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

Progress, gaps and challenges in addressing child, early and forced marriage, and measures to ensure accountability at the community and national levels, including for women and girls at risk of and those subjected to this harmful practice

Report of the United Nations High Commissioner for Human Rights*

Summary

The present report is submitted pursuant to Human Rights Council resolution 41/8 on consequences of child, early and forced marriage. It refers to progress, gaps and challenges in addressing child, early and forced marriage, and measures to ensure accountability at the community and national levels, including for women and girls at risk of and those subjected to this harmful practice. It highlights some promising practices, including in the area of social accountability, and concludes that important gaps and challenges persist.

* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.



I. Introduction

1. Child, early and forced marriage is a human rights violation and a harmful practice that leads to the infliction of physical, mental or sexual harm or suffering. It has short-term and long-term consequences, including on the child's natural development, and has a negative impact on the capacity of victims to realize the full range of their rights.¹
2. According to the United Nations Children's Fund (UNICEF), the prevalence rate of child marriage among girls remains high, particularly in some regions, such as West and Central Africa (37 per cent) and South Asia (28 per cent) where the prevalence rate for girls is 7 to 9 times higher than for boys.²
3. Latin America and the Caribbean is the only region where child marriages have not decreased in the last 25 years (25 per cent), and 9 out of 10 countries with data show a prevalence of child marriage among boys that is above the global average.³
4. Child marriages also persist in Europe and Central Asia. While the rates of officially registered marriages of girls aged from 15 to 19 range between 2 and 23 per cent, the true percentages might be higher, as many child marriages are never registered. Rates of child marriage spike among marginalized communities – in particular Roma girls in south-eastern Europe.⁴
5. In the Middle East and North Africa, while the practice of child marriage had been declining, gender inequalities, instability and humanitarian crises have pushed it back up. Regional prevalence masks wide variations across countries in the region, which ranges from 3 per cent of women being married before they reach the age of 18 in Algeria to 32 per cent in Yemen. In addition, data on national averages do not capture trends in child marriage prevalence at the subnational level, where rates are likely to be much higher, particularly in countries affected by conflict.⁵
6. A variety of underlying conditions lead to high prevalence of child, early and forced marriage. These include persistent gender-based discrimination and violence, including in the family, patriarchal values, the poverty and socioeconomic situation of families, misconceptions about providing protection through marriage, misguided strategies for preserving communities' identity, cultural practices, discriminatory gender norms and gender stereotypes, intersecting gender inequalities, lack of effective protection of girls' human rights comprising access to quality education and sexual and reproductive health, insecurity, lack of awareness of the detrimental impact, prejudices as regards women's leadership capacities and role in society, and negative coping strategies in humanitarian settings. Other structural factors that facilitate the spread of this harmful practice include ineffective systems for the registration of all births and marriages, national legislation that allows for child marriage, and legal provisions that enable perpetrators of rape and/or other sexual crimes to avoid sanctions by marrying the victim.⁶
7. In its resolution 41/8, the Human Rights Council expressed concern that child, early and forced marriage often coincides with impunity and a lack of accountability and access to justice, particularly at the community level. In this regard, the Council requested the United

¹ Regarding definitions and international human rights standards, including the International Covenant on Civil and Political Rights, art. 23 (3); the International Covenant on Economic, Social and Cultural Rights, art. 10 (1); the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, art. 1; and the Convention on the Elimination of All Forms of Discrimination against Women, art. 16, see [A/HRC/26/22](#) and 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) on harmful practices.

² See <https://data.unicef.org/topic/child-protection/child-marriage/>.

³ See <https://www.unicef.org/lac/en/child-marriage-and-early-unions-in-latin-america-and-the-caribbean>.

⁴ See <https://www.unicef.org/eca/what-we-do/child-marriage>.

⁵ See <https://www.unicef.org/mena/reports/child-marriage-middle-east-and-north-africa>.

⁶ See 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) on harmful practices, para. 42.

Nations High Commissioner for Human Rights to submit a written report, with input from all relevant stakeholders, on progress, gaps and challenges in addressing child, early and forced marriage, and measures to ensure accountability at the community and national levels, including for women and girls at risk of and those subjected to this harmful practice. The Council further requested the High Commissioner to organize two regional workshops to discuss this issue, and to reflect the outcomes of the workshops in the above-mentioned report.⁷

8. The present report is submitted in pursuance of resolution 41/8. In accordance with the resolution, the Office of the United Nations High Commissioner for Human Rights (OHCHR) organized two workshops, held from 16 to 18 June 2021, with regional focuses on Africa, South Asia and South-East Asia. Due to the coronavirus disease (COVID-19) pandemic, the workshops were held online. The participants included experts from international human rights mechanisms, regional organizations, civil society organizations and United Nations entities. Girl activists also shared their views through video messages.

9. The discussions during the workshops were focused on measures to enhance accountability, from a human rights perspective, in the context of child, early and forced marriage. The participants discussed issues regarding legal prohibition and criminalization, budgeting and social accountability, reporting and the measuring of progress.

10. For the preparation of the report, OHCHR also solicited inputs from relevant stakeholders, including Member States, United Nations agencies, funds and programmes, national human rights institutions and civil society organizations. As at 4 April 2022, 43 replies had been received, including 24 from Member States. All the submissions are available on the OHCHR website.⁸ OHCHR also reviewed recent studies and research.

II. Accountability for child, early and forced marriage

11. The workshops showed that accountability is an essential component of human rights protection and a cornerstone of the rule of law. It has a punitive as well as a corrective function, making it possible to address individual or collective grievances, sanction wrongdoing by individuals and institutions, and redress the victims. It also serves a preventive function, helping to determine which aspects of policy or service delivery are working, so they can be built on, and which aspects need to be adjusted.

12. Preventing child, early and forced marriage requires the establishment of a well-defined, rights-based and locally relevant holistic strategy comprised of supportive legal and policy measures, including social measures and accountability at all levels.⁹ A key element of any such strategy is legislation, but the enactment of legislation alone is insufficient to combat harmful practices effectively.¹⁰ Complementary measures, including protection mechanisms, such as safe shelters, counselling and other support services, as well as programmes focusing on the root causes of the practice – inter alia, gender inequality in education, health care and livelihoods, and lack of autonomy and decision-making – also have an important role.

13. Understanding accountability in a comprehensive manner encompasses a multisectoral response that is based on gender transformative programming. It must address the causes of gender inequalities and must work to transform harmful gender roles, norms

⁷ See Human Rights Council resolution 41/8, para. 23; Human Rights Council decision 45/113 rescheduled the report to be submitted at the Council's fiftieth session.

⁸ See <https://www.ohchr.org/en/calls-for-input/calls-for-input/call-input-reports-issue-child-early-and-forced-marriage-general>.

⁹ See 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) on harmful practices, para. 33.

¹⁰ *Ibid.*, para. 41.

and power relations.¹¹ Such comprehensive understanding must also incorporate measures that ensure the full, effective and meaningful participation of women and girls in all decision-making processes, in particular victims of and those at risk of child, early and forced marriage. A holistic approach also integrates child-rights impact assessments, including with the full and effective participation of children and civil society, and of other relevant stakeholders.¹² Greater macroeconomic investments in girls' education and health and in overall poverty reduction programmes are also needed to address the phenomenon effectively.¹³

14. Despite recent progress made globally towards ending child, early and forced marriage, research by the United Nations Population Fund (UNFPA) and UNICEF estimates that COVID-19 and its impact could lead to between 10 and 13 million additional child marriages by 2030.¹⁴ Within the framework of the 2030 Agenda for Sustainable Development, all Member States have committed to eliminate child, early and forced marriage but the current pace of change is not sufficient to fulfil the commitment under target 5.3 of the Sustainable Development Goals. This also negatively affects commitments to women's health under Goal 3, to women's education under Goal 4, to gender equality under Goal 5, and to counter violence against women under Goal 16.

1. Prohibition and criminalization

15. One of the key challenges to justice and accountability for child, early and forced marriage is the fact that it is underrecognized and underreported, and victims may face discriminatory legal, practical and structural barriers to their access to justice and legal services, including stigmatization, risk of revictimization, harassment and possible retribution.¹⁵ In some contexts, gender-based discriminatory practices condone such acts, and as a result, perpetrators are rarely held accountable, which perpetuates a culture of silence, impunity and violence. Moreover, existing gaps with regard to collection of disaggregated data, including on the numbers of reported cases, investigations, prosecutions, and sentences imposed on perpetrators, hinder the design, implementation, monitoring and evaluation of accountability measures at the community and national levels.

16. Legal approaches to child, early and forced marriage vary across countries and regions: some States criminalize child marriages, some ban or invalidate marriages below the legally prescribed minimum age, and others merely prescribe a minimum age of marriage without expressly criminalizing or banning marriage below that age.¹⁶ A number of States indicated that they prescribed a minimum age of marriage at 18 years, but did not criminalize perpetrators or impose sanctions.¹⁷

17. Constitutional prohibition of child marriage provides strong legal protection, as constitutional protections are typically more firmly embedded in law and are more difficult to alter by changing governments.¹⁸ In many countries, the legal status of child marriage is

¹¹ See https://www.unfpa.org/sites/default/files/resource-pdf/Technical_Note_on_Gender-Transformative_Approaches_in_the_GPECM_Phase_II_A_Summary_for_Practitioners-January-2020.pdf.

¹² Committee on the Rights of the Child, general comment No. 14 (2013), para. 99.

¹³ See https://www.unfpa.org/sites/default/files/resource-pdf/Technical_Note_on_Gender-Transformative_Approaches_in_the_GPECM_Phase_II_A_Summary_for_Practitioners-January-2020.pdf.

¹⁴ See <https://www.unfpa.org/resources/impact-covid-19-pandemic-family-planning-and-ending-gender-based-violence-female-genital> and <https://www.unicef.org/press-releases/10-million-additional-girls-risk-child-marriage-due-covid-19>.

¹⁵ Human Rights Council resolution 41/8.

¹⁶ Child marriage and the law, technical note by the UNFPA-UNICEF Global Programme to End Child Marriage, available from <https://www.unicef.org/documents/child-marriage-and-law>, p. 1.

¹⁷ See, for example, the submissions of Egypt and the Ombudsman (People's Advocate) Institution of Albania.

¹⁸ *The Role of the Law in Eliminating Child Marriage in the Commonwealth*, p. 28, available at <http://www.commonwealthlawyers.com/wp-content/uploads/2019/05/CLA-Role-of-the-Law-in-Eliminating-Child-Marriage-T-Braun-2018-FINAL.pdf>.

regulated through a complex interplay of civil law, criminal law and family law.¹⁹ States have the obligation to send a clear message of condemnation of the practice through their legislation, to provide legal protection for victims, and to ensure the availability of redress and an end to impunity. They should also enable State and non-State actors to protect women and children at risk and to provide appropriate responses and care to those affected.²⁰

18. A central element of legislation addressing child marriage is the minimum age of marriage, which should be 18 years for both men and women, in line with Committee on the Rights of the Child general comment No. 20 (2016) and Committee on the Elimination of Discrimination against Women general recommendation No. 21 (1994).²¹ States should also ensure that marriage is entered into only with the free and full consent of the intending spouses.²²

19. In order to ensure the effective implementation of the minimum age of marriage, States should establish national systems of compulsory, accessible and free birth registration, because without birth certificates it is impossible to assess the age of those intending to marry.²³ With a view to preventing child marriage, authorities at the community and national levels should require mandatory presentation and thorough verification of birth certificates, for all marriages whether under civil law or customary and religious law. States should also ensure compulsory registration of all marriages,²⁴ as the absence of such registration is a major impediment to the implementation of legislation and other initiatives to prevent and end child, early and forced marriage.²⁵

20. While legislative measures can never be a comprehensive solution to child marriage, available data suggests that consistent legislation prohibiting child marriage leads to lower levels of child marriage. A recent study involving 12 countries in sub-Saharan Africa found evidence indicating that a legal age of marriage for girls of 18 or above correlated with lower rates of child marriage and adolescent pregnancy.²⁶ The correlation with lower rates of childbirth is also particularly important, given the high rates of maternal and infant mortality and other significant risks that exist for young girls who become pregnant. Yet, legislative reform processes must be accompanied by effective awareness-raising programmes explaining the reasons for which they are needed and providing data and examples of the detrimental impact of child marriage.

21. In addition to requiring a minimum age for marriage, article 16 (2) of the Convention on the Elimination of All Forms of Discrimination against Women stipulates that the betrothal and the marriage of a child shall have no legal effect. For example, in Luxembourg, when a marriage has been concluded with a minor, the State Prosecutor may at its own initiative request the nullity of the marriage, so that the victim does not have this sole responsibility.²⁷ In Malawi, child marriages are dissolved by the authorities, and the children

¹⁹ Child marriage and the law, available from <https://www.unicef.org/documents/child-marriage-and-law>, p. 4.

²⁰ See 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) on harmful practices, para. 40.

²¹ Committee on the Rights of the Child, general comment No. 20 (2016), para. 40; and Committee on the Elimination of Discrimination against Women, general recommendation No. 21 (1994), para. 36.

²² Human Rights Council resolution 41/8, para. 3; International Covenant on Civil and Political Rights, art. 23 (3); International Covenant on Economic, Social and Cultural Rights, art. 10 (1); Convention on the Elimination of All Forms of Discrimination against Women, art. 16 (1) (b).

²³ See 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) on harmful practices, para. 55 (h).

²⁴ Convention on the Elimination of All Forms of Discrimination against Women, art. 16 (2).

²⁵ Human Rights Council resolution 41/8.

²⁶ The Role of the Law in Eliminating Child Marriage in the Commonwealth, p. 26, available at <http://www.commonwealthlawyers.com/wp-content/uploads/2019/05/CLA-Role-of-the-Law-in-Eliminating-Child-Marriage-T-Braun-2018-FINAL.pdf>.

²⁷ Submission of Luxembourg.

are offered counselling and encouraged to continue their studies.²⁸ Participants in the regional workshops stressed that decisions related to the nullity of marriage should be guided by the best interests of the child, through processes where children, or persons who were married as a child, are heard, and where victims of child marriage are protected from violence and discrimination.

22. Progress has been made with regard to amendments of laws, raising the minimum age of marriage to 18 years in an increasing number of States.²⁹ Worryingly, the legislation of numerous States continues to provide for exceptions to the minimum age of marriage, based on parental, judicial or religious consent.³⁰ For example, in the United States of America, marriage laws in 44 states permit child marriage with parental consent and/or judicial approval.³¹ In the European Union, most national legislations also allow children to marry at a younger age than 18, with the consent of a public authority and/or the consent of their parents.³²

23. The participants in the regional workshops noted that judges often lacked the means, knowledge and information on their obligation to make decisions in the best interests of the child. In many contexts, the parents of the child are those who exercise different forms of coercion on their children, including to force a marriage, in the name of the family's "honour", in cases of girls' pregnancy, to honour traditions or for financial reasons. There are additional concerns in situations where it is sufficient to have the consent of only one of the parents.

24. The practitioners participating in the regional workshops also noted that little practical guidance was made available to judicial authorities and law enforcement departments on determination of the elements of children's informed consent and a coercive environment; on children's rights to be heard and consulted; and on their evolving capacities, in the context of child marriage.

25. In this regard, it was reported that in India two thirds of legal prosecutions for child marriage were initiated by parents of girls, in cases of marriages between adolescents who had run away from their families. Serious consequences were reported, such as the criminal prosecution of adolescent boys, including prison sentences, and the placement of the girls in shelters. In some cases, prosecutions were reportedly used by parents as a means to punish their daughters and respective partners for making decisions that their parents did not approve of, and as a way to stop sexual activity between consenting adolescents.³³ In this regard, the Committee on the Rights of the Child underlines that States should avoid criminalizing adolescents of similar ages for factually consensual and non-exploitative sexual activity.³⁴

26. The Human Rights Council urged States to repeal or amend laws that may enable, justify or lead to child, early or forced marriage, including provisions that enabled perpetrators to escape prosecution and punishment by marrying their victims.³⁵ Thus, it reinforced the call of United Nations human rights treaty bodies to States parties to explicitly prohibit by law and adequately sanction or criminalize harmful practices, including child marriage, in accordance with the gravity of the offence and the harm caused, to provide for means of prevention, protection, recovery, reintegration and redress for victims and to combat impunity.³⁶ Various recommendations have been made to States, including requests

²⁸ Interlinkages between Trafficking in Persons and Marriage, p. 48, available at https://www.unodc.org/documents/human-trafficking/2020/UNODC_Interlinkages_Trafficking_in_Persons_and_Marriage.pdf.

²⁹ See A/75/262, A/71/253, A/HRC/26/22 and A/HRC/35/5.

³⁰ A/75/262, para. 48.

³¹ See <https://www.unicefusa.org/stories/fight-continues-end-child-marriage-us/38893>.

³² See <https://fra.europa.eu/en/publication/2017/mapping-minimum-age-requirements/marriage-consent-public-authority-andor-public-figure>.

³³ Submission of Partners for Law in Development.

³⁴ Committee on the Rights of the Child, general comment No. 20 (2016), para. 40.

³⁵ Human Rights Council resolution 41/8, para. 4.

³⁶ See 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) on harmful practices, para. 13.

to criminalize child marriage without exception, prosecuting and punishing offenders; to expressly prohibit child marriage, and bring those who carry out such harmful practice to justice, ensuring commensurate sanctions; to prosecute and adequately punish persons who are engaged in facilitating child marriages and adults married to children; to enforce the prohibition of child marriage, particularly in rural and remote areas and within traditional communities; and to ensure that all cases of child marriage are prosecuted and that perpetrators are adequately punished.³⁷

27. Although doubts have been raised about the effectiveness of punitive measures when overall implementation of laws is weak, there is a recognition that passing such laws could be the first step, sending a strong signal that child marriage is a crime and must be eradicated. The enactment of such laws should be paired with considerable efforts to ensure broad public awareness and support.³⁸

28. With regard to sanctions, a graduated approach may be considered, combining different types of punishment for different degrees of gravity and conducting a comprehensive perpetrator analysis. In this context, the person marrying the child should be considered the primary offender, and therefore subject to harsher punitive measures. Parents or guardians are potentially seen as accomplices, subject to other fines or community work, and milder punitive measures would also apply to other accomplices, such as those performing the weddings.³⁹

29. In its resolution 41/8, the Human Rights Council emphasized that the criminalization alone of child, early and forced marriage was insufficient when introduced without complementary measures and support programmes. States should ensure that all initiatives to draft, amend and implement criminal laws addressing child, early and forced marriage are part of a comprehensive approach and are coupled with protection measures and support services for victims and those who are at risk.⁴⁰

30. Experts participating in the regional workshops also shared examples of detrimental impacts of the criminalization of child marriage. Among other concerns, they reported that criminalization may divert essential resources, without challenging or addressing the root causes that fuel the practice of child marriage. Criminalization is also difficult to implement in practical terms and can deprive girls whose parents are prosecuted of needed family and community networks. The risk that parents may be subject to criminal prosecution could deter girls from presenting complaints or seeking remedies and support.

31. Criminalization may also increase the practice of informal unions or unregistered marriage. Informal unions can be just as harmful as child marriages; they provide less social, legal and economic protection for children.⁴¹ States should ensure that accountability measures also apply in these cases, including sanctions for perpetrators, victims' access to support services and programmes, remedies, and birth registration of children born from these unions. In contexts where adolescents' pregnancies are among the key drivers of child marriage, strict liability laws have created additional obstacles for girls to access sexual and reproductive health services. Criminalization can also place the burden of the law on individual families, who might be already in situations of vulnerability and poverty and whose basic needs and rights are not protected, such as minorities or displaced populations.

32. Another key challenge in the context of the criminalization of child marriage is the fundamental tension between statutory law on the one hand and religious and customary law

³⁷ See, for example, [CEDAW/C/YEM/CO/7-8](#), para. 25 (c); [CRC/C/GIN/CO/3-6](#), para. 26 (c); [CEDAW/C/GAB/CO/7](#), para. 39 (e); and [CEDAW/C/RUS/CO/9](#), para. 57 (c).

³⁸ A Guide to Using the SADC Model Law on Eradicating Child Marriage and Protecting Children Already in Marriage – For Parliamentarians, Civil Society Organizations and Youth Advocates (Southern African Development Community, Girl Not Brides and UNFPA), p. 28, available at <https://esaro.unfpa.org/sites/default/files/pub-pdf/J7288E%20-%20SADC%20Model%20Law%20Toolkit%20final.pdf>.

³⁹ Ibid.

⁴⁰ Human Rights Council resolution 41/8, para. 14.

⁴¹ Alissa Koski and Shelley Clark, "Child marriage in Canada", *Population and Development Review*, vol. 47, No. 1 (January 2021), pp. 57–58.

on the other. Often, these laws are inconsistent or contradictory.⁴² For example, it has been reported that although Lebanon recognizes the primacy of international law in its Constitution, Lebanese national law still deals with child marriage according to the religious court rules, where each denomination refers to its own religious law for the legal age of marriage. Lebanon has 15 different family and personal status laws, each one with its own minimum age permitted for marriage.⁴³ The Committee on the Elimination of Discrimination against Women has emphasized the importance of repealing all legal provisions, including in customary, religious and indigenous laws, that allow, tolerate or condone forms of gender-based violence against women, including child or forced marriage.⁴⁴ For example, article 5 of the Convention on the Elimination of All Forms of Discrimination against Women calls upon States to take appropriate measures to modify social and cultural patterns of conduct in order to eliminate prejudices and customary and all other practices that hinder the realization of women's human rights. Conflicts between these domains should be addressed in a manner that respects international human rights norms, principles of gender equality and the best interests of the child.⁴⁵

33. As noted, compulsory registration of marriages is a key step towards elimination of child, early and forced marriage.⁴⁶ In this regard, States with parallel legal systems should make civil registration of a marriage compulsory before a religious wedding ceremony can be administered.⁴⁷

34. The participants in the OHCHR regional workshops also highlighted the detrimental impact of increasing the legal minimum age of marriage, in some cases only for women, above 18 years. Some participants expressed concerns that this would reinforce gender discrimination, by stripping adult women of their right to exercise agency and autonomy over their lives and bodies, without addressing effectively the key drivers of early marriage, which include poverty, marginalization and gender inequality.

2. Addressing sexual violence

35. Ensuring accountability for child, early and forced marriage also requires States to recognize the critical links between child marriage and sexual violence. Experts agree that there is a need to go beyond specific legislation on child and forced marriage and use the full scope of available protection measures more effectively, including legislation on sexual violence.⁴⁸

36. United Nations treaty bodies have recommended to States parties that they ensure that sexual assault, including rape, is characterized as a crime against the right to personal security and physical, sexual and psychological integrity, and that the definition of sexual crimes, including marital and acquaintance or date rape, is based on the lack of freely given consent and takes into account coercive circumstances.⁴⁹ In this regard, in the context of the examination of State party reports, the Committee on the Elimination of Discrimination against Women and other treaty bodies have recommended the criminalization of marital rape.⁵⁰

⁴² Child marriage and the law, available from <https://www.unicef.org/documents/child-marriage-and-law>, p. 2.

⁴³ Submission of UNICEF Lebanon; see also CEDAW/C/LBN/CO/6, paras. 53–54.

⁴⁴ Convention on the Elimination of All Forms of Discrimination against Women, art. 16 (2); 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) on harmful practices, para. 55 (c); and CEDAW/C/ZAF/IR/1, para. 102 (b).

⁴⁵ Child marriage and the law, available from <https://www.unicef.org/documents/child-marriage-and-law>, p. 5.

⁴⁶ Human Rights Council resolution 41/8.

⁴⁷ CEDAW/C/UZB/CO/6, para. 42 (c); and CEDAW/C/OP.8/KGZ/1, para. 91 (b).

⁴⁸ A/HRC/35/5, para. 40.

⁴⁹ Committee on the Elimination of Discrimination against Women, general recommendation No. 35 (2017), para. 29 (e).

⁵⁰ See, for example, Committee on the Elimination of Discrimination against Women, general recommendation No. 35 (2017), para. 29; CEDAW/C/UGA/CO/8-9, CCPR/C/BWA/CO/2;

37. In many States, rape committed by a husband against his wife is not treated as a crime.⁵¹ The simultaneous legality of child marriage and marital exemptions to statutory rape laws could provide legal loopholes for sexual acts with children that would otherwise be considered crimes; marital exemptions to statutory rape laws could incentivize child marriages.⁵² Laws that exempt a rapist from punishment if he marries the victim remain a challenge. In some circumstances, it may be possible to use laws relating to rape or statutory rape to support and assist girls subjected to child marriage.⁵³

38. In many countries, the minimum age for sexual consent is set between 14 and 16 years.⁵⁴ In this regard, the Special Rapporteur on violence against women, its causes and consequences emphasized that legislation criminalizing rape should establish that consent of children below the age of 16 is immaterial, and any sexual intercourse with an individual below the age of consent is rape (statutory rape), with possible exceptions including consensual sexual intercourse between adolescents of similar ages, who are older than 14.⁵⁵ Child, early and forced marriage and rape are distinct crimes but often occur in tandem. Recognizing that two crimes have been committed can lead to a higher punishment for perpetrators and potentially to better protection and redress of victims.

39. Long legal proceedings and low conviction rates have been challenges for rape cases in many countries, which may deter victims of child marriage from seeking justice. Law enforcement agencies have been struggling to enforce legal provisions in relation to child marriage, in particular due to different cultural norms and practices.⁵⁶ This has prompted the development of various initiatives geared towards overcoming the implementation gap, including trainings for judges, prosecutors and police officers, and structural reforms including the recruitment of more women in specialized units dealing with rape and child marriages.

3. Access to remedy and other protective measures

40. In developing a comprehensive accountability framework for child, early and forced marriage, the need to go beyond criminal justice and courts is well recognized.⁵⁷ In addition to criminal proceedings against perpetrators, other legal measures have been used to address child, early and forced marriage. These include legislation permitting mandatory restraining or protection orders to safeguard those at risk of child marriage and provide for their safety as recommended by United Nations treaty bodies.⁵⁸ Such restraining orders would be designed to protect girls and women from those attempting to force them into marriage – including family members, acquaintances or other persons.

41. In some countries, protection orders have also been used to forbid a person from being taken abroad for forced marriage purposes as well as to repatriate victims of forced marriages

[CCPR/C/KEN/CO/4](#); [CCPR/C/UZB/CO/5](#); [CCPR/C/TUN/CO/6](#); [CAT/C/LTU/CO/4](#); [CAT/C/LVA/CO/6](#); and [E/C.12/GIN/CO/1](#).

⁵¹ OHCHR expert meeting report (2020), Rape as a Grave and Systematic Human Rights Violation and Gender-based Violence against Women, p. 16, available at https://www.ohchr.org/sites/default/files/Documents/Issues/Women/SR/Call_on_Rape/EGM_EN-SR_Report.pdf.

⁵² K. Van Roost, M. Horn and A. Koski, “Child marriage or statutory rape? A comparison of law and practice across the United States”, *Journal of Adolescent Health*, vol. 70 (2022) S72-S77, available at <https://www.jahonline.org/action/showPdf?pii=S1054-139X%2821%2900552-8>.

⁵³ [A/HRC/26/22](#), para. 43.

⁵⁴ See <https://fra.europa.eu/en/publication/2017/mapping-minimum-age-requirements/consent-sexual-activity-adult>.

⁵⁵ [A/HRC/47/26](#), para. 85 (c).

⁵⁶ Submission of Save the Children; see also art. 5 of the Convention on the Elimination of All Forms of Discrimination against Women, referring to the obligation of States to take all appropriate measures with a view to eliminating prejudices and customary and all other practices that are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.

⁵⁷ [A/HRC/49/37](#), para. 52.

⁵⁸ See 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) on harmful practices, para. 55 (p).

or attempted forced marriages.⁵⁹ An application for such a protection order can be made by the person at risk or a third party acting on their behalf.⁶⁰ States should do more to cooperate with each other to ensure that protection orders against child and forced marriage issued in one country will apply in the country of origin of the girl or woman concerned or in a third country.⁶¹

42. Some States do not recognize marriages celebrated abroad when the spouses did not meet the required minimum age in the country where the request for recognition was filed. Civil proceedings have been used to invalidate marriages at below the legally prescribed minimum age.⁶²

43. Married girls, including those who have become adults or who have been widowed or are no longer in a marital relationship, should be able to access remedies for the harms they have suffered and other support as may be needed. The fact that the marriage was not registered or that victims might be unable to provide supporting documentation to prove that the marriage actually took place, should not be an obstacle for victims' access to reparations.

44. It is also important to identify and mitigate potential obstacles to accessing protection measures, including by assessing logistical matters, such as the location of the services and whether transportation is required to reach them; the potential loss of income resulting from travelling, recognizing that victims may need to care for children or run households; the need to ensure information is available in the language spoken by the victim, and the importance of ensuring that victims who live with a disability can also access information and services.

45. Protection measures must be guided by a victim-centred approach that is age- and gender-sensitive. Adolescents should be enabled to exercise agency progressively for their own protection, including by being guaranteed the right to be heard, to challenge rights violations, and to seek redress.⁶³ In cases of child, early and forced marriage, judicial authorities should put in place procedural safeguards to guarantee the child's best interests, including: the right of the child to express his or her own views, steps to ensure the facts are established, prioritization of the case bearing in mind the impact of passing time on children, and the need for legal representation. The physical, emotional, cognitive and social development of the child should also be taken into account to assess the level of maturity of the child.⁶⁴

46. Discussions during the regional workshops and research highlighted the need for further consultations on the notion of a victim-centred approach, which has broader implications than merely holding consultations with victims. Some of the promising practices identified in relation to the application of a victim-centred approach in processes of accountability for sexual violence could be replicated in the context of child, early and forced marriage.⁶⁵ These include facilitating victims' participation and leadership in the design, implementation and evaluation of reparations. They also comprise awareness-raising activities for victims about their rights, including free legal aid.

47. Anti-trafficking legislation, which includes references to "forced or child marriage" as one of the purposes in the definition of exploitation, can be used to enhance victims' access to remedies and support services that may not be available otherwise. In this context, it would be enough to prove that the marriage was forced or involved a child in order to qualify the case as trafficking in persons. Yet, it has been noted that criminal justice authorities may lack

⁵⁹ See <https://openjusticecourtofprotection.org/2021/09/15/forced-marriage-convictions-a-view-from-the-police/>.

⁶⁰ A/HRC/26/22, para. 26.

⁶¹ A/HRC/35/5, para. 45.

⁶² Child marriage and the law, available from <https://www.unicef.org/documents/child-marriage-and-law>, p. 1.

⁶³ Committee on the Rights of the Child, general comment No. 20 (2016), para. 19.

⁶⁴ For details on establishment of facts, time perception, legal representation and legal reasoning, see Committee on the Rights of the Child, general comment No. 14 (2013).

⁶⁵ See <https://www.ohchr.org/Documents/Issues/Women/WRGS/OHCHR-StrategicLitigationforSV-workshopreport-web.pdf> and <https://www.ohchr.org/Documents/Issues/Women/WRGS/ReportLessonsLearned.pdf>.

information on the links between trafficking in persons and child marriage, which may result in problems with the identification, investigation and prosecution of relevant cases.⁶⁶

48. The international legal framework for refugees' protection has also been successfully applied.⁶⁷ Some countries have granted refugee status to women who could become victims of forced marriage, should they be returned to their countries of origin, recognizing a risk of being persecuted by non-State and State actors because of their status as women.⁶⁸

49. The question of reparations has been addressed by international criminal law when child, early and forced marriage was associated with other crimes. In the recent landmark case of *The Prosecutor v. Domenic Ongwen*, the International Criminal Court dealt with forced marriage for the first time as a crime against humanity. A number of United Nations organizations argued that, when assessing the harms endured by victims of forced marriage, it was important to take into account the unique harm of this crime. In addition to harms that are common for survivors of sexual violence, such as physical and mental harm and loss of livelihood and access to education, victims of forced marriage in northern Uganda suffered from acute social stigmatization and marginalization, linked to perceptions about their "affiliation" to their "husbands", and to the Lord's Resistance Army more generally.⁶⁹

4. Accountability through the tracking of budget allocations

50. The tracking of budget allocations and expenditures for all measures to prevent and combat child, early and forced marriage is an important measure for the enhancement of accountability frameworks at the community and national levels. Funds should be ensured for the implementation of measures that support girls and women who have been subjected to child, early and forced marriage and those at risk of this harmful practice, and States must allocate "the maximum available resources" towards the fulfilment of their economic, social and cultural rights. Such measures include access to justice, safe shelters, psychosocial support and rehabilitation services, as well as programmes focusing on, inter alia, education, health, livelihood, housing, autonomy and decision-making and measures enhancing political participation by girls and women.

51. At the regional workshops, participants emphasized that child- and gender-responsive budgeting and increased budgetary allocations for support programmes and complementary measures that addressed the root causes of child, early and forced marriage had had a positive impact at the national and community level, including by reducing the numbers of child, early and forced marriages.⁷⁰ They said that budget support for child-marriage measures could not be limited to a unique budgetary allocation assigned only to one particular entity in the central and/or local administration. It should involve the allocation of resources throughout several ministries, including education, health, social affairs, justice and finance, among others. Child-marriage-responsive budgeting therefore required creating effective coordination mechanisms that bridged, and built conversations among, all the relevant entities involved in addressing child marriage.

⁶⁶ Interlinkages between Trafficking in Persons and Marriage, p. 91, available at

https://www.unodc.org/documents/human-trafficking/2020/UNODC_Interlinkages_Trafficking_in_Persons_and_Marriage.pdf.

⁶⁷ In addition to the Convention relating to the Status of Refugees of 1951, Committee on the Elimination of Discrimination against Women general recommendation No. 32 (2014) notes that women's claims to refugee status may arise from a fear that their daughters will be forced into marriage.

⁶⁸ See, for example, Belgium – Council for Alien Law Litigation, *X. v. Commissioner-General for Refugees and Stateless Persons*, N° 222 826 (19 June 2019), available at <https://www.asylumlawdatabase.eu/en/case-law/belgium-council-alien-law-litigation-june-19th-2019-x-v-commissioner-general-refugees-and#content>.

⁶⁹ The reparation phase is currently opened. OHCHR, UN-Women, the Special Representative of the Secretary-General for Children and Armed Conflict and the Special Representative of the Secretary-General on Sexual Violence in Conflict filed an amicus curiae brief which is available at https://www.icc-cpi.int/CourtRecords/CR2022_00817.PDF.

⁷⁰ A definition of gender-responsive budgeting is available at <https://asiapacific.unwomen.org/en/focus-areas/women-poverty-economics/gender-responsive-budgeting>.

52. Civil society organizations shared lessons learned which revealed different strategies to build cross-sectoral coordination. Ensuring a sense of ownership and buy-in from all entities involved in a cross-sectoral agenda was identified by many practitioners as particularly important. Collaboration between child protection organizations and women's and girls' rights empowerment organizations, especially those active in budget advocacy, had also proven critical. Participants also emphasized that budgetary allocations should cover measures addressing and actively involving men and boys, parents and other family members, traditional, community and religious leaders, and faith-based actors, as they played a critical role in changing negative social norms and practices.

53. Combining efforts at national and local level had also proven effective, including, for instance, through child-friendly local government systems, which established and set aside a certain level of budget allocation for children and for monitoring systems at local levels. This strategy had been found more advantageous than a general national level budget allocation.

54. Budgeting allocations should integrate the necessary resources for data-driven decision-making and monitoring efforts, including by collecting information on comparative distribution of resources vis-à-vis other areas of priority allocation. Child, early and forced marriage budget analysis that integrated child- and gender-sensitive approaches required such data to identify the priority areas of intervention, including establishing benchmarks, at national and community levels.

55. Policies and corresponding budgets should be based on data and analysis that revealed the root causes of child, early and forced marriage in order to be able to address gaps and challenges, to reverse negative trends and to attain sustainable long-lasting progress. Child- and gender-sensitive budget analysis also required specific skills and training, for instance to carry out comparative and cross-regional analysis, which meant that additional financial and human resources should be envisaged in that regard.

56. Participants discussed examples of how political will could be "measured" by the amount of resources allocated to end child, early and forced marriage. For example, following a high-level meeting in 2017, the Niger and Sierra Leone had made important commitments to end child marriages.⁷¹ Recent research on financial investment for ending child marriage in the two countries had found that in Sierra Leone the funding had increased, bringing positive results in reduced child marriage rates.⁷²

5. Accountability through measuring progress

57. Monitoring implementation and measuring progress is central to a human rights-based approach to accountability for child, early and forced marriage. Regular monitoring and reporting are required to ensure that the design of policy measures is based on data and indicators that look beyond the minimum age of marriage in legislation and the total number of registered child marriages. Strengthening of the monitoring role of national human rights institutions and parliamentary committees is also necessary in this regard.

58. At the regional workshops, participants reiterated that a holistic human rights approach included looking more deeply at root causes. Data analysis based on indicators that measured progress needed to focus on the structural causes that affected the prevalence of child, early and forced marriage. This included, for example, analysing data on poverty, access to assets, exposure to violence and harmful practices, access to quality education, access to reproductive health and rights, and empowerment and decision-making initiatives, and assessment of societal attitudes.⁷³

59. Up-to-date and properly disaggregated data is an essential component of accountability frameworks. It is advisable that States collect and publish data disaggregated by grounds of discrimination recognized in international human rights law, which include

⁷¹ See <https://www.savethechildren.net/blog/budgeting-end-child-marriage-analysis>.

⁷² Ibid.

⁷³ See https://www.ohchr.org/Documents/Publications/Human_rights_indicators_en.pdf, p. 75.

sex, age, ethnicity, migration or displacement status, disability, religion, civil status, income, sexual orientation and gender identity.⁷⁴

60. Many countries around the world do not collect data disaggregated on the basis of ethnic or racial origin.⁷⁵ The lack of data disaggregated by racial or ethnic origin could impede the implementation of measures to address child marriage. If disaggregation of data is limited to gender and does not include intersecting forms of discrimination, the relative vulnerability of girls and women of African descent, Roma and indigenous girls and women, and girls and women from religious minorities, for example, to child, early or forced marriage, will be difficult to assess and address.

61. During the regional workshops, practitioners shared promising practices on how to measure the prevalence of child marriages and make progress towards its elimination. The importance of cross-sectoral measurements and of child- and gender-sensitive indicators was mentioned. Concerns were expressed that reviewing Sustainable Development Goals indicator 5.3.1 (on the proportion of women aged 20–24 years who were married or in a union before age 15 and before age 18) in isolation would not reflect the complex factors that perpetuated child marriage and the human rights violations associated with it. Workshop participants also suggested assessing loopholes in addressing child marriages, such as legal exceptions and informal unions, as well as the prevalence rates for girls' pregnancies and access to sexual and reproductive health services.

62. For example, in the Lao People's Democratic Republic, civil society based their analysis of progress on five Sustainable Development Goals indicators: child marriage, adolescents' pregnancy, adolescents' anaemia, child labour, and children dropping out of school. On International Girls' Day, annually, civil society in the Lao People's Democratic Republic gathers all relevant ministries to discuss progress across all these indicators.

63. Promising practices within the framework of regional initiatives were also highlighted during the regional workshops. For example, every two years the African Child Policy Forum⁷⁶ publishes The African Report on Child Well-being, which is aimed at promoting State accountability to children. The 2020 report, titled "How friendly are African Governments towards girls?", included an assessment of African Governments in fulfilling their obligations to girls using a robust statistical framework – the Girl-Friendliness Index. The report revealed that numbers of child marriages are alarmingly high in the Niger (76 per cent), the Central African Republic (68 per cent) and Chad (67 per cent) and are above 50 per cent in Burkina Faso, Mali, South Sudan and Guinea.⁷⁷

64. The Association of Southeast Asian Nations (ASEAN) regional approach is aimed at anchoring issues of child marriage and early unions in broader development processes, presenting child marriage as a central part of Sustainable Development Goals commitments and development agendas in the region. The ASEAN Gender Outlook 2021 report emphasized that the practice of child marriage was usually prompted by both tradition and economic scarcity.⁷⁸ Therefore, educating rural families and boosting economic prosperity would be essential to eliminate child marriage across the region.

65. The Gender Equality Observatory for Latin America and the Caribbean was presented as a promising initiative in building mechanisms to monitor progress on gender-responsive

⁷⁴ OHCHR, A Human Rights-Based Approach to Data, available at <https://www.ohchr.org/Documents/Issues/HRIndicators/GuidanceNoteonApproachtoData.pdf>. See also 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) on harmful practices, paras. 37–38; CEDAW/C/SEN/CO/8, paras. 41 (f) and 42 (f); and CEDAW/C/UZB/CO/6, para. 42 (f).

⁷⁵ For example, in the submission of Poland it was stated the collection of ethnic data was prohibited and that for this reason, there were no ethnic statistics concerning early marriages or childbirth.

⁷⁶ See <https://www.africanchildforum.org/index.php/en/>.

⁷⁷ See <https://africanchildreport/index.php/english-home>, p. 25.

⁷⁸ See https://data.unwomen.org/sites/default/files/documents/Publications/ASEAN/ASEAN%20Gender%20Outlook_final.pdf.

indicators.⁷⁹ The Observatory aims at developing statistics and data, and looks beyond the rates and numbers on child, early and forced marriage to also include indicators on education, poverty, and access to decent work, to advocate for public investments for women and girls.⁸⁰ The data has so far revealed that high levels of poverty, gender-based violence and teenage pregnancies, as well as low education rates, are the key drivers of child, early and forced marriage in the region. Challenges arise in relation to data and indicators with regard to early non-marital unions, which are more frequent than formal child marriages in the region.⁸¹

6. Social accountability

66. The notion of “social accountability” refers to a broad range of activities in which individuals, civil society organizations and local communities act directly or indirectly to mobilize demand for accountability. Social accountability includes participatory techniques for data collection, such as lobbying for transparent access to budget-related information, to monitoring of public expenditures and to assessment of public services and so on. It also includes reporting by individuals and civil society to national, regional and international human rights mechanisms.⁸² Social accountability has worked best when the frameworks in place provide for legal sanctions in the event of wrongdoing and permit civil society to monitor effectively and access essential information.⁸³

67. Social accountability also requires public interventions, which enhance the voice and participation of girls and women from affected communities. In communities where women are enabled to rise to positions of public leadership, the social forces underpinning child marriage practices can be challenged. Support for women’s representation in public life, in particular representation of women from marginalized groups, including minorities, can mitigate the risk of measures to combat child marriage being seen as an assault on traditional practices, particularly when these women are empowered to speak out about the harms of child marriage.

68. Public interest litigation has been successfully used by civil society organizations to achieve structural changes, such as legislative and policy reforms. A decision of the High Court of Karnataka, India, in a public interest litigation concerning child marriages, ultimately led to amendments of the Prohibition of Child Marriage Act in that State, including the recognition of all child marriages as void ab initio.⁸⁴

69. Another example of a successful social accountability initiative by civil society is the budget advocacy project in Nigeria where the budget lines supporting adolescent girls and addressing child marriage were institutionalized within the 2020 Enugu State budget. Approximately \$6.8 million was allocated to child and social protection, focusing on primary school completion for girls, reducing gender disparities, and increasing girls’ secondary school attendance. The project framework included budget analysis, training of key policymakers and government officials, a “State dialogue” on gender-responsive budgeting, media mobilization, the production of surveys and the pretesting of survey instruments with civil society organizations, training on budget tracking for civil society, qualitative interviews with relevant official staff and ministries to confirm release of funds and assess the impact of the COVID-19 pandemic, and interviews with women leaders and survivors of child

⁷⁹ The child marriage indicator was published in 2020 by the Observatory, following a request by the Latin America and the Caribbean Joint Programme for a Region Free of Child Marriage and Early Unions, developed by UNFPA, UNICEF and UN-Women, in partnership with Aliadas, a multi-stakeholder coalition bringing together civil society organizations, academics and international organizations.

⁸⁰ See <https://www.cepal.org/es/noticias/sin-acciones-inversiones-america-latina-caribe-tendra-2030-segundo-indice-mas-elevado>.

⁸¹ CEDAW/C/DOM/CO/8, paras. 47 and 48 (a); and CEDAW/C/ECU/CO/10, para. 49 (a).

⁸² See <https://www.ohchr.org/Documents/Publications/WhoWillBeAccountable.pdf>, p. 44.

⁸³ *Ibid.*, p. 45.

⁸⁴ *Ending Impunity for Child Marriage in India: Normative and Implementation Gaps*, p. 35, available at <https://reproductiverights.org/sites/default/files/documents/Ending-Impunity-for-Child-Marriage-India-WebUpdate-0218.pdf>.

marriage to ascertain whether funds indeed reached the beneficiaries they were intended to reach.⁸⁵

III. Conclusions and recommendations

70. Different accountability measures have been implemented by Member States and other stakeholders to prevent and address child, early and forced marriage. Although there has been progress, important gaps and challenges persist and the prevalence rate of this harmful practice remains high.

71. Legal measures are important tools for steering broader social and cultural changes, but their impact remains limited unless accompanied by complementary measures and support programmes. Many countries have adopted 18 years as the minimum legal age of marriage, but many also allow younger girls to get married due to exceptions to the minimum age of marriage based on parental, judicial or religious consent. In some countries, the minimum age for marriage is lower under customary or religious laws than under national law, which also undermines legal protection. It has been estimated that close to 100 million girls globally are not legally protected against child marriage when considering exceptions that allow marriage at a young age.⁸⁶ The legal prohibition of child marriage sends a strong signal that this practice will not be tolerated and that violations of the law will be subject to sanctions. Criminalization of child marriage raises complex issues relating to its implementation. Judicial authorities should be guided at all times by children's best interests, in conformity with international human rights standards. Accountability measures have to be implemented within the framework of a comprehensive approach, including non-judicial complementary measures, reparations and support programmes for victims and for women and girls at risk of this harmful practice.

72. During the regional workshops, it was highlighted that Governments' political will to prevent child, early and forced marriage could also be measured through the amount of financial resources allocated in national budgets to end this scourge. In this regard, child- and gender-responsive budgeting, monitoring of progress beyond the enactment of laws, and social accountability have contributed to enhancing accountability frameworks at community and national levels. The monitoring of gender-responsive budgeting is even more important currently, as the COVID-19 pandemic and security concerns could easily deplete limited national budgets.

73. Recalling recommendations contained in previous reports on the issue, the following actions are recommended to Member States and other relevant stakeholders:⁸⁷

(a) Develop and implement comprehensive accountability frameworks, at community and national levels, focusing on timely and effective prevention and eradication of child, early and forced marriage. Such frameworks should include legal measures to prohibit and appropriately sanction violations, protection mechanisms, comprising safe shelters and psychosocial support, complementary measures, comprising awareness-raising campaigns, child- and gender-responsive budgeting, comprehensive progress indicators and support programmes – focusing on, inter alia, gender equality, education, health, housing, livelihoods, girls' autonomy and decision-making;

⁸⁵ Civil Society and Budget Advocacy to End Child Marriage: Lessons Learned from Six Pilot Projects (June 2020), p. 18, available at <https://www.girlsnotbrides.org/documents/936/Civil-society-and-budget-advocacy-to-end-child-marriage.pdf>.

⁸⁶ Q. Wodon, P. Tavares, O. Fiala, A. Le Nestour and L. Wise, Ending Child Marriage: Child Marriage Laws and Their Limitations (2017), p. 2.

⁸⁷ See [A/75/262](#), [A/71/253](#), [A/HRC/26/22](#) and [A/HRC/35/5](#).

(b) Harmonize national, customary and religious laws to ensure consistency in terms of the legal minimum age of marriage being set at 18 years, in accordance with international human rights standards;

(c) Remove legal exceptions to the minimum age of marriage based on parental, judicial or religious consent;

(d) Ratify or accede to the Convention on the Elimination of All Forms of Discrimination against Women for States that are not already parties, and withdraw any reservations to article 16;

(e) Conduct regular research on the impact of legislation prohibiting child marriage, including the full range of its consequences on children's rights and the best interests of children; review legislation and practices to ensure that children's rights and best interests are at the centre of measures relating to child marriage; ensure that legislation against child marriage does not lead to criminalization and sentencing of consensual sexual activity between adolescent children of a similar age who are older than 14;

(f) Ensure that authorities at community and national levels require mandatory presentation and thorough verification of birth certificates, for all marriages whether under civil law or customary and religious law, and require compulsory registration of all marriages, including requiring civil registration regardless of whether a religious ceremony is performed;

(g) Repeal any provisions that enable perpetrators of rape to escape criminal prosecution and punishment by marrying the victim;

(h) Adopt legislation criminalizing marital rape in accordance with international human rights standards and ensure that its definition is based on the lack of freely given consent and takes into account coercive circumstances;

(i) Organize institutionalized, mandatory, recurrent and effective gender-sensitive trainings and other capacity-building initiatives on children's rights and child, early and forced marriage for law enforcement officials, judges and prosecutors, as well as legislators, in particular when new legislation is enacted;

(j) Ensure full, effective and meaningful participation of women and girls, men and boys, traditional and religious leaders, and faith-based actors in all stages of decision-making processes regarding the elaboration and implementation of accountability measures at community and national levels;

(k) Increase progressively budgetary allocations for comprehensive sets of measures on preventing and eradicating child, early and forced marriage, including investments in gender equality, girls' education, health, housing, livelihoods, autonomy and decision-making and overall poverty reduction programmes;

(l) Prioritize the regular collection, in accordance with human rights norms, and the regular analysis and dissemination of anonymized quantitative and qualitative data on child, early and forced marriage, disaggregated by sex, age, ethnicity, geographical location, socioeconomic status, education level and other key factors and ensure that such activities are adequately resourced;

(m) Conduct practically oriented research on the operationalization of a victim-centred approach and of the best interests of the child and the right to be heard, taking into consideration the notion of evolving capacities of the child in the context of child, early and forced marriage.