

Commonwealth Roundtable on Early and Forced Marriage

14–15 October 2013, Marlborough House, London



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of this report.

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1. Introduction

Early and forced marriage (EFM) constitutes a serious human rights concern in the Commonwealth: of the 14 million girls who are married early every year, 7 million reside in Commonwealth countries (Royal Commonwealth Society and Plan UK 2011b). EFM represents a threat not only to the agency and wellbeing of children and young women as individuals, but has serious and marked consequences within societies and communities. The persistence of EFM undermines core human rights protections of children and young people, particularly young women and girls, across the Commonwealth.

The Commonwealth Charter clearly states that human rights, development and gender equality are at the core of Commonwealth shared values and principles. The advancement of women's rights, as well as the health and education of girls, are pre-conditions for the effective and sustainable development of societies across the association.

Commonwealth Heads of Government have recognised that EFM poses a serious challenge to the development and human rights of children and young people in member countries. *The Commonwealth Plan of Action for Gender Equality 2005–2015* recognises that harmful practices such as EFM violate the fundamental human rights of women and girls within Commonwealth countries and are to be eliminated as a matter of urgency (Commonwealth Secretariat 2005). Furthermore, in 2011, Heads of Government and law ministers agreed to historic statements in support of measures to end early and forced marriage (Commonwealth Law Ministers 2011).

In order to progress this mandate, in October 2013, senior representatives of Commonwealth member countries attended a high-level Roundtable on EFM convened by the Human Rights Unit of the Commonwealth Secretariat in partnership with Plan UK and the Royal Commonwealth Society (RCS).

The Roundtable enabled member countries to explore the well-established evidence base for practical and concrete action towards ending the practice across the Commonwealth; share learning and best practice in tackling EFM; spell out practical actions and steps needed at the national level to implement commitments made at the 2013 Commonwealth Heads of Government Meeting (CHOGM); and identify areas of technical assistance that may be useful in effectively addressing EFM, in furtherance of the Commonwealth Secretariat's Strategic Plan 2013–2017.

The meeting brought together state representatives, expert practitioners, representatives of national human rights institutions and civil society organisations (CSOs) from Australia, Bangladesh, Cameroon, Canada, Nigeria, Papua New Guinea, Sierra Leone, Solomon Islands, Sri Lanka, Trinidad and Tobago, Uganda and the United Kingdom (UK). The diverse representation highlighted a range of perspectives and led to a rich and wide-ranging discussion about how Commonwealth member countries are working to tackle EFM.

Opening remarks from the Commonwealth Deputy Secretary-General (DSG) and a keynote address from the UN Special Rapporteur on violence against women, its causes and consequences, set the scene, highlighting issues and challenges related to EFM, and framed the issue in the context of international human rights law and mechanisms.

The meeting was then organised into thematic sessions (see Annex 1 for a copy of the Roundtable Agenda), which examined best and promising practices from member countries in addressing EFM through legislative reform, prevention strategies, redress mechanisms, measures to support vulnerable communities, and initiatives by CSOs and national human rights institutions (NHRIs).

Participants then had an opportunity to discuss and explore issues arising from the thematic sessions in further detail in Working Groups on the following topics: legal reform and redress mechanisms; prevention strategies and vulnerable communities; and the role of CSOs and NHRIs. The Working Groups produced written summaries of agreed outcomes and recommendations for future action by member countries, which are annexed to this report.

In synthesising the Roundtable presentations and discussions, this report aims to serve as a reference on good and promising practices emerging from Commonwealth countries and to deepen understanding of efforts to tackle EFM across the Commonwealth.

2. Opening session: Understanding the context for the Commonwealth's engagement on EFM

The opening session was chaired by Advocate Karen McKenzie, Acting Head of Human Rights at the Commonwealth Secretariat, with opening remarks by Mmasekgoa Masire-Mwamba, Commonwealth Deputy Secretary-General, and a keynote address by Professor Rashida Manjoo, UN Special Rapporteur on violence against women, its causes and consequences.

2.1 Prevalence, causes and consequences of EFM

Both panellists drew attention to the wide prevalence of EFM globally, including across Commonwealth countries. Recent UN statistics estimate that by 2020, 140 million girls, or about 39,000 girls a day, will become child brides (United Nations Population Fund 2012). The panellists explained that such practices not only **violate the human rights of girls**, but also have far-reaching socioeconomic implications for the whole of society.

The session drew out the multifaceted causes and consequences of EFM. While gender roles vary between cultures and are influenced by a wide range of factors, including class, ethnicity and economic status, Professor Manjoo emphasised that **girls are typically less valued in all societies**, their age and sex combining to disadvantage them. Patriarchal laws, practices, stereotypes and traditional ways of socialising boys and girls all contribute to giving girls less power when negotiating marriage and their sexual and reproductive health and rights.

Early marriages are often regarded by families as a way of protecting girls from pre-marital sex. Unequal laws of consent for boys and girls reinforce the idea that it is acceptable to marry girls off younger than boys. The **social and economic circumstances of many families** often mean they view girls as a financial burden. Girls may also be married early to older men in the belief it will provide a **safeguard against 'immoral' behaviour** and to 'control' girls who rebel against their families' expectations or 'honour'.

However, as both panellists pointed out, the consequences for girls can be devastating. EFM exposes young girls to greater risk of maternal mortality (young girls are twice as likely to die in labour as women in their twenties), rape, violence and sexually transmitted diseases. EFM also acts as a barrier to education and employment, as girls are taken out of school early and forced to become economically dependent on their husbands.

The practice also has wide-reaching **implications for society as a whole**, since EFM perpetuates the cycle of poverty: girls who have grown up in poverty are more likely to become child brides and child brides are more likely to live and raise children in poverty.

2.2 Commonwealth commitments

The Commonwealth Deputy Secretary-General Mmasekgoa Masire-Mwamba drew attention to existing Commonwealth commitments to end EFM and promote gender equality:

- the Commonwealth Charter, the Commonwealth Secretariat's Strategic Plan 2013/2014–2016/2017 and the Commonwealth Plan of Action for Gender Equality all **recognise the importance of gender equality and women's empowerment as ends in themselves** and as essential preconditions for basic human rights and sustainable development in the Commonwealth; and
- in 2011, Commonwealth Heads of Government and law ministers agreed historic statements in support of specific measures to end early and forced marriage.

In this context, member countries have already introduced a range of measures to tackle EFM, such as girls' scholarship programmes; lowering the obstacles to school enrolment for young, married girls; legislative reform; and securing consent from both partners before marriages are sanctioned. The DSG pointed out that **education is a common denominator** in these interventions and a very powerful tool to affect change.

She concluded by situating the Roundtable within the context of other recent initiatives, which taken together, signal a growing global movement to end EFM. These include the adoption of a resolution by the UN Human Rights Council on 24 September 2013 aimed at strengthening efforts to prevent and eliminate child, early and forced marriage; plans for a panel discussion on EFM at the Human Rights Council in June 2014; and advocacy to ensure the post-2015 agenda, which will define global development plans in the future, includes some commitment to addressing the issue of EFM.

2.3 EFM and the international human rights framework

In her keynote address (see Annex III), Professor Rashida Manjoo, the UN Special Rapporteur on violence against women, its causes and consequences, outlined how international human rights law and corresponding mechanisms can provide Commonwealth countries with a useful framework for engaging on the issue of EFM.

Several international and regional instruments address the issue of early and forced marriage.¹ In addition, the Committees of the Convention on the Rights of the Child (CRC) and the Convention for the Elimination of All Forms of Discrimination against Women (CEDAW) are currently drafting a Joint General Recommendation/Comment on harmful practices, which will further clarify state obligations in this area.

Professor Manjoo's mandate has regularly examined manifestations, causes and consequences of violence against girls, including the issue of early and forced marriage. From this, she has concluded that measures taken by countries to tackle EFM, and violence against women and girls more broadly, require a **holistic approach** that focuses not only on legislative reform, access to justice and the provision of services for victims, but also tackles the **structural causes** that lead to practices such as EFM.

This means tackling the root causes and consequences of EFM at all levels of society (from the family to the transnational level) and adopting multifaceted strategies to prevent and combat such practices, which consider the **multiple and intersecting forms of discrimination** suffered by women and girls.

She believes successful responses rest on three pillars: **accountability; empowerment of women and girls; and transformation of societies** at all levels. Accountability, in the form of enforcing legislation and educating people about the law, must go hand in hand with practical measures to empower women and girls, and address the different forms of discrimination they face. Neither will work effectively if transformation of societies does not take place.

She also underlined her concern that EFM continues to be widely regarded as a private matter involving families and communities, not as a **public issue and a human rights concern**. Through a human rights lens, girls are seen as citizens entitled to enjoy the full spectrum of rights. This rights-based approach can help countries tackle the issue of EFM in a more holistic way.

¹ Article 16 of the Universal Declaration of Human Rights; articles 1 and 2 of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; article 2 of the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriage; and article 16(1)(b) and 16(2) of the Convention on the Elimination of Discrimination against Women. With regard to regional mechanisms and instruments, see for example article 17(2) of the American Convention of Human Rights; article 21(2) of the African Charter on the Rights and Welfare of the Child; resolution 1468 on Forced Marriages and Child Marriage by the Parliamentary Assembly of the Council of Europe; and article 3(d) of the South Asian Association for Regional Co-operation (SAARC) Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia.

3. Setting the scene: An outline of work to end EFM by the Royal Commonwealth Society, Plan UK and Girls Not Brides

This session was chaired by Ms Cynthia Gervais, Human Rights Adviser at the Commonwealth Secretariat. Presentations were made by Ms Kerry Smith, Head of Advocacy and Policy at Plan UK; Ms Catherine Clark, Deputy Director at the Royal Commonwealth Society; and Ms Laura Dickinson, Communications Officer at Girls Not Brides.

3.1 Working in partnership with CSOs to tackle EFM

The speakers reflected on the **importance of Commonwealth associates and Commonwealth civil society working together** to tackle this issue and highlighted a number of ways in which working collaboratively has delivered results, particularly at the advocacy level.

Ms Clark explained that the Royal Commonwealth Society and Plan UK have been working together since 2010 to raise awareness of women's rights issues, including EFM, in the Commonwealth. In 2011, they co-authored two reports with a focus on EFM,² and also worked collaboratively to get the issue of EFM included in the 2011 Communiqué of the Commonwealth Heads of Government Meeting.

Ms Dickinson highlighted how by **forming a global partnership** of more than 300 non-governmental organisations from more than 50 countries committed to ending child marriage, Girls Not Brides is working to strengthen action on EFM locally, nationally and globally. The diversity of member organisations reflects the scale of the problem and the breadth of solutions needed to resolve the issue.

The speakers outlined further opportunities for collective work in the future, including the need to keep raising awareness and pushing for action as part of the post-2015 agenda, on the occasion of the International Day of the Girl Child and as part of the CHOGM in Sri Lanka in November 2013.

2 See: Royal Commonwealth Society and Plan UK (2011a). The report compares how well girls/women relative to boys/men are faring across eight indicators in Commonwealth countries. See also Royal Commonwealth Society and Plan UK (2011b). The report reveals the prevalence and damaging effects of EFM across member countries.

3.2 Learning from CSO interventions

Panellists reinforced the need for a **holistic, multi-sectoral response** highlighted in the previous session. Ms Smith said that in Plan's view this must include improving access to girls' education; developing and implementing effective legislation; engaging the whole community (including religious leaders, teachers, girls, boys, and parents); ensuring the participation of girls in decisions which affect them; supporting girls and boys who are already married; supporting economic development and livelihood opportunities of communities; and providing accessible and girl-friendly sexual and reproductive health and rights information and services.

Ms Dickinson of Girls Not Brides reaffirmed the need for building partnerships with and consulting local leaders, **religious leaders and elders**, since culture and religion are often used to justify child marriage. She also pointed to the issue of **security** as an additional structural factor that impacts on EFM. In situations of conflict and humanitarian crisis, EFM can increase because families are often left feeling that marriage provides their daughters with protection from sexual violence and financial insecurity.

Panellists spoke about the need to **adapt approaches according to the country context** and to work at different levels, from the grassroots to engaging with government officials at the local and national levels. Ms Smith gave examples of Plan's multi-layered and country-specific approach to the issue. For example, in Bangladesh, Plan has supported communities to become 'child marriage-free' and has used a range of interventions, from digitisation of birth registration to national surveys on the prevalence of EFM.

She also highlighted the importance of **child-centred interventions**. Plan is supporting and training child advocates to speak out against EFM and prevent the practice by reporting suspected cases to the authorities. These young people, known as Plan Ambassadors, spoke out very powerfully at a joint event on EFM organised by Plan and the RCS in 2013.

4. Legislative reform in Australia and Sri Lanka

This session was chaired by Mr Jarvis Matiya, Head of the Justice Section, Legal and Constitutional Affairs Division at the Commonwealth Secretariat. Presentations were made by Ms Piyumanthi Peiris, Senior Assistant Secretary (Legal) at the Ministry of Justice, Sri Lanka and Ms Rachael Cooper, First Secretary at the Australia High Commission, London.

The session considered Commonwealth best practice in legislative responses to EFM, with a particular focus on the experiences of Australia and Sri Lanka.

4.1 Legislating to end EFM

Both Australia and Sri Lanka have introduced legislative measures to tackle EFM. In the case of Australia, Ms Cooper reported that little is actually known about the extent of early and forced marriage, although the government believes the practice to be common enough to warrant legislation.

The Australian government has located its response to the issue within its **strategy to combat serious forms of exploitation**, including human trafficking, slavery and other slavery-like practices, such as servitude and forced labour. In March 2013, it passed the Crimes Legislation Amendment to the Commonwealth Criminal Code Act 1995 to establish causing a person to enter into a forced marriage and being party to a forced marriage as new offences.

Ms Cooper outlined that the offences carry a maximum penalty of four years' imprisonment (or seven years' imprisonment for an aggravated offence) and apply where the marriage occurs in Australia, where the victim or the spouse is brought to Australia to get married, or where the victim is taken overseas to be married.

In addition, the Marriage Act 1961 includes provisions under which a marriage may be void if the consent of a party was not real. The Australian criminal framework also has in place civil measures to prevent children being taken overseas for the purpose of exploitation.

Ms Peiris highlighted how legislative reform has **succeeded in raising the age of marriage in Sri Lanka** by requiring that all marriages are registered and that the consent of both marriage partners be recorded. The Sri Lankan government also introduced amendments to the Penal Code in 1995 that define statutory rape as having sex with a girl less than 16 years of age, with or without her consent.

As a result, statistics from 2000 indicate marriage of girls under 15 dropped to 1.3 per cent and marriage of girls between the ages of 15–19 dropped to 19.7 per cent. At the same time, a demographic health survey indicates that only 1 per cent of Sri Lankan women aged 15–19 gave birth that year.

Ms Peiris did, however, point to discrepancies in some aspects of the legislative framework in Sri Lanka. She highlighted the need for the Muslim personal law to be amended, because it currently sets no minimum age of marriage for the Muslim community and sets the age for statutory rape at 12, which is at odds with the provision in the Penal Code that sex with a girl under the age of 16 is considered child abuse.

Participants agreed that the legal definition of forced marriage is important. For example, there is a need to make a **distinction between forced and arranged marriages**. Ms Smith outlined Plan's position, which states that girls under the age of 18 can enter marriages that are legal and not forced. However, the organisation also recognises that arranged marriages can be a 'smoke screen' for forced marriages, so it's important to make information available to girls on their rights.

4.2 The importance of non-legislative measures

Both speakers cited the importance of introducing other, **non-legislative measures** to complement the legal reforms their countries have introduced, and warned of the dangers of looking at legal reform in isolation from other factors.

Ms Peiris cited the introduction of free, state-funded and compulsory education for girls and boys between 5 and 14 years of age as a key factor in raising the age of marriage in Sri Lanka. By **educating girls** Sri Lanka has been able to increase the socioeconomic status of girls and **deter or delay child marriage**. She also mentioned the introduction of more accessible procedures for registration of births and marriages.

In Australia, the government has worked in **consultation with communities** to raise awareness about EFM. The government plans to continue **developing awareness materials** and delivering training at the community level, as well as educating key stakeholders responsible for implementing the legislation, such as marriage celebrants, the federal police, the Attorney-General's Office and the Department of Immigration and Border Protection.

Ms Cooper also outlined the range of **protection and support frameworks available to victims of EFM** through the Support for Trafficked People programme, which includes access to the Australian government's Human Trafficking Visa Framework and support in the form of counselling, legal advice and access to accommodation. Protection is also available for witnesses giving evidence in Commonwealth criminal proceedings, including victims of forced marriage.

4.3 Key challenges to effective implementation of legislation

Ms Peiris explained that while Sri Lanka has made great progress in raising the age of marriage, there have been a number of challenges around effective implementation of the law, which underlines the need for legal reform to be understood in the context of the reality on the ground in each country.

The years of armed conflict resulted in a **marked increase in cases of EFM** and teenage pregnancy in conflict-affected areas and in internally displaced communities. Girls in the north and east of the country were often married off early to prevent forcible conscription into the Liberation Tigers of Tamil Eelam (LTTE).

There is a **lack of awareness** among some officials, parents and families about the reasons for legislating against EFM, which has given rise to corruption and falsification of birth and marriage registers. Customary marriage has become a common way of justifying underage cohabitation or marriage.

Ms Peiris also highlighted the **inadequacy of support systems** available for girls in Sri Lanka. Typically, if the police identify a case of EFM or underage sex, the men are prosecuted and the girls are issued with a court order and sent to homes or shelters. However, probation officers are often reluctant to place girls in children's homes because of the inadequacy of these institutions. Officials will sometimes consider returning the girl to her husband as an acceptable alternative.

5. Prevention strategies in Bangladesh and Papua New Guinea

This session was chaired by Ms Katherine Ellis, Director of the Youth Affairs Division at the Commonwealth Secretariat. Presentations were made by Dr Abul Hossain, Deputy Secretary and Project Director, Multi-Sectoral Programme on Violence against Women, Bangladesh, who joined the Roundtable by conference call, and Mr Simon Yanis, Director of Lukautim Pikinini (formerly Child Welfare), Papua New Guinea.

5.1 Engaging young people in prevention

Dr Hossain explained that although national laws in Bangladesh prohibit the marriage of girls below 18 years of age and boys below 21 years of age, the country has one of the highest rates of early marriage in the world.³ A higher proportion of girls (71%) in rural areas marry before 18 than in urban areas (54%), and girls from poorer families are more vulnerable to EFM because of the perception that a younger bride can be married with a smaller dowry.⁴

He outlined how the Ministry of Women and Children's Affairs has established **adolescent clubs** to support the government's efforts to prevent EFM. There are now clubs in 379 unions in 7 selected districts, with 20 girls and 10 boys between the ages of 11 and 17 years in each club. The young people meet twice a week to discuss issues such as child marriage, dowry, violence against women and children, trafficking and school drop-outs. The children then act as peer educators, educating other children about the causes and consequences of EFM. In some cases, they have advocated with parents, school authorities and local government institutions acting to bring about an end to EFM.

Dr Hossain added that these efforts have gone hand in hand with raising awareness about EFM through the media, in community meetings, among religious leaders and in fathers' clubs.

5.2 Working in partnership to prevent EFM

A common theme in this session was the importance of co-ordination and working in partnership to prevent EFM. An emphasis on co-operation at all levels from the grassroots to national level recently led to the creation of a National Action Plan to Prevent Violence against Women in Bangladesh, which will bring together all actors, including civil society, government officials and community organisations, under one framework.

3 The 2011 census figures state the average age of marriage is 23.9 for men and 17.5 for girls. UNICEF data suggests that in the developing world, one third of women aged 20–24 were married by the age of 18. (UNICEF 2012).

4 Dowry: Transfers that flow from the bride's family to the groom's family. (Source: Goody, J. and Tambiah, S.J. (1973) *Bridewealth and Dowry*. Cambridge: University Press) and Dowry: the money, goods, or estate that a woman brings to her husband in marriage (Source: Merriam-Webster Online, m-w.com)

The Ministry of Women and Children's Affairs has established a national centre on gender-based violence, which has a focus on, among other things, the issue of EFM. Thirteen national and international non-governmental organisations working in Bangladesh have also formed the Girls Not Brides Bangladesh Alliance, in collaboration with the global network, to launch a national programme to end EFM.

Mr Yanis explained that in Papua New Guinea (PNG) co-ordination between different groups working on the issue of EFM is a challenge, although one network, the Family and Sexual Violence Committee, has been very effective in collecting data and providing counselling and support to women and girls in every hospital and clinic in PNG.

5.3 Challenges encountered

The session revealed that challenges in preventing and addressing the gap between the law and implementation are common. Mr Yanis explained that the government of Papua New Guinea has taken various legislative steps towards tackling EFM, including the enactment of the Sexual Offences Act, the Criminalisation of Domestic Violence Act and the Family Protection Act, as well as the ratification of the Convention on the Elimination of All Forms of Discrimination against Women.

However, early marriage rates remain relatively high – 21 per cent of women in Papua New Guinea marry before the age of 18 – although the prevalence of EFM remains statistically lower than in other regions globally. High illiteracy rates, geographical distance between the population and available services, **poor data collection** and inadequate co-ordination between partners limit the effective implementation of these laws.

Both panellists concluded that one of the most important measures for prevention is **girls' education**. In Bangladesh, the government has introduced a number of measures to encourage girls and boys to continue their education, such as stipends for the poorest students, free education for girls up to year 12, and free midday meals and books at primary school level.

In the discussion segment, Professor Manjoo expressed concern at information that in Papua New Guinea, EFM was being exacerbated by expatriate workers, particularly in mining industries, entering into 'informal agreements' with families to cohabit with very young girls in exchange for financial support. At the end of their assignment, workers allegedly return to their home countries, making no provision for the girls or any children fathered by them. Ms Ellis suggested there is a need for greater collaboration between the private sector – in this instance the mining companies – and CSOs and the government in addressing EFM.

6. Redress and support mechanisms in Cameroon and Nigeria

This session was chaired by Ms Esther Eghobamien, Interim Director of the Social Transformation Programmes Division at the Commonwealth Secretariat. Presentations were made by Ms Emilia Nkamchor, Inspector General at the Ministry of Women's Affairs, Cameroon, and Mrs Obiageli Josephine Chinelo Okwuonu, Deputy Director, Social Welfare, the Federal Ministry of Women Affairs and Social Development, Nigeria.

6.1 Socioeconomic measures to address EFM

Speakers highlighted the poverty faced by families and **girls' economic dependence on men** as a major driver of EFM in Cameroon and Nigeria. In some communities in Cameroon, girls are promised to their husbands at birth as a means of guaranteeing a steady income for the family.

Prevalence rates of EFM are high in both countries,⁵ and the practice is not currently criminalised in either country, although the Penal Code in Cameroon is under revision to criminalise early marriage and violence against women and girls, including sexual assault. A draft Family Code also contains provisions to increase the minimum age for marriage to 18 years for both boys and girls. Nigeria's Forced Marriage (Civil Protection) Act of 2007 criminalises marriage in which one or both spouses do not (or in the case of some adults with disabilities, cannot) consent to marriage and where duress is involved.

Ms Nkamchor outlined a number of measures the government has introduced to support girls and their families financially and to reduce the need to marry girls early. These include **support for income-generation activities** funded by the Women's Empowerment Centres, which have been set up around the country to provide different forms of support for women and their families. The government has also established 'toll-free' emergency telephone helplines in all ten regions of Cameroon, with the aim of reducing levels of domestic violence, including violence related to EFM.

6.2 Engaging traditional and religious leaders

As noted earlier in the Roundtable, this session similarly highlighted how **discriminatory traditional or religious practices drive EFM** in many countries. Both speakers mentioned that early marriage is seen as a way of preserving family 'honour' and girls' virginity, safeguarding against 'inappropriate behaviour'. Polygamous marriage is recognised under civil law in both Nigeria and Cameroon, and EFM often takes place within groups with polygamous traditions. Ms Nkamchor said that the issue of **polygamy has also held up progress** in reforming the Family Code in Cameroon.

⁵ In Cameroon, 22 per cent of women aged 25–49 were married by the age of 15 and 50 per cent were married by the age of 18. In Nigeria, 39 per cent of girls aged 20–24 were married under the age of 18. (USAID 2004; UNPD 2012).

Mrs Okwuonu⁶ added that the issue of EFM is not exclusive to one community or cultural group within Nigeria, but cuts across the different religious and cultural communities. Marriage is governed by three legal systems – Islamic, civil (statutory) and customary law – and even when couples marry under statutory law, customary laws generally prevail in personal matters. There is no minimum age for marriage in most customary systems in the country.

Given that EFM can be exacerbated by the cultural silence surrounding the issue, it is extremely important to **educate and engage traditional and religious leaders** in efforts to eradicate the practice. Mrs Okwuonu noted that the Nigerian government plans to hold a national training workshop in December 2013, targeting traditional leaders, social workers and teachers to raise awareness of the issue and increase support for adherence to the minimum age of marriage.

In Cameroon, to increase awareness among traditional leaders, the government, working in partnership with CSOs, has signed a declaration with the Council of Imams on the importance of education for Muslim girls. However, Ms Nkamchor underlined the need to encourage traditional and religious authorities to become much more engaged in the fight against EFM, and gender-based violence more broadly.

6.3 Other actions

Speakers affirmed the need to **strengthen the capacity of institutions and service providers** tasked with protecting vulnerable girls and women and addressing EFM. In Cameroon, the government has provided training for court auxiliaries, magistrates, lawyers and solicitors on the provisions of CEDAW and on facilitating access to justice for survivors of domestic violence. The Federal Ministry of Women Affairs and Social Development in Nigeria, working with support from USAID and UNICEF, has provided training on child rights issues for social workers and legal officers. The ministry has also started working more collaboratively with the National Human Rights Commission and the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) in the areas of child protection and family case work.

The Cameroon government, working in partnership with CSOs, has made **use of the media to raise public awareness** about the rights of the child and the impact of early marriage. The government has produced public education materials and ensured these are translated into local languages, as well as English and French. The government has also worked with Plan Cameroon to launch a petition to encourage girls to 'say no to EFM and yes to education'.

In spite of this progress, there was agreement that many challenges remain, including tackling the **coexistence of different legal standards** (on this, participants agreed there was need for further discussion about how to amend national laws to ensure they are in line with international standards), a shortage of human and financial resources, the inadequate level of involvement of traditional and religious leaders, the continuing sexual division of labour, women's economic dependence on men, and a lack of relevant data and statistics.

⁶ Mrs Okwuonu attended the Roundtable, but was unable to make her presentation for health reasons. She provided the text of her presentation to the Secretariat.

7. Ending EFM among vulnerable communities in Sierra Leone, Solomon Islands, Trinidad and Tobago, and the UK

This session was chaired by Ms Diana Copper, Human Rights Adviser at the Commonwealth Secretariat. Presentations were made by Mrs Mariatu Bangura, Director of Children's Affairs, Ministry of Social Welfare, Sierra Leone; Ms Sophia Munamua, Principal Legal Officer, Family Protection Unit, Solomon Islands; Mr Ian Rampersad, Director of the International Law and Human Rights Unit, Ministry of the Attorney General, Trinidad and Tobago; and Mr Christian Papaleontiou, Head of Interpersonal Violence, Home Office, UK.

7.1 Challenges related to addressing EFM among vulnerable populations

This session drew out the specific needs and vulnerabilities within some of the smaller Commonwealth countries and how this impacts on efforts to tackle EFM. Mr Rampersad highlighted the diverse ethnic, religious and cultural make-up of Trinidad and Tobago's small population and the four different Marriage Acts currently enshrined in law, each of which sets different ages for marriage. The Hindu, Muslim and Orisa religious groups all allow for marriage under the age of 18. This poses significant **challenges for finding consensus among religious leaders** on the issue of standardising the age of marriage and consent in line with international best practice.

Ms Munamua explained that Solomon Islands has a diverse population, with many different languages and cultural traditions, scattered over a large area. Customary practices vary depending on whether one is Melanesian, Polynesian or Micronesian. The arrangement of **customary marriage is closely tied to the concept of customary land inheritance** and the need to continue passing land ownership through lineage, whether in the patrilineal or matrilineal system of land ownership. Most communities also practice payment of bride-price.⁷

Ms Munamua added that there is no legal age for customary marriage in Solomon Islands and it is not compulsory to register these marriages. The **disjuncture between customary and formal marriage laws** makes it challenging to lay down sanctions for customary marriages, and even though the government has introduced a number of legislative reforms and policies, there is effectively no protection in the formal legal system for girls married under the customary system.

⁷ Bride-price: Transfers that flow from the groom's family to the bride's family. (Source: Goody, J. and Tambiah, S.J. (1973) *Bridewealth and Dowry*. Cambridge: University Press)
Bride-price: a payment given by or in behalf of a prospective husband to the bride's family in many cultures. (Source: Merriam-Webster Online, m-w.com)

7.2 Building consensus for change among vulnerable communities

All presentations emphasised the **need to build consensus** and find **non-controversial entry points** for approaching the issue of EFM when working with vulnerable communities. Mr Rampersad explained that the government of Trinidad and Tobago has adopted a guarded approach to EFM because, while it remains committed to re-examining the law in relation to child marriage, it is also cognisant of the religious sensitivities of different communities.

The government has held **national consultations to encourage debate** on the religious and cultural implications of the standardisation of the age of marriage and the impact of child marriage on child rights and national development. These discussions highlighted the need for **ongoing dialogue with all stakeholders** to establish the most effective policy approach and build consensus around the issue. The government has also conducted different types of outreach in the health, education and rural sectors to address some of the factors that lead to and result from EFM. For example, its Early Motherhood Programme encourages teenage mothers to continue their formal education, while providing information on how to care for their children.

Mr Papaleontiou highlighted that the UK government's work to tackle EFM involves 13 government departments, in recognition of the intractable and complex nature of the issue. He noted that EFM in the UK mainly involves diaspora communities, with 60 per cent of the cases of EFM victims being of Asian descent, in particular from Pakistan, Bangladesh and India. By locating the UK's EFM strategy within its broader response to tackling violence against women and girls, the government is recognising that one of the core drivers of EFM is gender inequality, which is a cross-cutting issue in all communities and groups.

He highlighted that a key part of tackling the issue of EFM in the UK hinges on how well the government engages with affected communities, especially the younger demographic, and how it balances mainstream activities, such as national campaigns on harmful traditional practices, with **targeted interventions that reach out to these communities**. The latter has included engaging with leaders from key communities and organising more than 100 events in metropolitan areas each year.

More than a decade after its civil war ended, Sierra Leone is making progress in tackling EFM. Prevalence has declined in the last five years, which Mrs Bangura attributed to the introduction of a number of different strategies, including legislative reform, awareness-raising through the establishment of community advocacy groups, support for girls' education and for survivors of gender-based violence, and working with men and traditional leaders to advocate for an end to the practice. She highlighted the government's strategy of engaging the Inter-Religious Council of Sierra Leone (IRC-SL) in the development and enforcement of bylaws that prohibit child marriage through a **process of dialogue and consultation with communities and religious leaders** in 12 chiefdoms as key in mobilising communities to challenge harmful social norms.

7.3 Additional measures required

Panellists affirmed the need for **improvements in data collection and birth and marriage registration**. In Sierra Leone, for example, retrospective data on child marriage is routinely gathered through national surveys, but there is a lack of information in administrative systems about the age of marriage because children are rarely registered at birth and marriage certificates are not issued systematically.

Ms Munamua highlighted the **lack of human and financial resources** available to the Law Commission and the Ministry of Women, Youth and Children's Affairs for progressing legislative reform and awareness-raising and for outreach measures needed in Solomon Islands.

There was agreement on the need for **stronger co-ordination among key stakeholders** to strengthen legislative reform and law enforcement. Mrs Bangura also felt there was a need for greater investment in scaling up community programmes and initiatives that can reinforce national policies. She cited the Child Welfare Committees in Sierra Leone, which aim to promote and reinforce child rights at the village, ward and community levels, as an example.

8. The role of national human rights institutions and CSOs: Perspectives from the Uganda Human Rights Commission and Plan UK

This session was chaired by Ms Lakshmi Sundaram, Global Co-ordinator of Girls Not Brides. Presentations were made by Ms Tania Barron, CEO of Plan UK and Advocate Ida Nakiganda, Director of Research, Education and Documentation at the Ugandan Human Rights Commission (UHRC).

Ms Sundaram pointed out that EFM is rooted in social norms, and therefore governments cannot tackle the issue alone, but need to work in partnership with civil society, national human rights institutions and other actors. The speakers highlighted the important contribution that both civil society organisations and national human rights institutions (NHRIs) can make in this regard.

8.1 Working at different levels

Both presenters spoke of the importance of working at different levels to tackle EFM. The Uganda Human Rights Commission has the mandate to investigate and resolve alleged human rights violations, monitor the government's compliance with its human rights obligations and educate the public about their rights, duties and obligations.

They see the issue of EFM, which is prevalent throughout Uganda,⁸ as a major **human rights violation** and are working to tackle it in a number of ways: by highlighting the issue in their annual reports to the Ugandan parliament; through human rights education campaigns, including radio debates on the issue of EFM; by mediating when families are about to marry off their underage daughters; and by conducting informal community meetings and convening school clubs that champion the importance of girls' education and support young people to act as 'whistle-blowers' in cases of EFM. The UHRC is also part of the **Network of African National Human Rights Institutions (NANHRI)**, which facilitates learning and sharing of information between NHRIs in the region on this and other issues.

Drawing upon Plan's experiences of working in different countries around the world, Ms Barron said it was important for CSOs to **engage with both 'supply' and 'demand'** – supporting governments to 'supply' laws, policies and other tools needed to tackle EFM, but also **helping citizens to 'demand' their rights**. Plan has found that strengthening and empowering young people through schools, advocacy groups and child protection clubs has helped young people negotiate and gain traction with district officials and government representatives on issues of concern to them, including EFM.

⁸ In Uganda 46 per cent of women aged 20–24 were married before they were 18. (UNPF 2012, 23).

In terms of government engagement, Plan adjusts its strategy to the specific context: where a country already has specific legislation on EFM, for example, it will focus its efforts at the local or regional level to ensure the law is implemented.

8.2 Identifying emerging patterns within a country

Advocate Nakiganda outlined the role an NHRI can play in **identifying patterns of vulnerability** within a country, which can enable the state to tailor its interventions accordingly. In Uganda, the UHRC receives complaints of human rights violations from all regions of the country and will periodically review the emerging trends. In some regions, the main issue may be child labour violations; in others, it may be child abuse in the form of violence within the family setting.

In conflict-affected northern Uganda, the UHRC identified the need for psychosocial support for returnee children who had been forced into marriages with the rebels, which was complemented by work to strengthen the police and court systems.

8.3 Common ongoing challenges

The session brought out a number of challenges that were highlighted earlier in the Roundtable, including the tension between human rights, formal laws and culture, and the difficult task of **changing deep-rooted traditional attitudes** that are used to justify EFM. Effectively addressing this tension is particularly difficult when cultural and traditional rights are afforded protection by the laws or constitution of a country, which is still the case in many parts of the Commonwealth.

Another common challenge that was underscored is the issue of **how to harmonise laws relevant to ending EFM**. Advocate Nakiganda highlighted the difficulty faced in the Ugandan context, where the constitution specifies the minimum age of marriage as 18, the Marriage Act states the minimum age of marriage should be 21, but notes that it can take place earlier if consent is obtained in writing, and the Customary Act provides for the minimum age of marriage to be 16 for girls and 18 for boys.

The importance of **involving men and boys** in finding solutions, allocating **sufficient funding** to tackle the issue and **strengthening data collection** were also raised. Advocate Nakiganda additionally highlighted the importance of government, CSOs and NRIs working together to **sustain and co-ordinate awareness programmes** at the community level, because the fight against EFM requires long-term investment in changing attitudes from a number of different stakeholders.

9. Conclusion

The Roundtable on Early and Forced Marriage provided an opportunity to share a wide range of experiences, strategies and best practices from around the Commonwealth. Best practices explored included legislative reform to protect women and girls from EFM by raising the legal age or requiring consent of both spouses to be registered; engaging and building the capacity of structures such as the police, judiciary, religious and traditional leaders and networks of young people; increasing girls' access to education, employment and justice; identifying and addressing the different facets of EFM, such as focusing on conflict and post-conflict situations in which girls may be at increased risk of being married off early; and conducting awareness-raising activities through a range of different media.

The fundamental role that CSOs and national human rights institutions play in bringing an end to this practice was also explored, and the need for closer collaboration between different sectors of society to address the issue was underscored. Another message that was strongly emphasised was the need to understand the national and local context in order to define workable strategies.

The meeting also drew out gaps and challenges that need to be addressed, including the disconnect between national laws, human rights and customary laws, and between law and implementation on the ground; the lack of monitoring and data collection; lack of support available to girls who are already married; strongly entrenched traditions and patriarchal cultures; and issues of co-ordination, poverty eradication and gender inequality.

Participants convened in Working Groups on the second day of the Roundtable to distil best practices emerging in the Commonwealth and recommend a way forward to end early and forced marriage. The outcomes from the Working Groups are included in Annex IV.

There was agreement among participants that the Commonwealth has a substantive contribution to make in ending EFM. The Commonwealth Secretariat is ideally positioned to facilitate exchanges of learning, drawing on best practice from member countries. Participants agreed that the Secretariat could play an instrumental role in facilitating engagement of member countries with other inter-governmental organisations, such as the United Nations, in order to advance the global momentum to end EFM, for example through sponsoring and supporting resolutions, participating in panel discussions and contributing to thematic reports.

Participants emphasised the need to strongly encourage member countries to adopt a holistic, multisectoral approach to EFM, strengthening *inter alia* co-operation with CSOs nationally and internationally.

Participants recommended that Commonwealth Heads of Government, who met in Colombo in November 2013, note the outcomes of the Roundtable and build on existing commitments to further Commonwealth leadership on EFM.

Ending EFM is a long-term process that will require sustained and co-ordinated responses across Commonwealth member countries. This report shares some Commonwealth best and promising practices that are working and urges their escalation in order to gain traction in eradicating this practice.

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Annexes

Annex I

Agenda

Annex II

Opening Remarks by Commonwealth Deputy Secretary-General, Mmasekgoa
Masire-Mwamba

Annex III

Keynote address by Special Rapporteur on violence against women, its causes and
consequences , Professor Rashida Manjoo

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Working Group outcomes

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Annex I. Agenda

Commonwealth Roundtable on Early and Forced Marriage 14–15 October 2013 Marlborough House, London, UK

Day 1: 14 October 2013			
Time and session	Facilitator	Overview	Expected outcome
09:30–10:00 Participant Registration and Morning Refreshments			
Opening Session 10:00–11:00	Advocate Karen McKenzie , Head of Human Rights, Commonwealth Secretariat	Mrs Mmasekgoa Masire-Mwamba , Commonwealth Deputy Secretary-General: Opening remarks Professor Rashida Manjoo , UN Special Rapporteur on Violence against Women, its causes and consequences: Keynote address	<ul style="list-style-type: none"> Greater understanding of the context for the Commonwealth's engagement on EFM. Greater understanding of international human rights law relating to EFM and international human rights mechanisms, such as the Universal Periodic Review and Special Procedures that provide a framework for engagement.
Session 1: Setting the scene 11:00–11:45	Ms Cynthia Gervais , Human Rights Adviser, Commonwealth Secretariat	Introduction of participants – tour de table Ms Catherine Clark , Deputy Director, Royal Commonwealth Society Ms Kerry Smith , Head of Advocacy and Campaigns, Plan UK Ms Laura Dickinson , Communication Officer, Girls not Brides	<ul style="list-style-type: none"> Introducing participants in the Roundtable. Setting the scene in regard to the issues and challenges relating to EFM. Brief outline of the work done by the RCS, Plan UK and Girls Not Brides in regard to ending early and forced marriage.
Session 2: Ending EFM – Legislative reform 11:45–12:30	Mr Jarvis Matiya , Head of Justice Section, Legal and Constitutional Affairs, Commonwealth Secretariat	Ms Piyumanthi Peiris , Senior Assistant Secretary (Legal), Ministry of Justice, Sri Lanka Ms Rachael Cooper , First Secretary, Australian High Commission, London	<ul style="list-style-type: none"> Better understanding of best practices from Commonwealth countries of the role of legislative reform in addressing EFM, such as measures aimed at introducing birth certification, raising the legal age of marriage and the introduction of compulsory primary education.
12:15–13:30 Lunch and Group Photograph			

Day 1: 14 October 2013			
Time and session	Facilitator	Overview	Expected outcome
Session 3: Ending EFM – Prevention strategies 13:30–14:30	Ms Katherine Ellis , Director, Youth Affairs Division, Commonwealth Secretariat	Dr Abul Hossain , Deputy Secretary and Project Director, Multi- Sectoral Programme on Violence against Women, Bangladesh (by telephone link) Mr Simon Yanis , Director, Lukautim Pikinini (formerly Child Welfare), Papua New Guinea	<ul style="list-style-type: none"> Greater understanding of best practices from Commonwealth countries of successful prevention strategies to safeguard girls from EFM, for example community-based education programmes challenging gender stereotypes, and integration of EFM prevention in the school curriculum.
Session 4: Ending EFM – Redress and support mechanisms 14:30–15:15	Ms Esther Eghobamien , Interim Director, Social Transformation Programmes Division	Ms Emilia Nkamchor , Inspector General, Ministry of Women's Affairs, Cameroon Mrs Obiageli Josephine Chinelo Okwuonu , Deputy Director Social Welfare, the Federal Ministry of Women Affairs and Social Development (FMWASD), Nigeria	<ul style="list-style-type: none"> Improved understanding of best practices from Commonwealth countries of successful redress and support mechanisms, for example the strengthening of child protection systems, provision of psychosocial support and investment in support networks, shelters and rehabilitation.
Session 5: Ending early and forced marriage among vulnerable communities 15:15–16:30	Ms Diana Copper , Human Rights Adviser, Commonwealth Secretariat	Mrs Mariatu Bangura , Director, Children's Affairs, Ministry of Social Welfare, Sierra Leone Ms Sophia Munamua , Principal Legal Officer, Family Protection Unit, Solomon Islands Mr Ian Rampersad , Director, International Law and Human Rights Unit, Ministry of the Attorney General, Trinidad and Tobago Mr Christian Papaleontiou , Head of Interpersonal Violence, Home Office, UK	<ul style="list-style-type: none"> Improved understanding of the challenges unique to vulnerable communities.
Wrap up day 1: 16:30–16:45	Advocate Karen McKenzie		
Afternoon Tea 16:45–17:15 (Atrium)			

Day 2: 15 October 2013			
Time and session	Facilitator	Overview	Expected outcome
09:30–10:00 Morning Refreshments			
Session 6: The role of national human rights institutions and civil society in ending early and forced marriage in the Commonwealth 10:00–11:00	Ms Lakshmi Sundaram , Global Coordinator, Girls Not Brides	Ms Tania Barron , CEO, Plan UK Advocate Ida Nakiganda , Director of Research, Education and Documentation, Uganda Human Rights Commission	• Strengthened awareness of the constructive role which national human rights institutions and civil society organisations can play in ending early and forced marriage.
Session 7A: Working Group deliberations 11:00–13:15	Mr Sumedha Ekanayake , Human Rights Officer, Commonwealth Secretariat Appointed chairpersons for each Working Group: Professor Rashida Manjoo , UN Special Rapporteur on violence against women, its causes and consequences Mr Scott Proudfoot , Minister Counsellor, Canadian High Commission Ms Ceri Hayes , Director and Founder, Gender Matters	Working Groups (WG): Group 1: Legal reform and redress mechanisms Group 2: Prevention strategies and vulnerable communities Group 3: The role of civil society organisations and national human rights institutions WG questions may include: <ul style="list-style-type: none">• What are the challenges and what have been the lessons learned internationally and in the Commonwealth?• What should be the role of governments, the judiciary, national human rights institutions, parliament, gender machineries, civil society organisations, intergovernmental organisations (Commonwealth)?• What are the areas of technical assistance that would be beneficial to member countries?	Each Working Group will be facilitated by a chairperson. Each Working Group will develop a written summary of agreed outcomes ready to present in Session 7B.
13:15–15:30 Lunch			
Session 7B: Working Groups report back to plenary 15:30–16:30	Advocate Karen McKenzie	Appointed chairpersons present their WG reports to plenary.	
Concluding Session 16:30–7:00		Closing remarks and Vote of Thanks: DSG Mmasekgoa Masire-Mwamba Advocate Karen McKenzie	

Annex II. Opening remarks

Commonwealth Deputy Secretary-General Mmasekgoa Masire-Mwamba

Professor Rashida Manjoo, UN Special Rapporteur on violence against women, its causes and consequences, distinguished representatives of High Commissioners, distinguished senior officials, colleagues, ladies and gentlemen, good morning and welcome to Marlborough House.

It is a pleasure for me to open the Commonwealth Roundtable on Early and Forced Marriage, a meeting I hope will allow for fruitful discussions on Commonwealth best practices and strategies to combat EFM, which reportedly affects 39,000 girls every day.

The recognition that gender equality and women's empowerment constitute essential components of basic human rights and human development, is underscored in the **Commonwealth Charter**. This charter is reflective of the shared values and principles of member countries, and further recognises that the advancement of women's rights and the education of girls are critical preconditions for effective and sustainable development.

Gender equality and the empowerment of women are key intermediate outcomes of the **Commonwealth Secretariat's new Strategic Plan**. Further, the **Commonwealth Plan of Action for Gender Equality** seeks to advance the commitment of Commonwealth member countries towards gender equality and rights protection.

In 2011 Commonwealth Heads of Government and law ministers made historic statements in support of measures to end early and forced marriage. Their commitment underlined the need for a constructive and co-operative approach to practical steps aimed at the elimination of EFM across the Commonwealth, and further emphasised the importance of sharing best practice to promote and implement measures to tackle EFM.

International treaties and conventions have identified forced and child marriage as a serious violation of the most basic of human rights. Forced and child marriages undermine the fundamental basic protections guaranteed by the Convention on the Rights of the Child. The Universal Declaration on Human Rights additionally maintains the consensual nature of all marriages and affirms that men and women are entitled to equal rights when entering into and during marriage. The Convention on the Elimination of All Forms of Discrimination against Women further affirms the will of the international community to eliminate discriminatory practices against women and girls in matters related to marriage and has emphasised that steps be taken against child marriage, including the specification of a minimum age of marriage and compulsory registration of marriage certificates.

The United Nations Universal Periodic Review has also highlighted EFM as a key human rights issue. A number of Commonwealth countries have received and accepted recommendations in relation to addressing EFM. The Commonwealth Secretariat's new Strategic Plan identifies the provision of technical assistance to member countries for the implementation of accepted outcomes from the Universal Periodic Review, as a key human rights work area over the next four years.

We have convened this Roundtable to assess and discuss best practices and experiences aimed at ending EFM in the Commonwealth through legislative reform, preventative strategies, the development of successful redress and support mechanisms, engagement and co-operation with vulnerable communities, indigenous peoples, minorities and communities within post-conflict societies, as well as to consider the role of national human rights institutions and civil society in ending this practice.

During these two days you **will explore the well-established case for practical and concrete action** towards ending EFM in the Commonwealth, as it is relevant to the right to education, the right to health and reproductive rights, and the right to be free from violence. Best practices to end EFM throughout the Commonwealth vary significantly, yet are reflective of a collective will to end this practice. Promising examples include successful legislative reform requiring that all marriage licenses be registered and the consent of both marital partners recorded, prevention tools such as social protection programmes and scholarships, and mentoring schemes for primary and secondary school girls to ensure girls have access to and stay in education. Civil society initiatives aiming to increase awareness on EFM through the empowerment of adolescent boys and girls to be aware of their rights, particularly the right to education, have also been successful. These best practices are encouraging and I hope all of us will be able to share success stories to encourage one another along the way towards an end to EFM in the Commonwealth.

Today's event is **part of a global movement towards an end to EFM**, one that has been gaining momentum in recent months. In June, I spoke at the High Level Event organised by the Royal Commonwealth Society and Plan UK, hosted at the Canadian High Commission here in London. On 24 September 2013 the Human Rights Council adopted a resolution on 'Strengthening efforts to prevent and eliminate child, early and forced marriage: challenges, achievements, best practices and implementation gaps'. The resolution calls for the convening of a panel discussion on preventing and eliminating child, early and forced marriage, with a particular focus on challenges, achievements, best practices and implementation gaps, at the council's twenty-sixth session in June 2014. The resolution also requested the Office of the UN High Commissioner for Human Rights (OHCHR) to prepare a report, in consultation with States, United Nations agencies, funds and programmes, civil society and other relevant stakeholders, on preventing and eliminating child, early and forced marriage, with a particular focus on challenges, achievements, best practices and implementation gaps, to be submitted to the Human Rights Council to guide the panel discussion in June. The Secretariat will be contributing the outcomes and deliberations of this Roundtable to the OHCHR report, as well as to the panel discussion in the Human Rights Council in June 2014.

As senior officials, I urge you to strengthen our work towards ensuring that we give back to girls and young women the right to choose when and whom they wish to marry, the right to choose education before marriage and the right to be girls and young women before they assume a life as adults.

Thank you and best wishes for constructive deliberations.

Annex III. Keynote address

UN Special Rapporteur on violence against women, its causes and consequences , Professor Rashida Manjoo

Distinguished participants,

It is an honour for me to participate in this roundtable discussion organized by the Human Rights Unit of the Commonwealth Secretariat, in partnership with Plan UK and the Royal Commonwealth Society (RCS). I commend the commitment of the Commonwealth Heads of Government and Commonwealth Law Ministers to address the issue of early and forced marriage, to consider actions to support the rights of women and children, and to share best practices to promote the implementation of measures to tackle early and forced marriage.

Introduction

My mandate has consistently adopted a holistic approach to violence against women and girls by recognizing it as a form of discrimination and subordination at both the individual and structural levels. By stressing that violence against women and girls results from a complex interplay of individual, family, community, economic and social factors,⁹ the mandate situates violence on a continuum not only in the physical and social spaces where it occurs, but also throughout the life cycle. Hence my mandate has regularly examined manifestations, causes and consequences of violence against girls, protecting girls who have been subjected to violence and providing them with effective redress in line with the international human rights obligations they have undertaken.

According to the United Nations Population Fund's 2012 report entitled 'Marrying too young', more than 140 million girls will become child brides, roughly 39,000 each day. Statistics from UNICEF show that the countries with the highest rates of child marriage are as follows: Niger, 75%; Chad and Central Africa Republic, 68%; **Bangladesh, 66%**; Guinea, 63%; **Mozambique, 56%**; Mali, 55%; Burkina Faso and South Sudan, 52%; **Malawi, 50%**; **India, 47%**.¹⁰

The protection of children from harmful practices has long been a topic of concern in the United Nations and was also given particular attention by the United Nations Study on Violence against Children submitted to the General Assembly in 2006.¹¹ In October 2012, the international community celebrated the first International Day of the Girl Child, with a focus on the issue of child marriage. The UN Secretary-General noted in his statement that 'Child marriage divorces girls from opportunity'.¹² In September 2013, the Human Rights Council

9 Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, UN Doc. A/HRC/17/26, para. 21.

10 Joint news release Every Woman Every Child/Girls Not Brides/PMNCH/United Nations Foundation/UNFPA/UNICEF/UN Women/WHO/World Vision/World YWCA/.

11 UN Doc. A/61/299.

12 International Day of the Girl Child 11 October, Secretary-General's Message for 2012, available at: www.un.org/en/events/girlchild/2012/sgmessage.shtml.

passed a resolution on 'Strengthening efforts to prevent and eliminate child, early and forced marriage'. This resolution recognizes that the persistence of such marriages contributes to impairing the achievements of the MDGs and sustainable and inclusive economic growth and social cohesion. The resolution calls for a panel discussion to be convened at its twenty-sixth session (in 2014), on preventing and eliminating child, early and forced marriage, with a particular focus on challenges, achievements, best practices and implementation gaps. The resolution also requests the OHCHR to prepare and submit a report on this topic to the HRC, prior to the panel discussion.¹³

The Committee on the Rights of the Child, the body responsible for monitoring the implementation by States Parties of the Convention on the Rights of the Child, has regularly reviewed the situation related to violence against girls, including manifestations, causes and consequences, and States' responses to it. The right of the child to freedom from violence is protected under article 19 of the Convention and obliges States Parties to take all appropriate measures 'to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse'. In its General Comment No. 13 issued last year, on the right of the child to freedom from all forms of violence, the Committee elaborated on State Parties' obligations under article 19. One of the fundamental premises of this General Comment is that 'No violence against children is justifiable; all violence against children is preventable'. The Committee has acknowledged the gender dimensions of violence against children and noted that many manifestations of such violence disproportionately target and affect girls, including practices of early and forced marriages. The Committee's view is that States Parties should address all forms of gender discrimination as part of a comprehensive violence-prevention strategy. This includes addressing gender-based stereotypes, power imbalances, inequalities and discrimination which support and perpetuate the use of violence and coercion, whether in private or public spaces.

Despite the efforts that have been undertaken at the national and international levels towards eliminating the practice, early and forced marriages remain prevalent in many regions of the world. They continue to be tolerated and justified on grounds including religion, traditions and customs. This mandate's first Special Rapporteur has stated that cultural relativism is often used as an excuse for the persistence of harmful and discriminatory practices against women and girls.¹⁴ In her 2002 report on cultural practices in the family that are violence towards women, she noted that in many communities, young girls are prepared for marriage from a very early age. In some cases, they may be wed even before reaching puberty. There is often community pressure for daughters to be married at an early age. This could be linked to honour and the need to protect virginity; and also because it is easier for the husband and his family to control a young girl.¹⁵ The second Special Rapporteur in her 2007 report on the intersections between culture and violence against women and girls, argued that across all regions, culture constitutes a primary source of diverse and sometimes contradictory

13 UN Doc. A/HRC/21/L.34/Rev.1.

14 Report of the Special Rapporteur on violence against women, its causes and consequences, Radhika Coomaraswamy, UN Doc. E/CN.4/2002/83.

15 UN Doc. E/CN.4/2002/83.

normative systems, which underpin patterns of gender roles and identities; and also gendered inequalities and oppression.¹⁶ More recently, the Special Rapporteur on Cultural Rights has highlighted the false dichotomy between the right to culture and women's human rights. She emphasised the need to reach a point at which women and girls are able to own both their culture and their human rights on an equal basis with men.¹⁷

Manifestations

In many cultures, marriage is regarded as a private matter which involves families and their communities. Thus the practice of child marriage and forced marriage is not seen as a public concern, nor is there recognition of the harmful nature of such practices. Such marriages are not seen as being the cause of physical and psychological violence against women and girls, and a violation of human rights.¹⁸

During my visit to Zambia in 2010, I noted that early marriages persisted, particularly in rural areas, as parents perceive a girl child as a source of wealth.¹⁹ Similarly, during my visit to the US in 2011, I was informed of the practices of certain religious/spiritual communities in which young girls (sometimes as young as 12) are married to their spiritual leaders. Such leaders are usually involved in multiple marriages.²⁰

During my visit to Kyrgyzstan in 2009, I learnt about the practice of bride-kidnapping. It was described as the 'act of taking a woman or girl against her will through deception or force and using physical or psychological coercion to force her to marry one of her abductors'. The kidnapping is usually performed by a group of men, who are either known to the victim or are complete strangers. The woman or girl is taken to the home of the intended groom, where his female relatives exercise different forms of physical and psychological coercion to get her to 'agree' to the marriage, usually indicated by the placing of a marriage scarf on her head. The process can last for hours or days, depending on the kidnapped victim's level of resistance. During this period, her abductor may rape her, often to shame her into agreeing to the marriage, rather than facing disgrace at home. Although some may perceive this practice as purely symbolic and a cultural practice, the consequences surrounding this phenomenon, have lasting effects on the girl and sometimes her family. The cultural justification has impeded efforts to recognize, combat and punish such cases of bride-kidnapping.²¹

The Special Rapporteur on Contemporary Forms of Slavery, in her thematic report on servile marriage, has stated that the practice of bride-kidnapping was also reported in the United Kingdom. Girls from Asian diaspora communities,

16 Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Erturk, UN Doc. A/HRC/4/34.

17 Report of the Special Rapporteur in the field of cultural rights, Farida Shaheed, UN Doc. A/67/287.

18 Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Erturk, on her mission to Afghanistan, UN Doc. E/CN.4/2006/61/Add.5.

19 Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, on her mission to Zambia, UN Doc. A/HRC/17/26/Add.4.

20 Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, on her mission to the United States of America, UN Doc. A/HRC/17/26/Add.5.

21 Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, on her mission to Kyrgyzstan, UN Doc. A/HRC/14/22/Add.2.

who hold dual nationality, are sometimes abducted and forcefully coerced by their families into marriages with men/boys from their parents' country of origin.²²

My predecessor reported on a type of forced marriage in Afghanistan, i.e. the Pashtun practice of *baad*, where a woman or girl is ceded by one family to another to settle a dispute upon the orders of a local council (Jirga). The main objective is to prevent a potential blood feud between the two families. While this practice may serve to settle a dispute between two families, it does so at the expense of women and girls, who are reduced to property to be exchanged and disposed of when necessary.²³ The custom of *swara*, which is practiced in some parts of Pakistan, in which women and girls are used as commodities to settle disputes between clans and tribes, is similar to the Pashtun practice found in Afghanistan.²⁴

There are also practices in which girls are forced into marriage under the guise of religious rites in certain parts of the world. The Special Rapporteur on Contemporary Forms of Slavery, following her visit to Ghana, reported that girls are given in marriage to a shrine and enslaved to atone for the real or alleged sins of a male relative. A girl is expected to serve a priest for a certain period, depending on the severity of the crime and the policy of the shrine. The girl's family can redeem her after that period, but often the priest demands a high price, which requires a long period of service. If the priest dies, the girl then becomes the property of his successor. If the girl dies without her family redeeming her, her family is obliged to replace her with another virgin, thus effectively perpetuating the cycle over generations.²⁵

Causes and consequences

The causes of early and forced marriages are multifaceted and include gender inequality and discrimination, poverty, the fear of loss of respectability, shame and stigma. Parents may also wish to marry girls off early, in order to protect them from risk of rape and insecurity. Although gender roles differ between cultures and generations and vary in relation to numerous factors, including economic status, class, ethnicity, caste, custom, religion, age, etc, gender norms generally work to the disadvantage of women and girls of all ages. In many communities, a young woman's place is seen as in the home, either natal or marital. Furthermore, her age and sex reduce her status within the household and community; she does not have the same standing as her male peers; she is not perceived to have the same skills or capabilities as older women or males in general; and often it is accepted that there is less value in educating her.²⁶ Traditional ways of socializing girls and boys are transmitted through formal and informal institutions such as the family, schools, and communities. Certain roles assigned to girls tend to render them submissive and to foster an inferiority complex. The assigned roles within the family and community affect women's and girls' performance in education, employment and other aspects of life, whereas assigned roles lead men and boys to dominate in decision-making at household and community levels, as well as to control family and community assets.²⁷ Also,

22 Report of the Special Rapporteur on Contemporary forms of slavery, Gulnara Shahinian, UN Doc. A/HRC/21/41.

23 UN Doc. E/CN.4/2006/61/Add.5.

24 UN Doc. A/HRC/21/41.

25 UN Doc. A/HRC/21/41.

26 Plan (2011), *Breaking Vows: Early and Forced Marriage and Girls' Education*.

27 UN Doc. A/HRC/17/26/Add.4.

patriarchal laws and practices give women and girls less negotiating power around marriage and sexual and reproductive health and rights.

From an early age, girls are brought up and viewed as commodities to be used to solidify family ties and preserve honour. In patriarchal and patrilineal societies, maintaining the honour of the family is a woman's responsibility, and women are seen as the property of men. UNICEF has reported that in some countries, early marriages are regarded by families as a means of protecting girls from premarital sex, which would undermine the girl's honour and also that of her family.²⁸

Negative practices and norms perpetuate and help to justify early and forced marriages. Although a woman's right to choose if, when and whom to marry is recognized in international human rights law, a number of the countries with high rates of early marriage also have unequal laws of consent for boys and girls, thus reinforcing the idea that it is suitable for girls to marry at an earlier age than boys. In some communities, based on cultural, religious, moral and economic reasons, the importance of preserving family 'honour' and girls' virginity is such that parents push their daughters into marriage well before they are ready. Girls may also be married early to older men in the belief that a husband will provide a safeguard against 'immoral' or 'inappropriate behavior'. Also, where girls become pregnant, either through consensual sex or rape, the stigma and shame can lead families to view the girls' rights and wellbeing as secondary, in efforts which push them towards marrying, to preserve the family honour. Early and forced marriage can also be seen as a strategy for punishing or controlling girls who rebel against their family and communities' expectations. Ironically, due to protective motivations of parents and families, in the context of societies with a high rate of sexual violence against girls, early and forced marriages are seen as a solution to keep girls safe.

In some contexts girls are viewed as financial assets that can improve the family's economic status. In the mission report on Afghanistan, my predecessor reported that families regard a commitment to marriage of a young daughter, to a family that is able to pay a high bride-price, as a viable solution to their poverty and indebtedness. The custom of bride-price acts as a motivating factor for families who are in debt as they can commit the girl child, sometimes as young as 6 or 7, with the agreement that the actual marriage will be delayed until the child reaches puberty. However, reports indicate that this agreement is rarely observed, and that little girls may be sexually violated not only by the groom, but also by older men in the family, particularly if the groom is also a child.²⁹

More recently, I have heard of practices such as early and forced marriages due to the socio-economic realities of families. The lack of income severely impacts on household decision-making and may result in girls being viewed as an economic burden. The high costs of raising children, and the perception of girls' potential to earn an income as comparatively inferior, leads to girls being pushed out of their parental homes, and into marriage. For families facing chronic poverty and deprivation, marriage often seems the best way to safeguard girls' futures and lighten the family's economic burden.³⁰

28 UNICEF (2011), 'Early Marriage: Child Spouses', *Innocenti Digest*, Vol. 7 (March 2001), Innocenti Research Centre, Florence, Italy.

29 UN Doc. E/CN.4/2006/61/Add.5.

30 UN Doc. A/61/299.

Girls who marry early have their first children at a younger age. Early childbearing contributes to pregnancy-related deaths and birth complications, which are the leading cause of mortality for girls between 15 and 19. In addition, the risk of obstructed pregnancy and conditions such as obstetric fistula is much higher for young girls. The report on maternal mortality from the OHCHR confirms that early marriage exposes young girls to greater risk of maternal mortality and morbidity. The report states that pregnancy-related complications are the main cause of death for young women, with girls being twice as likely to die during childbirth as women in their twenties.³¹ The 2011 Millennium Development Goals report also indicates that very early child-bearing brings with it heightened risks of complications or even death.

Early marriage is a barrier to education and economic empowerment as girls are taken out of school and forced into marriage. The lack of education or limited education makes them economically dependent on their husbands and vulnerable to poverty, violence, rape, and marginalization and abuse if their husbands die or abandon or divorce them.³²

Normative framework

Several international and regional instruments address the issue of early and forced marriage. The 1948 Universal Declaration on Human Rights provides that marriage shall be entered into only with the full consent of the intending spouses. The 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery prohibits an institution or practice whereby a woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any other person or group. The Convention also prohibits the husband of a woman, his family or his clan, from transferring her to another person for gain, or the inheritance of a widow by other family members.

Under Article 2 of the 1962 Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, States Parties are to specify a minimum age for marriage, which is given as not less than 15 years in the non-binding recommendation accompanying the Convention. It further states that no marriage is to be legally entered into by any person under that age, except where a competent authority has granted a dispensation as to age, in the interests of the intending spouses.

The 1979 Convention on the Elimination of All Forms of Discrimination against Women contains specific provisions in relation to forced marriage (article 16 (1) (b)) and early marriage (article 16 (2)). It defines child marriages as unions that involve at least one partner below the minimum legal age of marriage, which constitutes a form of forced marriage as the child is not in a position to consent. Article 16 of the Convention specifies that the betrothal and marriage of a child are to have no legal effect, and all necessary action, including legislation, is to specify a minimum age for marriage. Furthermore, the CEDAW Committee issued General Recommendation No. 21 in 1987 which calls for the prohibition of forced marriage in the name of custom, religious belief or ethnic origins, and the arrangement

31 UN Doc. A/HRC/18/27.

32 UN Doc. NHRC/21/41.

of a marriage for payment or preferment. While there are no articles in the CRC that deal specifically with early and forced marriage, Article 28 of the Convention recognises the right of the child to education and calls for measures to reduce drop-out rates. Article 31 asserts a child's right to rest and leisure and to engage in activities appropriate to the age of the child.

The CEDAW and CRC Committees are currently drafting a Joint General Recommendation/Comment on harmful practices, with the aim of clarifying the obligations of State Parties with respect to harmful practices that affect the enjoyment of rights by women and children.

With regard to regional mechanisms, Article 21 (2) of the African Charter on the Rights and Welfare of the Child states that child marriage and the betrothal of girls and boys shall be prohibited and effective action, including legislation, shall be taken to specify the minimum age of marriage to be 18 years and to make compulsory the registration of all marriages in an official registry. In addition to prohibiting forced marriage and setting the minimum age for women to marry at 18 years, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa further provides that every marriage shall be recorded in writing and registered in accordance with national laws, in order to be legally recognised. Article 17 (2) of the American Convention on Human Rights guarantees the right of men and women of marriageable age to marry and to raise a family, and states that no marriage is to be entered into without the free and full consent of the intending spouses.

In 2005, the Parliamentary Assembly of the Council of Europe adopted a resolution on forced marriages and child marriage. It defined child marriage as any union in which one or both of the partners is younger than the legal age allowed for marriage³³ and a forced marriage as the union of two persons of any age, at least one of whom has not given their full and free consent to the marriage.³⁴ The South Asian Association for Regional Cooperation (SAARC) Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia in its Article 3 (d), encourages State Parties to make civil registration of births, marriages and deaths compulsory in order to facilitate the effective enforcement of national laws, including the minimum age for employment and marriage.

State responsibility and due diligence

By virtue of subscribing to international human rights instruments such as, *inter alia*, the Convention on the Rights of the Child and the Convention on the Elimination of all Forms of Discrimination against Women, States have the obligation to exercise due diligence in preventing violence against girls, and protecting and providing effective remedies to those girls who have been subjected to practices that are violent.

³³ Council of Europe (2005), Parliamentary Assembly Resolution 1468 on forced marriages and child marriage, available at: <http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta05/ERES1468.htm>.

³⁴ Council of Europe (2005), Parliamentary Assembly Resolution 1468 on forced marriages and child marriage, available at: <http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta05/ERES1468.htm>.

To this end, I have argued that States must adopt a holistic approach which requires the recognition of the universality, indivisibility and interdependency of all rights – civil, cultural, economic, political and social, and also their full implementation. A holistic approach also requires that the whole range of measures – whether at the legislative, policy, programmatic or judicial level – must be taken in a coordinated way. The measures undertaken by Member States should not only focus on legislative reform, access to justice and the provision of services for victims, but must also address the structural causes that lead to practices such as early and forced marriages. Through the implementation of existing human rights standards, States should ensure that the root causes and consequences of early and forced marriages are tackled at all levels of society, starting within the family and up to the transnational sphere. In doing so, States should consider the multiple and intersecting forms of discrimination suffered by women and girls in order to adopt multifaceted strategies to effectively prevent and combat such practices.

On the legislative front, efforts to introduce effective legislation to prohibit, prevent and respond to all forms of violence against children need to be scaled up. Globally most children are not yet fully protected by law from all forms of violence in all settings. Secondly, in countries where there has been progress, further efforts are required to narrow the gap between law and practice. Human rights norms and standards need to permeate the work of institutions and shape the training and ethical standards of professionals working with and for children, including the availability of accessible and child-sensitive confidential counselling, reporting and complaint mechanisms.

Enforcing legislation remains a huge challenge worldwide. For example, in the case of early marriages, although many countries have child protection laws that set the minimum age of marriage at 18 years without parental consent, States continue to struggle with the enforcement of these laws. A failure to educate on the laws effectively means that some families are not even aware that under-age marriages are illegal. In addition, a failure to enforce such laws and to prosecute parents and marriage brokers, contributes to the belief that early marriages are acceptable and that penalties are unlikely.

Conclusion

The CRC stresses that the best interests of the child should be the primary consideration in all circumstances. Furthermore, State Parties are obliged to protect children from violence, and also to support families by providing necessary support for the child and those who have care of the child. The child's right to be heard is a crucial principle in the Convention. The challenges of implementation of such principles are underpinned by the practical realities of diverse institutional, cultural and legal norms and frameworks. This gives rise to questions as to what approaches are necessary to respect, protect, fulfil, and promote the rights of children and their families. Is an instructional approach which aims to teach and guide parents, a good one? Or is a regulatory approach which clearly sets out obligations and sanctions violations, a good one? Or is a counselling approach which emphasizes support, a good one? Or do we need a system that blends in all these approaches to achieve the goal of 'best interests of the child'?

The issue of early and forced marriages has gained visibility worldwide and has become a major area of concern at the international level. The reality on the ground shows that early and forced marriage remains endemic around the world, cutting across national boundaries, race, class, customs and religion. Such practices violate the human rights and dignity of women and girls, including the right to equality, non-discrimination, bodily integrity and freedom from violence. A life of dignity and one free of violence is the daily struggle for many women and girls throughout the world. The intensification of efforts to address the root causes of violence against women and girls is an urgent imperative for all. I encourage Governments, non-state actors, UN mechanisms and local activists to work together to promote a holistic response to identifying, preventing, and ultimately ending early and forced marriages.

I thank you for your attention and look forward to a fruitful discussion.

Annex IV. Working Group outcomes

Working Group on legal reform and redress mechanisms

The Working Group was chaired by Professor Rashida Manjoo, UN Special Rapporteur on violence against women, its causes and consequences. The group included representatives from the governments of Australia and Trinidad and Tobago, and a civil society representative from Plan UK. The group considered the role of legal reform in ending EFM, as well as the role of redress mechanisms for victims.

Participants noted the importance of assessing the legal framework holistically and understanding the links and the hierarchy between legislation governing issues such as statutory rape, marital rape, criminal law and incest law. In order to ensure legislation is an effective strategy to address EFM, participants suggested countries adopt a 'legislative toolbox', including existing laws, which could be used together innovatively for the prevention and elimination of EFM. Participants also argued that existing laws can be used creatively in complementarity or as an alternative to the criminalisation of EFM. The issue of criminalisation was considered at length, particularly as it relates to community engagement. The question as to whether the buy-in of communities where EFM is practiced should be obtained prior to the adoption of legislation designed to address EFM, or whether legislation should precede community engagement, was also discussed.

Participants underlined the importance of legislation clearly defining practices of EFM. The inclusion of a legal definition in legislative instruments can be a tool to educate those responsible for implementation. Moreover, a clear definition ensures correct understanding of what constitutes EFM and what does not. A useful definition of forced marriage, for example, would include a definition of consent and what legally constitutes proof of consent. Discussion also took place among participants as to whether legislation addressing EFM should be gender specific or gender neutral.

Addressing forced marriage under laws other than the marriage law was mentioned as an innovative strategy to tackle EFM, following on from examples highlighted by senior officials from Australia and Sri Lanka.

A number of challenges were discussed by participants. Gaps in normative standards and harmonisation of laws, as well as the multiplicity of legal systems existing in some member countries also pose serious challenges to the advancement of legal reforms in relation to EFM. The lack of coherence between different laws that impact on EFM needs to be addressed through a comprehensive legislative reform strategy. Opportunities for legal reform need to be sought at member country level. Constitution making or review processes can represent a helpful opportunity to strengthen the legal protection system in relation to EFM, for example by embedding the principle of the best interest of the child in constitutional provisions. Bringing legislation in line with international treaty obligations can also be effective in tackling EFM. The Commonwealth Secretariat can play an important role in providing best practice solutions to common legal problems in member countries, despite the fact that communities, societies and country circumstances may be different.

A further challenge relates to the implementation of legislation and the interpretation by the courts. In regard to implementation, there is a need to

establish, following adoption of legislation, effective enforcement mechanisms. Agencies within government departments tasked with addressing EFM were recognised by participants as a best practice.

In regard to legal interpretation, participants felt governments had a leading role to play in ensuring education of the judiciary on EFM, as well education of other stakeholders. Ensuring the independence and education of the judiciary is essential to ensuring that appropriate redress for EFM is available.

Participants felt that government also had an essential leadership role to play in setting legislative standards and in leading on policy development and implementation. The state has an obligation of due diligence to ensure that an effective framework for individual and systemic accountability is in place.

In regard to redress mechanisms, participants agreed that independent institutions should be set up and NHRIs should be strengthened in accordance with the Paris Principles in order to provide an accountability framework for EFM. Monitoring and assessing the effectiveness of the laws and policies is of utmost importance. NHRIs and other independent institutions can play a role in this respect. NHRIs also have a crucial role to play through human rights education and in conducting independent investigations.

Civil society organisations are and can be a driving factor in the area of redress for EFM by empowering communities. Though often seen as merely having a supportive role, CSOs take a considerable burden of responsibility from the state in terms of service provision. Memoranda of understanding (MoU) were identified by participants as a best practice in precisely defining the roles and responsibilities of the state and CSOs. A balance must be struck in that regard. The state should not completely abdicate its role and responsibilities to CSOs, but should provide appropriate resourcing.

Intergovernmental organisations, such as the Commonwealth Secretariat, also have an important role to play in advancing the international agenda on EFM. This may include strengthening the Commonwealth voice in the UN. The Commonwealth voice should be heard on the upcoming 2014 Human Rights Council Panel on Early and Forced Marriage. The Commonwealth Secretariat should also contribute to the OHCHR study that will support the panel discussions, including through sharing the report of the Commonwealth Roundtable on EFM. The Commonwealth may also wish to support the proposal for the establishment of a Human Rights Council Special Procedure on Children. Participants invited the Secretariat to explore how the issues can be addressed in the work of other divisions across the organisation.

In terms of technical assistance, donor agencies may play a useful role in facilitating the dialogue on EFM. The elaboration of a model law and of a model legislative toolkit would be beneficial to member countries. Commonwealth technical experts may be deployed in the field to support the mapping of the relevant legal systems and frameworks in the Commonwealth. Support to education and capacity development on EFM and related issues would also be beneficial. For example, the Commonwealth training manual for police may be adapted to include EFM. Finally, the various Commonwealth associations, including the Commonwealth Forum of National Human Rights Institutions (CFNHRI) and Commonwealth Magistrates' and Judges' Association (CMJA), may be invited to include EFM on the agenda of their initiatives.

Working Group on vulnerable groups and prevention strategies

This Working Group was chaired by Mr Scott Proudfoot, Minister Counsellor at the Canadian High Commission in London. The group included representatives from the governments of Cameroon, Papua New Guinea, Solomon Islands, Sierra Leone and Sri Lanka, and a representative from Plan UK. The group considered the needs of vulnerable groups and effective strategies to prevent EFM.

Participants identified groups or communities vulnerable to EFM and initiated deliberations around the first identified vulnerability, that of gender. They noted that women and girls are at greater risk of EFM due to gender inequalities and discriminatory practices. Age was another vulnerability, particularly in countries where girls are married young in order to 'protect their virginity' or the family's 'honour' or to increase their 'value'.

Poverty was identified as a critical vulnerability contributing to EFM and a common reason why parents may encourage early marriage. Poverty may result in young girls being regarded as an economic burden, and so their marriage to an older man is believed to benefit the child and her family both financially and socially. It was noted that in the context of poverty, the practice of paying bride-price can encourage early marriage, since young girls fetch a higher price.

Those with disabilities were also identified as being particularly vulnerable to forced marriage, as they are often reliant on their families for care and support and may have communication difficulties and limited opportunities to tell anyone outside the family about what is happening to them.

Ethnicity was also identified as a marker of vulnerability, especially in cases where the ethnic group is excluded from state processes, faces discrimination or is isolated geographically. Girls and women from rural and remote communities, as well as indigenous populations, are particularly vulnerable as well. In addition, it was recognised that girls from minority religious groups or groups that have traditional EFM practices are vulnerable. Participants noted other factors that increase vulnerability to EFM, include low literacy levels and schools with poor physical accessibility due to distance.

Communities facing instability from conflict, disaster, humanitarian crisis or displacement are particularly vulnerable to EFM. Instability can reinforce, perpetuate and increase existing vulnerabilities, making EFM more likely. Evidence indicates that close proximity to extractive industries, for example in Papua New Guinea, creates an increased vulnerability. Participants noted that both natural disasters and the presence of extractive industries can facilitate change in local power dynamics, which can lead to temporary relationships or 'marriage' contracts for economic gain. Families believe that marrying off their daughters will bring benefits to the family because of differences in economic and/or power status. In the case of displaced populations, they may adopt practices from the new community, including EFM.

Participants noted that most countries do not have detailed mapping systems in place to identify indicators or drivers of EFM, and agreed that there was a need for comprehensive mapping exercises of vulnerable groups and communities. Knowing which communities or groups are vulnerable to EFM is an important step in creating bespoke prevention strategies, and ensures that any prevention work is evidence-

based and targeted towards the most vulnerable groups. Participants felt this was particularly important given the limited resources allocated to eradicating EFM.

It was felt that for prevention strategies to be effective, the problem needs to be addressed at all levels – from the government to community-based organisations and families.

A common thread from the discussion was that advocacy strategies should be led by someone from within the community, not someone from the outside. Based on experience, participants found that international non-governmental organisations can act as an important resource, but that community organisations provide a better entry point for on-the-ground implementation strategies. To be sustainable, prevention strategies should be viewed as a dialogue with people from within the community. Participants also noted the importance of involving men and boys in any prevention strategies.

The role of the state in advancing preventative strategies and protecting vulnerable communities was highlighted. At the governmental level, there needs to be a signal from leaders that EFM is not acceptable and the government is committed to stopping it. This could be reflected in a national plan of action or strategy and/or in legislative reform.

Participants recognised the crucial role of civil society in developing advocacy strategies, including public advocacy through the media; awareness-raising on the negative impact of EFM, for example on the health risks of early pregnancy; and dissemination of information on service providers for victims.

Participants felt that working with community leaders, traditional leaders and community-based organisations was the most sustainable prevention strategy. Local and community leaders are potential advocates for change through creating new norms within the community. Youth or school clubs and mothers' clubs or groups were cited as examples of best practice, as they provide for both awareness-raising and monitoring in regard to EFM.

The need to ensure that strategies to eliminate and reduce EFM are evidence based, and do not have a negative impact by further marginalising girls, was acknowledged by participants. It was noted that girls who are already married should be given a voice in developing strategies to tackle EFM at the local, national and international levels.

Participants highlighted the role of the quality of education in preventing EFM. Best practices in this area include curriculum review and awareness-raising. Improved birth and marriage registration systems are also a key prevention strategy.

The need for EFM-sensitive disaster/humanitarian response strategies to prevent EFM in emergencies was recognised by participants. Where extractive industries operate and their presence constitutes a risk of EFM, corporate social responsibility strategies for corporations and governments of origin should be EFM sensitive.

Specific EFM training for law enforcement officials, and for health, education, social services and child protection professionals was identified as part of a holistic prevention strategy. Marriage registrars were also identified as agents of the state who enforce or monitor laws, and could be catalysts for change.

Participants concluded by identifying areas where the Commonwealth Secretariat could provide technical assistance. They highlighted the following key areas: legislative assistance (harmonisation of laws, legislative drafting and law reform); improving registration systems; advisory assistance for national action plans; and training of law enforcement officials and other relevant professionals.

Working Group on the role of civil society and national human rights institutions

This Working Group was chaired by Ceri Hayes, Founder and Director of Gender Matters. The group included representatives of the Government of Canada, the Uganda Human Rights Commission and the Royal Commonwealth Society. The group considered the specific role played by NHRIs and CSOs in bringing about an end to early and forced marriage in the Commonwealth.

Participants noted the importance of being aspirational in their discussions, but felt it was most important to focus on realistic progress that may be achievable in the next five years.

Participants reaffirmed the primary responsibility of the state for ending EFM. Political leadership at the highest level is essential to progress the agenda in Commonwealth member countries. It was recommended that this leadership take the form of a holistic, co-ordinated, multi-sectoral strategy to tackle EFM at the national level. While drawing on international best practice, a national strategy to tackle EFM needs to be tailored to the particular context and the capacity of each Commonwealth member country.

Participants recognised the unique added value of NHRIs in the promotion and protection of human rights in relation to EFM. This includes human rights education, conducting enquiries, receiving individual complaints and providing redress to victims.

While the Paris Principles clearly mandate NHRIs to work on salient human rights issues, such as EFM, NHRIs cannot provide solutions alone. Strong partnerships with government and CSOs are needed for NHRIs to ensure issues that cannot be resolved by them are led on and addressed by others. Depending on context, NHRIs may be best placed to provide legal redress for cases of EFM. CSOs, on the other hand, may be best placed to provide shelter and rehabilitation through education and employment training for girls who have experienced EFM. Both redress and rehabilitation are part of a holistic response. Participants therefore felt that working partnerships are essential for each stakeholder to effectively address EFM in line with their roles and capacities.

Participants highlighted that CSOs are not only actors in prevention, provision of services and advocacy, but can also serve as catalysts for empowering girls, making their voices heard and ensuring they actively participate in shaping solutions to EFM. The media and social media can be a platform through which girls' voices are heard at the national and international levels through CSO advocacy. Participants recognised that in order for CSOs to be effective in advocacy, prevention and service provision, further spaces for their engagement need to be opened up.

Participants recognised the educative role that CSOs and NHRIs can play in building the capacities of the judiciary, the police, parliamentarians and other actors. Participants also felt that NHRIs and CSOs could play a role in monitoring, data collection, research and analysis. In this regard participants highlighted the need for technical assistance.

Insofar as the role of the Commonwealth is concerned, participants felt the Secretariat could act as catalyst for the exchanges of learning and best practice for NHRIs and CSOs. Appropriate technical assistance could be provided for NHRIs engagement with issues of EFM, including for monitoring and data collection, human rights education, redress and advocacy.

Annex V. List of participants

State representatives

Country	Name	Designation
Australia	Ms Rachael Cooper	First Secretary, Australian High Commission, London
Bangladesh	Dr Abul Hossain (by telephone link)	Deputy Secretary and Project Director, Multi-Sectoral Programme on Violence against Women
Cameroon	Ms Emilia Nkamchor	Inspector General, Ministry of Women's Affairs, Cameroon
Canada	Mr Scott Proudfoot	Minister Counsellor, Canadian High Commission, London
Canada	Ms Pamela Strigo	Political Officer, Canadian High Commission, London
Nigeria	Mrs Obiageli Josephine Chinelo Okwuonu	Deputy Director Social Welfare, the Federal Ministry of Women Affairs and Social Development (FMWASD)
Papua New Guinea	Mr Simon Yanis	Director, Lukautim Pikinini (formerly Child Welfare)
Sierra Leone	Mrs Mariatu Bangura	Director, Children's Affairs, Ministry of Social Welfare
Solomon Islands	Ms Sophia Munamua	Principal Legal Officer, Family Protection Unit
Sri Lanka	Ms Piyumanthi Peiris	Senior Assistant Secretary (Legal), Ministry of Justice
Trinidad and Tobago	Mr Ian Rampersad	Director, International Law and Human Rights Unit, Ministry of the Attorney General
Uganda	Advocate Ida Nakiganda	Director, Research, Education and Documentation, Uganda Human Rights Commission
United Kingdom	Mr Christian Papaleontiou	Head of Interpersonal Violence, Home Office, UK

UN and civil society experts

Name	Designation
Professor Rashida Manjoo	UN Special Rapporteur on violence against women, its causes and consequences

Civil society experts

Name	Designation
Ms Catherine Clark	Deputy Director, Royal Commonwealth Society
Ms Verity Sharp	Commonwealth Affairs Manager, Royal Commonwealth Society
Ms Tania Barron	Chief Executive, Plan UK
Ms Kerry Smith	Head of Advocacy and Campaigns, Plan UK
Mr Sam Thomas	Public Affairs Adviser, Plan UK
Ms Ceri Hayes	Executive Director, Gender Matters
Ms Lakshmi Sundaram	Global Coordinator, Girls Not Brides
Ms Laura Dickinson	Communication Officer, Girls Not Brides

Annex VI. Biographies of presenters

Opening session

Commonwealth Deputy Secretary-General, Mrs Mmaskegoa Masire-Mwamba

DSG Masire-Mwamba hails from Botswana. She advises and reports to the Commonwealth Secretary-General on political affairs, human rights, youth affairs, and legal and constitutional affairs. In her first two years at the Secretariat, she also had additional responsibility over finance, administration and human resources. She is periodically called upon to represent the Secretary-General and the Commonwealth on international panels.

DSG Masire-Mwamba previously served as the chief executive officer of Botswana's Investment Promotion Agency (BEDIA). Under her leadership, the agency achieved consistent growth and facilitated strategic investment projects. In the same period, she established representative offices in Johannesburg and London. She started and launched the first ever Global Business Exhibition. Her interest and experience in economic development was nurtured throughout her prior experience in telecommunications development, both in Botswana and in the UK. She holds a BSc in Electronics and Physics and an MBA. She has recently been appointed an Honorary Bencher at the Middle Temple Inn. She is also a patron of the UK Rwanda Genocide Memorial Project.

She has served on several boards in the fields of tourism, business, civil aviation, and banking, among others. She has had an active engagement in the areas of community life and social services.

Professor Rashida Manjoo, UN Special Rapporteur on violence against women, its causes and consequences

Professor Manjoo (South Africa) was appointed as UN Special Rapporteur on violence against women, its causes and consequences for an initial period of three years by the United Nations Human Rights Council in June 2009, and commenced her functions in August of the same year. She is an advocate of the High Court of South Africa and has taught and conducted research at a number of universities. Most recently she was the Des Lee Distinguished Visiting Professor at Webster University, where she taught courses in human rights with a particular focus on women's human rights and transitional justice. She has been the Eleanor Roosevelt Fellow and has also taught on the Human Rights Program at Harvard Law School. Currently, Professor Manjoo teaches in the Public Law Department in the Law Faculty of the University of Cape Town, South Africa.

In addition to her academic credentials, she is the former parliamentary commissioner of the Commission on Gender Equality (CGE), an independent constitutional body mandated to oversee the promotion and protection of gender equality in South Africa. Prior to this appointment, she was involved in training programmes for judges and lawyers at the Law, Race and Gender Research Unit at the University of Cape Town. Previously, she was also involved in setting up both a national and a provincial network on violence against

women, and is the founder of the Gender Unit at the Law Clinic of the University of Natal and the Domestic Violence Assistance Program at the Durban Magistrates Court in KwaZulu Natal, the first such project of this kind at a court in South Africa.

Session 1: Setting the scene

Ms Catherine Clark, former Deputy Director, Royal Commonwealth Society

Ms Clark was the deputy director of the Royal Commonwealth Society. She oversaw the organisation's education projects, events, international network and research and advocacy work. She worked on the RCS campaign on girls' education and EFM from its inception in 2010, and was part of the team that took it to the Perth CHOGM with colleagues from Plan Australia, Plan UK and Plan International. The Royal Commonwealth Society is the oldest and largest civil society organisation devoted to the Commonwealth. Founded in 1868, it conducts a range of events, research and activities aimed at promoting international understanding. The RCS has a global membership and a presence in more than 40 Commonwealth countries through a network of branches and Commonwealth societies.

Ms Kerry Smith, Head of Advocacy and Campaigns, Plan UK

Ms Smith has been Plan International UK's head of advocacy and campaigns since 2012, where she is focused on promoting the rights and needs of adolescent girls in development and humanitarian contexts. Previously, Ms Smith worked as a legal representative for refugees with the Refugee Legal Centre before qualifying as a solicitor in 2004 with leading civil liberties firm Bhatt Murphy. She then went to work with the International Committee of the Red Cross in Ethiopia and Colombia, before returning to the UK to work as a gender adviser for Amnesty International UK. In 2008, she joined Save the Children's humanitarian team, becoming a senior conflict and humanitarian policy and advocacy adviser and leading their policy work on children and armed conflict, the protection of civilians and civilian-military relations. Ms Smith is a trustee of the Oxford Research Group (ORG). Plan is a global children's charity working with children and youth in the world's poorest countries to help them build a better future.

Ms Laura Dickinson, Communications Officer, Girls Not Brides

Ms Dickinson is communications officer at Girls Not Brides. She co-ordinates collective communication efforts by Girls Not Brides members, seeking to bring child marriage to greater attention, and helps to facilitate communications among members around the world. Previously, Ms Dickinson was Media Officer for The Elders Foundation and worked with the International Crisis Group in Brussels.

Session 2: Legislative reform

Ms Piyumanthi Peiris, Senior Assistant Secretary (Legal), Ministry of Justice, Sri Lanka

Ms Peiris is an attorney of the Supreme Court of Sri Lanka. She joined the Ministry of Justice in 1995 as an assistant secretary (legal), and in 2006 was promoted to senior assistant secretary (legal). Ms Peiris holds a master's degree in Development and Public Policy and a postgraduate qualification in International Trade Law (University of Wales). Other than her official duties, she holds the post of project director of a UNICEF-funded project on child protection. The project mainly focuses on capacity building of judges, police officers, probation officers and prosecutors. This project has also carried out a study on child marriage in Sri Lanka.

Ms Rachael Cooper, First Secretary, Australian High Commission, London

Ms Rachael Cooper is first secretary at the Australian High Commission in London. She is a career diplomat with the Australian Department of Foreign Affairs and Trade, and previously held posts in Fiji..

Session 3: Prevention strategies

Dr Abul Hossain, Deputy Secretary and Project Director, Multi-Sectoral Programme on Violence against Women, Bangladesh

Dr Hossain is the project director of the Multi-Sectoral Programme on Violence against Women of the Ministry of Women and Children Affairs, which is being implemented jointly by the Government of Bangladesh and Government of Denmark in collaboration with ten partner ministries. He is currently working on redressing and preventing violence against women and children in Bangladesh through a co-ordinated inter-ministerial approach and through multi-sectoral interventions. He also guides, supervises and co-ordinates the activities of the One-Stop Crisis Centres (OCCs), National Forensic DNA profiling laboratory, National Trauma Counselling Centre, National Helpline Centre for Violence against Women and One-Stop Crisis Cells. He is the chairperson of the National Human Rights Advocacy Forum of the Protecting Human Rights Project of Plan Bangladesh, which is supported by USAID. Dr Hossain has facilitated consultations for the drafting and approval of the Women Development Policy 2011, National Child Policy 2011 and Domestic Violence (Prevention & Protection) Act 2010. He has also facilitated consultations for preparing the National Action Plan on Violence against Women.

Mr Simon Yanis, Director, Lukautim Pikinini (formerly Child Welfare), Papua New Guinea

Mr Yanis is the director of Lukautim Pikinini (Child Welfare), Department for Community Development, Papua New Guinea. His previous employment includes facilitator of conflict resolution training, PNG Law and Order Foundation; executive officer of the Papua New Guinea Child Welfare

Council, Department of Home Affairs; family welfare officer, Department of Social Welfare; and manager of the National Capital District Family Welfare, Department for Community Development Services. He holds a diploma in Social Administration and a Bachelor of Social Science degree. Mr Yanis's activities in civil society organisations include his membership in the Papua New Guinea Men for Non Violence Collective, the Papua New Guinea Social Workers Association, the Papua New Guinea Counsellors Association and the HIV/AIDS Holistic Papua New Guinea.

Session 4: Redress and support mechanisms

Ms Emilia Nkamchor, Inspector General, Ministry of Women's Affairs, Cameroon

Ms Nkamchor is the inspector general at the Ministry of Women's Affairs of Cameroon. She holds an MA degree in Gender Studies from the Institute of Social Studies, The Hague. Ms Nkamchor has worked with women's issues and in the ministry for 29 years.

Mrs Obiageli Josephine Chinelo Okwuonu, Deputy Director, Social Welfare, the Federal Ministry of Women Affairs and Social Development (FMWASD), Nigeria

Mrs Okwuonu holds a master's degree in Social Work, a bachelor's degree in Social Studies, and a diploma in Human Rights of Women and Children. Ms Okwuonu has a special commitment to welfare reform programmes including the implementation of family care, training and other support services designed to assist women, children, persons with disabilities and families in distress.

Session 5: Ending early and forced marriage among vulnerable communities

Mr Ian Rampersad, Director of International Law and Human Rights, Ministry of the Attorney General, Trinidad and Tobago

Mr Rampersad is an attorney specialising in human rights law and is currently Director at the International Law and Human Rights Unit in the Ministry of the Attorney General in Trinidad and Tobago. Mr Rampersad is also a board-certified civil mediator specialising in family mediation and has an academic background in international relations at the postgraduate level. The main focus of Mr Rampersad's portfolio is the preparation of national reports on the implementation of major human rights conventions in Trinidad and Tobago.

Mrs Mariatu Bangura, Director of Children's Affairs, Ministry of Social Welfare, Gender and Children's Affairs (MSWGCA), Sierra Leone

Mrs Bangura is the director of children's affairs in the Ministry of Social Welfare, Gender and Children's Affairs (MSWGCA) of Sierra Leone, with responsibility for providing technical guidance and managing national child protection and child welfare programmes. She holds a bachelor's degree in History and

Sociology and a master's degree in Gender Development. She has experience in journalism as a female columnist for one of Sierra Leone's local magazines. She worked for the International Bank for Trade and Industry from 1990 to 1993, and for the Boy's Society Sierra Leone as a social worker from 1994 to 1996. She joined the civil service in July 1996 as social development officer of the MSWGCA and served in the interests of the most disadvantaged children and women. She has a passion for realising the wellbeing of children in Sierra Leone, which propelled her to the head of the Children's Affairs Directorate in 2011.

Ms Sophia Munamua-Choniey, Principal Legal Officer, Family Protection Unit, Solomon Islands

Ms Munamua is a barrister and solicitor in Solomon Islands and holds the position of principal legal officer in charge of the Family Protection Unit at the Public Solicitors Office, Honiara, Solomon Islands. Ms Munamua is one of the senior lawyers working at the Public Solicitors Office, which is mandated under the Public Solicitors Act to provide free legal assistance on both civil and criminal matters to the most disadvantaged people in Solomon Islands. She is currently the head of one of the three units within the Public Solicitors Office, called the Family Protection Unit, which prioritises family issues that concern women and children, especially on gender-based violence and other related matters. The unit provides expert family law advice as well as being part of a domestic violence victim referral network.

Mr Christian Papaleontiou, Head of Interpersonal Violence, Home Office, UK

Mr Papaleontiou heads up the inter-personal violence team at the Home Office, leading the cross-government strategy to end violence against women and girls. Mr Papaleontiou has worked in the Home Office for ten years on an array of crime and policing issues, including international policing assistance, public order policing, extremism and serious organised crime.

Session 6: The role of civil society and national human rights institutions

Ms Tania Barron, Chief Executive Officer, Plan UK

Starting out as a special needs teacher, and then a lecturer in Politics and Philosophy in 1989, Ms Barron joined international development charity VSO, becoming the head of programmes for Eastern Europe and former Soviet countries. After three years with the European Children's Trust, she was appointed as the first CEO of Home Start International in 1999. During this period she was seconded part time to Brussels to manage a grant-making facility of the European Commission. From 1995 to 2002, Ms Barron was the chair of the UNICEF NGO Committee in Geneva. Ms Barron was appointed as international director at Leonard Cheshire Disability (LCD) in 2004. She holds various trusteeships and is currently a board member of the World Bank's Global Partnership on Disability and Development. In 2003, Ms Barron was given the European Woman of Achievement (Humanitarian) award. She became CEO of Plan UK in January 2013.

Advocate Ida Nakiganda, Director of Research, Education and Documentation, Uganda Human Rights Commission

Ms Nakiganda is an advocate of the High Court of Uganda. She has been with the Uganda Human Rights Commission for ten years, joining the commission in 2003. Her specialisations include investigation of human rights violations and resolution of human rights complaints through alternative dispute resolution mechanisms and tribunal processes. She has also been actively involved in projects at the commission aimed at enhancing access to justice for women, children and persons with disabilities through the provision of legal aid services to grassroots communities.

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