

## ***Child, early and forced marriage in humanitarian settings***

*The Human Rights Council,*

### **PPs**

1. *Guided* by the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, as well as other relevant human rights instruments, including the Convention of the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and the Supplementary Convention on the abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, (**A/HRC/29/8, PP1**)
2. *Reaffirming* its resolution 29/8 of 2 July 2015 and resolution 24/23 of 27 September 2013, as well as General Assembly resolutions 71/175 of 19 December 2016 and 69/156 of 18 December 2014, (**A/HRC/29/8, PP2, updated**)
3. *Reaffirming* the Vienna Declaration and Programme of Action, as well as the Programme of Action of the International Conference on Population and Development, the Beijing Declaration and Platform for Action and the outcome documents of their review conferences, (**A/HRC/29/8, PP4**)
4. *Reaffirming* further relevant outcomes of the World Humanitarian Summit and relevant resolutions and agreed conclusions of the Commission on the Status of Women, (**new**)
5. *Welcoming* the adoption of the 2030 Agenda for Sustainable Development and noting the integrated nature of the 2030 Agenda and the range of goals and targets relevant to eliminating child, early and forced marriage, including target 5.3, (**A/RES/71/175, PP6**)
6. Welcoming the adoption of the resolution on the New York Declaration for Refugees and Migrants of 19 September 2016, (**A/71/L.1**) (**new**)
7. *Welcoming* the report of the Office of the United Nations High Commissioner for Human Rights of 24 March 2017, (**A/HRC/35/5**) on the ‘Expert Meeting on the impact of existing strategies and initiatives to address child, early and forced marriage’, and the Secretary General’s report on ‘Child, early and forced marriage’ of 29 July 2016, (**A/71/253**), (**new**)
8. *Welcoming* also the ongoing United Nations Population Fund - United Nations Children’s Fund Global Programme to Accelerate Action to End Child Marriage, as well as regional, national, and sub-national instruments, mechanisms and initiatives to end child, early and forced marriage including the African Union Campaign to End Child Marriage and the Regional Action Plan to End Child Marriage in South Asia, as well as ongoing UN activities and programmes on child, early and forced marriage and further encouraging coordinated approaches to action at all levels, (**A/RES/71/175, PP7, modified**),

9. *Recognizing* that child, early and forced marriage is a harmful practice that violates, abuses and impairs human rights and is linked to and perpetuates other harmful practices and human rights violations and that such violations have a disproportionately negative impact on women and girls, and underscoring the human rights obligations and commitments of States to promote and protect the human rights and fundamental freedoms of women and girls and to prevent and eliminate the practice of child, early and forced marriage, **(A/HRC/29/8, PP9)**
10. *Recognizing* further that child, early and forced marriage remains an impediment not only to the economic, legal, health and social status of women and girls, but also to the development of society as whole, and that the empowerment of and investment in women and girls, the meaningful participation of girls in all decisions that affect them, and women's full, equal and effective participation at all levels of decision-making are a key factor in breaking the cycle of gender inequality and discrimination, violence and poverty and are critical for, inter alia, sustainable development, peace, security, democracy and inclusive economic growth, **(A/HRC/29/8, PP15)**
11. *Noting with concern* that child, early and forced marriage is itself a significant obstacle to educational opportunities for girls and young women, and recognizing that educational opportunities are directly related to the empowerment of women and girls, their employment and economic opportunities and their active participation in economic, social and cultural development, governance and decision-making, **(A/RES/71/175, PP 16, streamlined)**
12. *Recognizing* that in humanitarian settings, which include humanitarian emergencies, situations of forced displacement, armed conflict and natural disaster, pre-existing human rights issues are further exacerbated and that new violations arise in consequence of the crisis, **[New, based on A/HRC/28/76 para 42 and 43 and A/RES/71/175 PP18]**
13. *Noting with concern* that child, early and forced marriage is highly exacerbated in humanitarian settings due to various factors, including insecurity, gender inequality, increased risks of sexual and gender based violence, breakdown of rule of law and state authority, the misperception of providing protection through marriage, the use of forced marriage as a weapon of war, lack of access to education, heightened fear of pregnancy outside of marriage, absence of family planning services, a disruption of social networks and routines, increased poverty, absence of livelihood opportunities, **(new, based on A/HRC/29/8 PP12, A/RES/71/175 PP 18, Girls not Brides factsheet and Women's Refugee Commission report A Girl No More: The Changing Norms of Child Marriage in Conflict)**
14. *Recognizing further* that child, early and forced marriage can increase in humanitarian settings and requires increased attention, gender and age-sensitive approaches, appropriate protection, prevention and response measures and coordinated action by relevant stakeholders, with the full 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 vulnerability of women and girls to sexual and gender-based violence and sexual exploitation and abuse in those situations, **(A/RES/71/175 – PP18, modified )**

**OPs:**

1. *Recognizes* that child, early and forced marriage constitutes a violation, abuse or impairment of human rights and a harmful practice that prevents individuals from living their lives free from all forms of violence, and that it has wide ranging and adverse consequences on the enjoyment of human rights, such as the right to education, the right to the highest attainable standard of health, including sexual and reproductive health; **(A/HRC/29/8 – OPI)** and that every girl and

woman at risk of or affected by these practices must have equal access to quality services such as education, counselling, shelter and other social services, psychological, sexual and reproductive health-care services and medical care, *(A/HRC/29/8 – OP1 and PP11 streamlined/merged)*

2. *Calls upon* States, with the participation of relevant stakeholders, including girls, women, religious and community leaders, civil society and human rights groups, humanitarian actors, men and boys, and youth organizations to develop and implement holistic, comprehensive and coordinated responses, strategies and policies to prevent and eliminate child, early and forced marriage, including in humanitarian settings, and to support already married girls, adolescents and women, including through the strengthening of child protection systems, protection mechanisms, such as safe shelters, access to justice and legal remedies and the sharing of best practices across borders in full compliance with international human rights obligations and commitments, *(A/HRC/29/8, OP2, modified)*
3. *Urges* States to enact, enforce, harmonise and uphold laws and policies aimed at preventing and ending child, early and forced marriage, protecting those at risk, including in humanitarian settings, and supporting already married women and girls, and to ensure that marriage is entered into only with the informed, free and full consent of the intending spouses and that women have equality with men in all matters pertaining to marriage, divorce, child custody and the economic consequences of marriage and its dissolution, *(A/HRC/29/8 – OP3 modified)*
4. *Urges* States to remove any provisions that may enable, justify or lead to child, early or forced marriage, including provisions that enable perpetrators of rape, sexual abuse, sexual exploitation, abduction, trafficking in persons or modern slavery to escape prosecution and punishment by marrying their victims, in particular by repealing or amending such laws, *(A/HRC/29/8 – OP5 - modified)*
5. *Urges* Governments to promote and protect the human rights of all women and girls, including their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence, and to adopt and accelerate the implementation of laws, policies and programmes that protect and enable the enjoyment of all human rights and fundamental freedoms, including reproductive rights, in accordance with the Programme of Action of the International Conference on Population and Development, the Beijing Platform for Action and the outcome documents of their review conferences, *(A/HRC/29/8 – OP12)*
6. *Calls upon* States, with the support of humanitarian partners, healthcare providers and experts, and in full collaboration with concerned communities and other stakeholders, to strengthen monitoring and interventions to prevent, respond to and eliminate child, early and forced marriage in humanitarian settings, including by integrating and harmonising such interventions into efforts focused on conflict-prevention, protection of civilians, and access to information and services, *(A/HRC/29/8 – OP13 - modified)*
7. *Further calls* on States and relevant actors to ensure implementation of the Inter-Agency Standing Committee Guidelines for Integrating Gender-based Violence Interventions in Humanitarian Action, *(new)*
8. *Encourages* Governments to promote open dialogue with all concerned parties, including religious and community leaders, women, girls, men and boys, as well as humanitarian actors in order to address concerns and specific needs of those at risk of child, early and forced marriage within humanitarian settings, and to address social norms, gender stereotypes and harmful practices that contribute to the acceptance and continuation of the practice of child, early and forced marriage, including by raising awareness of its harm to the victims and the cost to society at large, *(new, based on A/HRC/29/8, OP 15)*

9. *Also calls* upon States to promote the meaningful participation of and active consultation with children and adolescents affected by humanitarian settings, especially girls, on all issues affecting them and to raise awareness about their rights, including the negative impact of child, early and forced marriage, through safe spaces, forums and support networks that provide girls and boys with information, life skills and leadership skills training and opportunities to be empowered, to express themselves, to participate meaningfully in all decisions that affect them and to become agents of change within their communities (A/71/175, OP5),
10. *Urges* Governments to promote school enrolment, safe access to quality education and information in schools, which entails also universal access to sexual and reproductive health care services, information and education, and school retention among girls, including in secondary school, including by allowing access to education services for children who have been forced to flee their homes, schools and communities and to ensure that schools offer them safe and supportive environments (**new, based on SDG goal 4 and target 3.7 and A/HRC/35/5 para 47g**)
11. *Urges* States to provide specialized child protection services to refugee and displaced children that take into account the particular vulnerabilities and specific protection needs of children who have been forced to flee violence and persecution or who are unaccompanied or separated, including protection and response to the practice of child, early and forced marriage, (**new, based on UNHCR ExCom conclusion on Children at Risk (2007) and New York Declaration paras 29 and 32**),
12. *Urges* Governments, with the collaboration of relevant stakeholders, to ensure that the basic humanitarian needs of affected populations and families, including clean water, food, shelter, energy, health, including sexual and reproductive health, nutrition, education and protection, are addressed as components of humanitarian response and that livelihoods are protected recognizing that poverty and lack of economic opportunities for women and girls are drivers of child, early and forced marriage (**new, based on A/HRC/29/8, OP17**)
13. *Also urges* States to ensure access to justice and accountability mechanisms and remedies for the effective implementation and enforcement of laws aimed at preventing and eliminating child, early and forced marriage, including in humanitarian settings, including by informing women and girls of their rights under relevant laws, and by improving legal infrastructure and removing all barriers to access legal counselling, assistance and remedies; (A/HRC/29/8 – OP6 - *modified*)
14. *Invites* States to consider including, as appropriate, within the framework of relevant national action plans, and in their national reports in the context of the Universal Periodic Review (UPR), any best practices and implementation efforts as well as identified challenges relating to the elimination of child, early and forced marriage, including within humanitarian settings; (**new – also based on A/HRC/29/8 - OP21**)
15. *Encourages* relevant United Nations entities, regional and sub-regional organisations, civil society and other relevant actors and human rights mechanisms to continue to collaborate with and support Member States in developing and implementing strategies and policies at the national, regional and international levels to effectively develop measures to prevent, eliminate and respond to child, early and forced marriage, including in humanitarian settings; (A/HRC/29/8 – OP20 - *modified*)
16. *Requests* the OHCHR to research, analyse and collate information relating to child, early and forced marriage in humanitarian settings, with input of all relevant stakeholders, including humanitarian organizations and civil society, and provide a written report to the 41<sup>st</sup> session of

the Human Rights Council, including recommendations on preventing and responding to such instances of child, early and forced marriage from a human rights perspective and in order to inform existing and evolving humanitarian practice, **(new)**

17. *Encourages* relevant existing mechanisms of the Human Rights Council to consider and report on instances of child, early and forced marriage, including in humanitarian settings, during the exercise of their mandates, **(new)**
18. *Requests* the OHCHR to create an online database to collate information, as well as existing resources relating to child, early and forced marriage, including in humanitarian settings, **(new)**
19. *Further requests* the High Commissioner to provide an oral update to the Human Rights Council at its 38th session, focusing on OHCHR-led action on child, early and forced marriage, including on promoting a human-rights based approach to child, early and forced marriage in humanitarian settings, **(new)**
20. *Decides* to continue its consideration of the issue of strengthening efforts to prevent and eliminate child, early and forced marriage at the Human Rights Council, **(A/HRC/29/8 – OP25 – modified)**