

*United Nations Women*

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*Criminal Responsibility of*

*Governments for Forced Marriage*

*Practices*

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## I. INTRODUCTION

UN Women is the United Nations entity dedicated to gender equality and the empowerment of women. It supports Member States by helping set international standards, providing technical assistance for policy and program implementation, and coordinating UN system-wide action on gender equality. In Model UN settings, UN Women committees encourage delegates to propose solutions that combine rights-based protections, prevention strategies, and accountability mechanisms that are realistic for governments to implement.

This committee addresses the criminal responsibility of governments for forced marriage practices, with a focus on:

- (1) Forced marriage — marriage or union entered without the free and full consent of one or both parties, including consent obtained by coercion, threats, deception, confinement, or abuse of power; and
- (2) Child marriage — marriage or union where at least one party is under 18 years old.

While forced marriage can affect adults and men as well, the global burden falls disproportionately on girls and young women. The practice is driven by gender inequality, poverty, discriminatory norms, and insecurity, and it is frequently linked to trafficking and slavery-like practices. Child marriage is widely treated as incompatible with meaningful consent due to minors' vulnerability and power imbalance.

The guiding question—“Should states be punished for tolerating child and forced marriage?”—raises an essential legal distinction. Criminal responsibility typically applies to individuals. States, however, can incur international responsibility for wrongful acts or omissions when they breach international obligations. In practice, “punishment” of states often means consequences designed to change state behavior: formal findings of violations; obligations to reform and provide

reparation; reputational and diplomatic costs; benchmark-based conditionality in cooperation; and in limited cases, targeted sanctions against officials or enabling networks.

Delegates must balance accountability with “do no harm” safeguards, ensuring that measures do not reduce education, protection services, or humanitarian assistance.

Ending child, early and forced marriage is a global commitment under SDG Target 5.3 by 2030. Progress depends on more than criminalization: it requires enforcement capacity, civil registration, survivor-centered services, and prevention tools such as schooling, social protection, and community norm change.

### **Key Definitions and Concepts**

- Child marriage: any formal marriage or informal union where at least one party is under 18 years old.
- Forced marriage: marriage entered without free and full consent; coercion can be physical, psychological, legal, social, or economic.
- Due diligence: obligation to prevent, investigate, punish, and remedy violations by state or non-state actors when authorities knew or should have known of the risk.
- State responsibility: consequences for a state that breaches an international obligation by action or omission (cessation, guarantees of non-repetition, and reparation).
- Survivor-centered approach: prioritizes safety, autonomy, confidentiality, nondiscrimination, and meaningful participation of survivors.

### **Debate Scope**

Delegates should focus on: how state action or inaction contributes to forced marriage; how to close legal loopholes and enforce protections; how to strengthen survivor services; and which international mechanisms (supportive, punitive, or hybrid) are effective and proportional. The committee should avoid solutions that unintentionally harm victims—such as broad sanctions that reduce social services—or policies that push the practice underground and reduce reporting.

## II. HISTORY OF THE ISSUE

Forced marriage and child marriage have existed across diverse societies for centuries, often tied to social norms, economic exchange, and unequal power relations. The international legal response emerged gradually as human rights law expanded into family and “private sphere” issues.

Foundational norms (1948–1960s). The Universal Declaration of Human Rights established the principle of free and full consent. The 1956 Supplementary Convention on the Abolition of Slavery recognized certain marriage-related practices as slavery-like institutions. The 1962 Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages highlighted three pillars still central today: meaningful consent, minimum age, and registration.

Women’s rights and child protection (1970s–1990s). CEDAW strengthened the equality framework in marriage and family relations, including the requirement of consent. The CRC developed a comprehensive child protection framework. The Beijing Platform for Action identified early and forced marriage as violence and discrimination and called for legal reform, services, and prevention.

From private harm to due diligence (1990s–2010s). Treaty bodies and UN mechanisms increasingly clarified that states can be responsible for failing to prevent or respond to abuses by private actors, especially where discrimination is present. Joint guidance by the CEDAW Committee and CRC Committee framed child and forced marriage as harmful practices requiring comprehensive legislation, enforcement, data, and survivor support.

Forced marriage as an international crime (2000s–present). In conflict contexts, forced marriage has been prosecuted as a crime against humanity under “other inhumane acts,” often connected to sexual slavery, trafficking, and persecution. This jurisprudence emphasized that forced marriage can be a grave international crime when imposed systematically.

The SDG era (2015–2030). SDG Target 5.3 created a global benchmark, accelerating programs and national action plans. However, conflict, displacement, pandemics, and economic shocks can increase risk and reverse gains, highlighting the need for resilient systems.

### **Why Law Alone Has Not Solved the Problem**

Even where states outlaw child marriage, enforcement can be undermined by legal exceptions, weak registration systems, parallel customary adjudication, and lack of accessible services. Social and economic incentives may also persist. Effective approaches typically combine legal reform with prevention measures (education and social protection), community engagement, and survivor pathways that make it safe to report and leave.

### **III. CURRENT HAPPENINGS**

Child marriage and forced marriage remain widespread globally. UNICEF estimates that around 12 million girls are married in childhood each year, and that hundreds of millions of women and girls alive today were married before age 18. Modern slavery estimates indicate that forced marriage affects millions of people at any given time.

Regional patterns vary. Some regions have achieved substantial declines due to improved girls' education, economic development, and legal reform, while high prevalence persists in other areas due to poverty, insecurity, and persistent discrimination. Crises can increase risk: families may withdraw girls from school, face debt, or seek perceived "protection" through early marriage.

Key drivers include poverty and economic stress, gender inequality and harmful norms, limited education access, legal loopholes, weak birth and marriage registration, barriers to services and justice, conflict and displacement, and cross-border dynamics.

Impacts are severe: increased health risks for adolescents, school dropout, higher exposure to violence, reduced economic participation, and long-term cycles of poverty. Survivors may face retaliation, homelessness, and custody disputes. For this reason, survivors often need confidential reporting channels and services that support safe exit.

#### **The "Implementation Gap" Problem**

A common reality is a "law–practice gap": states may have minimum-age laws or general GBV protections, but implementation remains weak due to exceptions, lack of budgets, under-trained officials, or social pressure on institutions not to intervene in "family matters." Delegates should evaluate not only whether laws exist, but whether institutions have capacity and political mandate to apply them.

## **Current Policy Disputes**

- Whether the minimum age should be 18 “without exceptions,” and how to manage transition in plural legal systems.
- Whether criminalization deters reporting or pushes practices underground, and how to protect victims from criminal liability.
- How to design civil remedies (annulment, protection orders) that are fast and accessible.
- How to strengthen registration systems without excluding marginalized communities.
- Whether international “punishment” tools (sanctions, conditionality) are effective and ethically justified.
- How to protect girls during crises and humanitarian settings (continuity of education and services).

#### **IV. INTERNATIONAL ACTIONS AND LEGAL FRAMEWORKS**

International action on forced marriage sits at the intersection of human rights law, child protection, anti-slavery norms, criminal justice, and development policy. UN Women typically advances standards, supports national reforms, and coordinates gender equality efforts. It often works with UNFPA and UNICEF on child marriage prevention, with ILO/IOM on forced marriage in modern slavery frameworks, and with OHCHR mechanisms on accountability and monitoring.

##### **Core International Legal Obligations (What States Must Do)**

Across human rights instruments and authoritative guidance, state obligations commonly include:

##### **Legislative duties**

- Establish a minimum marriage age consistent with child rights obligations (widely interpreted as 18) and remove discriminatory exceptions.
- Ensure a clear legal requirement of free and full consent, with procedures to challenge invalid consent.
- Criminalize forced marriage (or ensure equivalent criminal coverage) and establish penalties proportionate to harm.
- Provide civil remedies (annulment/voidability, protection orders) that can be accessed quickly and safely.

##### **Institutional duties**

- Train police, prosecutors, judges, registrars, educators, and health workers on child safeguarding and survivor-centered response.
- Create referral systems connecting reporting channels to shelters, healthcare, psychosocial support, and legal aid.
- Strengthen birth and marriage registration so age verification and oversight are possible.

### **Preventive duties**

- Reduce structural drivers through education access, social protection, and economic empowerment.
- Address discriminatory stereotypes and norms through public campaigns and community programs.

### **Remedy duties**

- Ensure victims and survivors have access to justice, compensation where appropriate, and longterm reintegration support.

### **Due Diligence and State Responsibility (The “Toleration” Pathway)**

A state can breach obligations through omission: failing to prevent forced marriage where risks are known; refusing to investigate complaints; permitting document falsification; or failing to provide remedies and services. Under the ILC Articles on State Responsibility, consequences include cessation, guarantees of non-repetition, and full reparation (restitution, compensation, satisfaction). In practice, human rights bodies may recommend specific reforms and monitoring, while political processes may impose reputational costs.

### **International Accountability Mechanisms (How Pressure Is Applied)**

- Treaty bodies: periodic reporting, concluding observations, and (where accepted) individual complaints procedures.
- Universal Periodic Review (UPR): peer review with recommendations and follow-up commitments.
- Special Procedures: communications and reports on violence against women and girls, trafficking, and modern slavery.
- Regional systems: regional courts/commissions may issue binding judgments and reparations in certain regions.
- Cooperation and conditionality: technical assistance and financing tied to measurable benchmarks; designed with humanitarian safeguards.

- Targeted measures: in limited cases, sanctions or restrictions against officials and networks enabling forced marriage (especially where linked to trafficking or conflict-related sexual violence).

### **Clarifying the Debate: What Does “Punishing States” Mean?**

Because criminal law primarily targets individuals, “punishing states” should be understood as imposing consequences that influence state behavior. Delegates should compare supportive vs coercive tools and consider proportionality, evidence thresholds, and safeguards. Broad measures that reduce social services can increase vulnerability; targeted, benchmark-based approaches are generally considered less harmful.

## V. BLOCK ANALYSIS (STATE POSITIONS AND POLICY OPTIONS)

Positions vary widely. The “blocks” below are analytical groupings, not formal alliances.

### **Block A — Accountability Advocates (Benchmark-Based Conditionality)**

Support measurable progress and may support consequences for governments that tolerate forced marriage through weak enforcement or discriminatory loopholes. They tend to support conditional cooperation tied to reforms, robust monitoring, and targeted measures against enabling networks (particularly where linked to trafficking). They usually pair accountability with funding for education and survivor services.

### **Block B — High-Prevalence States Prioritizing Development Support**

Emphasize structural drivers—poverty, education gaps, weak registration, and limited justice capacity—and resist punitive framing. They advocate technical assistance, prevention funding, and gradual legal harmonization in plural legal systems. They warn that sanctions can worsen poverty and increase risk.

### **Block C — Sovereignty-First Positions**

Oppose sanctions and external conditionality; prefer cooperation, dialogue, and non-binding recommendations; emphasize domestic jurisdiction and non-interference. They may support national reforms but reject external “punishment” of states.

### **Block D — Reform-Oriented States**

Highlight domestic reforms; focus on enforcement capacity, civil remedies, and survivor services; promote peer learning and coordinated programming. They may accept targeted accountability in severe cases but emphasize support and best-practice exchange.

### **Block E — Conflict-Affected and Humanitarian Contexts**

Prioritize emergency protection, safe reporting, and accountability for armed actors and complicit officials; request international funding and tailored mechanisms for humanitarian settings.

### **Policy Options Menu (Expanded)**

Delegates should craft packages that integrate prevention, protection, and accountability:

- Legal reform: minimum age 18 without exceptions; harmonization across legal systems; criminalization of forced marriage; civil remedies and protection orders.
- Enforcement: specialized GBV/child protection units; training; anti-corruption safeguards; confidential reporting and risk assessment protocols.
- Registration systems: universal birth registration; compulsory marriage registration; mobile registration; digitization with integrity and privacy controls.
- Education and prevention: free/accessible secondary education; scholarships; safe transport; retention strategies; comprehensive sexuality education where appropriate.
- Social protection: targeted cash transfers, food support, and livelihood programs for high-risk households; debt and crisis support in humanitarian contexts.
- Services: shelters/safe houses; legal aid; healthcare; psychosocial support; education reintegration; survivor livelihood pathways.
- Cross-border measures: consular protocols; mutual legal assistance; recognition of protection orders; safe return pathways; survivor migration protections where relevant.
- Monitoring and accountability: UPR/treaty-body follow-up; measurable SDG 5.3 indicators; independent monitoring and safe civil society participation.
- International measures (if chosen): benchmark conditionality and targeted sanctions with humanitarian exemptions and clear exit criteria.

### **Decision Criteria for State-Level Consequences**

- Legality and due process
- Targeting (avoid broad population harm)
- Proportionality and evidence thresholds
- Humanitarian safeguards for education and services
- Independent verification and clear benchmarks
- Exit strategy (how consequences are lifted)

## VI. KEY POINTS

The persistence of child and forced marriage reflects deep structural inequalities rooted in gender discrimination, poverty, and limited access to education and services. While legal prohibitions exist in many countries, the effectiveness of these measures depends largely on enforcement capacity and political will.

A central issue in this debate is the distinction between individual criminal liability and state responsibility. While individuals can be prosecuted for forced marriage, states may incur international responsibility when they fail to exercise due diligence in preventing, investigating, and remedying such practices.

Legal frameworks alone are insufficient when undermined by exceptions, legal pluralism, or weak registration systems. The lack of universal birth and marriage registration significantly limits the ability of authorities to verify age and enforce minimum standards.

Another key consideration is the importance of survivor-centred approaches. Without access to safe reporting mechanisms, shelters, legal aid, and long-term reintegration support, victims may remain trapped in abusive situations or face retaliation for seeking help.

The debate also extends to the effectiveness of international accountability mechanisms. While tools such as treaty body recommendations, UPR processes, and conditional cooperation can influence state behaviour, their impact varies depending on political context and implementation.

Importantly, broad punitive measures may unintentionally harm vulnerable populations by reducing access to essential services. As a result, many experts advocate for targeted, proportional, and benchmark-based approaches that prioritize both accountability and protection.

Finally, cross-border dimensions of forced marriage require coordinated international responses, including legal cooperation, protection mechanisms, and recognition of civil remedies across jurisdictions.

## VI. LEADING QUESTIONS

1. To what extent should states be held accountable for failing to prevent or respond to forced and child marriage?
2. What constitutes sufficient “due diligence” in the context of forced marriage, and how can it be measured?
3. Should international mechanisms impose consequences on states, or should the focus remain on cooperation and capacity-building?
4. Which accountability tools—such as conditionality, monitoring mechanisms, or targeted sanctions—are both effective and ethically justified?
5. How can legal systems eliminate loopholes (such as exceptions to minimum age laws) without creating unintended negative consequences?
6. What role should registration systems play in enforcement, and how can they be strengthened without excluding vulnerable populations?
7. How can states ensure that survivors have safe and accessible pathways to report abuse and exit forced marriages?
8. What balance should be struck between respecting cultural diversity and upholding universal human rights standards?
9. How should cross-border cases of forced marriage be addressed, particularly when victims are taken abroad?

## VII. SOURCES

- a. United Nations Children’s Fund (UNICEF). (2023). Child marriage: Latest trends and data. <https://www.unicef.org>
- b. United Nations Population Fund (UNFPA). (2022). Ending child marriage: Progress and prospects. <https://www.unfpa.org>
- c. United Nations. (1979). Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). <https://www.un.org>
- d. United Nations. (1989). Convention on the Rights of the Child (CRC). <https://www.un.org>
- e. United Nations. (1962). Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages. <https://www.un.org>
- f. International Labour Organization (ILO). (2022). Global estimates of modern slavery: Forced marriage. <https://www.ilo.org>
- g. Human Rights Watch. (2022). Child and forced marriage reports. <https://www.hrw.org>
- h. Office of the United Nations High Commissioner for Human Rights (OHCHR). (2021). Child, early and forced marriage. <https://www.ohchr.org>

## ANNEXES

### **Annex A — Draft Clause Bank (Short)**

- 1) Defines child marriage (<18) and forced marriage (no free and full consent) and recognizes child marriage as a harmful practice.
- 2) Calls for minimum marriage age 18 without exceptions and harmonization across civil, customary, and religious frameworks.
- 3) Encourages criminalization of forced marriage (including attempts, aiding/abetting, and official facilitation) with safeguards against victim criminalization.
- 4) Encourages survivor-friendly civil remedies: annulment/voidability, protection orders, custody/property safeguards.
- 5) Recommends training for police, prosecutors, judges, registrars, and social workers; creates specialized GBV units and confidential reporting.
- 6) Calls for universal birth and marriage registration (including mobile units) and integrity safeguards (audits, anti-corruption).
- 7) Expands shelters, legal aid, healthcare, psychosocial support, and education reintegration services.
- 8) Strengthens monitoring via UPR/treaty-body follow-up and measurable SDG 5.3 indicators; supports targeted measures against enabling networks with humanitarian safeguards.

### **Annex B — Case Snapshots (For Debate)**

Snapshot 1 — Conflict-related forced marriage

In armed conflict settings, forced marriage may be imposed by armed actors as a method of control and coercion. Accountability may involve individual criminal prosecution and survivor protection measures integrated into humanitarian response, including safe evidence collection.

Snapshot 2 — Civil protection orders and prevention

Some states use civil protection orders to prevent a forced marriage (including travel restrictions, non-contact orders, and emergency removal from the home). These tools work best with confidential reporting channels, trained frontline responders, and shelters.

Snapshot 3 — Closing loopholes in minimum-age laws

Where parental/judicial exceptions exist, reforms often focus on removing exceptions, harmonizing plural legal systems, and improving registration and enforcement guidance for local officials, while expanding education and social protection to reduce economic incentives.

Snapshot 4 — Registrar integrity and anti-corruption

In contexts where documents can be falsified, preventing child marriage requires audits, complaint mechanisms, and sanctions for officials who accept bribes or issue illegal documents.

## **Annex C      Monitoring Indicators (SDG 5.3 Alignment)**

Suggested indicators (adapt as appropriate):

Legal: minimum age 18 without exceptions; forced marriage criminal offense; civil remedies available.

Systems: birth and marriage registration coverage; mobile registration availability; data privacy safeguards.

Justice/protection: investigations/prosecutions/convictions; use of protection orders; survivor confidentiality; availability of shelters/legal aid.

Prevention: girls' secondary completion rates; social protection coverage; community attitude measures.

Budget/governance: dedicated budget lines; national action plan milestones; annual public reporting.

Annex D Accountability Tools Matrix (Pros, Cons, Safeguards)

Tool	Benefits	Risks	Safeguards
Treaty-body reporting/observations	Clarifies obligations; public record	Slow	NAP with timelines; safe civil society participation
UPR follow-up	Peer pressure; visibility	Variable follow-up	Track commitments; mid-term reviews
Benchmark conditionality	Incentivizes reforms	May reduce services	Exempt shelters/education; phased targets; exit strategy

Targeted sanctions (officials/networks)	Focus on enablers	Politicization; evidence threshold	Due process; independent evidence review; humanitarian exemptions
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Annex E Due Diligence Checklist for Governments

- Minimum marriage age 18 without exceptions; harmonized across civil/customary/religious systems.
- Clear legal definition of free and full consent; procedures to challenge invalid consent.
- Forced marriage criminalized (including facilitation); victims not criminalized.
- Fast, low-cost civil remedies and protection orders (including travel-related protections where relevant).
- Training and specialized units; clear referral pathways to services.
- Anti-corruption controls in registration offices; audits and complaint mechanisms.
- Shelters/safe houses; legal aid; healthcare; psychosocial support; education reintegration.

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- Education access and social protection for high-risk households; community norm change programs.
  - Reliable data collection with privacy safeguards; annual public reporting aligned to SDG 5.3.
  - Independent monitoring and safe civil society participation.

#### Annex F            Model National Action Plan Outline (One-Page Template)

- 1) Situation analysis: prevalence, hotspots, drivers, legal framework, service availability, stakeholder mapping.
- 2) Objectives and targets: measurable national targets aligned to SDG 5.3, with annual milestones.
- 3) Pillar 1 — Law and policy reform: minimum age 18 without exceptions; harmonization; criminalization; civil remedies.
- 4) Pillar 2 — Enforcement and justice: training, specialized units, evidence and protection protocols, anti-corruption safeguards.

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- 5) Pillar 3 — Prevention: education access, social protection, community norm change, economic empowerment, engaging men and boys.
  - 6) Pillar 4 — Services: shelters, legal aid, health and psychosocial care, education reintegration, livelihood pathways.
  - 7) Pillar 5 — Monitoring and accountability: indicators, independent monitoring, safe civil society participation, annual public reporting.
  - 8) Budget and implementation: dedicated budget lines, agency roles, funding plan, and audit/transparency measures.