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### Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

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

## Adverse impact of forced marriage on the full and effective enjoyment of all human rights by all women and girls

### Report of the Office of the United Nations High Commissioner for Human Rights\*

#### *Summary*

The present report focuses on the issue of forced marriage. It is based on information gathered from the participants of an expert workshop held on 1 and 2 September 2022, submissions from States, national human rights institutions, civil society organizations and other stakeholders, and additional research.

In the report, the diverse contexts of forced marriage are emphasized, those internal to the community and the family and those imposed by external actors. In all contexts, the essential drivers of forced marriage are patriarchal ideologies and structures, which subjugate women and girls and violate their human dignity and rights. Highlighted in particular is the need for targeted policy, based on data collection, to prevent the practice of forced marriage, not only as a severe case of violence against women and girls but also as a practice that can result in situations that meet the international legal definition of slavery with tragic consequences for the women and girl victims and for their children.

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## I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 48/6 on child, early and forced marriage in times of crisis, including the coronavirus disease (COVID-19) pandemic. In that resolution, the Council, recognizing the ongoing urgency regarding and severity of the practice of child, early and forced marriage and acknowledging the threat posed by various crises, including the COVID-19 pandemic, conflict situations, complex emergencies and economic insecurity, to any gains made in reducing the incidence of the practice, requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to organize a two-full-day workshop to increase understanding about the adverse impact of forced marriage on the full and effective enjoyment of all human rights by all women and girls, and to submit a report on the workshop in an accessible format to the Council at its fifty-second session.

2. The expert workshop was held on 1 and 2 September 2022 with the participation of 36 experts, including women who had been subjected to forced marriage, and other stakeholders, including relevant United Nations agencies, funds and programmes, special procedure mandate holders, international and regional organizations, States, scholars, national human rights institutions and civil society organizations. The workshop was followed by a call for submissions to gather additional information from States and other stakeholders.<sup>1</sup> As at 22 December 2022, 37 submissions had been received from 16 States,<sup>2</sup> 6 national human rights institutions and regional organizations,<sup>3</sup> and 15 United Nations entities and other stakeholders.<sup>4</sup>

## II. International human rights law

3. At the core of the definition of forced marriage is the absence of full and free consent. The Universal Declaration of Human Rights,<sup>5</sup> the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages,<sup>6</sup> the International Covenant on Civil and Political Rights,<sup>7</sup> the International Covenant on Economic, Social and Cultural Rights,<sup>8</sup> the Convention on the Elimination of All Forms of Discrimination against Women,<sup>9</sup> and the Convention on the Rights of Persons with Disabilities<sup>10</sup> require that marriage be entered into with the full and free consent of the intending spouses. Accordingly, marriage without full and free consent is a violation of human rights. This includes marriage in which one of the parties is not permitted to end or leave it,<sup>11</sup> for various reasons, including where marriage is considered sacred.<sup>12</sup>

<sup>1</sup> The submissions received will be made available at <https://www.ohchr.org/en/calls-for-input/2022/call-input-elaboration-report-adverse-impact-forced-marriage-full-and>.

<sup>2</sup> Argentina, Azerbaijan, Italy, Malawi, Maldives, Mexico, Netherlands, Norway, Poland, Romania, South Africa, Togo, Türkiye, Ukraine, United Arab Emirates and State of Palestine.

<sup>3</sup> National Independent Human Rights Commission, Burundi; National Commission for Human Rights and Citizenship, Cabo Verde; National Human Rights Commission, Mexico; National Commission for Lebanese Women; Protector of Citizens, Serbia; and Council of Europe.

<sup>4</sup> United Nations entities that made submissions include the United Nations Population Fund (UNFPA), the United Nations Children's Fund (UNICEF) and the United Nations Office on Drugs and Crime (UNODC). Non-governmental organizations that made submissions include Young Voices National Movement (India), Sexual Rights Initiative, Umeed Partnership Pakistan, Siiqqee Women's Development Association, The Justice Desk, International Dalit Solidarity Network, and Walk Free.

<sup>5</sup> Art. 16.

<sup>6</sup> Art. 1 (1).

<sup>7</sup> Art. 23 (3).

<sup>8</sup> Art. 10 (1).

<sup>9</sup> Art. 16 (b).

<sup>10</sup> Art. 23 (1).

<sup>11</sup> Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019), para. 23.

<sup>12</sup> See submission from Sexual Rights Initiative.

4. The General Assembly, the Security Council and the Human Rights Council have called for action to prevent forced marriage,<sup>13</sup> and the Sustainable Development Goals include the elimination of forced marriage by 2030.<sup>14</sup> In the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, forced marriage is described as a serious form of violence to which women and girls are exposed, and States parties are under a duty to criminalize the intentional conduct of forcing an adult or a child to enter into a marriage.<sup>15</sup>

5. While international law requires that no marriage be entered into without the full and free consent of the intending spouses, proper identification of the absence of full and free consent may depend on or vary according to the context. Experts at the workshop in September 2022 suggested that forced marriage should be classified distinctly in different contexts, recognizing differences between forced marriage by members of armed groups in conflict zones, family-initiated or arranged marriage and child or early marriage. Some participants considered that forced marriage was a single category encompassing all marriages in which there was no full and free consent, while others suggested that the threshold was marriages involving an element of coercion, duress, threats or intimidation, rather than the absence of informed consent.

6. Even where there is consent to marriage, there are situations in which consent may be apparent formally but not full and free in reality. In instances where marriages take place in patriarchal societies, a party to the marriage, often the woman or girl, may not have the power to withhold consent, and hence her apparent consent may not be full and free. Coercion to enter marriage ranges from overt actions, such as physical or sexual violence or being physically restrained, to emotional pressure.

7. As regards consent to forced marriage in the context of trafficking in persons, consent of the victim does not validate the marriage. Under the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, a victim's consent to the intended exploitation is irrelevant where it has been obtained by means of the threat or use of force, deception, coercion, the giving or receiving of payments or benefits, or the abuse of power or of a position of vulnerability.<sup>16</sup> Such consent cannot, therefore, be used to absolve the perpetrator from criminal responsibility.

8. The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, mandated the abolition or abandonment of any institution or practice whereby a woman, without the right to refuse, is promised or given in marriage on payment; the husband of a woman, or his family or his clan, has the right to transfer her to another person for value received or otherwise; or a woman on the death of her husband is liable to be inherited by another person.<sup>17</sup> Forced marriage can result in situations that meet the international legal definition of slavery. The practices concerned include servile marriage, sexual slavery, human trafficking and forced labour.<sup>18</sup>

9. Forced marriage has been described by some, together with forced labour, as constituting modern slavery, noting that entrapment in forced labour can last years, while in most cases forced marriage is a life sentence.<sup>19</sup> Furthermore, there is a nexus between forced

<sup>13</sup> The term “forced marriage” will be used in the present report to denote child, early and forced marriage, except where differentiation is specifically required.

<sup>14</sup> Target 5.3 of the Goals is to eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation.

<sup>15</sup> Preamble and art. 37.

<sup>16</sup> Art. 3 (b).

<sup>17</sup> Art. 1 (c). See also art. 1 (d); and International Covenant on Civil and Political Rights, art. 8.

<sup>18</sup> A/HRC/41/19, para. 20. See also Worst Forms of Child Labour Convention, 1999 (No. 182), of the International Labour Organization (ILO); and Anti-Slavery International, “Day of the Girl: 5 ways girls worldwide are being enslaved” (accessed 12 January 2023).

<sup>19</sup> ILO, Walk Free and International Organization for Migration (IOM), *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage* (Geneva, 2022), p. 1.

marriage and forced labour, as forced marriage itself is likely to entail forced or unpaid labour in domestic and family work.<sup>20</sup>

10. Forced marriage is considered to encompass child and early marriage, given that one or both parties have not expressed full, free and informed consent.<sup>21</sup>

11. Some experts at the workshop asserted that in the context of child marriage there should be a recognition of the right of children to be heard and to participate in policymaking on matters concerning their lives. Indeed, the necessary conditions must be in place to enable girls to express their opinions in the context of preventing harmful practices, including child marriage, and to ensure that their opinions are given due weight.<sup>22</sup> Furthermore, experts at the workshop pointed out that several national jurisdictions criminalize adolescent sexuality up to 18 years of age and others criminalize all non-marital sex, potentially creating the conditions, particularly for those between 16 and 18 years of age, whereby it is preferable to opt for early marriage to shield oneself from social stigmatization.

12. Some research mentions growing trends in some regions of self-initiated marriages by adolescents triggered by domestic violence in their natal homes, restrictions on mobility, stigmas associated with mixing with the opposite sex, and laws criminalizing adolescent sexuality, suggesting that these drivers must be specifically addressed.<sup>23</sup>

13. According to the Committee on the Elimination of Discrimination against Women and Committee on the Rights of the Child, States should ensure that a minimum legal age of marriage for girls and boys, with or without parental consent, is established at 18 years.<sup>24</sup> Any exception for 16- to 18-year-olds should be regarded as not derogating from the norm of 18 years as the minimum age for marriage. When a marriage at an earlier age is allowed in exceptional circumstances, the absolute minimum age must not be below 16 years. The grounds for permission must be legitimate and strictly defined by law and the marriage must be permitted only by a court of law upon the full, free and informed consent of the child or both children, who must appear in person before the court.

### III. International criminal law

14. While forced marriage is not explicitly criminalized in the Rome Statute of the International Criminal Court, in its 2021 decision in the case of Dominic Ongwen, the Court noted that forced marriage as an inhumane act constituting a crime against humanity – under article 7 (1) (k) of the Rome Statute – was a continuing crime and, as such, the Rome Statute criminalized not only the conduct of entering into the conjugal relationship but the entire continued forced relationship.<sup>25</sup>

15. Forced marriages may be part of the implementation of an ethnic policy of mass rape and mass impregnation that could, according to some experts, amount to genocide.<sup>26</sup> The Security Council has condemned the commission of acts by Da'esh involving forced marriage and sexual slavery as a tactic of terrorism.<sup>27</sup> Women victims of forced marriage are often ostracized by their communities and their families even after termination of the

<sup>20</sup> Helen McCabe and Lauren Eglan, “‘I bought you. You are my wife’: ‘modern slavery’ and forced marriage”, *Journal of Human Trafficking*, 24 July 2022, pp.13–14. See also ILO, Walk Free and IOM, *Global Estimates of Modern Slavery*.

<sup>21</sup> Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019), para. 20.

<sup>22</sup> *Ibid.*, para. 53; and [A/HRC/44/45/Add.1](#), para. 75 (d).

<sup>23</sup> See Madhu Mehra and Amrita Nandy, *Why Girls Run Away to Marry: Adolescent Realities and Socio-Legal Responses in India* (New Delhi, Partners for Law in Development, 2019).

<sup>24</sup> Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019), para. 55 (f).

<sup>25</sup> See International Criminal Court, *The Prosecutor v. Dominic Ongwen*, Case No. ICC-02/04-01/15, Trial Judgment, 4 February 2021.

<sup>26</sup> Sherrie L. Russell-Brown, “Rape as an act of genocide”, *Berkeley Journal of International Law*, vol. 21, 2003, pp. 350–374.

<sup>27</sup> Security Council resolution 2544 (2020), preamble.

marriage and/or the conflict and in these cases both the women and children resulting from the forced marriage frequently become outcasts and are rejected or excluded.

#### IV. Uniquely harmful impact of forced marriage on women and girls

16. The very fact of forcing marriage on the victim constitutes, in and of itself, a severe violation of the victim's human dignity and human rights. This was well articulated by the International Criminal Court in the aforementioned case.<sup>28</sup>

17. Women and girls are the prime victims of forced marriage. More than two thirds of victims of forced marriage and 87 per cent of victims of child marriage are female.<sup>29</sup>

18. Forced marriage has consequences that are unique to women and girl victims, presenting risks to their physical and mental health. For women, forced marriage frequently correlates with increased domestic violence and may result in forced or unwanted pregnancy. There is a nexus between forced marriage and sexual exploitation, as the fulfilment of conjugal rights is likely to entail the imposition of sexual intercourse without full and free consent and, as regards child spouses under the age of sexual consent, constitutes ongoing statutory rape. In the case of child marriage, girls' health is endangered by pregnancy and childbirth.<sup>30</sup> The risk of maternal mortality is highest for adolescent girls under 15 years of age, and the risk of complications in pregnancy and childbirth is higher among adolescent girls aged 10–19 years (compared to women aged 20–24 years).<sup>31</sup> The Working Group on discrimination against women and girls noted the widespread occurrence of forced and early pregnancy caused by sexual abuse, lack of comprehensive sexuality education or harmful practices, such as child marriage.<sup>32</sup>

19. Forced marriage stunts women and girls' development and their equality of opportunity in social and economic life. Child and early marriage leads to high school-dropout rates and, in many cases, expulsion from school, which deprive girl children of their right to education. Where girls have limited education, they are almost certain to have significantly reduced decision-making power in relation to their own lives.<sup>33</sup> Once forced to marry, there is a greater risk of domestic servitude for women, whether beyond or within the limits of what is reasonably expected to maintain a home.<sup>34</sup> These gendered repercussions are aggravated in marriages in which the husband is significantly older than the wife.

20. Forced marriage, as a practice that is prevalent in the context of patriarchal cultural norms, almost invariably entails discrimination against women and girls in the family, including deprivation in the allocation of family resources, sustenance, family property and inheritance. It may entail discrimination against women in the right to guardianship and custody of children resulting from the marriage.<sup>35</sup>

21. The impact of forced marriage on women's and girls' human rights renders it a gendered and harmful practice that exposes women and girls to violation of their right to equality in all spheres of life.

<sup>28</sup> *The Prosecutor v. Dominic Ongwen*, para. 2748.

<sup>29</sup> ILO, Walk Free and IOM, *Global Estimates of Modern Slavery*, pp. 63 and 66.

<sup>30</sup> Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019), para. 22.

<sup>31</sup> World Health Organization, "Maternal mortality: key facts", 19 September 2019. Available at <https://www.who.int/news-room/fact-sheets/detail/maternal-mortality>.

<sup>32</sup> A/HRC/47/38, para. 13. See also *ibid.*, paras. 12 and 56.

<sup>33</sup> See A/77/282, para. 14, and A/HRC/50/50, paras. 33 and 50.

<sup>34</sup> ILO, Walk Free and IOM, *Global Estimates of Modern Slavery*, p. 73.

<sup>35</sup> See A/HRC/29/40, paras. 34 and 44.

## V. Data estimates and trends of forced marriage

22. Approximately 650 million women and girls living today were married before the age of 18 years.<sup>36</sup> This figure is likely to be an underestimate, as child marriage is not currently measured adequately at the scale or specificity required for a global estimate.<sup>37</sup>

23. Despite significant variations in the level of prevalence by region and country, forced marriage occurs in every region of the world and cuts across ethnic, cultural and religious lines. The incidence of forced marriage is reportedly highest in lower-middle income countries.<sup>38</sup> The United Nations Children's Fund (UNICEF) and other sources point out that regional prevalence of child marriage masks wide variations across countries in the region.<sup>39</sup> For instance, in the European Union, the rates of child marriage spike among marginalized communities.<sup>40</sup>

## VI. Diversity of drivers and contexts

24. Forced marriage is deeply rooted in gender-based discrimination and patriarchal ideologies and structures. The realities in which forced marriage occurs vary and require context-specific interventions. The context-specific realities of forced marriage can be divided into two different social phenomena of forced marriage: internal social drivers, where forced marriage is initiated or carried out by the victim's family or community, and external drivers, where forced marriage is imposed by members of armed groups in conflict zones or by human traffickers.

### A. Internal social drivers

25. The main internal social drivers of forced marriage are cultural or religious practices that discriminate against and harm women and girls. Adherence to these practices is usually aggravated by socioeconomic circumstances in situations of poverty, together with lack of quality education.

26. Forced marriage is practised in communities where the cultural or religious context, either directly or indirectly, condones or tolerates it. The cultural or religious contexts in which the practice can subsist are typically ones with persistent harmful traditional or customary practices, in which gender stereotypes, discrimination, patriarchal values and misguided strategies for preserving community identity or for protecting girls through marriage prevail.<sup>41</sup> Where cultural or religious norms oppose it, forced marriage is unlikely to occur even where other drivers, such as poverty and lack of education, are present.

27. In family- or community-initiated forced marriage, religious and cultural norms that stigmatize premarital sex and limit access to sexual and reproductive health and rights play a role. Control of girls' bodies, in particular chastity, protection of girls from the stigma of being unmarried and the socialization of girls into obedient wives are important drivers of forced marriage. Where women and girls are stereotyped as being prone to premarital sexual relations, which would be considered damaging to the family's and community's honour, girls may be forced to marry as children. Protecting girls from immoral behaviour has been described as a clear motivation behind the continuation of child marriage.<sup>42</sup> Additionally, in

<sup>36</sup> See UNICEF, "Child marriage: latest trends and future prospects", July 2018; and ILO, Walk Free and IOM, *Global Estimates of Modern Slavery*. See also [A/77/282](#), para. 7.

<sup>37</sup> ILO, Walk Free and IOM, *Global Estimates of Modern Slavery*, p. 15.

<sup>38</sup> *Ibid.*, p. 5.

<sup>39</sup> For example, [A/77/282](#), para. 8.

<sup>40</sup> European Union Agency for Fundamental Rights, *Addressing Forced Marriage in the EU: Legal Provisions and Promising Practices* (Luxembourg, Publications Office of the European Union, 2014), p. 14.

<sup>41</sup> [A/HRC/41/19](#), para. 8, and [A/77/282](#), para. 12.

<sup>42</sup> Liv Tønnessen and Samia al-Nagar, "Drivers of child marriage in eastern Sudan", Sudan Brief, No. 2 (Bergen, Chr. Michelsen Institute, 2018).

some cultures, women and girls are forced to marry in exchange for payment to their families or the cancellation of debt, or in order to settle family disputes.

28. In some States, the law directly or indirectly encourages child marriage, with the minimum age of marriage set at 10 or 13 years for girls and at a higher age for boys.<sup>43</sup> In others, a rapist can escape criminal sanctions by marrying the victim, usually with the consent of her family.<sup>44</sup> Where the clerical authorities grant loans to facilitate marriage, low-income families may marry their girl children in order to be entitled to these loans.

29. Some experts at the workshop identified poverty as a driver of forced marriage. They pointed out that poverty may result in a family considering that the issue of the costs of maintaining a dependent girl or single woman, who is not regarded as having economic potential in her own right, is best resolved by forced marriage. A strong correlation has been found between the issue of forced marriage and economic insecurity, poverty and lack of income opportunities in families. For instance, a study from 2021, covering four countries, found that children who had experienced hunger in the previous four weeks were 60 per cent more likely to be married during childhood than those who had not experienced hunger.<sup>45</sup> Some families may resort to forced marriage as a survival strategy in the absence of viable livelihood alternatives, on the basis of conceptions or misconceptions that the only or best way of providing girls and women with economic sustainability and sexual protection is through marriage. Forced marriage, in certain cultural contexts, is for financial gain, as when the groom's family pays a bride price.<sup>46</sup>

30. It has been observed that child marriage is closely linked to low levels of girls' education. Research in some regions has shown that children who are not presently in school are 3.4 times more likely to be married than their peers who are currently in school.<sup>47</sup> In the Sahel region, young women with no education are reportedly 10 times more likely to have married before 18 years of age than their peers.<sup>48</sup> Each additional year that a girl completes of secondary education reduces the likelihood of marrying as a child by an average of 6.1 percentage points and of having a first child before the age of 18 years by an average of 5.8 percentage points across 15 countries.<sup>49</sup> If universal secondary education were achieved, child marriage could be virtually eliminated. By contrast, primary education is not associated with lower risks of child marriage or early childbearing in most countries.

31. The targeting of girls and women for forced marriage is a result of discriminatory patriarchal cultural or religious practices, which consider women and girls to be inferior to men and boys, and is aggravated, although not caused, by poverty and lack of education. In patriarchal societies, discrimination against women and girls typically results in their lack of access to quality education, employment opportunities and sexual and reproductive health information and services, factors which lead to low human capital among women and girls within the community and hence result in the targeting of women and girls for forced marriage.

32. Patriarchal cultural and religious factors on the one hand, and poverty and lack of education on the other, are both distinct and interlinked. Patriarchal cultural and religious beliefs that regard women's chastity, modesty and matrimonial duties as their exclusive role in the family and the community perpetuate a lack of education of girls. In turn, low levels

<sup>43</sup> Aleksandra Sandstrom and Angelina E. Theodorou, "Many countries allow child marriage", Pew Research Center, 12 September 2016.

<sup>44</sup> [A/HRC/26/22](#) and [A/HRC/26/22/Corr.1](#), para. 43. See also Equality Now, "Words and deeds: holding Governments accountable to the Beijing+30 review process – sex discrimination in violence laws", November 2022, pp. 3–6.

<sup>45</sup> World Vision International, "COVID-19 and child marriage: how COVID-19's impact on hunger and education is forcing children into marriage", October 2021, p. 9.

<sup>46</sup> [A/HRC/41/19](#), paras. 14–15.

<sup>47</sup> World Vision International, "COVID-19 and child marriage", p. 12.

<sup>48</sup> UNICEF, "Child marriage in the Sahel", December 2020, p. 5.

<sup>49</sup> Quentin Wodon and others, *Missed Opportunities: The High Cost of Not Educating Girls* (Washington, D.C., World Bank, 2018), pp. 21–23.

of education of girls limit their socioeconomic opportunities and enable the continuation of their stereotyped and restricted roles in the family and the community.<sup>50</sup>

33. The onus for deterring forced marriage is on State legal systems and on the authorities' regulation of the socioeconomic infrastructure. It is their obligation to respect, protect and fulfil the human rights of women and girls that are violated by the practice of forced marriage. It is through omissions that some States fail to provide a deterrent infrastructure. Such omissions include failure by States to require registration of marriage, to fix a minimum age of 18 years for marriage, to provide a proper reporting system and hotline for victims of forced marriage, to provide proper information on the damage caused to women and girls by forced marriage, and to prohibit community and religious leaders from participating in the performance of such marriage ceremonies. These omissions result in impunity and a lack of accountability for the perpetrators and a lack of access to justice for the victims. Omissions in the socioeconomic infrastructure include failure by States to ensure girls' education and school attendance until the age of 18 years and to sufficiently reduce and mitigate the impact of poverty, which is a major aggravating factor of forced marriage.<sup>51</sup>

34. As the experts at the workshop in September 2022 pointed out, the drivers and aggravating factors that may lead to forced marriage are likely to vary depending on the social context. While patriarchy is the overarching structure within which such marriage occurs, specific drivers may involve customary practices, taboos against female sexuality, unpaid household labour, lack of access to education or alternative livelihoods, controlling unwanted sexuality, protecting "family honour", responding to peer-group or family pressure, attempting to strengthen family links, achieving financial gain, ensuring that land, property and wealth remain with the family, protecting perceived cultural or religious ideals, ensuring care for a child or adult with support needs and assisting claims for residence and citizenship. Aggravating factors include poverty, food insecurity and low levels of education. The workshop experts unanimously agreed on the need for targeted research to obtain an intersectional understanding and framing of the issue in order to identify the main reasons in each context.

35. The intersection between the COVID-19 pandemic, conflict, political instability and climate change has further exacerbated the risk of forced marriage among communities already struggling with survival.<sup>52</sup> The COVID-19 pandemic further worsened the underlying factors that are aggravating elements for the occurrence of forced marriage. The United Nations Population Fund (UNFPA) warned that an additional 13 million girls would be married between 2020 and 2030 as a result of pandemic-related restrictions, economic downturn, gender-based violence and increasing socioeconomic insecurity.<sup>53</sup> All these factors, including unprecedented increases in extreme poverty and lower school attendance rates, are associated with increased vulnerability to forced marriage. While the impact of COVID-19 is being felt in societies at large, it has affected the most marginalized in particular.<sup>54</sup>

36. During the COVID-19 pandemic, low-income families, globally and particularly in middle- and low-income countries, already less financially resilient and more vulnerable to job and wage loss, have sought to reduce expenditure on education or to decrease their household size.<sup>55</sup> Pandemic-related restrictions reduced access to support services, including support services vital for reducing the risk, incidence and impact of forced marriage. Social and legal protection services were disrupted, suspending identification mechanisms for those at risk of forced marriage and making care inaccessible for survivors of gender-based violence. The situation was aggravated for women and girls with unclear immigration status,

<sup>50</sup> *Ibid.*, p. 1.

<sup>51</sup> See Committee on the Elimination of Discrimination against Women, general recommendation No. 29 (2013), para. 25. See also Megan Arthur and others, "Child marriage laws around the world: minimum marriage age, legal exceptions, and gender disparities", *Journal of Women, Politics and Policy*, vol. 39, No. 1 (January–March 2018), pp. 51–74.

<sup>52</sup> ILO, Walk Free and IOM, *Global Estimates of Modern Slavery*, p. 74.

<sup>53</sup> See UNFPA, "Impact of the COVID-19 pandemic on family planning and ending gender-based violence, female genital mutilation and child marriage", April 2020.

<sup>54</sup> For example, [A/77/282](#), para. 4.

<sup>55</sup> *Ibid.*, para. 12.



refugees, internally displaced persons, those living in remote areas and those with disabilities.<sup>56</sup>

37. Additionally, reduced access to health services compromised women's and girls' access to sexual and reproductive health information and assistance, including contraceptives and safe termination of pregnancy, and studies have shown that poor and marginalized women were the most severely affected.<sup>57</sup> The lack of access to family planning services may in some contexts have resulted in unintended pregnancy and increased pressure on women and girls to enter into forced marriage.<sup>58</sup> According to UNFPA research early in the pandemic, in 114 low- and middle-income countries, lack of access to family planning services during a six-month lockdown with major service disruptions owing to COVID-19 would result in 7 million unintended pregnancies.<sup>59</sup>

## B. External imposition of forced marriage

38. In times of humanitarian crisis, the breakdown of family, social and legal networks linked to real or perceived risks of sexual violence and the consequent "damage to family honour" are drivers for families' decisions to marry girls at an early age. During conflict, displacement and natural disasters, financial pressures and food insecurity may increase the prevalence of child marriage. Without reliable income-generation opportunities, educational opportunities, access to land or support systems, families may feel added pressure to marry off their girls in the hope that the husband and his family will provide for them. Studies indicate that, for security reasons, girls are the first to be pulled out of school, limiting their access to education. Limited education, coupled with increased confinement at home, leads to the perception that the girls in the family will become a financial burden and that marriage could provide them with protection and financial stability.<sup>60</sup>

39. In some conflict situations, armed groups have imposed forced marriage on women and girls.<sup>61</sup> For example, girls and women have been forced to marry members of Da'esh in the Syrian Arab Republic, Boko Haram in Nigeria and Cameroon,<sup>62</sup> and Al-Shabaab in Somalia.<sup>63</sup> Similar instances of forced marriage have been reported in the Central African Republic, the Democratic Republic of the Congo, Libya, Malaysia, Mali, Sierra Leone and Uganda.<sup>64</sup>

40. In some countries, women and girls belonging to religious minorities are kidnapped, subjected to physical and emotional abuse involving threats of violence, and forcibly married. In some cases, victims are forced to convert their religion under the guise of marriage of choice. As noted by the United Nations Office on Drugs and Crime (UNODC), forced marriage may also be used by traffickers as an instrument to bring a woman or girl to the destination country or community where she will be exploited either sexually, in domestic servitude or in forced labour. In many of the cases of forced, abusive and exploitative marriages analysed by UNODC, marriages could be linked to the transportation or transfer of the victim to the spouse and his family's home.<sup>65</sup>

<sup>56</sup> Ibid., para. 22.

<sup>57</sup> Trena I. Mukherjee, "Reproductive justice in the time of COVID-19: a systematic review of the indirect impacts of COVID-19 on sexual and reproductive health", *Reproductive Health*, vol. 18, art. No. 252, 2021.

<sup>58</sup> A/77/282, para. 21.

<sup>59</sup> UNFPA, "Impact of the COVID-19 pandemic", April 2020.

<sup>60</sup> A/HRC/41/19, paras. 8–9 and 14.

<sup>61</sup> Ibid., paras. 3 and 11–13.

<sup>62</sup> See submission from Jubilee Campaign.

<sup>63</sup> Girls Not Brides: The Global Partnership to End Child Marriage, "Child marriage in humanitarian settings", August 2018, p. 2; and Dyan Mazurana, Anastasia Marshak and Kinsey Spears, "Child marriage in armed conflict", *International Review of the Red Cross*, vol. 101, No. 911 (August 2019), p. 594.

<sup>64</sup> A/HRC/41/19, para. 11.

<sup>65</sup> UNODC, *Interlinkages between Trafficking in Persons and Marriage* (Vienna, 2020), p. x.

41. In the context of conflict-driven trafficking, terrorism, violent extremism and transnational organized crime, sexual violence presents heightened political and security challenges for survivors and children born of rape. Abducted women and girls are frequently stigmatized and rejected by their families and communities upon their return.<sup>66</sup> The children of these forced marriages are also frequently stigmatized, discriminated against, abused, abandoned by family members and denied basic rights and access to services such as health care and education. The specific stigma of a perceived affiliation with a terrorist group can dramatically affect the lives of survivors and their children, reducing their prospects for social acceptance, integration and economic survival.<sup>67</sup>

## VII. Preventive and protective measures and promising practices

### A. Addressing forced marriage

42. In order to eliminate forced marriage, States are required to take urgent positive measures of prevention. Some of these measures are in the realm of criminal deterrence and punishment. Others are in the realm of socioeconomic measures, through civil law, social benefits, awareness-raising and education. For as long as there are ongoing practices of forced marriage, States are required to provide protection, access to justice, full reparation and rehabilitation for victims.

43. Under article 5 (a) of the Convention on the Elimination of All Forms of Discrimination against Women, States must take all appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women. Discriminatory attitudes and behaviours towards women must be changed, and women's and girls' access to employment, education and finance, as well as the safety of their homes and children, must be ensured by the State.<sup>68</sup> De facto equality for women in all fields of life is an essential condition for the elimination of forced marriage. The empowerment of women and girls contributes to maximizing their potential to act as agents of change and to participate in the transformation of discriminatory cultural or religious attitudes that drive and perpetuate the practice of forced marriage.

44. The Committee on the Elimination of Discrimination against Women has emphasized that the State has an obligation to respect women's right to equality within the family and should eliminate any laws, including customary or religious laws, that discriminate against women. A State will be in violation of this obligation if it has a law that discriminates against women, regardless of whether its family law system is secular, religious or plural.<sup>69</sup>

45. According to information received, States have adopted measures to prevent and prohibit forced marriage. However, both the workshop experts and some of the information received point to that fact that many States that have not specifically identified forced marriage as a distinct category and treat it as an act of violence against women or domestic violence. The development of targeted policy measures, as advocated by the experts in the workshop, requires the treatment of forced marriage as a stand-alone form of gender-based violence and of harmful practice that must be eliminated.

46. The diverse contexts and drivers of forced marriage have differential policy implications for preventive measures such as criminal prohibition and punishment, and for socioeconomic measures and protection of victims. These targeted policy measures require differential data collection, which is not yet commonly undertaken by States.

<sup>66</sup> See Human Rights Watch, "Iraq: forced marriage, conversion for Yezidis: victims, witnesses describe Islamic State's brutality to captives", 11 October 2014; and [CEDAW/C/PAK/CO/4](#), para. 37.

<sup>67</sup> [S/2022/77](#), para. 8.

<sup>68</sup> [A/HRC/29/40](#), para. 66.

<sup>69</sup> *Ibid.*, para. 62. See also Committee on the Elimination of Discrimination against Women, general recommendation No. 21 (1994), para. 44.

## B. Prohibition, criminalization and punishment

47. Most States have prohibited child marriage under the age of 18 years, as is required under international law and regarded as essential by international human rights mechanisms and experts. However, in many countries across many regions, there are exceptions to the prohibition of child marriage where the girl is more than 16 years of age, in accordance with the minimum age of consent to sexual relations.<sup>70</sup>

48. Prohibition of child marriage usually entails the criminal liability of parents and guardians, which participants at the workshop identified as challenging. While the criminal liability of family members remains important as a deterrent, prosecution and imprisonment of the head of household or the imposition of fines may worsen the family's poverty and hence be counterproductive.

49. Where the woman or girl is forced into marriage with a consenting spouse, including where the girl is under 18 years of age, the spouse will usually be considered criminally liable. Field research conducted into the repercussions of prosecution and punishment of spouses in child marriages, particularly where there was no significant age gap, found that they exacerbate the vulnerability of the girl who is considered to be married by her family, may be pregnant or have a child and is in a socioeconomic limbo while her partner is in prison.<sup>71</sup>

50. Victims of forced marriage are frequently reluctant to report their own family members, whether for fear of retribution or for fear of incriminating them. Some States have introduced the promising practice of imposing an obligation to report on professionals in the health-care, education, childcare, social support, youth-care and justice sectors.<sup>72</sup>

51. The experts at the workshop noted that, alongside efforts to engage community and religious leaders and raise awareness of the harmfulness of forced marriage, an obligation to prevent or report the threat or conduct of a forced marriage should be imposed on professionals and community and religious leaders involved in dealing with the victims or prospective victims of forced marriage. Deterrent measures such as disciplinary sanctions for State employees and the withholding of State subsidies for religious or community organizations may be considered necessary in case of failure to fulfil that obligation.

52. Liability in cases of externally imposed forced marriage in humanitarian settings requires its own separate forms of identification, prosecution and punishment. In these situations, liability and punishment, in addition to accountability for human rights violations, will usually fall under international humanitarian law or international criminal law and procedures. The Human Rights Council has called upon States, with the support of humanitarian partners, health-care providers and experts, and in full collaboration with concerned communities and other stakeholders, to strengthen monitoring and interventions to prevent, respond to and eliminate forced marriage in humanitarian settings, including by integrating and harmonizing such interventions into efforts focused on the prevention of conflict, the protection of civilians and access to information and services.<sup>73</sup> The Inter-Agency Standing Committee Guidelines for Integrating Gender-based Violence Interventions in Humanitarian Action contain useful guidance.

53. Where forced marriage is imposed by traffickers, the protection regime for a victim is also regulated under the Trafficking in Persons Protocol, which has provisions regarding identification, consent, rights of residence, rehabilitation and restitution. More research is needed to prepare indicators to facilitate the identification of the victims of forced marriage as trafficking victims and to develop special measures of protection for such victims and their children.

54. There are reports of girls from religious minorities being kidnapped from their families, trafficked, forced to marry men sometimes twice their age, and subjected to forced

<sup>70</sup> See submission from Siiqee Women's Development Association.

<sup>71</sup> Feminist Inquiries into Rights and Equality, *Promote Prevention, Question Criminalisation: Reframing Responses to Child Marriage* (New Delhi, Partners for Law in Development, 2020), pp. 12–13 and 16.

<sup>72</sup> See submission from Norway.

<sup>73</sup> Human Rights Council resolution 35/16, para. 7.

religious conversion.<sup>74</sup> This practice is usually not subject to effective prohibition.<sup>75</sup> The measures of prevention and protection for victims of trafficking in persons should be applied to strengthen protection for victims of forced marriage in this context.

### C. Protection of victims

55. Access to justice for victims requires support systems with pro bono lawyers or legal aid and with shelters for protection during the process of annulling the marriage, as victims may be subjected to physical or psychological pressure to desist and may face a risk of retribution or so-called “honour” killing.<sup>76</sup> It has also been suggested that there is a need for expedited court processes to avoid situations in which victims turn to informal tribunals or community leaders that may not act according to the required legal standards.<sup>77</sup>

56. Support systems for physical, sexual and psychosocial care for victims are an integral part of the system for victims of sexual violence in general. However, the particular situation of victims of forced marriage, who are often under the close supervision of the spouse or his family, means that they are often deprived of freedom of movement and of access to means of communication to seek assistance. Reporting codes for professionals in the health-care, education, childcare, social support, youth-care and justice sectors are therefore of crucial importance. Professionals should be required to use this reporting code so that when they identify a forced marriage, they use a step-by-step plan to take a well-considered decision on how to act.<sup>78</sup>

57. Rehabilitation centres and shelters for victims of forced marriage may be provided within facilities for victims of domestic violence.<sup>79</sup> Protection orders allowing victims to remain in their homes while removing a violent family member from the home may be an additional possibility in some contexts.

58. The legal status of forced marriage varies across different systems. In some the marriage is null and void ab initio,<sup>80</sup> while in others it is annulable if proceedings are undertaken.<sup>81</sup> Ab initio nullity presents the advantage that no proceedings are required to terminate the marriage, but it may, in some cultural, religious and legal settings, cause further damage to the interests of the victim, such as where the nullity leads to the charge of zina (extramarital intercourse) or to the illegitimacy of children born from the union. Providing the victim with a choice as to whether to annul the marriage is preferable,<sup>82</sup> as long there are safeguards in place to ensure that a support agency exists, whether judicial or administrative, with the authority to process a victim’s request for annulment. More research is required to elucidate this issue in different contexts.

59. The experts at the workshop raised serious questions regarding the situation of children of forced marriages. Pregnancy and childbirth may be forced on the woman or girl. In case of dissolution of the marriage, the mother may lose the custody of her child or, if she retains custody, the mother and child may be rejected by the family or community. In case of external imposition of the marriage by members of armed groups, the mother and child are frequently rejected by the community. Targeted policies and measures are needed to support women and their children after the dissolution of forced marriages.

<sup>74</sup> See, for example, OHCHR, “Pakistan: UN experts urge action on coerced religious conversions, forced and child marriage”, 16 January 2023.

<sup>75</sup> See submission from UMEED Partnership Pakistan.

<sup>76</sup> Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019), paras. 29–30.

<sup>77</sup> See submission from Haki Yetu Organization.

<sup>78</sup> See submission from the Netherlands.

<sup>79</sup> Ibid.

<sup>80</sup> See submission from the State of Palestine.

<sup>81</sup> See submission from Poland.

<sup>82</sup> Feminist Inquiries into Rights and Equality, *Promote Prevention, Question Criminalisation*, p. 13.

## D. Promising practices

60. Many States, in their submissions, emphasized that legislation and national action programmes aimed at preventing violence against women and girls and giving them equal rights and opportunity constituted a basis for combating the root causes of forced marriage. Some States specified that such measures guaranteed women's and girls' autonomy, empowering them to make decisions about their own lives.<sup>83</sup>

61. There is increasing attention, in promising practices by States, to the role of criminal law in preventing cultural or religious practices that encourage forced marriage. Such practices include prohibiting bride price, bride exchange, abduction and kidnapping, and rescinding immunity from prosecution for rapists who marry their victims;<sup>84</sup> and providing that nationals who have forced someone to marry abroad can be prosecuted, even if forced marriage is not a crime in the country where the marriage took place.<sup>85</sup>

62. There are promising practices of affirmative action programmes directed at preventing forced marriage. These include women-led enterprise development programmes, under which a targeted fund is established for women to address constraints in access to credit, so that they can support the education of their daughters; scholarships for secondary and tertiary education;<sup>86</sup> programmes for the integration of women and girls from minority or migrant communities in which the practice exists into the wider community to increase their ability to withstand community pressure; and programmes for girls to continue their schooling in case of early pregnancy.

63. The establishment of partnerships with civil society organizations for awareness-raising is a good practice. Partnerships with civil society actors as agents for change,<sup>87</sup> and, in some States, funding for their activities,<sup>88</sup> have yielded positive results. Projects for strengthening the capacity of non-governmental organizations working in the prevention of child, early and forced marriage have also been positive,<sup>89</sup> as have multisectoral approaches among partners and State and non-State actors working towards child protection, including the judiciary, the police, psychologists, local administrations, directorates of children's services and civil society organizations.<sup>90</sup> Other promising practices include campaigns in schools, with a network of women and children champions who are now ambassadors of change and who shun retrogressive cultural practices.<sup>91</sup> There are other examples of ways in which States and other stakeholders have, to varying degrees, worked on improving the participation of girls and boys in efforts to foster behavioural change, despite pandemic-related constraints.<sup>92</sup>

64. Participation of victims and survivors of forced marriage in policymaking is essential, as has been called for by the Human Rights Council and was recommended by experts at the workshop and in information received.<sup>93</sup> The workshop included the participation of survivors, whose contributions were invaluable to understanding the irrevocable damage caused by forced marriage, the almost insuperable barriers that victims face in attempting to escape it and the necessity of timely outside intervention by State agencies.

65. Awareness-raising is clearly an essential condition for eliminating forced marriage in the communities in which it is practised. The variety of promising practices by States in this respect include the adoption of action agendas on harmful practices that give information on forced marriage, with flyers in different languages to be distributed within target

<sup>83</sup> See submissions from Norway and Togo.

<sup>84</sup> See submission from Türkiye.

<sup>85</sup> See submission from the Netherlands.

<sup>86</sup> See submission from Poland.

<sup>87</sup> See submission from Norway.

<sup>88</sup> See submissions from the Netherlands and Norway.

<sup>89</sup> See submission from Türkiye.

<sup>90</sup> See submission from Haki Yetu Organization.

<sup>91</sup> *Ibid.*

<sup>92</sup> *A/77/282*, paras. 42–43.

<sup>93</sup> See Human Rights Council resolution 48/6, and submissions from Azerbaijan, the National Human Rights Commission of Mexico and UNFPA.

communities and made available online,<sup>94</sup> audiovisual broadcasting,<sup>95</sup> and access to guidance materials and support services on the web.

## VIII. Conclusion and recommendations

66. Forced marriage is prohibited under international law. The Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child classify it as a harmful practice, which States parties have a duty to prevent.<sup>96</sup> There is a clear and urgent call in the Sustainable Development Goals to eliminate forced marriage by 2030, and international human rights mechanisms and a wide spectrum of United Nations agencies have focused efforts on ending this practice. The increase in the practice of forced marriage linked to the COVID-19 pandemic and its prevalence in conflict zones call for ever more decisive action to achieve this goal.

67. The only fully effective way to avoid the harms of forced marriage is to prevent it from occurring. Forced marriage is generally for life, and the harm is so pervasive in all aspects of the victims' lives, and in the lives of children born to the victims, that protection for victims *ex post facto* is by definition inadequate.

68. While poverty is sometimes identified as the main driver of forced marriage, economic hardship should instead be seen as an aggravating factor, along with the cumulative impact of gender inequality and cultural or religious tolerance that fuel this harmful practice. Where women and girls have a subordinate status in the family and community, including as a result of limited access to education and opportunities for economic gain, the practice of forced marriage is facilitated.

69. Measures to prevent violence against women and girls are clearly relevant, but are not sufficient to prevent forced marriage. Rape and domestic violence are crimes distinct from forced marriage. Effective prevention of forced marriage requires a system of early warning, alert and reporting prior to its occurrence.

70. The right to equality and non-discrimination is an essential element to combating forced marriage, but the legal right alone will not be a sufficient basis for eliminating the practice unless it is translated into *de facto* equality for women in the family and in the economy. In the interim, specific measures must be applied to prevent forced marriage.

71. There is clear recognition among all United Nations human rights mechanisms and experts at the workshop that successful prevention of forced marriage must be based on combating its root socioeconomic causes, including gender inequality, poverty, low levels of education, and barriers to sexual and reproductive health services.

72. On the basis of the discussion at the expert workshop and the further analysis contained in the present report, and recalling the recommendations contained in its previous reports on the issue, OHCHR recommends that States, in collaboration with relevant stakeholders, take the following action:

(a) **Recognize forced marriage as a distinct and *per se* violation of the human rights of women and girls; thus enabling the identification of forced marriage and facilitating the development of targeted policy measures for its elimination and for the protection of victims;**

(b) **Recognize the diverse contexts of forced marriage and provide targeted interventions appropriate to the prevention and protection of victims in these differing contexts;**

<sup>94</sup> See submissions from the Netherlands.

<sup>95</sup> See submissions from the State of Palestine.

<sup>96</sup> Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019), para. 11.

(c) Repeal any laws that, directly or indirectly, allow forced marriage, including any provisions that may enable, justify or lead to child, early or forced marriage;

(d) Establish the minimum age for marriage at 18 years and take legal and policy measures to prevent marriage under the age of 18 years, strictly limiting any authorization of such marriages to exceptional situations in the best interests of the child, not involving children under the age of 16 years, and by judicial decision only;

(e) Exercise due diligence to guarantee and protect women's right to equality in informal plural legal systems, as in the case of religious and cultural systems that enable forced marriage, and provide women and girls with civil law options for remedies and the possibility of exit;

(f) Provide support services for victims of forced marriage, including, where relevant, education, training, economic opportunities and protection from domestic violence;

(g) Ensure that victims of forced marriage have affordable access to sexual and reproductive health services to prevent unwanted pregnancy, in accordance with international human rights law and standards;

(h) Ensure the registration of marriages, also for the purpose of establishing responsibility for the prevention of a forced marriage; and exercise due diligence as regards unregistered or non-formalized marriages that have already taken place and include them within measures of prohibition and protection;

(i) Prohibit forced marriage and develop practical guidelines, including information on the most effective sanctions for the performance of a forced marriage by State agents or community or religious leaders and for responsible family members of the victim, taking into account their economic situation, and ensure that victims themselves never face criminalization;

(j) In the case of child marriage, avoid criminalizing adolescents of a similar age for consensual and non-exploitative sexual activity, as such criminalization is a driver of child marriage, and do not criminalize the adolescent spouses in the forced marriage itself;

(k) In processing reports, complaints or requests for assistance in cases of forced marriage, take measures to guarantee the privacy, confidentiality and safety of victims and to address women's and girls' needs and fears, while ensuring that they are not subject to stigmatization, social ostracism or reprisals;

(l) Impose reporting requirements on relevant professionals in the health-care, education, childcare, social support, youth-care and justice sectors, thus enabling the identification of victims, the prevention of forced marriage where possible, the activation of support measures for the victim and, where appropriate, criminal prosecution;

(m) Introduce special provisions to protect the economic rights of women and girls in forced marriage and at its dissolution, especially in relation to family property, access to land and inheritance, and matrimonial property; and ensure that victims of forced marriage, and their children where relevant, are granted full reparation, including measures of restitution;

(n) Regarding children born to the victims of forced marriage, ensure that the mother has a choice regarding guardianship and custody or giving up the child for adoption, that social care is provided for children resulting from forced marriages, and that social and financial support is provided for the mother's reintegration into her community and family; and undertake data collection and develop policy initiatives to address the human rights challenges faced by children born of forced marriage and rape.