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**INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER
PERSPECTIVE**

**Written statement* submitted by the International Council of Women, a non-governmental
organization in general consultative status**

The Secretary-General has received the following written statement which is circulated in
accordance with Economic and Social Council resolution 1996/31.

[13 February 2006]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

THE GIRL CHILD BETWEEN NUBILITY AND NUPTIALITY

During centuries, if not millennium, the Family law was founded on the absolute authority of fathers who often enjoyed the right of life and death on their own children.

During these times - going back to prehistory - the age of the first menstruation was also deemed to be the age of marriage and the lost of virginity out of the bounds of marriage was considered as a major crime which could be prevented only by the early consummation of marriage. Despite the fact that the early pregnancies were to often a cause of death during confinement or resulted in a high level of morbidity, those everlasting customs are still in practice.

In other parts of the world, in order to avoid such a lost of young mothers the authorities decided to fix the age of marriage at sixteen years (About the same time – it is interesting to remark - in the western countries, many technical and scientific progresses were realised).

Following that decision, the old customary laws slowly gave place to a modern conception of the marriage based on the union of two adult persons, enjoying the same rights and duties aiming at founding a family, to raise children. Nowadays this modern conception is now incorporated in a certain number of international Conventions.

The 4th World Conference for Women held in Beijing in 1995, explicitly underlined the link between development and the status of Women. It is indeed impossible to realise any progress if half of humanity is deprived access to the possibility to develop its own capacities. It was also recognised that the degree of development in a country depends from the degree of education and formation of its youth: girls and boys.

The Millenium Development Goals, as they were solemnly proclaim by the UN Secretary General, to eradicate poverty underlined the fact that:

"poverty eradication is the biggest challenge in the field of Human Rights, poverty is at the same time a symptom and a cause for, in to many parts of the World laws are continuing to authorise or tolerate discriminations most of them concerning women and girls

Therefore taking into consideration that:

- It is nevertheless obvious that, according the different philosophical religious or political conceptions, this ideal is far from being realised and that the different conventions, signed and ratified within the frame of the United Nations are still waiting to enter really in force.

The age when the girl child is becoming a woman represents without any doubt a crucial time for her development, both on the physical and mental sides. The apparition of menstruation does not mean that the teenager body is ready to for the effort of procreation. Too many reports received by women organisations or established by doctors are showing how an early marriage is enticing a stop in the development and also the end of school. Statistics are clearly showing the high rates of morbidity and mortality after confinement in the generation of twelve to fifteen years.

Moreover in certain countries the age of marriage has been recently lowered in order to facilitate financial arrangements between families. We also know that to often Forced marriages, concluded by a family with a reluctant girl are unhappily still the rule even in the western countries.

Therefore Recalling:

- The article 16 of the Convention for the Elimination of all Discrimination Against Women CEDAW, on the freedom to contract marriage for both spouses together with the freedom of mutual consent,
- The 1962 Convention of the UN, entered in force December 9th 1964, fixing the minimum age of marriage to 15 year accomplished and requiring that all marriages be duly registered

Noting:

- That too many states are still tolerating or authorizing marriages under the age of fifteen
- Early marriages are depriving the young girls of education
- The high rate of death following confinement
- The link between the everlastingness of poverty and early marriages, as pointed out by many of our members around the world,

Considering that:

- The confusion between the moment of the girl child became nubile and the of marriage should not be used as reference for fixing the age of marrying,
That early marriages constitute a form of constraint and are a retard factor for development.

In Conclusion:

The International Council of Women ask the Commission on Human Rights and the Special Rapporteur on the Elimination of any Form of Violence against Women to

- Take into consideration in their conclusions the following:
 - The non respect of the legal age of marriage – as adopted in the legal instruments- is a mean of constraint on defenceless human beings
 - The illegality of engagements of two children or an adult and a girl child and the nullifying of all financial subsequent arrangements
 - Marriages under fifteen strictly forbidden
 - Forced marriages declared invalid and the accountable prosecuted
 - All marriages are duly registered with the competent authorities.
