



**2017/2275(INI)**

18.4.2018

# OPINION

of the Committee on Women's Rights and Gender Equality

for the Committee on Foreign Affairs

Towards an EU external strategy against early and forced marriages – next steps

2017/2275(INI)

Rapporteur: Daniela Aiuto

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## SUGGESTIONS

The Committee on Women's Rights and Gender Equality calls on the Committee on Foreign Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

- A. whereas child, early and forced marriage<sup>1</sup> is a violation of the human rights enshrined in international standards such as the Beijing Declaration and Platform of Action, the International Conference on Population and Development Programme of Action and the UN Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages and which form part of the core principles embodied in the European Union as an area of security, freedom, justice and human rights, including women's and girls' rights; whereas child, early and forced marriage perpetuates other violations of human rights that disproportionately affect women and girls and is an obstacle to socio-economic development;
- B. whereas, despite commitments at international, national and regional level, child, early and forced marriages remain widespread across the world, according to UN estimates, affecting almost 700 million women and 150 million men who are in forced marriages which were contracted before they reached majority; whereas early marriage continues to be a problem which disproportionately affects underage and young girls; whereas eradicating child marriage would be a strategic way of promoting women's rights and empowering women;
- C. whereas it has repeatedly been proven that early or child marriage has negative consequences for and is harmful to girls and women, their children and their communities; whereas child, early and forced marriage very often results in school drop-out, depriving girls and women of their basic rights and increasing the likelihood of them being victims of gender-based and persistent poverty, and whereas being deprived of education and of future paid employment leaves young brides more likely to be and remain poor;
- D. whereas, every year, around the world, 16 million girls between the ages of 15 and 19 give birth to a child and at least one million girls become mothers before reaching the age of 15; whereas 95 % of the world's births to adolescents occur in developing countries, nine in 10 of these births occur within marriage or a union and about 70 000 adolescents in developing countries die annually of causes related to pregnancy and childbirth<sup>2</sup>;
- E. whereas studies show a strong correlation between child marriage and premature childbirth; whereas early marriages and forced marriages have grave consequences for the sexual and reproductive health and rights of women and girls, including unwanted pregnancies, because of low levels of family planning and sexual education, and pose a serious threat to the physical and mental health of women and girls by significantly

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<sup>1</sup> Defined as 'marriage entered into without the free and valid consent of one or both spouses, or before the age of 18' according to the UN Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages of 7 November 1962 and Resolution 1468 (2005) of the Parliamentary Assembly of the Council of Europe on forced marriages and child marriages.

<sup>2</sup> 'Motherhood in Childhood: Facing the challenge of adolescent pregnancy', UNFPA (2013).

increasing the risk of early, frequent and/or unwanted pregnancies, maternal and neonatal mortality and morbidity, obstetric fistula and sexually transmitted infections, including HIV, while complications in pregnancy and childbirth are the leading cause of death for girls between the ages of 15 and 19 and children who are born to teenage mothers are 50 % more likely to die in the first few days after the birth;

- F. whereas, every seven seconds, somewhere in the world, a girl under 15 gets married, often to a man much older than herself; whereas, if the rise continues at its present rate, the number of women married in childhood will, according to estimates, increase to 950 million in 2030 and to 1.2 billion in 2050<sup>1</sup>;
- G. whereas marriage before 18 years of age increases the likelihood of domestic violence; whereas child brides are often victims of violence since large age differences aggravate the imbalance of power between girls and their much older husbands;
- H. whereas deep-rooted gender inequalities and stereotypes, harmful practices, perceptions, customs and discriminatory norms are root causes of child, early and forced marriage; whereas this increases the risk of women and girls being exposed to discrimination and gender-based violence during their lives;
- I. whereas education is one of the most effective ways of preventing early and forced marriages and of helping women and girls make choices in full knowledge of the implications for their lives; whereas education prepares girls for jobs and livelihoods, raises their self-esteem and their status in their households and communities, and gives them more say in decisions that affect their lives<sup>2</sup>, thereby reducing the likelihood of child marriage and delaying childbearing;
- J. whereas there is increasing concern about early and forced marriages in conflict-affected areas; whereas this practice tends to be justified by certain belligerent and extremist groups, all the while having a deep impact on the health and well-being of women and girls;
- K. whereas child marriage is ingrained in some traditions and cultures, but no culture or religion can justify such a practice, particularly when human rights and the rights of children are at stake; whereas in many communities where early marriage is prevalent, men have greater privileges and girls are often regarded as a financial burden to their families and, as a result, generally suffer low self-esteem;
- L. whereas all little girls have the right to be able to live out their childhood in full, playing, benefiting from the right to education, and being protected from violence, physical and psychological damage and abuse and exploitation of all kinds;
- M. whereas girls, both younger and older ones, have the right to develop their full potential as citizens, as laid down in the UN Convention on the Rights of the Child;
- N. whereas early marriages and forced marriages in themselves constitute an obstacle to development, and the fact that such marriages continue to be arranged has held back

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<sup>1</sup> 'Every Last Girl: Free to live, free to learn, free from harm', report by Save the Children, 11 October 2016.

<sup>2</sup> 'Motherhood in Childhood': Facing the challenge of adolescent pregnancy, UNFPA (2013).

efforts to achieve Goals 1 to 6 of the Millennium Development Goals, in particular in the areas of gender equality and the empowerment of women and girls, poverty reduction, education, maternal and child mortality and health, including sexual and reproductive health<sup>1</sup>;

- O. whereas preventing and responding to all forms of violence against girls and women, including early and forced marriages, is one of the targets of the EU Gender Action Plan 2016-2020;
- P. whereas although forced marriage is contrary to the law throughout the EU, its exact definition varies; whereas the lack of a generally accepted definition has hindered efforts to establish data on the number of forced marriages in the EU;
- Q. whereas forced marriage remains a concern within the EU; whereas it is not a specific crime in most of the Member States, and instead protection is provided through a combination of more general criminal provisions, such as on rape or abduction;
- R. whereas, given that a minor aged under 18 cannot validly consent to marriage, child marriages must be regarded as forced marriages; whereas it is regrettable, therefore, that 144 out of 193 countries have no law banning child marriages;
- S. whereas many cases of forced marriage are not reported or are reported to private organisations and NGOs rather than to public authorities; whereas, when cases are reported to national authorities, no consistent data collection system exists at Member State level, even though this is urgently needed;
- T. whereas child marriage will cost developing countries trillions of dollars by 2030<sup>2</sup>;
- U. whereas governments need to recognise the importance of combating early and child marriage in efforts to achieve the goals of the 2030 Agenda for Sustainable Development; whereas helping girls avoid child marriage and delay pregnancy and enabling them to attend school would give them the opportunity to improve their future skills and income, thereby helping to eradicate poverty for future generations; whereas promoting gender equality and women's empowerment would ensure that girls have decision-making power over their family lives, and their sexual and reproductive lives; whereas eradicating child and early marriage would reduce infant mortality and alleviate the wide range of health problems associated with pregnancy or early childbirth;
- V. whereas in the majority of communities that practice early and child marriage women are often the victims of the decision-making process, and whereas involving and educating community leaders and women from these communities is fundamental in changing attitudes and behaviour concerning child marriage; whereas, moreover, legislation outlawing early and forced marriage is needed;
- W. whereas inter-generational poverty is one of the most frequently cited reasons for forcing girls into child marriage; whereas parents are generally unaware of the risks of

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<sup>1</sup> UN General Assembly Resolution 69/156 of 18 December 2014 on child, early and forced marriage.

<sup>2</sup> Economic Impacts of Child Marriage: Global Synthesis Report 2017.

early pregnancy owing to a lack of knowledge about sexual and reproductive health;

- X. whereas in respect of child marriage, as in all areas of action to combat violence against women, it is vitally important to mobilise men and boys to challenge gender discrimination and change harmful traditional practices that are deeply ingrained in the culture of a given community;
  - Y. whereas early and child marriage remains a taboo subject which needs to be addressed publicly so as to put an end to the daily suffering of the young and adolescent girls involved and the continuous violation of their human rights; whereas one way of doing so would be to support and disseminate the work of journalists, artists, photographers and activists addressing the issue of early marriages;
  - Z. whereas campaigns to end early marriage of girls and young women will not succeed without acceptance of the sexuality of adolescents and their right to make their own decisions about their bodies, relationships and sexual activity; whereas, for such decisions to be taken with full knowledge of the facts, information on sexuality and contraceptive methods must be made available to both adolescents and their parents;
1. Condemns child, early and forced marriage and other harmful coercive practices imposed on women and girls, including teenage girls and girl children in Europe and the rest of the world, since practices of this kind constitute a serious violation of human rights and, specifically, the abuse of a minor where the victim is under 18 years of age;
  2. Stresses that child, early, and forced marriages are a gross affront to the right to free consent;
  3. Recognises that child marriages and forced marriage have also become a real problem within the EU, requiring common, decisive and coordinated action by all Member States;
  4. Calls on the Member States to actively refuse to recognise forced marriages and provide full family-independent support to victims;
  5. Notes that many parents living in distress and extreme poverty in refugee camps feel the need to protect their daughters from the threat of sexual violence by marrying them to older men; stresses however that the EU and its Member States should be united and consistent in their dismissal of the requests of refugees for legal recognition of marriages where one of the alleged spouses is a child or teenager; underlines that refugee status cannot be used as a legal backdoor to recognition of child marriages in Europe;
  6. Recommends that a holistic and comprehensive approach be taken to child, early and forced marriages, which means addressing the root causes of child marriage, including gender inequality, poverty and lack of social and economic opportunities; stresses, while underlining the importance of education as a powerful tool for the prevention of child, early and forced marriages, that gender mainstreaming should be extended beyond traditional sectors such as education and health and reach out into all other policy areas;

7. Calls for the EU to play a major role in combating this human rights violation at national, European and international level and calls on the European External Action Service (EEAS) and the Commission to make use of all the existing instruments available while putting forward a specific strategy with a view to determining what steps need to be taken to combat early, forced and child marriage and other practices harmful to girls and women, such as female genital mutilation, so-called honour crimes, sex slavery and trafficking, and determining the objectives which should be set and funding earmarked expressly for that purpose in order to achieve the overall aim of eradicating the above forms of marriage by 2030, in line with the UN Sustainable Development Goals (target 5.3); calls, therefore, on the Commission and the EEAS to include in the strategy the need to address gender stereotypes and discriminatory social norms which contribute to the acceptance and continuation of the above-listed harmful practices;
8. Recalls that ending child, early and forced marriage is included as one of the priorities for the EU's external action in the field of promoting women's rights and human rights;
9. Calls on the Commission and the EEAS to draw up an action plan to help combat child, early and forced marriage in the context of the EU's relations with partner and non-member countries, in particular in the area of development, and to pay special attention to respect for women's and girls' rights in all trade and partnership agreements, not least by making use of the 'human rights clause'; calls on the Commission and the EEAS to prioritise these issues in the political dialogue with partner countries and establish concrete measures in collaboration with all key actors to eliminate harmful practices; calls, furthermore, on the Member States to encourage efforts to combat child, early and forced marriages in their relations with third countries;
10. Welcomes the launching of the joint EU-UN global gender initiative – the 'Spotlight Initiative' – to address sexual and gender-based violence and harmful practices such as early forced marriage, female genital mutilation (FGM) or human trafficking; notes, however, that the Spotlight Initiative mainly addresses elements of the agenda which are already a shared concern globally; underlines therefore the need to advance gender equality in a more comprehensive way, through an adequate mix of programmes and modalities; calls on the Commission to use the midterm review of its international cooperation programmes to increase funding for the Gender Resource Package in order to streamline gender into bilateral cooperation and through thematic programmes;
11. Calls for the EU and the Member States to work together with UN Women, UNICEF, UNFPA and other partners, including civil society organisations (CSOs), diaspora and migrant associations to draw attention to the issue of child, early and forced marriage by focusing on women's empowerment, including through education, economic empowerment and enhanced participation in decision-making, as well as on the protection and promotion of the human rights of all women and girls, including sexual and reproductive health;
12. Points to the need to make European funding for external action dependent on effective implementation of measures to eradicate early and forced marriage;
13. Encourages the Commission and the Member States to integrate a gender perspective into peacebuilding and post-conflict reconstruction programmes, to develop economic

livelihood and education programmes for girls and women who are the victims of early and forced marriages, and to facilitate their access to health and reproductive services in conflict-affected areas;

14. Stresses the need to allocate funding to child marriage prevention programmes that aim to create a social environment in which girls can achieve their full potential, including by means of education, social and economic programmes for out-of-school girls, child protection schemes, shelters, legal counselling and psychological support; calls on the Commission and the Member States to ensure that sufficient resources are allocated to these kinds of programmes and activities in their external actions; calls, furthermore, on the Commission to carry out a systematic evaluation of the effectiveness of its existing programmes and use of available funding for the prevention of early marriage in order to ensure that the programmes are implemented in the regions and countries where child marriages are most prevalent; encourages the EU delegations to fulfil the EU's commitment on the Gender Action Plan 2016-2020 to closely monitor the situation and develop relevant programmes in support of local legislative actions;
15. Stresses the need to develop empowerment programmes for girls and young women as a key strategy for the prevention and discouragement of early marriage, improving both their self-esteem and their awareness of their rights, including the legal right to refuse marriage;
16. Stresses that ending child, early and forced marriages would in turn have a large positive impact on the educational attainment of girls and their children, would contribute to women having fewer children and could increase their expected earnings and household welfare;
17. Points out that community contacts at local level are essential in helping to overcome traditional and discriminatory attitudes regarding education for girls, thereby improving women's employment prospects for the purposes of ensuring their own livelihoods and those of their families;
18. Encourages the development of information programmes involving all community leaders, educating them with regard to the harmful effects of traditions such as early marriage, so that they can subsequently play an active role in raising awareness within their communities;
19. Stresses the urgent need to inform and educate men and boys, winning their support for measures to uphold human rights, including the rights of children and women;
20. Calls on the Commission and the Member States to take integrated, comprehensive and coordinated measures to prevent and combat all forms of violence against women and girls, including child, early, and forced marriage, in particular through facilitating victims' access to justice and enhancing child protection mechanisms, while providing better support, and further and improved access to funding, for those non-governmental organisations working for the elimination of these practices;
21. Calls on all Member States to fully implement the laws prohibiting child, early and forced marriage by ensuring access to justice, including remedies, and by establishing structures and programmes to support, assist and protect the victims of child, early and

- forced marriages, including safe reception centres and the assistance of qualified female staff such as midwives, gynaecologists, psychologists and social workers; calls, in this connection, on the Commission and the Member States to ensure the effective implementation of the EU Victims' Directive, in particular by improving access for victims of violence against women to general and specialised victim support and by putting in place effective reporting mechanisms respecting the anonymity and confidentiality of victims in order to encourage victims of forced marriage to report the offence free from the fear of further stigmatisation;
22. Calls for the EU and the Member States to guarantee facilities and training for health workers to enable them to provide confidential and non-judgmental youth-friendly services, information and resources that fulfil the WHO standards of equitability, accessibility, acceptability, appropriateness and effectiveness;
  23. Encourages the Commission and the Member States to launch awareness-raising campaigns on the phenomenon, its consequences and available legal remedies throughout the EU, including in refugee camps and in the candidate countries;
  24. Welcomes the introduction, as part of the Schengen Information System, of a new alert which can be used to protect children at risk of forced marriage;
  25. Points out that Article 37 of the Council of Europe's Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) stipulates that the States Parties must criminalise 'the intentional conduct of forcing an adult or a child to enter into a marriage'; deplores, therefore, the fact that only 12 Member States of the EU have criminalised forced marriage and recalls that, in line with the requirements of this convention, victims who are brought into another country where they lose their right to reside in the EU as a result of the forced marriage should be granted effective recourse to regain their residence status; calls on the Member States which have not yet ratified the Istanbul Convention to do so without delay<sup>1</sup>;
  26. Calls on the Member States to guarantee migrant women and girls an autonomous residence permit which is not dependent on the status of their spouse or partner, in particular for victims of physical and psychological violence, including forced or arranged marriages, and to guarantee that all administrative measures are taken to protect them, including effective access to assistance and protection mechanisms;
  27. Calls on the Commission and the Member States to adopt measures which discourage parents – be they EU citizens or not – from offering their under-age daughters as brides, both through trips to their respective countries of origin and – worse still – within the borders of the EU itself, and where necessary to punish those parents;
  28. Acknowledges that most of the countries around the world have laws that set a minimum age of marriage, stresses, however, that many countries provide for exceptions to the minimum age requirement for marriage, mostly subject to parental

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<sup>1</sup> 'Forced marriage from a gender perspective', Directorate-General for Internal Policies, European Parliament (2016).

<sup>2</sup> List of the Convention ratifications: <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures?desktop=true>

consent or authorisation of the court, and that these should be addressed by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy; calls on those Member States and invites those non-EU countries that have not yet done so to criminalise forced and early marriages, inter alia by revising the minimum legal age, irrespective of parental approval, requiring the full consent of both spouses and penalising those who coerce another person into marriage;

29. Proposes the express inclusion of forced marriage as a form of trafficking in human beings in Article 2 of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, and to develop a shared policy and common definition of forced marriage which should be used consistently at national and European level in policies and civil and criminal law provisions on forced marriage;
30. Calls on the Commission and the Member States to monitor the cases of child, early and forced marriages within the EU and to consider establishing unified legal standards with regard to the procedure for dealing with cases of child and early marriages;
31. Encourages the consideration of mandatory birth registration in the countries where early, child and forced marriage is prevalent as the lack of registration can lead to a higher risk of child and early marriage;
32. Calls on the Commission to set up a European database to monitor and report forced marriage and other forms of gender-based human rights violations, including sexual exploitation;
33. Calls on the Commission and the Member States to set up a consistent data collection system on child, early and forced marriages, including sex-disaggregated data, as robust and reliable data are essential to evidence-based policy making and better targeted interventions;
34. Calls on the Commission and the Member States to draw up specific studies based on the data collected, in order to have a clear picture of the phenomenon at EU level, with specific information relating to each Member State;
35. Emphasises the negative influence of humanitarian crises, conflicts and natural disasters on the proliferation of forced, child and early marriages; stresses, therefore, the need to combine development and humanitarian efforts;
36. Emphasises the need to promote and safeguard the fundamental rights of all women and girls, in particular the right to express their sexuality and to take decisions relating to their sexuality freely and responsibly, in particular as regards their sexual and reproductive health, without facing constraints, discrimination or violence;
37. Emphasises that universal respect for and access to sexual and reproductive health and rights (SRHR) contributes to the achievement of all the health-related sustainable development goals, such as prenatal care and measures to avoid high-risk births and reduce infant and child mortality; points out that access to family planning, maternal health services and safe and legal abortion services are important elements in saving women's and girls' lives; is concerned that no EU delegations in the Middle East and North Africa and the Europe and Central Asia regions chose any SRHR-related

indicator despite the significant SRHR needs in these regions; calls on EU delegations in these regions to re-evaluate these worrying figures in order to determine whether they may be linked to misreporting or whether there is a need to complement current programmes with targeted actions on SRHR;

38. Stresses that, while focusing on the prevention of early marriage, the EU, Member States and third countries should also support young women who are already married, helping them to become aware of their sexual and reproductive rights and their right to contraception, for example;
39. Condemns the reinstatement and expansion of the Global Gag Rule and its impact on women's and girls' health; recalls that populations in vulnerable situations, including those that are normally unable to access services 'due to stigma, poverty, location, violence, or HIV status' are hardest hit;
40. Reiterates its call for the EU and its Member States to proactively support women's and girls' rights worldwide and to significantly increase both national and EU development funding for sexual and reproductive health and rights, in particular for access to birth control and safe and legal abortion, with a view to reducing the financing gap left by the United States in this area;
41. Strongly supports the She Decides initiative and calls for the EU and the Member States to step up their support for this initiative and other efforts on SRHR;
42. Believes that increasing the number of women in political and economic decision-making positions can help to ensure that the necessary legislation is put in place and that there is increased support for institutions and civil society organisations working to prevent early and forced marriage.

## INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

<b>Date adopted</b>	12.4.2018
<b>Result of final vote</b>	+: 19 -: 1 0: 3
<b>Members present for the final vote</b>	Daniela Aiuto, Beatriz Becerra Basterrechea, Malin Björk, Vilija Blinkevičiūtė, Anna Maria Corazza Bildt, Iratxe García Pérez, Anna Hedh, Teresa Jiménez-Becerril Barrio, Florent Marcellesi, Angelika Mlinar, Marijana Petir, João Pimenta Lopes, Elissavet Vozemberg-Vrionidi, Jadwiga Wiśniewska
<b>Substitutes present for the final vote</b>	Livia Járóka, Urszula Krupa, Kostadinka Kuneva, Nosheena Mobarik, Jordi Solé, Marc Tarabella, Mylène Troszczynski, Julie Ward
<b>Substitutes under Rule 200(2) present for the final vote</b>	Margrete Auken

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

19	+
ALDE	Beatriz Becerra Basterrechea, Angelika Mlinar
ECR	Nosheena Mobarik
EFDD	Daniela Aiuto
GUE/NGL	Malin Björk, Kostadinka Kuneva, João Pimenta Lopes
PPE	Anna Maria Corazza Bildt, Teresa Jiménez-Becerril Barrio, Livia Járóka, Elissavet Vozemberg-Vrionidi
S&D	Vilija Blinkevičiūtė, Iratxe García Pérez, Anna Hedh, Marc Tarabella, Julie Ward
VERTS/ALE	Margrete Auken, Florent Marcellesi, Jordi Solé

1	-
PPE	Marijana Petir

3	0
ECR	Urszula Krupa, Jadwiga Wiśniewska
ENF	Mylène Troszczynski

**Key to symbols:**

+ : in favour

- : against

0 : abstention