

Child marriage is a violation of international human rights

Child marriage disproportionately impacts women and girls around the world. In particular, it affects the rights of women and girls to freedom from sexual exploitation and abuse, the right to education, the right to the highest attainable standard of health, including sexual and reproductive health, and the right to protection from violence. Child marriage is a widespread harmful practice that hinders development priorities and is rooted in gender inequality, poverty, customs, tradition, culture, politics, economic interests, honor, and religion and can have devastating consequences for individuals and society.

All major human rights treaties, including the International Covenant of Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the Convention on the Rights of the Child (CRC), address these issues. Both the CRC and CEDAW include provisions for the protection of women and girls against forced marriage and for the right to health, the right to be free from violence and abuse, the right to equality and non-discrimination, and the right to education. These rights are adversely affected if a child is married before the age of 18.

In 2018, a UN General Assembly resolution urged States to adopt a legal minimum age of marriage at 18 and to ensure “coherence of these laws and policies at the local level.” This was also reflected in a joint CEDAW/CRC General Comment on harmful practices in 2019; which explicitly recommends States to ensure “[t]hat a minimum legal age of marriage for girls and boys, with or without parental consent, is established at 18 years;” The Joint General Comment also notes that based on the provisions of CEDAW and the CRC, “each State party is under the obligation to send a clear message of condemnation of harmful practices, provide legal protection for victims, enable State and non-State actors to protect women and children at risk, provide appropriate responses and care, and ensure the availability of redress and an end to impunity.” Accordingly, states that maintain legal provisions that justify, allow, or lead to harmful practices, such as legislation that allows for child marriage, are in contravention of their obligations under both these Conventions.

International human rights standards, including the ICCPR, clearly state that marriage between individuals must occur with the free and full consent of both parties at a “marriageable age.” Child marriage, defined as marriage before the age of 18 by international law is therefore a fundamental violation of human rights since children (anyone under 18) cannot fully consent to marriage. They are “forced” into marriage. According to the World Bank and Save the Children, close to 100 million girls globally do not have effective legal protection against child marriage as laws in their countries set the legal age of marriage at 18 but allow exceptions for younger girls to marry with parental or judicial consent.

The Human Rights Council, in its 2023 Resolution on Child, Early, and Forced Marriage, emphasized that states should repeal or amend “laws that, directly or indirectly, allow forced marriage, including any provisions that may enable, justify or lead to child, early or forced marriage.

Global and regional statistics

Child marriage is a global issue, with varying prevalence across regions. Each year, 12 million girls globally are married before they become legal adults, most often to adult men many years their senior.

There are 640 million women and girls worldwide who were married before their 18th birthday. From a regional perspective, Sub-Saharan Africa has the highest rates, with 37% of girls married before 18. In South Asia, 30% of girls marry before 18, with India alone accounting for a significant portion of global child brides

(UNICEF, 2023). Latin America and the Caribbean have a 25% prevalence rate, while the Middle East and North Africa see about 17% of girls married before 18. These statistics underscore the need for tailored approaches in different regions, considering local contexts and challenges.

Understanding the socio-economic and cultural drivers of child marriage is crucial to addressing this human rights violation. Poverty is a significant factor; families may marry off daughters to reduce economic burdens or to receive a dowry. In some cultures, child marriage is perceived as a means to protect girls from premarital sex and potential sexual violence, thereby safeguarding family honor. However, these practices are rooted in deep-seated gender inequalities that prioritize the control of female sexuality and autonomy over the rights and well-being of girls.

The negative consequences of child marriage for women and girls: How women & girls rights are disproportionately affected

Child marriage affects other fundamental rights including:

Right to Education: Once married, many girls are expected to prioritize household responsibilities and child-rearing over their schooling. According to UNICEF, girls who marry before 18 are significantly less likely to complete their secondary education compared to their unmarried peers. This educational deprivation perpetuates a cycle of poverty, as education is closely linked to economic opportunities and empowerment. Without education, child brides face limited employment prospects, reinforcing their dependency and diminishing their ability to participate fully in society.

Right to Health: Child marriage poses severe health risks, particularly related to early pregnancy and childbirth. The World Health Organization (WHO) reports that complications during pregnancy and childbirth are the leading cause of death among girls aged 15 to 19 globally. Young mothers are more susceptible to obstetric complications such as fistulas, hemorrhage, and infections, which can be fatal or lead to long-term health issues. Furthermore, infants born to young mothers face higher risks of low birth weight, preterm birth, and neonatal mortality. The physical and emotional burden of early motherhood can also severely impact a young girl's mental health, contributing to higher rates of depression and anxiety.

Right to Protection from Abuse: Child marriage often leads to situations where young girls are subjected to domestic violence and abuse. Married children, particularly girls, are at a higher risk of experiencing physical, emotional, and sexual violence from their partners or extended families. The International Center for Research on Women (ICRW) has found that child brides face significantly higher risks of intimate partner violence compared to those who marry as adults. This abuse not only inflicts immediate physical and psychological harm but also has long-lasting effects, trapping girls in cycles of violence and powerlessness.

Right to Consent: One of the most fundamental violations inherent in child marriage is the lack of full, free, and informed consent. Children, by definition, are not capable of giving the level of consent required for marriage. Decisions are often made by parents or guardians, influenced by socio-economic pressures, cultural norms, or the desire to control female sexuality. This lack of agency strips children of their autonomy and the ability to make critical decisions about their lives. The United Nations Convention on the Rights of the Child (UNCRC) emphasizes the importance of respecting the views of the child and ensuring their best interests are the primary consideration in all actions affecting them. Child marriage directly contravenes these principles.

In sum, the deeply negative consequences of child marriage for women and girls are well documented. Girls who marry before the age of 18 experience detrimental consequences even as adults. Child brides often report high rates of physical, sexual, financial, and/or emotional abuse during their marriages, as well as

early and/or unplanned pregnancies and poor mental and physical health. Child marriage disrupts education and limits economic attainment, trapping girls in a cycle of poverty with little chance of becoming economically independent or secure. Girls who marry are more likely to drop out of high school, earn less over their lifetimes, and live in poverty than their peers who marry at later ages. Moreover, child marriage typically means the loss of bodily autonomy and reproductive rights, with survivors forced to have sex and endure pregnancy and childbirth without their consent.

Child marriage in Iran

In July 2024, Equality Now submitted a report to the Universal Periodic Review of the Human Rights Council, outlining the discrepancies in the implementation of international human rights obligations and gaps in the legislation of the Iranian State in addressing child, early, and forced marriage, female genital mutilation (FGM), and discriminatory laws, among other violations.

In 2020, Iran adopted the ‘Law on the Protection of Children and Adolescents,’ which imposes new penalties for acts that harm a child’s safety and well-being. Unfortunately, this law fails to address several serious issues that threaten the rights of girls in the State; namely child marriage, and female genital mutilation.

It is concerning that, during the Islamic Republic of Iran’s most recent review by the Human Rights Committee in 2023, the Iranian representatives dismissed the issues of child marriage and denied the existence of FGM, all of which present serious rights violations in the state.

As per Article 1041 of the Iranian Civil Code, the minimum age of marriage is still set at 13 for girls and 15 for boys. Additionally, a child’s guardian can request court permission to marry them off even at an earlier age; if the court determines that the girl is sufficiently physically and emotionally mature, they may allow girls 9-12 to be married. In April 2023, Iran’s National Statistics Center (NSC) reported 27,448 registered marriages involving girls under the age of 15 between the winter of 2021 to 2022.

These numbers only reflect the registered marriages (excluding informal unions and unregistered marriages), which means the conditions are much worse on the ground. Additionally, the National Statistics Center does not release disaggregated data for marriage registrations of girls aged 15, 16, and 17 (only for ages 15-18 inclusive), which makes it impossible to determine the full extent of the issue. Experts and civil society have repeatedly said that the actual number of children getting married in Iran is much higher than the official statistics.

In 2018, a bill drafted by the Women’s Faction of the Iranian Parliament tried to raise the age of marriage to 16 for girls and 18 for boys, but was not passed. Clerics, lawmakers, and conservatives condemned the bill for “contradicting with Islamic jurisprudence, current laws, and diversity of cultures.” Since then, as the economic situation in the State has worsened, there has been a coinciding rise in child marriage, which can also be attributed in part to new financial incentive policies, such as government-backed marriage and child-bearing loans, put in place by the Islamic Republic to promote early marriage.

The Islamic Republic of Iran, in its 2021 State Party report, rejected international human rights law and its commitments under the ICCPR. The report submitted stated that Iran will not consider increasing the minimum age of marriage from 13 and 15 “due to the importance of the family in Iranian society” and “the general indecency of illegitimate sexual acts outside the marriage.” According to the State report, prohibiting child marriage will “increase unwanted pregnancy and abortion rate for adolescents” and inflict pain and hardship upon adolescents who have not even reached 18.

However, laws that set the minimum age of marriage at 18 without exception are an essential way to safeguard boys and girls from being married or from being subjected to sexual violence within marriage - including marital rape, when they are not physically, mentally, psychologically, or emotionally ready to reach their fullest potential.

Addressing Child Marriage

In Iran, as in many other societies, the normalization of child marriage perpetuates a cycle of human rights violations that deeply affects young girls and denies them their basic human rights. This normalization is entrenched in cultural and religious beliefs, where marriage is sometimes seen as a way to protect girls' chastity or secure financial stability for families. When service providers, such as makeup artists, food caterers, or events managers (amongst others) refuse to provide services to a marriage involving a child bride, they are playing a significant role in combating the harmful practice thus contributing to nurturing a society of zero-tolerance to child marriage where every child can thrive free from exploitation and discrimination.

Ending child marriage requires a multifaceted approach involving legal reforms, education, community engagement, and economic support for families. Governments have the responsibility to enforce laws that set 18 as the minimum age for marriage, without exceptions. Justifications of child marriage based on misogynous and sexist interpretations of scripture (Islam in this case) have been debunked by Muslim feminist scholars who have provided evidence, from within Islamic history and jurisprudence, that Islam itself does not condone child marriage. Iranian feminists have been pioneers in such historical re-reading and debunking of traditional canons that discriminate against women and treat them as minors and second-class citizens.

The fact that Meta informed the Oversight Board that it considers child marriage a form of forced marriage as minors under the age of 18 cannot fully consent, is a very laudable step in the right direction. Meta has the responsibility not to contribute to the normalization of harmful practices, exploitative acts, and human rights violations such as child marriage, even if such practices are often legal in the countries where they are practiced. What is legal is not always moral. No one understands this distinction more than the indigenous, local women and human rights activists and organizations that are trying to put an end to harmful practices against women and girls in sexist patriarchal societies.

DIMA DABBOUS, Ph.D

REGIONAL REPRESENTATIVE, MENA

Equality Now is an international human rights organization with ECOSOC status working to protect and promote the rights of women and girls worldwide since 1992, including through our network of individuals and organizations in every region. Ending sexual violence, ending sexual exploitation, ending harmful practices and achieving legal equality are the main areas of Equality Now's work.

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