



IT'S A PENALTY



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PREVENTING & ELIMINATING CHILD, EARLY & FORCED MARRIAGE IN THE COMMONWEALTH



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CEFM: A COMMONWEALTH-WIDE TRAGEDY

MILLIONS OF CHILDREN IN THE COMMONWEALTH ARE AT RISK.

CEFM is a global issue that manifests across countries, cultures, religions and ethnicities.

765 MILLION

people alive today were married before 18.

THE MAJORITY

of those affected are women/girls.

8.8 MILLION

girls are married each year across the Commonwealth.

1 IN 5

girls globally are married before they reach the age of 18.

115 MILLION

boys and men around the world were married as children.

58.5%

of all child marriages take place in Commonwealth countries.



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THE IMPACT OF CHILD, EARLY & FORCED MARRIAGE

CEFM IS A MAJOR CHILD PROTECTION ISSUE WITH DEVASTATING CONSEQUENCES FOR THE MAJORITY OF THOSE WHO ARE SUBJECTED TO IT.

Increased risk of: sexual violence, intimate partner violence, limited social engagement and economic empowerment, and discontinued education.

For girls in particular, CEFM can severely impact their health as it often leads to early childbearing, which results in higher maternal and infant mortality.

Power imbalances worsened by large age gaps: girls are less able to make decisions, negotiate within relationships, or have control at home.

Complications during pregnancy and childbirth are the leading cause of death of girls aged 15 – 19 globally.



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A PATHWAY TO CHILD SEXUAL EXPLOITATION AND ABUSE

IN MANY CASES, CEFM SERVES AS A PATHWAY LEADING TO VARIOUS FORMS OF CSEA.

Including: rape, sexual assault, and other forms of non-consensual sexual violence, as well as for commercial purposes, such as trafficking and the production and distribution of child sexual abuse material.

Where economic transactions take place or adult parties involved stand to financially benefit, CEFM is itself a form of commercial sexual exploitation of children (CSEC).

Married girls who are forced into non-consensual sexual relationships are victims of acts that would be considered crimes if they were perpetrated outside of marriage.



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DRIVING FACTORS & ROOT CAUSES OF CEFM

SEVERAL INTERACTING FACTORS INCREASE THE PREVALENCE OF CEFM.

Including: poverty, social or cultural norms, discriminatory attitudes towards girls' access to education, customary and religious laws, inadequate legislative frameworks and registration systems.

Many parents see CEFM as a way of shielding their children from poverty, food insecurity, and minimising the risk of sexual harassment or assault.

Lack of access to education increases girls' likelihood of getting married at a younger age, placing them at a higher risk of sexual abuse or marital rape.



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DRIVING FACTORS & ROOT CAUSES OF CEFM



**INSTABILITY, INSECURITY AND DISPLACEMENT
- FROM CONFLICT, GENERALISED VIOLENCE OR
NATURAL DISASTERS**

**IN TIMES OF CRISIS, THE RISKS OF
CEFM ARE MAGNIFIED.**

*As a result of the
COVID-19 pandemic,
UNICEF has projected that an
additional 10 million girls are at
risk of marrying as children by
2030.*



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THE MANDATE TO ADDRESS CEFM IN THE COMMONWEALTH

RECENT HIGH-LEVEL COMMONWEALTH POLITICAL MEETINGS HAVE REAFFIRMED THE COMMONWEALTH'S COMMITMENT TO PREVENTING AND ELIMINATING CEFM.



In the 2022 Kigali Declaration on Child Care and Protection Reform, Commonwealth states committed to continued action ensure sustainable and effective child protection and safeguarding systems for care and protection of all children.



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RECOMMENDATIONS FOR ACTION TO PREVENT & ELIMINATE CEFM

THE ROLE OF THE LAW:

- Review and reform national legal frameworks on CEFM - ensuring compliance with international law and Commonwealth values; eradicating conflicts between women/girls' rights and harmful traditional/customary practices; and harmonising legislation to address any disparities.
- Implement laws prohibiting all forms of violence, mistreatment and exploitation of children that may occur in context of CEFM.

Evidence has suggested that criminalising CEFM might not always be the most effective way of protecting girls and young women.



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RECOMMENDATIONS FOR ACTION TO PREVENT & ELIMINATE CEFM

BEYOND LAW:

- Coordinate a holistic and multi-disciplinary approach that responds to local circumstances and tackles the underlying causes.
- Involve various stakeholders inc. government; lawyers, civil society organisations; parliamentarians, religious leaders, tribal chiefs, and local councillors; survivors and those with lived experience.
- Raise awareness and address the social and cultural norms that underpin CEFM.
- Provide social and economic support services for survivors of child marriage.

Preventing, rather than punishing, may be a more sustainable and promising approach.



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CONCLUSIONS

- CEFM is a complex issue where collaboration and partnership across sectors and the Commonwealth is essential to affecting change.
- Lawyers and the law have a key role to play in advocating for legal reform and other measures to address CEFM - but any legal change to address CEFM must be accompanied by a comprehensive approach.



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