



Human Rights Council

Agenda item 3

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

62/XX. Child, early and forced marriage

The Human Rights Council,

PP1 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, the Convention on the Rights of Persons with Disabilities, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery,

PP2 Reaffirming previous resolutions of the Human Rights Council and the General Assembly resolutions on Child, early and forced marriage, *NEW*

PP3 Reaffirming also the Vienna Declaration and Programme of Action, as well as the Programme of Action of the International Conference on Population and Development and the Beijing Declaration and Platform for Action, and the outcome documents of their review conferences, and recalling the relevant agreed conclusions of the Commission on the Status of Women, (*verbatim PP 3 A/HRC/RES/53/23*)

PP4 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 to preventing, responding to and eliminating child, early and forced marriage, including target 5.3 of the Sustainable Development Goals, (*verbatim PP 4 A/HRC/RES/53/23*)

PP5 Welcoming the latest report of the Office of the United Nations High Commissioner for Human Rights on ending and preventing child, early and forced marriage and the Guidelines included therein pursuant to Council resolution 53/23 (*based on PP 5 A/HRC/RES/53/23*)

PP6 Noting the gains made in ending child, early and forced marriage, including the decrease in the proportion of girls who were married before 18 years of age in the past decade from one in four to approximately one in five, and noting with appreciation the ongoing United Nations Population Fund and United Nations Children's Fund Global Programme to



End Child Marriage in this regard, while expressing deep concern that progress has been uneven across regions, that millions of people live in situations of forced marriage at the current pace of progress, target 5.3 of the Sustainable Development Goals, which includes ending the practice by 2030, will not be met in any region of the world, and noting with concern emerging reversals in some regions due to conflict, economic shocks, and regressive social norms *(based on PP 6 A/HRC/RES/53/23)*

PP7 *Reaffirming* that human rights include the right to freely choose a spouse, to enter into marriage only with free and full consent and to have control over and to decide freely and responsibly on matters relating to sexuality, including sexual and reproductive health, free of coercion, discrimination and violence, and recognizing that equal relationships in matters of sexual relations and reproduction, including full respect for dignity, integrity and bodily autonomy, require mutual respect and consent and the freedom to choose whether to marry and whether to have sexual relations, *(verbatim PP 7 A/HRC/RES/53/23)*

PP8 *Recognizing* that child, early and forced marriage constitutes a violation, abuse and impairment of human rights and a harmful practice that prevents individuals, especially women and girls, from living their lives free from all forms of discrimination and violence, that it has wide-ranging and adverse consequences for the enjoyment of human rights, that it is a form of sexual and gender-based violence and that it perpetuates other forms of violence against women and girls and other harmful practices and human rights violations, and that such violations and abuses have a disproportionately negative impact on all women and 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 the practice of child, early and forced marriage, *(based on PP 8 A/HRC/RES/53/23)*

PP9 *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, including inclusive and equitable quality education programmes on child, early and forced marriage in particular, and that the gathering of information and disaggregated data on these arrangements will help in the development of comprehensive, evidence-based and rights-based responses for those affected, *(based on PP 9 A/HRC/RES/53/23)*

PP10 *Deeply concerned* that, in some cases, guardians have the legal authority to consent to marriage for women and girls, in accordance with customary or statutory law that may violate or abuse the human right to freely choose a spouse and enter into marriage with free, full and informed consent, such as in cases of levirate marriage, marriages following payment to parents, guardians, family members or another person or group or the cancellation of debt or for settling family disputes *(Based on PP 12 A/HRC/RES/53/23- shortened)*

PP11 *Recognizing further* that a forced marriage involves the inability of at least one of the parties to freely choose a spouse and enter into marriage with their full, free and informed consent, and could also involve a marriage in which one of the parties wants to end or leave it but is not able to, and that as such the practice is a violation, abuse or impairment of human rights, *(verbatim PP 10 A/HRC/RES/53/23)*

PP12 *Recognizing* that any party to a marriage, but disproportionately women and girls, may not be empowered to refuse marriage, therefore reflecting a lack of prior, full, free and informed consent, in particular in cases of sexual and gender-based violence and other forms of violence, abuse of power, unequal power dynamics, fear, coercion, duress, threats, intimidation or emotional, psychological, family, economic, cultural or social pressure , *(verbatim PP 11 A/HRC/RES/53/23)*

PP13 *Underscoring* the fact that shame, stigma, fear of reprisals and other negative consequences, such as the loss of child custody, and economic consequences, such as the loss of livelihood, assets or autonomy or reduced household income, prevent many women and girls from leaving relationships and marriages, reporting or acting as witnesses in cases of various forms of violence, including sexual and gender-based violence, such as domestic violence, and from seeking redress and justice for these forms of violence, as well as access to specialized assistance and services, including shelters, medical, psychosocial and legal assistance and legal protection, *(verbatim PP 14 A/HRC/RES/53/23)*

PP14 *Deeply concerned* that poverty, including the feminization of poverty, insecurity, lack of sustainable development, discriminatory social norms, practices and gender stereotypes and lack of access to information, inclusive and equitable quality education and health services may lead to adolescent pregnancy and are among the drivers of child, early and forced marriage, that child, early and forced marriage remain common in rural areas, in humanitarian settings and among the poorest communities and that armed conflict and humanitarian emergencies and other crises are among the exacerbating factors, and stressing the need to promote gender equality and sustainable development and eradicate poverty, *(based on PP 15 A/HRC/RES/53/23)*

PP15 *Deeply concerned* by the impact of structural, systemic and institutional discrimination against women and girls, deep-rooted and intersecting gender inequalities, gender stereotypes, discriminatory social norms and practices, such as patriarchy, perceptions of masculinity, including the need to assert male control or power, and perceptions and customs and disregard for women's and girls' dignity, bodily integrity and autonomy, which are among the primary causes of child, early and forced marriage, as well as other forms of violence, including sexual and gender-based violence against women and girls, leading to the justification, normalization, condonement and perpetuation of violence against and the stigmatization of victims and survivors, *(based on PP 17 A/HRC/RES/53/23)*

PP16 *Deeply concerned* that child, early and forced marriage disproportionately affects girls and young women with 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 relating to menstruation and gender stereotypes and discriminatory social norms confining married women and girls to the home, perpetuating the unequal power relations and stressing the importance of ensuring that married and/or pregnant adolescents and young mothers can remain in, return to and complete their education, *(based on PP 22 A/HRC/RES/53/23 and new elements)*

PP17 *Recalling* the right of all women and girls to education and the need to ensure equal access to inclusive and equitable quality education, as well as education explaining consent, respect for boundaries and what constitutes unacceptable behaviour and how to report it, that builds self-esteem and informed decision-making and communication skills and promotes the development of respectful relationships based on gender equality, inclusion and human rights, skills development programmes, vocational training and lifelong learning opportunities, counselling, social services to protect them from all forms of violence, including sexual and gender-based violence and domestic and intimate partner violence, formal employment, and decent work to increase their economic independence, and psychological, sexual and reproductive health-care services and medical care, to decrease their social isolation and to increase their economic and political participation, including ensuring that married and/or pregnant adolescents and young mothers, as well as single, divorced, separated or widowed mothers, can continue and complete their education after childbirth, marriage or the dissolution of marriage to allow them to remain in and return to school and complete their education, *(based on OP1 and OP4 (c) A/HRC/RES/53/23 and new elements)*

PP18 *Recognizing* the importance of providing the provision of sexual and reproductive health information in schools, including evidence-based comprehensive sexuality education *NEW*

PP19 *Deeply concerned also* 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, forced, unwanted or adolescent pregnancy and other forms of sexual, physical and psychological violence, and reinforces the lower status of women, girls and adolescent girls in society, *(based on PP18 A/HRC/RES/53/23)*

PP20 *Noting with concern* that the incidences and risks of child, early and forced marriage are highly exacerbated in times of crisis and in humanitarian settings by various factors, including insecurity, gender inequality, increased risks of sexual and gender-based

violence, the breakdown of the rule of law and State authority, the use of child, early and forced marriage and rape and other forms of sexual violence as tactics in conflict, which is prohibited under international law, lack of access to inclusive and equitable quality education, the stigma of pregnancy outside marriage, the absence or lack of access to family planning services and contraception and the respective social services that prevent and respond to violence, disruptions in social networks and routines, increased poverty, the absence of livelihood opportunities and the misconception of providing women and girls and their family with protection and financial stability through marriage, and that crises give rise to conditions in which new human rights violations and abuses are often perpetrated and existing human rights violations and abuses often intensify and expand, recognizing that in humanitarian and conflict situations, access to justice, protection systems, education, health and social services may be severely disrupted, and that this requires increased attention, appropriate protection measures and strengthened, coordinated and survivor-centred prevention and response measures, including through coordinated action by all relevant stakeholders, with the full, equal and meaningful participation of the women and girls affected, from the early stages of humanitarian emergencies, and recognizing further the importance of addressing the increased situation of vulnerability of women and girls to sexual and gender-based violence and exploitation in those situations, *(based on PP 20 A/HRC/RES/53/23, PP23 A/HRC/RES61/21 and new elements)*

PP21 *Expressing concern* about the disparate impact of poverty, global economic crises, austerity measures, climate change, biodiversity loss, environmental degradation, conflict and natural hazards on women's and girls' human rights, including those related to health and well-being, which may exacerbate existing structural inequalities, violence against women and girls and harmful practices, including child, early and forced marriage and female genital mutilation as a form of sexual and gender-based violence,, and recognizing that addressing the remaining gaps that constrain equal pay for equal work or work of equal value in the public and private sectors, equal access for women and girls to social protection systems, public services and sustainable infrastructure in support of gender equality and women and girls' empowerment is essential, *(based on PP 21 A/HRC/RES/53/23 and new elements)*

PP22 *Recognizing* that child, early and forced marriage is a major impediment to the achievement of women's and girls' economic empowerment, their social and economic development and their full, equal and meaningful and inclusive participation and leadership in economic, social, political and public life, thereby hampering the ability of women to enter, advance and remain in the labour market, and recognizing also that the economic autonomy of women and investment in women's and girls' development are priorities in and of themselves, have a multiplier effect and can expand their options for leaving or not entering into forced or abusive relationships, *(based on PP 24 A/HRC/RES/53/23)*

PP23 *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, in particular adolescent girls, including to their sexual and reproductive health and reproductive rights , 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 and AIDS, as well as increasing vulnerability to all forms of violence, including sexual and gender-based violence, such as domestic and intimate partner violence, *(based on PP 25 A/HRC/RES/53/23 and new elements)*

PP24 *Expressing concern* that forced marriage is underrecognized and underreported, noting that women and girls, in particular at the community level, may face discriminatory legal, practical, economic, social and structural barriers to access to justice and legal services, as well as to effective remedies, including stigmatization, the risk of revictimization, harassment and possible retribution, lack of accountability for perpetrators and gender-biased environments that promote impunity and impede the implementation of legislative and normative frameworks that promote gender equality and prohibit all forms of discrimination and violence against women and girls, and in this regard emphasizing the importance of providing accessible legal aid services with a view to promoting and protecting human rights and addressing gender inequality, *(based on PP 27 A/HRC/RES/53/23 and new elements)*

PP25 *Recognizing* that all members of society, including families, communities and religious, traditional and community leaders and actors, men and boys, can contribute to transforming discriminatory social norms and gender stereotypes that perpetuate sexual and gender-based violence and other forms of violence, and to confronting gender inequality, and recognizing also that empowering all women and girls, including those subjected to child, early and forced marriage, requires their active, full, equal, and meaningful participation and leadership in decision-making processes, including in the design, implementation, monitoring and evaluation of relevant laws, policies and programmes, and as agents of change in their own lives and communities, including through women's and girls' organizations, organizations led or initiated by young people and feminist groups, *(based on PP 28 A/HRC/RES/53/23 and new elements)*

PP26 *Recognizing also* that the criminalization alone of child, early and forced marriage is insufficient when introduced without complementary, comprehensive and multisectoral measures and support programmes, including across the health, gender equality, social protection and education sectors, with the engagement of the whole community and in support of the capacity of parents and legal guardians, 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 forced informal unions or unregistered marriages, *(verbatim PP 29 A/HRC/RES/53/23)*

PP27 *Recognizing the need* to engaging, educating, encouraging and supporting men and boys to be positive role models for gender equality, to promote respectful relationships and to refrain from and condemn all forms of discrimination and violence against women and girls and harmful practices, such as child, early and forced marriage, and to increase understanding among men and boys of the harmful effects of violence for the victim or survivor and society as a whole so that they take responsibility and are held accountable for behaviour, including for behaviour that perpetuates gender stereotypes and negative social norms, including patriarchal masculinity, sexism and misogyny, and that men and boys take responsibility for a respectful sexual and reproductive behaviour, for the equitable sharing of responsibilities with respect to care and household work and for sharing access equally to families' resources and opportunities *(based on OPI6 A/HRC/RES/53/23 adapted)*

PP28 *Recognizing* the important role of civil society and women human rights defenders, and the need to engage all relevant stakeholders, in preventing and eliminating child, early and forced marriage, and in supporting women and girls subjected to or at risk of this harmful practice, and reiteration the importance of allowing civil society to operate freely and safely, without fear of intimidation or reprisals, online and offline *(based on OPI4 A/HRC/RES/53/23 and new elements)*

OP1. *Urges* States to promote, respect, protect and fulfil the human rights of all women and girls, including those subjected to child, early and forced marriage, which include 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, to promote equality in all aspects of marriage and its dissolution, including with regard to divorce, custody of children, property, inheritance and the economic consequences of marriage and its dissolution, to guarantee equal access for every girl and woman to inclusive and equitable quality education, ; *(based on OPI A/HRC/RES/53/23 and new elements)*

OP2 *Recalls* that States have the responsibility to promote, respect, protect, and fulfil the human rights of all women and girls and to exercise due diligence to prevent and eliminate all forms of violence, including sexual and gender-based violence; *NEW*

OP3 *Calls upon* States to take a comprehensive, rights-based, age-, gender- and disability-responsive, survivor- and victim-centred and multisectoral approach, in consultation with, and with the full, equal, , meaningful and inclusive participation and leadership of, women and girls, including in the design, implementation, monitoring and evaluation of laws, policies and programmes to prevent and eliminate child, early and forced marriage, in particular those who are hardest to reach and those who have been subjected to child, early and forced marriage and are already married, divorced, separated or widowed, and with all relevant stakeholders, that takes into account linkages with other harmful practices in the prevention of and response to child, early and forced marriage, and to pay particular attention

to the specific needs of all women and girls ; (*based on OP 2 A/HRC/RES/53/23 and new elements*)

OP4 *Calls upon* States to endorse the OHCHR Guidelines and its operational recommendations as a practical framework for adopting comprehensive, human rights-based, gender-responsive and multisectoral measures to prevent and eliminate child, early and forced marriage, including by; (*NEW based on A/HRC/62/26*)

- a) Ensuring a national legal framework in line with international human rights standards, including regarding the age of majority and the legal age for marriage, protective of the rights of adolescent girls and boys, guided by the best interests of the child and the right of the child to be heard, prohibiting forced marriage and requiring birth and marriage registration and by ensuring that marriage is entered into only with the informed, free and full consent of the intending spouses;
- b) Establishing comprehensive and coordinated national approaches, including policies, protection measures, formal referral pathways, strategies and actions, with clearly defined roles and responsibilities among relevant sectors, including justice, education, health, social protection and gender equality mechanisms, that are firmly anchored in human rights norms and principles, with the aim of safeguarding the best interests of the child and advancing gender equality;
- c) Addressing the root causes of child, early and forced marriage as a form of sexual and gender-based violence, by tackling structural, institutional, multiple and intersecting forms of discrimination and inequalities that limit women's and girls' access to education, economic opportunities, economic support and social protection measures, healthcare services, sexual and reproductive health and rights and decision-making, including social protection schemes, livelihood support for families, and economic empowerment programs for adolescent and girls, and by implementing human rights-based, gender-responsive and community-based interventions to address patriarchal social and cultural norms, gender stereotypes, the socioeconomic drivers of violence, unequal power relations, discriminatory social norms and discriminatory practices that perpetuate inequalities, limit women's and girls' autonomy and decision-making, and normalize child, early and forced marriage;
- d) Ensuring access to justice and effective remedies for victims and survivors of child, early or forced marriage, as well as timely, high-quality, accessible, confidential and trauma-informed support services, including housing, healthcare, income support and psychological and legal services, and ensuring that such services are gender- and child-responsive, adequately resourced and available to survivors and to women and girls at risk of child, early or forced marriage;
- e) Adopting a human rights-based approach to the regular collection, analysis, dissemination and use of quantitative and qualitative data on child, early and forced marriage, ensuring participation, self-identification, transparency, privacy, confidentiality and informed consent, and disaggregated by sex, age, disability, ethnicity, geographical location, migratory status, socioeconomic status, education level and other key relevant factors, to monitor progress and ensure accountability;

OP5 *Requests* the Office of the High Commissioner, in collaboration with relevant entities of the United Nations system, in particular the United Nations Population Fund, the World Health Organization, the United Nations International Children's Fund, to support the implementation of the Guidelines, through technical cooperation in-country workshops and undertake follow-up in each region by the sixty-eighth session, with a view to developing practical tools for policymakers and consolidating good practices; (*NEW*)

OP6 *Decides* to remain seized of the matter.