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## Human Rights Council

### Forty-first session

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Agenda item 3

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

Albania,\* Angola, Argentina, Australia, Austria, Bolivia (Plurinational State of),\* Bosnia and Herzegovina,\* Bulgaria, Canada,\* Chile, Croatia, Cyprus,\* Czechia, Ecuador,\* Estonia,\* Fiji, France,\* Georgia,\* Germany,\* Ghana,\* Greece,\* Haiti,\* Honduras,\* Hungary, Iceland, Ireland,\* Israel,\* Italy, Japan, Latvia,\* Liechtenstein,\* Lithuania,\* Luxembourg,\* Malawi,\* Malta,\* Mexico, Monaco,\* Mongolia,\* Montenegro,\* Netherlands,\* New Zealand,\* North Macedonia,\* Norway,\* Peru, Poland,\* Portugal,\* Republic of Moldova,\* Romania,\* Rwanda, San Marino,\* Sierra Leone,\* Slovakia, Slovenia,\* South Africa, Spain, Switzerland,\* Thailand,\* Tunisia, Turkey,\* Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia:\* draft resolution

## 41/... Consequences of child, early and forced marriage

*The Human Rights Council,*

*Guided* by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and other relevant human rights instruments, including the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery,

*Reaffirming* its resolutions 24/23 of 27 September 2013, 29/8 of 2 July 2015 and 35/16 of 22 June 2017, and recalling General Assembly resolutions 69/156 of 18 December 2014, 71/175 of 19 December 2016 and 73/153 of 17 December 2018,

*Reaffirming also* the Vienna Declaration and Programme of Action, as well as the Programme of Action of the International Conference on Population and Development, the Beijing Declaration and Platform for Action and the outcome documents of their review conferences,

*Recalling* the adoption of the 2030 Agenda for Sustainable Development, and the Addis Ababa Action Agenda of the third International Conference on Financing for Development, which is an integral part of the 2030 Agenda, and noting the integrated and indivisible nature of the 2030 Agenda and the range of goals, targets and indicators relevant

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\* State not a member of the Human Rights Council.



to preventing, responding to and eliminating child, early and forced marriage, including target 5.3 of the Sustainable Development Goals,

*Welcoming* the report of the Office of the United Nations High Commissioner for Human Rights on child, early and forced marriage in humanitarian settings,<sup>1</sup> and the report of the Secretary-General on child, early and forced marriage,<sup>2</sup>

*Welcoming also* the United Nations Population Fund-United Nations Children's Fund Global Programme to Accelerate Action to End Child Marriage, and other ongoing United Nations activities and programmes on child, early and forced marriage, noting regional, national and subnational instruments, mechanisms and initiatives to end child, early and forced marriage, including the African Union Campaign to End Child Marriage, the Model Law on Eradicating Child Marriage and Protecting Children Already in Marriage developed by the Southern African Development Community, the Regional Action Plan to End Child Marriage in South Asia (2015–2018), the Kathmandu Call for Action to End Child Marriage in South Asia, the Kigali Declaration adopted by national human rights institutions from Commonwealth countries, the Joint Inter-Agency Programme to End Child Marriage and Early Unions in Latin America and the Caribbean, and further encouraging coordinated approaches to action at all levels,

*Welcoming further* the recent progress made globally towards ending child, early and forced marriage, including a decrease in the proportion of girls who were married before the age of 18 in the past decade from one in four to approximately one in five, while expressing concern that, despite this global trend, progress has been uneven across regions and that the current pace of change is not sufficient to fulfil the commitment under target 5.3 of the Sustainable Development Goals and eliminate child, early and forced marriage by 2030,

*Expressing concern* that in some countries and contexts, rates of child, early and forced marriage are rising, and that every year at least 12 million girls are still married before they reach the age of 18,

*Recognizing* that, while child, early and forced marriage primarily has an impact on women and girls, boys and men can also be subjected to child, early and forced marriage, and expressing concern that an estimated 1 in 30 boys marry before they reach the age of 18,

*Recognizing also* that, in some contexts, the practice of child, early and forced marriage may include informal unions, cohabitation or other arrangements that are not formalized, registered or recognized by a religious, customary or State authority, that such arrangements should be addressed in policies and programmes on child, early and forced marriage and that the gathering of information and disaggregated data on these arrangements will help to develop responses for affected girls and women,

*Recognizing further* that addressing child, early and forced marriage requires a holistic human rights-based approach, with interventions focused on preventing and ending harmful practices, and on changing social norms and attitudes that underlie the practices, and with special attention paid to and the meaningful involvement of those who have been subjected to child, early and forced marriage,

*Noting with concern* that the incidence and risk of child, early and forced marriage is highly exacerbated in humanitarian settings by various factors, including insecurity, gender inequality, increased risks of sexual and gender-based violence, breakdown of the rule of law and State authority, the misconception of providing protection through marriage, the use of forced marriage as a tactic in conflict, lack of access to education, the stigma of pregnancy outside marriage, the absence of family planning services, disruptions in social networks and routines, increased poverty and the absence of livelihood opportunities,

*Recognizing* that child, early and forced marriage is a harmful practice that violates, abuses and impairs human rights and is linked to and perpetuates other forms of violence and discrimination against women and girls and harmful practices, including female genital mutilation, and that such violations have a disproportionately negative impact on women and

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<sup>1</sup> A/HRC/41/19.

<sup>2</sup> A/73/257.

girls, and underscoring the human rights obligations and commitments of States to respect, protect and fulfil the human rights and fundamental freedoms of women and girls, and to prevent and eliminate child, early and forced marriage,

*Deeply concerned* by the impact of deep-rooted and intersecting gender inequalities, patriarchal values, discriminatory gender norms, stereotypes, perceptions and customs that are among the primary causes of child, early and forced marriage as well as other forms of sexual and gender-based violence against women and girls, and deeply concerned also that poverty, insecurity, lack of access to education and health services, and adolescent pregnancy are also among the drivers of this harmful practice, and that it remains common in rural areas, in humanitarian settings and among the poorest communities,

*Recognizing* that all members of society, including families, communities and religious, traditional and community leaders, play an essential role in changing negative social norms and confronting gender inequality, and recognizing also that empowering women and girls, including those subjected to child, early and forced marriage, requires their active, full, effective and meaningful participation in decision-making processes and as agents of change in their own lives and communities, including through women's and girls' organizations and feminist groups,

*Recognizing also* the need to support girls and women who are subjected to child, early and forced marriage, as well as their children, and recognizing further the importance of ensuring the autonomy of these women and girls and their access to social services, counselling, shelter, education, lifelong learning and vocational training, to formal employment and economic independence for women and economic empowerment for girls, to adequate health services, information and education, including for sexual and reproductive health, mental health, psychosocial support and rehabilitation services, to nutrition, housing, clean water, sanitation and hygiene, and to justice, legal services and services that protect them from sexual and gender-based violence, and recognizing that such provisions are all necessary for the empowerment of women and girls,

*Recognizing further* that child, early and forced marriage constitutes a serious threat to the full realization of the right to the enjoyment of the highest attainable standard of physical and mental health by women and girls, including but not limited to their sexual and reproductive health, significantly increasing the risk of early, frequent, unintended and unwanted pregnancy, maternal and newborn mortality and morbidity, obstetric fistula and sexually transmitted infections, including HIV/AIDS, as well as increasing vulnerability to all forms of violence, including domestic and intimate partner violence,

*Deeply concerned* that child, early and forced marriage disproportionately affects girls who have received little or no formal education, and is itself a significant obstacle to educational opportunities for girls and young women, in particular girls who are forced to drop out of school owing to marriage, pregnancy, childbirth, childcare responsibilities, stigma related to menstruation, and social norms confining married women and girls to the home, and recognizing that ensuring educational opportunities is one of the most effective ways to prevent and eliminate child, early and forced marriage and to achieve gender equality and the empowerment of women and girls, women's formal employment and economic opportunities, and the active participation of women and girls in economic, social and cultural development, governance and decision-making,

*Recognizing* that child, early and forced marriage undermines women's and girls' autonomy and decision-making in all aspects of their lives, and remains an impediment not only to the economic, legal, health and social status of women and girls but also to the development of society as a whole, and that investing in the advancement of gender equality and the empowerment of all women and girls, as well as strengthening their voice, agency, leadership and full, effective and meaningful participation in all decisions that affect them, are key factors in breaking the cycle of gender inequality and discrimination, violence and poverty, and are critical for, inter alia, sustainable development, peace, security, democracy and inclusive economic growth,

*Recognizing also* that child, early and forced marriage is a major impediment to the achievement of the economic empowerment of women and girls and their social and economic development, thereby hampering the ability of women, to enter and advance and

remain in the labour market, and recognizing further that the economic autonomy of women and the investment in women's and girls' development is a priority in and of itself, has a multiplier effect and can expand their options for leaving forced or abusive relationships,

*Recognizing further* that women and girls generally share the experience of being worse off economically than men and boys, and that often women and girls experience significantly higher declines in income and increased dependence on social welfare and other informal assistance, after dissolution of marriage,

*Expressing concern* that child, early and forced marriage is underrecognized and underreported and often coincides with impunity and a lack of accountability and access to justice, particularly at the community level, and that the persistence of child, early and forced marriage, like other harmful practices, places women and girls at greater risk of being exposed to and encountering multiple and intersecting forms of discrimination and violence throughout their lives, including domestic and intimate partner violence, marital rape and sexual, physical and psychological violence, and reinforces the lower status of girls and adolescent girls in society,

*Noting* that women and girls subjected to child, early and forced marriage may face discriminatory legal, practical and structural barriers to their access to justice and legal services, including stigmatization, risk of revictimization, harassment and possible retribution,

*Recognizing* that the criminalization of child, early and forced marriage alone is insufficient when introduced without complementary measures and support programmes, and may instead contribute to the marginalization of and the loss of livelihoods for the families affected, and have the unintended effect of increasing the practice of informal unions or unregistered marriages,

*Recognizing also* that everyone, including men and boys, benefits from the achievement of gender equality and that the impacts of gender inequality, discrimination and violence against women and girls, including child, early and forced marriage, are borne by society as a whole, and emphasizing, therefore, that men and boys, by taking responsibility themselves and working jointly in partnership with women and girls at all levels, can contribute to transforming discriminatory social norms that perpetuate gender-based violence, including child, early and forced marriage, and ending this practice,

*Recognizing further* that preventing and ending child, early and forced marriage and supporting married girls and women affected by this harmful practice require appropriate gender- and age-responsive protection, prevention and response measures, as well as coordinated action by relevant stakeholders, and that existing gaps in the collection and use of reliable, disaggregated data and evidence remain a major challenge for programming and informing appropriate measures and actions,

*Recognizing* that the registration of births, marriages, divorces and deaths is part of a comprehensive civil registration system that facilitates the development of vital statistics and the effective planning and implementation of programmes and policies intended to promote better governance and to achieve sustainable development, and that the absence of compulsory registration of customary and religious marriages is a major impediment to the implementation of existing legislation and other initiatives to prevent and eliminate child, early and forced marriage,

1. *Recognizes* that child, early and forced marriage constitutes a violation, abuse or impairment of human rights and a harmful practice that prevents individuals from living their lives free from all forms of discrimination and violence, and that it has wide-ranging and adverse consequences for the enjoyment of human rights, the right to education and the right to the highest attainable standard of physical and mental health, including the right to sexual and reproductive health, and that every girl and woman at risk of or affected by these practices must have equal access to quality education, counselling, shelter and other social services, psychological, sexual and reproductive health-care services and medical care;

2. *Urges* States to respect, protect and fulfil the human rights of women and girls, including those subjected to child, early and forced marriage, to promote equality in all aspects of marriage and its dissolution and to address their specific needs, such as through

targeted programmes that provide social services to protect them from sexual and gender-based violence, including domestic and intimate-partner violence, increase their decision-making power and financial literacy, make it easier for women to seek formal employment and increase their economic independence, improve women's and girls' access to education, skills development programmes, vocational training and lifelong learning opportunities, ensure their equal access to sexual and reproductive health-care services, including for family planning, information and education, and decrease their social isolation, including by establishing or strengthening childcare services and working with communities to change discriminatory social norms;

3. *Also urges* States to enact, enforce, harmonize and uphold laws and policies aimed at preventing, responding to and eliminating child, early and forced marriage, protecting those at risk, including in humanitarian settings, and supporting women and girls subjected to child, early and forced marriage, and to ensure that marriage is entered into only with the informed, free and full consent of the intending spouses and that women have equality with men in all matters pertaining to marriage, divorce, child custody and the economic consequences of marriage and its dissolution;

4. *Further urges* States to remove any provisions that may enable, justify or lead to child, early or forced marriage, including provisions that enable perpetrators of rape, sexual abuse, sexual exploitation, abduction, trafficking in persons or modern slavery to escape prosecution and punishment by marrying their victims, in particular by repealing or amending such laws;

5. *Calls upon* States to ensure the timely registration of births and marriages, including by identifying and removing all physical, administrative, procedural and any other barriers that impede access to registration, especially for individuals living in rural and remote areas, and by providing, where lacking, mechanisms for the registration of customary and religious marriages;

6. *Also calls upon* States to develop and implement measures at all levels to end child, early and forced marriage, including national and subnational action plans where appropriate, and to make adequate resources available across relevant sectors, including health, nutrition, protection, governance and education;

7. *Further calls upon* States to promote and protect the right of women and girls to equal access to education through enhanced emphasis on free and quality primary and secondary education, including catch-up and literacy education for those who have not received formal education, have left school early or were forced to leave school because of, inter alia, marriage, pregnancy and/or childbirth, on re-entry policies and on vocational training and skills development, which empower young women and girls subjected to child, early and forced marriage to make informed decisions about their lives, employment, economic opportunities and health, including through scientifically accurate, age-appropriate comprehensive education, relevant to cultural contexts, that provides adolescent girls and boys and young women and men, in and out of school, consistent with their evolving capacities, with information on sexual and reproductive health, gender equality and the empowerment of women, human rights, physical, psychological and pubertal development and power in relationships between women and men, to enable them to build self-esteem and informed decision-making, communication and risk reduction skills and to develop respectful relationships, in full partnership with young persons, parents, legal guardians, caregivers, educators and health-care providers, in order to contribute to ending child, early and forced marriage;

8. *Calls upon* States to ensure that married and/or pregnant adolescents and young mothers, as well as single mothers, can continue and complete their education, and in this regard, design, implement and, where applicable, revise educational policies to allow them to remain in and return to school, providing them with access to health-care and social services and support, including childcare and breastfeeding facilities and crèches, and to education programmes with accessible locations, flexible schedules and distance education, including e-learning, and bearing in mind the important role and responsibilities of fathers, including young fathers, in this regard;

9. *Urges* Governments to respect, protect and fulfil the right to the enjoyment of the highest attainable standard of physical and mental health, including the right to sexual and reproductive health, through the development and enforcement of policies and legal frameworks and the strengthening of health systems, including health information systems, that make universally accessible, acceptable and available quality, gender-responsive, adolescent-friendly health services, sexual and reproductive health-care services, information, education and commodities, HIV and AIDS prevention, testing, treatment and care, mental health services and psychosocial support, and nutrition interventions and prevention, treatment of and care for obstetric fistula and other obstetric complications by providing the continuum of services, including family planning, prenatal and postnatal care, skilled birth attendance, emergency obstetric care and post-partum care;

10. *Calls upon* Governments to respect, protect and fulfil the human rights of all women and girls, including those who have been subjected to child, early and forced marriage, 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, and to adopt and accelerate the implementation of laws, policies and programmes that protect and enable the enjoyment of all human rights and fundamental freedoms, including reproductive rights, in accordance with the Programme of Action of the International Conference on Population and Development, the Beijing Platform for Action and the outcome documents of their review conferences;

11. *Urges* Governments, with the collaboration of relevant stakeholders, to tackle poverty, lack of economic opportunities for women and girls, and other entrenched economic incentives and inequalities that act as drivers of child, early and forced marriage and as obstacles to leaving a forced or abusive relationship, including by ensuring the rights of women and girls to inheritance and property, their equal access with men and boys to social protection, childcare services and direct financial services, to encourage women and girls to continue their education, including through their re-enrolment in school after childbirth, marriage or dissolution of marriage, to develop livelihood opportunities through access to technical and vocational education and training and life skills education, including financial literacy, and to promote freedom of movement, women's equal access to full and productive employment and decent work, as well as full and equal political participation and rights to inherit, own and control land and productive measures;

12. *Calls upon* States to strengthen laws and regulatory frameworks that promote the reconciliation and sharing of work and family responsibilities for women and men, including by designing, implementing and promoting family-responsive legislation, policies and services, such as parental and other leave schemes, increased flexibility in working arrangements, support for breastfeeding mothers, development of infrastructure and technology, and the provision of services, including affordable, accessible and quality childcare and care facilities for children and other dependents, and promoting men's equitable responsibilities with respect to household work as fathers and caregivers, which create an enabling environment for women's economic empowerment;

13. *Also calls upon* States to develop and implement, in consultation with and with the participation of women and girls, and integrate into humanitarian responses, from the early stages of humanitarian emergencies, measures to address the increased vulnerability of women and girls to child, early and forced marriage, and to protect women and girls, in particular those subjected to child, early and forced marriage, from sexual and gender-based violence and exploitation during humanitarian emergencies, situations of forced displacement, armed conflict and natural disaster, including by ensuring their access to such services as health and education, as well as strengthening follow-up and interventions to prevent and eliminate child, early and forced marriage in humanitarian settings, as well as to address the needs of those affected;

14. *Further calls upon* States to ensure that all initiatives to draft, amend and implement criminal laws addressing child, early and forced marriage are part of a comprehensive approach and coupled with protection measures and services for victims and survivors and those who are at risk of being subjected to harmful practices, including child, early and forced marriage;

15. *Urges* Governments to take measures to support girls and women who have been subjected to child, early and forced marriage, and calls upon States and all relevant actors to strengthen, inter alia, the development, enactment, implementation and monitoring of relevant legislation and protection mechanisms, such as safe shelters, counselling and other support services, as well as programmes focusing on, inter alia, education, health, livelihood, autonomy and decision-making that support the empowerment of girls and women that have been subjected to child, early and forced marriage;

16. *Urges* States to ensure access to justice and accountability mechanisms and remedies for the effective implementation and enforcement of laws aimed at preventing and eliminating child, early and forced marriage and protecting the rights of women and girls subjected to this harmful practice, including by informing women, girls and boys about their rights under relevant laws, including in marriage and at its dissolution, improving legal infrastructure, removing all barriers to access to legal aid, including legal advice, assistance and representation, as well as to access to judicial and other legal remedies, addressing legal inconsistencies, training law enforcement officers, the judiciary and professionals working with women and children and ensuring oversight of the handling of cases of child, early and forced marriage;

17. *Calls upon* States, with the participation of women and girls and of relevant stakeholders, as appropriate, including men and boys, parents and other family members, teachers, religious, traditional and community leaders, civil society, organizations led by girls, women's organizations, youth, feminist groups, human rights defenders, parliaments, national human rights institutions, children's ombudspersons, the media and the private sector, to develop, implement and monitor holistic, comprehensive and coordinated responses and strategies to prevent and eliminate child, early and forced marriage, to support girls and women who are affected or at risk, who have fled such a marriage or whose marriage has dissolved, and widowed girls or women who were married as girls, including through the strengthening of child protection systems, protection mechanisms such as safe shelters, access to justice, the sharing of best practices across borders and the collection of relevant, reliable and disaggregated data;

18. *Urges* States to hold persons in positions of authority, such as teachers, religious leaders, traditional authorities, politicians and law enforcement officials, accountable for not complying with or upholding laws and regulations relating to violence against women and girls, including child, early and forced marriage, in order to prevent and respond in a gender-sensitive manner, to end impunity and to avoid the abuse of power leading to violence against women and girls and the revictimization of victims and/or survivors of such violence;

19. *Encourages* Governments to include information on progress towards eliminating child, early and forced marriage, including best practices and implementation efforts, in their national reports to relevant international treaty bodies and the universal periodic review and within the national voluntary reviews conducted through the high-level political forum on sustainable development;

20. *Encourages* relevant United Nations entities, regional and subregional organizations, civil society and other relevant actors and human rights mechanisms to continue to collaborate with and support States, upon their request, in developing and implementing strategies and policies, and in strengthening and building capacity for data, indicators and reporting systems for analysing, monitoring and publicly reporting on progress, at the national, regional and international levels based on evidence, and to assist States in effectively developing measures to prevent, respond to and eliminate child, early and forced marriage;

21. *Affirms* the need for States to improve the collection and use of quantitative, qualitative and comparable disaggregated data on child, early and forced marriage, to enhance research on and dissemination of evidence-based and good practices relating to the prevention and elimination of child, early and forced marriage and to strengthen monitoring and impact assessment of existing policies and programmes as a means of ensuring their effectiveness and implementation;

22. *Requests* the United Nations High Commissioner for Human Rights to provide a written report, with input from all relevant stakeholders, on progress, gaps and challenges in addressing child, early and forced marriage, and measures to ensure accountability at the community and national levels, including for women and girls at risk of and those subjected to this harmful practice, to the Human Rights Council at its forty-seventh session, and to provide an oral update thereon to the Council at its forty-fourth session;

23. *Also requests* the United Nations High Commissioner for Human Rights to organize two regional workshops to discuss progress, gaps and challenges in addressing child, early and forced marriage, and measures to ensure accountability at the community and national levels, including for women and girls at risk of and those subjected to this harmful practice, with the involvement of regional mechanisms, relevant United Nations agencies, funds and programmes and civil society organizations, in the most cost-effective and efficient manner, and to reflect the outcomes of the workshops in the written report to be presented at the forty-seventh session of the Human Rights Council.

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