norms and harmful practices that contribute to the acceptance and continuation of CEFM by raising awareness of the harm and cost to society. This measure should involve all members of society including girls and boys, women and men, religious, traditional and community leaders.²⁶⁹

Research:

- Improving the collection and use of data on violence against women and harmful practices. This will enhance research and dissemination of good practices that prevent and eliminate CEFM as well as strengthening and monitoring the effectiveness and implementation of current policies and programmes;²⁷⁰
- Including progress information on eliminating CEFM in national reports to relevant international treaty bodies and universal periodic reviews;²⁷¹
- Requests the Secretary General to provide another updated report on progress towards ending CEFM in December 2017.²⁷²

5.3.2 How do These Approaches Concur or Differ?

Although the current version of these approaches complement each other and are similar as they adopt a multi-sectoral approach that is based on a human rights perspective, they have developed in different ways and include different approaches.

The early approaches focus on legislative mechanisms to address CEFM by implementing laws that stipulate a minimum age for marriage and to ensure marriage is only permitted with the free and full consent of both parties.²⁷³ These legislative measures address the different aspects of CEFM. However, **the early legal approaches are quite weak as they do not specify what the minimum marriage age should be.**

After the turn of the 21st century a more holistic approach was adopted. Although the earlier responses noted the need for a multifaceted approach that utilises international co-operation,²⁷⁴ **it was not until 2006 that the responses first adopted different approaches to address CEFM that were additional to the legislative measures.** Each year the Girl Child Resolutions focused on a different approach; in 2010, the Resolution focused on law and education approaches²⁷⁵ and in 2012 a health approach was adopted.²⁷⁶ Further, the original

²⁶⁹ Ibid art 6.

²⁷⁰ Ibid art 16.

²⁷¹ Ibid art 17.

²⁷² Ibid art 18.

²⁷³ *The Girl Child*, GA Res 51/76, UN GAOR, 3rd Comm, 51st sess, 82nd mtg, Agenda Item 106, UN Doc A/RES/51/76 (20 February 1997) arts 3(b), 4 of 51/76; Fourth World Conference on Women, *Beijing Declaration and Platform for Action*, A/CONF.177/20/Add.1 (27 October 1995) [274(e)].

²⁷⁴ Fourth World Conference on Women, *Beijing Declaration and Platform for Action*, A/CONF.177/20/Add.1 (27 October 1995); World Conference on Human Rights, *Vienna Declaration and Programme of Action*, A/CONF.157/23 (12 July 1993) [21].

²⁷⁵ *The Girl Child*, GA Res 64/145, UN GAOR, 3rd Comm, 64th sess, 65th mtg, Agenda Item 65(a), UN Doc A/RES/64/145 (1 March 2010) Preamble para 25, arts 15, 16, 18; *The Girl Child*, GA Res 66/140, UN GAOR, 3rd Comm, 66th sess, 89th mtg, Agenda Item 65(a), UN Doc A/RES/66/140 (27 March 2012) Preamble paras 18, 20.

²⁷⁶ *The Girl Child*, GA Res 66/140, UN GAOR, 3rd Comm, 66th sess, 89th mtg, Agenda Item 65(a), UN Doc A/RES/66/140 (27 March 2012).

legislative approaches were strengthened by **broadening the focus that originally only required consent of marriage to also prohibiting violence and exploitation²⁷⁷ and raising the minimum age for marriage.²⁷⁸**

The importance placed on CEFM by the UN is reflected by the increased approaches on this issue that occurred from 2010. An advocacy approach was adopted by using CEFM as the theme of the first international day of the girl child on 11 October 2012. **The health approach was strengthened by including CEFM in the SDGs. This inclusion reinforces the association of CEFM with human development and the required multi-sectoral approach to address this phenomenon.** Resolutions on specific consequences of CEFM bolstered the different approaches taken. This is evident through the resolution on obstetric fistula,²⁷⁹ which further strengthens the health approach taken to combat CEFM.

Until 2014, CEFM was not the focus of these Resolutions as it was often included as an example. However, this changed with the introduction of the HRC's and GA's Resolutions that solely focused on CEFM.²⁸⁰ The single focus permitted these different approaches to be expanded and further developed. This is evident by the emphasis on changing cultural practices that accept and continue the practice of CEFM and expanding education to the wider community and public officials of the adverse effects of CEFM and identifying actual victims or girls at risk of CEFM.²⁸¹ Although changing cultural practices was highlighted in the POA, this was the first inclusion in the substantive section of the GA's and HRC's Resolutions. **The GA's and HRC's Resolutions commissioned wide-scoping reports and established discussions on this issue which enabled the multi-sectoral nature of this issue to be extensively reviewed and resulted in the strengthening of these different approaches.** This is evident from the legal approach, where the OHCHR's report addressed the failure of the **Girl Child Resolution to stipulate the minimum age for marriage by calling for national legal frameworks to comply with international human right standards in relation to the minimum age for marriage, which is currently the age of 18, as suggested in the Convention on the Rights of the Child.²⁸²** Further, the legal approach was strengthened by resolutions that urged

²⁷⁷ *The Girl Child*, GA Res 62/140, UN GAOR, 3rd Comm, 62nd sess, 76th mtg, Agenda Item 66(a), UN Doc A/RES/62/140 (19 February 2008) art 13.

²⁷⁸ *The Girl Child*, GA Res 64/145, UN GAOR, 3rd Comm, 64th sess, 65th mtg, Agenda Item 65(a), UN Doc A/RES/64/145 (1 March 2010) art 16.

²⁷⁹ *Intensification of Efforts to End Obstetric Fistula*, GA Res 69/148, UN GAOR, 3rd Comm, 69th sess, 73rd mtg, Agenda Item 27(a), UN Doc 69/148 (10 February 2015).

²⁸⁰ *Child, Early and Forced Marriage*, GA Res 68/148, UN GAOR, 3rd Comm, 68th sess, 70th mtg, Agenda Item 65(a), UN Doc A/RES/68/148 (30 January 2014); *Strengthening Efforts to Prevent and Eliminate Child, Early and Forced Marriage: Challenges, Achievements, Best Practices and Implementation Gaps*, GA Res 24/23, UN GAOR, 24th sess, 37th mtg, Agenda Item 3, UN Doc A/HRC/RES/24/23 (9 October 2013).

²⁸¹ *Child, Early and Forced Marriage*, GA Res 68/148, UN GAOR, 3rd Comm, 68th sess, 70th mtg, Agenda Item 65(a), UN Doc A/RES/68/148 (30 January 2014) arts 1, 11, 15; *Strengthening Efforts to Prevent and Eliminate Child, Early and Forced Marriage: Challenges, Achievements, Best Practices and Implementation Gaps*, GA Res 24/23, UN GAOR, 24th sess, 37th mtg, Agenda Item 3, UN Doc A/HRC/RES/24/23 (9 October 2013) art 15.

²⁸² *Preventing and Eliminating Child, Early and Forced Marriage: Report of the Office of the United Nations High Commissioner for Human Rights*, GA Res 26/22, UN GAOR, 26th sess, Agenda Items 2 and 3, UN Doc A/HRC/26/22, (2 April 2014) [54(a)].

for the harmonisation of national laws to reflect the prohibition of CEFM by, for example, the removal of laws that provide criminal immunity for rape, sexual abuse or abduction if the perpetrator marries his or her victim.²⁸³ As a result of these discussions and reports the development of these Resolutions has spanned to law and policy, education, cultural practices, gender equality and health approaches to address CEFM.

However, despite these different approaches, they are all viewed from a human rights perspective. For instance, the healthcare, education and gender equality approaches were implemented based on the human right to health and education and the prohibition of discrimination.²⁸⁴ This human rights perspective has been prevalent throughout the soft law approaches, as evident from the focus on the right to non-discrimination, equality, dignity and tolerance of affected parties in the Vienna Declaration.²⁸⁵ This human rights perspective was particularly evident in the GA and HRC's panel discussions where it was stressed that CEFM is a human rights violation and should be framed within a broader human rights framework.²⁸⁶ This perspective was directly reflected in the GA²⁸⁷ and HRC²⁸⁸ Resolutions that recognize that CEFM is a 'harmful practice that violates, abuses and impairs human rights and is linked to and perpetuates other harmful practices and human rights violations.'²⁸⁹

5.3.2.1 HOW DOES THE APPROACH TO THE DEFINITIONS DIFFER?

It is important to note the development of the terminology used to address CEFM and the meanings given to this issue.

Although hard law instruments do not include a definite definition of CEFM, the OHCHR report provided definitions in 2014 which have generally been accepted by the international community. However, approaches to CEFM before 2014 were implemented without a universally accepted meaning of the issue. This problematic issue is heightened by the imprecise nature of these definitions.

²⁸³ *Strengthening Efforts to Prevent and Eliminate Child, Early and Forced Marriage: Challenges, Achievements, Best Practices and Implementation Gaps*, GA Res 29/8, UN GAOR, 29th sess, 42nd mtg, Agenda Item 3, UN Doc A/HRC/RES/29/8 (22 July 2015) art 5.

²⁸⁴ World Conference on Human Rights, *Vienna Declaration and Programme of Action*, A/CONF.157/23 (12 July 1993) [26]-[27]; *Strengthening Efforts to Prevent and Eliminate Child, Early and Forced Marriage: Challenges, Achievements, Best Practices and Implementation Gaps*, GA Res 29/8, UN GAOR, 29th sess, 42nd mtg, Agenda Item 3, UN Doc A/HRC/RES/29/8 (22 July 2015) art 17.

²⁸⁵ *Ibid* [38].

²⁸⁶ United Nations General Assembly Human Rights Council, *Panel Discussion on Preventing and Eliminating Child, Early and Forced Marriage*, 23 June 2014; United Nations General Assembly, *Informal Panel Discussion on Child, Early and Forced Marriage*, 5 September 2014.

²⁸⁷ *Child, Early and Forced Marriage*, GA Res 71/175, UN GAOR, 3rd Comm, 71st sess, 65th mtg, Agenda Item 64(a), UN Doc A/RES/71/175 (23 January 2017).

²⁸⁸ *Strengthening Efforts to Prevent and Eliminate Child, Early and Forced Marriage: Challenges, Achievements, Best Practices and Implementation Gaps*, GA Res 29/8, UN GAOR, 29th sess, 42nd mtg, Agenda Item 3, UN Doc A/HRC/RES/29/8 (22 July 2015).

²⁸⁹ *Ibid* art 9; *Child, Early and Forced Marriage*, GA Res 71/175, UN GAOR, 3rd Comm, 71st sess, 65th mtg, Agenda Item 64(a), UN Doc A/RES/71/175 (23 January 2017) art 10.

Early responses to CEFM predominately refer to the issue as ‘early marriage.’ This is evident in the POA and the second *Girl Child Resolution (1997)*.²⁹⁰ All references to CEFM in the POA do not refer to the entirety of the term ‘CEFM.’ Rather, it includes one or two aspects of ‘CEFM,’ such as ‘early and forced marriage.’²⁹¹ However the POA does include some (albeit few) references to child marriage.²⁹²

This contrasts to the second *Girl Child Resolution*, which only refers to early marriage, even though the POA and Beijing Declaration were the main influences in the creation of the *Girl Child Resolutions*.²⁹³ The imprecise language was retained in subsequent resolutions, such as the 1999 Resolution²⁹⁴ that referred to ‘married women, pregnant women and *young mothers*’²⁹⁵ (emphasis added). The use of imprecise terminology reflects the lack of states’ political will to address CEFM.

This terminology was not changed until 2006, where forced marriage was included in the *Girl Child Resolution*²⁹⁶ and further in 2010, where ‘child marriage’ was incorporated into the Resolution.²⁹⁷ Further, the 2010 Resolution replaced most uses of the term ‘early marriage’ with ‘child marriage.’²⁹⁸ This gives the Resolution more clarity as it relies on the CRC definition of ‘child’ and therefore prohibits marriage of children that are under the age of 18. The inclusion of all aspects of the term CEFM and the increased use of precise terminology reflects the increased political will to respond to CEFM, as the Resolution implements a more holistic approach to this issue.

The 2012 Resolution²⁹⁹ does not include any reference to ‘early marriage,’ which further signifies states’ political will and increases the effectiveness of the Resolution as the imprecise terminology is removed. Whilst this is generally a positive development, the removal of ‘early marriage’ entirely narrows the scope of the Resolution and suggests the UN is adopting the perspective that the age of 18 is always the appropriate age for marriage without considering the capacity and intention to marry.

However, **reference to ‘early marriage’ has since been reintroduced in the *Girl Child Resolutions*.**³⁰⁰ All GA and HRC Resolutions from 2014 onwards that refer to CEFM include all aspects of the term, which reflects the OHCHR’s report that provided the definitions and highlighted the difference between these aspects. Throughout the development of these instruments, there has been a general decline in the use of ‘early marriage,’ **which is evident through the 2017 expert workshop that rarely refers to ‘early marriage.’**³⁰¹

²⁹⁰ *The Girl Child*, GA Res 51/76, UN GAOR, 3rd Comm, 51st sess, 82nd mtg, Agenda Item 106, UN Doc A/RES/51/76 (20 February 1997) Preamble para 6.

²⁹¹ Fourth World Conference on Women, *Beijing Declaration and Platform for Action*, A/CONF.177/20/Add.1 (27 October 1995) [39].

²⁹² See, for example *Ibid* [39], [107].

²⁹³ *The Girl Child*, GA Res 51/76, UN GAOR, 3rd Comm, 51st sess, 82nd mtg, Agenda Item 106, UN Doc A/RES/51/76 (20 February 1997).

²⁹⁴ *The Girl Child*, GA Res 53/127, UN GAOR, 3rd Comm, 53rd sess, 85th mtg, Agenda Item 106, UN Doc A/RES/53/127 (23 February 1999).

²⁹⁵ *Ibid* art 10.

²⁹⁶ *The Girl Child*, GA Res 60/141, UN GAOR, 3rd Comm, 60th sess, 64th mtg, Agenda Item 67, UN Doc A/RES/60/141 (11 January 2006).

²⁹⁷ *The Girl Child*, GA Res 64/145, UN GAOR, 3rd Comm, 64th sess, 65th mtg, Agenda Item 65(a), UN Doc A/RES/64/145 (1 March 2010) Preamble para 10.

²⁹⁸ *Ibid* Preamble para 11.

²⁹⁹ *The Girl Child*, GA Res 66/140, UN GAOR, 3rd Comm, 66th sess, 89th mtg, Agenda Item 65(a), UN Doc A/RES/66/140 (27 March 2012).

³⁰⁰ *The Girl Child*, GA Res 68/146, UN GAOR, 3rd Comm, 68th sess, 70th mtg, Agenda Item 65(a), UN Doc A/RES/68/146 (4 February 2014) art 25.

However, it is still present in the current GA and HRC resolutions which ensures a holistic approach is adopted whilst utilising the most precise terminology.

5.4 Summary

The international community has responded to the CEFM phenomenon through the creation and implementation of hard and soft law instruments. When analysing the approach in relevant hard law instruments it is clear that the lens through which the phenomenon is addressed is not consistent. As has been shown, some of the hard law instruments explicitly prohibit the practice of child marriage whereas others implicitly prohibit its practice by addressing it in a broader context. In particular, some of the hard law instruments addressed CEFM through the lens of capacity and others as a deprivation of human rights. The soft law implements a broader scope of approaches by including education, health, cultural practices, gender equality and a law and policy perspectives in order to respond to this multifaceted issue. However, it generally views these different approaches from a human rights perspective. The soft law developments to and definitions of CEFM have developed in two phases: between 1994-2014 and 2014-current. This is evident through the strengthening and adoption of different approaches to CEFM and both the clear definitions and use of all aspects of the term CEFM. Although the responses to CEFM gave developed differently, the current status of the different resolutions is similar. Despite the differences, both the hard and soft law instruments are consistent in their requirement that CEFM be prohibited within the jurisdiction of State Parties.

³⁰¹ *Expert Workshop on the Impact of Existing Strategies and Initiatives to Address Child, Early and Forced Marriage: Report of the High Commissioner for Human Rights*, GA Res 35/5, UN GAOR, 35th sess, Agenda Items 2 and 3, Un Doc A/HRC/35/5 (24 March 2017).

6. International Organisations

6.1 The United Nations Children's Fund

The United Nations Children's Fund (UNICEF) was founded in 1946 and is headquartered in New York City, NY. It operates in 190 countries around the world to defend the rights of children across a vast range of fronts including child protection, inclusion, education, emergency aid, gender issues, innovation for children and research and analysis³⁰². UNICEF receives funding from various sources including national governments, UN grants, individuals and other charities and NGOs. One feat was sourcing over 80 million dollars in funding from the governments of Italy, Netherlands, Norway, the UK and Canada at the 2014 Girl Summit in London. In the 2015 income year, UNICEF sourced \$5 billion dollars of funding from various sources, with nearly sixty per cent coming from government bodies and thirty per cent derived from the private sector and NGOs³⁰³. This level of funding would classify UNICEF as one of the largest charitable funds in the world, and such a level of funding allows for quality research, which will foster the most effective initiatives on the ground. The approach UNICEF takes is multifaceted with empowerment of women and children through education programs being at the core of everything they do to provide 'child protection from violence, exploitation and abuse'³⁰⁴ and to supplement its education and intervention programmes. As research is at the forefront of all actions and interventions that UNICEF undertake, investment in in this work is integral to the success of its overarching objectives. The Innocenti Research Centre in Florence, Italy 'works closely with all parts of the wider organisation as well as a wide range of external academic and research institutions'³⁰⁵. The facility operates independently to ensure the findings and inquiry is of the highest quality so that it can respond dynamically to research questions on the ground through co-operation with 'many low to middle income countries... to shape global policies and outcomes for children'³⁰⁶. UNICEF through its significant funding, global connections and reach as well as its high quality, dynamic and responsive research is in a strong position to improve the lives of many children throughout the world and truly make a lasting difference in the fight against CEFM.

6.1.1. Introduction to the Research, Initiatives & Action

The defence of the rights of children and women is not at all straightforward, it takes a lot of time, money and effort to effect changes to ideologies entrenched in many communities around the world. This is achieved by UNICEF primarily through expenditure on research conducted at the Innocenti Research Centre, as well as undertaking initiatives on the ground in affected areas³⁰⁷. This research will be the focus of this section, as the organisation has released thousands of papers on all facets of child rights, health, education, abuse and CEFM

³⁰² The United Nations Children's Fund, *About UNICEF* <www.unicef.org/about-us>.

³⁰³ The United Nations Children's Fund, *2015 Annual Report*, 45 <https://www.unicef.org/publications/files/UNICEF_Annual_Report_2015_En.pdf>.

³⁰⁴ The United Nations Children's Fund, *Child Protection* <www.unicef.org/protection>.

³⁰⁵ The United Nations Children's Fund – Innocenti Research Centre, *How We Work* <www.unicef-irc.org/article/1441/>

³⁰⁶ Ibid.

³⁰⁷ The United Nations Children's Fund, *About UNICEF* <www.unicef.org/about-us>.

since its inception in the 1940's. The manner this organisation attempts to make the changes, the world so desperately needs, is through extensive research into practices which are harmful to boys, girls and women all over the world.

The papers referring to CEFM are few in the earlier years of operation and become far more prevalent into the 1990's as the focus of their organisation shifts towards child marriage and women's and girl's rights. UNICEF is also active in these affected countries and regions by using the research they conduct to develop campaigns such as the Day of the Girl Child in 2012 which has CEFM as its theme to drive awareness of the harmful and lasting impacts of the practice.³⁰⁸ The analysis of this organisation will focus on a combination of the research conducted, as well as the initiatives and actions taken by the organisation to identify and address CEFM issues and how these approaches have evolved and adapted over time. This is not intended to be a comprehensive analysis of all the publications about Child Marriage released by UNICEF. **The most noticeable change is moving away from simply identifying the phenomenon as a women and girls issue, to the early twenty-first century where it became specifically acknowledged as a human rights issue, allowing real pressure to be applied to governments and other NGOs to bring about an end to the practice across the globe.**

6.1.2. Approaches to Research, Initiatives & Action throughout 1995 - 1999

One of the earliest UNICEF publications on CEFM considered is titled 'The Role of Men in the Lives of Children'³⁰⁹ casts a lens over the lives of children and how the 'best interests of the child are served when both the mother and the father are involved in the care-taking, nurturing and support of their children.'³¹⁰ This research paper, more specifically, addresses the impact of men in children's lives and how programmes can be developed to enhance the role of men in children's lives.³¹¹ However, the focus upon CEFM is quite minimal and the one occasion in which it was raised it was noted as being an issue in which required 'attitude changes' about childhood marriage and further community support for safe sex within such relationships.³¹² The main concern in this publication is not for the rights of girls in regard to CEFM, or how men play a role in infringing these rights, but more so the ramifications of such relationships on children in terms of pregnancy and sexual health. The report concludes that future programmes and initiatives led by UNICEF need to focus on normalising male involvement in households by working with men will bring about positive results for women and children.

Another early publication by UNICEF with a heavy focus on child marriage and associated issues is noted the issue as being a 'women's issue.' The Progress of Nations (1998),³¹³ contains chapter about women's health and associated issues applicable to them. Within this chapter there are two sections, which relate to children, marriage and early motherhood; 'Teen Births' and 'Teenage Marriage.' The teen births section is presented first and focuses on the 'reproductive health' of girls and how this is one of the few available tools to compare adolescents around the world, with number of births for women between 15-19

³⁰⁸ The United Nations Children's Fund, *Child protection from violence, exploitation and abuse* 'Child Marriage' <https://www.unicef.org/protection/57929_58008.html>.

³⁰⁹ The United Nations Children's Fund, *Role of Men in the Lives of Children* (1997) <https://www.unicef.org/evaldatabase/files/Global_1997_Role_of_Men.pdf>.

³¹⁰ Ibid, 9.

³¹¹ Ibid 9.

³¹² Ibid 35.

³¹³ The United Nations Children's Fund, *The Progress of Nations* (1998) 27, <https://www.unicef.org/about/history/files/pub_pon98_en.pdf>

(per 1000)³¹⁴ and as one would expect the European nations and ‘The West’ to be well below average with African and Asian regions well above the average. The section on ‘teenage marriage’ notes that the incidence is much less than in the last generation. The issues this section identifies with teen marriage is, less; schooling, independence, experience, life and work. Further, it canvasses the lack of power in the relationship due to the age disparity between older men and the younger women and how this can further oppress women. It also considers the issue of increased unplanned child birth and the effects unwanted pregnancies can have on young girls. Interestingly, the author notes that there is an increased risk of HIV/AIDs to unmarried sexually active girls.³¹⁵ It is clear from this publication that the concern within UNICEF is shifting away from being predominantly a sexual health issue as with young married girls in the above ‘The Role of Men in the Lives of Children’ study and towards a women’s health and wellbeing issue affecting all facets of their lives.

6.1.3. Approaches to Research, Initiatives & Action throughout 2000 – 2010

At the turn of the century, UNICEF released a publication entitled ‘Equality, development and peace’ (2000). This is reflective paper looking at the gains made and the lessons learned towards the later stages of the twentieth century and recommendations to take into the twenty-first century with a focus on the commitments made by the governments to meeting goals of improvements to the lives of women and children.

Child marriage and the issues surrounding it is beginning to gain much more attention, and is referred to throughout the document in relation to other women’s issues including abuse genital mutilation,³¹⁶ lost education and employment potential³¹⁷, and sexual health³¹⁸. The responses by UNICEF include working closely with governments and other NGOs to bring about acknowledgement of women’s rights issues, including equality in the home and personal development opportunities which are often disregarded in favour of prioritising opportunities for boys. In contrast to the two previous publications, it is evident that UNICEF are beginning to acknowledge the interaction of child marriage with other facets of a girl’s life and how this can impact upon it. Sexual health including genital mutilation is still at the forefront of the call to begin intervention to protect girls, however development opportunities which are usually foregone in favour of boys, as girls are prepared for domestic roles, also recognised. This publication also appears to be pioneering in the sense that UNICEF has gone beyond purely recording and identifying such concerns to begin engaging with governments and NGOs to bring about changes for the benefit of children, particularly girls.

A 2001 research paper, which solely addresses the issue of CEFM, was developed by the Innocenti Research Centre in Florence entitled ‘Early Marriage: Child Spouses.’ This addresses CEFM as a standalone primary women’s issue and no longer secondary to other child developmental issues, or part of a wider assessment of barriers to child development such as the abovementioned ‘Progress of Nations’ publication. The main issues addressed are the lack of choice/consent by girls, loss of childhood, a violation of their human rights,

³¹⁴ Ibid 24.

³¹⁵ The United Nations Children’s Fund, *The Progress of Nations* (1998) 27, <https://www.unicef.org/about/history/files/pub_pon98_en.pdf>.

³¹⁶ The United Nations Children’s Fund, *Equality, development and peace* (2000), <https://www.unicef.org/publications/files/pub_equality_en.pdf>.8.

³¹⁷ Ibid 13.

³¹⁸ Ibid 17.

inhibiting education, physical and mental effects, and sexual health including HIV/Aids.³¹⁹ **This publication is pioneering in terms of making child marriage a ‘human rights issue’ and moving away from simply acknowledging the existence and implications of child marriage to taking the position that CEFM is actually a violation of the rights afforded to all humans under the Universal Declaration of Human Rights and to women under the Convention on the Elimination of all Forms of Discrimination Against Women.**³²⁰ This is a valuable policy change by UNICEF, as purely acknowledging the existence of such practices and the implications of them, without singling out CEFM as a primary cause of many other health and developmental issues, was inhibiting direct action. Further, the notion of determining the practice illegal or in breach of international law also brings the practice into the view of many governments, international NGOs and individuals. Identifying the practice as illegal and making it a rights issue has assisted to mobilise human rights organisations and powerful governments to apply pressure to offending jurisdictions to reform their law and policy toward such practices. It is in the ‘Taking Action’ section of this publication that truly acknowledges the above and looks to influence ‘civil society institutions to develop and implement suitable systems to prevent or discourage the practice.’³²¹ This chapter also recognises the needs beyond legislation and policy issues, and the need to educate and empower girls, which are, or are likely to be, affected. This also extends to programmes aimed at parents to keep girls in school, to postpone marriage and reduce other health implications.³²² The overarching purpose of this publication and how it differs to that of previous years is the drive to identify CEFM as a rights issue, to de-normalise the practice and entice governments to recognise their responsibilities under international charters.

A working paper released by UNICEF authored by Anne Bernard, addresses the education of girls in various UNICEF-funded education programmes across the continents of Asia, Africa and Latin America. In terms of rhetoric and the terminology utilised, it is, like the publications preceding it, referring to the phenomenon as ‘child marriage.’ As this paper addresses child issues in these regions from the perspective of the importance of education, it is important to note this paper does not address the injustices or rights abuses of CEFM, but rather identifies how child marriage and teenage pregnancies can restrict access to education and how these familial situations managed to facilitate education.³²³ Therefore, as the issue is brought further to the forefront of UNICEF’s programs it is apparent that the approach is beginning to include avenues of managing CEFM rather than purely trying to prevent. The terminology and approaches toward to CEFM is beginning to evolve drastically, ‘Early Marriage: a harmful traditional practice’ builds on the abovementioned 2001 publication ‘Early Marriage: Child Spouses.’ UNICEF begins to alter its rhetoric and approach towards CEFM as the overall ‘voice’ of the publication is no longer as accepting of the phenomenon as in publications from previous years by directly acknowledging the harm this tradition causes to children, particularly girls. Further to this, the publication solely addresses CEFM as a child issue rather than a contributing factor, as does the mentioned earlier paper, which was restricted to formal unions. This report furthers its predecessor by, ‘considering girls in both formal marriage and in cohabitation to determine relationships between early unions and

³¹⁹ The United Nations Children’s Fund, *Early Marriage: Child spouses*, ‘Innocenti Digest’ (2001), 2 <<https://www.unicef-irc.org/publications/pdf/digest7e.pdf>>.

³²⁰ The United Nations Children’s Fund, *Early Marriage: child spouses*, ‘Innocenti Digest’ (2001), 3.

³²¹ Ibid 12.

³²² Ibid 13.

³²³ Anne Bernard, *Lessons and implications from girls’ education activities: A synthesis from evaluations* (Working Paper Series, The United Nations Children’s Fund, 2002) 6.

socio-economic and demographic variables.³²⁴ This is an important variant to take, and it shows how the organisation is agile enough to respond to newly identified issues within communities. It is likely that as organisations like UNICEF begin to apply pressure to governments with communities in breach of human rights agreements, some more traditional communities may look to circumvent these laws and ‘informal unions’ may become more common. This statistical report addresses the issue with much a broader stroke by capturing both married girls and co-habiting girls analysing the effects of such cultural practices and the extent to which girls’ futures are jeopardised by them.³²⁵ This will allow other organisations as well as UNICEF to tailor programmes for girls based on the results to deliver maximum effect, and will alter the organisations approaches and initiatives moving forward.

6.1.4. Approaches to Research, Initiatives & Action throughout 2010 - 2015

The approaches, terminology and rhetoric engaged in by UNICEF started to plateau, as the ‘human rights’ approach coupled with the identification of health implications beyond that of a purely sexual nature appears to be the standard approach. **In the 2011 publication ‘The State of the World’s Children: Adolescence, an Age of Opportunity’ takes an approach of addressing a range of child issues, one of them being CEFM and tying it closely with Female Genital Mutilation and Cutting (FGM/C). The terminology has changed, and is referred to in this document as ‘Adolescent Marriage’, identifying as marriage (or union) as after age 15 but prior to 18 as the most frequent age of betrothal.**³²⁶ Although the terminology is slightly different, the issues addressed still revolve around the same themes of health and rights and improving overall life and development opportunities for children.

A very important aspect of UNICEF’s work is the raising of awareness of child marriage. An effective way of doing this is by involving the citizens of affected regions and giving them a safe place to congregate, protest and share ideas in the hope of changing laws and ideologies. UNICEF partnered with the Department of Women and Child Development & Social welfare of West Bengal to start a ‘movement against child marriage called “Amar Shaishab Amar Adhikar” (My Childhood, My Right).’³²⁷ Empowerment is a very effective way to initiate change in these communities, especially as women and children are typically in a weaker position than their male counterparts in patriarchal societies. Supporting children to stand up for their rights will have a two-fold effect of also educating these children to the extent of their rights, which will hopefully flow on to other children and adults in which they are in contact with. This sort of intervention by UNICEF supplements their hands-on work on the ground such as a pilot initiative in West Bengal to curb Child Marriage.

UNICEF undertook a pilot intervention program in the Malda District of in West Bengal, in which had the highest number of child marriages in the region.³²⁸ The purpose of this program was to ‘track child marriages, building capacity of teachers, Anaganwadi workers and village committee members on the issue.’³²⁹ Further to this, the programme was intended

³²⁴ The United Nations Children’s Fund, *Early Marriage: A harmful and traditional practice* (2005) 1, <www.unicef.org/gender/files/Early_Marriage_Harmful_Traditional_Practice.pdf>.

³²⁵ The United Nations Children’s Fund, *Early Marriage: A harmful and traditional practice* (2005) 27, <www.unicef.org/gender/files/Early_Marriage_Harmful_Traditional_Practice.pdf>.

³²⁶ The United Nations Children’s Fund, *The State of the World’s Children* (2011) 33, <www.unicef.org/sowc2011/pdfs/SOWC-2011-Main-Report_EN_02092011.pdf>.

³²⁷ The United Nations Children’s Fund, *Against child marriage: children demand their rights for a secure future* (2010) <https://www.unicef.org/media/media_52839.html>.

³²⁸ Ibid.

³²⁹ Sohini Roychowdhury, ‘UNICEF launches campaign against child marriage’ (March, 2010) <<http://southasia.oneworld.net/features/unicef-launches-campaign-against-child-marriage#.WUeI1uuGO70>>.

to document the regions attitudes and norms toward the practice to make the local villages ‘child-marriage free.’³³⁰ This is but another way in which UNICEF attempts to complement its campaign work, reaching out to affected regions ensuring that they are imparting knowledge and providing education on the subject for maximum impact. Capturing data ‘direct from the source’ also allows UNICEF agility in the way they approach the planning of initiatives and expenditure of resources on research to alter their strategies when they discover an approach is no longer effective or attitudes are evolving.

A 2012 evaluation report released by UNICEF appears to deviate from the developed status quo in the sense that it groups child marriage with FGM/C as Harmful Traditional Practices or HTPs.³³¹ They have been categorised in such a manner as it is believed that these HTPs occur, and are directed at women, because they are in a ‘weaker’ or inferior position to men which allows the practices to perpetuate. Further, **the grouping of these practices together appears to be ‘by design’ to facilitate drafting legal frameworks for governments,**³³² **coupled with training and awareness-raising by organisations like UNICEF.** The approach in this report was the evaluation of some self-declared ‘Woredas’ in Ethiopia, and how they were progressing in abandoning HTPs.³³³ This differs from previous publications in terms of CEFM as it identifies a decline in the practice in these African communities and attributes it to ‘awareness raising of the harmful nature of the practice and increased reporting to authorities.’³³⁴ Overall, the study revealed that modern mothers of young children in these communities do not intend to marry their daughters off young.³³⁵ The work of the organisation appears to be beginning to have the desired effect to get feedback as to the success of their message delivery.

In 2012, UNICEF, in conjunction with the United Nations General Assembly organised and declared the 11th November 2012 as the International Day of the Girl Child to acknowledge the challenges girls around the world face and raise them on an international stage. The theme of the inaugural event was child marriage which has been identified as a ‘fundamental human rights violation and impacts all aspects of a girl’s life.’³³⁶ Although this event, like the above Summit, are not initiatives which are ‘on the ground’ in affected regions, this event is intended to bring the issue to light and progress it from a regional ‘issue’ to a global ‘issue’ to raise the funds and the awareness necessary to effect real change.

The Girl Summit 2014 was hosted by the UK government in conjunction with UNICEF London in July 2014, as a means to build traction for putting an end to Female Genital Mutilation/Cutting (FGM/C) and Child, Early and Forced Marriage (CEFM).³³⁷ A total of 43 Governments were signatories to The Girl Summit Charter, 27 of which have committed to try to put an end to such practices and a total of \$80million was raised.³³⁸ Since the hosting

³³⁰ Ibid.

³³¹ Ministry of Finance and Economic Development and UNICEF in Ethiopia, *Progress in abandoning female genital mutilation/cutting and child marriage in self-declared Woredas* (2012) 1.

³³² Ibid.

³³³ Ibid, i.

³³⁴ Ibid, iv.

³³⁵ Ibid.

³³⁶ The United Nations Children’s Fund, *International Day of the Girl Child* (2012)

<www.unicef.org/gender/gender_66024.html>.

³³⁷ The United Nations Children’s Fund, *Girl Summit: A future free from FGM and child and forced marriage* (2015), 2

<http://reliefweb.int/sites/reliefweb.int/files/resources/6.1057_DFID_AR_Girl_Summit_Final_web_20072015.pdf>.

³³⁸ Ibid 3.

of this summit, UNICEF have worked closely with African Union campaign and have assisted with national launches in Ethiopia, Niger, Chad, Burkina Faso, Democratic Republic of Congo, Madagascar and Uganda.³³⁹ This approach overall is not necessarily a different approach taken by UNICEF but another way in which the organisation operates to raise awareness to the rest of the world and bring powerful allies on board. **There has been, however a shift in discourse in the sense that throughout the above materials, the phenomenon has always been called either ‘early marriage’ or ‘child marriage’. This summit has altered the name to what is considered the widely-accepted acronym of CEFM to encompass all forms of union.** This approach by UNICEF has been aimed at not only raising funding from developed countries, but also working with affected countries to develop ‘National Action Plans’ to address the issues from a governmental level to supplement the organisations work and reach on the ground.³⁴⁰ This is an important approach to utilise as simply addressing the issue and providing education to girls will only be so effective if their governments will not work to outlaw the practice. It appears that UNICEF are beginning to get the legal support they require as some of the regions most affected by CEFM have introduced legal reform measures as of 2014, including; Bangladesh, Burkina Faso, Mali, Yemen and Zambia.³⁴¹

6.1.5 Approaches to Research, Initiatives & Action in 2015 and beyond

A much more recent publication from, the ‘State of the World’s Children 2016’ appears to have a ‘poverty’ focus when discussing ending child marriage. A reflective piece by a Goodwill Ambassador headlines the discussion, and appears to be taking a reflective approach. It reflects upon what has been achieved so far, and where the shortcomings are. Although there has been progress made, ‘girls from the poorest households - and those in rural areas face twice the risk of being married before turning 18.’³⁴² This now identifies a new area in which UNICEF and other organisations can address. As mentioned earlier, from the mid-2000s onwards the approach has been quite consistent across publications and communications from UNICEF. Some new ideas are introduced, although it is still very much a rights issue and women’s issue, it identifies the health exposures and raises the prevalence of Fistula,³⁴³ the absolute necessity of continued and strengthened education to empower girls to shift the power away from men in communities as well as the need for tougher legal action.

The UNFPA-UNICEF Global Programme to Accelerate Action to End Child Marriage was launched in March of 2016. This is a response by UNICEF and its partner The United Nations Population Fund (UNFPA) to the realisation that although there has been substantial progress made, if this progress is not accelerated further, there will still be a further 280 million girls married prior to 18 years old.³⁴⁴ **The organisation uses the discourse of child marriage being a human rights violation, as well as a barrier to ‘sustainable development,’** which would encompass all the health and education impacts of the

³³⁹ Ibid 7.

³⁴⁰ Ibid 3.

³⁴¹ Ibid.

³⁴² The United Nations Children’s Fund, *The State of the World’s Children (2011)* 38, <www.unicef.org/sowc2011/pdfs/SOWC-2011-Main-Report_EN_02092011.pdf>.

³⁴³ Ibid.

³⁴⁴ The United Nations Children’s Fund, *Child protection from violence, exploitation and abuse* <www.unicef.org/protection/57929_92681.html>.

practice.³⁴⁵ Further, the ‘focus’ of the program will be upon ‘proven strategies, including access to education and health care services, educating parents and communities to the dangers of child marriage, increasing economic support, and strengthening and enforcing laws that establish 18 as a minimum age for marriage.’³⁴⁶

6.2 The American Jewish World Service (AJWS)

The American Jewish World Service (AJWS) was founded in 1985 in Boston, Massachusetts by Larry Phillips and Larry Simon. Inspired by the Jewish tradition’s commitment to justice, this organisation was established to give American Jewish people an opportunity to fulfil their duty to justice as global citizens. This organisation’s broad mission is to end poverty and promote human rights in the developing world. As poverty is a far-reaching, multi-faceted global issue, the AJWS have narrowed their mission down to combatting a number of key issues. The issues they strive to combat include genocide, AIDS, violence against women and girls, hatred of LGBTQ people as well as responding to natural and man-made disasters.³⁴⁷

The AJWS’s core strategy of combatting these specific issues is through raising awareness and funds. Their main priority is to fund smaller, local humanitarian organisations that are situated on the ground of where these injustices occur. Their fundraising and activism has specifically brought attention and assistance to disasters and injustices such as the Darfur genocide, the Liberian Ebola epidemic and the earthquake in Nepal. The AJWS also pride themselves on being the largest US funder of international LGBT awareness.³⁴⁸

As mentioned above, the **AJWS have a commitment to protecting women and girls from violence and promoting their rights over their own bodies. It is under this pledge that they strive to combat the prevention of child, early and forced marriage (CEFM).**

6.2.1 Terminology

The AJWS specifically focus on ending child marriage; thus, the predominant language they use to label this issue is ‘child marriage’ or ‘early marriage’.³⁴⁹ However they also acknowledge the use of other terms such as ‘forced marriage’ by other organisations as a means of encompassing the reality of the issue.³⁵⁰ On their website and in their various publications the AJWS tend not to use the term ‘forced marriage.’ This can be attributed to the fact that forced marriage may encompass more than just children. Anyone (regardless of

³⁴⁵ Ibid.

³⁴⁶ The United Nations Children’s Fund, *Joint press release – New multi-country initiative will protect millions of girls from child marriage* <www.unicef.org/media/media_90394.html>.

³⁴⁷ American Jewish World Service, *Our Story and Mission* (2017) <<https://ajws.org/who-we-are/our-story/>>.

³⁴⁸ Ibid.

³⁴⁹ American Jewish World Service, *From Age to Agency: Our Approach to Ending Early and Child Marriage (September 2016)* <https://ajws-americanjewishwo.netdna-ssl.com/wp-content/uploads/2016/09/ECM-strat_brochure_web.pdf>.

³⁵⁰ American Jewish World Service, *Ending Child Marriage (2017)* <<https://ajws.org/what-we-do/ending-child-marriage/>>.

age) may be at risk of being forced into a marriage, however the term child marriage very clearly pertains to a group; while early marriage captures an element of ‘force’.³⁵¹

In their brochure outlining their approach to ending early and child marriage,³⁵² the AJWS exclusively use the term early child marriage with no use of the term ‘forced marriage’. **For their purposes, a child marriage is ‘whenever a boy or girl marries before reaching age 18’.**³⁵³ **The word ‘early’ is used to capture the unwillingness of both or either party to enter a marriage.** The AJWS does not use ‘forced marriage’ as they focus more on the social and cultural pressure young people (namely girls) face to enter a marriage rather than being forced to marry. This may be attributed to the fact that the AJWS’s main work on ending child marriage is exclusively based in India,³⁵⁴ and that their understanding of the root of the issue is based on gender inequality and human rights.³⁵⁵

6.2.2 Approaches

The AJWS’s understanding of child marriage is rooted in the cultural and social environment in India. In some conservative Indian cultures, girls are esteemed as the family honour and this honour needs to be protected. Early child marriage is one way of protecting this honour and safeguarding girls from having consensual sex outside of marriage. Socially early child marriage is seen as a way of financially securing a girl’s future and ensuring that she is supported, without having to rely on her family for support.³⁵⁶ Traditionally in some Indian communities, a woman’s role does not extend further than a housewife and mother thus parents do not see a future in their daughters studying and getting a job, therefore girls are pressured into getting married, often during their adolescent years.³⁵⁷

It is these social and cultural underpinnings that shape the AJWS’s largely preventative approach to ending child marriage. **Their priority is to uproot these engrained beliefs regarding gender roles, thus educating and empowering girls to take control of the decisions** regarding their bodies and lives and preventing future child marriage from taking place. By doing this the AJWS hope to end early child marriage in India and consequently reducing the other problems that result from early child marriage, such as diminished education and employment opportunities, poor health and sexual violence.³⁵⁸ They propose to do this through **three key strategies: locally led programs, research and advocacy.**³⁵⁹

6.2.2.1. LOCALLY LED PROGRAMS

The funds raised by the AJWS are granted to grassroots organisations in India that offer programs for girls that help to build their confidence, engaged them in an array of activities

³⁵¹ *Preventing and Eliminating Child, Early and Forced Marriage: Report of the Office of the United Nations High Commissioner for Human Rights*, GA Res 26/22, UN GAOR, 26th sess, Agenda Items 2 and 3, UN Doc A/HRC/26/22 (2 April 2014) [6].

³⁵² American Jewish World Service, above n 349.

³⁵³ Ibid.

³⁵⁴ Elizabeth Daube, *Something Different for our Daughters: Mangal & Shital’s Story* (2015) American Jewish World Service <<https://ajws.org/stories/something-different-for-our-daughters/>>.

³⁵⁵ American Jewish World Service, above n 349.

³⁵⁶ Ibid.

³⁵⁷ Elizabeth Daube, *How to End Child Marriage in India* (11 September 2015) American Jewish World Service <<https://ajws.org/stories/how-to-end-child-marriage-in-india/>>.

³⁵⁸ American Jewish World Service, above n 350.

³⁵⁹ American Jewish World Service, above n 349.

as well as educate them about their rights and opportunities.³⁶⁰ One recipient organisation is the Mohammad Bazar Backward Class Development Society (MBBCDS). This organisation is based in West Bengal, India. With the funding they receive from the AJWS, the MBBCDS offer free weekend tutoring for girls; provide books, pens and other school supplies for girls in need and inform girls about their legal rights. This particular organisation builds strong relationships between girls and empowers them to question families and protest when they hear of a proposed child marriage among their classmates or community.³⁶¹ MBBCDS also provide support to women and girls fleeing from child or abusive marriages, as in the case of Sonali, a 14-year-old bride who left her abusive marriage with the help of MBBCDS.³⁶²

Another recipient of AJWS is Mahila Sarvangeen Utkarsh Mandal (MASUM). This organisation strives to educate both young boys and girls about gender equality and changing gender roles. They do this by providing safe environments for boys and girls to interact with each other as equals without fear of cultural chastisement during their camp activities and after school youth projects.³⁶³

6.2.2.2 RESEARCH

AJWS funding is also distributed to feminist partners of the organisation that conduct deep research into this complex issue and identify the barriers against ending ECM in India. These research initiatives range from exploring the root causes of ECM (traditional and cultural beliefs), to looking at the impact of laws on ECM and sexuality, as well as the impact of ECM on the mental health and wellbeing of young women.³⁶⁴

6.2.2.3 ADVOCACY

The third aspect of the AJWS's approach is advocacy. The research that is sponsored by the AJWS is then disseminated among other global funders and experts as a means of encouraging them to support this cause and bring greater awareness of it, at a global level. This strategy also works as an information share technique between other organisations that combat ECM in countries other than India.³⁶⁵

³⁶⁰ Ibid.

³⁶¹ American Jewish World Service, *Munija Chooses Her Future: Advancing Girl's Education and Opposing Child Marriage in West Bengal, India* (14 March 2013) <<https://ajws.org/blog/munija-chooses-her-future/>>.

³⁶² American Jewish World Service, *Meant for Something More* (11 September 2015) <<https://ajws.org/stories/meant-for-something-more/>>.

³⁶³ Margaret Greene and Timi Gerson, *What's Missing in the Fight Against Early and Child Marriage: Insights from India* (October 2015) American Jewish World Service <https://ajws-americanjewishwo.netdna-ssl.com/wp-content/uploads/2015/11/10.22.15-AJWS_InsightsFromIndia_FINAL_webversion.pdf>.

³⁶⁴ Elizabeth Daube, *Exploring Early Marriage and Mental Health: A Sneak Peek at Sama's Research with Young Women in India* (7 September 2016) American Jewish World Service <<https://ajws.org/blog/exploring-early-marriage-mental-health/>>.

³⁶⁵ American Jewish World Service, above n 349.

6.3 Girls Not Brides

Girls Not Brides (GNB) was established in 2011 as a small initiative of The Elders, in 2013 it then became an independent charity,³⁶⁶ and it has now grown into a global partnership with over seven hundred members across ninety nations, spanning over Africa, Asia and the Middle East.³⁶⁷ Members of GNB include individuals such as Archbishop Desmond Tutu³⁶⁸ as well civil society organisations such as The American Jewish World Service (5.2) and Save the Children (5.5).³⁶⁹

GNB was founded by The Elders. The Elders (founded in 2007) are a group of independent global leaders who strive toward promoting human rights and peace across the globe.³⁷⁰ They are known, influential global leaders who no longer hold a public office and are independent from any national government and other interests. They strive to be just and fair and believe that all of humanity has shared interests that need to be protected and promoted.³⁷¹

While The Elders aim to promote all human rights, GNB exclusively focuses on child marriage. Unlike the AJWS they do not have any other focus, their sole goal is to end child marriage. The benefit of this is that more resources and effort go toward child marriage. GNB also provide a wealth of resources and information about child marriage. They have compiled lists of the twenty countries that have the highest rates of child marriage as well as provided information and resources about different regions. While they do provide a more holistic and global approach, it may also be less focused as they spread over more than one region, where the dynamics of child marriage may differ.

6.3.1 Terminology

The terminology used by GNB seems to be exclusively ‘child marriage.’ They define this as “any formal marriage or informal union where one of both parties are under 18 years of age.”³⁷² In all their own articles, blogs and reports the terms such as ‘forced marriage’ and ‘early marriage’ do not appear, it is solely ‘child marriage’ that is used. They do not reject these terms but they also do not utilise them.

6.3.2 Approaches

Much like the AJWS, **GNB finds that the root cause of child marriage is gender inequality,** however rather than identifying the cause, they also consider the reasons for its persistence as

³⁶⁶ Girls Not Brides, *About Girls Not Brides* (2017) <<http://www.girlsnotbrides.org/about-girls-not-brides/>>.

³⁶⁷ Girls Not Brides, *Our Members* (2017) <<http://www.girlsnotbrides.org/about-girls-not-brides/our-members/#who>>.

³⁶⁸ Girls Not Brides, above n 366.

³⁶⁹ Girls Not Brides, *Search For Members* (2017) <<http://www.girlsnotbrides.org/about-girls-not-brides/our-members/search-for-members/>>.

³⁷⁰ The Elders, *About The Elders* (2017) <<http://www.theelders.org/about>>.

³⁷¹ Ibid.

³⁷² Girls Not Brides, *About Child Marriage* (2017) <<http://www.girlsnotbrides.org/about-child-marriage/>>.

a global issue. **GNB attributes child marriage’s ongoing prevalence to poverty and insecurity as well as cultural beliefs and traditions.**³⁷³

GNB’s acknowledgement of the complexity of child marriage is demonstrated by their understanding of gender inequality and how that is linked with particular cultures and traditions. However, **gender inequality remains at the heart of the issue.** Their research and initiatives have found that in the societies with a high rate of child marriage, there is also a strong patriarchal ideal that does not value girls to the same extent as it does boys; thus, these kinds of societies seek to control the lives and bodies of their girls. By assuming this kind of control, they seek to stop girls from having relationships and pregnancy outside of marriage and thus protecting the family’s honour.³⁷⁴ This is seen as the main reason for why child marriage has come to exist.

However as there has been rapidly growing awareness and advocacy for human rights, signified by the adoption of the Universal Declaration of Human Rights,³⁷⁵ patriarchy has been under attack and is no longer viewed as a suitable structure for society.³⁷⁶ Thus, **GNB has attributed the continuity of child marriage to poverty as well as cultural traditions. In poverty stricken regions, marriage is viewed as a means of securing your daughter’s future as well reducing the family’s burden, this is particularly so in cultures where the payment of a dowry is still practiced.**³⁷⁷ Further the fact that child marriage has occurred in the past generations it continues to be practiced out of tradition. These practices do not get challenged, as they have been part of a culture’s identity for a long period of time.³⁷⁸

Another important factor to consider when examining GNB’s approaches is that **they consider ending child marriage as a means of achieving a number of the sustainable development goals.**³⁷⁹ While child marriage is the only issue they specifically address, the reason they address it, is in order to achieve The Elder’s overarching goal of global peace. In short GNB’s approach is two pronged, social and it is global. They aim to educate in order to change social beliefs, attitudes and practices and it is global as they encompass many members of the international community.³⁸⁰ GNB’s approaches are also largely preventative, that is they focus on strategies to stop future child marriages. This is prevalent in the specific initiatives they have engaged in.

6.3.2.1 “ENTERTAINMENT-EDUCATION”

One such initiative is the “Entertainment-Education” initiative. This strategy seeks to raise awareness and spark social changes of attitude through the intentional use of media, ranging from radio to street theatre to magazines and comic books.³⁸¹ This strategy is versatile and

³⁷³ Girls Not Brides, *Why Does Child Marriage Happen?* (2017) <<http://www.girlsnotbrides.org/why-does-it-happen/>>.

³⁷⁴ *Ibid.*

³⁷⁵ *Universal Declaration of Human Rights*, GA Res 217A (III), UN GAOR, 3rd sess, 183rd plen mtg, UN Doc A/810 (10 December 1948)

³⁷⁶ Veronica Beechey, ‘*On Patriarchy*’ (1979) 4 *Feminist Review* 66, 67–69.

³⁷⁷ Girls Not Brides, above n 373.

³⁷⁸ *Ibid.*

³⁷⁹ Girls Not Brides, *The Global Partnership to End Child Marriage: Strategy 2017–2020* (January 2017) <<http://www.girlsnotbrides.org/wp-content/uploads/2017/02/Girls-Not-Brides-strategy-2017-2020-ENG.pdf>>.

³⁸⁰ Girls Not Brides, *Theory of Change* (2014) <<http://www.girlsnotbrides.org/wp-content/uploads/2014/07/Girls-Not-Brides-Theory-of-Change-on-Child-Marriage1.pdf>>.

³⁸¹ Martine Bouman, Sarah Lubjuhn and Hester Hollemans, *Entertainment-Education and Child Marriage: A Scoping Study for Girls Not Brides: The Global Partnership to End Child Marriage* (January 2017) Girls Not

can be used at a large scale, like in India and Nepal through magazine stories and television shows with intentionally designed storylines that address child marriage. It can also be used on a small scale, like in Pakistan and Malawi, through street performances that bring attention to child marriage as an issue.³⁸² GNB financially supports the organizations that put together these media posts as well as commission reports to evaluate their effectiveness.³⁸³

6.3.2.2 RESEARCH AND INVESTIGATION

This is also another key strategy that GNB employs. They commission research to investigate and evaluate national initiatives to end child marriage. This information is then presented in a fully published report with recommendations and ‘lessons learned’ from the research.³⁸⁴ The most recent report entitled “Lessons Learned from National Initiatives to End Child Marriage – 2016”³⁸⁵ evaluated over twenty different national Government endorsed initiatives in eleven different countries. This report considered the political climate³⁸⁶ of each of these countries and made recommendations regarding co-ordination between government departments and other initiatives³⁸⁷ as well as financial matters.³⁸⁸ It sets out the recommendations in categories based on the actions that can and should be taken by the different levels society (civil society, Government, local NGOs and international NGOs).³⁸⁹

6.3.2.3 CONSOLIDATION OF STRATEGIES

GNB’s most predominant approach to ending child marriage is attempting to consolidate all the information, research and strategies that they access through their partners and members in one easily accessible place. **GNB’s current 2017 to 2020 strategy highlights six shared goals that they believe need to be achieved in order to end child marriage, it also provides an insight into the direction that their partners and members are moving towards.**³⁹⁰ The goals they have identified are; more government action, particularly by those governments where child marriage is most prevalent.³⁹¹ Greater support from the global community to not only end child marriage but also to achieve the sustainable development goals;³⁹² transforming attitudes and norms at a community level through policy-based support;³⁹³ long-term sustainable funding that is accessible and evenly distributed;³⁹⁴ more research in order to deeply understand the issue of child marriage;³⁹⁵ and greater collaboration between partners and members of GNB in order to have a greater impact.³⁹⁶

Brides <<http://www.girlsnotbrides.org/wp-content/uploads/2017/02/Entertainment-Education-and-child-marriage-scoping-study-Jan-2017-2.pdf>>.

³⁸² Ibid.

³⁸³ Ibid.

³⁸⁴ Girls Not Brides, *Lessons Learned from National Initiatives to End Child Marriage – 2016* (January 2017) <http://www.girlsnotbrides.org/wp-content/uploads/2017/02/GNB-Lessons_learned_national_initiatives-2016.pdf>.

³⁸⁵ Ibid

³⁸⁶ Ibid.

³⁸⁷ Ibid.

³⁸⁸ Ibid.

³⁸⁹ Ibid.

³⁹⁰ Girls Not Brides, above n 379.

³⁹¹ Ibid.

³⁹² Ibid.

³⁹³ Ibid.

³⁹⁴ Ibid.

³⁹⁵ Ibid.

³⁹⁶ Ibid.

6.4 Save the Children

Save the Children was founded in Britain in 1919 by social activist, sociologist and teacher Eglantyne Jebb. In its early beginnings, the International Save the Children Fund's (as it was known then) only goal was to supply food to children living in poverty in post-World War I Austria.³⁹⁷ Jebb later developed five decrees, which she labelled as the fundamental rights of every child. These same decrees were adopted by the League of Nations and went on to form the basis of the United Nations Declaration of the Rights of the Child, in 1959.³⁹⁸ Save the Children has thirty branches across the globe, including in the United States and Australia.³⁹⁹ Their emergency aid and assistance, particularly after natural and man-made disasters, has stretched from Arizona to Korea to the Middle East.⁴⁰⁰ The focus of this section will be on Save the Children International, which oversees these thirty members and provides a collation of their initiatives, research and articles.

As the name suggests, the specific target group of Save the Children initiatives are children. **This organisation does not only endeavour to protect girls from child marriage, but they also work to bring children out of famine, poor health and lack of opportunity.** Another bulk of their work revolves around disaster relief. Save the children strive to respond quickly and adequately to humanitarian emergencies, these include natural disasters, armed conflict and disease epidemics.⁴⁰¹ Their main priority is children, so in any given emergency situation, children are given priority as they are always the most vulnerable group. They do their best to provide medical treatment, shelter, clean drinking water and food in a speedy manner. Further, as well as providing physical assistance and aid, Save the Children also provides emotional support to children who have experienced some sort of trauma.⁴⁰²

6.4.1 Terminology

Throughout their website and publications, **Save the Children predominantly use the term child marriage.** As with the organisations covered above, Save the Children define child marriage as any marriage or union where on or both parties are under the age of eighteen.⁴⁰³ However they do not strictly or exclusively use this term alone. **They also employ the terms early marriage and early child marriage. They also often describe child marriage as being forced. Save the Children tend to use these terms interchangeably depending on the context in which they are used.** For example, when speaking about the child marriage phenomenon in the context of the African region, it is often referred to as early child marriage.⁴⁰⁴

³⁹⁷ Save the Children, *History and Achievements (2013)* <<http://www.savethechildren.org.au/about-us/history-and-achievements>>.

³⁹⁸ Ibid.

³⁹⁹ Ibid.

⁴⁰⁰ Save the Children, *History (2017)*

<<http://www.savethechildren.org/site/c.8rKLIXMGIpI4E/b.6229507/k.C571/History.htm>>.

⁴⁰¹ Save the Children, *Our Humanitarian Work (2017)* <<https://www.savethechildren.net/what-we-do/our-humanitarian-work>>

⁴⁰² Ibid.

⁴⁰³ Save the Children, *Stolen Childhood: End of Childhood Report 2017 (2017)*

<http://www.savethechildren.org/atf/cf/%7B9def2ebe-10ae-432c-9bd0-df91d2eba74a%7D/SAVETHECHILDREN_ENDOFCHILDHOOD_INDEX_2017_EASTAFRICA%20EDITI ON_LOWRES.PDF>.

⁴⁰⁴ Save the Children, *Children's Ebola Recovery Assessment: Sierra Leone (2017)*

<http://www.savethechildren.org/atf/cf/%7B9def2ebe-10ae-432c-9bd0-df91d2eba74a%7D/EBOLA_REPORT_CHILDRENS_RECOVERY_ASSESSMENT_SIERRA_LEONE.PDF>

However, when discussing child marriage in the context of countries such as Syria and Afghanistan, it is more likely to be described as forced marriage.⁴⁰⁵ The reason for this is in the latter context, forced marriage may not always been between children, further they have also found reasons for marriage being forced. A report focusing on child and forced marriage among Syrian refugees in Jordan indicate that some forced marriages take place to restore the family honour, where the girl or woman was been a victim of rape.⁴⁰⁶

The main point to note is that Save the Children use certain terms in certain contexts. **However, in whichever context child, early and/or forced marriage is used, the key elements they endeavour to embody is that the marriage has involved a party (most likely the female) who is under eighteen and/or they have not consented or did not have a choice whether to consent or not to the marriage.**

6.4.2 Approaches

Save the Children acknowledge that **child marriage is rooted in gender inequality and cultural practices. However, they are much less concerned with this, and instead concentrate on the factors that allow and drive the persistence of child marriage.** They also focus on the various detrimental impacts of child marriage on the lives of those girls subject to them. **Generally, Save the Children’s initiatives are not preventative. Rather they are centred on dealing with the effects of child marriage as well as the factors that allow child marriage to continue.**

For Save the Children the most devastating impact of child marriage is the adverse effects on the health of the child brides, in particular those girls that fall pregnant shortly after they are married. Child marriage and subsequent adolescent pregnancy affects both a girls’ sexual and reproductive health. Further the age and health of the mother significantly impacts both her own and the baby’s chance of survival. Child/adolescent pregnancies have a higher percentage of stillbirths, infant deaths and maternal death during delivery.⁴⁰⁷ **Save the Children specifically address this issue by providing education about and access to sexual and reproductive health services.**⁴⁰⁸ One such initiative is known as the “My First Baby Guide,” which facilitates the establishment of Married Adolescent Girls Groups (MAGs) that regularly meet to share advice on nutrition, hygiene, sanitation, reproductive health, pregnancy, childbirth and newborn care.⁴⁰⁹ These initiatives have thrived in places such as Oruro, Bolivia and rural parts of Nepal.

Save the Children also endeavour to reduce/change the interacting factors that allow child marriage to continue. These namely include poverty and lack of adequate legal protection.⁴¹⁰ While legal protection may not entirely abolish child marriage, it is a significant step in the

⁴⁰⁵ Save the Children, *Too Young to Wed* (2014) <https://www.savethechildren.net/sites/default/files/RSYR-cf-12_TooYoungToWedReport_17Jul14.pdf#overlay-context=article/syrian-child-marriage-jordan-has-doubled-start-war>

⁴⁰⁶ Ibid.

⁴⁰⁷ Save the Children, *Every Last Child: The Children the World Chooses to Forget* (2016) <http://www.savethechildren.org/atf/cf/%7B9def2ebe-10ae-432c-9bd0-df91d2eba74a%7D/EVERY_LAST_CHILD_.PDF>.

⁴⁰⁸ Save the Children, above n 403.

⁴⁰⁹ Save the Children, *My First Baby Guide: Addressing the Reproductive Health Needs of Married Adolescent Girls in West Nepal* (2014) <<http://www.savethechildren.org/atf/cf/%7B9def2ebe-10ae-432c-9bd0-df91d2eba74a%7D/MY%20FIRST%20BABY%20BRIEF%20-%20DEC%202014.PDF>>

⁴¹⁰ Save the Children, above n 403.

right direction. **Save the Children advocate for these children by lobbying governments (in countries where child marriage is prevalent) to create age limits on marriage, if they do not already exist, and to enforce them.**⁴¹¹ Save the Children currently have four advocacy offices across the globe in New York, Geneva, Brussels and Addis Ababa. The New York and Geneva offices liaise mostly with UN bodies such as UNICEF and the World Health Organisation; while the Brussels office mainly co-ordinates with the EU. The Addis Ababa office, in Ethiopia, liaises with the African Union (AU) to push for government support to end child marriage.⁴¹²

The Addis Ababa Advocacy Office holds summits and conferences to campaign for the end of child marriage in Africa. These summits provide African leaders with accurate statistics of the occurrences of child marriage as well as share information regarding the strategies other African bodies are undertaking to eradicate child marriage. They also provide recommendations on the key actions that need to be taken by the African leaders to end child marriage, such as resource allocation and enacting and reinforcing legal provisions into practice.⁴¹³

⁴¹¹ John Graham, *Campaigning to End Child Marriage Across Africa* (15 January 2015) Save the Children in Ethiopia <<https://www.savethechildren.net/article/campaigning-end-child-marriage-across-africa>>

⁴¹² Save the Children, *Advocacy* (2017) <<https://www.savethechildren.net/advocacy>>.

⁴¹³ Graham, above n 411.

6.5 Humanium

Humanium are an international non-government organisation. This group was established in November 2008 in Geneva, Switzerland. The rationale behind their establishment was simply and solely to ensure the well-being of children worldwide. This includes children's living conditions and the fruition and protection of their basic rights.⁴¹⁴ The organisation was co-founded by Oliver and Arndt Soret, who now hold the roles of President and CEO, respectively. They have a small team of eleven other people in their office working toward reaching their goal. Humanium also have sister NGOs in France and Germany.⁴¹⁵ They also have Ethics Committee and an Internal Audit team.⁴¹⁶ It is clear that accountability and transparency are two values they aim to uphold.

Humanium is primarily a child sponsorship organisation with a number of partnerships and supporters that assist them in reaching their goals. Their partnerships include Google, through its "Google Grants Program," The Alliance of Lawyers for Human Rights (AADH), Hand in Hand India who strive to empower women and reduce poverty, Symantec who assist through product donations and HomeAway, which runs activities for children while promoting their human rights. Humanium is also a participant in the United Nations Volunteer Program who promotes volunteering as a means of supporting the development of peace in the world.⁴¹⁷

Humanium have a number of ethical values that they strive to uphold as an organisation. They believe in the inherent value of each individual human being and respect that each individual and culture has differences. They also work towards sustainable development, autonomy and individual participation in their programs and projects.⁴¹⁸

6.5.1. Terminology

As Humanium are an organisation for the protection of Children's rights, they use the term **child marriage**. However, their specific definition of child marriage carries with it the underlying assumption of a forced marriage. **Humanium defines a forced marriage as a union between individuals where one or both parties have not freely consented and/or where the one's spouse is chosen for them.** While Humanium identify that this is a common practice in some cultures, they also flag it as a human rights violation that must be ended. **For Humanium a child marriage is any forced marriage where one party is under the age of eighteen.**⁴¹⁹

Therefore, in all the publications, reports and statistics put together by Humanium, it can be assumed then when the term child marriage is used, there is a presumption that it is also a forced marriage. One reason for this kind of definition may be that for Humanium child marriage (where it is not forced) may not necessarily be a human rights violation. Thus, for

⁴¹⁴ Humanium, *Who is Humanium?* (2017) <<http://www.humanium.org/en/presentation/>>.

⁴¹⁵ Humanium, *Humanium Legal Structure* (2017) <<http://www.humanium.org/en/legal-structure/>>.

⁴¹⁶ Humanium, *Humanium's Team* (2017) <<http://www.humanium.org/en/team/>>.

⁴¹⁷ Humanium, *Our Operational Partners* (2017) <<http://www.humanium.org/en/partners/>>.

⁴¹⁸ Humanium, *Humanium's Ethics Charter* (2017) <<http://www.humanium.org/en/ethics-charter/>>.

⁴¹⁹ Humanium, *Child Marriage* (2017) <<http://www.humanium.org/en/child-marriage/>>.

their purposes, of ensuring the well-being of children promoting human rights, and protecting childhood,⁴²⁰ it is appropriate and necessary to define child marriage in this way.

6.5.2 Approaches

Humanium’s general approach to their broad mission is based on five strategic pillars. These are the following: independent observation, online children’s rights education, legal counsel, change agent empowerment and children’s relief.⁴²¹

As part of their independent observation, Humanium monitor and report worldwide human right’s violations and make their findings available to maintain transparency.⁴²² Their online education scheme supplies free published documents and information regarding children’s rights. This was part of their effort to simplify the dispersion of information and proved to be successful, by reaching almost five million people. Further than this they were able to engage up to three hundred thousand people on social media.⁴²³ Humanium, through their partners (namely AADH) offer free legal advice for matters regarding children’s rights. This often consists of navigating people toward the correct representatives that will aid in their present case. They also have networks with a numerous pro bono lawyers across the globe.⁴²⁴

The other two pillars of their approach, change agent empowerment and child relief involve working directly with children facing human rights violations, in conjunction with local grass roots NGOs. Change agent empowerment encompasses educating children on their own rights and implementing cooperative developmental activities for children. One example of this strategy in action was in Rwanda where Humanium teamed with the local NGO AVSI and ran seventeen interdisciplinary workshops and educated over one thousand children living in Rwanda.⁴²⁵

Through the children’s relief strategy Humanium provide housing, nutrition and education to stranded children. They support housing centres in Rwanda and Burkina Faso.⁴²⁶ This strategy also provides the groundwork for farming and agricultural training initiatives that educate children on organic agriculture and promote sustainable farming techniques.⁴²⁷ Humanium’s approach to child marriage is largely focused on ending the violation of children’s rights and also mitigating the negative physical and mental health effects of these marriages on children (specifically on young girls). However, they do not have specific programs that just address child marriage. Rather the strategies mentioned above are undertaken as a means of protecting all children, whether that protection is from child marriage or any other potential threat such as poverty, poor health and lack of education and employment.

⁴²⁰ Humanium, *What is the Protection of Childhood?* (2 July 2014) <<http://www.humanium.org/en/what-is-the-protection-of-childhood/>>.

⁴²¹ Humanium, *2015 Annual Report* (2016) <http://www.humanium.org/en/wp-content/uploads/2014/06/ANNUAL-REPORT-2015_EN_web.pdf>.

⁴²² Ibid.

⁴²³ Ibid.

⁴²⁴ Ibid.

⁴²⁵ Ibid.

⁴²⁶ Ibid.

⁴²⁷ Ibid.

However, Humanium do offer useful and interesting articles regarding the status of child marriage across the globe. They have published a number of articles regarding the child marriage situation in countries such as India,⁴²⁸ Niger⁴²⁹ and Zimbabwe⁴³⁰ but have also found interesting facts and figures about the reality of child marriage in countries such as the United States.⁴³¹ These articles provide statistics regarding the rate of child marriage, as well as tailored recommendations of what needs to be done to decrease child marriage in each country.

6.6 Differences in Approach

There has not been much research into why the different definitions and terms for CEFM exist or why the terms and responses differ between organisations, however a few key points may be gathered from the information presented above. **The two major influences on the approach and initiatives undertaken by each organisation are firstly whether the organisation is looking to prevent child marriage or rather offer support for those already engaged in child marriage and secondly, the understanding of child marriage as an issue that the organisation adopts.** This underlying understanding influences the strategies that the organisation employs. Responses will differ where an organisation understands child marriage as solely a human rights and dignity issue, that is rooted in culture and tradition, as compared to when the problem is understood as a threat to health and wellbeing.

For organisations that take on a largely preventative approach, above AJWS and GNB, their initiatives tend to be largely focused on education. Educating girls on their rights as well as educating whole communities in the hope of transforming their attitudes and beliefs to bring an end to the future of child marriage. These organisations focus on a social change. **Contrastingly an organisation like Save the Children, who endeavour to help those already engaged in child marriage. Their initiatives are focused on improving the conditions these young girls are living in and offering healthcare, accommodation and support to those fleeing from child marriages.**

Where the understanding of the issue of child marriage differs, so too do the approaches and initiatives. Where the problem is understood to be rooted in cultural and traditional practices, as mentioned above, the response is usually centred on changing social beliefs and attitudes in order to break gender stereotypes and roles, in the case of the AJWS and GNB. However, **where the understanding of the problem is seen primarily as a threat to health and wellbeing the approach may not always be tailored specifically to the issue of child marriage alone.** Rather when the issue is framed in this way, approaches tend to be more holistic and work to improve the health, education and opportunities of all children rather than just targeting those who are affected by child marriage. These approaches also are more likely to have greater avenues for advocacy, as demonstrated by Humanium.

⁴²⁸ Diane BE, *Child Marriage in India, One of the Worst Violations of Children's Rights* (17 February 2016) Humanium <<http://www.humanium.org/en/child-marriage-in-india-one-of-the-worst-violations-of-childrens-rights/>>.

⁴²⁹ Josephine Dodd, *Niger: The Highest Rate of Child Marriage in the World* (21 November 2016) Humanium <<http://www.humanium.org/en/niger-child-marriage/>>.

⁴³⁰ Chinga Gohavti, *Existing Laws in Zimbabwe Fail to Protect the Rights of Children* (1 May 2017) Humanium <<http://www.humanium.org/en/existing-laws-in-zimbabwe-fail-to-protect-the-rights-of-children/>>.

⁴³¹ Salome Guibreteau, *Child Marriage in the US: An Unbelievable Reality* (17 February 2017) Humanium <<http://www.humanium.org/en/child-marriage-in-the-u-s-an-unbelievable-reality/>>.

While the organisations discussed above all had different preferences for the terms they use when discussing CEFM, and each had slightly different approaches, strategies and initiatives, although not without overlap, there is one element they each had in common. Universal to all the organisations was collaboration. Each organisation, in some way, promoted the unequivocal need for partnerships. Partnerships between different levels of government, different nations and different organisations. Each organisation had partners, some even were partnered with each other, for example the AJWS and Save the Children were both members of GNB. The key to overcoming child marriage, as an enduring problem, is collaboration, in order to have enough resources and fortitude to see its abolition.

7 Regions

7.1 Asia Region

7.1.1 Child, Early and Forced Marriage in the Region

Child marriage in Asia, specifically South Asia, is one of the most prevalent regions universally as statistically, 45% of girls married before the age of 18 and 17% before the age of 15.⁴³²

Countries such as Bangladesh, India, Nepal, Afghanistan and Pakistan dominate the South Asian region with regard to prevalence. Despite legal instruments that may outlaw the practice, these continue to be overlooked due to the existence of longstanding customary laws and traditions.⁴³³ For example, legislative regulation in this region exists, however, in countries where *sharia law*

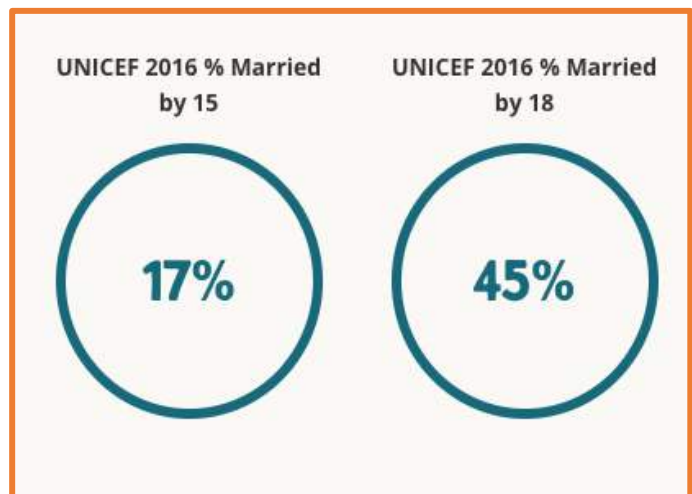


Figure 1: Girls Not Brides <http://www.girlsnotbrides.org/region/south-asia/>

is prevalent, girls can legally marry when they reach puberty.⁴³⁴ This creates disjuncture between the statutory law and religious law, as both attempt to regulate marriage⁴³⁵ and exacerbates the issue for policy makers of enforcing a legal framework that promotes international human rights standards. Subsequently, countries in Asia continue to struggle to break the cycle of child marriage in areas where patriarchy persists, and detrimental traditions and customs have been carried from generation to generation.

There are many factors that influence and drive the existence of child marriage in South Asia, including: gender discrimination, social and cultural norms, the socio-economic status of individuals and education levels. Firstly, families and communities place little value on

⁴³² Ravi Verma, Tara Sinha and Tina Khanna, *Asia Child Marriage Initiative: Summary of Research in Bangladesh, India and Nepal* (January 2013) International Centre for Research on Women, 5 <<https://www.icrw.org/wp-content/uploads/2016/10/PLAN-ASIA-Child-Marriage-3-Country-Study.pdf>>

⁴³³ Ibid.

⁴³⁴ ICRW, *Child Marriage in Southern Asia: Context, Evidence and Policy Options for Action* (2012) Asia Forum of Parliamentarians on Population and Development, 1, <<https://www.afppd.org/Resources/Policy-Brief-Child-Marriage-in-South-Asia.pdf>>.

⁴³⁵ Elisa Scolaro, Aleksandra Blagojevic, Brigitte Filion, Venkatraman ChandraMouli, Lale Say, Joar Svanemyr and Marleen Temmerman, 'Child marriage legislation in the Asia-Pacific Region' (2015) 13(3) *The Review of Faith and International Affairs* 23.

female children to contribute to the income or financial wellbeing of a family.⁴³⁶ Hence, parents usually assess the costs and benefits of marriage and decide to marry their daughters early if they are seen as an economic burden.⁴³⁷ This view is predominately seen in families who live in poverty and particularly evident in Bangladesh.⁴³⁸ It is a major concern in rural areas of Bangladesh, with an average of 70% of girls married before the age of 18.⁴³⁹ Hence, girls are not prioritised as educational investment opportunities, instead are married off to limit the economic burden.⁴⁴⁰ It is a known fact that the poorest countries have the highest rate of child marriage as they have fewer resources to invest in the future of girl's education or abilities.⁴⁴¹ Due to poverty, there is limited access to education and schools for young children that force them to early marriages. A 2010 study of 200 child marriages in Afghanistan found that 71% of the girls that married before the legal age were illiterate.⁴⁴² It is crucial to understand that 'pulling girls out of school and forcing them into early marriage ensures that poverty will be handed down from a mother to her daughter, for generations to come.'⁴⁴³ Therefore the prevalence of child marriage in South Asia is in need of further reform and assistance to determine its root causes that continue to exist.

7.1.2 Brief History and Development of CEFM

Child marriage in South Asia materialises from traditional norms and practices passed across generations. Child marriage has developed amongst poorer families with lower levels of education and high occurrence of natural catastrophes and conflict.⁴⁴⁴ It has also continued through generations due to the disjuncture between personal laws and national legislative instruments.

Countries in South Asia are subject to an immense amount of **poverty, resulting from many natural disasters and conflict**. For example, in 2004 Sri Lanka experienced a proliferation in child-marriage rates, following a tsunami that pushed families to marry their daughters to relieve them from subsequent financial burdens.⁴⁴⁵ Secondly, in 2007 Bangladesh experienced cyclone Sidr, which contributed to two thirds of children under the age of 18 being married within those 12 months alone.⁴⁴⁶ Thirdly, in Afghanistan, parents are marrying off their daughters to safeguard them from harm of extreme poverty due to conflict; it is considered a way of ensuring physical security and safety. Furthermore, Afghanistan is still ranked one of the most dangerous places in the world for women to live. Since the end of the Taliban rule in 2001, there has been little progress into the human rights of women and girls.⁴⁴⁷

⁴³⁶ Tina Khanna, Ravi Verma, Ellen Weiss and Kiran Bhatia, *Child Marriage in South Asia: Realities, Responses and the way forward* (International Center for Research on Women, 2016) 5, <https://www.icrw.org/wp-content/uploads/2016/10/Child_marriage_paper-in-South-Asia.2013.pdf>.

⁴³⁷ Jennifer Parsons et al, 'Economic Impacts of Child Marriage: A Review of Literature' (2015) 13(3) *The Review of Faith & International Affairs* 12.

⁴³⁸ ICRW, above n 434.

⁴³⁹ Ibid.

⁴⁴⁰ Parsons, Edmeades, Kes, Petroni, Sexton and Wodon, above n 437.

⁴⁴¹ Ibid 13.

⁴⁴² ICRW, above n 434.

⁴⁴³ Ibid.

⁴⁴⁴ Khanna, Verma and Weiss, above n 436, 2.

⁴⁴⁵ Ibid.

⁴⁴⁶ Ibid.

There is a strong emphasis on women as an economic burden on their families; parents are quick to marry off their daughters for a bride price.⁴⁴⁸ In fragile countries such as the abovementioned, marrying off their daughters as a form of protection is seen as creating a better life, however actually forcing girls to be subject to sexual exploitation and abuse. In 2010, floods in Pakistan contributed to increases in early marriage, which led to lack of opportunities for girls to enter a protective school environment.⁴⁴⁹ Marriage may also be a mechanism for resolving conflicts between families and maintaining and fostering business, land or property ties with them. For example, in Pakistan, India and Nepal, children may be engaged or even married while toddlers or below the age of 10 to resolve conflicts between families.⁴⁵⁰

The history of patriarchal norms in South Asia has contributed to the development and prevalence of child marriage. Girls are treated as ‘commodities’ and an economic burden, resulting in early marriage. The existence of personal laws continues to fuel the existence of child marriage. For example, Muslim personal laws establish puberty as the minimum age to marry, being 15 years of age.⁴⁵¹ As will be seen in the below sections, *Sharia Law* does not co-exist harmoniously with international human rights standards, represented through the many reservations and declarations annexed to ratification of international law. Therefore, the historical development of *sharia law* has contributed to separation between effective legislative and enforcement and the existence of child marriage in the region. Lastly, the longstanding tradition that girls should protect their virginity has contributed to the history of child marriage in South Asia. For many communities, the loss of virginity for girls before marriage remains the worst shame that can be brought upon a family.⁴⁵² Further, there is serious fear surrounding rape, not out of fear of her safety, rather for the shame it brings her father, husband and brothers.⁴⁵³ Therefore the longstanding views as to the protection of a girl’s sexuality is forcing parents to ensure their children are married to avoid any shameful situations.

7.1.3 United Nations Initiatives

The following tables will illustrate the implementation of key pieces of international law in relation to child marriage and outline the party status of Asian countries, including any reservations or declarations.

⁴⁴⁷ Girls Not Brides, *Child Marriage Around the World: Afghanistan* (2017) Girls Not Brides
<<http://www.girlsnotbrides.org/child-marriage/afghanistan/>>

⁴⁴⁸ ICRW, above n 434, 3.

⁴⁴⁹ Juliette Myers, *Untying the Knot Exploring Early Marriage in Fragile States* (March 2013) World Vision, 25, <http://www.wvi.org/sites/default/files/UNTYING_THE_KNOT_-_March_2013.pdf>

⁴⁵⁰ Mira Aghi, Early Marriage in South Asia: A discussion paper UNICEF, 7,
<<https://www.unicef.org/rosa/earlymarriage%28lastversion%29.doc>>

⁴⁵¹ The Center for Reproductive Rights, *Child Marriage and Personal Laws in South Asia* (2014) United Nations Human Rights Office of the High Commissioner, 3,
<http://www.ohchr.org/Documents/Issues/Women/WRGS/Earlyforcedmarriage/NGOs_Individuals/CRR1.pdf>

⁴⁵² Aghi, above n 450, 8.

⁴⁵³ Ibid.

*Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1962)*⁴⁵⁴

Country	Signature (S) Ratification (R), Accession (A), Succession (D)	Declarations/ Reservations
Azerbaijan	16 th August 1996 (A)	<p>Reservations:</p> <p><u>Articles 1 and 2:</u></p> <p>"The Government of the People's Republic of Bangladesh reserves the right to apply the provisions of articles 1 and 2 in so far as they relate to the question of legal validity of child marriage, in accordance with the Personal Laws of different religious communities of the country.</p> <p><u>Article 2:</u></p> <p>The Government of the People's Republic of Bangladesh, in acceding to the Convention will not be bound by the exception clause of article 2 viz. except where a competent authority has granted a dispensation as to age, for serious reasons, in the interest of the intending spouses".</p>
Bangladesh	5 th October 1998 (A)	
Kyrgyzstan	10 February 1997 (A)	<p>21 Jan 1965:</p> <p>"Considering the provisions of its Civil Code, the Philippines, in ratifying this Convention interprets the second paragraph of Article 1 (which authorizes, in exceptional cases, the solemnization of marriage by proxy) as not imposing upon the Philippines the obligation to allow within its territory the celebration of proxy marriages or marriages of the kind contemplated in that paragraph, where such manner of marriage is not authorized by the laws of the Philippines. Rather, the solemnization within Philippine territory of a marriage in the absence of one of the parties under the conditions stated in said paragraph will be permitted only if so allowed by Philippine law."</p>
Mongolia	6 th June 1991 (A)	
Philippines	5 February 1963 (S)	
Sri Lanka	12 th December 1962 (S)	

*International Covenant on Economic, Social and Cultural Rights (1966)*⁴⁵⁵

Country	Signature (S) Ratification (R), Accession (A), Succession (D)	Declarations/ Reservations
Afghanistan	24 Jan 1983 (A)	<p>Declarations:</p> <p>Articles 2 and 3: The Government of the People's Republic of Bangladesh will implement articles 2 and 3 in so far as they relate to equality between man and woman, in accordance with the relevant provisions of its Constitution and in respect to certain aspects of economic rights viz. law of inheritance.</p> <p>Articles 10 and 13: While the Government of the People's Republic of Bangladesh accepts the provisions embodied in articles 10 and 13 of the Covenant in principle, it will implement the said provisions in a progressive manner, in keeping with the existing economic conditions and the development plans of the country."</p>
Armenia	13 Sep 1993 (A)	
Azerbaijan	13 Aug 1992 (A)	
Bangladesh	5 Oct 1998 a	

⁴⁵⁴ *Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages*, opened for signature 7 November 1962, 521 UNTS 231 (entered into force 9 December 1964).

⁴⁵⁵ *International Covenant on Economic, Social and Cultural Rights*, opened for signature 16 December 1966, 993 UNTS 3 (entered into force 3 January 1976).

Cambodia	17 Oct 1980 (S), 26 May 1992 (A)	
China	27 th October 1992 (S), 27 Mar 2001 (R)	
India	10 th April 1979	
Indonesia	23 Feb 2006 (A)	
Japan	30 May 1978 (S), 21 June 1979 (R)	
Kazakhstan	2nd December 2003 (S), 24th January 2006 (R)	
Kyrgyzstan	7th October 1994 (A)	
Lao PDR	7 th December 2000 (S), 13th February 2007 (R)	
Maldives	19 th September 2006 (A)	
Mongolia	5th June 1968 (S), 18 th November 1974 (R)	
Myanmar (Burma)	16th July 2015	
Nepal	14 th May 1991 (A)	
Pakistan	3rd November 2004 (S), 17th April 2008 (R)	Reservation: "Pakistan, with a view to achieving progressively the full realization of the rights recognized in the present Covenant, shall use all appropriate means to the maximum of its available resources."
Philippines	19 th December 1966 (S), 7 th June 1974 (R)	
Republic of Korea	10th April 1990 (A)	
Sri Lanka	11 th June 1980 (A)	
Tajikistan	4th January 1999 (A)	
Thailand	5th September 1999 (A)	
Turkmenistan	1st May 1997 (A)	
Uzbekistan	28 th September 1995 (A)	
Vietnam	24 th September 1982 (A)	

*Convention on the Elimination of All Forms of Discrimination against Women (1979)*⁴⁵⁶

Country	Signature (S) Ratification (R), Accession (A), Succession (D)	Declarations/ Reservations
Afghanistan	14th August 1980 (S), 5th March 2003 (R)	
Armenia	13th September 1993 (A)	
Azerbaijan	10th July 1995 (A)	
Bangladesh	6th November 1984 (A)	

⁴⁵⁶ *Convention on the Elimination of All Forms of Discrimination Against Women*, opened for signature 18 December 1979, 1249 UNTS 13 (entered into force 3 September 1981).

Bhutan	17th July 1980 (S), 31 st August 1981 (R)	
Brunei Darussalam	24th May 2006 (A)	Reservations: "The Government of Brunei Darussalam expresses its reservations regarding those provisions of the said Convention that may be contrary to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam, the official religion of Brunei Darussalam and, without prejudice to the generality of the said reservations, expresses its reservations regarding paragraph 2 of Article 9.
Cambodia	17th October 1980 (S), 15th October 1992 (A)	
China	17 th July 1980 (S), 4th November 1980 (R)	
Democratic Republic of Korea	27th February 2001 (A)	Reservations: On 23 November 2015, the Government of the Democratic People's Republic of Korea notified the Secretary-General of its decision to withdraw the reservations to paragraph (f) of article 2 and paragraph 2 of article 9 of the Convention.
India	30 Jul 1980 (S), 9th July 1993 (R)	Declarations: "i) With regard to articles 5 (a) and 16 (1) of the Convention on the Elimination of All Forms of Discrimination Against Women, the Government of the Republic of India declares that it shall abide by and ensure these provisions in conformity with its policy of non-interference in the personal affairs of any Community without its initiative and consent. "ii) With regard to article 16 (2) of the Convention on the Elimination of All Forms of Discrimination Against Women, the Government of the Republic of India declares that though in principle it fully supports the principle of compulsory registration of marriages, it is not practical in a vast country like India with its variety of customs, religions and level of literacy."
Indonesia	29 Jul 1980 (S), 13 Sep 1984 (R)	
Japan	17th July 1980 (S), 25th June 1985 (R)	
Kazakhstan	26th Aug 1998 (A)	
Kyrgyzstan	10th February 1997 (A)	
Lao PDR	17th July 1980 (S), 14 th August 1981 (R)	
Malaysia	5th July 1995 (A)	.. The Government of Malaysia declares that Malaysia's accession is subject to the understanding that the provisions of the Convention do not conflict with the provisions of the Islamic Sharia' law and the Federal Constitution of Malaysia. With regard thereto, further, the Government of Malaysia does not consider itself bound by the provisions of articles 9 (2), 16 (1) (a), 16 (1) (c), 16 (1) (f) and 16 (1) (g) of the aforesaid Convention.
Mongolia	17 Jul 1980 (S), 20 Jul 1981 (R)	
Myanmar (Burma)	22nd July 1997 (A)	
Nepal	5th February 1991 (S), 22nd April 1991 (R)	
Pakistan	12th March 1996 (A)	Declaration: <i>"The accession by [the] Government of the Islamic Republic of Pakistan to the [said Convention] is subject to the provisions of the Constitution of the Islamic Republic of Pakistan."</i>
Philippines	15 Jul 1980 (S), 5th August 1981 (R)	
Republic of Korea	25 May 1983 (S), 27 Dec 1984 (R)	Upon signature: Reservation: "The Government of the Republic of Korea does not consider itself bound by the provisions of article 9 of the Convention on the Elimination of All Forms of Discrimination against Women of 1979. The Government of the Republic of Korea will make continued efforts to take further measures in line with the provisions stipulated in the Convention."

		Upon ratification: Reservation: "The Government of the Republic of Korea, having examined the said Convention, hereby ratifies the Convention considering itself not bound by the provisions of sub-paragraph (g) of paragraph 1 of Article 16 of the Convention."
Singapore	5th October 1995 (A)	Reservations: (1) In the context of Singapore's multiracial and multi-religious society and the need to respect the freedom of minorities to practice their religious and personal laws, the Republic of Singapore reserves the right not to apply the provisions of articles 2, paragraphs (a) to (f), and article 16, paragraphs 1(a), 1(c), 1(h), and article 16, paragraph 2, where compliance with these provisions would be contrary to their religious or personal laws.
Sri Lanka	17 Jul 1980 (S), 5 Oct 1981 (R)	
Tajikistan	26 Oct 1993 (A)	
Thailand	9 Aug 1985 (A)	Declaration: The Royal Thai Government wishes to express its understanding that the purposes of the Convention are to eliminate discrimination against women and to accord to every person, men and women alike, equality before the law, and are in accordance with the principles prescribed by the Constitution of the Kingdom of Thailand.
Turkmenistan	1st May 1997 (A)	
Uzbekistan	19 Jul 1995 (A)	
Vietnam	29 Jul 1980 (S) 17 Feb 1982 (R)	

*Convention on the Rights of the Child (1989)*⁴⁵⁷

Country	Signature (S) Ratification (R), Accession (A), Succession (D)	Declarations/ Reservations
Afghanistan	27 Sep 1990 (S) 28 Mar 1994 (R)	Declaration: "The Government of the Republic of Afghanistan reserves the right to express, upon ratifying the Convention, reservations on all provisions of the Convention that are incompatible with the laws of Islamic Sharia and the local legislation in effect."
Bangladesh	26 Jan 1990 (S) 3 Aug 1990 (R)	Reservations: "[The Government of Bangladesh] ratifies the Convention with a reservation to article 14, paragraph 1.
Bhutan	4 Jun 1990 (S) 1 Aug 1990 (R)	
Brunei Darussalam	27 Dec 1995 (A)	10 August 2015: "The Government of Brunei Darussalam expresses its reservations on the provisions of the said Convention which may be contrary to the Constitution of Brunei Darussalam and to the beliefs and principles of Islam, the State religion, and without prejudice to the generality of the said reservations, in particular expresses its reservations on Article 14, Article 20 paragraph 3, and Article 21 subparagraphs b, c, d and e of the Convention."
Cambodia	15 Oct 1992 (A)	
China	29 Aug 1990 (S) 2 March 1992 (R)	Reservation: [T]he People's Republic of China shall fulfil its obligations provided by article 6 of the Convention under the prerequisite that the Convention accords with the provisions of article 25 concerning family planning of the Constitution of the

⁴⁵⁷ *Convention on the Rights of the Child*, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990).

People's Republic of China and in conformity with the provisions of article 2 of the Law of Minor Children of the People's Republic of China.

Democratic People's Republic of Korea	23 Aug 1990 (S)
India	21 Sep 1990 (R)
	11 December 1992 (A)
Indonesia	26 Jan 1990 (S)
	5 Sep 1990 (R)
Japan	21 Sep 1990 (S)
	22 Apr 1994 (R)
Kazakhstan	16 Feb 1994 (S)
	12 Aug 1994 (R)
Kyrgyzstan	7 Oct 1994 (A)
Lao People's Democratic Republic	8 May 1991 (A)
Malaysia	17 Feb 1995 (A)
Maldives	21 Aug 1990 (S)
	11 Feb 1991 (R)
Mongolia	26 Jan 1990 (S)
	5 Jul 1990 (R)
Myanmar	15 Jul 1991 (A)
Nepal	26 Jan 1990 (S)
	14 Sep 1990 (R)
Pakistan	20 Sep 1990 (S)
	12 Nov 1990 (R)
Philippines	26 Jan 1990 (S)
	21 Aug 1990 (R)
Republic of Korea	25 Sep 1990 (S)
	20 Nov 1991 (R)
Singapore	5 Oct 1995 (A)
Sri Lanka	26 Jan 1990 (S)
	12 Jul 1991 (R)
Tajikistan	26 Oct 1993 (A)
Thailand	27 March 1992 (A)
Timor-Leste	16 Apr 2003 (A)
Turkmenistan	20 Sep 1993 (A)
Uzbekistan	29 Jun 1994 (A)
Vietnam	26 Jan 1990 (S)
	28 Feb 1990 (R)

7.1.4. Regional Initiatives

1985 South Asian Association for Regional Cooperation

The South Asian Association for Regional Cooperation ('SAARC') was established on 8 December 1985 and consists of a number of member states including Afghanistan, Bangladesh, Bhutan, India, Maldives, Pakistan and Sri Lanka. On the 5th January 2002, the SAARC established the *SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia*. This Convention outlined the need for assistance and protection of the children that live in South Asia. They recognised that the population of South Asia is enormous and the need to assist

children to reach their full potential is paramount. Hence, ‘Article IV- Regional Priorities’ makes reference to the issue of child marriage and recognises that:

‘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.’⁴⁵⁸

The South Asia Initiative to End Violence Against Children (SAIEVAC) is one of the six Apex Bodies of the SAARC. They are an intergovernmental regional body, made up of government officials from the abovementioned member states, whose aim is to protect children’s rights in South Asia.⁴⁵⁹ In August 2014 they established the first *Regional Action Plan to End Child Marriage in South Asia*. This Action Plan is implemented for the period of 2015-2018. The overall objective is to:

‘Delay the age of marriage for girls in at least four countries in South Asia by 2018’ or alternatively to ‘raise the age of marriage to 18 for both boys and girls delaying early marriage in at least four countries in South Asia by 2018.’⁴⁶⁰

The following table outlines the expected outcomes of the *Regional Action Plan to End Child Marriage in South Asia* and how SAIEVAC intend to do so.

Expected Outcome	How?
1. Effective enactment, enforcement and use of national policy and legal instruments to increase the minimum age of marriage for both boys and girls to 18	<ul style="list-style-type: none"> ○ Review of legislation aligned with constitutional and international legal standards; ○ Undertake assessment of births and marriage registration; ○ Support countries to harmonise legal frameworks and customary laws with international standards; ○ Support participation of parliamentary caucus on child rights; and ○ Convene a regional forum of human rights institutions to strategise their role in ending child marriage.
2. Improved equal access to quality education, particularly secondary education	<ul style="list-style-type: none"> ○ Review of education policies and budgets of member States; and ○ Include female education issues in SAIEVAC technical consultations.
3. Increased mobilisation of girls, boys, parents, media, religious and community leaders to change discriminatory gender norms	<ul style="list-style-type: none"> ○ Develop a social mobilisation guideline toolkit with a focus on child marriage; ○ Organise consultations on draft toolkit; ○ Implementation of the SAIEVAC social mobilisation toolkit; ○ Develop partnerships with religious leaders; ○ Regional children consultation; ○ Develop partnerships with media coalitions/networks; ○ Strengthen community based protection mechanisms to strengthen the prevention, reporting and response at national levels;

⁴⁵⁸ SAARC, *Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia* (2002) Article IV 3(d).

⁴⁵⁹ Girls Not Brides, *Ending Child Marriage in South Asia: A Regional Action Plan* (14 March 2016) Girls Not Brides <<http://www.girlsnotbrides.org/child-marriage-south-asia-regional-plan/>>.

⁴⁶⁰ SAIEVAC, *Regional Action Plan to End Child Marriage in South Asia (2015-2018)* 3 <http://www.saievac.org/download/Thematic%20Area%20Resources/Child%20Marriage/RAP_Child_Marriage.pdf>.

	<ul style="list-style-type: none"> ○ Create links with projects/initiatives like Missing Child Alert; ○ <u>Regional consultation on practices that are harmful to children.</u>
4. Increased prevention of child marriage by addressing its root causes and creating alternative social, economic and civic opportunities for girls.	<ul style="list-style-type: none"> ○ Coalition/Network with Government Organisations and Non-Government organisations and the private sector working for poverty alleviation.
5. New and existing evidence collected on status of married girls below 18 years, and on good program practices to address their needs	<ul style="list-style-type: none"> ○ Gather new and existing evidence on self-initiated marriages, trafficking for marriage, honour killing, dowry, and cross-country marriages of girls; and ○ Identify good practices amongst programs that address this population.
6. Enhanced advocacy to mobilise action and support for girls who are already married	<ul style="list-style-type: none"> ○ Advocate at governmental, non-governmental and private sector level for enhanced support of girls who are already married in key areas: <ul style="list-style-type: none"> ○ Education ○ Sexual and reproductive health information and services ○ Skills and employment ○ Prevention and redressing violence ○ Advocate for voidance of marriages as a recourse from violence against already married girls.
7. Improved monitoring, reporting and evaluation of programs to end child marriage in South Asia	<ul style="list-style-type: none"> ○ Establish an interactive SAIEVAC Management Information System ○ Regular programme monitoring and review by SAIEVAC ○ Support national mechanisms to implement the agreed regional work plan and monitor it as per agreed indicators ○ Conduct final evaluation of RAP to end child marriage in South Asia

The Centre for Reproductive Rights reached out to the SAIEVAC Regional Secretariat to discuss the enforcement and accountabilities of the legal framework surrounding child marriage in the region. There was a major concern about how the laws of child marriage were being enforced and the lack of government accountability to see how child marriage was contributing to the abuse of human rights for young girls. Therefore, on 7 November 2014 the *Kathmandu Call for Action to End Child Marriage in South Asia* was adopted. They adopted a number of focuses to be addressed:

1. Ensure access to legal remedies for girls whose rights are violated as a result of child marriage;
2. Harmonising child marriage prevention and prohibition laws with laws that protect all forms of violence;
3. Introduce legal reform recognising marital rape as a punishable offence without establishing an age limit;
4. Strengthen the enforcement of national laws prohibiting child marriage;
5. Ensure that girls who are victim to child marriage have access to institutional support;
6. Ensure access to a full range of sexual and reproductive health information and services;
7. Support efforts by national human rights institutions to promote accountability for violations;
8. Support the inclusion of a specific target to eliminate child marriage under the goal on gender equality in the post-2015 Sustainable Development Goals; and

9. Ensure the effective implementation of the Regional Action Plan to End Child Marriage in South Asia by allocating adequate resources.⁴⁶¹

1991 Meena Communication Initiative

Meena is an animated cartoon series consisting of a 9-year-old girl as the main character with the intention of focussing on issues of child marriage. In Bangladesh the stories have been incorporated into the formal and non-formal curriculum of schools. In Pakistan, Meena and her brother Raju promote child rights and there have been a number of communication resources developed to assist awareness of girl's education and health. In India, the Meena cartoon has been used as a communication tool to promote nationwide education and communication programmes. Nepal has used the Meena initiative to discuss and reflect on children's health and gender issues through media organisations. In Bhutan, the Bhutan Post had collaborated with UNICEF to design and print 10,000 sheets of postage stamps and 5,000 posters saying 'Educate Every Girl and Boy.' Meena has been used in Sri Lanka as a role model for educating children, particularly in relation to child rights. Lastly, Laos, Cambodia and Vietnam have Meena episodes showing on their TV's.⁴⁶²

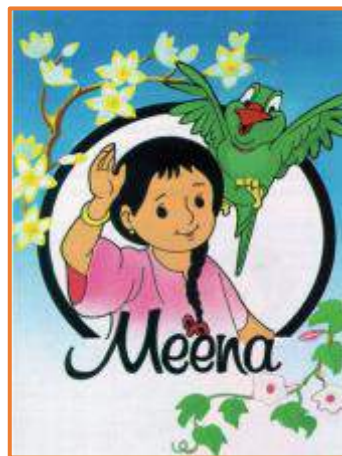


Figure 2: Meena Communication Initiative: https://www.unicef.org/rosa/media_2479.htm

2002 The BRAC Adolescent Development Programme (ADP) and Employment and Livelihood for Adolescents (ELA)

This initiative was set up by BRAC who formulated a number of interventions including a safe space for adolescents, education on life skills through peer networks, providing livelihood training, and a mechanism of communication, awareness and advocacy that encourages interaction and dialogue among adolescents, their parents and community leaders. The initiative creates a supportive communication network to combat child marriage in the community. Initiatives like adolescent fairs, cultural competitions, and sports for development contribute to addressing the issues and to creating an enabling environment for developing the potential of girls.⁴⁶³

⁴⁶¹ SAIEVAC, *Kathmandu Call for Action to End Child Marriage in South Asia (2014)* The Centre for Reproductive Rights <[https://www.reproductiverights.org/sites/crr.civicactions.net/files/documents/SA%20End%20Child%20Marriage%20Brochure_20Nov14\(final\)-2%20\(1\).pdf](https://www.reproductiverights.org/sites/crr.civicactions.net/files/documents/SA%20End%20Child%20Marriage%20Brochure_20Nov14(final)-2%20(1).pdf)>.

⁴⁶² UNICEF ROSA, *Meena Communication Initiative* <https://www.unicef.org/rosa/media_2479.htm>.

⁴⁶³ Erin Fletcher, Ingrid Fitzgerald and Marleen Van der ee, *Report on Expert Group Meeting on the Evidence Base for Accelerated Action to End Child Marriage in South Asia (2017)* UNICEF ROSA and UNFPA <https://www.unicef.org/rosa/UNFPA_UNICEF_FINAL_EGM_Report.pdf>.

2004 MenEngage South Asia

MenEngage work with men and boys to change gender norms and promote gender equality in South Asia. The organisation assists a number of countries in the region such as Bangladesh, India, Nepal, Pakistan and Sri Lanka. MenEngage have set up resource centres and men's groups like the Centre for Health and Social Justice (CHSJ), Men's Action for Stopping Violence Against Women, and the Forum to Engage Men, all focused on engaging men to end silence around to work toward gender equality, and to promote more just and peaceful societies.⁴⁶⁴

2010 Asia Child Marriage Initiative

The Asia Child Marriage Initiative is a multi-country initiative set up by Plan International aimed at preventing child marriage and mitigating its negative consequences on children and families.⁴⁶⁵ Plan International recognise that the elimination of child marriage requires multi-faceted interventions to alter the social norms and legal frameworks around the practice.⁴⁶⁶ They have implemented this initiative using a child-centred community development approach. Programs include:

1. *Bangladesh*- The Protection of Vulnerable Children Programme attempting to reduce child marriage in rural areas by awareness-raising activities, life skills training and promotion of peer leaders and advocacy efforts with duty bearers.
2. *India*- Programme for promoting children's right to protection from abuse and exploitation that promotes knowledge, attitudes and practices with regard to child marriage and child rights.
3. *Nepal*- aiming at building awareness about the negative effects of child marriage, mobilising child and youth clubs and protection groups and providing life skills education.

2013 South Asian Coordinating Group on Action against Violence against Children

Member agencies: International Labour Organisation, World Vision International, Child Helpline International, ECPAT International, Plan International, Save the Children, SOS Children's Villages International, Terre des homes, United National Children's Fund, United Nations Office on Drugs and Crime, United Nations Population Fund.

Regions covered: Maldives, Afghanistan, Bhutan, India, Nepal, Pakistan and Sri Lanka.

Six strategies provide the framework for SACC's action:

1. Networking, coordination and capacity building;
2. Building knowledge base on violence against children in South Asia;
3. Evidence-based advocacy to end violence against children in South Asia;
4. Supporting and collaborating with SAIEVAC;
5. Supporting and institutionalizing child participation; and

⁴⁶⁴ Ibid 26.

⁴⁶⁵ Verma, Sinha and Khanna, above n 432, 12.

⁴⁶⁶ Ibid.

6. Strengthening regional monitoring function on violence against children in South Asia.⁴⁶⁷

2015 Improving Adolescents' Lives in South Asia (2015-2019)

This programme is run by UNICEF (funding from Ikea Foundation) and is specifically focused on Afghanistan, India, and Pakistan. The programme has three pillars. The first focuses on adolescents as agents of change, which is achieved through youth groups providing programming on life skills, education, and rights. The second pillar is mobilising community through intergenerational dialogues. The third pillar is service provision including knowledge and awareness on existing legislation, expanding education opportunities for adolescents.⁴⁶⁸ The regional projects focus on increasing autonomy that boys and girls have over decisions affecting their lives.⁴⁶⁹

Planned Results:

- Afghanistan: 6% reduction in child marriage, 15% increase in secondary enrolment and 20% decrease in adolescent pregnancy;
- India: 20% reduction in child marriage, 20% increase in secondary enrolment and 10% decrease in adolescent pregnancy; and
- Pakistan: 10% reduction in child marriage, 100% increase in adolescent's participation in alternative basic education, 3% decrease in adolescent pregnancy.⁴⁷⁰

2015 ESCAP Regional Action Framework on Civil Registration and Vital Statistics in Asia and the Pacific (2015-2024)

The Regional Action Framework facilitates collaborative action at local, provincial, national and international levels by multiple stakeholders to align and prioritise efforts of the consistency of civil registration and vital statistics in the Asia Pacific Region.

Three Goals:

1. Universal civil registration of births, deaths and other vital events
2. All individuals are provided with legal documentation of civil registration of birth, deaths and other vital events, as necessary, to claim identity, civil status and rights.
3. Accurate, complete and timely vital statistics (including on causes of death) are produced based on registration records and are disseminated.⁴⁷¹

⁴⁶⁷ International Labour Organisation, *South Asia Coordinating Group on Action against Violence against Children* <http://www.ilo.org/newdelhi/areasofwork/child-labour/partnerships/WCMS_250881/lang--en/index.htm>.

⁴⁶⁸ Fletcher, Fitzgerald and Van der ee, above n 463.

⁴⁶⁹ UNFPA and UNICEF ROSA, *Mapping of Child Marriage Initiatives in South Asia* (2016) Girls Not Brides, 11, <<http://www.girlsnotbrides.org/reports-and-publications/mapping-of-child-marriage-initiatives-in-south-asia/>>.

⁴⁷⁰ Ibid.

⁴⁷¹ United Nations Economic and Social Commission for Asia and the Pacific, *Regional Action Framework on Civil Registration and Vital Statistics in Asia and the Pacific* (2015) UNESCAP, 2-3, <http://www.unescap.org/sites/default/files/Regional.Action.Framework.English.final_.pdf>.

7.1.5. National Initiatives

The following three countries were intentionally selected as representative of three countries with high prevalence in the region, however split by at least 10% according to the 2016 child marriage rates obtained by UNICEF.

BANGLADESH

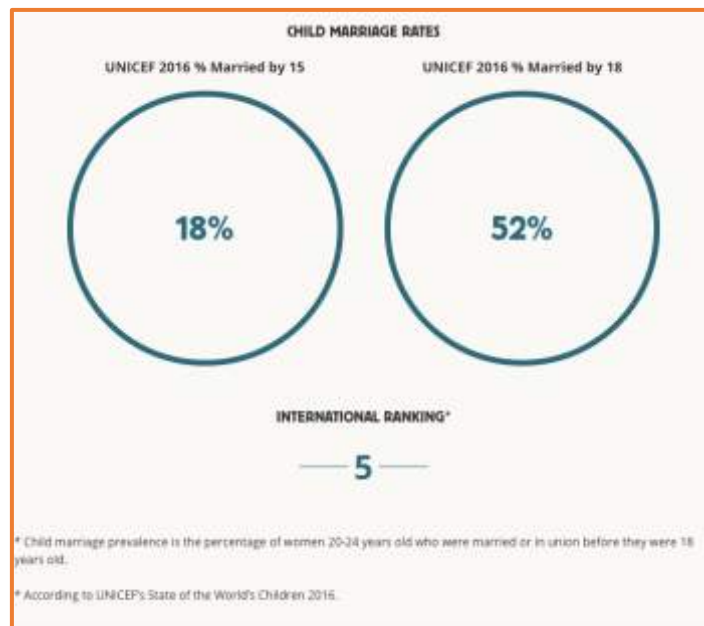


Figure 3: Source <http://www.girlsnotbrides.org/child-marriage/bangladesh/>

GOVERNMENT INITIATIVES

1929 Child Marriage Restraint Act

Law regulating the practice of child marriage in Bangladesh. The Act defines a child as a 'male person under 21 years and female under the age of 18 years.'⁴⁷² Penal sanctions apply to a breach of this Act in parts 4-6 which makes it punishable to solemnize a child marriage, act as a parent or guardian initiating the child marriage, or being above the prescribed ages in s2(a) and marrying a minor. This includes imprisonment which may extend to one month or a fine which may extend to one thousand Taka, or both.

⁴⁷²Child Marriage Restraint Act 1929 (Act no. XIX of 1929).

1993 Female Secondary School Stipend Program

FOCUS: Education

In 1991 Bangladesh had a population of 111 million, and only 1/4 of the female population being literate. The enrolment of girls in secondary schools was at 33%, which was a consequence of poverty and early marriage (and other social and cultural factors). The government of Bangladesh wanted to expand access to girls in secondary education in rural areas by adding activities and incentives to improve the quality of education in participating schools. Unmarried girls up to class 10 have to maintain 45% marks and 75% attendance to gain tuition and monthly stipends.⁴⁷³

1996 Birth and Death Registration Project

FOCUS: Legislative changes

In 2006, 90% of the population did not have birth documentation.⁴⁷⁴ This project initiated a digital birth registration system, which linked to other government services. This makes it more difficult to falsify a girl's age for marriage registration. Hence, in 2012, 114 million out of the 150 million inhabitants now have birth certificates.⁴⁷⁵

1996 Multi-Sectoral Program on Violence Against Women

FOCUS: Women's Rights

The specific objectives are:

- Integrated services related to violence against women improved and consolidated, to increase quality, efficiency and sustainability.
- Awareness on violence against women and related public services increased in relevant institutions and general public and increase in the use of the concerned facilities.
- Institutional capacity of Ministry of Women and Children Affairs and key government agencies developed resulting in improved and consolidated inter-ministerial coordination and action in relation to violence against women.
- Targeted legal and procedural reform achieved to enhance prevention and redress of violence against women cases/formulation of National Action Plan for Violence against Women.⁴⁷⁶

2006 Births and Deaths Registration Act

Stipulates that birth certificates are to be used as proof of age for a number of administrative procedures.⁴⁷⁷

⁴⁷³ World Bank, *Implementation Completion and Results Report* (26 December 2008) World Bank <<http://documents.worldbank.org/curated/en/475391468205169076/pdf/ICR9250BD0P044101Official0Use0Onl y1.pdf>>.

⁴⁷⁴ IRIN News, *Online Birth Data to Prevent Child Marriage* (3 July 2012) <<http://www.irinnews.org/feature/2012/07/03/online-birth-data-prevent-child-marriage>>.

⁴⁷⁵ Ibid.

⁴⁷⁶ Multi- Sectoral Programme on Violence Against Women, *Background* <http://www.mspvaw.gov.bd/index.php?option=com_content&view=article&id=178>.

⁴⁷⁷ World Health Organisation and Inter-Parliamentary Union, *Child, early and forced marriage legislation in 37 Asia-Pacific Countries* (2016) Inter-Parliamentary Union, 25, <<http://www.ipu.org/pdf/publications/child-marriage-en.pdf>>.

2011 Operational Plan for Maternal, Neonatal, Child and Adolescent Health
FOCUS: Health

To improve maternal, newborn and child health status of the population in Bangladesh through increased coverage and utilization of the quality maternal, newborn and child health services at the community level.⁴⁷⁸ Objectives include reducing adolescent pregnancy, providing reproductive health care and nutrition information and services to adolescents, life skills, education for adolescents delivered through the School Health program and reducing the negative health consequences of sexual abuse.⁴⁷⁹

2014 Child Marriage Restraint Act

Bangladesh considered revising the *Child Marriage Restraint Act* to lower the minimum age of marriage to 16 for females and 18 for males.⁴⁸⁰ Secondly, in 2016 the Parliament of Bangladesh was due to review the *Child Marriage Restraint Act* that includes a provision that would allow child marriage in ‘special cases.’⁴⁸¹ The 2016 review has not come into existence yet.

2014 Child Marriage Prevention Act

The Government of Bangladesh have recently drafted a bill of the *Child Marriage Prevention Act 2014*, which was approved by the Cabinet on 15 September 2014 that creates a provision of a maximum jail sentence of 2 years and a fine of up to 50,000 Taka, or a minimum of a six-month jail sentence or fine of up to 10,000 Taka for violation of the Act.⁴⁸²

NGO INITIATIVES

2004 Raising the Age of Marriage for Young Girls
FOCUS: Education and empowering girls

Pathfinder International and SWANIRVAR set up this initiative. The program allows for: primary and secondary school support, advocacy, and vocational training; assistance in helping girls overcome the hurdles that prevent them from finishing school, finding employment, and delaying marriage until they are ready. The project targeted the girls in need within five subdistricts of Kishoreganj, one of the poorest areas of Bangladesh.⁴⁸³

⁴⁷⁸ Director General of Health Services, *Operational Plan: Maternal Neonatal Child and Adolescent Health* (November 2011) DGHS and Ministry of Health and Family Welfare <<http://www.dghs.gov.bd/index.php/en/mis-docs/op-2011-16-en>>.

⁴⁷⁹ UNFPA and UNICEF ROSA, above n 469, 15.

⁴⁸⁰ Ibid 13.

⁴⁸¹ Girls Not Brides, *Bangladesh and the Child Marriage Restraint Act 2016: A Recap*, (11 January 2017) <<http://www.girlsnotbrides.org/bangladesh-child-marriage-restraint-act-2016-recap/>>.

⁴⁸² World Health Organisation and Inter-Parliamentary Union, above n 477, 25.

⁴⁸³ Mary Burket, Mohammad Alauddin, Abdul Malek and Mizanur Rahman, *Raising the Age of Marriage for Young Girls in Bangladesh* (July 2006) Pathfinder International, 7, <[http://www2.pathfinder.org/site/DocServer/PF_Bangladesh_FINAL.pdf?docID=6601%3Cfont%20size%3D](http://www2.pathfinder.org/site/DocServer/PF_Bangladesh_FINAL.pdf?docID=6601%3Cfont%20size%3D>)>.

2006 **Kishori Abhijan**
FOCUS: Education and empowering girls

A program developed by UNICEF at a time when 33% of young women were married before the age of 15. The project informs girls, boys and their parents about gender roles, discrimination, health, hygiene, nutrition and their legal rights. It also offers adolescent girls the opportunity to acquire life, livelihood and leadership skills. The primary topics concentrate on child marriage, dowry, child rights, reproductive health, HIV and STD prevention, family planning, birth and marriage registration and domestic violence awareness. Using a peer-leader approach, the project aims to reach 600,000 adolescents, 60% of who are girls - in 28 districts over a five-year period. This target includes rural girls, aged 14-19, who attend secondary school and rural girls, aged 10-19, who do not attend school. Both of these groups are especially vulnerable to early marriage.⁴⁸⁴

2007 **Patsy Collins Trust Fund Initiative**
FOCUS: Education and mobilizing communities

The goal of the project is to improve girls' success in school. In Bangladesh, the work involves community organizations (such as School Management Committees) and parents' groups, students, and government officials to address reasons why girls are out of school. These include improving teacher attendance, inclusive teaching methods; ensuring girls can travel safely to and from school, and others.⁴⁸⁵ Monitoring of the initiative shows that 100% of students in the project area now agree that girls are good at school.⁴⁸⁶

2012 **BALIKA**
FOCUS: Education and empowering girls.

Set up by The Population Council, Population Services and Training Centre, Centre for International Development issues, Nijmegen and mPower. This association provides educational support to girls by tutoring in mathematics and English (in-school girls) and computing or financial skill training (out-of-school girls). They also provide life skills training on gender rights, negotiation, critical thinking and decision-making. Lastly, the association provides livelihoods training where girls receive training on entrepreneurship, mobile phone servicing, photography and basic first aid.⁴⁸⁷

⁴⁸⁴ UNICEF, *Kishori Abhijan Highlights of Baseline Findings on Adolescents Social Environment* (2008) <https://www.unicef.org/bangladesh/2007-08_KA_Baseline_Highlights.pdf>.

⁴⁸⁵ Amanda Moll, *Patsy Collins Trust Fund Initiative* (2013) CARE <<http://www.care.org/sites/default/files/documents/PCTFI%202013%20Report%20FINAL%20WEB.pdf>>.

⁴⁸⁶ Ibid.

⁴⁸⁷ Population Council, *BALIKA (Bangladesh Association for Life Skills, Income, and Knowledge for Adolescents)* (2017) Population Council <<http://www.popcouncil.org/research/balika-bangladeshi-association-for-life-skills-income-and-knowledge-for-ado>>.

2012 Strengthening Parliament’s capacity in Integrating Population Issues into Development

FOCUS: Legislative change, policy reform

This initiative aims to enhance the capacity of Parliamentarians and the Parliament Secretariat officials to enact necessary laws and policies for eliminating child marriage and preventing gender based violence. The Bangladesh Association of Parliamentarians on Population and Development has adopted an advocacy plan, which includes “eliminating child marriage”. The sub-committee on “eliminating child marriage”, works with a range of Standing Committees to guide relevant ministries on the enforcement of laws, policies and regulations related to prevent child marriage issues. Key issues addressed through the sub-committee include allocating adequate budget for mandatory education up until year 12, increasing employment opportunities, especially for girls, and improving maternal health to ensure safe delivery.

AFGHANISTAN

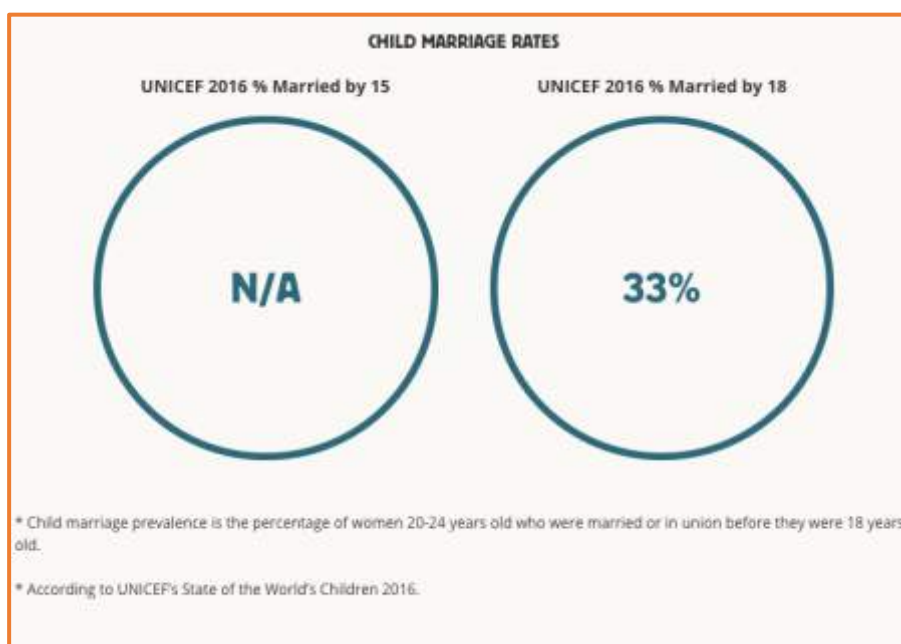


Figure 4: Source <http://www.girlsnotbrides.org/child-marriage/afghanistan/>

GOVERNMENT INITIATIVES

1977 Afghan Civil Code

Regulates the marriageable age of males and females in Article 70: ‘Capacity to marry shall be complete when males attain 18 and females 16 years.’ However, Article 71 states that:

‘(1) Marriage contract of a girl who has not attained the age mentioned in Article (70) of this Law may only be concluded by her competent father or competent court.

(2) *Marriage contract of minor girls under 15 years old are not permissible by no means.*'

2004 Islamic Republic of Afghanistan's Constitution

Article 3 states that '*in Afghanistan, no law can be contrary to the beliefs and provisions of the sacred religion of Islam.*' Hence, according to Islamic law, a girl can be married off when she reaches the age of puberty and when she is considered 'physically mature.'⁴⁸⁸ Marriage related to the Shiite Afghans are regulated by the *Shiite Personal Status Law* of 2009 where the legal marriage age for a female is 16 and for a male is 18 (based on the solar calendar).⁴⁸⁹

2007 New Marriage Contract and Marriage Registration Awareness Campaign FOCUS: Advocacy

Set up by the Supreme Court of Afghanistan and the Ministry of Women's Affairs. Marriage contract named the 'Nikah Nama' has been implemented to end child marriages and empower women's legal status after marriage⁴⁹⁰ According to the Afghan Independent Human Rights Commission 60-80% of marriages in Afghanistan are forced. In the marriage registration awareness campaign, officials attempted to get across the following message: "An Afghan man will not compromise his traditionally dominant position in the family by officially registering his marriage"⁴⁹¹ This campaign was aimed at dealing with patriarchal norms that surround child marriage in Afghanistan.

2007 Child Protection Action Network FOCUS: Protective Services

Set up by Ministry of Labor, Social Affairs, Martyrs and Disables and UNICEF. This initiative is a network of government and non-government organisations to perform field interventions to meet the protection and needs of children and allow them access to services.⁴⁹² In 2009, there were 68 cases of child marriage reported to the CPAN.⁴⁹³

⁴⁸⁸ World Health Organisation and Inter-Parliamentary Union, above n 477, 19.

⁴⁸⁹ Ibid.

⁴⁹⁰ IRIN News, *New Contract to Curb Child Marriages* (14 March 2007)

<<http://www.irinnews.org/report/70684/afghanistan-new-contract-curb-child-marriages>>.

⁴⁹¹ Ibid.

⁴⁹² Professor Wasil Noor Muhammad, *Child Protection System, Prevention and Response to Child Protection in Afghanistan* (November 2010) UNICEF <https://www.unicef.org/eapro/DM_shanghi_CPAN_meeting.pdf>

⁴⁹³ Ibid.

2008 National Action Plan for the Women of Afghanistan

FOCUS: Women's Rights

Set up by Ministry of Women's Affairs. The plan acknowledges the incidences of early, child and forced marriages as a factor contributing to drop out rates of girls in education.⁴⁹⁴ Two main goals are women's empowerment and gender equality.

2009 Elimination of Violence against Women law

FOCUS: Legislative Changes

This law criminalises child marriage, forced marriage, selling and buying women for the purpose or under the pretext of marriage, baad (giving away a woman or girl to settle a dispute), forced self-immolation and 17 other acts of violence against women, including rape and beating. It also specifies punishment for perpetrators.⁴⁹⁵

2013 National Youth Policy

FOCUS: Empowering Youth

The Ministry of Youth Affairs, UNFPA and UNICEF set up this initiative. The aim of the policy is to systematically meet the needs of youth by designing and implementing short, medium and long term strategies and programmes to develop youth skills and potential in economic, social, cultural and political spheres.⁴⁹⁶

2014 National Action Plan to Eliminate Early and Child Marriage

FOCUS: Child Marriage

In 2016, a consensus conference was held with key stakeholders such as the Government of the Islamic Republic of Afghanistan, Ministry of Haj and Religious Affairs, Ministry of Justice, Ministry of Public Health and Ministry of Women's Affairs to finalise the National Action Plan. The next stage is to get on board UN agencies to work in partnership to leverage funding and resources for the implementation of the action plan.⁴⁹⁷

⁴⁹⁴ Islamic Republic of Afghanistan, *National Action Plan for the Women of Afghanistan* (2007) Attorney General Office of Afghanistan

<<http://ago.gov.af/Content/Media/Documents/NAPWA382016145514117553325325.pdf>>.

⁴⁹⁵ United Nations, *Afghanistan has 'long way to go' in protecting women from violence* (23 November 2011) UN News Centre <<http://www.un.org/apps/news/story.asp?NewsID=40491#.WSonKVN97-Y>>.

⁴⁹⁶ Deputy Ministry of Youth Affairs, *Afghanistan National Youth Policy* (2014) UNFPA <<http://afghanistan.unfpa.org/en/publications/afghanistan-national-youth-policy>>.

⁴⁹⁷ UNFPA, *Consensus Conference for the National Action Plan for prevention of early and child marriage* (5 September 2016) <<http://afghanistan.unfpa.org/news/consensus-conference-national-action-plan-prevention-early-and-child-marriage>>.

2007 Girl's Education Challenge and Community-Based Girl's Education

FOCUS: Education

Project

This initiative was set up by BRAC who opened 4,021 community-based schools and enrolled 125,108 students.⁴⁹⁸ The initiative aims to remove barriers that prevent children, particularly girls from receiving education. The current projects are:

1. Phase II- Community Based Girls Education project in Afghanistan- January 2013-December 2016
2. Girls Education Challenge- April 2013-March 2017.⁴⁹⁹

UN INITIATIVES

2011 Violence Against Women

FOCUS: Women's Rights and empowering girls

The UN Women and Ministry of Women's Affairs set up this initiative. The key goal is to advance the implementation of the 2009 Law on Elimination of Violence Against Women. The initiative established six community resource centres in Bamyan, Balkh, Heart, Nangarhar, Parwan and Badakshan (high prevalence areas of violence against women).⁵⁰⁰

2011 Teacher Malalai's Adventures

FOCUS: Advocacy and Awareness

This initiative was set up by the UNFPA and Ministry of Women's Affairs. There was a particular episode named 'Mina's Early Marriage' that is based on a 13-year-old girl who is forced to abandon school because her parents arranged her marriage, however Mina's dream is to become a doctor.⁵⁰¹ This initiative was aimed at advocating for the elimination of child marriage and the increase of participation in education for girls.

2012 Youth Health Line

FOCUS: Health

Ministry of Public Health, UNFPA and Afghan Family Guidance Association set up this initiative. The initiative was set up as a response to the realisation that talking to parents about sexual or reproductive health was considered taboo.⁵⁰² The Youth Health Line allows children to telephone a counsellor to receive health information. During the first five months, 7,172 young people contacted the health line of which 79.3% were young women and girls.⁵⁰³

⁴⁹⁸ BRAC, *Education* (15 January 2016) <<http://www.brac.net/brac-afghanistan/item/756-education>>.

⁴⁹⁹ Ibid.

⁵⁰⁰ UN Women, *UN Women launches multi-province project on ending violence against women in Afghanistan (1 October 2011)* <<http://asiapacific.unwomen.org/en/news-and-events/stories/2011/10/un-women-launches-multi-province-project-on-ending-violence-against-women-in-afghanistan>>.

⁵⁰¹ UNFPA, UNFPA Afghanistan presents "*Teacher Malalai adventures: Mina's early marriage*" <<http://asiapacific.unfpa.org/news/unfpa-afghanistan-presents-teacher-malalai-adventures-minas-early-marriage-0?page=3%2C1>>.

⁵⁰² UNFPA, *Youth Health Line 120 receives more than 7,000 calls* (28 August 2013) UNFPA Afghanistan <<http://afghanistan.unfpa.org/news/youth-health-line-120-receives-more-7000-calls>>.

⁵⁰³ Ibid.

PAKISTAN

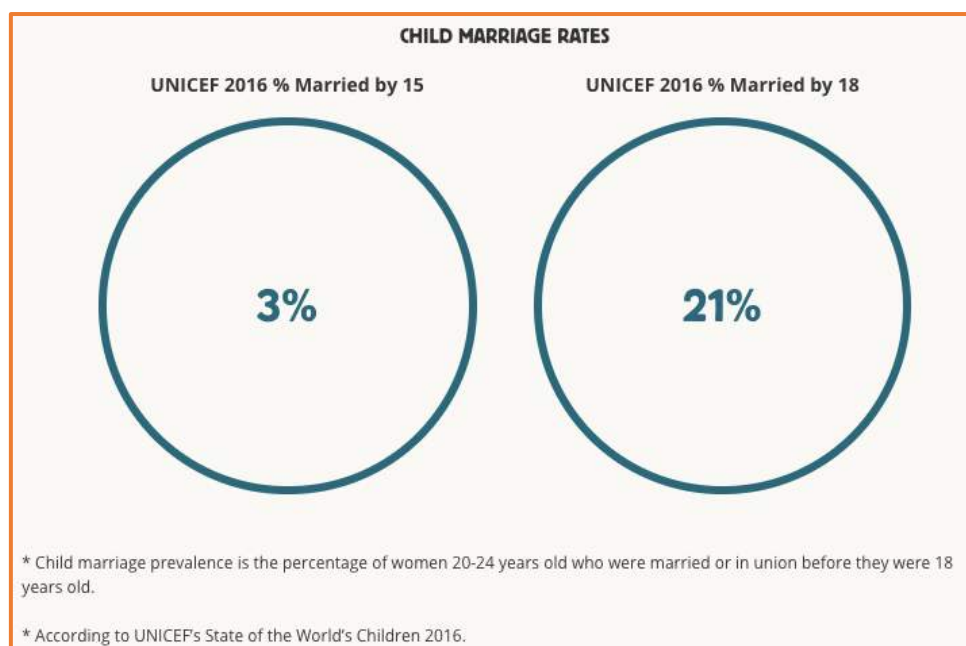


Figure 5: Source <http://www.girlsnotbrides.org/child-marriage/pakistan/>

GOVERNMENT INITIATIVES

1929 Child Marriage Restraint Act XIX

This law was aimed at regulating and enforcing the existence of child marriage. Section 2 (a) sets a minimum legal age for marriage at 18 for boys and 16 for girls.

1973 Constitution of the Islamic Republic of Pakistan

The country's National Assembly passed the Constitution of the Islamic Republic of Pakistan on 10 April 1973. Article 31 states that "*no Pakistani laws shall be in conflict with the Injunctions of Islam.*"

2004 Punjab Female School Stipend Program **FOCUS: Education**

This initiative was by the Provincial Government of Punjab. The aim of the program was to increase the amount of participation of firms from grades 6-10. The government gave a quarterly stipend of 600PKR as long as the girls maintained an attendance rate of 80%. The World Bank conducted a study in 2011 and found that

girls participating in the program delayed their marriageable age by 1.5 years and had fewer births by the time they were 19 years old.⁵⁰⁴

2013 Child Marriage Restraint Act

This law specifically dealt with the Sindh Province where the minimum age of marriage raised to 18 for both men and women (formerly 16 years for girls).⁵⁰⁵

2015 Child Marriage Prohibition Act

In the Punjab Province, the legal age of marriage for girl's remains at 16, however penalties articulated in the federal law have been increased at the provincial level.⁵⁰⁶

NGO INITIATIVES

2000 Madadgaar Helpline FOCUS: Protective services

Madadgaar provide telephonic counselling, face-to-face counselling to walk-in survivors, crisis intervention, guidance, legal advice and legal aid and referral services to children and women. Hence, between 2000-2013, 16% of calls (around 11,000 calls) from girls were related to child marriage.⁵⁰⁷

2007 Aagahi se Agay FOCUS: Empowering girls

This initiative was set up by Rutgers WPF with the main purpose to delay early marriage through increasing school enrolment, leadership development, life skills education, sexual and reproductive health information and learning's on economic and social empowerment.⁵⁰⁸

2013 Access, Services and Knowledge (ASK)

FOCUS: Health awareness

This initiative was set up by Rutgers WPF and targets young people between the ages of 10-24 years old to access reproductive health information in a safe, non-

⁵⁰⁴ Andaleeb Alam, Javier Baez and Ximena Del Carpio, *Does Cash for School Influence Young Women's Behaviour in the Longer Term* (May 2011) The World Bank, 21, <<http://documents.worldbank.org/curated/en/996441468145471110/pdf/WPS5669.pdf>>.

⁵⁰⁵ UNFPA and UNICEF ROSA, above n 469, 31.

⁵⁰⁶ Ibid 31.

⁵⁰⁷ Ibid 32.

⁵⁰⁸ Rutgers WPF, *Aagahi Say Aagay End Project Evaluation* <<http://www.rutgerswfpak.org/content/pdfs/IEC/ASA-Evaluation-Report.pdf>>.

discriminatory and non-judgmental environment. The programme also initiated an SMS service for young people to enquire about reproductive health and rights.⁵⁰⁹

2013 Pakistan Child Marriage Initiative
FOCUS: Advocacy

Rahnuma (Family Planning Association of Pakistan) set up this initiative. It was aimed at developing a national alliance of civil society organizations for joint advocacy efforts against child marriage. First national consultative meeting on child marriage was held in Lahore, Pakistan with a number of civil society members. During the meeting, a number of youth were given a chance to share their suffering as victims of child marriage. This highlighted the inadequacies of the existing law and the lack of implementation from policy makers for the revision to child marriage laws in order to make it more punitive and ensure gender equality.⁵¹⁰

UN INITIATIVES

2014 Adolescent Sexual Reproductive Health Services
FOCUS: Health

This initiative was set up by UNFPA, Population Welfare Department and Department of Health. The project aims to integrate and strengthen adolescent sexual reproductive health services into primary health care programmes. Major activities include providing counseling and sexual reproductive health services to married and unmarried boys and girls. This is implemented through adolescent counseling centres; trained health care providers and community workers to reach out to young married couples aged 15-19; promote sexual reproductive health among young people through peer education programmes; and conduct advocacy with local leaders to support an enabling environment for youth to access services.⁵¹¹

7.1.6. Summary

By assessing the key International Conventions, regional and national initiatives across Asia, it can be concluded that child marriage has been highlighted as a key human rights issue, however further analysis and implementation needs to be considered.

Firstly, with consideration of the International Conventions, it can be concluded that there is limited scope in ensuring that implementation of these Conventions is reflected in the regions despite ratification. For example, countries such as Afghanistan, Pakistan and Malaysia reserve the right to specific Article's in the abovementioned Conventions on the basis that it

⁵⁰⁹ Rutgers WPF, *Access, Services and Knowledge* <<http://rutgerswpfpak.org/ask.html>>.

⁵¹⁰ Rahnuma Family Planning Association of Pakistan, *Progress against 5As* <<http://www.fpapak.org/about-us/reports.html>>.

⁵¹¹ UNFPA and UNICEF ROSA, above n 469, 32.

does not co-exist with their personal laws. This appears to be a growing trend throughout Asia.

Secondly, by researching the regional initiatives it can be concluded that they have steadily dealt with the area of child marriage, however only recently taken action to enforce regional collaboration through the 2014 *Regional Action Plan to End Child Marriage in South Asia*. Although this action plan seems progressive, there needs to be further research towards its enforcement, recognition and compliance by civil societies.

Thirdly, through consideration of national initiatives in Bangladesh, Afghanistan and Pakistan, it can be concluded that all three states are understanding the issues that surround child marriage and attempting to eradicate them. In Bangladesh, recognition of marriageable age of 18 in 1929 shows their commitment to eradicating child marriage, however enforcement of this law is poor. In Afghanistan, their pinnacle recognition of child marriage issues was in their 2014 *National Action Plan to Eliminate Child Marriage*. However, their main barrier exists in longstanding customs and traditions. Furthermore, the aforementioned issues are also faced in Pakistan.

Finally, following research of International Conventions, regional initiatives and national initiatives it can be concluded that the Asian region has progressively worked towards empowering women, focusing on girl's education and health issues. However, greater attention needs to be given to the root causes of the existence of child marriage which has shown to be the patriarchal society, girl's as economic burdens and the longstanding customary practices that stand between enforcing the law and eliminating child marriage.

7.2 Middle East & North Africa Region

7.2.1 Child, Early and Forced Marriage in the Region

The prevalence of CEFM in the region is as complex and diverse as the region itself. The Middle East and North Africa (MENA) has been defined as a region in a number of ways by multiple countries and organisations. This paper will refer to the scope of MENA as including the 20 states in West Asia and North Africa that are defined by UNICEF as encompassing the region. These are: Algeria, Bahrain, Djibouti, Egypt, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Palestine, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates and Yemen.⁵¹²



Figure 6: Source: Sky Dancing – Changing face of the region
<https://skydancingblog.com/2011/03/24/the-changing-face-of-the-mena-region-breaking->

Every country in MENA (except Iran) has ratified the *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)*, which is seen in international law as a ‘bill of rights’ for women. Article 16, paragraph 2 of CEDAW establishes that early marriages are legally void. However, CEDAW sets no definition as to what constitutes an ‘early’ marriage, nor defines what a ‘child’ is, and as such, states are free to set any age as being the minimum age for marriage. As a result, the attitudes towards CEFM can be seen from the respective minimum ages set by each state upon which a person can get married. This reflects the varying levels of state attitudes towards CEFM across the region.

In Libya, for example, the legal age for marriage is **twenty, (but lower with judicial permission on grounds of necessity)**⁵¹³ whilst in **Saudi Arabia, Kuwait, Oman, Qatar and the United Arab Emirates, the issue of CEFM becomes more complicated as there is no minimum age limit for marriage** (with parental consent). A lack of legal protection around a minimum age has meant that the extremities of child marriage are largely based on interpretations of *Shari’a* law in the region. A marriage contract is only valid if both parties possess full legal capacity i.e. being both of age and sound mind.⁵¹⁴ This is deemed to occur

⁵¹² UNICEF, *Middle East and North Africa* < <http://www.unicef.org/infobycountry/northafrica.html> >.

⁵¹³ *Law No. 10 of 1984*.

⁵¹⁴ Dawoud Sudqi El Alami, *The Marriage Contract in Islamic Law in the Shariah and Personal Status Laws of Egypt and Morocco* (London: Graham and Trotman, 1992) 49.

at the age of puberty. However, the consensus as to when puberty begins has been interpreted differently in different states. In countries such as Saudi Arabia and Yemen, this can often be defined as allowing a female to wed as young as 9.⁵¹⁵ According to the 2014 *State of the World's Children Report* by UNICEF,⁵¹⁶ around 3% of children in the region are married by the age of 15, whilst 18% are married by the age of 18.

The MENA region has made the fastest progress in reducing child marriage of any region of the world, dropping from 34% to 18% in the last three decades.⁵¹⁷ However, as this section will outline, this is not so much based on a cultural shift, but primarily based on decreasing poverty and increasing stability in many parts of the MENA. Some areas of the region are eradicating CEFM at a faster rate than others. But, the prevailing conflict is once again pushing girls into early marriage.

As a result of the Syrian Civil War, UNICEF says that an increasing number of Syrian girls are being forced into premature marriages to help the family financially or to offer them protection.⁵¹⁸ One in every five registered marriages of Syrian refugee women in Jordan is a girl under the age of 18.⁵¹⁹ This is similarly occurring amongst Syrian and Palestinian Syrian refugees in Lebanon, where it is estimated that over 1 million of these refugees now live, of which around 78% are women and children.⁵²⁰ A combination of factors including the easing of financial burdens, the belief that parents won't be alive long enough to care for their children and the security that a wealthy man will be able to provide the girl's family are often considered the main reasons for the increasing prevalence of marriages.⁵²¹

The greatest area of concern in the MENA region continues to be Yemen. Over one-third of Yemeni girls are married before the age of 18.⁵²² However, as a result of the recent conflict in Yemen, which has killed more than 10,000 and left 19 million in need of humanitarian assistance,⁵²³ it is possible that up to two-thirds of girls in the country are being married off before the age of 18, though such statistics are hard to verify.⁵²⁴

7.2.2 Brief History and Development of CEFM

The history of CEFM in the MENA region has developed along three distinct lines: Poverty; Cultural and Religious Traditions; and Social Unrest.

⁵¹⁵ Haley Sweetland Edwards, 'Yemen's Child Bride Backlash', *Foreign Policy* (30 April 2010).

⁵¹⁶ UNICEF, *State of the World's Children 2014 in Numbers: Every Child Counts* (January 2014) < https://www.unicef.org/publications/index_71829.html >

⁵¹⁷ UNICEF, *Ending Child Marriage: Progress and prospects*, 2013, 5. < https://www.unicef.org/media/files/Child_Marriage_Report_7_17_LR..pdf >

⁵¹⁸ UNICEF, *Under Siege: The devastating impact on children of three years of conflict in Syria*, (March 2014) 5. < https://www.unicef.org/publications/files/Under_Siege_March_2014.pdf >

⁵¹⁹ *Ibid.*

⁵²⁰ Lorraine Charles, 'Syrian and Palestinian Refugees in Lebanon: The Plight of Women and Children' (2013) 14 *Journal of International Women's Studies* 5.

⁵²¹ *Ibid.*, 7.

⁵²² Human Rights Watch, "'How Come You Allow Little Girls to Get Married?': Child Marriage in Yemen" (December 2011), 15. < https://www.hrw.org/sites/default/files/reports/yemen1211ForUpload_0.pdf >

⁵²³ 'UN: World facing greatest humanitarian crisis since 1945', *BBC News (online)*, 11 March 2017 < <http://www.bbc.com/news/world-africa-39238808> >

⁵²⁴ *Ibid.*

POVERTY:

CEFM has long been seen to be associated with economic distress, not just in the MENA, but also across the developing world.⁵²⁵ Impoverished families consider it a means of relieving themselves of the burden of females - whom traditionally have very limited rights and opportunities – and allows them to generate payments, through the form of dowries, that itself is a common practice throughout MENA. The dowry further motivates families to marry off their daughters at a younger age as younger girls are considered to be more valuable and pure, and thus will receive a higher dowry payment than for girls who are post-pubescent.⁵²⁶

CULTURAL AND RELIGIOUS TRADITIONS:

Throughout the region, the practices of CEFM are accepted as an adequate form of preserving female ‘purity’ and preventing the loss of her virginity (whether voluntarily or involuntarily).⁵²⁷ Religion is highly significant to the history and perpetuation of CEFM as marriage is often considered a religious practice, and thus it is through such laws and teachings that marriage occurs. More than half of the twenty countries in the MENA region have populations that are approximately 95% Muslim or greater.⁵²⁸ **Therefore, religion, and interpretations of religion, played an important role in developing CEFM throughout history.**

Particularly in Islam, the marriage of Muhammad to Aisha – a young girl presumed to be around 9 years old – has been used to justify child marriage from a religious perspective, though of course some states such as Saudi Arabia, apply this on a more literal basis than other states.⁵²⁹ As a result, many MENA countries often limit the effectiveness of international human rights instruments when they conflict with sharia law in this regard, as will be highlighted in 7.2.3. Muhammad’s marriage was very common for 7th Century Arabia, indicating that child marriages were common practice by then, and provided a pivotal reason through which the practice was able to continue into the future.⁵³⁰

SOCIAL UNREST:

Civil and political unrest in the MENA region also creates a fertile environment for many forms of child exploitation, such as CEFM.⁵³¹ **In war-torn and politically unstable countries, girls are often abducted and forced into marriages with local militia where they become victims of sexual abuse and slavery.**⁵³² Furthermore, civil and political unrest makes inter-familial alliances a potential option in ensuring peace and certainty between two large families in times of uncertainty.⁵³³

⁵²⁵ Saranga Jain & Kathleen Kurz, ‘New Insights on Preventing Child Marriage: A Global Analysis of Factors and Programs’, *United States Agency for International Development*, April 2007, 9. < http://lastradainternational.org/lsidocs/icrw_child_marriage_0607.pdf >

⁵²⁶ The Forum, *Early Marriage: Whose Right to Choose*, *Forum on Marriage and the Rights of Women and Girls*, May 2000, 12. < <http://www.khubmarriage18.org/sites/default/files/228.pdf> >

⁵²⁷ Cynthia Gorney, ‘Too Young to Wed: The Secret Lives of Child Brides’, *National Geographic*, June 2011, 87.

⁵²⁸ Pew Research Centre, *Middle East – North Africa Overview* (7 October 2009) < <http://www.pewforum.org/2009/10/07/mapping-the-global-muslim-population10/> >

⁵²⁹ Andrea Buchler and Christina Schlatter, ‘Marriage Age in Islamic and Contemporary Muslim Family Laws’ (2013) 1 *Electronic Journal of Islamic and Middle Eastern Law* 8.

⁵³⁰ Peter Kurti, ‘There’s no room for child marriages in Australia’, *Daily Telegraph (online)*, 22 September 2016 < <http://www.dailytelegraph.com.au/rendezview/theres-no-room-for-child-marriages-in-australia/news-story/52dff0aa4368852e769c1455bc841f> >

⁵³¹ Susanne Louis B. Mikhail, ‘Child Marriage and Child Prostitution: Two Forms of Sexual Exploitation’ (2002) 10 *Gender & Development* 43.

⁵³² *Ibid.*

Sometimes civil unrest and war can also force women and children to flee their countries, and, as in the case of some Syrian refugees in Lebanon, then marry in order to ensure the physical and financial protection of their family.

It is a combination of these three primary factors that have perpetuated CEFM in the MENA region throughout history. The practice of child marriage itself is one that historically has developed all over the world since ancient times, and as such, is not particularly pertinent to the MENA. However, Islam and perpetual instability in the region provides the main factors as to why the practice continues to occur, though as noted previously, rates of CEFM are declining over time.

The decreasing rate of CEFM in the MENA has largely been based on decreasing poverty and increased social stability in the region, rather than a fundamental cultural shift towards CEFM. Some of this is now affected by conflict in some of the countries.

7.2.3. United Nations Initiatives

The international community has taken a number of steps to protect the rights of children, but few human rights instruments offer explicit protection from CEFM. For example, the International Covenant on Economic, Social and Cultural Rights states that ‘children and young persons should be protected from economic and social exploitation’,⁵³⁴ but avoids an outright prohibition on child marriage, and thus foregoes any legal protection of children in such situations.

Furthermore, the UN *Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages*, while explicitly condemning early marriages, gives States discretion in setting a minimum age for marriage, with no guidelines or recommended ages. Most surprisingly, the *Convention on the Rights of the Child* largely avoids the issue of child marriage. Article 36 only goes so far as to say, ‘State Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child’s welfare’.⁵³⁵ Article 1 even defines ‘child’ to mean, ‘every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier’.⁵³⁶ Finally, as discussed in 6.2.1, the *Convention on the Elimination of all forms of Discrimination Against Women* is the most assertive international convention pertaining to CEFM. It states, ‘[t]he 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.’⁵³⁷ However, it similarly sets no requirement as to what the minimum age for marriage should be, nor gives recommendations. Thus, the leniencies of such international instruments have allowed MENA countries to comply with these initiatives, without adequately addressing problems of CEFM. Note the MENA countries that have signed and/or ratified these international instruments below, and take note of the reservations and declarations that the respective governments have (or have not) put forth.

⁵³³ Elizabeth Warner, ‘Behind the Wedding Veil: Child Marriage as a Form of Trafficking in Girls’ (2004) 12 *Journal of Gender, Social Policy & Law* 233, 240.

⁵³⁴ International Covenant on Economic, Social, and Cultural Rights, 993 U.N.T.S. 3, Art. 10(3)

⁵³⁵ Convention on the Rights of the Child, 20 November 1989, 1577 U.N.T.S. 3, Art. 36.

⁵³⁶ *Ibid*, Art. 1.

⁵³⁷ Convention to Eliminate All Forms of Discrimination Against Women (CEDAW), 18 December 1979, U.N.T.S. 13, Art. 16(2).

Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1962)

Country	Signature (S) Ratification (R), Accession (A), Succession (D)	Declarations/ Reservations
Jordan	1 Jul 1992 (A)	
Tunisia	24 Jan 1968 (A)	
Yemen	23 Nov 1994 (A)	

International Covenant on Economic, Social and Cultural Rights (1966)

Country	Signature (S), Ratification (R), Accession (A), Succession (D)	Relevant Declarations/ Reservations
Algeria	12 Sep 1989 (R)	Declaration: The Algerian Government considers that the provisions of article 13, paragraphs 3 and 4, of the Covenant on Economic, Social and Cultural Rights can in no case impair its right freely to organize its educational system.
Djibouti	5 Nov 2002 (A)	
Egypt	14 Jan 1982 (R)	
Iran	24 Jun 1975 (R)	
Iraq	25 Jan 1971 (R)	
Jordan	28 May 1975 (R)	
Kuwait	21 May 1996 (A)	Declaration: Although the Government of Kuwait endorses the worthy principles embodied in article 2, paragraph 2, and article 3 as consistent with the provisions of the Kuwait Constitution in general and of its article 29 in particular, it declares that the rights to which the articles refer must be exercised within the limits set by Kuwaiti law.
Lebanon	3 Nov 1972 (A)	
Palestine	2 Apr 2014 (A)	
Syria	21 Apr 1969 (A)	
Sudan	18 Mar 1986 (A)	
Tunisia	18 Mar 1969 (R)	
Yemen	9 Feb 1987 (A)	

Convention on the Elimination of All Forms of Discrimination against Women (1979)

Country	Signature (S), Ratification (R), Accession (A), Succession (D)	Declarations / Reservations
Algeria	22 May 1996 (A)	Reservations: <u>Article 2:</u> The Government of the People's Democratic Republic of Algeria declares that it is prepared to apply the provisions of this article on condition that they do not conflict with the provisions of the Algerian Family Code. <u>Article 15, paragraph 4:</u> The Government of the People's Democratic Republic of Algeria declares that the provisions of article 15, paragraph 4, concerning the right of women to choose their residence and domicile should not be interpreted in such a manner as to contradict the

		provisions of chapter 4 (art. 37) of the Algerian Family Code. <u>Article 16:</u> The Government of the People's Democratic Republic of Algeria declares that the provisions of article 16 concerning equal rights for men and women in all matters relating to marriage, both during marriage and at its dissolution, should not contradict the provisions of the Algerian Family Code.
Djibouti	2 Dec 1998 (A)	
Egypt	18 Sep 1981 (R)	Reservations: <u>General reservation on article 2</u> The Arab Republic of Egypt is willing to comply with the content of this article, provided that such compliance does not run counter to the Islamic <i>Sharia</i> . <u>In respect of article 16</u> Reservation to the text of article 16 concerning the equality of men and women in all matters relating to marriage and family relations during the marriage and upon its dissolution, without prejudice to the Islamic <i>Sharia's</i> provisions whereby women are accorded rights equivalent to those of their spouses so as to ensure a just balance between them. This is out of respect for the sacrosanct nature of the firm religious beliefs which govern marital relations in Egypt and which may not be called in question and in view of the fact that one of the most important bases of these relations is an equivalency of rights and duties so as to ensure complementary which guarantees true equality between the spouses. The provisions of the <i>Sharia</i> lay down that the husband shall pay bridal money to the wife and maintain her fully and shall also make a payment to her upon divorce, whereas the wife retains full rights over her property and is not obliged to spend anything on her keep. The <i>Sharia</i> therefore restricts the wife's rights to divorce by making it contingent on a judge's ruling, whereas no such restriction is laid down in the case of the husband.
Iraq	13 Aug 1986 (A)	Reservation: Approval of and accession to this Convention shall not mean that the Republic of Iraq is bound by the provisions of article 2, paragraphs (f) and (g), nor of article 16 of the Convention. The reservation to this last-mentioned article shall be without prejudice to the provisions of the Islamic Shariah according women rights equivalent to the rights of their spouses so as to ensure a just balance between them. Iraq also enters a reservation to article 29, paragraph 1, of this Convention with regard to the principle of international arbitration in connection with the interpretation or application of this Convention.
Jordan	1 July 1992 (R)	Declarations: Jordan does not consider itself bound by the following provisions: 1. Article 16, paragraph (1) (c), relating to the rights arising upon the dissolution of marriage with regard to maintenance and compensation; 2. Article 16, paragraph (1) (d) and (g).
Kuwait	24 Sep 1994 (A)	Reservation: The Government of the State of Kuwait declares that it does not consider itself bound by the provision contained in article 16 (f) inasmuch as it conflicts with the provisions of the Islamic Shariah, Islam being the official religion of the State.
Lebanon	16 Apr 1997 (A)	
Oman	7 Feb 2006	Reservation: All provisions of the Convention not in accordance with the provisions of the Islamic sharia and legislation in force in the Sultanate of Oman.
Palestine	2 Apr 2014 (A)	
Qatar	29 Apr 2009 (A)	Reservations: 1. Article 15, paragraph 1, in connection with matters of inheritance and testimony, as it is inconsistent with the provisions of Islamic law. 2. Article 15, paragraph 4, as it is inconsistent with the provisions of family law and established practice. 3. Article 16, paragraph 1 (a) and (c), as they are inconsistent with the provisions of Islamic law. 4. Article 16, paragraph 1 (f), as it is inconsistent with the provisions of Islamic law and family law. The State of Qatar declares that all of its relevant national legislation is conducive to the interest of promoting social solidarity. Declaration: The Government of the State of Qatar accepts the text of article 1 of the Convention provided that, in accordance with the provisions of Islamic law and Qatari legislation, the phrase "irrespective of their marital status" is not intended to encourage family relationships outside legitimate marriage. It reserves the right to implement the Convention in accordance with this understanding.
Saudi Arabia	7 Sep 2000 (R)	Reservations: 1. In case of contradiction between any term of the Convention and the norms of Islamic law, the Kingdom is not under obligation to observe the contradictory terms of the Convention. 2. The Kingdom does not consider itself bound by paragraph 2 of article 9 of the Convention and paragraph 1 of article 29 of the Convention.
Syria	28 Mar 2003 (A)	Reservation: Article 16, paragraph 2, concerning the legal effect of the betrothal and the marriage of a child, inasmuch as this provision is incompatible with the provisions

Tunisia	20 Sep 1985 (R)	of the Islamic Shariah. Declaration: The Tunisian Government declares that it shall not take any organizational or legislative decision in conformity with the requirements of this Convention where such a decision would conflict with the provisions of chapter I of the Tunisian Constitution.
United Arab Emirates	6 Oct 2004 (A)	Reservation: Article 16: The United Arab Emirates will abide by the provisions of this article insofar as they are not in conflict with the principles of the Shariah. The United Arab Emirates considers that the payment of a dower and of support after divorce is an obligation of the husband, and the husband has the right to divorce, just as the wife has her independent financial security and her full rights to her property and is not required to pay her husband's or her own expenses out of her own property. The Shariah makes a woman's right to divorce conditional on a judicial decision, in a case in which she has been harmed.
Yemen	30 May 1984 (A)	Declaration: The Government of the People's Democratic Republic of Yemen declares that it does not consider itself bound by article 29, paragraph 1, of the said Convention, relating to the settlement of disputes which may arise concerning the application or interpretation of the Convention.

Convention on the Rights of the Child (1989)

Country	Signature (S), Ratification (R), Accession (A), Succession (D)	Declarations / Reservations
Algeria	16 Apr 1993 (R)	
Bahrain	13 Feb 1992 (A)	
Djibouti	6 Dec 1990 (R)	
Egypt	6 Jul 1990 (R)	
Iran	13 Jul 1994	Reservation: The Government of the Islamic Republic of Iran reserves the right not to apply any provisions or articles of the Convention that are incompatible with Islamic Laws and the international legislation in effect.
Iraq	15 Jun 1994 (A)	Reservation: The Government of Iraq has seen fit to accept [the Convention] ... subject to a reservation in respect to article 14, paragraph 1, concerning the child's freedom of religion, as allowing a child to change his or her religion runs counter to the provisions of the <i>Islamic Shariah</i> .
Jordan	24 May 1991	Reservation: "[Jordan expresses] reservations on all provisions of the Convention that are incompatible with the laws of Islamic Shari'a and the local statutes in effect."
Kuwait	21 Oct 1991	Reservation: [Kuwait expresses] reservations on all provisions of the Convention that are incompatible with the laws of Islamic Shari'a and the local statutes in effect.
Lebanon	14 May 1991	
Libya	15 Apr 1993 (A)	
Morocco	21 Jun 1993	Declarations: The Government of the Kingdom of Morocco interprets the provisions of article 14, paragraph 1, of the Convention on the Rights of the Child in the light of the Constitution of 7 October 1996 and the other relevant provisions of its domestic law, as follows: 1. Article 6 of the Constitution, which provides that Islam, the State religion, shall guarantee freedom of worship for all. 2. Article 54, paragraph 6, of Act 70-03 (the Family Code), which stipulates that parents owe their children the right to religious guidance and education based on good conduct.
Oman	9 Dec 1996 (A)	Reservation: The Sultanate of Oman is not committed to the contents of Article (14) of the Convention, which gives the child the right to freedom of religion until he reaches the age of maturity.
Palestine	2 Apr 2014 (A)	
Qatar	3 Apr 1995	Reservation: Whereas the Government of the State of Qatar ratified the 1989 Convention on the Rights of the Child on 3 April 1995, and entered a general reservation concerning any of its provisions that are inconsistent with the Islamic sharia; Whereas the Council of Ministers decided at its fourth ordinary meeting of 2009, held on 28 January 2009, to approve the partial withdrawal by the State of Qatar of its general reservation, which shall continue to apply in respect of the provisions of articles 2 and 14 of the Convention; Now therefore We declare, by means of the present instrument, the partial withdrawal by the State of Qatar of its general reservation, which shall continue to apply in respect of the provisions of articles 2 and 14 of the Convention.

Saudi Arabia	26 Jan 1996 (A)	Reservation: [The Government of Saudi Arabia enters] reservations with respect to all such articles as are in conflict with the provisions of Islamic law.
Sudan	3 Aug 1990 (R)	
Syria	15 Jul 1993	Reservation: The Syrian Arab Republic has reservations on the Convention's provisions which are not in conformity with the Syrian Arab legislations and with the Islamic Shariah's principles, in particular the content of article 14 related to the Right of the Child to the freedom of religion.
Tunisia	30 Jan 1992 (R)	Declaration: The Government of the Republic of Tunisia declares that the Preamble to and the provisions of the Convention, in particular article 6, shall not be interpreted in such a way as to impede the application of Tunisian legislation concerning voluntary termination of pregnancy.
United Arab Emirates	3 Jan 1997 (A)	Reservations: <i>Article 14:</i> The United Arab Emirates shall be bound by the tenor of this article to the extent that it does not conflict with the principles and provisions of Islamic law. <i>Article 17:</i> While the United Arab Emirates appreciates and respects the functions assigned to the mass media by the article, it shall be bound by its provisions in the light of the requirements of domestic statutes and laws and, in accordance with the recognition accorded them in the preamble to the Convention, such a manner that the country's traditions and cultural values are not violated.
Yemen	1 May 1991	

7.2.4. Regional Initiatives

A lack of regional action plagues MENA's response to CEFM. This is founded on a general unwillingness of many MENA countries to contravene Islamic laws, as highlighted in the number of reservations on the conventions and covenants that countries in this region have signed up to.

2004 Arab Charter on Human Rights

- The Arab League established regional legislation stating that though it does not explicitly protect children from entering into marriage, it establishes that men and women should be of 'marriageable' age in order to grant their consent to enter into the marriage.⁵³⁸
- It was originally created in 1994, though no states ratified it. It was then updated in 2004.
- The charter finally came into force in 2008 when the seventh member of the League ratified it.
- It has now been ratified by Algeria, Bahrain, Iraq, Jordan, Kuwait, Lebanon, Libya, Palestine, Qatar, Saudi Arabia, Syria, the UAE and Yemen.

7.2.5. National Initiatives

The following three countries were intentionally selected to provide an overview of how MENA countries are dealing with CEFM across the region, chosen based on the extent of the problem in that country. The countries analysed are: Jordan (low prevalence), Egypt (mid-prevalence) and Yemen (high prevalence).

⁵³⁸ Arab Charter on Human Rights 2004, Article 33(1).

YEMEN

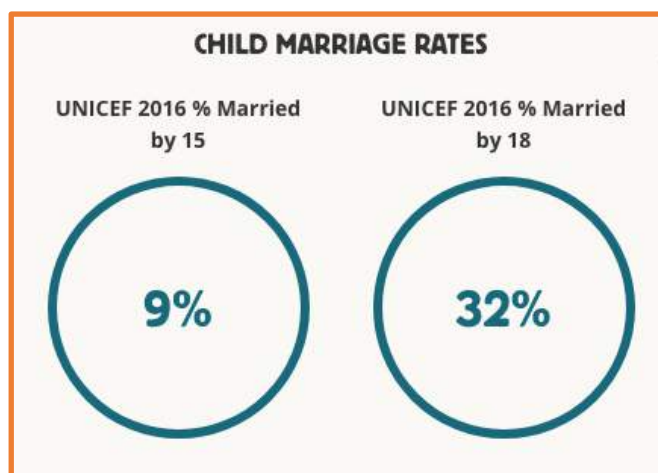


Figure 7: According to UNICEF's State of the World's Children 2016
<http://www.girlsnotbrides.org/child-marriage/yemen/>

UNITED NATIONS INITIATIVES

2014 Security Council Committee established pursuant to Resolution 2140:

Resolution 2140 of the UN Security Council establishes a Panel of Experts to improve the human rights situation and plays an important role in the improvement and accountability for violations and abuses of human rights in Yemen.

Human Rights Council Adoption of Resolution 27/19:

In October 2014, the Human Rights Council (HRC) adopted resolution 27/19 regarding *technical assistance and capacity-building for Yemen in the field of human rights*. Amongst other points, the resolution:

- Reiterates the commitments and obligations of the Government of Yemen to promote and protect the human rights of all individuals within its territory and subject to its jurisdiction, and in that connection recalls that Yemen is a party to the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Optional Protocols on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography thereto, and the Convention on the Rights of Persons with Disabilities;
- Welcomes the recommendation of the National Dialogue Conference calling for the establishment of a minimal age for marriage and the criminalization of early, forced marriages, also welcomes the efforts by the Government of Yemen to promote and protect the rights of children, and calls upon the Government to ensure the early adoption of the Child Rights Bill and rapid progress in putting in place appropriate legislative, administrative, social and educational measures to eliminate the occurrence of child, early and forced marriages.

GOVERNMENT INITIATIVES

1999 Abolishment of minimum age for marriage:

FOCUS: Law

In 1999, the Yemeni Parliament abolished the provision in Article 15 of the country's Personal Status Law that had set a minimum age for marriage at 15.⁵³⁹ In 2007, a majority of the Parliament voted to set the minimum age for marriage at 17, however the strong conservative minority was able to stall the law's adoption, which has been shelved indefinitely due to the uprising.⁵⁴⁰

2013 Yemen's National Dialogue Conference:

FOCUS: Dialogue

The National Dialogue Conference (NDC) was a transitional dialogue process held from March 2013 – January 2014 as part of Yemeni crisis reconciliation efforts. One of the recommendations to derive out of the NDC was to establish a minimum age for marriage and to criminalise early and forced marriages. Due to the outbreak of civil war the following year, this is yet to come to fruition.

2013 Development of a national human rights strategy:

FOCUS: Dialogue

The purpose of this was to increase the capacity of the Yemeni Ministry of Human Rights (MoHR) and Human Rights Strategy Committee and pave the way for an effective framework for human rights protection in Yemen. It was developed in conjunction with the Danish Institute for Human Rights (DIHR), which provided the Yemeni partners with technical, methodological and editorial input and facilitated process and dialogue for the development of the national human rights strategy.

In the autumn of 2013 a Memorandum of Understanding (MoU) was signed between DIHR and the Yemeni MoHR and in October 2013 a secretariat of the MoHR was established to facilitate the work of the National Human Rights Strategy Committee. Workshops were conducted in December 2013, February and December 2014. The resurgence of conflict in 2015 meant that the strategy process was out on hold. In October 2015 work was resumed and another workshop was conducted focusing on a technical discussion of the content of the overall strategy plan. It was the first time that the Yemeni Human Rights Strategy Committee with support of the Yemeni MoHR and DIHR drafted a national strategic plan on human rights.⁵⁴¹

NGO INITIATIVES

2011 CAREs Power to Lead Alliance

FOCUS: Advocacy

In partnership with the US government and the private sector, CARE launched a *Power to Lead* initiative aimed at promoting girls leadership and education in a handful of countries, including Yemen. CARE used several tactics to increase girls'

⁵³⁹ Human Rights Watch, *Yemen: End Child Marriage* (10 September 2013) < <https://www.hrw.org/news/2013/09/10/yemen-end-child-marriage> >.

⁵⁴⁰ Human Rights Watch, “‘How Come You Allow Little Girls to Get Married?’ *Child Marriage in Yemen*’ (2011), 3 < http://www.hrw.org/sites/default/files/reports/yemen1211ForUpload_0.pdf >.

⁵⁴¹ Danish Institute of Human rights, *Development of a national human rights strategy for Yemen* (2013) < <https://www.humanrights.dk/projects/development-national-human-rights-strategy-yemen> >

enrolment. This included developing activities for dropouts, such as preparing a school re-entrance exam. CARE also provided gender training to school staff, locating female volunteers to teach girls—existing staff were all male—and changing one co-educational school to an all-girls school. Through the project, enrolment of boys and girls increased by 47 percent in the participating schools, and girls’ enrolment alone rose by 85 percent. At the project’s end, almost half of all students in the project area were girls.⁵⁴²

2014 MCHIP Yemen Associate Award:

FOCUS: Advocacy

In 2014, the Maternal and Child Health Integrated Program (MCHIP) initiated a program to reduce maternal and neonatal mortality as a result of early marriages. Activities were implemented at the national, governorate, district and sub-district levels. MCHIP worked across five governorates (Sana’a City, Aden City, Dhamar, Al Dhalee and Rayma Governorates) and in six districts within these governorates. The program was prematurely halted indefinitely on 16 June 2015 due to ongoing conflict.

2015 SEYAJ Strategy:

FOCUS: Psychological and Legal Support

SEYAJ is the most comprehensive and established NGO in Yemen that aims solely to protect and uphold child rights. Under a cooperation agreement between SEYAJ and the Yemeni Bar Association, the NGO will provide volunteer lawyers for victims (free of charge) to provide judicial assistance and attend hearings and investigations. SEYAJ also aims to provide psychological support for children who are victims of violence (including sexual violence) through the “We Hear You” campaign.⁵⁴³ SEYAJ also works continuously to provide proposals in amending legislation to ensure Yemen adheres to the Convention on the Rights of the Child. The progress of this strategy amidst the backdrop of ongoing conflict in Yemen cannot be retrieved.

⁵⁴² CARE, *Girls’ Leadership Development in Action: CARE’s Experience from the field (October 2012)* 11 < <http://care.org/sites/default/files/documents/EDU-GE-2012-Girls-Leadership-Development-in-Action.pdf> >.

⁵⁴³ SEYAJ, *What We Do?: Child Protection* < <http://seyaj.org/child-protection/> >.

EGYPT

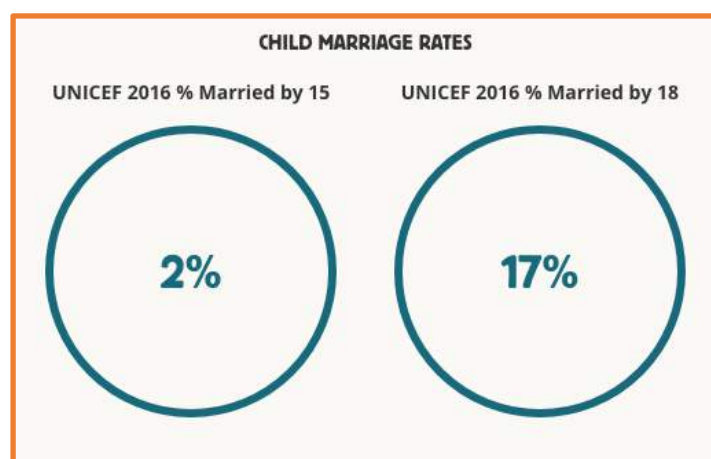


Figure 8: According to UNICEF's State of the World's Children 2016
<http://www.girlsnotbrides.org/child-marriage/egypt/>

UNITED NATIONS INITIATIVES

2013 UNICEF Intervention to assist Egyptian children:

FOCUS: Assistance

Since July 2013, over 33 000 children in need of care and protection have been reached and assisted through case management services and rehabilitation services in Alexandria, Assiut and Cairo. In addition, over 2750 children have received free legal representation.

2015 UNICEF assistance of refugee children:

FOCUS: Psychological Support

In 2015, UNICEF cites that it helped close to 20,000 refugee children and their parents benefit from specialised and non-specialised psychological support, and child protection services at the local level.

GOVERNMENT INITIATIVES

2008 Amendment to Egypt's Child Law 12/1996:

Law No. 126 of 2008 made an amendment to Egypt's Child Law and increased the legal age of marriage in Egypt to 18 from 16. It does not *criminalise* underage marriages, but it does ban official registration. Without this registration, birth certificates are not issued for children resulting from this marriage, and consequently they are denied access to state-supported healthcare and education services. Whilst this amendment brings Egypt in line with many countries around the world, the obvious loophole allows *urfi* marriages ('unofficial' Islamic marriages) to continue to occur, where the man has the right to annul the marriage contract at any time.

2010 Amendments to Trafficking Laws:

Law No. 64 of 2010 reflected the commitment of the Egyptian Government to implement its obligations under the Palermo Protocol. The Trafficking Law provides a definition of trafficking in persons similar to the one in the Palermo Protocol, and prohibits trafficking for the purpose of exploitation, which includes prostitution and other forms of sexual exploitation, forced labour, slavery or practices similar to slavery, the sale of children, removal of organs and organized begging. It imposes a serious penalty on traffickers, consisting of imprisonment for not less than five years and a fine of not less than 50,000 EGP and not more than 200,000 EGP.⁵⁴⁴

2014 Recognition of Child's Rights under the Constitution

The Egyptian Constitution was passed in a referendum in January 2014. Article 80 of the Constitution reads:

Anyone under the age of 18 shall be considered a child. Each child shall have the right to a name, identity documents, free compulsory vaccination, health and family or alternative care, basic nutrition, safe shelter, religious education, and emotional and cognitive development. The State shall endeavour to achieve the best interest of children in all measures taken against them.⁵⁴⁵

UNICEF worked with the constitution-drafting committee to have this article included.

Egypt's National Strategy for Prevention of Early Marriage: FOCUS: Dialogue

This was developed in part due to political climate of the country after the 2011 Egyptian Revolution, where conservative forces were attempting to revoke the 2008 amendment to child marriage laws to be as low as 9 years.⁵⁴⁶ Egypt's National Strategy was launched in June 2014. It aimed to reduce early marriage by 50% at the end of the five-year plan. The strategy was linked to the national population and development strategy, and recognised the need to prioritise child marriage as a health and population issue. It was run by the National Population Council.

The strategy included the following components:

1. **A literature review** on child marriages in order to develop and validate the findings by multi-sectorial experts.
2. **The establishment of a working group** to implement the strategy. This group was made up of 126 individuals and 64 institutions from the government, private sector, NGOs, the UN and religious leaders. This large group was divided into four smaller groups to cover the following areas in order to gain a clearer picture of what needed to be done:
 - a. Legal challenges

⁵⁴⁴ Joy Ngozi Ezeilo, *Report of the Special Rapporteur on Trafficking in Person, Especially Women and Children, Mission to Egypt* (2011), 6 <<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G11/129/17/PDF/G1112917.pdf?OpenElement>>.

⁵⁴⁵ *Constitution of The Arab Republic of Egypt*, art 80.

⁵⁴⁶ Girls Not Brides, *Country Fact Sheet: Egypt* <<http://www.girlsnotbrides.org/wp-content/uploads/2015/06/Fact-sheet-Egypt-national-strategy-May-2015.pdf>>.

- b. Technical challenges (again subdivided into areas of health, education and economic development)
 - c. Financial challenges
 - d. Social and cultural (including religious) challenges
3. **Focus groups in areas of high child-marriage rates** were carried out in six districts to explore various strategies and their effectiveness moving forward. This also included meetings with the general public and religious leaders to get their endorsement of the strategies.

The strategies themselves were based around the following aims:

1. To empower girls economically and educationally in order to be able to cope with familial and societal pressure
2. To support girls already married in order to minimise the negative impacts on themselves, their children and their families
3. To further update legislation in order to ensure that existing protection laws were working in favour of girls and women
4. To work with families so that they understand the harmful consequences of child marriage

Current progress: The implementation of the strategy slowed down significantly after the Ministry of Population was disbanded in 2016. It is uncertain whether the strategy is still being implemented or not.⁵⁴⁷

NGO INITIATIVES

2013 Pathfinder International/Ford Foundation Prevention of Child Marriage:

FOCUS: General Initiatives

In a 2013 to 2016 initiative, Pathfinder International and the Ford Foundation implemented a multi-faceted strategy to prevent child marriage in Egypt. It included the following initiatives:

1. Provided technical assistance to the National Population Council as they developed and launched the national Preventing Early Marriage strategy in June 2014.
2. Established a replicable model for NGOs and community development associations to contribute to the implementation of the strategy.
3. Built the capacity of NGOs and community development associations to implement and institutionalize the prevention of early marriage.
4. Employed girl and gatekeeper centred approaches to meaningfully engage women and girls as well as men and boys to foster gender and social changes.

2015 Association of Egyptian Female Lawyers Campaign to Eliminate Early marriage:

FOCUS: Legal Support

This is but one of a number of initiatives by local NGOs with limited funding that aim to make a difference in their community. This on-going campaign aims to eliminate and combat early marriage and human trafficking through establishing a network of volunteer lawyers, psychologists and social workers to work with other NGOs that

⁵⁴⁷ Girls Not Brides, *Lessons Learned From National Initiatives to End Child Marriage, 2016*, 19 <
http://www.girlsnotbrides.org/wp-content/uploads/2017/02/GNB-Lessons_learned_national_initiatives-2016.pdf
 >

provide direct social and legal support and rehabilitation to early marriage victims.⁵⁴⁸ Local initiatives such as these, run through NGOs are common in Egypt. Other NGOs that run similar initiatives include:⁵⁴⁹

- *Arab Council for Childhood and Development*
- *The Egyptian Foundation for Advancement of the Childhood Condition*
- *Educate Me*
- *Egypt's Daughter Association*

JORDAN

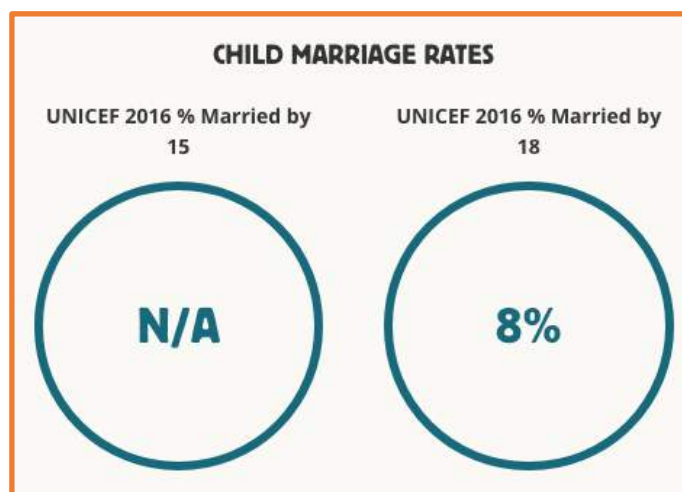


Figure 9: According to UNICEF's *State of the World's Children 2016*
<http://www.girlsnotbrides.org/child-marriage/jordan/>

UNITED NATIONS INITIATIVES

2015 UNICEF launches 'Learning for All' campaign in partnership with Government:

FOCUS: Education

In September 2015, the Ministry of Education recommitted the country's pledge to provide all children in the Kingdom (including refugees), the opportunity to receive an education. The department expanded the school system, introducing double shifts in 98 public schools to accommodate Syrian children that are now using the system. The 'Learning for All' campaign was spearheaded by UNICEF and the Jordanian Government, in partnership with the European Union and other partners.

2017 UNICEF and MoSD sign agreement to improve child protection:

FOCUS: General Wellbeing

In May 2017, The Ministry of Social Development (MoSD) and UNICEF signed a child protection agreement for 2017-18 that aims to reach at least 200,000 vulnerable children and caregivers with multi-sectorial protection services provided through

⁵⁴⁸ Association of the Egyptian Female Lawyers, *The Association of Egyptian Female Lawyers Launches A Campaign To Eliminate Early Marriage (2015)* < <http://www.aeflwomen.com/en/the-association-of-egyptian-female-lawyers-launches-a-campaign-to-eliminate-early-marriage> >.

⁵⁴⁹ For more Child-based NGOs in Egypt, see: <<https://arab.org/directory/activity/children/region/egypt/>>.

MoSD Social Support Centres. The agreement has a total budget of US \$4.7 million and will include a community-based approach to child protection through interventions, informal learning support, and life skills and training opportunities for the most vulnerable children (including refugees) in Jordan.⁵⁵⁰

GOVERNMENT INITIATIVES

1976 – 2010 Updating the Personal Status Law:

- *The Personal Status Law No. 60 for 1976* set the age for marriage at 15 ‘lunar’ years for both boys and girls.
- *The Provisional Personal Status Law No. 82 for 2001* amended this law and increased the minimum age to 18 calendar years, and allowed judges to marry girls and boys aged 15 – 17 ‘lunar’ years.
- *The Provisional Personal Status Law No. 36 for 2010* amended this further, saying that marriage is permitted by obtaining approval from the Chief Justice at 15 ‘calendar’ years.

1997 The National Family Protection System:

FOCUS: General Wellbeing

Jordan became the first country in the MENA region to address child abuse through a targeted government initiative – The National Family Protection System.⁵⁵¹ The System provided a national framework for family protection through which organisations concerned with domestic violence and child abuse have been developed, protocols within key organisations have been enhanced and a national law on family protection developed as a result.⁵⁵²

2017 Revocation of Article 308:

In April 2017, the Jordanian cabinet revoked Article 308 of the Penal Code, which meant that a rapist could avoid jail time in return for marrying their victim for at least three years. The law had previously been amended in 2016 so that a rapist could only use that loophole if the victim was at least 15 years of age and the attack was believed to be consensual. Then in February 2017, a royal committee suggested that the law be scrapped completely, which the cabinet has now done.⁵⁵³

⁵⁵⁰ UNICEF, MoSD and UNICEF Signs Agreement for Improving Protection Services for all Children in Jordan (22 May 2017) <https://www.unicef.org/jordan/media_11938.html>.

⁵⁵¹ Marc Vergara, *Child protection from Violence, Exploitation and Abuse: Jordan’s Police are Child-Friendly*, UNICEF online, (6 August 2004) <https://www.unicef.org/protection/57929_22857.html>.

⁵⁵² Jordan River Foundation, *Overview* <<https://www.jordanriver.jo/?q=content/jrcsp/overview>>.

⁵⁵³ ‘Article 308: Jordan to scrap marriage loophole for rapists’ BBC News (24 April 2017) <<http://www.bbc.com/news/world-middle-east-39692020>>.

2011 *The World Bank Group and Justice Centre for Legal Aid Pilot Initiative:*

FOCUS: Legal Support

In 2011, the World Bank Group and Justice Centre for Legal Aid (JCLA) developed an initiative to provide legal aid services for poor Jordanians as well as Syrian, Iraqi and Palestinian refugees. The legal aid program provides awareness/information, counselling and legal representation by a lawyer to aid the poor in addressing legal problems. The majority of JCLA beneficiaries – just over 70% - are women. And one of the ‘justice gaps’ identified by JCLA is in providing effective legal services to female victims of violence.⁵⁵⁴

2016 *SURGIR Programme:*

FOCUS: General Initiatives

The SURGIR Foundation has defined a 3-year programme that started in June 2016. The aim is to prevent child marriage and increase female access to education and health services. It aims to work in three key areas of Jordan where CEFM is prevalent. These are Jarash, Zarqa and areas south of the Jordan Valley. The programme has the following objectives:

1. Mobilize the school communities (directors, teachers, advisors, students and parents) and involve them in the efforts to discourage girls from leaving school and being driven towards marriage until they are of legal age: 3 300 children and 500 parents will benefit from awareness sessions and empowered to take action in 6 selected schools.
2. Mobilize a group of men and strengthen their capacity to promote messages and influence people of their community, to make them understand the wrongdoings of early marriage of their daughters/sisters.
3. Provide the Ministry of Education with a frame of reference to understand the need for social guidance in schools and to study the best way this gained experience can be duplicated throughout all schools in Jordan.⁵⁵⁵

7.2.6. Summary

Through an analysis of national, regional and UN initiatives pertaining to CEFM in the MENA region, a number of conclusions can be made.

Firstly, it is clearly evident that international instruments have done fairly little in forcing MENA countries to adequately address CEFM. These initiatives have given the MENA region too much flexibility in being able to conform to the basic requirements of these conventions and covenants whilst continuing to maintain the status quo in their respective countries. Thus, a country like Saudi Arabia can truthfully announce that they are signatories to the *Convention on the Rights of the Child* and the *Convention on the Elimination of All Forms of Discrimination against Women*, leaving a layperson unaware of the leniency of these international instruments, nor the legality of CEFM in the country. In effect, these covenants and conventions can somewhat act as a guise of promoting various MENA countries as upholding child rights when it is evident that they are not. Yet, there is a valid argument to be made for the fact these countries may not have signed up at all to these

⁵⁵⁴ Paul Prettitore, *How Jordan is Expanding its Assistance to Victims*, The World Bank (12 May 2015) < <http://blogs.worldbank.org/voices/how-jordan-expanding-its-assistance-victims-gender-based-violence> >

⁵⁵⁵ SURGIR Foundation, *New program in Jordan: Combating child marriages* (2016) < <http://www.surgir.ch/en/content/new-program-jordan-combating-child-marriages> >.

initiatives if they were not so lenient. Thus, perhaps a general promotion of female and child rights standards through ratification of these broad instruments is better than not signing up to any standard at all.

Secondly, it is evident that the perpetuation of CEFM in the MENA region is largely based on regional instability, economic incentives and strict interpretations of Islam. As the Middle East continues to face various regional problems such as ISIS and both the Syrian and Yemeni civil wars, it is evident that such factors will continue to inflate the problems of CEFM through political and economic instability, and Islamic radical fundamentalism. These factors were also instrumental decrease the rate of CEFM over the last three decades in the MENA, and are thus fundamental in the fluctuating rate across time.

Finally, it is interesting to take note of the lack of regional responses to CEFM in the MENA when compared to Africa⁵⁵⁶ and Asia.⁵⁵⁷ If various countries do not continue to take action then the declining rate of CEFM could slow significantly, if not eventually begin to plateau and rise. Such examples can be seen through the increasingly rising rate of Syrian refugees in Jordan and Lebanon being married off in high numbers.⁵⁵⁸ The Arab League (which is the main international body of the MENA) must continue to work on CEFM initiatives in order to further eradicate these issues. Thus, though the MENA has made the fastest progress in reducing child marriage of any region in the world in the last three decades,⁵⁵⁹ it must not become complacent.

⁵⁵⁶ See 7.3.4.

⁵⁵⁷ See 7.1.4.

⁵⁵⁸ See 7.2.1.

⁵⁵⁹ UNICEF, *Ending Child Marriage: Progress and prospects, 2013*, 5. <
https://www.unicef.org/media/files/Child_Marriage_Report_7_17_LR..pdf>.

7.3 Central and Southern African Region

7.3.1 Child, Early and Forced Marriage in the Region

CEFM in Sub-Saharan Africa is a prolific and widespread issue that has impacted upon the lives of young girls in all facets of life from education, to life expectancy. On average, approximately 39% of girls in sub-Saharan Africa are married before the age of 18.⁵⁶⁰ A report by UNICEF outlines that if this slow progress continues; almost half of the world's child brides will be African.⁵⁶¹ Further, significant action must be initiated immediately as it has been projected that even doubling the current rate of reduction will not be enough to reduce the number of child brides in Africa by 2050.⁵⁶²

The geographical spread of child marriage in this region fluctuates; the highest prevalence is found in Niger (76%). As illustrated in Figures 1 and 2, Niger, Chad and C.A.R present the most extensive challenge to this issue, with figures as high as 29% for child marriage rates under the age of 15. Studies illustrate vast discrepancies in substantive receptivity to international developments in the legality of child marriage, with high prevalence countries such as Chad and Niger experiencing no change in the past twenty years.⁵⁶³ Laws regulating CEFM across the region are not uniform. For example, in Niger the legal age for marriage remains 15 despite proposals to raise the legal age

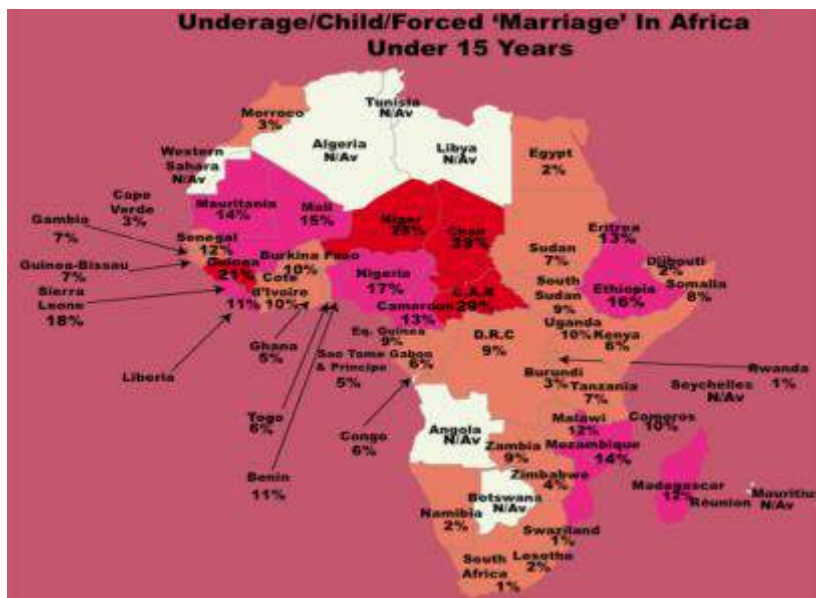


Figure 10: Source: Africa Development Information 2015
<http://www.afri-dev.info/bulleting-on13-reasons-to-end-underagechildforced-marriage-the-most-wide-spread-abuse-sxual-exploitation-of-girl-children-2015-africa-scorecard-looking-beyo/>

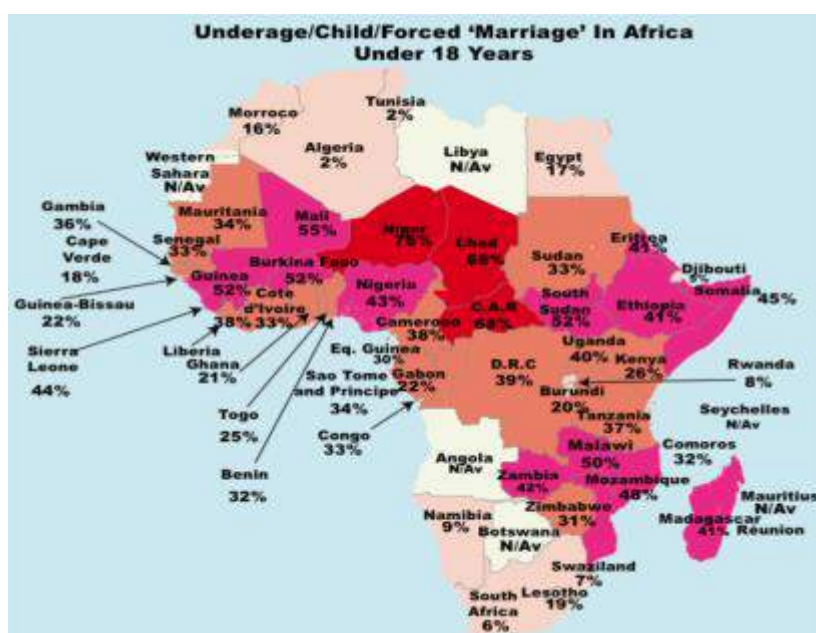


Figure 11: Source: Africa Development Information 2015
<http://www.afri-dev.info/bulleting-on13-reasons-to-end-underagechildforced-marriage-the-most-wide-spread-abuse-sxual-exploitation-of-girl-children-2015-africa-scorecard-looking-beyo/>

⁵⁶⁰ Girls Not Brides, *Sub-Saharan Africa* <<http://www.girlsnotbrides.org/region/sub-saharan-africa/>>.

⁵⁶¹ United Nations International Children's Emergency Fund, *A Profile of Child Marriage in Africa* (23 November 2015) 7 <<https://data.unicef.org/resources/a-profile-of-child-marriage-in-africa/>>.

⁵⁶² Ibid.

⁵⁶³ Shelley Clark, Alissa Koski and Arijit Nandi, 'Has Child Marriage Declined in Sub-Saharan Africa? An Analysis of Trends in 31 Countries' (2017) 43(1) *Population and Development Review* 7.

of marriage to 18,⁵⁶⁴ while in many other countries such as Ethiopia and Ghana, the legal age is 18.⁵⁶⁵

Figures illustrate that although child marriage does effect boys among African Nations, the issue is largely gendered (in 2006: Mali the ratio is 72 girls: 1 boy; Kenya 21 girls:1 boy).⁵⁶⁶ Furthermore, trends highlighting the geographical prevalence of CEFM within national borders suggest that girls in rural areas are often at least twice as likely to marry as children than girls living in urban areas.⁵⁶⁷ Similarly, there is a direct correlation between socio-economic background and CEFM throughout the region, as girls from the bottom quintiles of wealth are significantly more likely to be married earlier than girls from the top quintile.⁵⁶⁸

The impact of CEFM upon girls and women across the African continent is clear in relation to physical and mental health, in addition to educational attainment and general life prospects. A study in Kenya illustrated that in the region, girls married under the age of 18 had a 50% higher likelihood than unmarried girls of contracting HIV.⁵⁶⁹ The risk was higher in Zambia (59%) and higher again in Uganda, with contraction rates at 89% for married girls, as opposed to unmarried girls (66%) aged 15-19.⁵⁷⁰ This issue results from the marrying of girls to much older, already infected men- as young girls lack of perceived agency to negotiate effective contraceptive use.⁵⁷¹ The impact of child and early marriage and the marriage of young girls to older men is obvious as the prevalence for infections among women is highest between ages 15-24, while for men the peak of risk is on average 5-10 years later.⁵⁷²

One of the prominent detriments upon the physical health of young women and girls across the continent relates to the high percentage of those giving birth before the age of 18 (Ethiopia 25%; Uganda 42%; Mali 45%).⁵⁷³ Compared to girls aged above 20 years, girls aged 10-14 are 5-7 times more likely to die from childbirth related illness/ injury and girls aged 15-19 twice as likely.⁵⁷⁴ Evidence exists of high rates of mortality for girls aged 15-19

⁵⁶⁴ Ibid.

⁵⁶⁵ *Ethiopia Revised Family Code 2000*, Art 7; *Children's Act 1998* (Ghana).

⁵⁶⁶ Nour Nawal, 'Health Consequences of Child Marriage in Africa' (2006) 12(11) *Emerging Infectious Diseases* 1644.

⁵⁶⁷ Chata Male and Quentin Wodon, *Health, Nutrition and Population Global Practice: Basic Profile of Child Marriage in Niger* (2016) World Bank Group < <https://openknowledge.worldbank.org/bitstream/handle/10986/24545/Basic0profile0of0child0marriage0in0Niger.pdf?sequence=1>>; Chata Male and Quentin Wodon, *Health, Nutrition and Population Global Practice: Basic Profile of Child Marriage in Nigeria* (2016) World Bank Group < <https://openknowledge.worldbank.org/handle/10986/24547>>; Chata Male and Quentin Wodon, *Health, Nutrition and Population Global Practice: Basic Profile of Child Marriage in Ethiopia* (2016) World Bank Group < <http://documents.worldbank.org/curated/en/726751467831767984/Basic-profile-of-child-marriage-in-Ethiopia>>.

⁵⁶⁸ Ibid.

⁵⁶⁹ Nour Nawal, above n 566.

⁵⁷⁰ Ibid.

⁵⁷¹ Michael Bracher, Gigi Santow and Susan Cotts Watkins, 'Moving and Marrying: Modelling HIV Infection Among Newly-weds in Malawi' (2003) 1 *Demographic Research Special Collection* 207; Robert Kelly et al, 'Age Differences in Sexual Partners and Risk of HIV-1 Infection in Rural Uganda' (1999) 32(4) *Journal of Acquired Immune Deficiency Syndromes* 446; Shelley Clark, 'Early Marriage and HIV Risks in Sub-Saharan Africa' (2004) 35(3) *Studies in Family Planning* 149.

⁵⁷² Nour Nawal, above n 566.

⁵⁷³ Ibid.

⁵⁷⁴ Ibid.

in Mali (178 deaths/ 100,000 births) compared to only 32 deaths/ 100,000 for women aged 20-34.⁵⁷⁵

7.3.2 Brief History and Development of CEFM

In the history preceding the abolishment of slavery, what is now termed ‘forced marriage’ was accepted and widely practiced under the terminology of slavery. Women were legally purchased and sold as commodities, fulfilling the roles of domestic and sexual servants. Although different countries regulated the practice in a variety of ways, in Niger it was most common that women and girls would be liberated from this status by means of a ‘liberation certificate’, granting them freedom from slavery and control.⁵⁷⁶ This operated in the form of a contract that would be signed by the ‘master’ and the ‘beneficiary.’⁵⁷⁷

Following the abolition of slavery across many African nations, former male masters of female slaves rephrased the formulation of the practice within the institution of ‘customary marriage’, allowing them to legally continue their control and dominance under the guise of tradition.⁵⁷⁸ Thus came about the phenomenon of ‘bride-wealth’ payments, under which males would pay a sum of money to the family of his new bride;⁵⁷⁹ in exchange for the surrender of her sexual and reproductive powers.⁵⁸⁰ This practice varies geographically and culturally, ranging from ritualistic transfer of tokens, to the actual payment of monetary sums, carrying a right for the man to request a refund from the girl’s parents if her behaviour is deemed ‘unsatisfactory’.⁵⁸¹ The more educated and older the girl, and the higher the status of her family, the higher her ‘cost’,⁵⁸² thus the incentive to marry younger, less educated girls has been historically perpetuated through this practice. Unsurprisingly, this was little more than a re-formulation of the ‘women as property’ tradition, whereby women were symbolically bought and sold to, essentially, operate in the same manner. Thus, resulting from this strong history founded in cultural practice, for the girl forced into marriage, her ‘enslavement’ is concealed both by her status as a ‘wife’ and by the veneer of cultural practice pronouncing her subjugation as ‘normal.’

Today, the enforcement of International and Regional standards is very limited, as recognised by the AU,⁵⁸³ only 28 members have ratified the Protocol on the Establishment of the African Court on Human and People’s Rights,⁵⁸⁴ with only seven of having entered declarations recognising the competence of the Court to receive cases from individuals and NGO’s. Girls are therefore largely left to their national enforcement mechanisms, plagued with the issues

⁵⁷⁵ Sanyukta Marthur, Margaret Greene and Anju Malhotra, *Too Young to Wed: The Lives, Rights and Health of Young Married Girls (2003)* International Center for Research on Women, 9.

⁵⁷⁶ Jody Sarich, Michele Olivier and Kevin Bales, ‘Forced Marriage, Slavery and Plural Legal Systems (2016) 38(2) *Human Rights Quarterly* 450, 469.

⁵⁷⁷ Ibid.

⁵⁷⁸ Ibid 453.

⁵⁷⁹ Ibid.

⁵⁸⁰ Christine Obbo, *African Women: Their Struggle for Economic Independence* (Zed Press, 1980) 34.

⁵⁸¹ Kamil Fuseini, ‘I Bought you, I Own You! Bridewealth and Women’s Autonomy in Ghana’ p 5

⁵⁸² Katarzyna Grabska, ‘Marrying on Credit: The Burden of Bridewealth on Refugee Youth’ (2012) 40 *Forced Migration Review* 7, 7.

⁵⁸³ African Union, Executive Council (EX.CL/922(XXVII)), 27th Ordinary Session, *Report on the Activities of the African Court on Human and People’s Rights (7-12 June 2015)* 17.

⁵⁸⁴ African Commission on Human and People’s Rights, *Ratification Table: Protocol to the African Charter on Human and People’s Rights on the Establishment of the African Court on Human and Peoples’ Rights* <<http://www.achpr.org/instruments/court-establishment/ratification/>>.

stemming from the historical reluctance to interfere in ‘cultural’ marriage. Thus today, the greatest issue girl’s face in African nations is not so much recognition of their rights, rather Governmental capacity and mechanisms for their enforcement.

7.3.3. United Nations Initiatives

The following tables will illustrate the implementation of key pieces of International Law in relation to child marriage and outline the party status of African nations, including any reservations or declarations.

*Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1962)*⁵⁸⁵

Country	Signature (S), Ratification (R), Accession (A), Succession (D)	Relevant Declarations/ Reservations
Benin	19 Oct 1965 (A)	
Côte d'Ivoire	18 Dec 1995 (A)	
Guinea	24 Jan 1978 (R)	
Liberia	16 Sep 2005 (A)	
Mali	19 Aug 1964 (A)	
Niger	1 Dec 1964 (A)	
Rwanda	26 Sep 2003 (A)	
South Africa	29 Jan 1993 (A)	
Zimbabwe	23 Nov 1994 (A)	

*International Covenant on Economic, Social and Cultural Rights (1966)*⁵⁸⁶

Country	Signature (S), Ratification (R), Accession (A), Succession (D)	Relevant Declarations/ Reservations
Angola	10 Jan 1992 (A)	
Benin	12 Mar 1992 (A)	
Burundi	9 May 1990 (A)	
Cabo Verde	6 Aug 1993 (A)	
Cameroon	27 Jun 1984 (A)	
Central African Republic	8 May 1981 (A)	
Chad	9 Jun 1995 (A)	
Comoros	25 Sep 2008 (S)	
Congo	5 Oct 1983 (A)	
Côte d'Ivoire	26 Mar 1992 (A)	
Democratic Republic of the Congo	1 Nov 1976 (A)	
Equatorial Guinea	25 Sep 1987 (A)	
Eritrea	17 Apr 2001 (A)	

⁵⁸⁵ *Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages*, opened for signature 7 November 1962, 521 UNTS 231 (entered into force 9 December 1964).

⁵⁸⁶ *International Covenant on Economic, Social and Cultural Rights*, opened for signature 16 December 1966, 993 UNTS 3 (entered into force 3 January 1976).

Ethiopia	11 Jun 1993 (A)
Gabon	21 Jan 1983 (A)
Gambia	29 Dec 19978 (A)
Ghana	7 Sep 2000 (R)
Guinea	24 Jan 1978 (R)
Guinea-Bissau	2 Jul 1992 (A)
Kenya	1 May 1972 (A)

Reservations:

"While the Kenya Government recognizes and endorses the principles laid down in paragraph 2 of article 10 of the Covenant, the present circumstances obtaining in Kenya do not render necessary or expedient the imposition of those principles by legislation."

NB: Art 10(2) states: Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.

Lesotho	9 Sep 1992 (A)
Liberia	22 Sep 2004 (R)
Madagascar	22 Sep 1971 (R)

Reservation:

The Government of Madagascar states that it reserves the right to postpone the application of article 13, paragraph 2, of the Covenant, more particularly in so far as relates to primary education, since...the problems of implementation, and particularly the financial implications, are such that full application of the principles in question cannot be guaranteed at this stage.

Malawi	22 Dec 1993 (A)
Mali	16 Jul 1974 (A)
Mauritania	17 Nov 2004 (A)
Namibia	28 Nov 1994 (A)
Nicaragua	12 Mar 1980 (A)
Niger	7 Mar 1986 (A)
Nigeria	29 Jul 1993 (A)
Rwanda	16 Apr 1974 (A)
São Tomé and Príncipe	10 Jan 2017 (R)
Senegal	13 Feb 1978 (R)
Seychelles	5 May 1992 (A)
Sierra Leone	23 Aug 1996 (A)
Somalia	24 Jan 1990 (A)
South Africa	12 Jan 2015 (R)

Reservation:

The Government of the Republic of South Africa will give progressive effect to the right to education, within the framework of its National Education Policy and available resources.

Swaziland	29 Mar 2004 (A)
Togo	24 May 1984 (A)
Uganda	21 Jan 1987 (A)
United Republic of Tanzania	11 Jun 1976 (A)
Zambia	10 Apr 1984 (A)

Reservation:

The Government of the Republic of Zambia states that it reserves the right to postpone the application of article 13 (2) (a) of the Covenant, in so far as it relates to primary education; since... the problems of implementation, and particularly the financial implications, are such that full application of the principles in question cannot be guaranteed at this stage.

Zimbabwe	13 May 1991 (A)
----------	-----------------

*Convention on the Elimination of All Forms of Discrimination against Women (1979)*⁵⁸⁷

Country	Signature (S), Ratification (R), Accession (A), Succession (D)	Declarations / Reservations
Angola	17 Sep 1986 (A)	
Benin	12 Mar 1992 (R)	
Botswana	13 Aug 1996 (A)	
Burundi	8 Jan 1992 (R)	
Cabo Verde	5 Dec 1980 (A)	
Cameroon	23 Aug 1994 (R)	
Central African Republic	21 Jun 1991 (A)	
Chad	9 Jun 1995 (A)	
Comoros	31 Oct 1994 (A)	
Congo	26 Jul 1982 (R)	
Côte d'Ivoire	18 Dec 1995 (R)	
Democratic Republic of the Congo	17 Oct 1986 (R)	
Eritrea	5 Sep 1995 (A)	
Ethiopia	10 Sep 1981 (R)	
Gabon	21 Jan 1983 (R)	
Gambia	16 Apr 1993 (R)	
Ghana	2 Jan 1986 (R)	
Guinea	9 Aug 1982 (R)	
Guinea-Bissau	23 Aug 1985 (R)	
Kenya	9 Mar 1984 (A)	
Lesotho	22 Aug 1995 (R)	
Liberia	17 Jul 1984 (A)	
Madagascar	17 Mar 1989 (R)	
Malawi	12 Mar 1987 (A)	
Mali	10 Sep 1985 (R)	
Mauritania	10 May 2001 (A)	<p>Reservation:</p> <p>“... have approved and do approve it in each and every one of its parts which are not contrary to Islamic Sharia and are in accordance with our Constitution.”</p> <p>NB: This reservation only continues in relation to articles 13(a)- the equal right to family benefits, and 16- States to take appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations, including the right to freely choose a spouse with free and full consent and equal rights in respect of ownership, etc. of property. Further, Art 16(2) states that the marriage of a child shall have no legal effect and that all necessary action shall be taken to specify a minimum marriage age and make registration compulsory.</p>
Mozambique	21 Apr 1997 (A)	
Namibia	23 Nov 1992 (A)	
Nicaragua	27 Oct 1981 (R)	
Niger	8 Oct 1999 (A)	<p>Reservations:</p> <p><i>Article 2, paragraphs (d) and (f)</i></p> <p>The Government of the Republic of the Niger expresses reservations with regard to article 2, paragraphs (d) and (f), concerning the taking of all appropriate measures to abolish all customs and practices which constitute discrimination against women, particularly in respect of succession.</p> <p><i>Article 5, paragraph (a)</i></p> <p>The Government of the Republic of the Niger expresses reservations with regard to the modification of social and cultural patterns of conduct of men and women.</p> <p><i>Article 15, paragraph 4</i></p>

⁵⁸⁷ *Convention on the Elimination of All Forms of Discrimination Against Women*, opened for signature 18 December 1979, 1249 UNTS 13 (entered into force 3 September 1981).

The Government of the Republic of the Niger declares that it can be bound by the provisions of this paragraph, particularly those concerning the right of women to choose their residence and domicile, only to the extent that these provisions refer only to unmarried women.

Article 16, paragraph 1 (c), (e) and (g)

The Government of the Republic of the Niger expresses reservations concerning the above-referenced provisions of article 16, particularly those concerning the same rights and responsibilities during marriage and at its dissolution, the same rights to decide freely and responsibly on the number and spacing of their children, and the right to choose a family name.

The Government of the Republic of the Niger declares that the provisions of article 2, paragraphs (d) and (f), article 5, paragraphs (a) and (b), article 15, paragraph 4, and article 16, paragraph 1 (c), (e) and (g), concerning family relations, cannot be applied immediately, as they are contrary to existing customs and practices which, by their nature, can be modified only with the passage of time and the evolution of society and cannot, therefore, be abolished by an act of authority.

Nigeria	13 Jun 1985 (R)
Rwanda	2 Mar 1981 (R)
São Tomé and Príncipe	3 Jun 2003 (R)
Senegal	5 Feb 1985 (R)
Seychelles	5 May 1992 (A)
Sierra Leone	11 Nov 1998 (R)
South Africa	15 Dec 1995 (R)
South Sudan	30 Apr 2015 (A)
Swaziland	26 Mar 2004 (A)
Togo	26 Sep 1983 (A)
Uganda	22 Jul 1985 (R)
United Republic of Tanzania	20 Aug 1985 (R)
Zambia	21 Jun 1985 (R)
Zimbabwe	13 May 1991 (A)

Convention on the Rights of the Child (1989)⁵⁸⁸

Country	Signature (S), Ratification (R), Accession (A), Succession (D)	Declarations / Reservations
---------	--	-----------------------------

Angola	5 Dec 1990 (R)	
Benin	3 Aug 1990 (R)	
Botswana	14 Mar 1995 (A)	
Burundi	19 Oct 1990 (R)	
Cabo Verde	4 Jun 1992 (A)	
Cameroon	11 Jan 1993 (R)	
Chad	2 Oct 1990 (R)	
Comoros	22 Jun 1993 (R)	
Congo	14 Oct 1993 (A)	
Côte d'Ivoire	4 Feb 1991 (R)	
Democratic Republic of the Congo	27 Sep 1990 (R)	
Equatorial Guinea	15 Jun 1992 (A)	
Eritrea	3 Aug 1994 (R)	
Ethiopia	14 May 1991 (A)	
Gabon	9 Feb 1994 (R)	
Gambia	8 Aug 1990 (R)	
Ghana	5 Feb 1990 (R)	
Guinea	13 Jul 1990 (A)	
Guinea- Bissau	20 Aug 1990 (R)	

⁵⁸⁸ *Convention on the Rights of the Child*, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990).

Kenya	30 Jul 1990 (R)	
Lesotho	10 Mar 1992 (R)	
Liberia	4 Jun 1993 (R)	
Madagascar	19 Mar 1991 (R)	
Malawi	2 Jan 1991 (A)	
Mali	20 Sep 1990 (R)	Reservation: “The Government of the Republic of Mali declares that, in view of the provisions of the Mali Family Code, there is no reason to apply article 16 of the Convention.”
Mauritania	16 May 1991 (R)	Reservation: “In signing this important Convention, the Islamic Republic of Mauritania is making reservations to articles or provisions which may be contrary to the beliefs and values of Islam, the religion of the Mauritania People and State.”
Mozambique	26 Apr 1994 (R)	
Myanmar	15 Jul 1991 (A)	
Namibia	30 Sep 1990 (R)	
Nicaragua	5 Oct 1990 (R)	
Niger	30 Sep 1990 (R)	
Nigeria	19 Apr 1991 (R)	
Rwanda	24 Jan 1991 (R)	
São Tomé and Príncipe	14 May 1991 (A)	
Senegal	31 Jul 1990 (R)	
Seychelles	7 Sep 1990 (A)	
Sierra Leone	18 Jun 1990 (R)	
Somalia	1 Oct 2015 (R)	Reservations: “The Federal Republic of Somalia does not consider itself bound by Articles 14, 20, 21 of the above stated Convention and any other provisions of the Convention contrary to the General Principles of Islamic Sharia.”
South Africa	16 Jun 1995 (R)	
South Sudan	23 Jan 2015 (A)	
Swaziland	7 Sep 1995 (R)	Declaration: “...the Government of the Kingdom of Swaziland would undertake the implementation of the right to free primary education to the maximum extent of available resources and expects to obtain the co-operation of the international Community for its full satisfaction as soon as possible.”
Togo	1 Aug 1990 (R)	
Uganda	17 Aug 1990 (R)	
United Republic of Tanzania	10 Jun 1991 (R)	
Uruguay	20 Nov 1990 (R)	
Zambia	6 Dec 1991 (R)	
Zimbabwe	11 Sep 1990 (R)	

7.3.4. Regional Initiatives

1986 African Charter on Human and People's Rights (Banjul Charter)⁵⁸⁹

FOCUS: Policy, advocacy, regional mobilisation.

This Charter presented a regional interpretation of human rights, while ratifying a number of international instruments concerned with the protection, particularly, of women and children.⁵⁹⁰

- Article 18 states: The State shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of women and the child as stipulated in international declarations and conventions.

1999 African Charter on the Rights and Welfare of the Child⁵⁹¹

FOCUS: Policy, advocacy.

- The African child was brought into focus in 1990 under this Charter which defined a child as a person below 18 (Art 2) and reflected the variety of children's rights that are violated in forced marriages.
- Article 21 is unique as it strives to protect children from harmful social and cultural practices, specifically including marriages and betrothals, imploring states to specify 18 as the minimum age for marriage and to ensure compulsory registration.
- Replicating and strengthening the provisions of the CRC⁵⁹² and ensuring that they are applicable to the situation of all children in Africa.

**Not Ratified By: Central African Republic, Democratic Republic of the Congo, Guinea-Bissau, Liberia, Sao Tome and Principe, Somalia, South Sudan, Swaziland, Zambia.*

2003 Protocol to the African Charter on Human and Peoples' Rights on the Women in Africa (Maputo Protocol)⁵⁹³

FOCUS: Policy

Article 6 outlines the agreement that State parties shall ensure the equal rights of men and women as equal parties in marriage through enacting national legislative measures that guarantee:

- Marriages only take place with free and full consent;
- The minimum marriage age for women is 18; and
- Every marriage is recorded in writing and registered to be legally recognised.

This protocol was the first recognition of the possibility of 'forced' marriage in its requirement that national legislation ensure that marriages are entered into with free and full consent.

⁵⁸⁹ Organization of African Unity, *African Charter on Human and Peoples' Rights*, adopted 27 June 1981, CAB/LEG/67/3 (entered into force 21 Oct 1986).

⁵⁹⁰ Jody Sarich, Michele Olivier and Kevin Bales, above n 576, 461.

⁵⁹¹ Organization of African Unity, *African Charter on the Rights and Welfare of the Child*, adopted 11 July 1990, CAB/LEG/24.9/49 (entered into force 29 November 1999).

⁵⁹² Convention on the Rights of the Child, *opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990)*.

⁵⁹³ African Union, *Protocol to the African Charter on Human and People's Rights and the Rights of Women in Africa*, adopted 11 July 2003, CAB/LEG/66.6 (entered into force 25 November 2005).

**Not Ratified By: Botswana, Burundi, Central African Republic, Chad, Eritrea, Ethiopia, Madagascar, Mauritius, Niger, Sahrawi Arab Democratic Republic, Sao Tome and Principe, Sierra Leone, Somalia, South Sudan.*

The Ouagadougou Declaration on Child Marriages⁵⁹⁴

FOCUS: Advocacy, regional mobilisation

- A declaration adopted by six African countries with high prevalence of forced and child marriages- Burkina Faso, Ghana, The Gambia, Mali, Sudan and Nigeria).
- Declared commitment to adopt a ‘clear and unambiguous position on child and forced marriages’ and to ‘rectify the legislative loopholes between religious, customary and civil marriages’ and ‘sign the Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa’ and ‘ensure that special measures are taken to help end this practice.’

2006 African Union- African Youth Charter Adopted⁵⁹⁵

FOCUS: Policy

Article 8(2) states that ‘young men and women of full age who enter into marriage shall do so based on their free consent and shall enjoy equal rights and responsibilities.

2008 South African Development Community (SADC) Protocol on Gender and Development⁵⁹⁶

FOCUS: Policy

Article 8 specifies ‘Marriage and Family Rights’ including the recognition of men and women as equal partners in marriage.

Importantly this protocol is another call to Nations to ensure that:

- No person under 18 shall marry, unless otherwise specified by law;
- Every marriage takes place with the full and free consent of both parties; and
- Every marriage is registered.

One issue apparent in this protocol is the specification that no person under 18 shall marry, ‘unless otherwise specified by law.’ this inadvertently affirms current national trends of child marriage, so long as the activity is carried out within legal bounds. this does little to eradicate the systemic issue of child marriage.

2009 African Union Campaign on Accelerated Reduction of Maternal Mortality in Africa (CARMMA)⁵⁹⁷

FOCUS: Health, community mobilisation

This initiative was derived from the AU Maputo Plan of Action (2003).

⁵⁹⁴ Institute for Women’s Empowerment, *Ouagadougou Declaration on Child Marriages* (11 October 2003) <<http://wrrc.wluml.org/node/1211>>.

⁵⁹⁵ African Union, *African Youth Charter*, adopted 2 July 2006 (entered into force 8 August 2009).

⁵⁹⁶ *South African Development Community*, Protocol on Gender and Development, signed and entered into force 17 August 2008 <www.sadc.int/files/8713/5292/.../Protocol_on_Gender_and_Development_2008.pdf>

⁵⁹⁷ African Union, *Campaign on Accelerated Reduction of Maternal, Newborn and Child Mortality in Africa* <<http://www.carmma.org/>>.

Purpose: Mobilising political will to ensure that the lives and health of women/ girls giving birth are taken seriously and further coordinating/ harmonising interventions.’ This initiative did not directly recognise CEFM as a fundamental issue, rather, it was an effort to address some of its symptoms.

2014 African Union Campaign to End Child Marriage in Africa⁵⁹⁸

FOCUS: Advocacy, community mobilisation, policy change, support

The AU’s first ever and most pivotal campaign to end child marriage, launched on 29 May 2014. This was the first time there was a significant shift to the dialogue and focus on ‘child marriage’ in Africa, alongside the global community.

This was a two-year campaign organised in partnership with UNICEF and UNFPA aiming to accelerate efforts to end child marriage by encouraging African Governments to implement strategies to raise awareness of and address the harmful impacts of child marriage.

Initiative included:

- Organising events with media, civil society organisations and policymakers to increase awareness of the problems in each country;
- Increase data collection to help governments and agencies combat the practice more efficiently;
- Promote the implementation of child marriage related laws, including those with a focus on human rights, gender equality and maternal and child health.
- Technical support to be made available to Member States.

2015 Agenda 2063- The Africa We Want⁵⁹⁹

FOCUS: Advocacy

The Agenda specifically contains a *call to action* to speed up actions towards ending all forms of gender-based violence and discrimination against women and girls so that they may fully enjoy all their human rights. Specifically, the Agenda calls for the harmful social practice of child marriage to be ended, particularly as child marriage presents such a barrier for female quality health and education.⁶⁰⁰

First African Girls Summit on Ending Child Marriage in Africa⁶⁰¹

FOCUS: Advocacy

The main objective of First African Girls’ Summit is to share experiences and good practices as well as challenges on ending child marriages at country, regional and international levels, particularly with countries that have already launched the AU Campaign on ending Girls’ Child Marriage.

The Summit was attended by Member States, Ministers dealing with social development issues and children affairs, Ministers of Finance, Religious and Community Leaders, youth advocates particularly women and girls affected by child

⁵⁹⁸ Girls Not Brides, *African Union Launches its First-Ever Campaign to End Child Marriage* (29 May 2014) <<http://www.girlsnotbrides.org/african-union-launches-first-ever-campaign-end-child-marriage/>>.

⁵⁹⁹ African Union Commission, *Agenda 2063: The Africa We Want* (2015) <www.un.org/en/africa/osaa/pdf/au/agenda2063.pdf>.

⁶⁰⁰ Ibid 17.

⁶⁰¹ UN Women, *Girls Speak Out at the First African Girls’ Summit on Ending Child Marriage* (27 November 2015) <<http://www.unwomen.org/en/news/stories/2015/11/girls-speak-out-at-the-first-african-girls-summit-on-ending-child-marriage>>.

marriage; Development Partners, UN Agencies, bilateral and multi-lateral Agencies and representatives from Civil Society Organisations.

The Summit is designed to:

- Enhance continental awareness on the consequences of child marriage;
- Accelerate the need to end child marriage in Africa.

2016 2016 Declared the African Year of Human Rights with Focus on the Rights of Women⁶⁰² FOCUS: Advocacy

Specified objectives included:

- Encourage Member States to develop policies, plans of actions and programmes on the promotion and protection of human and peoples' rights, and specific programmes with the intention of integrating women in all spheres of life to boost women's empowerment in Africa;
- To popularise the Maputo Protocol and other AU and UN instruments like the CEDAW, UN Resolutions on Women with simplified publication and also translated into local languages, and also through local media used by communities.

SADC Adopted the 'Model Law on Eradicating Child Marriage and Protecting Children Already in Marriage'⁶⁰³

FOCUS: Law, policy, advocacy

- Requires member states to harmonise their national laws to prevent child marriage in support of the AU Campaign to End Child Marriage.
- The Model Law will address the most common problem of inconsistencies and gaps in the laws which weaken the sanction mechanisms available to law enforcement agencies in Africa.
- The Model Law has been highly commended for its elimination of several loop holes that make current laws ineffective and unenforceable, including parental and judicial consent and conflicts between customary and statutory laws.

⁶⁰² African Union, 2016: *African Year of Human Rights with a Particular Focus on the Rights of Women* (27 January 2016) <<https://www.au.int/en/pressreleases/19615/2016-african-year-human-rights-particular-focus-rights-women>>.

⁶⁰³Girls not Brides, *SADC Parliamentarians Adopt Model Law on Eradicating Child Marriage* (4 June 2016) <<http://www.girlsnotbrides.org/sadc-model-law-child-marriage/>>.

7.3.5. National Initiatives

The following three countries were intentionally selected as representative of countries with a respectively high (Niger), mid (Nigeria) and low (Ghana) prevalence of CEFM across African continent.

NIGER

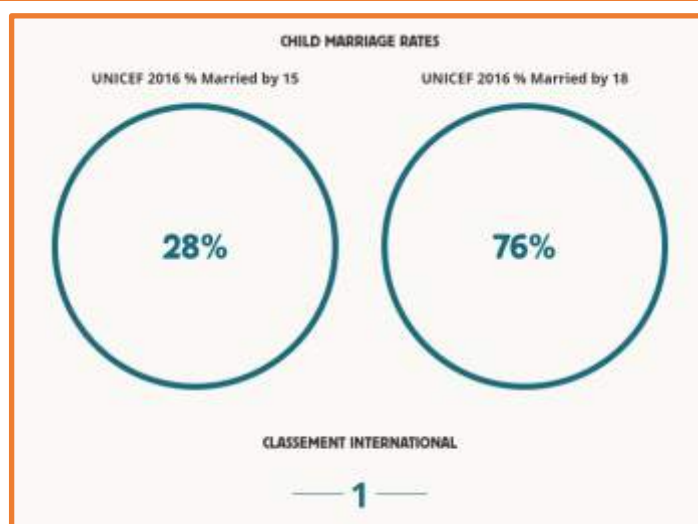


Figure 12: According to UNICEF's *State of the World's Children 2016*
<http://www.girlsnotbrides.org/child-marriage/niger/>

UNITED NATIONS INITIATIVES

2007 UNFPA 'School for Husbands'⁶⁰⁴

FOCUS: community mobilisation, male education

An innovative initiative incorporating the socio-cultural reality that men wield the power in Niger according to tradition and legal codes. 137 schools have been established in the Zinder region of Southern Niger, with more opening. The program is voluntary but men are selected on nine criteria, including being a husband whose wife/wives use the reproductive health services and are of good moral conduct and acceptance of women's participation in community life. The idea is that these men become guides and role models within their family and for other men in the community.

Although this does not address causes of child marriage, it has had significant impacts in the rates of family planning use and changing the dynamics of the marriages girls enter into.

⁶⁰⁴ United Nations Population Fund, 'School for Husbands' Encourages Nigerien Men to Improve Health of their Families (20 April 2011) <<http://www.unfpa.org/news/%E2%80%98school-husbands%E2%80%99-encourages-nigerien-men-improve-health-their-families>>.

⁶⁰⁵ United Nations Population Fund, *UNFPA's Action for Adolescent Girls: Building the Health, Social and Economic Assets of Adolescent Girls, Especially Those at Risk of Child Marriage*, Programme Document (25 July 2014) 13.

2013 UNFPA Action for Adolescent Girls in Niger (Illimin)⁶⁰⁵

FOCUS: Advocacy, community mobilisation, health, education

5 year UNFPA strategy supporting the Niger Government to end child marriage, reduce adolescent pregnancy and empower the most marginalised girls in rural areas.

The program attacks child marriage and early childbearing by addressing both its causes and consequences.⁶⁰⁶ Further, the programme is working with Government partners to advocate changing the national legal marriage age from 15 to 18 and to support the AU's campaign to end child marriage.⁶⁰⁷ Local women recruited and trained to mentor girls on their rights, hygiene, sexual/ reproductive health, literacy, numeracy and financial skills, with weekly sessions held in 'safe spaces'. Already married girls received basic health services, those who did not have birth registration or health cards were helped to obtain these.⁶⁰⁸

Results: Pilot phase of the programme already having a positive impact. There has been an increase in contraceptive use, from 19 to 34%, among married participants. Only 2% of unmarried girls were married by the end of the programme. In 2014 and 2015 10,000 girls completed the Safe Space education program and 16,000 in 2016.

2014 UN Women- Orange Street Non- Violence Against Women Program⁶⁰⁹

FOCUS: advocacy

- A campaign encouraging people to dress in orange clothing to parade the streets and spread anti-violence messages, focusing on women and the girl child.
- Protecting the rights of the child and creating awareness about gender-based violence in Nigeria.

2016 UNFPA-UNICEF Global Programme to Accelerate Action to End Child Marriage⁶¹⁰

FOCUS: advocacy

** Still in the development phase*

Key Objectives:

- *Initial Phase* (First four years)- strengthen institutions and systems to deliver services and opportunities for girls. Will lay the foundation for attitudinal change among families and communities for a longer-term shift in behaviours and norms.
- *Midterm* (5-10 years)- Use the demonstration and catalytic power of the strengthened systems, communities and girls to further accelerate process at a significant scale.
- *Long term* goals (10-15 years): Significantly larger proportions of girls enjoy childhood free from risk of marriage.

⁶⁰⁶ United Nations Population Fund, *In Niger, Empowering Girls to Take a Stand Against Child Marriage* (21 July 2014) <<http://www.unfpa.org/news/niger-empowering-girls-take-stand-against-child-marriage>>.

⁶⁰⁷ Ibid.

⁶⁰⁸ Ibid.

⁶⁰⁹ UN Women, *Around the World, Women and Men of All Ages 'Orange their Hoods' to End Violence* (11 December 2014) <<http://www.unwomen.org/en/news/stories/2014/12/around-the-world-women-and-men-of-all-ages-orange-their-hoods>>.

⁶¹⁰ United Nations Children's Fund, *UNFPA-UNICEF Global Programme to Accelerate Action to End Child Marriage* (2 September 2016) <https://www.unicef.org/protection/57929_92681.html>.

Empowering Adolescent Girls and Young Women through Education- Joint Programme by UNESCO, UN Women, UNFPA and the World Bank⁶¹¹

FOCUS: education, advocacy

* *Still in the development phase*

Niger as one of 20 countries chosen for programme, focusing on building girls' educational attainment as the primary contributing factor to gender-based violence, high maternal mortality, poor nutrition and child marriage.

This initiative will be implemented through four components:

1. Improving the quality and relevance of education for adolescent girls and women;
2. Fostering an enabling environment through advocacy and inter-sectoral coordination and governance;
3. Strengthening the policy and programmatic linkages between the health and education sectors to respond to the needs and rights of adolescent girls and women; and
4. Building the evidence-base for gender-responsive education policies and actions.

GOVERNMENT INITIATIVES

2006 Niger Government Made Caesarean Sections Free of Charge for any Woman:

FOCUS: Health

- Initiative to combat the prevalence of maternal mortality issues such as Vesicovaginal
- Fistula which is particularly prevalent in young girls giving birth before physical maturity.
- Limited effectiveness as although free, qualified medical expertise is in short supply.

2010 Niger Government Expresses Greater Commitment to Girls Issues:⁶¹²

FOCUS: Education, health, Law

In 2010 the Niger government expressed the following commitments:

- Increase health spending from 8.1% to 15% by 2015 with free care for maternal and child health, including obstetric complications;
- Niger will train 1000 providers on adolescent reproductive issues, to address domestic violence and genital mutilation.
- Training to be provided to 1500 family planning centres and creation of 2120 new contraceptive distribution states;
- To introduce new policies to increase the legal age of marriage to 18 and improve female literacy from 28.9% in 2002 to 88% in 2013.

⁶¹¹ UNESCO, *Empowering Adolescent Girls and Young Women through Education* (United Nations Educational, Scientific and Cultural Organization, 2015)
<unesdoc.unesco.org/images/0023/002319/231944e.pdf>.

⁶¹²Every Woman Every Child, *Commitments: Niger* (21 November 2016)
<<https://www.everywomaneverychild.org/commitment/niger/>>.

⁶¹³ World Health Organisation, *London Summit on Family Planning* (2012) 11
<www.who.int/pmnch/media/news/2012/fpsummitcommitments090712.pdf>.

2012 Commitments Expressed at London Family Planning Summit:⁶¹³

FOCUS: Advocacy, policy change

Niger Government made the following commitments in 2012 at the Summit:

- Quadruple its family planning budget for 2013;
- Policy change to include injectable contraceptives;
- Scale up UNFPA's 'School for Husbands' to further address cultural change needed to address girls' issues, including child marriage.

2014 Niger Launched the African Union Campaign to End Child Marriage⁶¹⁴

FOCUS: Advocacy

The Minister reaffirmed the government's unwavering commitment to working with the AU Commission and other development partners in ensuring the end of child marriage in Niger. The minister stated implementation through policy action in the protection and promotion of human rights is essential – especially that of girls and women, by removing barriers and bottlenecks to law enforcement, and ensuring that girls are enrolled in and stay in school beyond primary level.

2016 Niger Ministry for the Promotion of Women and Child Protection Set up National Committee

FOCUS: Advocacy

Committee set up to coordinate action towards ending child marriage in Niger.

NGO INITIATIVES

(N/A) Plan International- Protecting all Children in Niger, Including in Emergency Situations⁶¹⁵

FOCUS: Advocacy, community mobilisation

Plan International is an independent development and humanitarian organisation that advances children's rights and equality for girls in particular. This particular programme in Niger worked to:

- Encourage communities to reduce harmful practices such as child marriage by partnering with traditional leaders and community members.
- Set up 20 committees, which report child abuse and attend training sessions on the dangers of child marriage and promote sexual and reproductive health.
- Set up 77 child protection committees to increase local knowledge and awareness about child marriage and other types of abuse.
- Set up Youth Governments in communities, such as Tombo Beri, to manage youth issues including child marriage allowing girls to express themselves and oppose marriage of their peers.
- Cases of abuse and child marriage are decreasing in these communities.

⁶¹⁴ African Union Commission, *The Republic of Niger Launches AU Campaign to End Child Marriage in Africa* (10 December 2014) <<https://www.au.int/web/en/newsevents/27021/republic-niger-launches-au-campaign-end-child-marriage-africa>>.

⁶¹⁵ Plan International, *Child Protection in Niger: Protecting all Children in Niger, Including During Emergency Situations* <<https://plan-international.org/niger/child-protection-niger>>; Plan International, *Girls Stand Against Child Marriage in Niger* <<https://plan-international.org/niger/girls-stand-against-child-marriage>>.

NIGERIA

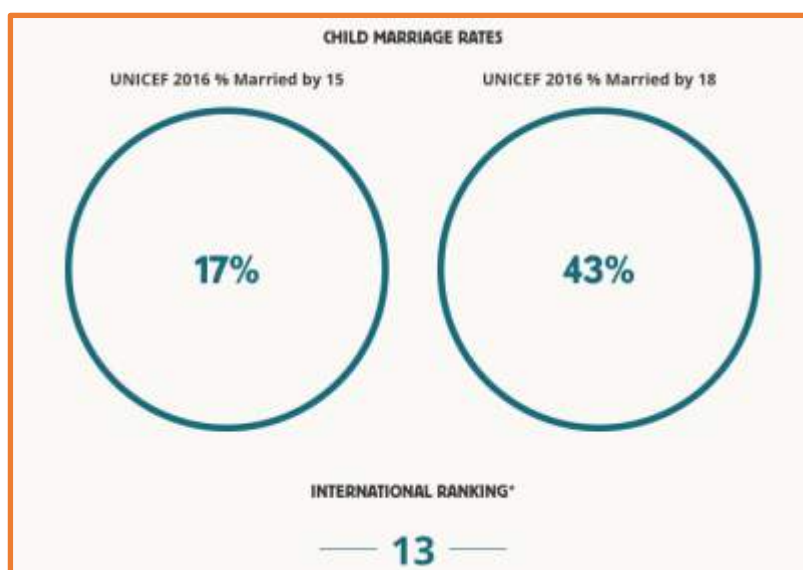


Figure 13: According to UNICEF's *State of the World's Children 2016*
<http://www.girlsnotbrides.org/child-marriage/nigeria/>

UNITED NATIONS INITIATIVES

***United Nations organisations are largely active through funding Governmental, NGO and Civil Society Action in Nigeria.**

2012 Action for Adolescent Girls⁶¹⁶

FOCUS: Education, health, community mobilisation, advocacy, policy

The program utilises primarily community-level girl groups providing opportunities for social participation, leadership, life skills and literacy.

The Framework for Action outlines how certain key drivers will be addressed:

- Targeted outreach to girls in the poorest/ rural communities;
- Building girls' health assets (health information and a quality healthcare package including contraceptive and HIV services), social assets (access to a safe space, social networking, fundamental life skills, personal documentation and a safety plan) and economic assets (financial literacy and personal savings accounts, linkages to formal and informal education, skills, training and work experience);
- Mobilising communities to assist girls to complete their education, marry only at 18 or older and become pregnant only after age 20;
- Advocate with national ministries to deliver on girls' entitlements to healthcare, education, employment and social protection; and

⁶¹⁶ United Nations Population Fund, *UNFPA's Action for Adolescent Girls: Building the Health, Social and Economic Assets of Adolescent Girls, Especially Those at Risk of Child Marriage*, Programme Document (25 July 2014) 13.

- Building the evidence base for policy and program design, implementation and evaluation to establish best practices for the future.

GOVERNMENT INITIATIVES

2003 Implementation of the *Child Rights Act*⁶¹⁷

FOCUS: Policy

An Act passed by the National Assembly in July 2003 to domesticate the *Convention on the Rights of the Child*, signed by Nigeria in 1991.⁶¹⁸

Importantly, the Act legislates that:

- Section 21: ‘No person under the age of 18 years is capable of contracting a valid marriage, and accordingly, a marriage so contracted is null and void and of no effect whatsoever’.
- Section 22: ‘No parent, guardian or any other person shall betroth a child to any person’.
- Section 23: ‘A person who marries a child, or to whom a child is betrothed, or who promotes the marriage of a child, or betroths a child commits an offence and its liable on conviction to a fine of five hundred thousand Naira or imprisonment for five years or both’.

* Only 23 of the 36 Nigerian states have implemented this Act.

2006 National Plan of Action for Orphans and Vulnerable Children in Nigeria 2006-2010⁶¹⁹

FOCUS: Advocacy, policy, community mobilisation

A five-year costed National Plan of Action to address the survival, protection, care and support needs of the most vulnerable children. Developed through consultative and participatory approaches among all stakeholders, including adults and children.

The NPA recognises the eight elements of legislation, attitudes, open discussion, children’s life skills, capacity and awareness of communities, teachers and service providers, services for rehabilitation, monitoring and reporting, and government commitment as integral to the advancement of child’s rights. This NPA set out a legal and institutional framework for implementation including strengthening coordination and partnership, implementation structures, advocacy and social mobilisation, human resource development, engagement of civil society organisations, participatory rights of children, gender inequalities and monitoring and evaluation.

Children who marry before the age of 18, who have dropped out of school, have been sexually abused and children living with HIV were explicitly included and recognised as ‘extremely vulnerable’.

⁶¹⁷ *Child Rights Act 2003* (Nigeria).

⁶¹⁸ *Convention on the Rights of the Child*, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990).

⁶¹⁹ Federal Ministry of Women Affairs and Social Development, *Orphans and Vulnerable Children: National Plan of Action 2006-2010*.

2012 Commitment to Family Planning at the London Summit on Family Planning⁶²⁰

FOCUS: Health

In addition to Nigeria's commitment of US \$3 million for the procurement of reproductive health commodities, Nigeria committed to provide an additional US \$8.35 million annually over the next four years for family planning and reproductive health service delivery. This included training health workers to deliver a range of contraceptives to improve equity and access to family planning for the poorest girls.

2013 National Priority Agenda for Vulnerable Children 2013-2020⁶²¹

FOCUS: Advocacy

The Federal Government of Nigeria committed to ending child violence and set as one of its six priorities that all children are safe from abuse, violence, exploitation and neglect (including child marriage).

The NPA has moved towards a new approach which involves prioritizing vulnerable children's needs within the family and community context and strengthening community systems for effective service delivery, referrals and linkages. The NPA encourages family-centred interventions at the household level and focuses interventions on addressing children's most critical care needs and strengthening families to provide for their children's basic needs.

2015 Year of Action to End Violence Against Children and Priority Actions- Launched by the President of the Republic of Nigeria (Supported by UNICEF with funding from USAID and the EU)⁶²²:

FOCUS: Advocacy, enforcement mechanisms, education

The President launched this year as a demonstration of commitment to the 2013 National Priority Agenda following shocking findings in a 2014 Violence Against Children Survey illustrating high levels of emotional, physical and sexual violence in Nigeria. The year intended to bring this issue to the forefront, calling on Ministries and Agencies, NGO's, religious and community leaders, the media, communities, parents and every Nigerian to play their part in responding to violence against children. While one year was acknowledged as insufficient to end violence, this was the first time a campaign was launched in Nigeria to bring together all sectors of society to prevent violence against children, including: emotional, physical and sexual violence.

- The Ministry of Women's Affairs and Social Development set up their own priority actions including setting up a Technical Working Group to launch the Campaign to End Child Marriage in Nigeria.
- The Federal Ministry of Education implemented gender-sensitive child participation activities in all primary and secondary schools, empowering children to learn life skills and know their rights and sensitized female students in reproductive health, including

⁶²⁰ World Health Organisation, *London Summit on Family Planning* (2012) 12
<www.who.int/pmnch/media/news/2012/fpsummitcommitments090712.pdf>.

⁶²¹ Federal Ministry of Women Affairs and Social Development, *National Standards for Improving the Quality of Life of Vulnerable Children in Nigeria* (2014).

⁶²² UNICEF Nigeria, *Ending Violence Against Children in Nigeria- A Year of Action* (October 2016)
<https://www.unicef.org/nigeria/resources_11016.html>.

knowledge on child marriage and, Vesicovaginal Fistula (VVF) and genital mutilation.

Implementation of Violence Against Persons Prohibition Act⁶²³

FOCUS: Policy

Adopted to address female genital and harmful traditional practices such as forced and child marriage.⁶²⁴ While the Act does not explicitly mention these practices, the definition is sufficiently wide as to include them.⁶²⁵

2016 End Violence Against Children by 2030 Campaign (Supported by UNICEF and USAID⁶²⁶

FOCUS: Advocacy

The President launched this campaign, reaffirming Nigeria's commitment to revitalising its efforts to tackle violence against children. A National Plan of Action will be developed, translating the Priority Actions developed out of the *Year of Action to End Violence Against Children* into concrete activities and commitments for all relevant stakeholders.

Nigeria Launched African Union Campaign to End Child Marriage in Africa-National Strategy to End Child Marriage in Nigeria 2016-2021⁶²⁷

FOCUS: advocacy, education, health, community mobilisation, religious practices.

Commitment of the Nigerian Government, led by the Ministry of Women Affairs and Social Development, to achieve the Sustainable Development Goals, to reduce child marriage by 40% by 2020, and eradicate it by 2030.⁶²⁸

Recognition that policies such as the *Child Rights Convention* and *Child Rights Act* lack implementation structures to address the practice of child marriage and the sensitive root causes. Strategy aims to highlight the multi-faceted and multi-sectoral activities required to eliminate child marriage, from various sectors including health, education, budget and planning, traditional and religious bodies, civil society organisations and internal affairs, alongside all three arms of Government.

The plan proposes establishing a National Coordination Unit at the Federal Ministry of Women Affairs and Social Development to oversee its implementation, performance and impact.

⁶²³ Girls Not Brides, *Nigeria* <<http://www.girlsnotbrides.org/child-marriage/nigeria/>>.

⁶²⁴ *Violence Against Persons (Prohibition) Act 2015* (Nigeria) s 6.

⁶²⁵ Cheluchi Onyemelukwe, 'Legislating on Violence Against Women: A Critical Analysis of Nigeria's Recent Violence Against Persons (Prohibitions Act), 2015 (2016) 5(2) *DePaul Journal of Women, Gender and the Law* 1, 30.

⁶²⁶ UNICEF Nigeria, *President of Nigeria Launches Campaign to End Violence Against Children by 2030* (25 October 2016) <https://www.unicef.org/nigeria/protection_10794.html>.

⁶²⁷ Girls Not Brides, *National Strategy to End Child Marriage in Nigeria (2016- 2021)* (29 November 2016) <<http://www.girlsnotbrides.org/resource-centre/national-strategy-end-child-marriage-nigeria-2016-2021/>>.

⁶²⁸ *Ibid.*

NGO INITIATIVES

2013 **Building Collaboration, Partnerships and Political Commitment to Delay Early Marriage and the Onset of Childbearing in Northern Nigeria (Funded by the Ford Foundation and anchored by ActionAid Nigeria)**⁶²⁹

FOCUS: Advocacy

This collaborative project, anchored by ActionAid Nigeria aimed to establish a strong and effective consortium of civil society organisations working to delay marriage in the North-western states of Kaduna and Kano. Further, the project aimed to increase awareness among key stakeholders of the adverse consequences of child marriage and to build political commitment for concrete measures for its reduction.

The following are a few examples of initiatives by key cooperating NGO partners:

1. *Centre for Girls' Education- Empowerment for Girls' Education*⁶³⁰

FOCUS: Education

The approach taken to delay early marriage and the onset of childbearing in Zaria, Northern Nigeria was safe spaces for girls to be educated. Girls are taught basic literacy and numeracy, in addition to life skills such as reproductive health and personal hygiene. Girls are also taught how to prepare oral rehydration solution, cookery and how to be assertive and say no to being removed from school and married. The centre publishes a comic book to help girls remember what they have learnt in the safe spaces, and so they can practice literacy at home and spread the message to younger siblings at home.

2. *Girl Child Concerns- Empowerment for Girls' Education at the Girl Child*⁶³¹

FOCUS: Education and empowering girls -A multifaceted innovation mentoring and empowering girls in education programs and also education supported by community mobilization to change knowledge, attitudes and beliefs of men and boys, alongside advocacy for policy change.

Step one is identifying communities through the annual school census to detect those with the lowest enrolment/ retention rate. Then, a needs assessment and situation analysis is held with mothers and fathers separately to discern reasons for not sending girls to school, in which mothers predominantly open up. Step two is community mobilization, focusing on meeting with men to discuss how to resolve the issues their women claim are keeping their daughters out of school and educate them on the health risks associated with child marriage. The men are encouraged to form a committee within the community to ensure girls have access to education. Young boys are also incorporated into committees, to ensure their sisters go to school as often brothers have a strong involvement in the bride wealth issue. Community leaders are also targeted in advocacy.

⁶²⁹ Development Research and Projects Center, *Stories of Innovations to Delay Early Marriage by Indigenous Nigerian NGOs*, 1 <drpcngr.org/attachments/.../Innovations%20to%20Delay%20Early%20Marriage.pdf>.

⁶³⁰ Ibid 2.

⁶³¹ Ibid 4.

Once the environment is established, mentoring of girls to study, keep to themselves, avoid bad friends, promiscuity and bad influences begins, so they may represent a good example to other girls and their parents will remain proud of sending them to school. Life skills are emphasised and girl only camps are used as safe spaces.

3. Isa Wali Empowerment Initiative- Empowerment for Girls' Education⁶³²

Advocacy

FOCUS: Advocacy

Engaging with the Kano State Government to adopt the Nigerian *Child Rights Act*, and then to modify it through a 'Child Protection Bill' to legislate the requirement of girls' education. Significant lobbying has led to the Commissioner for Women's Affairs to have an interest in the Bill, which is currently under review.

Economic Empowerment Programme⁶³³

FOCUS: Education, economic independence

An initiative aiming to incentivise the continued enrolment of girls in school and provision of workshops to teach girls skills needed in the community to increase autonomy and decrease incentives to marry.

One group of girls learned how to process and package rice which they are encouraged to sell to community members after school. Another group of girls learned to make reusable sanitary towels to sell after school and to give to peers to sell on commission. This also benefits the girls in enabling them to attend school on the days when they have their periods, a significant barrier in young girls' access to education.

2016 #MakeGirlsVoicesCount A Digital Action Campaign by Girls Voices Initiative⁶³⁴

FOCUS: Advocacy, community mobilisation, girl empowerment

This initiative aims to mobilize community action towards girl's issues and empowerment through radio call-ins and social media engagement. The initiative targeted radio programs, as at least 74% of households in developing countries have radio, and of 185 million radio receivers in Africa, over 23 million are in Nigeria. The initiative focuses on the radio frequency with the greatest reach- the Federal Radio Corporation of Nigeria on Kapital FM 92.9.

- The Campaign will share girl's stories over a radio series program every week for 3 months, ending in the call-to-action and dissemination of relevant information to listeners to tackle girl's issues.
- The Campaign seeks to spotlight girls' voices on various issues affecting them such as child marriage, early childbirth, lack of education, child labour/ abuse, gender based violence etc.

⁶³² Ibid.

⁶³³ Girls Not Brides, *Economic Empowerment and Child Marriage: Lessons From Nigeria* (15 March 2017) <<http://www.girlsnotbrides.org/economic-empowerment-child-marriage-lessons-nigeria/>>.

⁶³⁴ Girls Voices Initiative, *#MakeGirlsVoicesCount: A Digital Campaign by Girls Voices Initiative* <<http://www.girls-voices.org/makegirlsvoicescount>>.

- The intention is to teach girls to use their voices and to inspire social change in societal perceptions and behavioural attitudes towards girls and their value.

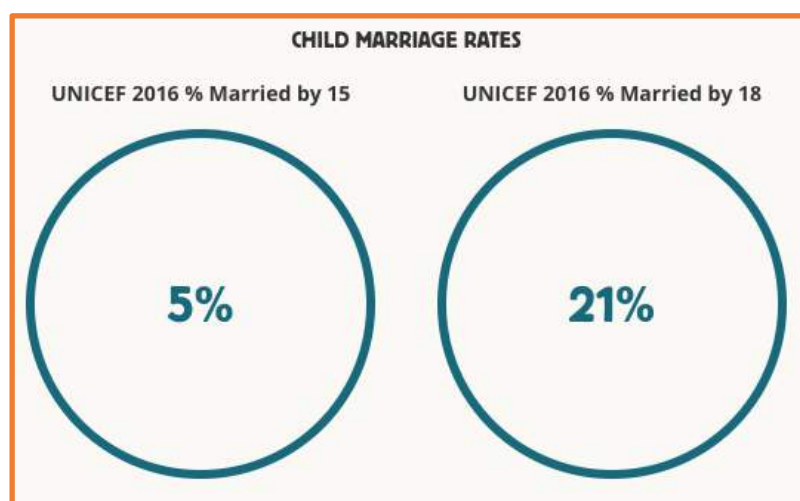
TakeMeBackToSchool A Documentary Film Project by Girls Voices

Initiative⁶³⁵

FOCUS: Advocacy, education

This initiative created a documentary film project profiling girls' education experiences and the impact of early marriage on girls' education. The documentary advocates for girl's education as a strategy to stop early marriages of girls. The film has been screened in some communities and will continue to screen to inspire girls and empower women and other stakeholders to positively influence communities to continue girl's enrolment in school.

GHANA



*Figure 14: According to UNICEF's State of the World's Children 2016
<http://www.girlsnotbrides.org/child-marriage/ghana/>*

UNITED NATIONS INITIATIVES

2016 UNFPA-UNICEF Global Programme to Accelerate Action to End Child

FOCUS: Advocacy, community mobilisation.

* *Still in development phase*

Key Objectives:

- Initial Phase (First four years): Strengthen institutions and systems to deliver services and opportunities for girls. Will lay the foundation for attitudinal change among families and communities for a longer-term shift in behaviours and norms.

⁶³⁵ Girls Voices Initiative, #TakeMeBackToSchool: A Documentary Film Project <<http://www.girls-voices.org/takemebacktoschool>>.

⁶³⁶ UNICEF, UNFPA- UNICEF Global Programme to Accelerate Action to End Child Marriage (2 September 2016) <https://www.unicef.org/protection/57929_92681.html>.

- Midterm (5-10 years): Use the demonstrated and catalytic power of the strengthened systems, communities and girls to further accelerate processes at a significant scale.
- Long term goals (10-15 years): Significantly larger proportions of girls full enjoy childhood free from risk of marriage.

GOVERNMENT INITIATIVES

1998 Children's Act 1998

- Set the minimum age for marriage at 18.
- Prohibits child marriages and criminalises them.

2014 Ghana Ministry of Gender, Children and Social Protection set up an Ending Child Marriage Unit⁶³⁷

FOCUS: Enforcement

2015 High-Level National Advisory Committee- Initiated by the Ministry of Gender, Children and Social Protection⁶³⁸

FOCUS: advocacy, strategy

Provides strategic guidance on addressing child marriage.

National Stakeholders Working Group Created by the Ministry of Gender, Children and Social Protection⁶³⁹

FOCUS: Enforcement

Bringing together civil society, government authorities and development partners working on the issue of child marriage.

2016 Ghana Government Launched African Union Campaign to End Child Marriage in Africa- 'National Campaign to End Child Marriage'⁶⁴⁰

FOCUS: Advocacy

2017 Ministry Launched 2017-2026 'National Strategic Framework on Ending Child Marriage in Ghana'⁶⁴¹

FOCUS: Advocacy, policy, community mobilisation

A 10-year strategy to end child marriage, along with a 2-year work plan to roll out the strategy at national, regional and district levels.

The strategy aims to:

- Empower girls and boys to prevent and respond to child marriage;
- Influence positive change in community beliefs, attitudes and social norms;

⁶³⁷ Girls Not Brides, Ghana <<http://www.girlsnotbrides.org/child-marriage/ghana/>>.

⁶³⁸ Girls Not Brides, Ghana Launches African Union Campaign to End Child Marriage (11 February 2016) <<http://www.girlsnotbrides.org/ghana-launches-national-campaign-to-end-child-marriage/>>.

⁶³⁹ Ibid.

⁶⁴⁰ Ibid.

⁶⁴¹ Ibid.

- Accelerate access to quality education, sexual and reproductive health information and services;
- Ensure the legal and policy frameworks related to ending child marriage are in place, effectively enforced and implemented; and
- Increase the quality and amount of data and evidence available to inform policy and programming.

2017 Government Announced Plan to Take the Lead in Engaging ECOWAS on Child Marriage⁶⁴²

FOCUS: Regional mobilisation, advocacy.

NGO INITIATIVES

2010 ActionAid- Creation of ‘Community-Based Anti-Violence Teams (COMBATS) in Ghana (in collaboration with UNICEF)⁶⁴³

FOCUS: Advocacy, community mobilisation, enforcement.

ActionAid established COMBATS, a group of men and women who have undergone extensive training by the Domestic Violence and Victim Support Unit of the Ghana Police Service. These advocates pursue human rights by campaigning against child marriage, domestic violence and genital mutilation.

These groups are particularly focused on the issue of ‘abduction for marriage’ in Northern communities, with one woman stating her involvement in rescuing 27 girls from child marriage, including rescuing her own child four times.

- 2014- 126 schoolgirls from 57 communities in the Upper West Region rescued from child marriage and sent back to school to continue education.

ActionAid Girls Clubs (2010- 2012)⁶⁴⁴

FOCUS: Education

‘Girls Clubs’ set up in three districts in 2010 participating in activities to improve academic retention, performance and build confidence.

An English instructor was engaged who held sessions on a community radio station to transmit live English lessons on two days a week, primarily targeting girls club members. ActionAid provided radio sets and set up a monitoring programme.

2013 School for Life Strategic Plan 2013-2018 (Funded by DANIDA, DFID, USAID and UNICEF)⁶⁴⁵

FOCUS: Advocacy

⁶⁴² Government of Ghana, *Ghana Leads Global Campaign to End Child Marriage* <<http://www.ghana.gov.gh/index.php/media-center/news/2612-ghana-leads-global-campaign-to-end-child-marriage>>.

⁶⁴³ ActionAid, *Four Times Captured Four Times Rescued* (15 May 2017) <<http://actionaid.org/ghana/2017/05/four-times-captured-four-times-rescued>>.

⁶⁴⁴ ActionAid, *Girl Clubs Promoting Girls’ Education* (4 September 2013) <<http://www.actionaid.org/ghana/2013/09/girls-clubs-promoting-girls-education>>.

⁶⁴⁵ School For Life, *SFL Strategic Plan* <<http://www.schoolforlifegh.org/>>.

This initiative recognises the common reasons cited for non-enrolment and attendance of Ghanaian girls in primary schools, including fees and early marriage sanitary material for girls. The initiative aims to reduce such socio-cultural barriers especially to girls' education so that the benefits of female education may be realised.

This initiative seeks to influence service delivery practice, rather than delivering services directly. These include education advocacy and policy change; civil society coordination and participation; promoting complementary basic education and providing evidence, capacity building and technical support for appropriate educational approaches to be adopted and applied.

2017 'Sustaining Human Progress, Reducing Vulnerabilities and Building Resilience' - The Meta Foundation⁶⁴⁶
FOCUS: Advocacy

Project to be implemented in 39 communities in Builsa North Districts, and 41 communities in Nabdam Districts, representing the communities with the highest prevalence.

The initiative will intensify advocacy by facilitating interaction among community members, especially parents, on the need to end child marriage and that poverty and economic incentives are no excuse to marry girls under 18. The advocacy will attempt to use the 'communication for development' model to involve community members, health workers, births and deaths registry and the media to fight child marriage.

(N/A) NORSAAC- Let the Girl Smile: Say No to Child Marriage (Funded by UNICEF)⁶⁴⁷
FOCUS: Education, community mobilisation, advocacy

This project advocates at both the school and community level, creating community structures to build a network of campaigners against child marriage in two districts (Tolon and Mion in Northern Ghana).

In schools, Children Against Child Marriage (CCMs) clubs have been developed and educational trainings have been implemented to build understandings. The CCMs facilitate understanding amongst peers, campaign against child marriage. They have been implemented in 30 Junior High Schools in the two focus districts.

At the community level, traditional leaders, religious leaders and community members have been engaged to support the eradication of child marriage and related practices. Training has been implemented within the communities to enhance awareness of issues and dangers related to child marriage.

(N/A) NORSAAC- Young Urban Women: Life Choices and Livelihood (YUW) (Funded by Norwegian Agency for Development Cooperation and in partnership with ActionAid Ghana)⁶⁴⁸

⁶⁴⁶ CitiFMOnline, *NGO Initiates Project to End Child Marriage in Nabdam, Builsa North* (30 March <<http://citifmonline.com/2017/03/30/ngo-initiates-project-to-end-child-marriage-in-nabdam-builsa-north/>>).

⁶⁴⁷ NORSAAC, *Let the Girl Smile: Say No to Child Marriage* <<http://www.norsaac.org/gender-and-governance/legs/>>.

FOCUS: Employment, advocacy, health, education

The aims of this initiative are to ensure access to safe and decent work/livelihoods and ability to exercise dominion over income; increase girl's ability to make informed decisions about sexual and reproductive health; and empower and support women through allies and responsible stakeholders to effect change in women's lives and reduce incentives to marry early.

This was implemented through:

- Training of girls in: leadership, communication, advocacy, livelihood opportunities, sexual and reproductive health, unpaid care work, sexual harassment, women's rights, human rights and decent work.
- Sponsored 12-month training program in fashion design for 4 girls, and support to 25 young women to train in tailoring, bead making, hairdressing, smock weaving and local cloth making.
- Financial support to 59 girls to assist in growing their businesses.

(N/A) NORSAAC- Households Against Child Marriage⁶⁴⁹

FOCUS: advocacy, community mobilisation

The aim of this initiative is to incite and promote dialogue surrounding the detriments of child marriage in indigenous communities.

- Volunteer households choose a symbol to represent their commitment to ending child marriage (e.g. painting; tree; writing inscriptions on walls);
- The symbol is placed where the community can easily see it;
- Being unique, the symbol will generate curiosity about the new signs emerging in the community. When people ask what they are, they will find themselves in a discussion about child marriage.

7.3.6. Summary

Upon consideration of key international, Regional and National initiatives implemented across the African continent, a few key points may be concluded.

Firstly, it is apparent through consideration of the ratification of key United Nations documents, that throughout the African region there is currently limited correlation between ratification of International Law on child marriage and national prevalence. This is apparent, as most African countries with high prevalence of child marriage have ratified most, if not all of these instruments with very few relevant reservations.

Secondly, it is apparent that regional initiatives recognised the issue of child marriage as early as 1999 with the *African Charter on the Rights and Welfare of the Child*. Child marriage as an issue isolated from children and women's rights generally, however, did not

⁶⁴⁸ NORSAAC, *Young Urban Women Project* <<http://www.norsaac.org/gender-and-governance/young-urban-women-project/>>.

⁶⁴⁹ Girls Not Brides, *Households Against Child Marriage: An Innovative Approach from Ghana* (17 March 2017) <<http://www.girlsnotbrides.org/households-child-marriage-innovative-approach-ghana/>>.

take the forefront in African political discourse regionally until 2014 with the initiation of the *AU Campaign to End Child Marriage in Africa*. Momentum towards ending child marriage has continually gained ground regionally since 2014, with action such as the First African Girls Summit on Ending Child Marriage in 2015, and the SADC adoption of the *Model Law on Eradicating Child Marriage and Protecting Children Already in Marriage* in 2016. Through consideration of Regional and National Governmental and NGO initiatives side-by-side, it is clear that the terminology of ‘child marriage’ has subsumed both ‘early’ and ‘forced’ marriage within its auspices.

Thirdly, National initiatives have been surprisingly forthcoming, with Niger, Nigeria and Ghana all implementing their own ‘National Strategy’ within two years of the 2014 *AU Campaign to End Child Marriage*. Recognition of girls’ issues existed prior to regional focus on child-marriage, through initiatives largely related to their sexual and reproductive health and education. Initiatives following regional recognition of child-marriage as a separate issue continued to focus largely on these areas, however both Governmental and NGO initiatives now express eradication of child marriage as a key focus of these strategies. Regional and National attention to child marriage has gained the greatest momentum in 2016 and 2017.

Finally, following extensive consideration of Regional and National initiatives surrounding child marriage, it is apparent that the greatest issue faced by girls today is not so much recognition of their rights, rather their enforcement in National systems and the inability to overcome the strain of engrained historical tradition and culture.

7.4 Western Regions

7.4.1 Child, Early and Forced Marriage in the Region

CEFM is a practice that has recently emerged in Western regions, where such practices were unheard of previously. While aspects of CEFM were practiced in Medieval Europe,⁶⁵⁰ today, such practices are frowned upon as the rights of children and women are prioritised, and the notions surrounding marriage has changed in modern Western societies.

Previously, marriage was seen as a moral means to conceive children, producing offspring,⁶⁵¹ and marriage was a means for women to achieve economic security, social status and preserve their morality in their sexual behaviours.⁶⁵² However, modern society has since stripped away the social and economic pressures that were faced by women previously. Western women now can conceive and reproduce by other means, are able to receive adequate education and can choose to live an independent career-driven lifestyle without the need for a legal marriage. However Western legislation has determined that the legal age for marriage is 18 years of age as stated in Australia,⁶⁵³ while the USA allows for the age of 16 as a permissible age to marry.⁶⁵⁴ With these changes becoming normalised in modern Western society, it paved the way for CEFM to be viewed as an inherent intrusion of children's and women's rights, where girls are seen as commodities rather than humans. But if this is true, we need to ask why CEFM is being practiced in modern societies? A focus on United States of America, the United Kingdom and Australia will demonstrate that multicultural policies of modern governments and the abilities of humans to globalise quickly has led to evidence of CEFM practices occurring in western civilisations.

In 2017, a report has already determined that 248,000 children have been married in the US.⁶⁵⁵ Overwhelmingly, the majority of the children were girls who accounted for 85.01% of the number of child marriages, while boys accounted for 14.53% of the total number of child marriages.⁶⁵⁶ Of those 85.01% of girls, 77% of them were girls under the age of consent who married adult men of significant age differences, the youngest recorded data demonstrates that the youngest marriage age was 12 years old.⁶⁵⁷ There is evidence that the practice of child marriage in the USA is decreasing, through the implementation of education, support services and legislation. However, it is decreasing slowly, with a total decrease of approximately 13,000 number of children wed nationally between 2000-2010.⁶⁵⁸ Most marriages have been allowed through the grants of parent consent and the consent of local magistrates. Additionally, in certain states it is the cultural normality to marry a child as a

⁶⁵⁰ James Brundage, *Law, Sex, and Christian Society in Medieval Europe* (The University of Chicago Press) 494.

⁶⁵¹ Ibid.

⁶⁵² Ibid.

⁶⁵³ *Marriage Act 1961 (Cth) s 12.*

⁶⁵⁴ Sarah Ruiz-Grossman, 'Texas Just Banned Child Marriage', Huffington Post (online), 17 June 2017 <http://www.huffingtonpost.com.au/entry/texas-bans-child-marriage-law_us_594402a4e4b06bb7d272b673>.

⁶⁵⁵ Unchained at Last, *Laws to End Child Marriage Shocking Statistics Unchained at Last* <<http://www.unchainedatlast.org/laws-to-end-child-marriage/>>.

⁶⁵⁶ Ibid.

⁶⁵⁷ Ibid.

⁶⁵⁸ Ibid.

consequence of pregnancy arising from sexual violence,⁶⁵⁹ or because a specific religion and ethnic culture practices child, early and forced marriage in immigrant groups.

In the United Kingdom, the Home Office estimates that between 5,000 to 8,000 people are at risk of being forced to marry every year. The UK Forced Marriage Unit helpline received 1,200 calls pertaining to forced marriage; 27% of the calls concerned minors and 14% involved children under the age of 15 years old.⁶⁶⁰

Australia has had some success in combating child, early and forced marriage, but it remains a problem that is required to be dealt with by community, government and legal services. Australian Federal Police have investigated a reported 69 incidents in 2015-16 financial year of forced and/or underage marriage in Victoria, while in New South Wales there were a reported 60 child brides.⁶⁶¹ Agencies have stated that these figures are just the 'tip of the iceberg' as recent statistics are reported by concerned community officials.⁶⁶² Further, Children's and Youth Law Centre has identified 250 child marriage cases nationally. There has also emerged a trend of many Australian young girls from South-East Asian and Middle Eastern backgrounds marrying adult men overseas, granting these men Australian visas and citizenship rights. The government child welfare hotline has received more than 70 calls for help in the past two years from girls who are going to be forced into marriage overseas.⁶⁶³ While this practice is outlawed in Australia and Australian marriage laws will apply to any case that appears in court, the rationale for these marriages is inherent in cultural and religious practices where it is acceptable for girls to marry once they hit puberty.⁶⁶⁴

The consequence of child, early and forced marriage is that it undermines girls' health as women who are married at 18 or younger have a 23% greater risk of disease such as HIV, early unwanted pregnancies, heart disease and stroke.⁶⁶⁵ It also undermines girls' education and economic opportunities as girls who marry are 50% more likely to drop out of high school than their unmarried counterparts. These girls are unable to access education and work opportunities.⁶⁶⁶

It is important to note that while these statistics do demonstrate a prevalence of child, early and forced marriage, it is too difficult to give an accurate number regarding the extent of CEFM in the west.

⁶⁵⁹ Sarah Ruiz-Grossman, 'Texas Just Banned Child Marriage', *Huffington Post (online)*, 17 June 2017 <http://www.huffingtonpost.com.au/entry/texas-bans-child-marriage-law_us_594402a4e4b06bb7d272b673>.

⁶⁶⁰ Fergus Burnett, *Child Marriage Around the World – United Kingdom Girls Not Brides* <<http://www.girlsnotbrides.org/child-marriage/united-kingdom/>>.

⁶⁶¹ Sarah Millar, 'Girls as young as ten being forced into marriage; 14 million brides are being married every year', *News Corp Australia (online)*, 14 July 2014.

⁶⁶² *Ibid.*

⁶⁶³ SBS News, 'Number of Australian 'Child Bride' cases doubles in a year' *SBS News (online)* 20 September 2016 <<http://www.sbs.com.au/news/article/2016/09/20/number-australian-child-bride-cases-doubles-year>>.

⁶⁶⁴ Louise Hall, 'Child Bride Case: Man jailed for 'marrying' a 12-year-old girl in backyard ceremony', *The Sydney Morning Herald (online)* 6 March 2015 <<http://www.smh.com.au/nsw/child-bride-case-man-jailed-for-marrying-12-year-old-girl-in-backyard-ceremony-20150306-13xa99.html>>.

⁶⁶⁵ Unchained at Last, *Laws to End Child Marriage Shocking Statistics Unchained at Last* <<http://www.unchainedatlast.org/laws-to-end-child-marriage/>>.

⁶⁶⁶ *Ibid.*

7.4.2 Brief History and Development of CEFM

Child, early and forced marriage is a phenomenon that has emerged in Western regions especially in the UK, USA and Australia. The most common development of CEFM has been through patterns of immigration to these countries from areas where CEFM is commonly practiced and culturally normal. For example, the number of Indian born people living in Australia had doubled between 30 June 2006 and June 2014.⁶⁶⁷ This ranks the Indian-born population the fourth largest migrant community in Australia, equivalent to 6.0 per cent of Australia's overseas born population and 1.7 per cent of Australia's total population.⁶⁶⁸ Generally speaking, the net gain of overseas migration increased in the 2015-16 financial year, recording an estimate of 182,200 persons migrating to Australia, which was 3.0% more than in the 2014-15 financial year.⁶⁶⁹ Additionally, a total of 38,901 Muslims entered the US in 2016, making up almost half of the refugees who entered the country in that period.⁶⁷⁰ While it cannot be concluded that the increased intake of immigrants is a cause of the increase in CEFM, there is a correlation between the two. An increase in the number of people from countries that practice CEFM will naturally tend to reproduce those practices in places like Australia, UK and USA.

Furthermore, there has been a growing trend in Australian child brides travelling overseas for the purposes of marriage. In May 2010, a 14-year-old girl in Victoria was banned from leaving Australia and her passport was surrendered stopping her from travelling to marry a man she had never met.⁶⁷¹ In New South Wales, a 17-year-old girl reported herself to the Australian Federal Police stating that she was being taken against her will to Lebanon to be married. She was subsequently placed on the Airport Watch List so that she could not be taken out of the country against her will.⁶⁷² These types of reports signify a change in the development of CEFM in this region.

While child, early and forced marriage is not commonly practiced in Anglo-societies, it is important to note that it does occur with the consent of the minor's parents and/or a court magistrate. In Texas, 7 out of every 1,000 minors aged 15-17 years old were married in 2014 and the national average in the US is 5 out of every 1,000 minors.⁶⁷³ Between 2000 and 2014, 40,000 minors were married in Texas as most of these minors were adolescent girls aged 12 years old marrying adult men.⁶⁷⁴ The most common argument in allowing CEFM is that a pregnant minor could legally marry the person who'd gotten her pregnant -

⁶⁶⁷ Australian Bureau of Statistics, *Net Overseas Migration* (30 March 2017) Migration, Australia <<http://www.abs.gov.au/ausstats/abs@.nsf/Latestproducts/3412.0Main%20Features52015-16?opendocument&tabname=Summary&prodno=3412.0&issue=2015-16&num=&view=>>>.

⁶⁶⁸ Ibid.

⁶⁶⁹ Ibid.

⁶⁷⁰ Philip Connor, *U.S. Admits Records Number of Muslim Refugees in 2016* (5 October 2016) Pew Research Centre <<http://www.pewresearch.org/fact-tank/2016/10/05/u-s-admits-record-number-of-muslim-refugees-in-2016/>>>.

⁶⁷¹ NewsCorp Australia, *'Australian girls among millions forced to become child brides'*, NewsCorp Australia (Online) 22 July 2013 <<http://www.news.com.au/world/middle-east/australian-girls-among-millions-forced-to-become-child-brides/news-story/a124372869901d02d1a0926c9842842c>>>.

⁶⁷² Ibid.

⁶⁷³ Christina Cauterucci, *'Texas, the State with the Country's Second-Highest Child Marriage Rate, Finally Bans It'*, on Christina Cauterucci, *Slate: What Women Really Think* (16 July 2017) <http://www.slate.com/blogs/xx_factor/2017/06/16/texas_the_state_with_the_country_s_second_highest_child_marriage_rate_finally.html>>.

⁶⁷⁴ Ibid.

avoiding embarrassment to the minor and their family.⁶⁷⁵ However, the argument has raised the issue that allowing children to marry encourages rapists to avoid charges by convincing their victims' parents to let them get married.⁶⁷⁶ The development of child marriage laws in certain US states such as Virginia and Texas have raised the legal marriageable age to 18, and state that minors cannot marry unless it is approved by an emancipated order petitioned to the court.⁶⁷⁷

7.4.3 United Nations Initiatives

*Convention on the Political Rights of Women (1953)*⁶⁷⁸

Country	Signature (S) Ratification (R), Accession (A), Succession (D) Territorial Application (TA)	Declarations/ Reservations
United Kingdom of Great Britain and Northern Ireland	24 th February 1967 (A)	<p>“The United Kingdom of Great Britain and Northern Ireland accedes to the Convention with the following reservations submitted in accordance with article VII:</p> <p>(1) <i>Article III is accepted subject to reservations, pending notification of withdrawal in any case, in so far as it relates to:</i></p> <ul style="list-style-type: none"> (a) <i>Succession to the Crown;</i> (b) <i>Certain offences primarily of ceremonial nature;</i> (c) <i>The function of sitting and voting in the House of Lords pertaining to holders of hereditary peerages and holders of certain offices in the Church of England;</i> (d) <i>Recruitment to and conditions of services in the armed forces;</i> (e) <i>Jury service in Grenada, [...] as well as in the Kingdom of Tonga;</i> (f) ... (g) <i>remuneration for women in Civil Service of [...] Hong Kong, as well as of the Protectorate of Swaziland;</i> (h) ... (i) <i>in the State of Brunei, the exercise of royal powers, jury service or its equivalent and the holding of certain offices governed by Islamic Law</i> <p>(2) <i>the United Kingdom reserves the right to postpone the application of this Convention in respect of women living in the Colony of Aden, having regard to the local customs and traditions. Further, the United Kingdom reserves the right to not apply this Convention to Rhodesia unless and until the United Kingdom informs the Secretary-General of the United Nations that it is in a position to ensure that the obligations imposed by the Convention in respect of that territory can be fully implemented.</i></p>
United States of America	8 th April 1976 (A)	

⁶⁷⁵ Ibid.

⁶⁷⁶ Ibid.

⁶⁷⁷ Sarah Ruiz-Grossman, ‘Texas Just Banned Child Marriage’, *Huffington Post (online)*, 17 June 2017 <http://www.huffingtonpost.com.au/entry/texas-bans-child-marriage-law_us_594402a4e4b06bb7d272b673>.

⁶⁷⁸ *Convention on the Political Rights of Women*, opened for signature 31 March 1953, 1953, 193 UNTS 135 (entered into force 7 July 1954).

Australia	10 th December 1974 (A)	“The Government of Australia hereby declares that the accession by Australia shall be subject to the reservation that article III of the Convention shall have no application as regards to recruitment to and conditions of services in the Defence Forces. The Government of Australia furthermore declares that the Convention shall not extend to Papua New Guinea.”
------------------	------------------------------------	--

*Convention on the Nationality of Married Women (1957)*⁶⁷⁹

Country	Signature (S) Ratification (R), Accession (A), Succession (D) Territorial Application (TA)	Declarations/ Reservations
United Kingdom of Great Britain and Northern Ireland	20 th February 1957 (S) 28 th August 1957 (R), (TA)	
United States of America	N/A	
Australia	14 th March 1961 (A), (TA)	

*Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1962)*⁶⁸⁰

Country	Signature (S) Ratification (R), Accession (A), Succession (D) Territorial Application (TA)	Declarations/ Reservations
United Kingdom of Great Britain and Northern Ireland	8 th August 1970 (D) 9 th July 1970 (TA) 9 th August 1970 (A)	“(b) it is the understanding of the Government of the United Kingdom that paragraph (1) of article 1 and the second sentence of article 2, of the Convention are concerned with entry into marriage under the laws of a State Party and not with the recognition under the laws of one State or territory; not is paragraph (1) of article 1 applicable to marriages by cohabitation with habit and repute under the law of Scotland; (c) Paragraph (2) of article 1 does not require legislative provision to be made, where no such legislation already exists, for marriages to be contracted in the absence of one of the parties; (d) provision of the Convention shall not apply to Southern Rhodesia unless and until the Government of the United Kingdom inform the Secretary-general that they are in position to ensure that the obligations imposed by the Convention in respect of that territory can be fully implemented”.
	10 th December 1962 (S) 8 th August 1975 (D)	
United States of America	10 th December 1962 (S)	“With the understanding that legislation in force in the various States of the United States of America is in conformity with this Convention and that action by the United States of

⁶⁷⁹ *Convention on the Nationality of Married Women, opened for signature 20 February 1957, 309 UNTS 65 (entered into force 11 August 1958).*

⁶⁸⁰ *Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, opened for signature 7 November 1962, 521 UNTS 231 (entered into force 9 December 1964).*

America with respect to this Convention does not constitute acceptance by the provisions of Article 8 as a precedent for any subsequent instruments.”

Australia 12th October 1962 (S)

International Convention on Economic, Social and Cultural Rights (1966) ⁶⁸¹

Country	Signature (S) Ratification (R), Accession (A), Succession (D) Territorial Application (TA) Exclusion (E)	Declarations/ Reservations
United Kingdom of Great Britain and Northern Ireland	16 th September 1968 (S) 20 th May 1976 (R)	“...the Government of the United Kingdom reserve the right to postpone the application of paragraph 1 of article 10 in regard to a small number of customary marriages in the Solomon Islands and the application of Paragraph 2 of article 10 in so far as it concerns paid maternity leave in Bermuda and the Falkland Islands.”
United States of America	5 th October 1977 (S)	
Australia	18 th December 1972 (S) 10 th December 1975 (A)	

International Convention Civil and Political Rights (1966) ⁶⁸²

Country	Signature (S) Ratification (R), Accession (A), Succession (D) Territorial Application (TA) Exclusion (E)	Declarations/ Reservations
United Kingdom of Great Britain and Northern Ireland	16 th September 1968 (S) 20 th May 1976 (R)	“...(b) in relation to Article 23 of the Covenant, they must reserve the right not to apply the first sentence of paragraph 4 in so far as it concerns any inequality which may arise from the operation of the law of domicile;” ...” The Government of the United Kingdom reserve the right to postpone the application of paragraph 3 of article 23 regarding a small number of customary marriages in the Solomon Islands.”
United States of America	5 th October 1977 (S) 8 th June 1992 (R)	
Australia	18 th December 1972 (S) 13 th August 1980 (R)	“The Government of Australia considers that the reservation with respect to articles 3,18 and 23 of the Covenant is a reservation incompatible with the object and purpose of the Covenant. The Government of Australia recalls that, according to customary international law is codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty is not permitted.”

Convention on Celebration and Recognition of the Validity of Marriages (1978) ⁶⁸³

⁶⁸¹ *International Covenant on Economic, Social and Cultural Rights*, opened for signature 16 December 1966, 993 UNTS 3 (entered into force 3 January 1976).

⁶⁸² *International Covenant on Civil and Political Rights*, opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976).

Country	Signature (S) Ratification (R), Accession (A), Succession (D) Territorial Application (TA) Exclusion (E)	Declarations/ Reservations
United Kingdom of Great Britain and Northern Ireland	N/A	
United States of America	N/A	
Australia	9 th August 1980 (S) 29 th December 1987 (R)	“...as permitted under Article 27, that the Convention shall not apply to the External Territories of Australia, apart from Norfolk Island.”

Convention on the Elimination of All Forms of Discrimination against Women (1979) ⁶⁸⁴

Country	Signature (S) Ratification (R), Accession (A), Succession (D) Territorial Application (TA) Exclusion (E)	Declarations/ Reservations
United Kingdom of Great Britain and Northern Ireland	22 nd July 1981 (S) 7 th April 1986 (R)	“...sub-paragraph 1(f) of article 16 the United Kingdom does not regard the reference to the paramountcy of the interests of the children as being directly relevant to the elimination of discrimination against women...”
United States of America	17 th July 1980 (S)	
Australia	17 th July 1980 (S) 28 th July 1983(R)	“Australia has a Federal Constitutional System in which Legislative, Executive and Judicial Powers are shared or distributed between the Commonwealth and the Constituent States. The implementation of the Treaty throughout Australia will be effected by the Commonwealth State and Territory Authorities having regard to their respective constitutional powers and arrangements concerning their exercise.”

Convention on the Rights of Child (1989) ⁶⁸⁵

Country	Signature (S) Ratification (R), Accession (A), Succession (D) Territorial Application (TA) Exclusion (E)	Declarations/ Reservations
---------	--	----------------------------

⁶⁸³ *Convention on Celebration and Recognition of the Validity of Marriages*, opened for signature 10 December 1962, 521 UNTC 231 (entered into force 9 December 1964).

⁶⁸⁴ *Convention on the Elimination of All Forms of Discrimination Against Women*, opened for signature 18 December 1979, 1249 UNTS 13 (entered into force 3 September 1981).

⁶⁸⁵ *Convention on the Rights of the Child*, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990).

United Kingdom of Great Britain and Northern Ireland	19 th April 1990 (S) 16 th December 1991 (R)	“The United Kingdom reserves the right to extend the Convention at a later date to any territory for whose international relations the Government of the United Kingdom is responsible.”
United States of America	16 th February 1995 (S)	
Australia	22 nd August 1990 (S) 17 th December 1990 (R)	“Australia accepts the general principles of article 37. Australia ratifies the Convention to the extent that it is unable to comply with the obligation imposed by article 37(c).”

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime (2000)⁶⁸⁶

Country	Signature (S) Ratification (R), Accession (A), Succession (D) Territorial Application (TA) Exclusion (E)	Declarations/ Reservations
United Kingdom of Great Britain and Northern Ireland	14 th December 2000 (S) 9 th February 2006 (R)	“Article 16(3) of the Protocol to prevent, suppress and punish trafficking in persons, especially women and children, provides that the instrument of ratification, acceptance or approval of a regional economic integration organisation shall contain a declaration specifying the matters governed by the Protocol in respect of which competence has been transferred to the organisation by its Member States which are Parties to the Protocol...”
United States of America	13 th December 2000 (S) 3 rd November 2005 (R)	
Australia	11 th December 2002 (S) 14 th September 2005 (R)	“The Government of Australia hereby declares that nothing in the Protocol shall be seen as imposing obligations on Australia to admit or retain within its borders persons in respect of whom Australia would not otherwise have an obligation to admit or retain within its borders.”

7.4.4 Regional Initiatives

EUROPEAN REGION

Convention for the Protection of Human Rights and Fundamental Freedoms (1950)⁶⁸⁷

Country	Signature (S) Ratification (R), Accession (A), Succession (D) Territorial Application (TA) Exclusion (E)	Declarations/ Reservations
---------	--	----------------------------

⁶⁸⁶ *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime*, opened for signature 15 November 2000, 2237 UNTS 319 (entered into force 25 December 2003).

⁶⁸⁷ *Convention for the Protection of Human Rights and Fundamental Freedoms*, opened for signature 4 November 1950, 213 UNTS 222 (entered into force 3 September 1953).

United Kingdom of Great Britain and Northern Ireland	4 th November 1950 (S) 8 th March 1951 (R)
--	---

Protocol No. 14 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms (1988)⁶⁸⁸

Country	Signature (S) Ratification (R), Accession (A), Succession (D) Territorial Application (TA) Exclusion (E)	Declarations/ Reservations
United Kingdom of Great Britain and Northern Ireland	11 th September 1997 (R)	

European Convention the Protection of Children against Sexual Exploitation and Sexual Abuse (2007)⁶⁸⁹

Country	Signature (S) Ratification (R), Accession (A), Succession (D) Territorial Application (TA) Exclusion (E)	Declarations/ Reservations
United Kingdom of Great Britain and Northern Ireland	5 th May 2008 (S)	

7.4.5 National Initiatives

The following three countries were intentionally selected as representative of three countries with high prevalence in the region and initiatives to combat child, early and forced marriage.

⁶⁸⁸ *Convention for the Protection of Human Rights and Fundamental Freedoms*, opened for signature 4 November 1950, 213 UNTS 222 (entered into force 3 September 1953), as amended by *Protocol No 14bis to the Convention for the Protection of Human Rights and Fundamental Freedoms*, opened for signature 27 May 2009, CETS No 204 (entered into force 1 September 2009).

⁶⁸⁹ *European Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse*, opened for signature 25 October 2007 CETS 201 (entered into force 1 July 2010).

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

GOVERNMENT INITIATIVES

- 2016** Marriage and Civil Partnership (Minimum Age) Bill [HL] 2016-17
FOCUS: Legislative Changes

This proposed Bill raises the minimum age of consent to marriage or civil partnership to 18 in the United Kingdom, where previously the age of consent was 16 accompanied by the permission of the children's parents.⁶⁹⁰ This bill also makes it an offence of causing a person, under the age of 18 to enter into a marriage or civil partnership and for connected purposes.⁶⁹¹ The third reading of this bill took place on 20 December 2016 and no amendments were made in the House of Lords. The bill will now go to the House of Commons for consideration.

NGO INITIATIVES

- 2005** Forced Marriage Unit
FOCUS: Legislative Changes

This unit was set up as a response to the Government's forced marriage policy to exercise outreach and casework on forced, child and early marriages. It provides support to individuals at risk and/or affected by forced marriage inside the UK, and to British nationals living overseas. It provides a confidential helpline to those affected by forced marriage, information for professionals working with children and support for workers in embassies abroad to protect citizens subject to forced marriage. It also arranges resettlement of those who have been forced or are at risk at being forced into marriage abroad.⁶⁹²

- 2016** UNFPA-UNICEF Global Programme to Accelerate Action to End Child Marriage
FOCUS: Education, health care services and support

Set up by UNICEF in conjunction with UNFPA.

This programme will work with governments of countries with high prevalence of child marriage to uphold the rights of adolescent rights. This programme will aim to prevent young girls from marrying too young and to support those who have already married. It will provide education and health care services, educating parents and communities on the dangers of child marriage, increasing economic support to families and will aim to strengthen the laws of marriage that establish 18 as the minimum age of marriage. High prevalence countries of child marriage that the programme will work in is Africa, Asia and the Middle East. This programme is supported by the European Union, United Kingdom, Italy and Netherlands.⁶⁹³

⁶⁹⁰ Susan Landmann, *Child Marriage Around the World – United States Girls Not Brides* <<http://www.girlsnotbrides.org/child-marriage/united-states/>>.

⁶⁹¹ Marriage and Civil Partnership (Minimum Age) Bill [HL] 2016-17.

⁶⁹² Fergus Burnett, *Child Marriage Around the World – United Kingdom, Girls Not Brides* <<http://www.girlsnotbrides.org/child-marriage/united-kingdom/>>.

⁶⁹³ UNICEF, 'New Multi-Country Initiative will Protect Millions of Girls from Child Marriage – UNICEF/UNFPA' (Joint Press Release, UNICEF/UNI202947/, 8 March 2016).

UNITED STATES OF AMERICA



FIGURE 15: HUFFINGTON POST 17 JUNE 2017.

GOVERNMENT INITIATIVES

2016 SB415/HB703 – Virginia FOCUS: Legislative Changes

Virginia passed a law to abolish marriage for any child under the age of 18 years old. The aim of this law was to curb forced marriages, statutory rape and human trafficking by preventing abusers from evading legal charges by marrying victims (e.g. marrying victims of rape who fell pregnant).⁶⁹⁴ This legislation removes the loophole to the old legislation where a marriage was valid if approved by a judge and given the consent of the child's parents. Legislators also added an exception for emancipated minors aged 16 or 17 years old that could marry provided that they have received approval from a judge. The judge is required to make critical enquiries prior to approving the emancipation petition to the court. This bill was signed by the governor in March 2016.⁶⁹⁵

⁶⁹⁴ Sarah Ruiz-Grossman, 'Virginia Has Banned Child Marriage. Yes, It Still Exists in the U.S.', Huffington Post (online), 13 July 2016 <http://www.huffingtonpost.com.au/entry/virginia-bans-child-marriage-illegal-underage-loophole_us_578407fae4b0ed2111d74228>.

⁶⁹⁵ *Unchained at Last, Laws to End Child Marriage Shocking Statistics Unchained at Last* <<http://www.unchainedatlast.org/laws-to-end-child-marriage/>>.

2016 Global Strategy to Empower Adolescent Girls

FOCUS: Education and Support

This is an initiative adopted by the US State Department that includes the specific provision to end CEFM and addressing the needs of married girls globally.⁶⁹⁶ Its objective includes to enhance girls' access to quality education in safe environments, provide economic opportunities and incentives for girls and their families, empower girls with information, skills, services and support, mobilise and educate communities to change harmful norms and practices, strengthen policy and legal frameworks and accountability.⁶⁹⁷

Let Girls Learn

FOCUS: Education

This initiative brings together the Department of State, the US Agency for International Development, the Peace Corps, the US Department of Labour, the US Department of Agriculture and the Millennium Challenge Corporation and the US President's Emergency Fund for AIDS Repair. The aim is to provide education to and for adolescent girls, equipping them to make life decisions and important contributions to society.⁶⁹⁸

2017 SB1705/HB3932 - Texas

FOCUS: Legislative Changes

Previous Texan law allowed a child of any age to marry with judicial approval,⁶⁹⁹ however new Texan State law which was signed by the Governor on June 15, 2017⁷⁰⁰ sets the legal marriageable minimum age at 16 years old. This law does have an exception for emancipated marriages for anyone under the age of 16 years old. This must be approved by a judge after an emancipated court petition has been lodged.⁷⁰¹

NGO INITIATIVES

Unchained at last

This is the only non-profit organisation in the US that is dedicated to helping women and girls leave or avoid arranged/forced marriages. It is dedicated to creating social policy and legal change to end CEFM in America. It is designed to help a girl in their community, culture, religion or someone who is being tricked, pressured, threatened or beaten into marriage. This organisation helps them rebuild their lives.⁷⁰²

⁶⁹⁶ USAID, 'Ending Child Marriage and Meeting the Needs of Married Children: the USAID Vision for Action', (Working Paper, US Agency for International Development, October 2012) <http://pdf.usaid.gov/pdf_docs/pdacu300.pdf>.

⁶⁹⁷ Department of State, *U.S. Global Strategy to Empower Adolescent Girls (15 March 2016)* U.S. Department of State <<https://www.state.gov/s/gwi/priorities/adolescentgirls/254674.htm>>.

⁶⁹⁸ Let Girls Learn, *Who We Are Let Girls Learn* <<https://letgirlslearn.gov/about/>>.

⁶⁹⁹ Sarah Ruiz-Grossman, 'Texas Just banned Child Marriage', Huffington Post (online) 17 June 2017 <http://www.huffingtonpost.com.au/entry/texas-bans-child-marriage-law_us_594402a4e4b06bb7d272b673>.

⁷⁰⁰ Unchained at Last, *Laws to End Child Marriage Shocking Statistics* <<http://www.unchainedatlast.org/laws-to-end-child-marriage/>>.

⁷⁰¹ Ibid.

⁷⁰² Unchained at Last, *Unchained at a Glance*, <<http://www.unchainedatlast.org/unchained-at-a-glance/>>.

1985 American Jewish World Service
FOCUS: Education and Research

This organisation financially supports local organisations and research into CEFM. Further with their global partners, the American Jewish World Service applies the findings of the research to their grant making in India and share them with other global funders, with the goal of expanding girls' options beyond early and child marriage, helping them develop valuable skills and education.⁷⁰³

1997 Tahirih Justice Centre
FOCUS: Legal and Immigration services, social support

This organisation provides direct and free immigration, family, civil and legal services and a connection to social services so that clients are able to rebuild their lives in safety. Additionally, they engage in policy advocacy to the US government aiming to change laws and policies on women's violence and gender issues (such as child and forced marriage). They were crucial to the legal changes to child marriage in Texas. Lastly, they provide education and training to professionals equipping the community to understand and deal with the issue of female violence and other gender issues.⁷⁰⁴

AUSTRALIA

GOVERNMENT INITIATIVES

1900 Crimes Act 1900 (NSW)
FOCUS: Legislative Definition of a Sexual Crime

Division 10, Section 66C of the New South Wales Crimes Act states that it is an offence to have sexual intercourse with a child between the ages of 10-16. In most cultural practices of marriage, the marriage is valid when consummation of the marriage has occurred. However, sexual intercourse with a child between the ages of 10-16 even if exercised for the purpose of consummating a legal marriage is considered a crime under Australian state law.⁷⁰⁵

1961 Marriage Act 1961 (Cth)
FOCUS: Definition Marriageable Age

This federal law states that a person is of legal marriageable age once the person is 18 years of age although, in exceptional circumstances, marriage can occur at 16 through the consent of a Judge or Magistrate in an Australian State.⁷⁰⁶

⁷⁰³ American Jewish World Service, *Research on Early and Child Marriage American Jewish World Service* <<https://ajws.org/our-impact/research-early-child-marriage/>>.

⁷⁰⁴ Tahirih Justice Centre, *What We Do Tahirih Justice Centre* <<http://www.tahirih.org/what-we-do/>>.

⁷⁰⁵ *Crimes Act 1900 (NSW)* s 66C.

⁷⁰⁶ *Marriage Act 1961 (Cth)* s 12.

2010 Discussion Paper: Forced and Servile Marriage

This discussion paper was written as a result of a prominent child marriage case known as Kreet and Sampir. The Family Court failed to recognise an arranged marriage between a young 16-year-old girl and an older man, whom the girl was tricked into marrying whilst arriving in India. The family of the girl who are of Indian background, argued that while she was an Australian citizen, she was closely connected with her Indian culture as she was not allowed to cut her hair, or wear skirts or dresses unless they were part of her school uniform. The Court ruled that the laws of marriage in Australia were to be applied rather than the rules of Indian culture and held that the marriage was invalid.

In response to this case, the discussion paper proposed several legislative changes including defining a specific offence of forced and servile marriage without the victim's full and free consent, and defined within the legislation to ensure consistency with Australia's international law obligations.⁷⁰⁷ Further changes included an amendment to the Marriage Act to include an offence for a person to cause a second person to enter into a marriage without the victim's full and free consent, and would extend to any person who was knowingly involved, including spouse, parent, friend or other facilitator.⁷⁰⁸ Finally, protection orders for victims who are at risk of being forced into marriage who are children or over the age of 18, were proposed as possible civil remedies.⁷⁰⁹

2013 Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Act 2013 (Cth)

FOCUS: Definition of an offence of forced marriage

Section 270.7B defines that a forced marriage is if one party to the marriage entered into the marriage without freely and fully consenting: because of coercion, threat or deception, or because the party was incapable of understanding the nature and effect of the marriage ceremony (e.g. children and people with cognitive disabilities). The nature of the marriage will be categorised as void and invalid and carries a penalty of imprisonment of 7-9 years. The offence is a criminal act when a person engages in the conduct and the conduct causes another person to enter into a forced marriage.⁷¹⁰

2013 Australian Federal Circuit Court

FOCUS: Support for Children at risk of forced marriage

As children and young people are sometimes taken overseas to be forcibly married, the Federal Circuit Court can make orders to ensure that a child cannot be taken overseas for this purpose. The court is able to prevent a passport being issued for a child, require a person to surrender a child or accompanying adult's passport, and

⁷⁰⁷ *National Legal Aid, to Australian Government Attorney-General's Department, Discussion Paper Forced and Servile Marriage*, 7 February 2011, 13.

⁷⁰⁸ *Ibid* 15.

⁷⁰⁹ *Ibid* 17.

⁷¹⁰ *Criminal Code Act 1995 (Cth)* s 270.7A, 270.7B.

prevent the removal of a child from Australia and place the child's name on an airport watch list.⁷¹¹

NGO INITIATIVES

1987 Australian Parliamentary Association for UNICEF

FOCUS: Legislative Changes

This association works with the Australian Parliament and has more than 70 members representing all major Australian political parties. It aims to promote and support the UN Conventions on the Rights of a Child, promotes UNICEF's work for women and children, both in Parliament and in the community, encourage the Australian government to give priority support to children, and encourage Australian government to prioritise child rights in Australia's overseas development program.⁷¹²

2013 Victorian Immigrant Refugee Women's Coalition

FOCUS: Education

This group have designed a campaign targeting high school students called 'The Choice is Yours.' It aims to educate high school students on the indicators of forced marriage and slavery-like relationships.⁷¹³

UNICEF – National Children's Youth Law Centre and Australian Child Rights Taskforce

FOCUS: Legislative Changes

These initiatives report to the UN Committee on the Rights of a Child. It ensures that the UN Committee has a full understanding of how well children's rights are upheld in Australia, and can make the most practical and timely recommendations to the Australian Government on how to improve the lives of children and young people in Australia.⁷¹⁴

2016 Plan International Australia

FOCUS: Legislative Changes

This organisation works in the issue of child marriage across Asia and Africa, implementing programs that are aimed to preventing the practice of child, early and forced marriage. This organisation's initiative of 'Because I am a Girl' provides education and empowerment to girls in at least 15 high risk countries. Domestically,

⁷¹¹ Australian Government Attorney-General's Department, *Forced Marriage Human Trafficking* <<https://www.ag.gov.au/CrimeAndCorruption/HumanTrafficking/Pages/ForcedMarriage.aspx#response>>.

⁷¹² UNICEF, *Parliamentary Association for UNICEF Policy* <<https://www.unicef.org.au/our-work/unicef-in-australia/policy>>.

⁷¹³ Victorian Immigrant and Refugee Coalition, *The Choice is Yours Young Girl's Future Forum* <<http://www.virwc.org.au/young-girls-future-forum.html>>.

⁷¹⁴ UNICEF, *Parliamentary Association for UNICEF Policy* <<https://www.unicef.org.au/our-work/unicef-in-australia/policy>>.

this organisation provides insights to the Australian Government about successful initiatives to prevent and remedy child and forced marriage at national and international levels.⁷¹⁵

Internationally, Plan International has previously worked with the government in Malawian youth activists to change the constitution only children over the age of 18 to marry. This was successful in 2016 when Parliament changed the constitution to make marriage under the age of 18 illegal.⁷¹⁶

7.4.6 Summary

Through the analysis of national, regional and UN statistics and initiatives pertaining to CEFM in Australia, United Kingdom and United States of America, the following conclusions can be made:

Firstly, the issue of CEFM has emerged in countries where CEFM was previously unheard of. This can be attributed to the growing number of immigrants from countries in South-East Asia, the Middle East and Africa where CEFM practices are culturally and religiously ordained. The idea of marriage in Western regions was seen as a moral means to produce offspring and secure economic security through marriage, however the changes in social attitudes towards marriage have prioritised the rights of women and children, making it socially unacceptable and illegal to practice CEFM.

Secondly, Western governments have attempted to solve the problem of CEFM by implementing legislation that clearly sets out the minimum legal age for marriage, making it a crime for anyone who forces a child to marry prior to them reaching that age. This has been the case in Australia with various incidents' involving Australian children who have married while in Australia, and Australian children whose parents have attempted to take them to their country of origin and marry them. This has prompted courts to place those victims at risk on airport watch lists and demanded that the victim's passport be surrendered. Furthermore, non-government organisations have attempted to combat CEFM through providing education, legal and social support services to the victim and children in the community.

Additionally, CEFM is an issue that concerns the privacy of citizens and is therefore hard to regulate. Furthermore, CEFM statistics relies on the reporting of such events and if persons do not report a case of CEFM, then we are unable to clearly determine the severity of the issue.

Finally, Western governments have attempted to rectify the issue of CEFM by signing and ratifying international and regional instruments. While it has proved an attempt to combat the issue, international law is not enforceable and does not carry the necessary legal enforcement as domestic law.

⁷¹⁵ Salvation Army, *Submission No 37 to Joint Standing Committee on Foreign Affairs, Defence and Trade Human Rights Sub-Committee Parliament of Australia, Inquiry into Slavery, Slavery-like conditions and People Trafficking*, 6.

⁷¹⁶ Plan International, *We Can Fight to End Child Marriage* <<https://www.plan.org.au/learn/who-we-are/blog/2017/05/12/end-child-marriage-in-malawi>>.

8. Areas for Further Research

This research paper has attempted to provide a global scope on the responses to child marriage both on an international and regional scale, as framed by global politics. As research has been confined to the questions of *why* child marriage is an issue and *what* responses currently exist, there is extensive scope for further research. This would further discern *how* we can learn from current practices to create a better future, particularly for the women and children impacted by CEFM. As such, this section will outline a few areas for future research, drawn from analysing the various responses to CEFM as discussed.

THE NEED FOR FURTHER RESEARCH ON WHICH INITIATIVES ARE MOST EFFECTIVE:

This paper has not included analysis on the most effective initiatives, rather a chronological timeline of their implementation globally. Future research could use this information to present analysis on what is and what is not effective. The effectiveness of initiatives is essential in determining what focuses the UN, NGOs and National Governments should pay attention to in developing future initiatives, specifically other than education.

In particular, further research would assist in determining the effectiveness of hard law instruments relating to CEFM, both that explicitly and implicitly prohibit its legality and practice. An analysis of the effectiveness of the reporting and complaints mechanisms set up under CEDAW, found in article 18 and under the Optional Protocol to CEDAW respectively, would assist in determining whether the approach taken in this instrument would be beneficial for future action by the UN.

THE NEED FOR GREATER EMPHASIS ON PROTECTION OF GIRLS ALREADY IN THE CYCLE OF CHILD MARRIAGE:

Child marriage has been identified as a major barrier to women and girls' reproductive autonomy at the 4th International Conference on Family Planning.⁷¹⁷ It was asserted that while much of the work on child marriage focuses on prevention, the need to support family planning for the 15 million girls who marry each year is not receiving adequate international attention. It is contended that the ultimate goal- equality and autonomy of women- is not achievable through eradication of child marriage without equal recognition of the need to support those already suffering from systematic, historical inequalities.

THE NEED FOR INITIATIVES TO EXTEND BEYOND EDUCATION AND HEALTHCARE:

Research suggests that educational initiatives are extremely prevalent and necessary in attempting to eradicate child marriage. However, more attention needs to be directed towards other root-causes of child marriage, including cultural and social norms and entrenched incentives to marry young. There must be a greater co-ordination with religious scholars to address this issue, as the notion of marriage itself is often founded upon adherence to a

⁷¹⁷Girls Not Brides, *Family Planning for Married Girls: Lessons Learned From ICFP 2016* (8 February 2016) <<http://www.girlsnotbrides.org/family-planning-for-married-girls-icfp-2016/>>.

particular faith. Thus, more emphasis is needed on the interpretation of religious texts and stories to address CEFM as such interpretations provide the foundations for perpetuating these issues.

THE NEED TO EMPHASISE THAT CHILD MARRIAGE IS A MISTAKEN FORM OF PROTECTION FOR GIRLS;

There is a continuing perception throughout nations with high prevalence of child marriage that the practice is for her own protection, as when asked, it is not uncommon for girls to state that if they weren't married young they risked being sexually abused by men. This overlooks the fact that an underage girl without capacity to consent will equally be abused by her own husband, however, this is considered the lesser of two evils in many communities as pre-marital pregnancies and sexual relations (even if resulting from rape) are considered extremely shameful for a family and community. Such issues still need to be addressed.

THE NEED TO READJUST PERCEPTIONS THAT CEFM GENERATES BETTER ECONOMIC INCENTIVES:

This report has discussed the development of child marriage out of traditions of slavery and how 'cultural marriages' including dowry and bride-wealth payments continue to contribute to the issue. It has been found, however, that there are very few initiatives globally attempting to address these issues directly.

Some, such as Jacqueline Mercier discuss how child marriage has become a 'straight economic, utilitarian calculation of gains and losses'⁷¹⁸ for many in marrying daughters off young and how implementation of legislation providing an economic incentive to comply with marital laws may further affect change. This could involve further research into the possibility of reforming property and dowry/ bride-wealth laws and practices, or by offering tax incentives to register marriages, effectively dis-incentivising child marriage even if motivated by economics, rather than girl's rights.⁷¹⁹

THE NEED TO RECOGNISE THAT THE AGE OF 18 IS A SOCIAL CONSTRUCT:

A major issue that must be addressed is the need for more attention to be paid to shifting perspectives on the capacity and intention to marry, rather than simply prescribing 'eighteen' as the appropriate age. Putting girls through school until 18, then forcing them into marriage at age 18+ 1 day still holds the potential to significantly impact and detriment upon future prospects. There perhaps needs to be additional emphasis on the fact that the idea of 18 being the pivotal age after which a child becomes an adult is simply a social construct. At the heart of this issue is the notion that women and girls should not be forced to marry *unwillingly*, at *any* time of their life. This is an issue that affects all females, though predominantly those that are considered to be 'children'. Thus, there is the possibility that such a strict global focus on 'child marriage' may be contributing to the proliferation of 'early' and 'forced' marriages as they exist outside the issue of 'childhood'. Policies could thus be better

⁷¹⁸ Jacqueline Mercier, 'Eliminating Child Marriage in India: A Backdoor Approach to Alleviating Human Rights Violations' (2006) 26 *Boston College Third World Law Journal* 377, 382.

⁷¹⁹ Ibid 384.

evaluated on their effectiveness in upholding girls' human rights and expanding girls' choices beyond marriage rather than merely delaying marriage until 18.⁷²⁰

THE NEED FOR FURTHER RESEARCH INTO CEFM PERTAINING TO MALES:

This paper largely focussed on CEFM pertaining to females as women and girls are far more likely to be affected by this issue than men (for example, in Mali the ratio is 72:1; Kenya 21:1).⁷²¹ However, young men and boys are also forced to marry against their will, though at a lesser rate, and almost always to a female that is even younger than them. CEFM is often viewed through the prism of being a feminist issue, though it is one that also affects males as well. Further research should be conducted on the prevalence of CEFM pertaining to males, as well as the effectiveness of initiatives to address these concerns.

COMPLIANCE WITH UN INITIATIVES:

This study has uncovered the reality that many countries with a high prevalence of CEFM have in-fact ratified international hard and soft law instruments. The question for further research is whether, going forward, further attention needs to be apportioned towards greater legal clarity provided for by hard law instruments or soft law decisions or whether action would be better directed towards empowering States to comply with the provisions that they have ratified.

THE NEED FOR A MORE COLLABORATIVE APPROACH

From the research presented above it is clear that initiatives thrive when they are inclusive of different parties. An approach that is undertaken with the participation of national governments, international organisations and civil society is an approach that has a greater chance of achieving much change. Further collaboration amounts to a greater wealth of resources and effort, meaning that more can be done over a long period of time.

⁷²⁰ *Expert Workshop on the Impact of Existing Strategies and Initiatives to Address Child, Early and Forced Marriage: Report of the High Commissioner for Human Rights*, GA Res 35/5, UN GAOR, 35th sess, Agenda Items 2 and 3, Un Doc A/HRC/35/5 (24 March 2017) [26].

⁷²¹ Nour Nawal, 'Health Consequences of Child Marriage in Africa' (2006) 12(11) *Emerging Infectious Diseases* 1644.

9. Conclusion

This report has highlighted how the concept of CEFM and the responses to the phenomenon have developed. The attempt to develop universal definitions for each aspect of CEFM and the change from predominantly referring to ‘early’ marriage as now ‘child’ and ‘forced’ marriage shows the developing political will in responding to this issue as the latter terms have a more precise meaning. The development of local, regional and international responses to CEFM and the increased collaboration horizontally between sectors such as health, education and law as well as vertical collaboration between local, regional and international groups shows the increased collaboration into this human rights violation. It is clear that the UN, international organisations and regional approaches all condemn CEFM and recognise that a multi-faceted approach is required to address and eradicate this harmful practice. However, these strategies have not been enforced in a uniform manner throughout the world due to lack of capacity and will.

CEFM’s characterisation as a human rights violation has been heavily influenced by the approach taken by the UN in relevant hard and soft law instruments. These instruments have been created and implemented to respond to CEFM and have approached it from various angles. However, in compiling these approaches it is clear that the commonalities often centre on human rights, classifying CEFM as a human rights violation, with particular regard given to the right to equality and non-discrimination, free expression, education and employment and health. This focus has been also been adopted by international organisations.

Numerous independent international organisations have focused on ending child marriage through a children’s rights lens. Partnerships between these organisations have been created to implement a codified and more expansive approach. This report has only discussed four of these numerous organisations due to their focus on child’s rights and the information available. The approach taken by UNICEF has developed since their first responses in 1995, which aimed to identify with the phenomenon as a health issue, particularly sexual. At the turn of the twenty-first century it began to evolve into a ‘child’ and ‘female’ rights issue where it remains today. This has been instrumental in raising international awareness, mobilising citizens of affected regions and influencing law reform to put an end to the harmful practice. In terms of terminology, UNICEF has remained consistent.

These approaches taken by the UN and relevant international organisations are reflected, expanded upon and challenged by the way in which CEFM is tackled by the regions. By examining the approach taken by these regions, it is apparent that recognition and ratification of international initiatives pertaining to child marriage do not directly mirror its prevalence and instead show the lack of enforcement and recognition, particularly throughout third-world countries.

Throughout Africa, countries have been forthcoming in their implementation of international conventions and standards - the fundamental issue is now less about recognition, and more about the enforcement of these human rights and capacity-building of Governments in countries plagued by overt historical cultural and religious influences. In Asia, there seems to be a consensus upon dealing with child marriage regionally, however the struggle between government legislation and personal laws seems to cause a significant barrier to consistently

promote the elimination of the practice across the whole region. In the Middle East, the generality of UN conventions have allowed MENA countries to sign or ratify international instruments without adequately addressing the problems. Though the region has made the fastest progress of any area of the world in eradicating CEFM over the last three decades, a lack of regional initiatives and an increasingly politically unstable climate threatens continued success. While Western regions are inclined to sign international conventions, the inadequacy of international instruments to protect the rights of children and women through its unenforceability is apparent. Therefore, domestic government legislation and domestic legal systems are tasked with rectifying the issue of CEFM. This is done by legislation defining the legal marriageable age as 18 years old and outlawing forced and early marriage, prosecuting anyone who breaches those specific provisions. While these legal initiatives have successfully defined the criminality of CEFM, it is still difficult for governments to adequately prosecute, as prosecution of offenders of CEFM rely on the regular reporting of others. Furthermore, NGO initiatives have promoted legal, social and educational support to all victims who have experienced CEFM, in the hopes of eradicating the phenomenon from Western society.

Through examining the development of the approaches to and definition of CEFM, it is evident that a multi-faceted approach is required to effectively eradicate this harmful practice. In order for this to occur, it is clear that an internationally uniform manner is required but is yet to be fully realised.

10. Bibliography

A Articles/ Books/ Reports

- African Union, Executive Council (EX.CL/922(XXVII)), 27th Ordinary Session, Report on the Activities of the African Court on Human and People's Rights (7-12 June 2015) 17
- Alan Guttmacher Institute, *Into a New World: Young Women's Sexual and Reproductive Lives' and Forum on Marriage and the Rights of Women and Girls* (The Institute, 1998)
- Bracher, Michael, Gigi Santow and Susan Cotts Watkins, 'Moving and Marrying: Modelling HIV Infection Among Newly-weds in Malawi' (2003) 1 Demographic Research Special Collection 207
- Buchler, Andrea and Schlatter, Christina, 'Marriage Age in Islamic and Contemporary Muslim Family Laws' (2013) 1 *Electronic Journal of Islamic and Middle Eastern Law* 8
- Charles, Lorraine, 'Syrian and Palestinian Refugees in Lebanon: The Plight of Women and Children' (2013) 14 *Journal of International Women's Studies* 5
- Clark, Shelley, 'Early Marriage and HIV Risks in Sub-Saharan Africa' (2004) 35(3) *Studies in Family Planning* 149
- Clark, Shelley, Alissa Koski and Arijit Nandi, 'Has Child Marriage Declined in Sub-Saharan Africa? An Analysis of Trends in 31 Countries' (2017) 43(1) *Population and Development Review* 7
- Edwards, Haley Sweetland, 'Yemen's Child Bride Backlash', *Foreign Policy*, April 30, 2010
- El Alami, Dawoud Sudqi, *The Marriage Contract in Islamic Law in the Shari'ah and Personal Status Laws of Egypt and Morocco* (London: Graham and Trotman, 1992)
- Federal Ministry of Women Affairs and Social Development, National Standards for Improving the Quality of Life of Vulnerable Children in Nigeria (2014)
- Federal Ministry of Women Affairs and Social Development, Orphans and Vulnerable Children: National Plan of Action 2006-2010
- Fuseini, Kamil, 'I Bought you, I Own You! Bridewealth and Women's Autonomy in Ghana' Regional Institute for Population Studies
- Goonesekere, Savitri, *Children, Law and Justice: A South Asian Perspective* (SAGE Publications, 1997)
- Gorney, Cynthia, 'Too Young to Wed: The Secret Lives of Child Brides', *National Geographic*, June 2011
- Grabska, Katarzyna, 'Marrying on Credit: The Burden of Bridewealth on Refugee Youth' (2012) 40 *Forced Migration Review* 7
- Kelly, Robert et al, 'Age Differences in Sexual Partners and Risk of HIV-1 Infection in Rural Uganda' (1999) 32(4) *Journal of Acquired Immune Deficiency Syndromes* 446

- Mikhail, Susanne Louis, 'Child Marriage and Child Prostitution: Two Forms of Sexual Exploitation' (2002) 10 *Gender & Development* 43
- Nawal, Nour, 'Health Consequences of Child Marriage in Africa' (2006) 12(11) *Emerging Infectious Diseases* 1644
- Obbo, Christine, *African Women: Their Struggle for Economic Independence* (Zed Press, 1980) 34
- Onyemelukwe, Cheluchi, 'Legislating on Violence Against Women: A Critical Analysis of Nigeria's Recent Violence Against Persons (Prohibitions Act), 2015 (2016) 5(2) *DePaul Journal of Women, Gender and the Law* 1
- Parsons, Jennifer, Jeffrey Edmeades, Aslihan Kes, Suzanne Petroni, Maggie Sexton and Quentin Wodon, 'Economic Impacts of Child Marriage: A Review of Literature' (2015) 13(3) *The Review of Faith & International Affairs* 12
- Sanyukta, Marthur, Margaret Greene and Anju Malhotra, *Too Young to Wed: The Lives, Rights and Health of Young Married Girls* (2003) *International Center for Research on Women*, 9
- Sarich, Jody, Michele Olivier and Kevin Bales, 'Forced Marriage, Slavery and Plural Legal Systems (2016) 38(2) *Human Rights Quarterly* 450
- Scolaro, Elisa, Aleksandra Blagojevic, Brigitte Filion, Venkatraman ChandraMouli, Lale Say, Joar Svanemyr and Marleen Temmerman, 'Child marriage legislation in the Asia-Pacific Region' (2015) 13(3) *The Review of Faith and International Affairs* 23
- UNESCO, Empowering Adolescent Girls and Young Women through Education (United Nations Educational, Scientific and Cultural Organization, 2015)*
- United Nations International Children's Emergency Fund Nigeria, *Ending Violence Against Children in Nigeria- A Year of Action* (October 2016)
- United Nations International Children's Emergency Fund, UNFPA-UNICEF Global Programme to Accelerate Action to End Child Marriage (2 September 2016)
- United Nations Population Fund, UNFPA's Action for Adolescent Girls: Building the Health, Social and Economic Assets of Adolescent Girls, Especially Those at Risk of Child Marriage, Programme Document (25 July 2014)
- Warner, Elizabeth, 'Behind the Wedding Veil: Child Marriage as a Form of Trafficking in Girls' (2004) 12 *Journal of Gender, Social Policy & Law* 233

B Domestic Legislation/ Sources of Law

Afghan Civil Code 1997

African Union, *African Youth Charter*, adopted 2 July 2006 (entered into force 8 August 2009)

African Union, *Protocol to the African Charter on Human and People's Rights and the Rights of Women in Africa*, adopted 11 July 2003, CAB/LEG/66.6 (entered into force 25 November 2005)

Arab Charter on Human Rights 2004

Birth and Deaths Registration Act 2006 (Bangladesh)

Child Marriage Prevention Act 2014 (Bangladesh)

Child Marriage Prohibition Act 2015 (Punjab Province of Pakistan)

Child Marriage Restraint Act 1929 (Act no. XIX of 1929) (Bangladesh)

Child Marriage Restraint Act 1929 (Act no. XIX of 1929) (Pakistan)

Child Rights Act 2003 (Nigeria)

Constitution of The Arab Republic of Egypt 2014

Constitution of the Islamic Republic of Pakistan 1973

Crimes Act 1900 (NSW) s 66C

Criminal Code Act 1995 (Cth) s 270.7A, 270.7B

Elimination of Violence against Women Law 2009 (Afghanistan)

Ethiopia Revised Family Code 2000, Art 7; Children's Act 1998 (Ghana)

Islamic Republic of Afghanistan's Constitution 2004

Law No. 10 of 1984 (Libya)

Marriage Act 1961 (Cth) s 12

Marriage and Civil Partnership (Minimum Age) Bill [HL] 2016-17.

Organization of African Unity, African Charter on Human and Peoples' Rights, adopted 27 June 1981, CAB/LEG/67/3 (entered into force 21 Oct 1986)

Organization of African Unity, African Charter on the Rights and Welfare of the Child, adopted 11 July 1990, CAB/LEG/24.9/49 (entered into force 29 November 1999)

South African Development Community, Protocol on Gender and Development, (signed and entered into force 17 August 2008)

Violence Against Persons (Prohibition) Act 2015 (Nigeria)

C Treaties/ International Sources of Law

2005 World Summit Outcome, GA Res 60/1, UN GAOR, 60th sess, 8th mtg, Agenda Items 46 and 120, UM Doc A/RES/60/1 (24 October 2005)

Accelerating Efforts to Eliminate all Forms of Violence Against Women: Violence Against Women as a Barrier to Women's Political and Economic Empowerment, GA Res 26/15, UN GAOR, 26th sess, 38th mtg, Agenda Item 3, UN Doc A/HRC/RES/26/15 (11 July 2014)

Child, Early and Forced Marriage, GA Res 68/148, UN GAOR, 3rd Comm, 68th sess, 70th mtg, Agenda Item 65(a), UN Doc A/RES/68/148 (30 January 2014)

Child, Early and Forced Marriage, GA Res 69/156, UN GAOR, 3rd Comm, 69th sess, 73rd mtg, Agenda Item 64(a), UN Doc A/RES/69/156 (22 January 2015)

Child, Early and Forced Marriage, GA Res 71/175, UN GAOR, 3rd Comm, 71st sess, 65th mtg, Agenda Item 64(a), UN Doc A/RES/71/175 (23 January 2017)

Child, Early and Forced Marriage: Report of the Secretary-General, GA Res 71/253, UN GAOR, 71st sess, Agenda Item 65(a) of the Provisional Agenda, Un Doc A/71/253 (29 July 2016)

Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, opened for signature 10 December 1984, 1465 UNTS 85 (entered into force 26 June 1987)

Convention for the Protection of Human Rights and Fundamental Freedoms, opened for signature 4 November 1950, 213 UNTS 222 (entered into force 3 September 1953), as amended by *Protocol No 14bis to the Convention for the Protection of Human Rights and Fundamental Freedoms*, opened for signature 27 May 2009, CETS No 204 (entered into force 1 September 2009)

Convention for the Protection of Human Rights and Fundamental Freedoms, opened for signature 4 November 1950, 213 UNTS 222 (entered into force 3 September 1953)

Convention on Celebration and Recognition of the Validity of Marriages, opened for signature 10 December 1962, 521 UNTC 231 (entered into force 9 December 1964)

Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, opened for signature 7 November 1962, 521 UNTS 231 (entered into force 9 December 1964)

Convention on the Elimination of All Forms of Discrimination Against Women, opened for signature 18 December 1979, 1249 UNTS 13 (entered into force 3 September 1981)

Convention on the Nationality of Married Women, opened for signature 20 February 1957, 309 UNTS 65 (entered into force 11 August 1958)

Convention on the Rights of the Child, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990)

European Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, opened for signature 25 October 2007 CETS 201 (entered into force 1 July 2010)

Expert Workshop on the Impact of Existing Strategies and Initiatives to Address Child, Early and Forced Marriage: Report of the High Commissioner for Human Rights, GA Res 35/5, UN GAOR, 35th sess, Agenda Items 2 and 3, Un Doc A/HRC/35/5 (24 March 2017)

Follow-up to the Fourth World Conference on Women and Full Implementation of the Beijing Declaration and the Platform for Action, GA Res 50/203, UN GAOR, 3rd Comm, 50th sess, 99th mtg, Agenda Item 165, UN Doc A/RES/50/203 (23 February 1996)

Fourth World Conference on Women, *Beijing Declaration and Platform for Action*, A/CONF.177/20 (27 October 1995)

Fourth World Conference on Women, *Beijing Declaration and Platform for Action*, A/CONF.177/20/Add.1 (27 October 1995)

Fourth World Conference on Women, GA Res 50/42, UN GAOR, 50th sess, 86th mtg, Agenda Item 165, UN Doc A/RES/50/42(17th January 1996)

Human Rights Committee, *Concluding Observations of the Human Rights Committee: Guatemala*, CCPR Res 56/79/Add. 63, 56th sess, UN Doc CCPR/C/79/Add.63 (3 April 1996)

Human Rights Committee, *Concluding Observations of the Human Rights Committee: The Sudan*, CCPR Res 90/3, 90th sess, UN Doc CCPR/C/SDN/CO/3 (29 August 2007)

Human Rights Committee, *Concluding Observations of the Human Rights Committee: Zimbabwe*, CCPR Res 62/3, 62nd sess, UN Doc CCPR/C/79/Add.89 (6 April 1998)

Human Rights Committee, *CCPR General Comment No. 28: Article 3 (The Equality of Rights Between Men and Women)* 68th sess, UN Doc CCPR/C/21/Rev.1/Add.10 (29 March 2000)

UN Committee on Economic, Social and Cultural Rights: Concluding Observations: Sri Lanka, ESC Res 12/1 Add. 24, UN ESCOR, 18th sess, 25th mtg, UN Doc E/C.12/1/Add.24 (16 June 1998)

UN Committee on Economic, Social and Cultural Rights: Concluding Observations: Suriname, ESC Res 12/6, UN ESCOR, 12th sess, 27th mtg, UN Doc E/C.12/1996/6 (7 June 1995)

Intensification of Efforts to Eliminate All Forms of Violence Against Women, GA Res 61/143, UN GAOR, 3rd Comm, 61st sess, 81st mtg, Agenda Item 61(a), UN Doc A/RES/61/143 (30 January 2007)

Intensification of Efforts to Eliminate All Forms of Violence Against Women, GA Res 65/187, UN GAOR, 3rd Comm, 65th sess, 71st mtg, Agenda Item 28(a), UN Doc A/RES/65/187 (23 February 2011)

Intensification of Efforts to Eliminate All Forms of Violence Against Women, GA Res 67/144, UN GAOR, 3rd Comm, 67th sess, 60th mtg, Agenda Item 28(a), UN Doc A/RES/67/144 (27 February 2013)

Intensification of Efforts to Eliminate All Forms of Violence Against Women, GA Res 69/147, UN GAOR, 3rd Comm, 69th sess, 73rd mtg, Agenda Item 27(a), UN Doc A/RES/69/147 (5 February 2015)

Intensification of Efforts to End Obstetric Fistula, GA Res 69/148, UN GAOR, 3rd Comm, 69th sess, 73rd mtg, Agenda Item 27(a), UN Doc 69/148 (10 February 2015)

International Covenant on Civil and Political Rights, opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976)

International Covenant on Economic, Social and Cultural Rights, opened for signature 16 December 1966, 993 UNTS 3 (entered into force 3 January 1976)

International Day of the Girl Child, Ga Res 66/170, Un GAOR, 3rd Comm, 69th sess, 89th mtg, Agenda Item 69(b), UN Doc A/RES/66/170 (30 March 2012)

International Labour Organisation, *Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour*, 87th sess, UN DOC C 182 (19 November 2000)

Outcome Document of the Special Event to Follow up Efforts Made Towards Achieving the Millennium Development Goals, GA Res 68/6, UN GAOR, 68th sess, 32nd mtg, Agenda items 114 and 118, UN Doc A/RES/68/6 (28 January 2014)

Preventing and Eliminating Child, Early and Forced Marriage: Report of the Office of the United Nations High Commissioner for Human Rights, GA Res 26/22, UN GAOR, 26th sess, Agenda Items 2 and 3, UN Doc A/HRC/26/22 (2 April 2014)

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime, opened for signature 15 November 2000, 2237 UNTS 319 (entered into force 25 December 2003).

Rights of the Child, GA Res 69/157, UN GAOR, 3rd Comm, 69th sess, 73rd sess, Agenda Item 64 UN Doc A/RES/69/157 (3 February 2015)

Rights of the Child, GA Res 70/137, UN GAOR, 3rd Comm, 70th sess, 80th sess, Agenda Item 68(a) UN Doc A/RES/70/137 (29 February 2016)

Rights of the Child: Access to Justice for Children, GA Res 25/6, UN GAOR, 25th sess, 54th mtg, Agenda Item 3, UN Doc A/HRC/RES/25/6 (14 April 2014)

Strengthening Efforts to Prevent and Eliminate Child, Early and Forced Marriage: Challenges, Achievements, Best Practices and Implementation Gaps, GA Res 24/23, UN GAOR, 24th sess, 37th mtg, Agenda Item 3, UN Doc A/HRC/RES/24/23 (9 October 2013)

Strengthening Efforts to Prevent and Eliminate Child, Early and Forced Marriage: Challenges, Achievements, Best Practices and Implementation Gaps, GA Res 29/8, UN GAOR, 29th sess, 42nd mtg, Agenda Item 3, UN Doc A/HRC/RES/29/8 (22 July 2015)

Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices opened for signature 7 September 1956, 266 UNTS 3 (entered into force 30 April 1957)

The Girl Child, GA Res 50/154, UN GAOR, 3rd Comm, 50th sess, 97th mtg, Agenda Item 110, UN Doc A/RES/50/154 (15 February 1996)

The Girl Child, GA Res 51/76, UN GAOR, 3rd Comm, 51st sess, 82nd mtg, Agenda Item 106, UN Doc A/RES/51/76 (20 February 1997)

The Girl Child, GA Res 53/127, UN GAOR, 3rd Comm, 53rd sess, 85th mtg, Agenda Item 106, UN Doc A/RES/53/127 (23 February 1999)

The Girl Child, GA Res 54/148, UN GAOR, 3rd Comm, 54th sess, 83rd mtg, Agenda Item 112, UN Doc A/RES/54/148 (25 February 2000)

The Girl Child, GA Res 55/78, UN GAOR, 3rd Comm, 55th sess, 81st mtg, Agenda Item 110, UN Doc A/RES/55/78 (16 February 2001)

The Girl Child, GA Res 60/141, UN GAOR, 3rd Comm, 60th sess, 64th mtg, Agenda Item 67, UN Doc A/RES/60/141 (11 January 2006)

The Girl Child, GA Res 62/140, UN GAOR, 3rd Comm, 62nd sess, 76th mtg, Agenda Item 66(a), UN Doc A/RES/62/140 (19 February 2008)

The Girl Child, GA Res 64/145, UN GAOR, 3rd Comm, 64th sess, 65th mtg, Agenda Item 65(a), UN Doc A/RES/64/145 (1 March 2010)

The Girl Child, GA Res 66/140, UN GAOR, 3rd Comm, 66th sess, 89th mtg, Agenda Item 65(a), UN Doc A/RES/66/140 (27 March 2012)

The Girl Child, GA Res 68/146, UN GAOR, 3rd Comm, 68th sess, 70th mtg, Agenda Item 65(a), UN Doc A/RES/68/146 (4 February 2014)

Transforming Our World: the 2030 Agenda for Sustainable Development, GA Res 70/1, UN GAOR, 70th sess, 4th mtg, Agenda Items 15 and 116, UN Doc A/RES/70/1 (21 October 2015)

UN Committee on the Elimination of Discrimination Against Women, *CEDAW General Recommendation No. 21: Equality in Marriage and Family Relations* 13th sess, UN Doc A/49/38 (1994)

UN Committee on the Elimination of Discrimination Against Women, *CEDAW General Recommendation No. 19: Violence against women* 11th sess, UN Doc A/47/38 (1992)

UN Committee on the Rights of the Child, *UN Committee on the Rights of the Child: Concluding Observations: India* 35th sess, UN Doc CRC/C/15/Add.115 (26 February 2004)

United Nations General Assembly Human Rights Council, *Panel Discussion on Preventing and Eliminating Child, Early and Forced Marriage*, 23 June 2014

United Nations General Assembly, *Informal Panel Discussion on Child, Early and Forced Marriage*, 5 September 2014

United Nations Millennium Declaration, GA Res 55/2, UN GAOR, 55th sess, 8th mtg, Agenda Item 60(b), UN Doc A/RES/55/2 (18 September 2000)

Universal Declaration of Human Rights, GA Res 217A (III), UN GAOR, 3rd sess, 183rd plen mtg, UN Doc A/810 (10 December 1948)

D Internet Materials

ActionAid, *Four Times Captured Four Times Rescued* (15 May 2017)
<<http://actionaid.org/ghana/2017/05/four-times-captured-four-times-rescued>>

ActionAid, *Girl Clubs Promoting Girls' Education* (4 September 2013)
<<http://www.actionaid.org/ghana/2013/09/girls-clubs-promoting-girls-education>>

African Commission on Human and People's Rights, *Ratification Table: Protocol to the African Charter on Human and People's Rights on the Establishment of the African Court on Human and Peoples' Rights* <<http://www.achpr.org/instruments/court-establishment/ratification/>>

African Union Commission, *Agenda 2063: The Africa We Want* (2015) <www.un.org/en/africa/osaa/pdf/au/agenda2063.pdf>

African Union Commission, The Republic of Niger Launches AU Campaign to End Child Marriage in Africa (10 December 2014) <<https://www.au.int/web/en/newsevents/27021/republic-niger-launches-au-campaign-end-child-marriage-africa>>

African Union, African Year of Human Rights with a Particular Focus on the Rights of Women (27 January 2016) <<https://www.au.int/en/pressreleases/19615/2016-african-year-human-rights-particular-focus-rights-women>>

African Union, Campaign on Accelerated Reduction of Maternal, Newborn and Child Mortality in Africa <<http://www.carmma.org/>>

Aghi, Mira, Early Marriage in South Asia: A discussion paper UNICEF, 7, <<https://www.unicef.org/rosa/earlymarriage%28lastversion%29.doc>>

Alam, Andaleeb, Javier Baez and Ximena Del Carpio, *Does Cash for School Influence Young Women's Behaviour in the Longer Term* (May 2011) The World Bank 21 <<http://documents.worldbank.org/curated/en/996441468145471110/pdf/WPS5669.pdf>>

American Jewish World Service, *Ending Child Marriage* (2017) <<https://ajws.org/what-we-do/ending-child-marriage/>>

American Jewish World Service, *From Age to Agency: Our Approach to Ending Early and Child Marriage* (September 2016) <https://ajws-americanjewishwo.netdna-ssl.com/wp-content/uploads/2016/09/ECM-strat_brochure_web.pdf>

American Jewish World Service, *Meant for Something More* (11 September 2015) <<https://ajws.org/stories/meant-for-something-more/>>.

American Jewish World Service, *Munija Chooses Her Future: Advancing Girl's Education and Opposing Child Marriage in West Bengal, India* (14 March 2013) <<https://ajws.org/blog/munija-chooses-her-future/>>

American Jewish World Service, *Our Story and Mission* (2017) <<https://ajws.org/who-we-are/our-story/>>

American Jewish World Service, *Research on Early and Child Marriage* American Jewish World Service <<https://ajws.org/our-impact/research-early-child-marriage/>>

Association of the Egyptian Female Lawyers, 'The Association of Egyptian Female Lawyers Launches A Campaign To Eliminate Early Marriage' (2015) <<http://www.aeflwomen.com/en/the-association-of-egyptian-female-lawyers-launches-a-campaign-to-eliminate-early-marriage>>

Australian Bureau of Statistics, Net Overseas Migration (30 March 2017) *Migration, Australia* <<http://www.abs.gov.au/ausstats/abs@.nsf/Latestproducts/3412.0Main%20Features52015-16?opendocument&tabname=Summary&prodno=3412.0&issue=2015-16&num=&view=>>>.

Australian Government Attorney-General's Department, *Forced Marriage Human Trafficking* <<https://www.ag.gov.au/CrimeAndCorruption/HumanTrafficking/Pages/ForcedMarriage.aspx#response>>

BBC News, 'Article 308: Jordan to scrap marriage loophole for rapists', 24 April 2017 <<http://www.bbc.com/news/world-middle-east-39692020>>

- BBC News, 'UN: World facing greatest humanitarian crisis since 1945', 11 March 2017 <<http://www.bbc.com/news/world-africa-39238808> >
- BE, Diane, *Child Marriage in India, One of the Worst Violations of Children's Rights (17 February 2016) Humanium* <<http://www.humanium.org/en/child-marriage-in-india-one-of-the-worst-violations-of-childrens-rights/>>
- Bouman, Martine, Sarah Lubjuhn and Hester Hollemans, *Entertainment-Education and Child Marriage; A Scoping Study for Girls Not Brides: The Global Partnership to End Child Marriage* (January 2017) Girls Not Brides <<http://www.girlsnotbrides.org/wp-content/uploads/2017/02/Entertainment-Education-and-child-marriage-scoping-study-Jan-2017-2.pdf>>
- BRAC, *Education* (15 January 2016) <<http://www.brac.net/brac-afghanistan/item/756-education>>
- Burket, Mary, Mohammad Alauddin, Abdul Malek and Mizanur Rahman, *Raising the Age of Marriage for Young Girls in Bangladesh* (July 2006) Pathfinder International <http://www2.pathfinder.org/site/DocServer/PF_Bangladesh_FINAL.pdf?docID=6601%3Cfont%20size%3D>
- Burnett, Fergus, *Child Marriage Around the World – United Kingdom* Girls Not Brides <<http://www.girlsnotbrides.org/child-marriage/united-kingdom/>>.
- Burnett, Fergus, *Child Marriage Around the World – United Kingdom* Girls Not Brides <<http://www.girlsnotbrides.org/child-marriage/united-kingdom/>>.
- CARE, 'Girls' Leadership Development in Action: CARE's Experience from the field' (October 2012) <<http://care.org/sites/default/files/documents/EDU-GE-2012-Girls-Leadership-Development-in-Action.pdf> >
- Cauterucci, Christina, 'Texas, the State with the Country's Second-Highest Child Marriage Rate, Finally Bans It', on Christina Cauterucci, *Slate: What Women Really Think* (16 July 2017) <http://www.slate.com/blogs/xx_factor/2017/06/16/texas_the_state_with_the_country_s_second_highest_child_marriage_rate_finally.html>
- Male, Chata and Quentin Wodon, Health, Nutrition and Population Global Practice: Basic Profile of Child Marriage in Nigeria (2016) World Bank Group <<https://openknowledge.worldbank.org/handle/10986/24547>>
- Male, Chata and Quentin Wodon, Health, Nutrition and Population Global Practice: Basic Profile of Child Marriage in Ethiopia (2016) World Bank Group <<http://documents.worldbank.org/curated/en/726751467831767984/Basic-profile-of-child-marriage-in-Ethiopia>>
- Gohavti, Chinga, *Existing Laws in Zimbabwe Fail to Protect the Rights of Children* (1 May 2017) Humanium <<http://www.humanium.org/en/existing-laws-in-zimbabwe-fail-to-protect-the-rights-of-children/>>
- CitiFMonline, NGO Initiates Project to End Child Marriage in Nabdam, Builsa North (30 March) <<http://citifmonline.com/2017/03/30/ngo-initiates-project-to-end-child-marriage-in-nabdam-builsa-north/>>
- Connor, Philip, *U.S. admits records number of Muslim refugees in 2016* (5 October 2016) Pew Research Centre <<http://www.pewresearch.org/fact-tank/2016/10/05/u-s-admits-record-number-of-muslim-refugees-in-2016/>>.

- Danish Institute of Human rights, 'Development of a national human rights strategy for Yemen' (2013) <<https://www.humanrights.dk/projects/development-national-human-rights-strategy-yemen>>
- Daube, Elizabeth, *Exploring Early Marriage and Mental Health: A Sneak Peek at Sama's Research with Young Women in India* (7 September 2016) American Jewish World Service <<https://ajws.org/blog/exploring-early-marriage-mental-health/>>
- Daube, Elizabeth, *How to End Child Marriage in India* (11 September 2015) American Jewish World Service <<https://ajws.org/stories/how-to-end-child-marriage-in-india/>>
- Daube, Elizabeth, *Something Different for our Daughters: Mangal & Shital's Story* (2015) American Jewish World Service <<https://ajws.org/stories/something-different-for-our-daughters/>>
- Department of State, U.S. *Global Strategy to Empower Adolescent Girls* (15 March 2016) U.S. Department of State <<https://www.state.gov/s/gwi/priorities/adolescentgirls/254674.htm>>.
- Deputy Ministry of Youth Affairs, *Afghanistan National Youth Policy* (2014) UNFPA <<http://afghanistan.unfpa.org/en/publications/afghanistan-national-youth-policy>>
- Development Research and Projects Center, Stories of Innovations to Delay Early Marriage by Indigenous Nigerian NGOs, 1* <drpcngr.org/attachments/.../Innovations%20to%20Delay%20Early%20Marriage.pdf>
- Director General of Health Services, *Operational Plan: Maternal Neonatal Child and Adolescent Health* (November 2011) DGHS and Ministry of Health and Family Welfare <<http://www.dghs.gov.bd/index.php/en/mis-docs/op-2011-16-en>>
- Dodd, Josephine, *Niger: The Highest Rate of Child Marriage in the World* (21 November 2016) Humanium <<http://www.humanium.org/en/niger-child-marriage/>>.
- Every Woman Every Child, *Commitments: Niger* (21 November 2016) <<https://www.everywomaneverychild.org/commitment/niger/>>
- Ezeilo, Joy Ngozi, 'Report of the Special Rapporteur on Trafficking in Person, Especially Women and Children', *Mission to Egypt* (2011) <<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G11/129/17/PDF/G1112917.pdf?OpenElement>>
- Fletcher, Erin, Ingrid Fitzgerald and Marleen Van der ee, *Report on Expert Group Meeting on the Evidence Base for Accelerated Action to End Child Marriage in South Asia* (2017) UNICEF ROSA and UNFPA <https://www.unicef.org/rosa/UNFPA_UNICEF_FINAL_EGM_Report.pdf>
- Girls Not Brides, *About Child Marriage* (2017) <<http://www.girlsnotbrides.org/about-child-marriage/>>.
- Girls Not Brides, *About Girls Not Brides* (2017) <<http://www.girlsnotbrides.org/about-girls-not-brides/>>
- Girls Not Brides, *About Girls Not Brides* (2017) <<http://www.girlsnotbrides.org/about-girls-not-brides/>>
- Girls Not Brides, *African Union Launches its First-Ever Campaign to End Child Marriage* (29 May 2014) <<http://www.girlsnotbrides.org/african-union-launches-first-ever-campaign-end-child-marriage/>>

Girls Not Brides, *Bangladesh and the Child Marriage Restraint Act 2016: A Recap*, (11 January 2017) <<http://www.girlsnotbrides.org/bangladesh-child-marriage-restraint-act-2016-recap/>>

Girls Not Brides, *Child Marriage Around the World: Afghanistan* (2017) Girls Not Brides <<http://www.girlsnotbrides.org/child-marriage/afghanistan/>>

Girls Not Brides, *Economic Empowerment and Child Marriage: Lessons From Nigeria* (15 March 2017) <<http://www.girlsnotbrides.org/economic-empowerment-child-marriage-lessons-nigeria/>>

Girls Not Brides, *Egypt* <<http://www.girlsnotbrides.org/wp-content/uploads/2015/06/Fact-sheet-Egypt-national-strategy-May-2015.pdf>>

Girls Not Brides, *Ending Child Marriage in South Asia: A Regional Action Plan* (14 March 2016) Girls Not Brides <<http://www.girlsnotbrides.org/child-marriage-south-asia-regional-plan/>>

Girls Not Brides, *Ghana* <<http://www.girlsnotbrides.org/child-marriage/ghana/>>

Girls Not Brides, *Ghana Launches African Union Campaign to End Child Marriage* (11 February 2016) <<http://www.girlsnotbrides.org/ghana-launches-national-campaign-to-end-child-marriage/>>

Girls Not Brides, *Households Against Child Marriage: An Innovative Approach from Ghana* (17 March 2017) <<http://www.girlsnotbrides.org/households-child-marriage-innovative-approach-ghana/>>

Girls Not Brides, *Lessons Learned From National Initiatives to End Child Marriage, 2016* <http://www.girlsnotbrides.org/wp-content/uploads/2017/02/GNB-Lessons_learned_national_initiatives-2016.pdf>

Girls Not Brides, *Lessons Learned from National Initiatives to End Child Marriage – 2016* (January 2017) <http://www.girlsnotbrides.org/wp-content/uploads/2017/02/GNB-Lessons_learned_national_initiatives-2016.pdf>.

Girls Not Brides, *National Strategy to End Child Marriage in Nigeria (2016- 2021)* (29 November 2016) <<http://www.girlsnotbrides.org/resource-centre/national-strategy-end-child-marriage-nigeria-2016-2021/>>

Girls Not Brides, *Nigeria* <<http://www.girlsnotbrides.org/child-marriage/nigeria/>>

Girls Not Brides, *SADC Parliamentarians Adopt Model Law on Eradicating Child Marriage* (4 June 2016) <<http://www.girlsnotbrides.org/sadc-model-law-child-marriage/>>

Girls Not Brides, *Search For Members* (2017) <<http://www.girlsnotbrides.org/about-girls-not-brides/our-members/search-for-members/>>

Girls Not Brides, *Sub-Saharan Africa* <<http://www.girlsnotbrides.org/region/sub-saharan-africa/>>

Girls Not Brides, *The Global Partnership to End Child Marriage: Strategy 2017–2020* (January 2017) <<http://www.girlsnotbrides.org/wp-content/uploads/2017/02/Girls-Not-Brides-strategy-2017-2020-ENG.pdf>>

Girls Not Brides, *Theory of Change* (2014) <<http://www.girlsnotbrides.org/wp-content/uploads/2014/07/Girls-Not-Brides-Theory-of-Change-on-Child-Marriage1.pdf>>

Girls Not Brides, *Why Does Child Marriage Happen?* (2017) <<http://www.girlsnotbrides.org/why-does-it-happen/>>

Girls Voices Initiative, #MakeGirlsVoicesCount: A Digital Campaign by Girls Voices Initiative <<http://www.girls-voices.org/makegirlsvoicescount>>

Girls Voices Initiative, #TakeMeBackToSchool: A Documentary Film Project <<http://www.girls-voices.org/takemebacktoschool>>

Government of Ghana, Ghana Leads Global Campaign to End Child Marriage <<http://www.ghana.gov.gh/index.php/media-center/news/2612-ghana-leads-global-campaign-to-end-child-marriage>>

Graham, John, *Campaigning to End Child Marriage Across Africa* (15 January 2015) Save the Children in Ethiopia <<https://www.savethechildren.net/article/campaigning-end-child-marriage-across-africa>>

Greene, Margaret and Timi Gerson, *What's Missing in the Fight Against Early and Child Marriage: Insights from India* (October 2015) American Jewish World Service <https://ajws-americanjewishwo.netdna-ssl.com/wp-content/uploads/2015/11/10.22.15AJWS_InsightsFromIndia_FINAL_webversion.pdf>

Guibreteau, Salome, *Child Marriage in the US: An Unbelievable Reality* (17 February 2017) Humanium <<http://www.humanium.org/en/child-marriage-in-the-u-s-an-unbelievable-reality/>>.

Hall, Louise, 'Child Bride Case: Man jailed for 'marrying' a 12-year-old girl in backyard ceremony', The Sydney Morning Herald (online) 6 March 2015 <<http://www.smh.com.au/nsw/child-bride-case-man-jailed-for-marrying-12yearold-girl-in-backyard-ceremony-20150306-13xa99.html>>.

Human Rights Watch, "'How Come You Allow Little Girls to Get Married?": Child Marriage in Yemen (December 2011) <https://www.hrw.org/sites/default/files/reports/yemen1211ForUpload_0.pdf>

Human Rights Watch, 'Yemen: End Child Marriage' (September 10, 2013) <<https://www.hrw.org/news/2013/09/10/yemen-end-child-marriage>>

Humanium, *2015 Annual Report* (2016) <http://www.humanium.org/en/wp-content/uploads/2014/06/ANNUAL-REPORT-2015_EN_web.pdf>

Humanium, *Child Marriage* (2017) <<http://www.humanium.org/en/child-marriage/>>

Humanium, *Humanium Legal Structure* (2017) <<http://www.humanium.org/en/legal-structure/>>.

Humanium, *Humanium's Ethics Charter* (2017) <<http://www.humanium.org/en/ethics-charter/>>.

Humanium, *Humanium's Team* (2017) <<http://www.humanium.org/en/team/>>

Humanium, *Our Operational Partners* (2017) <<http://www.humanium.org/en/partners/>>.

Humanium, *What is the Protection of Childhood?* (2 July 2014) <<http://www.humanium.org/en/what-is-the-protection-of-childhood/>>.

Humanium, *Who is Humanium?* (2017) <<http://www.humanium.org/en/presentation/>>

- ICRW, *Child Marriage in Southern Asia: Context, Evidence and Policy Options for Action* (2012) Asia Forum of Parliamentarians on Population and Development, 1, <<https://www.afppd.org/Resources/Policy-Brief-Child-Marriage-in-South-Asia.pdf>>
- Institute for Women's Empowerment, Ouagadougou Declaration on Child Marriages (11 October 2003)<<http://wrrc.wluml.org/node/1211>>
- International Day of the Girl Child (10 October 2016) UN Women <<http://www.unwomen.org/en/news/stories/2016/10/press-release-emma-watson-shines-spotlight-on-need-to-end-child-marriages>>
- International Day of the Girl Child (11 October 2016) UN Women <<http://www.unwomen.org/en/news/stories/2016/10/ed-statement-day-of-the-girl-child>>
- International Day of the Girl Child UN Women <<http://www.unwomen.org/en/news/in-focus/girl-child>>
- International Labour Organisation, *South Asia Coordinating Group on Action against Violence against Children* <http://www.ilo.org/newdelhi/areasofwork/child-labour/partnerships/WCMS_250881/lang--en/index.htm>
- IRIN News, *New Contract to Curb Child Marriages* (14 March 2007) <<http://www.irinnews.org/report/70684/afghanistan-new-contract-curb-child-marriages>>
- IRIN News, *Online birth data to prevent child marriage* (3 July 2012) <<http://www.irinnews.org/feature/2012/07/03/online-birth-data-prevent-child-marriage>>
- Islamic Republic of Afghanistan, *National Action Plan for the Women of Afghanistan* (2007) Attorney General Office of Afghanistan <<http://ago.gov.af/Content/Media/Documents/NAPWA382016145514117553325325.pdf>>
- Jordan River Foundation, 'Overview' <<https://www.jordanriver.jo/?q=content/jrcsp/overview> >
- Khanna, Tina, Ravi Verma, Ellen Weiss and Kiran Bhatia, *Child Marriage in South Asia: Realities, Responses and the way forward* (2016) International Center for Research on Women, 5, <https://www.icrw.org/wp-content/uploads/2016/10/Child_marriage_paper-in-South-Asia.2013.pdf>
- Kurti, Peter, 'There's no room for child marriages in Australia', *Daily Telegraph* (online), 22 September 2016 <<http://www.dailytelegraph.com.au/rendezview/theres-no-room-for-child-marriages-in-australia/news-story/52dff0aa4368852e769c1455bcbc841f> >
- Landmann, Susan, *Child Marriage Around the World – United States Girls Not Brides* <http://www.girlsnotbrides.org/child-marriage/united-states/> Let Girls Learn, *Who We Are Let Girls Learn* <<https://letgirlslearn.gov/about/>>.
- Male, Chate and Quentin Wodon, *Health, Nutrition and Population Global Practice: Basic Profile of Child Marriage in Niger* (2016) World Bank Group <<https://openknowledge.worldbank.org/bitstream/handle/10986/24545/Basic0profile0of0child0marriage0in0Niger.pdf?sequence=1>>
- Millar, Sarah, 'Girls as young as ten being forced into marriage; 14 million brides are being married every year', *News Corp Australia* (online), 14 July 2014.

Ministry of Finance and Economic Development and UNICEF in Ethiopia, Progress in abandoning female genital mutilation/cutting and child marriage in self-declared Woredas (2012)

Moll, Amanda, *Patsy Collins Trust Fund Initiative* (2013) CARE
<<http://www.care.org/sites/default/files/documents/PCTFI%202013%20Report%20FINAL%20WEB.pdf>>

Muhmad, Wasil Noor, *Child Protection System, Prevention and Response to Child Protection in Afghanistan* (November 2010) UNICEF
<https://www.unicef.org/eapro/DM_shanghi_CPAN_meeting.pdf>

Multi- Sectoral Programme on Violence Against Women, *Background*
<http://www.mspvaw.gov.bd/index.php?option=com_content&view=article&id=178>

Myers, Juliette, *Untying the Knot Exploring Early Marriage in Fragile States* (March 2013) World Vision, 25, <http://www.wvi.org/sites/default/files/UNTYING_THE_KNOT_-_March_2013.pdf>

National Legal Aid, to Australian Government Attorney-General's Department, *Discussion Paper Forced and Servile Marriage*, 7 February 2011, 13

NewsCorp Australia, 'Australian girls among millions forced to become child brides', *NewsCorp Australia* (Online) 22 July 2013 <<http://www.news.com.au/world/middle-east/australian-girls-among-millions-forced-to-become-child-brides/news-story/a124372869901d02d1a0926c9842842c>>.

NORSAAC, Let the Girl Smile: Say No to Child Marriage <<http://www.norsaac.org/gender-and-governance/legs/>>

NORSAAC, Young Urban Women Project <<http://www.norsaac.org/gender-and-governance/young-urban-women-project/>>

Pew Research Centre, 'Middle East – North Africa Overview' (7 October 2009) <<http://www.pewforum.org/2009/10/07/mapping-the-global-muslim-population10/>>

Plan International, Child Protection in Niger: Protecting all Children in Niger, Including During Emergency Situations <<https://plan-international.org/niger/child-protection-niger>>

Plan International, Girls Stand Against Child Marriage in Niger <<https://plan-international.org/niger/girls-stand-against-child-marriage>>

Plan International, *We Can Fight to End Child Marriage* Plan International
<<https://www.plan.org.au/learn/who-we-are/blog/2017/05/12/end-child-marriage-in-malawi>>

Population Council, *BALIKA (Bangladesh Association for Life Skills, Income, and Knowledge for Adolescents)* (2017) Population Council <<http://www.popcouncil.org/research/balika-bangladeshi-association-for-life-skills-income-and-knowledge-for-ado>>

Prettitore, Paul, 'How Jordan is expanding its assistance to victims' *The World Bank* (12 May 2015) <<http://blogs.worldbank.org/voices/how-jordan-expanding-its-assistance-victims-gender-based-violence>>

Rahnuma Family Planning Association of Pakistan, Progress Against 5As
<<http://www.fpapak.org/about-us/reports.html>>

- Roychowdhury, Sohini, 'UNICEF launches campaign against child marriage' (March, 2010) <<http://southasia.oneworld.net/features/unicef-launches-campaign-against-child-marriage#.WUeI1uuGO70>>.
- Ruiz-Grossman, Sarah, 'Texas Just banned Child Marriage', *Huffington Post* (online) 17 June 2017 <http://www.huffingtonpost.com.au/entry/texas-bans-child-marriage-law_us_594402a4e4b06bb7d272b673>.
- Ruiz-Grossman, Sarah, 'Virginia Has Banned Child Marriage. Yes, It Still Exists in the U.S.', *Huffington Post* (online), 13 July 2016 <http://www.huffingtonpost.com.au/entry/virginia-bans-child-marriage-illegal-underage-loophole_us_578407fae4b0ed2111d74228>.
- Rutgers WPF, *Aagahi Se Agay End Project Evaluation* <<http://www.rutgerswpfpak.org/content/pdfs/IEC/ASA-Evaluation-Report.pdf>>
- Rutgers WPF, *Access, Services and Knowledge* <<http://rutgerswpfpak.org/ask.html>>
- SAARC *Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia (2002)*
- SAIEVAC, *Kathmandu Call for Action to End Child Marriage in South Asia (2014)* The Center for Reproductive Rights <[https://www.reproductiverights.org/sites/crr.civicactions.net/files/documents/SA%20End%20Child%20Marriage%20Brochure_20Nov14\(final\)-2%20\(1\).pdf](https://www.reproductiverights.org/sites/crr.civicactions.net/files/documents/SA%20End%20Child%20Marriage%20Brochure_20Nov14(final)-2%20(1).pdf)>
- SAIEVAC, *Regional Action Plan to End Child Marriage in South Asia (2015-2018) 3* <http://www.saievac.org/download/Thematic%20Area%20Resources/Child%20Marriage/RA_P_Child_Marriage.pdf>
- Salvation Army, Submission No 37 to Joint Standing Committee on Foreign Affairs, Defence and Trade Human Rights Sub-Committee Parliament of Australia, *Inquiry into Slavery, Slavery-like conditions and People Trafficking*, 6
- Saranga, Jain and Kurz, Kathleen, *New Insights on Preventing Child Marriage: A Global Analysis of Factors and Programs*, *United States Agency for International Development*, April 2007, 9. Available at: <http://lastradainternational.org/lsidocs/icrw_child_marriage_0607.pdf>
- Save the Children, *Advocacy (2017)* <<https://www.savethechildren.net/advocacy>>.
- Save the Children, *Children's Ebola Recovery Assessment: Sierra Leone (2017)* <http://www.savethechildren.org/atf/cf/%7B9def2ebe-10ae-432c-9bd0-df91d2eba74a%7D/EBOLA_REPORT_CHILDRENS_RECOVERY_ASSESSMENT_SIERRA_LEONE.PDF>
- Save the Children, *History (2017)* <<http://www.savethechildren.org/site/c.8rKLIXMGIpI4E/b.6229507/k.C571/History.htm>>.
- Save the Children, *History and Achievements (2013)* <<http://www.savethechildren.org.au/about-us/history-and-achievements>>.
- Save the Children, *My First Baby Guide: Addressing the Reproductive Health Needs of Married Adolescent Girls in West Nepal (2014)* <<http://www.savethechildren.org/atf/cf/%7B9def2ebe-10ae-432c-9bd0-df91d2eba74a%7D/MY%20FIRST%20BABY%20BRIEF%20-%20DEC%202014.PDF>>.

- Save the Children, *Our Humanitarian Work (2017)* <<https://www.savethechildren.net/what-we-do/our-humanitarian-work>>
- Save the Children, *Stolen Childhood: End of Childhood Report 2017 (2017)*
http://www.savethechildren.org/atf/cf/%7B9def2ebe-10ae-432c-9bd0-df91d2eba74a%7D/SAVETHECHILDREN_ENDOFCHILDHOOD_INDEX_2017_EASTAFRICA%20EDITION_LOWRES.PDF
- Save the Children, *Too Young to Wed (2014)*
 <https://www.savethechildren.net/sites/default/files/RSYR-cf-12_TooYoungToWedReport_17Jul14.pdf#overlay-context=article/syrian-child-marriage-jordan-has-doubled-start-war>
- Save the Children, *Too Young to Wed (2014)*
 <https://www.savethechildren.net/sites/default/files/RSYR-cf-12_TooYoungToWedReport_17Jul14.pdf#overlay-context=article/syrian-child-marriage-jordan-has-doubled-start-war>.
- School For Life, SFL Strategic Plan <<http://www.schoolforlifegh.org/>>
- SEYAJ, ‘What We Do?: Child Protection’ < <http://seyaj.org/child-protection/> >
- SURGIR Foundation, ‘New program in Jordan: Combating child marriages’ (2016) <
<http://www.surgir.ch/en/content/new-program-jordan-combating-child-marriages> >
- Tahirih Justice Centre, *What We Do* Tahirih Justice Centre <<http://www.tahirih.org/what-we-do/>>
- The Center for Reproductive Rights, *Child Marriage and Personal Laws in South Asia* (2014) United Nations Human Rights Office of the High Commissioner, 3,
 <http://www.ohchr.org/Documents/Issues/Women/WRGS/Earlyforcedmarriage/NGOs_Individuals/CRR1.pdf>
- The Elders, *About The Elders* (2017) <<http://www.theelders.org/about>>.
- The Forum, *Early Marriage: Whose Right to Choose*, Forum on Marriage and the Rights of Women and Girls (May 2000) < <http://www.khubmarriage18.org/sites/default/files/228.pdf> >
- UNICEF - Innocenti Research Centre, *How We Work* <www.unicef-irc.org/article/1441/>.
- UNICEF, *Against child marriage: children demand their rights for a secure future* (2010) <
https://www.unicef.org/media/media_52839.html>.
- UNICEF, *Child Protection* <www.unicef.org/protection>.
- UNICEF, *Child protection from violence, exploitation and abuse*
 <www.unicef.org/protection/57929_92681.html>.
- UNICEF, *Child spouses, ‘Innocenti Digest’ (2001)* <<https://www.unicef-irc.org/publications/pdf/digest7e.pdf>>
- UNICEF, *Early Marriage: A harmful and traditional practice* (2005)
 <www.unicef.org/gender/files/Early_Marriage_Harmful_Traditional_Practice.pdf>.
- UNICEF, *Equality, development and peace* (2000)
 <https://www.unicef.org/publications/files/pub_equality_en.pdf>.

- UNICEF, *Girl Summit: A future free from FGM and child and forced marriage* (2015) <http://reliefweb.int/sites/reliefweb.int/files/resources/6.1057_DFID_AR_Girl_Summit_Final_web_20072015.pdf>.
- UNICEF, *International Day of the Girl Child* (2012) <www.unicef.org/gender/gender_66024.html>.
- UNICEF, *Joint press release – New multi-country initiative will protect millions of girls from child marriage* <www.unicef.org/media/media_90394.html>.
- UNICEF, *Role of Men in the Lives of Children* (1997) <https://www.unicef.org/evaldatabase/files/Global_1997_Role_of_Men.pdf>.
- UNICEF, *The Progress of Nations* (1998) <https://www.unicef.org/about/history/files/pub_pon98_en.pdf>.
- UNICEF, *The State of the World's Children* (2011) <www.unicef.org/sowc2011/pdfs/SOWC-2011-Main-Report_EN_02092011.pdf>.
- UNICEF, *UNICEF Annual Report 2015* <https://www.unicef.org/publications/files/UNICEF_Annual_Report_2015_En.pdf>.
- UN Women, *Around the World, Women and Men of All Ages ‘Orange their Hoods’ to End Violence* (11 December 2014) <<http://www.unwomen.org/en/news/stories/2014/12/around-the-world-women-and-men-of-all-ages-orange-their-hoods>>
- UN Women, *Girls Speak Out at the First African Girls’ Summit on Ending Child Marriage* (27 November 2015) <<http://www.unwomen.org/en/news/stories/2015/11/girls-speak-out-at-the-first-african-girls-summit-on-ending-child-marriage>>
- UN Women, *UN Women launches multi-province project on ending violence against women in Afghanistan* (1 October 2011) <<http://asiapacific.unwomen.org/en/news-and-events/stories/2011/10/un-women-launches-multi-province-project-on-ending-violence-against-women-in-afghanistan>>
- UN News, *Afghanistan has ‘long way to go’ in protecting women from violence* (23 November 2011) UN News Centre <<http://www.un.org/apps/news/story.asp?NewsID=40491#.WSonKVN97-Y>>
- Unchained at Last, *Unchained at a glance* <<http://www.unchainedatlast.org/unchained-at-a-glance/>>
- UNFPA and UNICEF ROSA, *Mapping of Child Marriage Initiatives in South Asia* (2016) Girls Not Brides <<http://www.girlsnotbrides.org/reports-and-publications/mapping-of-child-marriage-initiatives-in-south-asia/>>
- UNFPA, *Consensus Conference for the National Action Plan for prevention of early and child marriage* (5 September 2016) <<http://afghanistan.unfpa.org/news/consensus-conference-national-action-plan-prevention-early-and-child-marriage>>
- UNFPA, *UNFPA Afghanistan presents “Teacher Malalai adventures: Mina’s early marriage* <<http://asiapacific.unfpa.org/news/unfpa-afghanistan-presents-teacher-malalai-adventures-minas-early-marriage-0?page=3%2C1>>
- UNFPA, *Youth Health Line 120 receives more than 7,000 calls* (28 August 2013) UNFPA Afghanistan <<http://afghanistan.unfpa.org/news/youth-health-line-120-receives-more-7000-calls>>

- UNICEF Nigeria, President of Nigeria Launches Campaign to End Violence Against Children by 2030 (25 October 2016) <https://www.unicef.org/nigeria/protection_10794.html>
- UNICEF ROSA, *Meena Communication Initiative* <https://www.unicef.org/rosa/media_2479.htm>
- UNICEF, 'MoSD and UNICEF signs agreement for improving protection services for all children in Jordan' (22 May 2017) <https://www.unicef.org/jordan/media_11938.html>
- UNICEF, 'New multi-country initiative will protect millions of girls from child marriage – UNICEF/UNFPA' (Joint Press Release, UNICEF/UNI202947/, 8 March 2016).
- UNICEF, *Child Marriage and the Law: Legislative Reform Initiative Paper Series* (April 2007) <https://www.unicef.org/policyanalysis/files/Child_Marriage_and_the_Law.pdf>
- UNICEF, *Ending Child Marriage: Progress and prospects, 2013.* <https://www.unicef.org/media/files/Child_Marriage_Report_7_17_LR..pdf>
- UNICEF, *Kishori Abhijan Highlights of Baseline Findings on Adolescents Social Environment* (2008) <https://www.unicef.org/bangladesh/2007-08_KA_Baseline_Highlights.pdf>
- UNICEF, *Parliamentary Association for UNICEF Policy* <<https://www.unicef.org.au/our-work/unicef-in-australia/policy>>
- UNICEF, *State of the World's Children 2014 in Numbers: Every Child Counts* (January 2014) <https://www.unicef.org/publications/index_71829.html>
- UNICEF, *Under Siege: The devastating impact on children of three years of conflict in Syria* (March 2014) <https://www.unicef.org/publications/files/Under_Siege_March_2014.pdf>
- United Nations Economic and Social Commission for Asia and the Pacific, *Regional Action Framework on Civil Registration and Vital Statistics in Asia and the Pacific* (2015) UNESCAP, <http://www.unescap.org/sites/default/files/Regional.Action.Framework.English.final_.pdf>
- UNICEF, *A Profile of Child Marriage in Africa* (23 November 2015) 7 <<https://data.unicef.org/resources/a-profile-of-child-marriage-in-africa/>>
- United Nations Population Fund, 'School for Husbands' Encourages Nigerien Men to Improve Health of their Families (20 April 2011) <<http://www.unfpa.org/news/%E2%80%98school-husbands%E2%80%99-encourages-nigerien-men-improve-health-their-families>>
- United Nations Population Fund, *In Niger, Empowering Girls to Take a Stand Against Child Marriage* (21 July 2014) <<http://www.unfpa.org/news/niger-empowering-girls-take-stand-against-child-marriage>>
- US AID, 'Ending Child Marriage and Meeting the Needs of Married Children: the USAID Vision for Action', (Working Paper, US Agency for International Development, October 2012) <http://pdf.usaid.gov/pdf_docs/pdacu300.pdf>
- Vergara, Marc, 'Child protection from violence, exploitation and abuse: Jordan's police are child-friendly' (*UNICEF* online) (6 August 2004) <https://www.unicef.org/protection/57929_22857.html>

Verma, Ravi, Tara Sinha and Tina Khanna, *Child Marriage Initiative: Summary of Research in Bangladesh, India and Nepal* (January 2013) International Centre for Research on Women, 5
<<https://www.icrw.org/wp-content/uploads/2016/10/PLAN-ASIA-Child-Marriage-3-Country-Study.pdf>>

Victorian Immigrant and Refugee Coalition, *The Choice is Yours Young Girl's Future Forum*
<<http://www.virwc.org.au/young-girls-future-forum.html>>

World Bank, *Implementation Completion and Results Report* (26 December 2008) World Bank <
<http://documents.worldbank.org/curated/en/475391468205169076/pdf/ICR9250BD0P044101Official0Use0Only1.pdf>>

World Health Organisation and Inter-Parliamentary Union, *Child, early and forced marriage legislation in 37 Asia-Pacific Countries* (2016) Inter-Parliamentary Union, 25
<<http://www.ipu.org/pdf/publications/child-marriage-en.pdf>>

World Health Organisation, *London Summit on Family Planning (2012)*
<www.who.int/pmnch/media/news/2012/fpsummitcommitments090712.pdf>