

Country: Australia

Committee: Unicef

Child marriage is a truly global problem that cuts across countries, cultures, religions and ethnicities. Poverty, lack of education, cultural practices, and insecurity fuel and sustain the practice, however the root causes of child marriage is thought to be gender inequality and the belief that girls and women are somehow inferior to boys and men since child marriage mostly concerns women.

Ending child marriage requires work across all sectors and at all levels as well as our apprehension of the complex drivers behind the practice in different contexts and adapt our interventions accordingly.

The legislation specifies that a marriage is a forced marriage if, because of the use of coercion, threat or deception, one party to the marriage wasn't freely and fully amenable. A forced marriage of a person under 18 years of age is an aggravated form of the offence for which in Australia there is a penalty of imprisonment. The fundamental right to freely consent to marriage is enshrined in numerous international human rights instruments on which we are mainly based.

The Commonwealth Marriage Act 1961 includes provisions whereby a marriage may be void if the consent of a party was not real, or if a party was not of marriageable age. Following passage of the Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Bill 2012 on 27 February 2013, forced marriage is comprehensively criminalized under the Commonwealth Criminal Code.

Prior to the passage of the Sex Discrimination Amendment Act 1991, the minimum age of marriage for females was 16 and for males 18. This inconsistency was rectified by raising the marriage age for both sexes to 18, in line with the sex discrimination legislation and the Convention on the Rights of the Child.

The Marriage Act permits a marriage where one party is aged between 16 and 18 years of age, where there is both the required consent (usually parental) and an Australian court order from a judge or magistrate authorising the marriage. It is illegal for any person under the age of 16, or two people under the age of 18, to marry.

Our aim is to prevent and eliminate child marriage in every country and religion which can be efficiently achieved by deploying the following proposals:

- Reassurance for the victim that refusing a forced marriage is not going against their religion or culture is very important while emphasizing that forced marriage is not condoned in any religion.
- We urge all States either to reform the existent legislation or enact and uphold new laws and policies aimed at preventing and ending marriage between minors without the consent of both spouses.

- We strongly suggest that a national network focused on the issue of forced child marriage be developed in order to provide a platform of dialogue, collaboration and information sharing.
- It is vital that both women and men are empowered with knowledge of the issue and their rights to make a stand against the practice, which can be achieved through schools since many children are not allowed to go anywhere else outside the home.
- Education programs targeting affected communities can be designed.
- The development of campaigns, explaining the harms of forced child marriage and its impact on children, through channels accessible to affected youth and communities can raise awareness on the issue.
- Every state should train any staff that is possible to come in contact with an actual or potential victim, such as child protection, family violence, police and health services.
- Money should be made available to support programmes and organizations which help in preventing and abolishing child, early and forced marriage.

SOURCES:

<http://munalfrink.nl/>

<http://www.who.int/>

<http://www.lawstuff.org.au/>