

Forum: United Nations International Children's Emergency Fund (UNICEF)

Issue #1: Measures to address the ethical ramifications of child marriage

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Introduction

Child marriage goes beyond geographical boundaries and cultural contexts, in which it comprises a complex interplay of cultural norms, economic pressures, and gender inequalities. Child marriage can be traced back to the colonial era when European powers expanded their territories into different parts of the world and often imposed the practice on indigenous peoples. Colonial

authorities often turned a blind eye to such practices, viewing them as part of the cultural norms of the colonized peoples. As of today, 40 percent of girls marry before the age of 18 and 12 percent marry before age 15 (World Vision Australia). The polarity of this issue derives from the disparities in cultures, where multiple countries have justified the ethical ramifications of child marriage with their cultural norms. Having cultural norms, legal challenges, and socioeconomic factors perpetuate its persistence, child marriage denies young women autonomy in choosing their spouses and exposes them to health risks and limited opportunities. Alongside perpetuating gender inequality, child marriage minimizes education and intersects with other forms of discrimination, necessitating extensive efforts to address its root causes and protect vulnerable children.

Definition of Key Terms

Adolescence: The transitional period from childhood to adulthood; a period in which children get prepared for the future, and develop their skills. In the whole world millions of children pass their adolescence married or with children.

Alimony: In the case of early marriage women cannot demand alimony from their husband if they get a divorce because the marriage is not legal. If it is not a civil marriage the court cannot award marriage compensation.

Betrothal in the cradle: It is an oral contract that is made between families while children are still babies to marry them off to each other in the future.

Child grooming: the action or behavior used to establish an emotional connection with a minor to lower the child's inhibitions with the objective of sexual abuse.

Child marriage: Child marriage refers to any formal marriage or informal union between a child under the age of 18 and an adult or another child.

Committee on the Rights of the Child: It is a body of independent experts that monitors the implementation of the Convention on the Rights of the Child by states that have ratified the Convention.

Cultural norms: a complex concept and adaptable to many different societies and cultures.

Cultural Relativism: The principle of evaluating cultural practices in their context rather than judging them by external standards.

Dowry: The money, goods, or estate that a woman brings to her husband or his family in marriage.

Human Rights Violation: An infringement on the basic rights and freedoms to which all humans are entitled.

International Conventions: Agreements like the Convention on the Rights of the Child (CRC) that set standards for protecting children's rights.

General Overview

Cultural Inference

Child marriage often finds its roots in the cultural norms existing in particular countries. These cultural norms often exacerbate gender inequality, representing women as a social burden to society. Many cultures, including those of India and Niger, limit young girls' sayings in their choice of spouse, especially in areas with low gender inequality. In many parts of India, the concept of "Kanyadaan" (the giving away of a daughter in marriage) is deeply rooted in Hindu rituals and is considered a sacred duty for parents. This cultural tradition further implements expectations about child marriages within these communities. Furthermore, in countries with high marriage rates, cultural practices often hold more value than laws, leading to poor enforcement of

regulations prohibiting child marriages. For example, in Nigeria, despite ratifying international conventions, the Shari'a law which sets no maximum age for marriage, is more respected locally, influencing the acceptance of child marriage. Thus, cultural relativism in child marriage practices involves considerations of universal ethical standards versus local cultural norms while also highlighting the complexity of addressing child marriage from a cultural perspective.

Religious Inference

Religion is a crucial factor in the cause and promotion of child marriage. Depending on the cultural and historical context of each country, the level of impact of religion varies widely. Certain interpretations of religious texts can be used to justify child marriage. In some societies, religious customs and cultural traditions intertwine, perpetuating the practice of child marriage. For example, in the context of the Islamic religion, cultural traditions that were reinforced by certain interpretation of the Quran have promoted the act of child marriage in Yemen. Similarly, in ultra-Orthodox Jewish communities, the religious tradition of early marriages and big families further fuels the rate of child marriages to increase in these areas. Hence, religious customs often work simultaneously with cultural traditions to significantly influence the practice of child marriage in numerous countries.

Poverty

In impoverished countries, families facing economic hardship may view child marriage as a strategy to alleviate financial burdens or gain economic benefits. For instance, in regions where a girl's family pays a dowry, marrying off a young girl can mean lower expenses, while in other communities, a man may pay a bride price to the girl's parents, with younger girls often fetching higher prices due to assumptions about their ability to bear more children and dedicate more

time to the family. Moreover, child marriage can be used to settle debts, and conflicts, or bring in money during financial struggles, creating economic incentives for parents to marry off their young daughters. Conversely, this practice in truth perpetuates poverty while also trapping girls and their children in a cycle of economic disadvantage, as child brides are disempowered and deprived of educational opportunities, limiting their development and their chance to break from the cycle of poverty.

Examples of child marriage customs throughout history

Child marriage persisted throughout history, dating back to various periods, reflecting the prevalence and acceptance of this practice. In ancient India, the Manusmriti, one of the many legal texts and constitutions among the many Dharmaśāstras of Hinduism, mentioned explicit rules regarding the age of marriage for girls, with some commentators suggesting girls as young as eight were suitable for marriage. The Rig Veda, an ancient Hindu scripture, also referenced child marriage practices, highlighting its historical prevalence in Indian society. Furthermore, during the colonial period, the British colonial state played a role in reforming marriage laws in India through the Age of Consent Acts of 1861 and 1891. These acts set minimum ages for sexual intercourse and consent, reflecting attempts to regulate child marriage practices and protect young girls from early marriages. There were multiple oppositional societal views towards these acts as well, including the Hindu intelligentsia and newspapers like Maratha and Kesari.

Major Parties Involved and Their Views

Niger

According to Plan International in 2018, in the region of Niger most affected by the Lake Chad Basin crisis (Diffa), child marriage rates are as high as 89%. Additionally, 76% of girls in Niger are married before their 18th birthday and 28%

are married before the age of 15. Moreover, 6% of boys in Niger are married before the age of 18. In Niger, marriage is seen as a protective mechanism for daughters against potential predators, including sexual violence against women and girls. The national commitments made by Nigeria to address this issue include the co-sponsoring of the 2018 UN General Assembly resolutions on child, early, and forced marriage. Nigeria also signed a joint statement at the 2014 Human Rights Council calling for a resolution on child marriage.

Bangladesh

Bangladesh has always had major involvement regarding the issue of child marriage and the ethics behind it. Among the country's entire population of women and girls, 38 million are married before the age of 18; 13 million marry before the age of 15. According to Girls Not Brides, Bangladesh is a focus country of the UNICEF-UNFPA Global Programme to Accelerate Action to End Child Marriage, a multi-donor, multi-stakeholder programme working across 12 countries over four years. Furthermore, the Bangladesh government ratified the Convention on the Rights of the Child in 1990 which set a minimum age of marriage of 18.

Malawi

Although child marriage has been illegal in Malawi since 2017, its continuous cultural acceptance exacerbates its practice in rural communities. Human Rights Watch reports that some girls are thrown out of their homes if they refuse to marry. With the support of UNICEF and public and private stakeholders, the Government of Malawi launched the Strategy of Adolescent Girls and Young Women in 2018. This strategy was launched to empower girls and young women and improve their health, education, gender equality, and economic empowerment outcomes.

Chad

According to UNICEF, Chad is the third largest country in the world, with the highest rate of child marriage, with 70% of married girls. To combat this issue, during its Voluntary National Review at the 2019 High-Level Political Forum, the government of Chad reported the adoption of the National Strategy to Combat Violence Based on Gender which increased the minimum age for marriage to 18 years.

Denmark

In compliance with Girls Not Brides, Denmark has committed to eliminate child marriage by 2030 in accordance with target 5.3 of the Sustainable Development Goals. The government submitted a 2021 Voluntary National Review at the High Level Political Forum, which highlighted Denmark's international efforts and humanitarian aid in eliminating early, forced child marriage. The government recognizes that SDG 5 is the most poorly financed SDG and achieving gender equality requires immense global effort. In 2021, with the attempt of combatting sexual and gender-based violence, rape, assault and child marriage, Denmark took the lead in the global initiative call to action, bringing together 92 partners (countries, UN agencies and civil society organisations).

Timeline of Events

Date	Description of event
1948	The United Nations adopted the Universal Declaration of Human Rights, which emphasized that marriage should only be consummated with the full consent of the intended spouses.

1989	The United Nations adopted the treaty produced by “The Convention on The Rights of The Child”, making it clear that human rights violations are to be taken seriously, particularly when targeting children.
2011	Girls Not Brides Global Partnership was founded. Girls Not Brides is a global partnership of over 1,500 civil society organizations committed to ending child marriage and providing aid to those who are impacted. This alliance increased the collective impact of various organizations, fostering collaboration, knowledge-sharing, and advocacy efforts worldwide.
May 2014	The African Union launched a continent-wide campaign to end child marriage, highlighting the need for coordinated efforts among African countries. This launch initiated policy changes, legal reforms, and community awareness campaigns across the continent, addressing the unique difficulties faced by African girls.
September 2015	The United Nations Sustainable Development Goals (SDGs) 2030 was implemented. Target 5.3 of the SDGs specifically addresses the issue of child marriage, aiming to end this practice by 2030. This international commitment emphasizes the urgency of the issue and encourages nations to take concrete actions to put an end to child marriages within the next ten years.
2016	The Global Partnership to End Child Marriage was launched, aiming to end child marriage worldwide.

2018	The U.S. passed the "Preventing Child Marriage Act," setting the minimum marriage age as 18 for all children.
2020	UNICEF reported a 25% decrease in child marriage rates over the previous decade, indicating progress in the global fight against child marriage
2021-now	Various states in the U.S. continue to introduce and pass legislation aimed at outlawing child marriage, reflecting a broader national and global movement toward eliminating the practice.

UN involvement, Relevant Resolutions, Treaties and Events

- UNFPA (United Nations Population Fund). An international development agency that focuses on population and reproductive health issues. Established in 1969 and is a subsidiary organ of the United Nations General Assembly. It has its goal of ensuring every pregnancy is wanted, every childbirth is safe, and every young person's potential is fulfilled.
- Resolution 68/148 (2013): "Child, early and forced marriage." The resolution established by the UN General Assembly clearly states that child marriages violate human rights, particularly when it comes to the rights of girls to health, education, and personal growth. It promotes the creation and execution of comprehensive plans, guidelines, and initiatives meant to put an end to the practice.
- Resolution 71/175 (2016): The resolution, created by the UN General Assembly, reaffirms the commitments made in previous resolutions, including Resolution 68/148 (2013), to end child, early, and forced marriage. It implores nations, international organizations, and civil society to pool resources and provide technical support.

- Resolution 24/23 (2013): "Strengthening efforts to prevent and eliminate child, early, and forced marriage." Implemented by the UN Human Rights Council, this was the first imperative resolution on child marriage, urging states to enact, enforce, and uphold laws and policies to prevent and terminate child marriage.
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1979). This convention, adopted by the United Nations General Assembly on December 18, 1979, strives to eliminate discrimination against women and ensure their equal rights in all aspects of life. Article 16(2) calls for the elimination of child marriage and the establishment of a minimum age for marriage. Moreover, this convention assures support in aspects of healthcare and family planning as well, in which Article 12 states that women's equal access to healthcare services is ensured, including family planning and appropriate services related to pregnancy, childbirth, and the postnatal period.
- Convention on the Rights of the Child (CRC) (1989). Adopted by the United Nations General Assembly on November 20, 1989, with the aims of protecting and promoting the rights of all children globally. Article 1 defines a child as anyone under the age of 18. Article 19 emphasizes that states must take all appropriate measures to protect children from all forms of physical or mental violence, injury, or abuse.

Evaluation of Previous Attempts to Resolve the Issue

In an attempt to resolve the issue that violates the human rights of approximately 15 million girls every year, the UN Human Rights Council adopted a short, procedural resolution on child, early, and forced marriage in 2013 which recognized child marriage as a human right and barrier to sustainable development ("Human Rights Council adopts 2015 resolution"). In 2015, this resolution was followed by a more comprehensive resolution that was supported

by a cross-regional group of 88 States, including countries with high rates of child marriage. The joint resolution instigated global support for ending child marriage and made it a human rights and development priority in the post-2015 development framework.

More recently, in 2022, the UN General Assembly's Third Committee adopted a resolution to end child, early, and forced marriage, with support from 125 co-sponsors across various regions. This resolution further expanded upon previous progress and incorporated strengthened language that addressed sex education, sexual and reproductive rights, and the effects of COVID-19, climate change, and conflict on child marriage.

Possible Solutions

Despite the UN's continuous efforts to suppress the issue of child marriage worldwide, it has shown that past efforts were not enough. The lack of education on behalf of this global issue is one of the root causes of the persistence of this issue. Education regarding sexuality and basic human rights allows children to be educated about their rights and have the rudimentary knowledge to protect themselves from impeding their future. Integrating comprehensive sex education into school curricula will empower children with knowledge about their rights, reproductive health, and the severe consequences of early marriage. Moreover, providing access to this fundamental education can challenge harmful gender norms/cultures, equip individuals to make informed choices, and create a culture of consent and agency. This education could be provided through school-based programs or the aid of NGOs in implementing supportive initiatives that offer vocational training and economic opportunities for girls and young women. With poverty being one of the main causes of this global issue, these supports should be

overall affordable and easily accessible. Ideally, they should be free in developing countries that cannot afford these essential services.

Sustainable Development Goal (SDG)

This issue falls under the SDG of gender equality as it coincides with the severe implications for the rights and opportunities of girls. More specifically, target 5.3 of SDG 5 aims to eliminate harmful practices, including child, early, and forced marriages. Child marriage is a form of gender-based violence that severely compromises the health and well-being of girls by increasing their risk of early pregnancy and STDs. Subtle but significant, it also leads to physical, emotional, and sexual abuse. Forcing girls to drop out of school, limits their educational and economic opportunities, aggravating cycles of poverty and inequality, and ultimately hampering their future. Addressing child marriage through SDGs is crucial for empowering girls to make their own choices, encouraging their fundamental human rights and ensuring that they can reach their fullest capacities in society. In essence, the ethical ramifications of child marriage accentuate the need to protect children's rights to education, health, and protection from exploitation, which are imperative for achieving broader gender equality and promoting a more just and equitable world.

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Appendix

- I. <https://www.girlsnotbrides.org/about-child-marriage/>
 - A. Website providing detailed information about child marriage. It explains the prevalence and impact of child marriage, discusses the legal, educational, and health consequences of child marriage, and outlines strategies for ending the practice, emphasizing local, contextual solutions and collaborative efforts.
- II. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2672998/>
 - A. This website provides insights into child marriage using statistics, delving into the health consequences of child marriage as well.
- III. <https://bmcpublikealth.biomedcentral.com/articles/10.1186/s12889-022-12707-x>
 - A. Research article that explores the psychological ramifications of child marriage. These studies draw attention to a number of mental health problems, including anxiety, depression, and lowered psychological well-being, that are linked to child marriage.
- IV. <https://www.icrw.org/>
 - A. This website contains research with the aims of empowering women and girls and preventing child marriage. They publish studies, policy briefs, and reports on the issue.
- V. <https://bmcpublikealth.biomedcentral.com/articles/10.1186/s12889-020->

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- A. This article explores the broader implications of child marriage on public health, including its psychological impact. It provides a detailed overview of how child marriage affects one's mental health and well-being.