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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the International Humanist and Ethical Union (IHEU), a non-governmental organization 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.

[8 February 2013]

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

Child marriage

Introduction

In December 2011 the UN General Assembly declared that henceforth 11 October would be celebrated as the Day of the Girl Child. The reasons for this decision are clear: our children are a precious resource but our girl children often suffer disrespect, abuse and a lack of basic human rights. And yet, since the very beginnings of the UN, equality for all, irrespective of gender, has been a central value and aspiration.

The first Day of the Girl Child was celebrated in 2012 and focussed on child marriage¹ to which millions of girls are subjected every year, but which is widely recognised as a form of child abuse and a gross violation of their human rights. Furthermore the prevalence of child marriage is one of the leading indicators of infant and maternal mortality and morbidity. Child marriage is contrary to the Convention on the Rights of the Child (CRC), the Convention on the elimination of all forms of Discrimination against Women (CEDAW) and the International Covenant on Civil and Political Rights (ICCPR).

IHEU has in the past raised the issue of child marriage at the Human Rights Council and we refer to our previous written submission from March 2009.²

The practice of child marriage

Child marriage is by definition forced marriage, since a child cannot give meaningful consent to something that will determine the whole course of her life. It robs girls of their childhood and stunts their development, usually interfering with their education as well as their mental and physical health. It is thus contrary to Articles 6, 19, 24, 28, 29 and 31 and 34 of the CRC. As the highly respected group of senior statesmen, the Elders, has said,³ “Child marriage is a clear violation of human rights, including the rights to life, liberty, self-determination and health”.

Child marriage takes place within many different cultures and traditions and for many different reasons. Some parents are motivated to marry their girls off while young in order to protect them from sexual assault and sexually transmitted diseases. Unfortunately, young brides of older men are particularly likely to be infected, lacking the power to insist that their “husbands” follow safe sexual practices.

Worse than this, girls may be treated as commodities and property, being married to settle their fathers’ debts. In such cases they are often no more than slaves. There are even cases in states where polygamy is practised of older men exchanging daughters for marriage. It is quite clear that such practices are a blatant abuse of the human rights of these unfortunate girls.

Within some cultures a girl victim of rape is compelled to marry her rapist, even when the victim is a child. This kind of traditional practice arises within cultures that treat women and their virginity as commodities. But citing “traditional values” in support of such practices can neither excuse nor condone them: child marriage for any reason is forced marriage and child abuse, a contravention of the human rights of the victim. The rapist should be punished for his crime, not rewarded by acquiring a bride.

¹ <http://www.un.org/en/events/girlchild/>.

² <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/118/60/PDF/G0911860.pdf?OpenElement>.

³ <http://www.theelders.org/child-marriage/about-child-marriage>.

Consequences of child marriage

Child brides are very rarely able to continue their education, with the result that they and their children are likely to be trapped in a cycle of poverty. Furthermore, education and development are fundamental rights⁴ and states that permit child marriage are in default of their responsibilities under international law.

Child brides of older men are particularly likely to suffer physical abuse. The imbalance of power between the girl and her “husband” means that she cannot protect herself against his superior physical strength if he chooses to beat her. Violence against both girls and women is a huge and indeed worldwide problem, as the Human Rights Council has been frequently reminded.

We must also consider the issue in the context of the sexual abuse of children. Just because a girl has been obliged to go through some form of “marriage”, it does not mean that she can legitimately be forced to undergo sexual intercourse. Penetration by an adult male can be physically very damaging for a young girl, regardless of whether she has reached puberty. States should take measures against all forms of rape, but particularly against the rape of children. And it is rape, even under the cover of the “marriage”, for any mature man to have sexual intercourse with a child.

Under-age girls who become pregnant suffer a considerable health risks. A girl may have reached puberty, but that does not mean that her body is necessarily capable of sustaining the pregnancy or safely giving birth. A girl under 15 who gives birth is still five times more likely to die in childbirth than a woman in her twenties. Even if she does not die, she is much more likely to suffer from severe ill health, including obstetric fistula. The children of young mothers are also much more likely to die within their first year.

Global impact

As the Elders have pointed out in their consideration of child marriage, “Six of the eight Millennium Development Goals are directly and negatively affected by the prevalence of child marriage:

- Eradicate extreme poverty and hunger;
- Achieve universal primary education;
- Promote gender equality and empower women;
- Reduce child mortality;
- Improve maternal health;
- Combat HIV/AIDS, malaria and other diseases.”

If states wish to take the Millennium Development goals seriously, they must also tackle the issue of child marriage.

We note that the practice of child marriage is formally illegal in many countries, but why not in all? Even then, simply having a law on the books is insufficient to eradicate harmful practices that are deeply entrenched in the culture. Changing traditional practices, even the most pernicious, requires both education and laws that are strongly enforced, without corruption, so that the guilty have a significant amount to lose.

⁴ CRC Article 29: “States Parties agree 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”.

Recommendations and conclusion

It is vital that parents, children, traditional elders and those responsible for law enforcement all be educated to understand the evil effects of child marriage. This requires a significant commitment of resources on the part of governments, but it is nevertheless clearly their responsibility.

The efficient administration of any state requires, among many other requirements, that births and marriages be registered. In too many cases at present men who marry a child are able to claim that she is older than her real age and no-one is in a position to counter the claim. Registration of births is a human right.⁵

If a child marriage has already taken place despite the efforts of the state it is not sufficient just to punish those responsible: the marriage must not be recognised as valid, it must be annulled. The girl must be rescued from the situation and treated as unmarried (and a victim of rape, if that has occurred). It should never be necessary for an eight-year-old girl to institute a court hearing to be freed from her marriage.⁶

Sad to say, millions of girls are still being married off every year before they have reached maturity. And these abuses are being practised in territories under the jurisdiction of some members of the Human Rights Council. If states take their responsibilities seriously and recognise the human rights of girl children as equal in value to those of all other citizens, it is their bounden duty to make sure that child marriage will not continue much further into the 21st century.

States which permit and condone child marriage are guilty of an appalling failure to protect their children's rights, their health and their safety.

We call upon all states to do far more to protect their children from this pernicious practice.

⁵ CRC Article 7 "The child shall be registered immediately after birth".

⁶ http://news.bbc.co.uk/2/hi/middle_east/7351336.stm.