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SA 6 - Gender Affairs

*Creating opportunities for the
reduction of compulsory marriages*

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Forum: Gender Affairs (SA6)

Issue: Creating opportunities for the reduction of compulsory marriages

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Introduction

Compulsory marriage occurs when one or both spouses are forced to marry without consent. This kind of marriage can occur in the form of forced adult marriage or early, child marriage for many different reasons. Some of these reasons may include, cancellation of a debt, financial stability in the household, settling a dispute, abduction of an armed group, misunderstood religious beliefs, and preventing stigmatization caused by sexual abuse. Once the marriage occurs, there is a high risk that abuse and exploitation will occur or continue in the marriage. Although forced marriage impacts both sexes, girls and women are at higher risk to be a victim of such marriage. According to the 2016 report of the International Labour Organization (ILO), 84 percent of the victims are girls or women.^[3] In recent years, with the effect of the COVID-19 virus and the lockdowns the world underwent because of it, forced marriages, especially in the form of child marriage, started to increase and the victims of such marriages started to experience higher rates of violence and abuse in the household.

Definition of Key Terms

Consent: The dictionary definition of consent is “to agree or to do or allow something: to give permission for something to happen or be done, to give assent or approval” (Merriam Webster Dictionary) UN Women reports also state that if the person who is giving the consent seems worried or unsure, the consent will be invalid.^[13]

Child Marriage: According to UNICEF, child marriage refers to any formal marriage or informal union between a child under the age of 18 and an adult or another child.^[14]

Stigmatization: “The act of treating someone or something unfairly by publicly disapproving of them” (Cambridge English Dictionary)



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General Overview

Although compulsory marriage is acknowledged to be a human rights violation, a form of domestic violence and, in the concept of child marriage, child abuse by international documents (such as the resolution adopted by the Human Rights Council on 2 July 2015 about strengthening efforts to prevent and eliminate child, early and forced marriage) it is still a continuing issue harming especially girls and women.

Reasons for Compulsory Marriages

There are different reasons for the occurrence of compulsory marriages. Mostly ones forcing the partners to marry being the parents, guardians, or relatives, try to justify their actions with the reasoning of cultural and religious traditions. Although there is a concept of arranged marriage in some cultures, it is not the same as compulsory marriage. In an arranged marriage, parents take a leading role in choosing the marriage partner, but the marriage occurs with the consent of both parties. In compulsory marriage, the consent is not given by the partners but by their parents, or the ones who are forcing the marriage. This kind of action, however, is not supported by any religion, and the consent of the ones to be married is a prerequisite of marriage in every religion. Therefore, misunderstood, misrepresented, or wrongly educated religious requirements or beliefs are one cause of compulsory marriages to be justified in different cultures and families. Marriages can be forced by different families, or parties, for financial stability or support as well. In some cases, when there is a dispute like financial debt between two families or parties, families who cannot afford the debt often find the solution in marrying a member of their family with a member of the family whom they are in debt. This way the payment of debt is seen as fulfilled. In other cases where there is financial incapability in the family, a member of the family is forced to be married to a partner with a high financial income as a means of financial support for the family.

Compulsory marriages can be seen even more commonly in conflict zones. Especially girls and women in these regions are being abducted by armed groups and being forcibly assigned as wives to combatants and held captive within such forced marriages. The 2018 reports of UNHCR about the abduction of girls young as 15 by the Islamic State extremist group in Afghanistan can be an example of this violation in conflict zones.^[9]

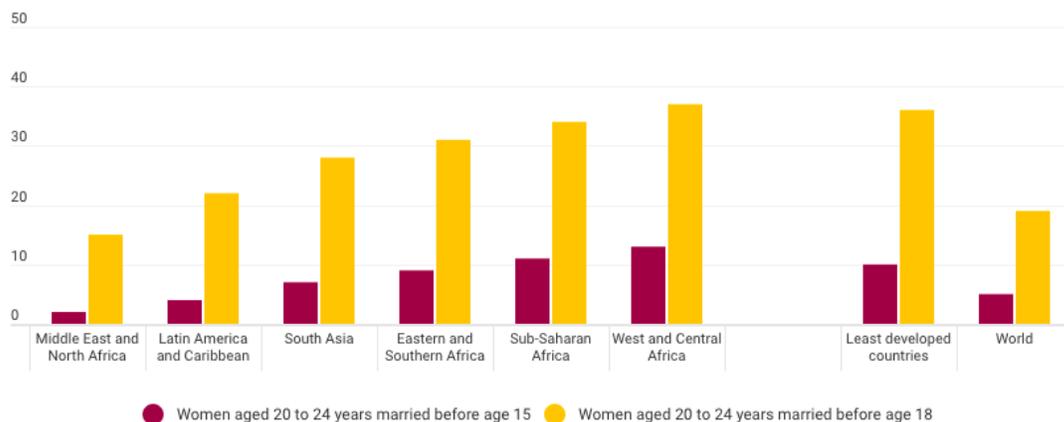
Compulsory Marriage of Women and Girls



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Although compulsory marriage affects everyone, it cannot be neglected that it occurs disproportionately within genders. According to the ILO's Global Estimates of Modern Slavery: Forced Labour and Forced Marriage report of 2016, it has been estimated that 15.4 million people were in forced marriages, approximately 13.5 million being women and girls.^[3] According to 2021 reports of UNICEF, every year, at least 12 million girls are married before they reach the age of 18. This data also underlines that 28 girls are being married every minute and that one in every five girls is married or in union.^{[6][12]} Parents may use forced marriage to ensure a woman will adhere to conservative morals and gender roles. These conservative gender roles often imply that women must get married especially while they are young and that they can only be responsible for the housework such as cleaning or cooking and care work for children, old, and handicapped. Therefore, in these conditions, women are not allowed to work and make financial income and become fully dependent on their partners. Another motive is protecting the family honor with forced marriage. This can be exemplified with the forced marriage of a woman who has been sexually abused to their abuser, or the forced marriage of an unmarried woman who has been impregnated to prevent stigmatization of the woman and the family.



Percentage of women aged 20 to 24 years who were first married or in a union before age 15 and before age 18, by region

Effects of Compulsory Marriage



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The victims of compulsory marriage often face sexual abuse and domestic violence in the household. Domestic violence can include both physical and psychological violence toward the victim. As a result, most of the victims face physical and mental health issues such as depression, anxiety, eating disorders, self-harm, or suicidal thoughts/behaviors. In most cases, victims are isolated and prevented from getting out of the marriage, and in some cases are held captive in the household. This causes victims, mostly women, to be unable to have a job or provide financial income. Therefore, the victim becomes more dependent on the partner or on the ones who have forced the marriage. The loss of victims' independence also can result in victim doing forced labor in the household, which is a form of modern-day slavery. In forced marriages of children, children become unable to continue their education, and this prevents them from providing a future career for themselves as well. In the cases of child marriage, girls face early pregnancy as a result of sexual abuse and this can cause the death of the newly born child or even the death of the victim herself.

COVID-19 and Compulsory Marriage

With the COVID-19 outbreak, compulsory marriage and domestic violence rates increased at a high rate around the world. As a result of COVID-19 lockdowns, victims of already abusive forced marriages started to experience even more violence in the household since they were trapped in the house with their abusive partners. UN reports of 2021 can exemplify the increment of domestic violence during the COVID-19 pandemic around the world with the data of 30% increment of reported domestic violence cases in France and 25% increment of calls to emergency services about domestic violence in Argentina during the pandemic.^[15] Similarly, compulsory marriage rates and especially child marriage rates have been increased during the pandemic. According to UNICEF reports of June 2021, before the pandemic, more than 100 million girls were expected to marry before their eighteenth birthday, and now up to 10 million more girls will be at risk of becoming child brides as a result of the pandemic.^[14] Some of the main reasons for this increased risk are the results of COVID-19 restrictions such as school closures, increased adolescent pregnancy, disruption to child marriage programming, and economic instability. Therefore, although the rates of forced marriage decreased in recent years, there is a high risk of this improvement being undone with the effects of COVID-19 pandemic, and this can prove that the issue of forced marriages maintains its importance and is not an issue to be neglected.

Major Parties Involved and Their Views



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UN Women: UN Women is the United Nations entity dedicated to gender equality and the empowerment of women. It delivers programs, policies, and standards that uphold women's human rights including such acts about reducing and preventing forced marriage, especially for women and girls.

UNICEF: UNICEF is a UN organization that works in over 190 countries and territories around the world to save children's lives, to defend their rights, and to help them fulfill their potential, from early childhood through adolescence. It also takes different acts and approaches to prevent child marriages, which is a form of forced marriage, around the world. It aims to end child marriage by 2030, which is also stated in The United Nations Sustainable Development Goals.

Pakistan: Forced marriage is a great issue in Pakistan. According to the 2018 UK Forced Marriage Unit (FMU) statistics, Pakistan had the highest number of forced marriage cases with 687 reported and handled cases.^[18] This number making up the 46% of total cases that were handled by FMU of UK, was just the number of reported cases and it is estimated that the number of cases is much higher in the country. Additionally, people from different countries are often being tricked into traveling to Pakistan for forced marriages. Although women and girls have certain legal rights when entering into or attempting to dissolve a marriage in Pakistan, traditional practices and poor response by law enforcement in the country create great obstacles for the ones trying to stop or leave a forced marriage.

India: High rates of forced marriage can be seen in the country of India. India is listed as one of the countries that hold the highest rate of especially child marriages with approximately 24 million child brides. Although women and girls in India have equal rights under the law when entering into or dissolving a marriage, in many areas these laws are not followed or enforced. Indian citizens may choose to be married under civil or religion-based marriage laws, and civil marriage laws do not extend to some places in the country such as the state of Jammu and Kashmir. Forced marriage cases can be seen at very high rates in these two states specifically since they follow religion-based marriage laws which are sometimes altered to allow child and forced marriages. An example of this can be given with the tradition of arranged marriage which is common in India. Although consent of both parents is needed for the marriage to happen in an arranged marriage as well, since the parents usually play a role in picking the partner, they sometimes give themselves the right to give the consent for the marriage as well. This way, a lot of forced marriage incidents in the country are hidden behind the concept of arranged marriage.

Afghanistan: According to the Afghanistan Independent Human Rights Commission, between 60 to 80 percent of all marriages in Afghanistan are forced. Additionally, in almost 50 percent of cases, women are married before the age of 18. Abductions of armed groups have a big impact on these high rates of forced marriage in the region. Especially after the recent takeover of the extremist group named Taliban in the region, many women and girls were taken and been threatened by Taliban members to forcibly marry



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them. Many women and girls in the country stepped into a case of forced marriage out of fear for their family's or their own lives.

Somalia: Women and girls in Somalia have limited rights when entering into or attempting to dissolve a marriage and there is some uncertainty in the enforced laws. For example, Article 28 (5) implies that individuals can marry once they reach the “age of maturity” but there are no specific definitions for this term and no explicit laws against child marriage. According to UNICEF reports, approximately 45.3% of girls in Somalia are married before turning 18. Additionally, while divorce is available to both men and women, it is much harder for a woman to obtain. A woman pursuing a divorce may have to give up custody of her child, property, and financial settlements. In the concept of forced marriage in the region, it is also common for parents to give consent for the marriage instead of the individual who is to be married. In this case when the individual tries to refuse or escape the marriage, she is mostly asked by her parents to choose between “a curse or a blessing”. A curse means that she will be cursed by her family if she steps out of the marriage, and a blessing means she will be blessed in her new marriage with her arranged partner. Mostly, women and girls who face this choice fear being cursed by their family and therefore have to stay in the marriage although they want to leave.

Timeline of Events

30 April 1957	“Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery” entered into force
9 December 1964	“Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages” entered into force
2 April 2014	OHCHR published the report of preventing and eliminating child, early, and forced marriage.
2 July 2015	Resolution on strengthening efforts to prevent and eliminate child, early and forced marriage was adopted by the Human Rights Council.



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Treaties and Events

Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages:

Article 1 of this UN convention clearly states that no marriage can be legally entered into without the full and free consent of both parties and such consent should be expressed by them in person. Therefore this convention proves compulsory marriage to be against the law.

Report of the Office of the United Nations High Commissioner for Human Rights on preventing and eliminating child, early, and forced marriage (A/HRC/26/22): This report looks at existing measures and strategies to prevent and eliminate child, early, and forced marriage with a particular focus on achievements, challenges, best practices, and implementation gaps.

Resolution adopted by the Human Rights Council about strengthening efforts to prevent and eliminate child, early and forced marriage (A/HRC/RES/29/8): This is the first Human Rights Council resolution that recognizes child and forced marriage as a human rights violation especially with its Article 1 stating: “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 violence, and that it has wide-ranging and adverse consequences for the enjoyment of human rights, such as the right to education and the right to the highest attainable standard of health, including sexual and reproductive health;”

Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery:

Convened by Economic and Social Council, Article 1(c) of this convention states that any act or institution making a woman to marry, without her right to refuse, with payment in return, allowing a relative or a clan to have a right on transferring a woman to another person, or making a woman be inherited by another person on the death of her husband should be abolished and abandoned. This convention can also imply that some forms of forced marriage that include trafficking for marriage and forced labor can be counted as a form of slavery.

Evaluation of Previous Attempts to Resolve the Issue

To tackle the issue of forced marriage, one of the first solution attempts taken was the 1964 Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages Article 1. This article states that for a marriage to be legally entered into, full and free consent of both parties expressed by themselves in person is necessary. This provided compulsory marriage to be against international law.



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In recent years several reports and resolutions have been adopted to prevent this issue as well. For instance, in 2014, a resolution on preventing and eliminating child, early, and forced marriage was adopted by the Human Rights Council. While recognizing child and forced marriage as human rights violations, this resolution encouraged strategies such as taking legislative measures (amendments to laws to raise the minimum age of marriage to 18 for both girls and boys, prohibition of child and forced marriage...), providing policies, action plans and coordination mechanisms (national coordination among government bodies, United Nations agencies and civil society organizations such as Alliance to End Child Marriage in Ethiopia), engagement of religious and traditional leaders and service providers, education and empowerment of girls and women, awareness-raising, and protection measures (specifically designed temporary shelters, support services for suspected victims). After this resolution, other reports and resolutions have been adopted having the same intention of preventing forced and child marriages. These reports and resolutions include the 2016 report of the Secretary-General about the child, early and forced marriage ([A/71/253](#)), 2017 report of Human Rights Council about the expert workshop on the impact of existing strategies and initiatives to address child, early and forced marriage ([A/HRC/35/5](#)) 2018 report of the Secretary-General about promotion and protection of the rights of children on the issue of child early and forced marriage ([A/73/257](#)), and 2019 report of OHCHR on the child, early, and forced marriage in humanitarian settings ([A/HRC/41/19](#)).

Although these reports had positive impacts on reducing forced marriages around the world, they couldn't prevent the issue completely. Some reasons for this have been provisions regarding the child, early and forced marriage often being contained in various, sometimes conflicting laws (like India), effective implementation of the law often being constrained by the continued presence of underlying conditions such as gender inequality, persistent traditions in favor of early and forced marriage, humanitarian crises and though economic conditions, lack of coordination and limited capacity to address the issue of child, early and forced marriage, and lack of data and evidence on the child, early and forced marriage.

Possible Solutions

Education is one of the most important steps that should be taken in order to prevent forced marriage around the world. As it has been stated before wrongly represented, or traditions such as arranged marriage are one of the biggest factors that make forced marriage still be applied in some communities. Therefore, education for especially girls and women plays an important role in, for example, understanding the difference between arranged and forced marriages, and also understanding their rights. Most of the individuals, mostly women and girls, don't get the chance to learn their rights when it comes to marriage, especially if they are raised in a community that supports traditions in favor of forced marriage, and therefore these individuals can't speak up or stand up for their rights and be forced



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into a marriage without the chance to reject. So, the education of women and girls on their rights and the right representation of traditional and religious acts in education play a really important role in solving this issue.

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