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including the right to development**

Written statement* submitted by Jubilee Campaign, a non- governmental organization in special consultative status

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

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* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.



The Situation of Girls in Nigeria, the Sudan, and Pakistan: Child Marriage as a Form of Gender-Based Violence and an Obstacle to Empowerment

Nigeria

One major determinant of Nigerian women and girls' future economic opportunities is their vulnerability to kidnapping and child marriage, which usually forces them to abandon their education and traps them in a cycle of unpaid informal domestic work; child marriage will be discussed in below sections. Nigeria's Child Rights Act (CRA) of 2003 prohibits child marriages and child domestic labor; however, as children's issues generally fall outside of the legislative discretion of the National Assembly of Nigeria, they therefore require ratification of individual states. Only 25 out of Nigeria's 36 states have adopted the act, with 11 of the abstaining states being predominantly Muslim. These states justify their rejection of the Act by referencing Islamic scripture and law which permits the marriage of girls after they reach their first menstrual cycle.

Nigeria regrettably has some of the highest rates of child marriage on the African continent. Surveys of Nigerian girls between the ages of 20 and 24 years reveal that 43% of girls are married at least once by the age of 18[1], statistics from 2020 show that more than 3.5 million Nigerian girls under the age of 18 are currently married.[2] In 2021, Human Rights Watch interviewed 16 married Nigerian girls between the ages of 14 and 19 years old residing in Imo and Kano states; they found that the respondents reported being "denied their fundamental rights to education, a safe dwelling, and freedom from violence, and often do not have access to adequate health care".

The prevalence of child marriage across certain regions of Nigeria is also dependent upon the intersection of geography and religion. A 2020 cross-sectional study of child marriage in Nigeria revealed that rates of child marriage in the predominantly Muslim north range between 39% to 67.6%, whereas the rates of child marriage in the predominantly Christian south are much lower, - though still statistically significant and cause for concern - ranging from 13.9% to 21.6%.[3] A final major determinant of child marriage in Nigeria is the activity of Islamic jihadist militant groups such as Boko Haram which have increasingly engaged in mass abductions of schoolchildren - mostly female - from their educational institutions. While many of the kidnapped students are later releases by the militants in exchange for hefty ransom payments, many schoolgirls are retained in militant captivity to this day where they are forced into domestic servitude and child marriage to their captors. Between December 2020 and July 2021, Islamic terrorist groups have conducted no fewer than 10 mass abductions from schools and have kidnapped more than 1,000 students. In response to these atrocities, at least 600 schools have closed their premises to prevent kidnappings.

The Sudan

Article 40 of the Sudan's Muslim Personal Status Law allows for girls as young as 10 to marry with the permission of a judge; often, these judges are not informed of the girls' status as a minor. The girl child is placed in a precarious situation if she tries to resist the marriage; refusing to marry is cause for taking the case to court, which is fruitless for two reasons: one, the girls are usually forced into marriage by their own families and therefore their families would not agree to dissolve the marriage; secondly, Sudanese citizens under the age of 18 years are prohibited for filing petitions in court. Researchers and human rights activists have pointed out the hypocrisy in this, stating that "the reality is that you are old enough to get married at the age of ten but too young to file for divorce before the age of 18".[4]

Girls Not Brides notes that the drivers of child marriage in the Sudan include, first and foremost, poverty; 54% of women living in the poorest regions of the Sudan were married before the age of 18, whereas 19% of women from the Sudan's wealthiest regions were married before 18. The groom's payment of a dowry to the bride's family further emboldens families in poverty to marry their daughters off at young ages. Another main facilitator of child marriage is low education rates; 55% of women with no educational background were

married before 18 in comparison to 3% of women who had achieved secondary education. This is because fully-educated Sudanese women are often subject to negative stigma, as they are mistakenly portrayed as being infertile, undesirable, or more difficult to “socialize into submission”.^[5]

Other drivers of child marriage include religious views – in particular, Islamic views – that girls are legally marriageable at young ages if they have experienced “physical maturity” or puberty at the time of the marriage, as is provided for in Sharia law. Moreover, both religious and traditional views mischaracterize all girls as prone to immoral sexual behavior and thus, families seek to marry them off at younger ages to prevent such premarital sexual relations which could lead to births out of wedlock and tremendous shame upon the girls’ families.^[6]

Pakistan

Child marriage remains a salient problem for predominantly faith minority girls in Pakistan, and this is only exacerbated by a lack of legal protection for victims of abduction who are usually forced into religious conversions and marriages to their perpetrators. In 2019, the Senate ratified the Child Marriage Restraint (Amendment) Bill which raises the minimum legally marriageable age to 18 years and sets punishments for child marriage at imprisonment for up to five years and a hefty fine. The passage of this bill, however, was not without opposition from numerous senators; Senator Ghafoor Haideri of Jamiat Ulema-i-Islam rejected the age raise, referring to Islam which allows the marriage of girls after they have reached puberty, and he urged that the bill first be sent to the Council of Islamic Ideology before discussion in the Senate. Additionally, Senator Mushtaq Ahmad of Jamaat-i-Islami criticized the bill, claiming that it contravened Sharia principles.^[7]

An estimated 1,000 Pakistani faith minority girls are kidnapped, forcibly converted to Islam, and married against their will each year; however, many of these incidents go unreported. What we do know details of are the following cases throughout 2021: Hindu girl [Redacted]; Hindu girl [Redacted]; 13-year-old Hindu girl [Redacted]; 13-year-old [Redacted]; 13-year-old Hindu girl [Redacted]; 13-year-old Christian girl [Redacted]; two teenaged Christian sisters [Redacted]; 15-year-old Hindu girl [Redacted]; 15-year-old Christian relatives [Redacted]; 14-year-old Christian girl [Redacted]; 8-year-old Christian girl [Redacted]; 17-year-old Christian girl [Redacted]; 12-year-old Christian girl [Redacted]; and 13-year-old Hindu girl [Redacted].^[8]

Jubilee Campaign urges Nigeria, Pakistan, and the Sudan, as member states of the United Nations Human Rights Council, to:

1. Expand compulsory and free educational services to rural areas, where families in poverty are more likely to force their young daughters into child marriage. Along that same vein, expand security at educational institutions to prevent mass kidnappings by militant groups.
2. Legislation must be enacted to criminalize all instances of child marriage in Nigeria, the Sudan, and Pakistan, and these laws must not be subjected to supersession by religious-based interpretations of law and scripture that justify or permit child marriage. In Nigeria, authorities must take preventive and prosecutorial measures against mass school abductions of children by militants and, along that line, invest in increasing security in educational institutions and vulnerable communities. In Pakistan, the government should reintroduce and ratify the Forced Conversion Marriages Bill, followed by implementation in all provinces.

[1] Human Rights Watch, “Nigeria: Child Marriage Violates Girls’ Rights”, 17 January 2022.

[2] Jacob Wale Mobolaji, Adesegun O. Fatusi, & Sunday A. Adedini, “Ethnicity, religious affiliation and girl-child marriage: a cross-sectional study of nationally representative sample of female adolescents in Nigeria”, BMC Public Health, 2020.

[3] Supra note 1.

[4] African Feminism, “The Year We Change Sudan’s Personal Status Act”, 14 April 2020.

[5] Girls Not Brides, Sudan.

[6] Liv Tønnessen & Samia al-Nagar, “Drivers of child marriage in eastern Sudan”, Chr. Michelsen Institute, 2018.

[7] Javed Hussain, “Senate sees of religious parties’ opposition to pass bill against child marriage”, Dawn, 29 April 2019.

[8] Jubilee Campaign, Abduction, Conversion, & Child Marriage of Religious Minority Girls in Pakistan: 2022 Update.