



Human Rights Council**Fifty-third session**

19 June–14 July 2023

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development****Resolution adopted by the Human Rights Council on 13 July
2023****53/23. Child, early and forced marriage: ending and preventing forced
marriage***The Human Rights Council,*

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and other relevant human rights instruments, including the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery,

Reaffirming its resolutions 24/23 of 27 September 2013, 29/8 of 2 July 2015, 35/16 of 22 June 2017, 41/8 of 11 July 2019 and 48/6 of 8 October 2021, and recalling General Assembly resolutions 69/156 of 18 December 2014, 71/175 of 19 December 2016, 73/153 of 17 December 2018, 75/167 of 16 December 2021 and 77/202 of 15 December 2022,

Reaffirming also the Vienna Declaration and Programme of Action, as well as the Programme of Action of the International Conference on Population and Development and the Beijing Declaration and Platform for Action, and the outcome documents of their review conferences, and recalling the relevant agreed conclusions of the Commission on the Status of Women,

Recalling the adoption of the 2030 Agenda for Sustainable Development, and the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, which is an integral part of the 2030 Agenda, and noting the integrated and indivisible nature of the 2030 Agenda and the range of goals, targets and indicators relevant to preventing, responding to and eliminating child, early and forced marriage, including target 5.3 of the Sustainable Development Goals,

Welcoming the report of the Office of the United Nations High Commissioner for Human Rights on the adverse impact of forced marriage on the full and effective enjoyment



of all human rights by all women and girls¹ and the report of the Secretary-General on the issue of child, early and forced marriage,²

Noting the gains made in ending child, early and forced marriage, including the decrease in the proportion of girls who were married before 18 years of age in the past decade from one in four to approximately one in five, and noting with appreciation the ongoing United Nations Population Fund and United Nations Children's Fund Global Programme to End Child Marriage in this regard, while expressing deep concern that progress has been uneven across regions, that millions of people live in situations of forced marriage, that it is estimated that the coronavirus disease (COVID-19) pandemic has already reduced the number of averted child marriages since 2020 by one quarter and that existing data show that, at the current pace of progress, target 5.3 of the Sustainable Development Goals, which includes ending the practice by 2030, will not be met in any region of the world,

Reaffirming that human rights include the right to freely choose a spouse, to enter into marriage only with free and full consent and to have control over and to decide freely and responsibly on matters relating to sexuality, including sexual and reproductive health, free of coercion, discrimination and violence, and recognizing that equal relationships in matters of sexual relations and reproduction, including full respect for dignity, integrity and bodily autonomy, require mutual respect and consent and the freedom to choose whether to marry and whether to have sexual relations,

Recognizing that child, early and forced marriage constitutes a violation, abuse and impairment of human rights and a harmful practice that prevents individuals, especially women and girls, from living their lives free from all forms of discrimination and violence, that it has wide-ranging and adverse consequences for the enjoyment of human rights, that it is a form of sexual and gender-based violence and that it perpetuates other forms of violence against women and girls and other harmful practices and human rights violations, and that such violations and abuses have a disproportionately negative impact on all women and girls, and underscoring the human rights obligations and commitments of States to respect, protect and fulfil the human rights and fundamental freedoms of women and girls and to prevent and eliminate the practice of forced marriage,

Recognizing also that, in some contexts, the practice of child, early and forced marriage may include informal unions, cohabitation or other arrangements that are not formalized, registered or recognized by a religious, customary or State authority, that such arrangements should be addressed in policies and programmes, including inclusive and equitable quality education programmes on forced marriage in particular, and that the gathering of information and disaggregated data on these arrangements will help in the development of responses for those affected,

Recognizing further that a forced marriage involves the inability of at least one of the parties to freely choose a spouse and enter into marriage with their full, free and informed consent, and could also involve a marriage in which one of the parties wants to end or leave it but is not able to, and that as such the practice is a violation, abuse or impairment of human rights,

Recognizing that any party to a marriage, but disproportionately women and girls, may not be empowered to refuse marriage, therefore reflecting a lack of prior, full, free and informed consent, in particular in cases of sexual and gender-based violence and other forms of violence, abuse of power, unequal power dynamics, fear, coercion, duress, threats, intimidation or emotional, psychological, family, economic, cultural or social pressure,

Deeply concerned that, in some cases, guardians have the legal authority to consent to marriage for women and girls, in accordance with customary or statutory law that may violate or abuse the human right to freely choose a spouse and enter into marriage with free, full and informed consent, such as in cases of levirate marriage, marriages following payment to parents, guardians, family members or another person or group or the cancellation of debt or for settling family disputes, while recognizing that family members have a responsibility

¹ A/HRC/52/50.

² A/77/282.

to contribute to preventing and combating forced marriage by, inter alia, providing a protective and supportive environment for women's and girls' empowerment,

Deeply concerned also by reports of forced religious conversion and by forced marriage imposed by armed groups, strongly condemning attacks on and abductions of women and girls, including terrorist attacks, urging States to protect them from attacks, and recognizing that forced marriage may result in situations that meet the international legal definition of slavery,

Underscoring the fact that shame, stigma, fear of reprisals and other negative consequences, such as the loss of child custody, and economic consequences, such as the loss of livelihood, assets or autonomy or reduced household income, prevent many women and girls from leaving relationships and marriages, reporting or acting as witnesses in cases of various forms of violence, including sexual and gender-based violence, such as domestic violence, and from seeking redress and justice for these forms of violence, as well as access to specialized assistance and services, including shelters, medical, psychosocial and legal assistance and legal protection,

Deeply concerned that poverty, including the feminization of poverty, insecurity, lack of sustainable development, discriminatory social norms, practices and gender stereotypes and lack of access to information, inclusive and equitable quality education and health services may lead to adolescent pregnancy and are among the drivers of forced marriage, that forced marriage remains common in rural areas, in humanitarian settings and among the poorest communities and that armed conflict and humanitarian emergencies and other crises are among the exacerbating factors, and stressing the need to promote gender equality and sustainable development and eradicate poverty,

Expressing concern at institutional, systemic and structural discrimination against women and girls, including through laws, policies, regulations, programmes, administrative procedures or structures, services, norms and practices that directly or indirectly restrict access to institutions, property and landownership, inheritance, nationality, health care and services, education, justice, employment and access to credit, which place women and girls at increased risk of violence and forced marriage, compound the violence experienced and constitute a major impediment to their full, meaningful, effective and inclusive participation and leadership in society, as well as economic and political life, and considering that forced marriage cannot be justified on religious or cultural grounds,

Deeply concerned by the impact of structural, systemic and institutional discrimination against women and girls, deep-rooted and intersecting gender inequalities, harmful gender stereotypes, discriminatory social norms and practices, such as patriarchy, perceptions of masculinity, including the need to assert male control or power, and perceptions and customs and disregard for women's and girls' dignity, bodily integrity and autonomy, which are among the primary causes of forced marriage, as well as other forms of violence, including sexual and gender-based violence against women and girls, leading to the justification, normalization, condonement and perpetuation of violence against and the stigmatization of victims and survivors,

Deeply concerned also that the persistence of child, early and forced marriage, like other harmful practices, places women and girls at greater risk of being exposed to and encountering multiple and intersecting forms of discrimination and violence throughout their lives, including domestic and intimate partner violence, marital rape and other forms of sexual, physical and psychological violence, and reinforces the lower status of women, girls and adolescent girls in society,

Recognizing that stereotypes portraying the role and the value of women and girls solely as mothers and wives may drive forced marriages and contribute to discrimination and violence against women and girls, and recognizing also that stigma related to being unmarried, premarital sexual relations, adolescent pregnancy and widowhood among women and girls of reproductive age may lead to the forced marriage of women and girls, including to preserve a family's or community's perceived honour,

Noting with concern that the incidences and risks of forced marriage are highly exacerbated in times of crisis and in humanitarian settings by various factors, including

insecurity, gender inequality, increased risks of sexual and gender-based violence, the breakdown of the rule of law and State authority, the use of child, early and forced marriage and rape and other forms of sexual violence as tactics in conflict, which is prohibited under international law, lack of access to inclusive and equitable quality education, the stigma of pregnancy outside marriage, the absence or lack of access to family planning services and contraception and the respective social services that prevent and respond to violence, disruptions in social networks and routines, increased poverty, the absence of livelihood opportunities and the misconception of providing women and girls and their family with protection and financial stability through marriage, and that crises give rise to conditions in which new human rights violations and abuses are often perpetrated and existing human rights violations and abuses often intensify and expand,

Expressing concern about the disparate impact of poverty, global economic crises, austerity measures, climate change, biodiversity loss, environmental degradation, conflict and natural hazards on women's and girls' human rights, including those related to health and well-being, which may exacerbate existing structural inequalities, violence against women and girls and harmful practices, including forced marriage, and recognizing that addressing the remaining gaps that constrain equal pay for equal work or work of equal value in the public and private sectors, equal access for women and girls to social protection systems, public services and sustainable infrastructure in support of gender equality and women and girls' empowerment is essential,

Deeply concerned that child, early and forced marriage disproportionately affects girls and young women with little or no formal education and is itself a significant obstacle to educational opportunities for girls and young women, in particular girls who are forced to drop out of school owing to marriage, pregnancy, childbirth, childcare responsibilities, stigma relating to menstruation and social and gender norms confining married women and girls to the home, and recognizing that ensuring educational opportunities, as well as equal access to inclusive and equitable quality education, and explaining consent and respecting boundaries to all are some of the most effective ways to prevent and eliminate child, early and forced marriage and to achieve gender equality and women's and girls' empowerment, women's formal employment and economic opportunities and the active participation and leadership of women and girls in economic, social and cultural development, governance and decision-making,

Recognizing that patriarchal beliefs that the sole role of women and girls in families and communities is to be chaste and perform matrimonial duties perpetuate a lack of inclusive and equitable quality education among girls, while, in turn, low levels of education among girls limit their socioeconomic opportunities and enable the perpetuation of their stereotyped and restricted roles in families and communities,

Recognizing also that child, early and forced marriage is a major impediment to the achievement of women's and girls' economic empowerment, their social and economic development and their full, effective and meaningful and inclusive participation and leadership in economic, social, political and public life, thereby hampering the ability of women to enter, advance and remain in the labour market, and recognizing also that the economic autonomy of women and investment in women's and girls' development are priorities in and of themselves, have a multiplier effect and can expand their options for leaving or not entering into forced or abusive relationships,

Recognizing further that child, early and forced marriage constitutes a serious threat to the full realization of the right to the enjoyment of the highest attainable standard of physical and mental health by women and girls, in particular adolescent girls, including but not limited to their sexual and reproductive health, significantly increasing the risk of early, frequent, unintended and unwanted pregnancy, maternal and newborn mortality and morbidity, obstetric fistula and sexually transmitted infections, including HIV and AIDS, as well as increasing vulnerability to all forms of violence, including sexual and gender-based violence, such as domestic violence,

Recognizing the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, including but not limited to sexual and reproductive health, and the critical importance of ensuring that health-care services have the interrelated and

essential elements of availability, accessibility, acceptability and quality on the basis of non-discrimination and formal and substantive equality, including by addressing all forms of discrimination and respecting free and informed consent, and recognizing also the underlying determinants of health, such as access to safe and potable water and adequate sanitation, an adequate supply of safe food, nutrition and adequate housing, healthy occupational and environmental conditions and access to comprehensive health-related education and information,

Expressing concern that forced marriage is underrecognized and underreported, noting that women and girls, in particular at the community level, may face discriminatory legal, practical and structural barriers to access to justice and legal services, including stigmatization, the risk of revictimization, harassment and possible retribution, lack of accountability for perpetrators and gender-biased environments that promote impunity and impede the implementation of legislative and normative frameworks that promote gender equality and prohibit all forms of discrimination and violence against women and girls, and in this regard emphasizing the importance of providing accessible legal aid services with a view to promoting and protecting human rights and addressing gender inequality,

Recognizing that all members of society, including families, communities and religious, traditional and community leaders and actors, men and boys, can contribute to transforming discriminatory social norms and gender stereotypes that perpetuate sexual and gender-based violence and other forms of violence, and to confronting gender inequality, and recognizing also that empowering all women and girls, including those subjected to forced marriage, requires their active, full, equal, effective and meaningful participation and leadership in decision-making processes and as agents of change in their own lives and communities, including through women's and girls' organizations, organizations led or initiated by young people and feminist groups,

Recognizing also that the criminalization alone of child, early and forced marriage is insufficient when introduced without complementary, comprehensive and multisectoral measures and support programmes, including across the health, gender equality, social protection and education sectors, with the engagement of the whole community and in support of the capacity of parents and legal guardians, and may instead contribute to the marginalization of, and the loss of livelihoods for, the families affected and have the unintended effect of increasing the practice of forced informal unions or unregistered marriages,

1. *Urges* States to respect, protect and fulfil the human rights of all women and girls, including those subjected to child, early and forced marriage, which include the right to education and the right to the highest attainable standard of physical and mental health, including the right to sexual and reproductive health, to promote equality in all aspects of marriage and its dissolution, to guarantee equal access for every girl and woman to quality education, as well as education explaining consent, respect for boundaries and what constitutes unacceptable behaviour and how to report it, that builds self-esteem and informed decision-making and communication skills and promotes the development of respectful relationships based on gender equality, inclusion and human rights, skills development programmes, vocational training and lifelong learning opportunities, counselling, social services to protect them from all forms of violence, including sexual and gender-based violence and domestic and intimate partner violence, formal employment, to increase their economic independence, and psychological, sexual and reproductive health-care services and medical care, to decrease their social isolation and to increase their economic and political participation, including by establishing or strengthening childcare services and working with communities to change discriminatory social norms;

2. *Calls upon* States to take a comprehensive, rights-based, age-, gender- and disability-responsive, survivor- and victim-centred and multisectoral approach, in consultation with, and with the full, equal, effective, meaningful and inclusive participation and leadership of, women and girls, including those who are hardest to reach and those who have been subjected to forced marriage and are already married, divorced, separated or widowed, and with relevant stakeholders, including men and boys, parents and other family members, health workers, teachers, religious, traditional and community leaders and actors, minority groups, including national or ethnic, religious and linguistic minority groups, civil

society, organizations led by girls, women's human rights organizations, youth and feminist groups, human rights defenders, including women human rights defenders, parliaments, national human rights institutions, children's ombudspersons, humanitarian and development actors, the media and the private sector, that takes into account linkages with other harmful practices in the prevention of and response to forced marriage, and to pay particular attention to the specific needs of all women and girls, in particular those in vulnerable or marginalized situations and those experiencing multiple and intersecting forms of discrimination and violence, stigmatization, exclusion and inequalities, including in humanitarian situations;

3. *Urges* States to take comprehensive, multisectoral and human rights-based measures to prevent and eliminate forced marriage, and to address structural and underlying causes and risk factors, including by:

(a) Addressing the root causes of gender inequality in such a way that it leads to their elimination, including structural, institutional, multiple and intersecting forms of discrimination against women and girls, patriarchal values and structures, discriminatory social norms, gender stereotypes, perceptions, customs, attitudes and behaviours, the socioeconomic drivers of violence and unequal power relations, which perpetuate forced marriage;

(b) Eliminating discrimination against all women and girls in all matters relating to marriage and its dissolution and promoting women's and girls' equality in law and in practice in family life, by opposing all forms of marriage that constitute a violation or abuse of the human rights of women and girls and their well-being and dignity;

(c) Respecting, protecting and fulfilling the human rights of all women and girls to have control over, and to decide freely and responsibly on, matters relating to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence, and with respect to their bodily integrity, autonomy and agency, and adopting and accelerating the implementation of laws, policies and programmes that protect and enable the enjoyment of all human rights and fundamental freedoms, including reproductive rights;

(d) Taking immediate and effective action to prevent and eliminate all forms of violence, including sexual and gender-based violence, such as domestic and intimate partner violence, marital rape, dowry-related violence and crimes committed against women and girls in the name of so-called "honour";

(e) Repealing or amending laws that, directly or indirectly, allow forced marriage, including any provisions that may enable, justify or lead to child, early or forced marriage, including forced marriage, and removing any institution or practice whereby a woman or girl, without the right or ability to refuse, is promised or given in marriage in return for payment, whereby the husband of a woman, or his family or the community, has the right to transfer her to another person for value received or otherwise or whereby a woman or girl, upon the death of her husband, is liable to be inherited by another person;

(f) Removing any provisions that may enable perpetrators of rape, sexual exploitation and abuse, abduction, trafficking in persons or slavery-like practices to escape prosecution and punishment by marrying their victims, and urges States to engage traditional and religious leaders and actors, among others, to eliminate the misuse of traditional practices to resolve sexual and gender-based violence incidents through marriage;

(g) Incorporating gender and age considerations into all anti-trafficking efforts, recognizing that certain efforts against trafficking in persons currently lack these considerations, which are needed to effectively differentiate between and respond to the risks faced by women and girls, who are disproportionately targeted by traffickers for the purposes of sexual exploitation, forced marriage, forced labour and other forms of exploitation, including domestic servitude, and also recognizing that vulnerabilities to such targeting arise from failures to remedy systemic gender inequality and discrimination;

(h) Developing and implementing measures to address the increased risk of vulnerability among women and girls to forced marriage, including those women and girls who are hardest to reach and are already married, in particular adolescent girls, in consultation with and with the participation of women and girls, and integrating them into humanitarian responses, from the early stages of humanitarian emergencies, and protecting

women and girls from all forms of violence, including sexual and gender-based violence and exploitation during humanitarian emergencies, situations of forced displacement, armed conflict, natural hazard and public health emergencies, including by ensuring their access to such services as health and education, providing inclusive and equitable quality education, and strengthening follow-up and interventions to prevent and eliminate forced marriage in humanitarian settings and to address the needs of those affected;

(i) Upholding all the human rights and fundamental freedoms of women and girls with disabilities, and recognizing that disability can increase the risk of child, early and forced marriage, and the importance of ensuring that services and programmes designed to prevent and eliminate child, early and forced marriage are inclusive of, and accessible to, women and girls with disabilities;

(j) Introducing special provisions to protect the rights of women and girls in forced marriages, including by helping them to leave a forced marriage, especially in relation to family property, access to land and inheritance, matrimonial property, the custody of children and the right to marry, including after a divorce, providing support to victims' dependents and the members of their immediate families, and ensuring that no woman or girl is forced to waive the enjoyment of her economic rights in order to obtain a divorce, taking into consideration potential short- and long-term economic support needs for children or women following the dissolution of forced marriages and the return of dowry payments or bride price;

4. *Calls upon* States to promote and protect the right of all women and girls to education, including in situations of armed conflict and humanitarian emergencies, and to ensure equal access, by:

(a) Adopting measures to ensure equal access for girls to inclusive and equitable quality education, to remove political, legal, social, practical, structural, cultural, economic, institutional and religious barriers, to eliminate discriminatory laws and practices that prevent them from having access to, completing or continuing their education, including the transitions from primary to secondary education to and higher levels of education, and providing incentive mechanisms to this end, to develop and implement programmes, as appropriate, that are specifically aimed at eliminating gender disparities in enrolment and gender-based bias and stereotypes in education systems, curricula and materials, whether derived from any discriminatory practices, social or cultural attitudes or legal and economic circumstances, to ensure continued efforts to eliminate all forms of school-related violence against girls, including online, and to eliminate obstacles faced by them in gaining access to and using information and communications technology, and reaffirming the importance of the right to education as key to the empowerment and autonomy of all women and girls and for ensuring equality and non-discrimination;

(b) Ensuring equal access to free and quality primary and secondary education, including catch-up and literacy education for those who have not received formal education, have left school early or were forced to leave school because of, inter alia, marriage, pregnancy and/or childbirth, re-entry policies and vocational training and skills development, which empower young women and girls subjected to forced marriage to make informed decisions about their lives, employment, economic opportunities and health, including through scientifically accurate, age-appropriate comprehensive education, relevant to cultural contexts, that targets gender stereotypes and promotes the values of gender equality and non-discrimination, including positive masculinities, and that provides adolescent girls and boys and young women and men, in and out of school, consistent with their evolving capacities, with information on sexual and reproductive health, gender equality and women's and girls' empowerment, human rights, physical, psychological and pubertal development and power in relationships between women and men, to enable them to build self-esteem and informed decision-making, communication and risk-reduction skills and to develop respectful relationships, in full partnership with young persons, parents, legal guardians, caregivers, educators and health-care providers, in order to contribute to ending forced marriage;

(c) Ensuring that married and/or pregnant adolescents and young mothers, as well as single, divorced, separated or widowed mothers, can continue and complete their

education after childbirth, marriage or the dissolution of marriage by designing, implementing and, where applicable, revising educational policies and programmes to allow them to remain in and return to school and to develop livelihood opportunities through access to technical and vocational education and training and life skills education, including financial literacy, and by providing them with access to health-care services and social services and support, including childcare and breastfeeding facilities and crèches, and to education programmes with accessible locations, flexible schedules and distance education, including e-learning, bearing in mind the important role and responsibilities of fathers, including young fathers, in this regard;

(d) Encouraging the proper, systematic and regular training of teachers and school officials on human rights, gender equality and child protection and on providing a safe and supportive school environment for their students and that they be held accountable when they violate or abuse the rights of children who are in school or perpetrate sexual and gender-based violence in and around schools, including in connection with forced marriage;

5. *Urges* States, with the collaboration of relevant stakeholders, including the private sector, communities and not-for-profit, youth-led and civil society organizations, to tackle poverty, the lack of economic opportunities for women and girls and other entrenched economic incentives and inequalities that act as drivers of forced marriage and as obstacles to leaving a forced or abusive relationship, and to promote sustainable development, including by:

(a) Ensuring the equal rights of all women and girls with regard to the ownership, acquisition, management, administration, enjoyment and disposition of property and to inheritance and their access on an equal basis with men and boys to social protection, childcare services and direct financial services, and promoting freedom of movement, women's equal access to full and productive employment and decent work and their full, equal and meaningful political participation and leadership and rights to inherit, own and control resources, land and productive measures;

(b) Putting in place gender-responsive social protection mechanisms that promote women's economic security, adopting measures to address the feminization of poverty and to recognize, reduce and redistribute the disproportionate share of unpaid care and domestic work borne by women and girls, including by making efforts to change the roles in domestic work and care responsibilities, and addressing the discrimination, gender inequality, including gender stereotypes and harmful social norms, attitudes and behaviours and unequal power relations in which women and girls are viewed as subordinate to men and boys that are at the root of these imbalances;

(c) Investing in family-oriented policies that promote women's and girls' equality and that confront socioeconomic inequalities and social exclusion that can lead to the poverty of individuals and households, addressing the multidimensional aspects of poverty, advancing the protection capacities of communities and families, with the best interests of the child taken as a primary consideration, focusing on education, health, employment, social security, livelihoods and social cohesion, paying special attention to gender-responsive social protection measures, child allowances for parents and pension benefits for older persons and protecting, supporting and empowering children, including girls, in child-headed households;

6. *Also urges* States to respect, protect and fulfil the right to the enjoyment of the highest attainable standard of physical and mental health, including the right to sexual and reproductive health, free from discrimination, coercion and violence, by:

(a) Developing and enforcing policies and legal frameworks on, and strengthening, health systems, including health information systems, that ensure uninterrupted, universally accessible, acceptable, affordable and available quality, gender-responsive, adolescent-friendly and disability-inclusive health services, sexual and reproductive health-care services, information, education and commodities, HIV and AIDS prevention, testing, treatment and care, mental health services and psychosocial support, equitable sanitation and hygiene for all, including menstrual health and hygiene and nutrition interventions and the prevention and treatment of, and care for, obstetric fistula and other obstetric complications, while respecting free and informed consent, confidentiality and privacy, by providing the continuum of services, including family planning, prenatal and

postnatal care, skilled birth attendants, emergency obstetric care and postpartum care, free from mistreatment and violence, and repealing discriminatory laws relating to third-party authorization for health information and health-care services;

(b) Ensuring continuity and further strengthening protection and support services for women and girls, in particular, adolescent girls, who experience all forms of violence, including domestic violence, especially women and girls at risk of forced marriage and girls and women affected by this harmful practice, and designating protection shelters, hotlines and help desks, health, support and social protection services and legal protection and support as essential services available to all women and girls, in addition to establishing safeguarding measures and raising awareness among and providing training for the police, members of the judiciary, first responders, health workers and education and child services staff;

7. *Further urges* States to ensure that marriage is entered into only with the informed, free and full consent of the intending spouses by recognizing child, early and forced marriage as a distinct violation, abuse or impairment of human rights, promoting equality in all aspects of marriage, divorce, child custody and the economic consequences of marriage and its dissolution, and enacting, enforcing, harmonizing, financing and upholding laws and policies aimed at preventing, responding to and eliminating forced marriage and that respect and protect bodily integrity and autonomy, protecting those at risk and abolishing practices and legislation that are discriminatory against women and girls, including, as applicable, provisions in civil, criminal and personal status law governing marriage and family relations, including by working towards the elimination of loopholes in customary laws, where they exist;

8. *Calls upon* States to ensure that all initiatives to draft, amend and implement criminal laws addressing forced marriage are part of comprehensive, rights-based, gender-responsive and cross-government prevention and response strategies and are coupled with protection measures and services for victims, survivors and those who are at risk of being subjected to forced marriage, and to ensure that they never face criminalization;

9. *Urges* States to ensure access to justice and accountability mechanisms and remedies for the effective implementation and enforcement of laws aimed at preventing and eliminating forced marriage and protecting the rights of those subjected to this harmful practice, including by informing them about their rights under relevant laws, including in marriage and at its dissolution, improving legal infrastructure, mainstreaming gender equality and human rights perspectives into justice systems, ensuring equal access to legal aid, including legal advice, assistance and representation, as well as access to judicial and other legal remedies, addressing legal inconsistencies, training law enforcement officers, members of the judiciary and professionals working with women and children and ensuring oversight of the handling of cases of forced marriage;

10. *Also urges* States to hold persons in positions of authority, whether in public or private environments, such as teachers, health workers, social workers and caregivers in institutions, religious and community leaders and actors, traditional authorities, politicians and law enforcement officials, including at the local government level, accountable for not complying with and/or upholding laws and regulations relating to violence against women and girls, including concerning forced marriage, in order to prevent and respond to it in a gender-responsive manner, to end impunity and to avoid the abuse of power leading to violence against women and girls and the revictimization of victims and survivors of such violence;

11. *Further urges* States to ensure access to justice and shelters for protection during the process of annulling a marriage, taking into account the fact that victims may be subjected to physical or psychological pressure to desist and may face a risk of retribution, and to ensure that victims and survivors of forced marriage, and their children where applicable, are granted full reparation, including measures of restitution;

12. *Calls upon* States to ensure the timely registration of births and marriages, including by providing, where lacking, mechanisms for the registration of customary and religious marriages, and affirms the need for States and relevant United Nations entities and agencies to improve the collection and use of quantitative, qualitative and comparable data, while observing the principles of confidentiality and informed consent, on violence against

women and girls and harmful practices, disaggregated by sex, age, disability, civil status, race, ethnicity, migratory status, geographical location, socioeconomic status, education level and other key factors, as appropriate, to enhance research on, and the dissemination of evidence-based and good practices relating to the prevention and elimination of, child, early and forced marriage, and to strengthen the monitoring and assessment of the impact of existing policies and programmes as a means of ensuring their effectiveness and implementation;

13. *Encourages* States to increase public funding and capacity-building support for community-based organizations, including organizations led or initiated by women, children or young people, including girls, focusing on the human rights of women and girls, and calls upon States to promote the meaningful participation of and active consultation with children, women, adolescents and young people, including girls who are already married, on all issues affecting them, including those related to mental health, to strengthen their voice, agency and leadership and to raise awareness about their rights, including the negative impact of child, early and forced marriage, through safe spaces, forums and support networks, including in digital spaces, that provide information, life skills and leadership skills training and opportunities, including catch-up and literacy education, and lifelong learning opportunities, remote learning opportunities and childcare, as needed, that empower them and allow them to express themselves, to participate meaningfully in all decisions that affect them and to become agents of change within their communities;

14. *Also encourages* States to work in partnership with the private sector, civil society, rural, community-based and faith-based organizations, including those who support and are led by women, young women, young people and survivors, persons with disabilities, marginalized racial, ethnic and Indigenous communities, feminist groups, women human rights defenders, women journalists and media workers and trade, labour and other professional unions, as well as other relevant stakeholders, and to support initiatives undertaken by such organizations, including by allocating adequate financial resources aimed at promoting gender equality and inclusion, eliminating violence against women and girls and harmful practices and allowing civil society to operate freely and safely, without fear of intimidation or reprisals;

15. *Further encourages* States to develop the capacity of national human rights institutions and criminal justice systems to investigate human rights violations and abuses and criminal offences relating to the practice of child, early and forced marriage, and to monitor progress in preventing and eliminating this harmful practice;

16. *Encourages* States to engage, educate, encourage and support men and boys to be positive role models for gender equality, to promote respectful relationships and to refrain from and condemn all forms of discrimination and violence against women and girls and harmful practices, such as forced marriage, and to increase understanding among men and boys of the harmful effects of violence for the victim or survivor and society as a whole so that they take responsibility and are held accountable for behaviour, including for behaviour that perpetuates gender stereotypes and negative social norms, including patriarchal masculinity, sexism and misogyny, and that men and boys take responsibility for their sexual and reproductive behaviour, for the equitable sharing of responsibilities with respect to care and household work and for sharing access equally to families' resources and opportunities;

17. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare concise and action-oriented guidelines as a set of orientations for States on the effective application of a human rights-based approach to the development and implementation of laws, policies and programmes to prevent and eliminate child, early and forced marriage, and to submit the guidelines, in a comprehensive report, accessible to persons with disabilities, including in an accessible and easy-to-read format, to the Human Rights Council at its fifty-ninth session;

18. *Also requests* the Office of the High Commissioner to facilitate the open, transparent and inclusive elaboration of the guidelines through consultations with States and with the participation of relevant United Nations agencies, funds and programmes, intergovernmental organizations, the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child and other treaty bodies, special

procedures, regional human rights mechanisms, national human rights institutions, civil society organizations, young people, academia and other relevant stakeholders, including women's human rights organizations and women and girls who are victims and survivors of a forced marriage, including through informal online consultations with States and other stakeholders at the regional level.

*36th meeting
13 July 2023*

[Adopted without a vote.]
