

**FACT SHEET**

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A woman wearing a red sari is shown in profile, covering her face with her hand. The lighting is dramatic, with the red of her sari glowing against a dark background, suggesting a state of grief or distress.

# **ACCOUNTABILITY FOR CHILD MARRIAGE**

**KEY U.N. RECOMMENDATIONS TO GOVERNMENTS IN SOUTH ASIA ON REPRODUCTIVE  
HEALTH AND SEXUAL VIOLENCE**

*Cover Image:* A newly married teenage girl is seen inside her home in Takhar Pvince, Afghanistan, May 1, 2010. According to UNICEF, 57 percent of Afghan marriages involve girls under 16. Women's activists say up to 80 percent of marriages in the country are either forced or arranged. The problem is particularly acute in poverty-stricken rural areas. **Photography: Stephanie Sinclair/VII/Tooyoungtowed.org**

## MISSION AND VISION

**The Center for Reproductive Rights** uses the law to advance reproductive freedom as a fundamental human right that all governments are legally obligated to protect, respect, and fulfill.

Reproductive freedom lies at the heart of the promise of human dignity, self-determination, and equality embodied in both the U.S. Constitution and the Universal Declaration of Human Rights. The Center works toward the time when that promise is enshrined in law in the United States and throughout the world. We envision a world where every woman is free to decide whether and when to have children; where every woman has access to the best reproductive healthcare available; where every woman can exercise her choices without coercion or discrimination. More simply put, we envision a world where every woman participates with full dignity as an equal member of society.

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# ACCOUNTABILITY FOR CHILD MARRIAGE

KEY U.N. RECOMMENDATIONS TO GOVERNMENTS IN SOUTH ASIA  
ON REPRODUCTIVE HEALTH AND SEXUAL VIOLENCE

**Globally, 25,000 children**—most of whom are girls—are married every single day.<sup>1</sup> South Asia accounts for almost half these child marriages<sup>2</sup>—the most of any region in the world. The practice of child marriage is embedded in many cultures and traditions and is exacerbated by poverty throughout the region. When a girl is compelled to marry at a young age, she is exposed to early and forced sexual relations and life-threatening health consequences from repeated pregnancies and childbirth before she is physically and psychologically mature. Consequently, child marriage is one of the most blatant violations of girls' reproductive rights and right to freedom from sexual violence.

International human rights treaties and bodies emphasize the consensual nature of marriage and recommend states establish a minimum age of marriage of 18 years.<sup>3</sup> United Nations (U.N.) treaty monitoring bodies (TMBs), U.N.-appointed independent experts, and international policy documents adopted by governments worldwide have consistently affirmed that the failure to eliminate child marriage is a violation of a broad spectrum of human rights<sup>4</sup> and that states are accountable for the severe pain, anguish, and even death that married girls suffer as a result of the denial of their fundamental rights, including reproductive rights.<sup>5</sup> Yet the practice persists on an immense scale in South Asia, where 24 million women ages 20-24 report being married before age 18.<sup>6</sup> Inadequate prevention of and response to child marriage by South Asian governments reflects their overwhelming lack of accountability and political will to implement effective changes to eliminate the practice and address the continuum of violations of reproductive rights and the right to freedom from sexual violence that girls experience as a result of it. (See “Child Marriage in South Asia: A Pervasive and Widespread Crisis,” p. 3 for more information.)

**“Accountability from a human rights perspective refers to the relationship of Government policymakers and other duty bearers to the rights holders affected by their decisions and actions. Accountability has a corrective function, making it possible to address individual or collective grievances, and sanction wrongdoing by the individuals and institutions responsible. However, accountability also has 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. Accountability principles and mechanisms can improve policymaking by identifying systemic failures that need to be overcome in order to make service delivery systems more effective and responsive.”**

*—Office of the High Commissioner for Human Rights<sup>7</sup>*

Accountability involves a process and set of actions that are central to ensuring that states fulfill their human rights obligations. Accountability for the practice of child marriage may be understood as being composed of two components: (1) addressing the harmful impact of child marriage, including the continuum of negative reproductive health outcomes and sexual violence, and (2) correcting systemic failures in order to prevent future child marriages. International human rights bodies play a critical role in holding states accountable by monitoring compliance with their obligations under the human rights treaties to which they are bound.

Over the years, U.N. TMBs have exposed specific barriers to protecting and promoting the reproductive rights of girls married before the age of 18. As discussed in the briefing paper accompanying this fact sheet, U.N. TMBs have identified crucial gaps and failures in existing policies and programs that have contributed to child marriage and recommended concrete steps to eliminate the practice. The failure of South Asian governments to comply with these recommendations amounts to impunity and signifies a complete lack of respect for their obligations under international law; noncompliance is indicative of the refusal of these governments to be held accountable. This factsheet focuses on the impact of child marriage on the sexual and reproductive health of girls, and it highlights key recommendations made by human rights bodies and experts that governments are obliged to implement in order to be held accountable for this human rights crisis.

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## CHILD MARRIAGE IN SOUTH ASIA: A PERVASIVE AND WIDESPREAD CRISIS

South Asia has more than double the number of women ages 20-24 who were married before age 18 of any region in the world.<sup>1</sup> India accounts for the majority of these child marriages in South Asia, with 47% of all girls ages 20-24 reporting that they were married before 18, despite national legislation prohibiting marriage below 18 for girls.<sup>2</sup> In Bangladesh, the numbers are even more alarming, with 66% of girls reporting having been married under 18 years of age, and of them, 38% of girls ages 20-24 reporting having been married before the age of 15.<sup>3</sup> Nepal also has high rates of child marriage, with 10% of girls reporting being married by 15 and more than 40% of women ages 20-24 reporting having been married by the age of 18.<sup>4</sup> In Pakistan—unlike in India, Nepal, and Bangladesh—child marriage is still legal under general law without penalty where a girl is over 16 years of age.<sup>5</sup> Twenty-four percent of women ages 20-24 in Pakistan report having been married before the age of 18, while almost 7% report having been married by age 15.<sup>6</sup> Similarly, in Afghanistan, marriage of girls is permitted without penalty at 15 years of age with parental consent and 16 years without this consent.<sup>7</sup> Forty-six percent of marriages involve girls who are under 18 years of age.<sup>8</sup> In the region, only Sri Lanka has managed to bring down the incidence of child marriage; currently, 2% of women ages 20-24 report being married before the age of 15 and 12% report being married by the age of 18.<sup>9</sup> However, reports have been emerging concerning high rates of child marriage in conflict-affected parts of the country and where customary laws apply.<sup>10</sup>

## I. SEXUAL AND REPRODUCTIVE HEALTH IMPACT OF CHILD MARRIAGE IN SOUTH ASIA

**“[Married] girls are not only at risk of early and unwanted pregnancies, but the complications associated with pregnancy and child-birth are among the leading causes of death for girls aged 15-19 worldwide. Child brides are also more likely to experience discrimination and violence. Too often, they have little or no ability to leave abusive partners and secure the social and legal support they need to improve their situation.”**

*–Joint statement by the executive directors of the United Nations Children’s Fund, United Nations Population Fund, and U.N. Women on the International Day of the Girl Child 2012<sup>8</sup>*

Girls who marry young are essentially forced into sexual relationships that expose them to early pregnancy at the cost of their physical and mental health.<sup>9</sup> Because of pressure to become pregnant immediately or soon after marriage, child marriage means early sexual activity and early and frequent pregnancies.<sup>10</sup> However, because their bodies are not yet fully developed and they have repeated and too closely timed pregnancies, girls who marry before the age of 18 experience much higher rates of life-threatening or debilitating conditions as a result of pregnancy such as obstetric fistula, uterine prolapse, hemorrhaging, and even death.<sup>11</sup> Notably, complications from pregnancy and childbirth continue to be the leading cause of death among girls aged 15-19 globally,<sup>12</sup> accounting for 70,000 deaths each year.<sup>13</sup> The risk of unplanned pregnancies is significantly higher for girls married before the age of 18 as they often lack access to reproductive health information and services and are powerless to demand the use of contraception.<sup>14</sup> Being unable to negotiate contraceptive use, including condoms, also puts girls at high risk for contracting sexually transmissible infections and HIV.<sup>15</sup>

Child marriage has been recognized under international law as a form of violence against women.<sup>16</sup> In patriarchal societies in South Asia where fixed gender roles are imposed on girls, marriage is generally understood as constituting consent to sex. Underage girls are effectively forced into nonconsensual sexual relationships that would be considered criminal acts if committed outside of marriage, including rape and statutory rape in many instances. Moreover, the significant age gap frequently seen between parties to a child marriage can intensify unequal power dynamics and social isolation, making married girls more vulnerable to numerous forms of gender-based violence.<sup>17</sup>

**“Violence against women is the most pervasive human rights violation that we face today....Every country in the world has the responsibility to take effective measures to prevent and respond to all forms of violence against women, and, it is ultimately up to State authorities to make elimination of violence a priority. Violence against women cannot be addressed in isolation of context, including the historical, political, economic, social and cultural contexts and realities that impact and shape the lives of women.”**

*–Statement of the U.N. Special Rapporteur on Violence against Women following her 2013 visit to Bangladesh. The full report discusses child marriage as a form of violence experienced by women and girls in Bangladesh.<sup>18</sup>*

## II. RECOMMENDATIONS BY U.N. BODIES AND EXPERTS TO COMBAT CHILD MARRIAGE AND THE RESULTING CONTINUUM OF HARM IN SOUTH ASIA

U.N. human rights bodies and experts have noted that in order to address the significant negative impact on the sexual and reproductive health of girls married before the age of 18, South Asian governments must take a multifaceted approach to eliminating child marriage that speaks not only to the health implications but also to the social, economic, and political implications for girls.

U.N. TMBs have recognized that adolescent pregnancy is a consequence of child marriage and a leading cause of maternal mortality, and have called on South Asian governments to address girls' limited access to health services and reproductive health information. They have emphasized ensuring access to adolescent-friendly sexual and reproductive health services, awareness-raising campaigns about the negative effects of child marriage, and steps to eliminate and provide remedies for gender-based violence arising from child marriage. Further, U.N. TMBs and experts have recommended establishing a minimum age of marriage of 18 in all domestic law; enforcing and strengthening existing legislation; and improving birth and marriage registration to curb the practice of child marriage.<sup>19</sup> The recommendations of U.N. TMBs on legal aspects of child marriage and human rights standards relating to marriage are crucial, and are discussed in more depth in the briefing paper accompanying this fact sheet.

**“We call on States to increase the age of marriage to 18 years of age for girls and boys without exception and adopt urgent measures to prevent child marriage. As with all forms of slavery, forced early marriages should be criminalized. They cannot be justified on traditional, religious, cultural or economic grounds. However, an approach which only focuses on criminalization cannot succeed in effectively combating forced early marriages. This should go hand in hand with public awareness raising campaigns to highlight the nature and harm caused by forced and early marriages and community programmes to help detect, provide advice, rehabilitation and shelter where necessary. In addition, birth registration should be made universal to support proof of age and prevent forced early marriage.”**

*–Joint statement by U.N. human rights experts to mark the first International Day of the Girl Child, October 11, 2012<sup>20</sup>*

## ACCESS TO ADOLESCENT-FRIENDLY SEXUAL AND REPRODUCTIVE HEALTH INFORMATION:

Barriers to adolescent-friendly sexual and reproductive health information and services compound the harm girls are exposed to within marriage. High rates of early pregnancy and pregnancy-related injuries and fatalities among adolescents, whether married or not, are indicative of human rights violations resulting from the systematic neglect of their specific health needs.

- **Afghanistan:** The Committee on the Rights of the Child (CRC Committee) expressed concern that in Afghanistan “specific health assistance for adolescents as well as reproductive health education are not adequately provided” and recognized the connection between child marriage and maternal mortality.<sup>21</sup> In the case of Afghanistan, the committee urged the government to “undertake a comprehensive study of the shortcomings of adolescent health services, with the full participation of adolescents, and use the outcome of this study to formulate adolescent health policies and programmes, with particular focus on prevention of early pregnancy.”<sup>22</sup>
- **Bangladesh:** The CRC Committee expressed concern regarding the “inadequate attention to the health of adolescents, especially females” in Bangladesh,<sup>23</sup> and noted that of urgent concern for adolescent health were “issues arising from violence against girls and early marriages.” The committee specifically expressed concern about the inadequate facilities and counseling services for reproductive health for adolescents.<sup>24</sup>
- **India:** The CRC Committee called on India to “strengthen sexual and reproductive health education, mental health and adolescent-sensitive counselling services and make them accessible to adolescents” as a measure to combat child marriage.<sup>25</sup>
- **Pakistan:** The CRC Committee expressed concern that “adolescent reproductive health has still gained little acceptance in the Pakistani society” and criticized “the lack of access to sexual and reproductive health counselling and services, especially in rural areas.”<sup>26</sup> The committee called on Pakistan to “establish more programmes and confidential services in the area of adolescent health” and “elaborate clear policies and, when applicable, legislation addressing adolescent health-related issues, in particular early marriage and pregnancies.”<sup>27</sup>
- **Sri Lanka:** The CRC Committee recommended that the Sri Lankan Government “increase the availability of confidential and youth friendly health services throughout the country, to enhance the availability of contraceptive services and to promote sex education targeted at adolescent girls and boys, with special attention to the prevention of early pregnancies and sexually transmitted diseases.”<sup>28</sup> The CRC Committee stated that where adolescents experience high levels of early pregnancies and where abortion is a significant cause of maternal deaths, states parties should “review...legislation on abortion, with a view, in particular, to guaranteeing the best interest of pregnant teenagers.”<sup>29</sup>

## AWARENESS CAMPAIGNS:

Human rights bodies have also stressed the importance of awareness-raising and public education programs to address discriminatory attitudes that promote child marriage and the negative effects of child marriage, including the reproductive health impact on girls, as a means to prevent and eliminate the practice.

- **Afghanistan:** The Committee on Economic, Social and Cultural Rights (ESCR Committee) noted that in Afghanistan the “persistence of stereotypes and customary practices” marginalizes women and called on the state to “launch awareness-raising campaigns to combat harmful traditional practices against women, and educate parents, particularly mothers and children, as well as the community leaders.”<sup>30</sup>
- **Bangladesh:** The Committee on the Elimination of Discrimination against Women (CEDAW Committee) expressed concern about the “persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men” in Bangladesh and called on the state to “take, as a matter of priority, all necessary measures, including through awareness-raising campaigns among all sectors of the society, particularly traditional and religious communities, the media and civil society, on the importance of adopting a uniform family code which provides women with equal rights,” specifically with regard to ending the practice of child marriage.<sup>31</sup>
- **India:** In India, the CRC Committee urged the state party to “strengthen educational and awareness programmes, in cooperation with NGOs and community leaders, with a view to preventing early and forced marriage.”<sup>32</sup>
- **Nepal:** The CEDAW Committee urged the government to “undertake awareness-raising measures throughout the country on the negative effects of early marriage on women’s enjoyment of their human rights, especially their right to health and education.”<sup>33</sup> The CRC Committee also urged Nepal to “develop sensitization programmes, involving community and religious leaders and society at large, including children themselves, to curb the practice of early marriage.”<sup>34</sup> The CRC Committee noted that similar national awareness-raising measures were ordered by the Supreme Court of Nepal in the case *Sapana Pradhan Malla and Others v. Government of Nepal* of 2006.<sup>35</sup>

## ADDRESS VIOLENCE AGAINST WOMEN AND GIRLS:

International bodies and experts have expressed concern at the extent of violence against women and girls in the region, specifically within the context of marriage.

- **Afghanistan:** Following a country visit to Afghanistan, the U.N. Special Rapporteur on Violence against Women (SRVAW) reported that the “practice of child marriages and forced marriages are at the root of most violence that takes place in the household, but ramifies also to other spheres.”<sup>36</sup> The ESCR Committee also expressed concern regarding violence against children in Afghanistan, including child marriage, and called on the state not only to review existing legislation to ensure compliance with international human rights law, but also to ensure that women and girls are “able to register complaints with the police without fear of reprisals, that all cases are duly prosecuted without delay, and that perpetrators of violence against women are sanctioned.”<sup>37</sup>
- **Bangladesh:** The CRC Committee in concluding observations to Bangladesh noted specifically that girls experience gender-based violence as a result of child marriage and called on the government to “introduce gender-sensitive awareness-raising programmes, with the involvement of community leaders, for practitioners, families and the general public to prevent and end harmful practices, especially in rural areas.”<sup>38</sup> The SRVAW has also expressed concern about forced and early marriages as a form of violence against women, and called on the government to take “urgent legislative measures to prohibit early and forced marriages” and to “ensure that all forms of violence against women and girls are criminalized...that perpetrators are prosecuted and punished, and that the women and girls who are victims of violence have access to immediate means of redress, rehabilitation and protection.”<sup>39</sup>
- **India:** The SRVAW expressed concern about violence against women in India rooted in forced and early marriage as well as sexual and reproductive rights violations.<sup>40</sup> The SRVAW has called on the Indian Government to implement legislative and policy reform within a “holistic approach that simultaneously targets the empowerment of women, social transformation, and the provision of remedies that ultimately address the continuum of discrimination and violence, and also the pervasive culture of impunity.”<sup>41</sup>
- **Nepal:** The CEDAW Committee expressed concern regarding the weak penalty for marital rape in Nepal and called on the government to significantly increase the punishment for marital rape.<sup>42</sup>
- **Pakistan:** The CEDAW Committee expressed concern about the prevalence of marital rape and at the absence of clear legislation criminalizing the act.<sup>43</sup> As mentioned earlier, given the coerced nature of sexual relations within child marriage, such marriages typically involve the repeated occurrence of marital rape.
- **Sri Lanka:** The CEDAW Committee called on the government to “extend criminalization of marital rape regardless of judicial acknowledgement of separation.”<sup>44</sup>

### III. RECOMMENDATIONS FOR IMMEDIATE ACTION AND ACCOUNTABILITY

Ensuring accountability for child marriage requires governments in South Asia to recognize the critical links between child marriage and the negative sexual and reproductive health outcomes experienced by girls and women in the region. Governments must take immediate steps to prevent the practice and protect girls from serious harm to their reproductive health and from sexual violence. The following recommendations are not exhaustive, but illustrate concrete and discrete steps governments should take to ensure the elimination of and accountability for child marriage.

- **National legislative bodies:** Introduce necessary law and policy reform to establish a minimum age of marriage of 18 and mitigate the harmful reproductive health impact on girls married before the age of 18 by raising awareness about the risks of early pregnancy and enabling girls to delay pregnancy, including by ensuring that they have access to contraceptive information and services, maternal health services, and safe abortion services.
- **National executive bodies:** Formally recognize child marriage as form of violence against women and children, and ensure that women and girls who seek to leave child marriages can benefit from existing policies and programs providing remedies for survivors of violence, including housing in shelter homes, legal support, counseling, and various educational and skill development programs.
- **National human rights institutions:** Initiate a national conversation on child marriage as a human rights concern. Mobilize key actors from government and the private sector to engage in a dialogue about concerted efforts that will be needed to prevent child marriages and end the practice, including consistent legal prohibition of child marriage in all marriage-related laws.
- **South Asian Association for Regional Cooperation:** Provide leadership on the issue of child marriage in the region, including by developing regional standards that reflect international human rights norms and state obligations and establishing a process of government accountability for the elimination of this practice. Acknowledge child marriage as a severe form of discrimination and violence against children and advocate with governments in the region to strengthen legal protections for girls in line with established international standards.

**“The new agenda must ensure the equal rights of women and girls, their full participation in the political, economic and public spheres and zero tolerance for violence against or exploitation of women and girls. The practice of child marriage must be ended everywhere. Women and girls must have equal access to...the full range of health services, including in the area of sexual and reproductive health and reproductive rights ... and have an equal voice in decision-making.”**

*–The Honorable Ban Ki-moon, Secretary General of the U.N.<sup>45</sup>*

## ENDNOTES

Sofia Khan, former Legal Fellow for Latin America and the Caribbean, Asia, and Europe, was this fact sheet's primary author. Melissa Upreti, Payal Shah, and Sonali Regmi of the Center for Reproductive Rights (the Center) supported the development of the fact sheet and its finalization by reviewing and editing drafts. Lilian Sepúlveda and Evelyne Opondo of the Center reviewed a final draft and provided feedback. The Center would like to thank legal experts Dr. Jaya Sagade and Sara Hossain for their review of and comments to this draft. We also thank Kathryn Bailey, Carveth Martin, Kylie Holmes, and Halina Schiffman-Shilo of the Center as well as Sara Shay for their contributions in preparing the fact sheet for publication. This fact sheet was supported by a grant from the Ford Foundation.

- <sup>1</sup> Gordon Brown, *OUT OF WEDLOCK, INTO SCHOOL: COMBATting CHILD MARRIAGE IN SOUTH ASIA 3* (2012) [hereinafter Brown, *OUT OF WEDLOCK*].
- <sup>2</sup> Anita Raj et al., *Changes in Prevalence of Girl Child Marriage in South Asia*, 307 *J. Am. Med. Assoc.* 2027 (2012).
- <sup>3</sup> Committee on the Elimination of Discrimination against Women (CEDAW Committee), *General Recommendation No. 21: Equality in marriage and family relations*, (13th Sess., 1994), in *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, at 337, para. 36, U.N. Doc. HRI/GEN/1/Rev.9 (Vol. II) (2008).
- <sup>4</sup> See, e.g., Committee on the Rights of the Child (CRC Committee), CEDAW Committee, United Nations (U.N.) Special Representative of the Secretary-General on Violence against Children, U.N. Special Rapporteur on Sale of children, child prostitution and child pornography, U.N. Special Rapporteur on Contemporary forms of Slavery, including its causes and consequences, U.N. Special Rapporteur on Violence against Women, U.N. Special Rapporteur on trafficking in persons, especially women and children, and U.N. Working Group on Discrimination against Women in Law and Practice, First UN International Day of the Girl Child, Thursday 11 October 2012 Joint Statement by a group of UN human rights experts to mark the first International Day of the Girl Child, Thursday 11 October 2012 (Oct. 11, 2012), <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12646&LangID=E> [hereinafter Joint Statement by Human Rights Experts].
- <sup>5</sup> See, e.g., CEDAW Committee, *General Recommendation No. 24: article 12 of the convention (women and health)*, (20th Sess., 1999), in *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, at 359, para. 28, U.N. Doc. HRI/GEN/1/Rev.9 (Vol. II) (2008); ECSR Committee, *General Comment No. 14: The right to the highest attainable standard of health (Art. 12)*, (22nd Sess., 2000) in *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, at 84, para. 21, U.N. Doc. HRI/GEN/1/Rev.9 (Vol. I) (2008).
- <sup>6</sup> UNITED NATIONS POPULATION FUND (UNFPA), *MARRYING TOO YOUNG: END CHILD MARRIAGE 30* (2012), available at <http://www.unfpa.org/webdav/site/global/shared/documents/publications/2012/MarryingTooYoung.pdf> [hereinafter UNFPA, *MARRYING TOO YOUNG*].
- <sup>7</sup> U.N. High Commissioner for Human Rights, *Who Will Be Accountable? Human Rights and the Post-2015 Development Agenda*, ix, U.N. Doc. HR/PUB/13/1 (2013).
- <sup>8</sup> Executive Directors of the U.N. Children's Fund, UNFPA, and U.N. Women, Joint Statement: International Day of the Girl Child 2012 (Oct. 10, 2012), <http://www.unwomen.org/en/news/stories/2012/10/joint-statement-international-day-of-the-girl-child-2012/#sthash.lplX3Gnj.dpuf>.
- <sup>9</sup> UNFPA, *MARRYING TOO YOUNG*, *supra* note 6, at 11.
- <sup>10</sup> *Id.*
- <sup>11</sup> *Id.*
- <sup>12</sup> World Health Organization (WHO), *Guidelines on Preventing Early Pregnancy and Poor Reproductive Outcomes amongst Adolescents in Developing Countries IX* (2011).
- <sup>13</sup> Brown, *OUT OF WEDLOCK*, *supra* note 1, at 16.
- <sup>14</sup> WHO Secretariat, *Early marriages, adolescent and young pregnancies: Report by the Secretariat*, paras. 7-8, A65/13 (Mar. 16, 2012) [hereinafter WHO Secretariat, *Early marriages, adolescent and young pregnancies*]; Special Rapporteur on contemporary forms of slavery, including its causes and consequences, *Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Gulnara Shahinian, Thematic report on servile marriage*, para. 79, U.N. Doc. A/HRC/21/41 (July 10, 2012); IPPF and the Forum on Marriage and the Rights of Women and Girls, *Ending child marriage: A guide for global policy action 11* (2006) [hereinafter IPPF, *Ending Child Marriage*]; Anita Raj and Ulrike Boehmer, *Girl Child Marriage and Its Association With National Rates of HIV, Maternal Health, and Infant Mortality Across 97 Countries*, *Violence against Women* 9 (2013).
- <sup>15</sup> WHO Secretariat, *Early marriages, adolescent and young pregnancies*, *supra* note 14, paras. 8, 18; IPPF, *Ending Child Marriage*, *supra* note 14, at 11-12.
- <sup>16</sup> Committee Against Torture, *Concluding Observations: Yemen*, para. 31, U.N. Doc. CAT/C/YEM/CO/2 (2009); Special Rapporteur on Violence against women, its causes and consequences (SRVAW) finalises country mission to Bangladesh (May 29, 2013), available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13374&LangID=E> [hereinafter SRVAW, *Mission to Bangladesh*]; see also SRVAW, *Rep. of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, submitted in accordance with Commission on Human Rights resolution 2001/49, Cultural practices in the family that are violent towards women*, para. 57, U.N. Doc. E/CN.4/2002/83 (Jan. 31, 2002); CEDAW Committee, *Concluding Observations: Italy*, para. 52-53, U.N. Doc. CEDAW/C/ITA/CO/6 (2011); *Zambia*, para. 33, 34, U.N. Doc. CEDAW/C/ZMB/CO/5-6 (2011); CEDAW Committee, *General Recommendation No. 19: Violence against women*, (11th Sess., 1992), in *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, at 331, para. 11, U.N. Doc. HRI/GEN/1/Rev.9 (Vol. II) (2008) [hereinafter CEDAW Committee, *Gen. Recommendation No. 19*].
- <sup>17</sup> UNFPA, *MARRYING TOO YOUNG*, *supra* note 6, at 13.
- <sup>18</sup> SRVAW, *Mission to Bangladesh*, *supra* note 16.
- <sup>19</sup> CEDAW Committee, *Gen. Recommendation No. 19*, *supra* note 16, para. 36; CRC Committee, *Concluding Observations: Afghanistan*, para. 34, U.N. Doc. CRC/C/AFG/CO/1 (2011).
- <sup>20</sup> Joint Statement by Human Rights Experts, *supra* note 4.
- <sup>21</sup> CRC Committee, *Concluding Observations: Afghanistan*, para. 53, U.N. Doc. CRC/C/AFG/CO/1 (2011).
- <sup>22</sup> *Id.* para. 54.
- <sup>23</sup> CRC Committee, *Concluding Observations: Bangladesh*, para. 63, U.N. Doc. CRC/C/BGD/CO/4.26 (2009).

<sup>24</sup> *Id.*

<sup>25</sup> CRC Committee, *Concluding Observations: India*, para. 60, U.N. Doc. CRC/C/15/Add.228.26 (2004).

<sup>26</sup> CRC Committee, *Concluding Observations: Pakistan*, para. 64, U.N. Doc. CRC/C/PAK/CO/3-4 (2009).

<sup>27</sup> *Id.*

<sup>28</sup> CRC Committee, *Concluding Observations: Sri Lanka*, para. 55, U.N. Doc. CRC/C/LKA/CO/3-4 (2010).

<sup>29</sup> *Id.*

<sup>30</sup> Committee on Economic, Social and Cultural Rights, *Concluding Observations: Afghanistan*, paras. 18, 31 U.N. Doc. E/C.12/AFG/CO/2-4 (2010).

<sup>31</sup> CEDAW Committee, *Concluding Observations: Bangladesh*, paras. 17, 40, U.N. Doc. CEDAW/C/BGD/CO/7 (2011).

<sup>32</sup> CRC Committee, *Concluding Observations: India*, para. 61, U.N. Doc. CRC/C/15/Add.228 (2004).

<sup>33</sup> CEDAW Committee, *Concluding Observations: Nepal*, para. 44, U.N. Doc. CEDAW/C/NPL/CO/4-5 (2011).

<sup>34</sup> CRC Committee, *Concluding Observations: Nepal*, para. 66, U.N. Doc. CRC/C/15/Add.261 (2005).

<sup>35</sup> CRC Committee, *Concluding Observations: Nepal*, para. 28, U.N. Doc. CRC/C/OPSC/NPL/CO/1 (2012).

<sup>36</sup> SRVAW, *Rep. of the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk – Addendum – Mission to Afghanistan*, para. 23, U.N. Doc. E/CN.4/2006/61/Add.5 (Feb. 15, 2006).

<sup>37</sup> Committee on Economic, Social, and Cultural Rights, *Concluding Observations: Afghanistan*, para. 31, U.N. Doc. E/C.12/AFG/CO/2-4 (2010).

<sup>38</sup> CRC Committee, *Concluding Observations: Bangladesh*, para. 68, U.N. Doc. CRC/C/BGD/CO/4 (2009).

<sup>39</sup> SRVAW, *Mission to Bangladesh*, *supra* note 16.

<sup>40</sup> *Id.*

<sup>41</sup> SRVAW, *Statement – Mission to India* (May 1, 2013), available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13282&LangID=E>.

<sup>42</sup> CEDAW Committee, *Concluding Observations: Nepal*, paras. 19-20, U.N. Doc. CEDAW/C/NPL/CO/4-5, (2011).

<sup>43</sup> CEDAW Committee, *Concluding Observations: Pakistan*, para. 21, U.N. Doc. CEDAW/C/PAK/CO/4 (2013).

<sup>44</sup> CEDAW Committee, *Concluding Observations: Sri Lanka*, para. 25, U.N. Doc. CEDAW/C/LKA/CO/7, (2011).

<sup>45</sup> United Nations Secretary General, *A life of dignity for all: accelerating progress towards the Millennium Development Goals and advancing the United Nations development agenda beyond 2015*, para. 85, U.N. Doc. A/68/202 (July 26, 2013).

## BOX

### CHILD MARRIAGE IN SOUTH ASIA: A PERVERSIVE AND WIDESPREAD CRISIS

- <sup>1</sup> Anita Raj et al., *Changes in Prevalence of Girl Child Marriage in South Asia*, 307 J. AM. MED. ASSOC. 2027 (2012); UNITED NATIONS POPULATION FUND (UNFPA), *MARRYING TOO YOUNG: END CHILD MARRIAGE* 30 (2012), available at <http://www.unfpa.org/webdav/site/global/shared/documents/publications/2012/MarryingTooYoung.pdf> (24.4 million women ages 20-24 married before age 18 in South Asia, compared to the next highest region, East Asia and the Pacific, which has 9.7 million) [hereinafter UNFPA, *MARRYING TOO YOUNG*].
- <sup>2</sup> UNFPA, *MARRYING TOO YOUNG*, *supra* note 1, at 30; The Prohibition of Child Marriage Act, No. 6 of 2007, art. 2(a) (India).
- <sup>3</sup> UNFPA, *MARRYING TOO YOUNG*, *supra* note 1, at 64.
- <sup>4</sup> GOVERNMENT OF NEPAL, MINISTRY OF HEALTH AND POPULATION, POPULATION DIVISION, *NEPAL DEMOGRAPHIC AND HEALTH SURVEY 2011* 68 (2012).
- <sup>5</sup> The Child Marriage Restraint Act, No. 19 of 1929, art. 2 (Pak.).
- <sup>6</sup> NATIONAL INSTITUTE OF POPULATION STUDIES [PAKISTAN], MACRO INTERNATIONAL INC., *PAKISTAN DEMOGRAPHIC AND HEALTH SURVEY 2006-07* 72 (2008).
- <sup>7</sup> CIVIL LAW OF THE REPUBLIC OF AFGHANISTAN (CIVIL CODE), arts. 70-71 (1977) (Afg.).
- <sup>8</sup> UNITED NATIONS CHILDREN'S FUND, *AFGHANISTAN MULTIPLE INDICATOR CLUSTER SURVEY 2010-2011*, vii (2013).
- <sup>9</sup> DEPARTMENT OF CENSUS AND STATISTICS, MINISTRY OF HEALTHCARE AND NUTRITION, *SRI LANKA DEMOGRAPHIC AND HEALTH SURVEY 2006-07* 75 (2009).
- <sup>10</sup> ASIAN FORUM OF PARLIAMENTARIANS ON POPULATION AND DEVELOPMENT, INTERNATIONAL CENTER FOR RESEARCH ON WOMEN, UNFPA, AND AUSTRALIAN AGENCY FOR INTERNATIONAL DEVELOPMENT, *CHILD MARRIAGE IN SOUTHERN ASIA: POLICY OPTIONS FOR ACTION* 21 (2012), available at [http://www.afppd.org/files/1113/4992/7261/Child\\_Marriage.pdf](http://www.afppd.org/files/1113/4992/7261/Child_Marriage.pdf); Committee on the Elimination of Discrimination against Women, *Concluding Observations: Sri Lanka*, paras. 44-45, U.N. Doc. CEDAW/C/LKA/CO/7 (2011); *Sri Lanka*, paras. 270, 274, U.N. Doc. CEDAW/C/2002/11/CRP.3/Add.5 (2002); Committee on Economic, Social and Cultural Rights, *Concluding Observations: Sri Lanka*, para. 9, U.N. Doc. E/C.12/1/Add.24 (1998).