

## **41<sup>st</sup> Session – Human Rights Council**

### **Written statement on Early, Forced and Child Marriage**

Widows all over the world are the victims of early, forced and child marriage but their situation is hidden.

Child marriage is allegedly banned in most of the world. However, the United Nations Population Fund estimates there are 650 million girls and women alive today who were married before they were 18 years old<sup>1</sup>. There are many reasons for this. For example, in situations of poverty, girls are seen as a burden on the family's meagre resources and the temptation of a dowry upon their marriage can provide some comfort to the family.

These girls and women lack physical, psychological, legal or social protection. Local laws forbidding early or child marriage may be unclear, not policed or absent. In terms of forced marriage, this might relate to girls who fall pregnant through choice or rape being forced to marry the man involved in order for their families to avoid social stigma.

While the United Nations Convention on the Rights of the Child states that "a child means every human being below the age of eighteen years..." the definition continues with a condition "unless under the law applicable to the child, majority is attained earlier." So children may be under 18 or younger, depending on the jurisdiction. In countries even where there is rule of law, this clause engenders disparity and tolerance of abusive local practices towards children and teenagers. For many reasons, including flight as a refugee due to conflict or natural disaster, the formal recording of births and marriages does not routinely happen or paper trails are lost. This means that it is difficult to prove a person's age, which again muddies their status in the eyes of international law.

Marriage or living in the role of "wife" may involve degrading sexual and emotional abuse. If the men die, these girls then face social isolation, further abusive practices, extreme poverty and invisibility. Their potential contribution to society is lost as they are deemed worthless.

The term "widow" is subject to unconscious bias, as for many people it means someone of mature years but in reality among the 300 million widows many are still children under the UN definition, and many are aged between 10 and 13.

The Declaration of the Rights of the Child acknowledges that "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth."

The existence of child and early marriage may be considered contrary to international doctrine especially given the requirement for "special safeguards and care", but the resulting medical impact on girls whose bodies are not yet fully developed for childbirth, the risk of disease from their (much)

---

<sup>1</sup> <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx> accessed 2/6/19

older partner and their subsequent traumatic descent into widowhood need greater publicity and consideration at the highest levels of society.

Widows' Rights International urges governments meeting at the 41st session of the Human Rights Council to liaise with civil society in their countries to obtain disaggregated data on the numbers and status of widows and to join the Commission on the Status of Women meeting in its 63rd session in March 2019, in strongly condemning "all forms of violence against all women and girls, which is rooted in historical and structural inequality and unequal power relations between men and women. It reiterates that violence against women and girls in all its forms and manifestations, in public and private spheres, including sexual and gender-based violence, domestic violence and harmful practices such as child, early and forced marriage and female genital mutilation, are pervasive, under-recognized and underreported, particularly at the community level."<sup>2</sup>

---

<sup>2</sup> Agreed conclusions of UN CSW63. <https://undocs.org/en/E/CN.6/2019/L.3> accessed 2/6/19