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**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL, POLITICAL,  
ECONOMIC, SOCIAL AND CULTURAL RIGHTS,  
INCLUDING THE RIGHT TO DEVELOPMENT**

**Joint written statement\* submitted by the International Humanist and Ethical Union  
(IHEU) and the World Population Foundation (WPF), non-governmental organizations in  
special consultative status**

The Secretary-General has received the following written statement which is circulated in  
accordance with Economic and Social Council resolution 1996/31.

[18 February 2009]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

## **Child Marriage is Child Abuse**

Almost 30 years ago, in 1979, the Convention on the Elimination of All Forms of Discrimination against Women<sup>1</sup> (CEDAW) was adopted by the United Nations General Assembly. Article 16, paragraph 2 of the Convention 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 marriages in an official registry compulsory.

Why is it, then, that, a generation later, so many child marriages continue to happen? Are states not taking their responsibilities towards children seriously?

In fact as early as 1954, the General Assembly passed Resolution 843 (IX)<sup>2</sup> on the status of women in private law and called for states to eliminate customs, ancient laws and practices relating to marriage and the family that were inconsistent with the Universal Declaration of Human Rights, including specifically all child marriage.

### **So why in 2009, 55 years later, are young children still being married?**

As a UNICEF report<sup>3</sup> stated in 2006:

**Child marriage is a violation of human rights** whether it happens to a girl or a boy, but it represents perhaps the most prevalent form of sexual abuse and exploitation of girls. The harmful consequences include separation from family and friends, lack of freedom to interact with peers and participate in community activities, and decreased opportunities for education. **Child marriage can also result in bonded labour or enslavement, commercial sexual exploitation and violence against the victims.** Because they cannot abstain from sex or insist on condom use, child brides are often exposed to such serious health risks as premature pregnancy, sexually transmitted infections and, increasingly, HIV/AIDS.

The UN has consistently agreed that marriage shall be entered into only with the free and full consent of the intending spouses, as specified in the Universal Declaration of Human Rights.

**A child is not mentally or emotionally equipped to give such consent**, and therefore all child marriage is forced marriage. In particular, the marriage of a child to an adult constitutes an obvious case of child exploitation and abuse.

In some cases very young girls are married before menarche and are raped by their adult husbands. Such treatment can cause permanent, serious physical damage to the child, and one can only imagine the accompanying mental agony.

Even when girls have begun to menstruate, they are still vulnerable to damage from penetration by an adult man. They also run the risk of early pregnancy, which carries huge health risks. If child marriage could be eliminated, we would see a considerable decrease in the incidence of obstetric fistula, a miserable condition that unless treated often condemns a woman to pariah status for the rest of her life.

But even if we ignore the detrimental physical effects of many child marriages, there is a whole other dimension in terms of human rights.

From the very beginning, UN human rights deliberations have sought completely equal rights for all human beings. The very first sentence of the preamble of the Universal Declaration of Human Rights states that

...recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.

And Article 2 states

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, **sex**, language, religion, political or other opinion, national or social origin, property, birth or other status.

But how can there be any equality of rights in a marriage of a young girl and an adult man? She has not had time to develop as an autonomous human being. She has little prospect of being able to refuse him what he demands, even if it is against law and morality. We also know that young brides are more likely than mature women to suffer violence at the hands of their husbands. Such an unequal yoke is a travesty of a real marriage freely entered into by consenting adults. It is akin to a master-servant relationship.

Healthy societies need all our citizens to be educated. In many ways it is more important for mothers to be educated than fathers. Education means more than teaching literacy; it also means cultivating the development of minds. Adolescence is an important period for such development, and girls as well as boys need this time to become fully functioning adults. If they are forced into early marriage, it usually leads to loss of educational opportunities and a stunting of intellectual development.

Article 29 of the Convention on the Rights of the Child<sup>4</sup> states, *inter alia*, that

...the education of the child shall be directed to:

- the development of the child's personality, talents and mental and physical abilities to their fullest potential;
- the development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
- the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin.

But how realistic is it to expect any of that to be achieved for a child forced into early marriage and burdened with the ensuing household cares?

Article 31 recognises

...the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

### **How possible is that going to be for our young drudge and sex slave?**

Children growing up in the world today face many virtually unavoidable obstacles. They may be affected by poverty and political instability. They may suffer from the loss of a parent. They face dangerous diseases and often lack access to adequate health care. But why should a girl child be further handicapped by being forced into marriage far too young and denied even the limited opportunities available to others in her society?

In our written statement of 8 March 2006<sup>5</sup> we proposed a number of concrete action points which we repeat here:

### **Action Points**

We call on all governments to take all necessary action to end child marriage by:

- The full implementation of the above mentioned Human Rights Conventions
- Adopting a clear and unambiguous position on child and forced marriages and rectifying the legislative loopholes between religious, customary and civil marriages (Ouagadougou Declaration on Child Marriage, October 2003)
- Introducing laws to raise the legal age of marriage to 18 years, as agreed in the African Charter on the Rights and Welfare of the Child
- Raising the awareness of all stakeholders, including parents, on the negative impacts of child marriage
- Creating safety nets for girls and young women who escape a forced, and often violent, marriage
- Creating and maintaining birth, death and marriage data registries with full national coverage in all countries as recommended in the Pinheiro report on violence against children (2006)
- Promoting and protecting the sexual and reproductive health and rights of girls and young women, through legislation, availability of services and information and community outreach
- Promoting gender equality and the right of girls and young women to education.

### **Conclusion**

It is now more than 60 years since the Universal Declaration of Human Rights. It is almost 30 years since the Convention on the Elimination of All Forms of Discrimination against Women and yet we still see millions of young girls being forced into marriage.

**The continuation of child marriage is a disgrace to the entire human rights movement**

In another 30 years, or even 60 years, will we still be making pious noises about the evils of child marriage while doing little - or nothing - to eliminate it?

**References**

<sup>1</sup> <http://un.org/womenwatch/daw/cedaw/text/econvention.htm>

<sup>2</sup> [http://www.unicef.org/protection/files/Child\\_Marriage.pdf](http://www.unicef.org/protection/files/Child_Marriage.pdf)

<sup>3</sup> <http://daccessdds.un.org/doc/RESOLUTION/GEN/NR0/095/78/IMG/NR009578.pdf?OpenElement>

<sup>4</sup> <http://www.unhchr.ch/html/menu3/b/k2crc.htm>

<sup>5</sup> <http://www.iheu.org/system/files/G0711491+child+marriage.pdf>

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