

Girls Not Brides UK

Recommendations Paper

In advance of the UK led 'Girl Summit' on Child Early Forced Marriage (CEFM henceforth 'child marriage') and Female Genital Mutilation/Cutting (FGM/C) this paper outlines recommendations to the UK government to end child marriage in the UK and globally by 2030. It highlights the links and similarities between the UK and international contexts of child marriage; the connections between child marriage and FGM; and the increased prevalence of child marriage in emergency settings. This paper demonstrates the urgent need for governments and civil society to join together to develop a co-ordinated approach to tackle these often inter-related social injustices and the gender inequality which causes them and affects girls worldwide.

The Girl Summit 2014

On 22nd July, the UK is hosting the Girl Summit which seeks to galvanise global and UK focussed action and commitments on child marriage and FGM/C. This is a key moment for the UK government to increase commitment to end child marriage and FGM/C in the UK and globally. The Girls Not Brides UK partnership has put together a number of key recommendations for the summit as outlined here.

Child marriage - a global problem

Child marriage is a violation of children's human rights. Despite being prohibited by international human rights law and many national laws, child marriage continues to rob millions of girls around the world of their childhood. It forces them out of education and into a life of poor prospects, with increased risk of violence, abuse, ill health and early death. While boys are also married as children, child marriage affects girls in greater numbers and with consequences which can be devastating for their health and well-being. One in three girls in the developing world will be married by their eighteenth birthday.ⁱ If current trends continue, more than 140 million girls will be married as children by 2020. That's 14 million every year or nearly 39,000 girls married every day.ⁱⁱ

Last year in the UK, the forced marriage unit dealt with 1,302 cases, 40% of whom were under 18,ⁱⁱⁱ and more were not reported. This suggests the extent of the issue of child marriage in the UK, and highlights the need to allocate resources to prevent it, and to address the gender inequality and unequal power relations at the root of this practice.

Child marriage is a public health issue as well as a human rights violation. Girls married early are more likely to experience violence, abuse and forced sexual relations. They are more vulnerable to sexually transmitted infections (including HIV) and their sexual and reproductive health is placed at serious risk.^{iv}

Childbirth at an early age is associated with greater health risks for the mother. In low- and middle-income countries, complications of pregnancy and childbirth are one of the leading causes of death in young women aged 15–19 years. Unwanted pregnancies may end in abortions, which are often unsafe in this age group. There were an estimated three million unsafe abortions among 15–19 year olds in 2008.^v Stillbirths and death in the first week of life are 50% higher among babies born to mothers younger than 20 years of age, than among babies born to mothers 20–29 years old.^{vi}

Ending child marriage by 2030

Underpinning child marriage is a combination of poverty, gender inequality and a lack of protection for children's rights. These drivers are reinforced by unequal power relations between adults and children and deeply rooted discriminatory social norms that affect the status of girls including notions of purity and virginity. These are frequently compounded by limited access to quality educational and employment opportunities. Given its multiple causes and consequences, ending child marriage will require a cross-sectoral and coordinated approach to prevention and response.^{vii}

Girls Not Brides UK believes that with concerted action we can end child marriage by 2030. The post-2015 framework has the potential to contribute to ending child marriage by 2030, through referring including a specific target and indicators on ending child marriage, as recommended by the High Level Panel report, and the UN Secretary General's report, and noted in the focus area documents of the Open Working Group on the SDGs.

A cross-sectoral and coordinated approach to ending child marriage should include educating and empowering girls, changing attitudes and beliefs around gender equality and removing discriminatory social norms. Young people's voices must be heard in all decisions that affect them, and they need supporting to become activists for change. It is also critical to mobilise and educate communities, bring women, men boys and girls and traditional leaders on board, enact and enforce laws that set a legal minimum age for marriage, raise awareness in the media; and build sexual health and reproductive rights education and services.

Taking a human rights approach

Numerous international legal instruments now specifically prohibit child marriage. The main emphasis of these provisions builds upon the advances made with regard to State obligations in this area by concentrating on the need for the full and free consent of the parties to the marriage and this is reflected in the terms of the main international legal provisions in the area.^{viii}

International declarations, in the main, carry political weight but they are not, on their own, legally binding instruments. That is, unless they are seen as embodying notions of customary human rights law, which has a legally binding effect upon states.^{ix}As such, the implementation of such measures is highly dependent upon political will and the commitment of significant resources. This is not always available or, indeed, possible. Treaties that have been directly incorporated into UK national domestic law, such as the European Convention on Human Rights are thus much more likely to be enforceable and thus provide a form of real and practical redress to victims of forced marriage.

The links between FGM/ C and child marriage

FGM/C and child marriage share many root causes and social drivers, including gender inequality, prevailing discriminatory social norms, a desire to control female sexuality, supporting harmful religious narratives and/or limited economic opportunities for women and girls.^x

The UK has been a trailblazer in the effort to end FGM/C internationally. However, in order for us to legitimately refute or avoid charges of hypocrisy or paternalism, we must make every effort to ensure that FGM/C is effectively tackled in the UK. FGM/C affects up to 66,000 women and girls currently resident in the UK – this is the highest number of people affected by FGM/C in any single European state. It is important to acknowledge that a number of promising steps to combat FGM/C have been taken by the Government and other relevant stakeholders.^{xi} An effective end to FGM/C will need implementation of a Government led National Action Plan. A well-resourced, coordinated and evaluated action plan will enable the UK to clearly outline the duties and responsibilities of each of the key actors involved in ending FGM, such as health, safeguarding and education professionals. It will also enable a systematic framework for the UK to effectively monitor the progress that has been made, and enable accountability for all those involved. This will better enable the robust

protection, prevention and provision of services for women and girls affected by or at risk of FGM/C in this country.

Although social norms driving FGM/C and child marriage will vary according to context, both practices are rooted in gender inequality and consistently used to preserve the real and perceived sexual 'purity' of girls. Where education and employment opportunities are few, girls' socio-economic security is linked strongly to her marriage prospects, which are in turn defined by notions of sexual 'purity'. Both FGM/C and child marriage can be perceived, therefore, as strategies to preserve the 'good' reputation and marriageability of girls. In other cases, FGM/C and child marriage are considered to be ways to protect girls from the risks of abduction for forced marriage and other forms of sexual violence.

Direct links between FGM/C and child marriage exist in some contexts. For example, FGM/C is seen in some societies as a prerequisite for marriage. The dynamic between FGM/C and child marriage means that where one form of harmful practice is eradicated, another may be retained to take its place if they share the same drivers. This highlights the need for integrated programming on both issues where they exist in the same context.

Child marriage in humanitarian and emergency contexts

"... Violence or harmful practices can also be exacerbated in conflict and post conflict settings. Conditions can be created which heighten risks of FGM/C and CEFM. The UK government is committed to a world in which all girls and women's rights are fully respected. In July, the UK PM and UNICEF will co-host a high-level summit to support and galvanise current efforts to end FGM/C and CEFM. These two harmful practices affect girls and women both at home and overseas, and are significant barriers to their right to live free from violence and discrimination." (UK Government National Action Plan on Women, Peace and Security, 2014-17):

Migration, displacement and extreme poverty related to war or natural disasters leave children especially vulnerable to abuse, exploitation and child marriage. The need to address child marriage in fragile contexts is greater than ever: more people were displaced by emergencies around the world in 2013 than ever before.¹ Most of the 25 countries with the highest rates of child marriage are considered fragile states or at high risk of natural disaster, ranking highly on relevant global indexes^{xii}. Fear of rape and sexual violence, homelessness, hunger and starvation, or of pregnancy outside of marriage – bringing family shame and dishonour – can lead families in humanitarian and emergency contexts to consider child marriage as a means of safeguarding their daughters and for family survival.^{xiii} The problem is further exacerbated by weak or non-existent formal child protection systems and legislative frameworks and sanctions in emergency settings.

Recommendations to the UK government

The recommendations below are divided between the UK and international work the UK government can lead to end child marriage through specific departments. The recommendations are directed to relevant government departments, and international recommendations refer to the Department for International Development (DFID).

Legislation

The UK government should ensure domestic and international law are harmonised to ensure that marriage under the age of 18 is prohibited.

The Department for Education

The role of schools and colleges in ending child marriage and FGM/C

We call upon the Department for Education to recognise that education institutions play a vital role in combating FGM/C and child and early forced marriage and to:

- a) Ensure that every school and college embeds the statutory guidelines on forced marriage and 'honour' based violence and the statutory guidelines on FGM/C into its safeguarding strategies, structures and procedures and monitors all and reports all children not returning from school holidays or prolonged absence.
- b) Provide funding to specialist organisations to give training on FGM/C and child marriage, and ensure there is compulsory training as part of teacher training, and for all school staff on child marriage and FGM. Compulsory rights based education for students in all schools and colleges on child marriage and FGM, within the healthy relationships framework.
- c) Ensure that Ofsted has sufficient resources and training to monitor these focus areas effectively

The Home Office

Funding

We call upon the government to upscale and ensure secure funding for organisations delivering interventions which are succeeding in tackling FGM/C and child and early forced marriage. These organisations include:

- a) Specialist, community organisations that provide effective support services to girls at risk. The value and effectiveness of these organisations, which cannot be substituted by mainstream providers, must be recognised.
- b) Community based organisations that can effectively engage with and positively influence affected communities including young people.
- c) The Forced Marriage Unit, which should expand and strengthen its diplomatic relationships to include all affected countries

Further to this the Home Office need to undertake scoping work to ascertain the scale of the problem of child marriage in the UK and to identify where these marriages are taking place. The Home Office must monitor all bodies that perform religious marriages to prevent FGM/C and child and early forced marriage.

Action Plan

Launch a Government led National Action Plan to end child marriage and FGM/C in the UK. This action plan will clearly outline the duties and responsibilities of each Government department and other relevant stakeholders in the effort to end child marriage and FGM/C. The action plan must also be centred on the interests of women and girls affected by and at risk of child marriage and FGM/C, and based on measures to enable the prevention of FGM/C, protection of women and girls and provisioning of services for women and girls affected by the practice.

The Department for International Development

The links between child marriage and FGM/C

We call on the Government to:

- a) Ensure that harmful traditional practices - including FGM/C and child marriage – are tackled in an integrated way in programmes and interventions to take account of the shared drivers and the linkages between them.
- b) Integrate FGM/C and child marriage interventions into education, maternal health, sexual health and reproductive rights services, and other existing programmes.
- c) Ensure that relevant programming approaches strengthen protection for children, and build the necessary capacities of national, sub national and local governments for fostering non-violence peaceful and inclusive societies, in emergency and non-emergency situations, including by strengthening child both through formal child protection systems, such as strong legal frameworks, and informal support and networks that exist within communities.
- d) Engage religious and community leaders, as well as families and girls, in challenging and changing social beliefs and perceptions that drive harmful practices, such as FGM/C and child marriage.

Addressing child marriage in emergencies

We call on the Government to put into practice commitments to end child marriage and FGM/C in humanitarian and emergency contexts, for example, by:

- a) Prioritising child protection and education interventions in first phase of emergency responses.
- b) Ensuring that families do not see child marriage as the most viable means of survival in crisis situations by encouraging and supporting programmes which strengthen the protection of girls within emergency responses. These include creating safe spaces for girls and women at risk of gender-based violence and providing families with adequate alternative means for survival.
- c) Prioritising effective registration for children, including birth or late birth registration in the country of origin or other forms of certification of age where necessary for refugees and the internally displaced.
- d) Seeking community dialogue to identify and understand the risks of child marriage in humanitarian contexts, and challenge them.
- e) Ensure gender sensitive child protection systems are included within emergency responses and funding requirements for all humanitarian emergencies, as agreed through the Keep Her Safe initiative.

Support quality education for all girls and boys as key to the fight against child marriage

Education is a key facet in the fight against child marriage. Schools also have a role in challenging entrenched social norms about the role and status of girls. Girls Not Brides UK welcomes the UK government’s education policy position paper^{xiv} and calls on the government to ensure that its recommendations are implemented across all DFID supported education programmes. Girls Not Brides particularly values DFIDs work with governments and civil society organisations to rapidly improve data on the efficiency and effectiveness of education systems, including data on school completion, teacher and pupil attendance and, most critically, learning outcomes.

We call on the UK government to ensure:

- a) Girls who are at a high risk of dropping out of school and being married early - often the poorest girls in rural areas - are directly targeted, along with their families and communities, by programmes to improve access to quality education.
- b) Further investment is provided for programmes which promote human rights and gender equality through education.
- c) All education data is disaggregated by sex, age and marital status at a minimum, so that the level of drop out as a result of child marriage is accurately understood.

Create an enabling environment

A girl's choice over if, who and when to marry is all too often in the hands of parents and guardians. These choices can be guided by dominant family and community expectations, norms and beliefs. Therefore, engaging, educating and mobilising parents and communities are crucial steps in changing negative social norms and practices. They can help create environments which are more supportive of parents' decisions not to marry their daughters at an early age and which enable girls' own decision-making.

We call on the UK government to:

- a) Invest more in women's rights organisations and those committed to tackling gender inequality - Women's rights organisations play a key role in addressing all forms of VAWG. This is supported by recent findings of a four-decade research effort in 70 countries, which found that the mobilisation of women's rights movements is more important for combating violence against women than the wealth of nations, left-wing political parties, or the number of women politicians.^{xv}

About Girls Not Brides UK

Girls Not Brides UK is a partnership of UK based non-governmental organisations (NGOs) united in the belief that child marriage is a harmful practice, and serious human rights violation that can and should be ended. Child marriage is a harmful practice that affects millions of children every year, predominantly girls. As members of Girls Not Brides UK, we are joining together to accelerate efforts to prevent child marriage, and to support girls who are or have been married.

Girls Not Brides UK will defend the rights of girls to health, education and the opportunity to fulfil their potential as well as amplify the voices of girls at risk of child marriage; child wives and child mothers. In line with the UN Convention on the Rights of the Child, we believe that 18 should be the minimum age of marriage for boys and girls globally, including the UK. Members of Girls Not Brides UK will work together to enhance and strengthen efforts to end child marriage at community, local, national and global levels. We will also work together to strengthen the capacity of members to ensure institutional awareness of child marriage. Girls Not Brides UK is a national partnership of the global Girls Not Brides partnership to end child marriage. We will work with other national networks to influence the UK government, the EU and the United Nations, to give visibility to colleagues in developing countries.

Members of Girls Not Brides UK

Plan UK (Co chair), FORWARD (Co Chair), CAME Women and Girls Development Organisation, ChildHope UK, Equality Now, Former Child Wives Foundation UK, IKWRO, Independent Yemen Group, Population Matters, SafeHands for Mothers, The International HIV/AIDS Alliance, World Vision UK.

ⁱ UNFPA, *Marrying Too Young: End Child Marriage*, New York: UNFPA, 2012.

ⁱⁱ UNFPA, *Marrying Too Young: End Child Marriage*, New York: UNFPA, 2012.

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https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/291855/FMU_2013_statistics.pdf

^{iv} IPPF, UNFPA, The Global Coalition on Women and AIDS, *Ending Child Marriage: A Guide For Global Policy Action*, IPPF: London, 2006.

^v WHO(2011) *Guidelines on Preventing Early Pregnancy and Poor Reproductive Outcomes Among Adolescents in Developing Countries*

^{vi} http://www.who.int/maternal_child_adolescent/topics/maternal/adolescent_pregnancy/en/index.html

^{vii} Plan International, *A girl's right to say no to marriage*, (2013), Woking.

^{viii} Article 1(1) of the 1964 UN Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages: “[n]o marriage shall be legally entered into without the full and free consent of both parties, such consent to be expressed by them in person after due publicity and in the presence of the authority competent to solemnize the marriage and of witnesses, as prescribed by law”; Article 23 (3) of the International Covenant on Civil and Political Rights: no marriage shall be entered into without the free and full consent of the intending spouses;” Article 16 (2) of the Universal Declaration of Human Rights: “Marriage shall be entered into only with the free and full consent of the intending spouses” and Article 16(1) of the UN Convention on the Elimination of All Forms of Discrimination Against Women: ‘States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women: (a) The same right to enter into marriage and (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent. In addition, the 1995 Beijing Platform for Action urges Governments to “[e]nact and strictly enforce laws to ensure that marriage is only entered into with the free and full consent of the intending spouses” (para. 274 (e)).

^{ix} See A. Vesa, ‘International and Regional Standards for Protecting Victims of Domestic Violence’ 12 *Am. U.J. Gender Soc. Policy & Law*. 309 (2004)

^x World Vision UK, *Exploring the Links: Female genital mutilation/cutting and early marriage* (May 2014), London.

^{xi} The ministerial statement on FGM launched earlier this year, the launch of a new prevalence study on FGM UK, the “Tackling FGM in the UK: Intercollegiate recommendations for identifying, recording and reporting” report published by the Royal College of Midwives, Royal College of Nursing and Royal College of Obstetricians and Gynaecologists, The Home Affairs Select Committee Inquiry into FGM and subsequent report – “Female Genital Mutilation: the case for a national action plan” Each of the above is a notable step in the journey to end FGM, and indicates that an end to the practice requires an integrate approach from a number of actors. This is what is currently missing in the UK

^{xii} Failed States Index (FSI) and World Risk Index (WRI), see World Vision UK *Untying the Knot: Exploring Early Marriage in Fragile States* (2013) London.

^{xiii} *Ibid.*

^{xiv} Department for International Development (2013) *Education position paper: Improving learning, expanding opportunities*

^{xv} Htun, M. and Weldon, L. (2012) ‘The Civic Origins of Progressive Policy Change: Combating Violence against Women in Global Perspective, 1975–2005’, *American Political Science Review*, Cambridge University Press and the American Political Science Association