



United Nations Human Rights Council: 27th Session (8th to 26th September 2014)

Items 2 & 3, General Debate

Monday 15th September

Speaker: BHA Representative, Amelia Cooper

Servile and child, early and forced marriage as a form of slavery

Thank you Mr President.

We welcome the new Special Rapporteur on Contemporary Forms of Slavery, and would like to extend our appreciation of her emphasis on child, early and forced marriage as a form of slavery.

While Member States are specifically bound by the Supplementary Convention on the Abolition of Slavery to take all 'necessary legislative...measures to bring about...the complete abolition or abandonment'¹ of any institution that amounts to forced marriage, all States are, under international law, required to act as formal guarantors of the rights of their citizens as set forth in the UDHR, including, therefore, the right to '*free and full consent*'² to a marriage when both parties are of '*full age*'.³

The absence of a minimum marital age in Yemen and Saudi Arabia⁴, the latter of which is a Member of this Council, contravenes the aforementioned conventions⁵, and legitimizes the '*myriads of social pathologies*'⁶ that support servile or child, early and forced marriage. Furthermore, in the past year alone, regressive laws that would reduce the minimum age for girls to marry to just 9 years old have been proposed in Iraq⁷ and Iran⁸.

States who fail to provide legislative protection for the children within their jurisdiction are complicit in the continuation of practices amounting to modern day slavery, and must be recognized and criticized as such.

Last week, the delegation of Mauritania extended their support⁹ for a recommendation¹⁰ made by the previous Special Rapporteur that leading clerics should issue a fatwa emphasizing that slavery is forbidden under Islam. May we suggest that all States work with the relevant religious and traditional leaders to ensure such a pronouncement is made, including a specific reference to CEFM as a form of slavery?

Any justifications for child, early and forced marriage provided by cultural relativism or religious tradition is merely pretext for invidious and oppressive policies and accordingly must be unreservedly and unequivocally condemned by all Members of this Council.

Thank you.

¹ Article 1, Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (accepted 1956; came into force 1957)
<http://www.ohchr.org/EN/ProfessionalInterest/Pages/SupplementaryConventionAbolitionOfSlavery.aspx>

² Article 16.2 of the Universal Declaration of Human Rights, <http://www.un.org/en/documents/udhr/>

³ Article 16.1 of the Universal Declaration of Human Rights, <http://www.un.org/en/documents/udhr/>

⁴ <http://america.aljazeera.com/articles/2014/1/19/rights-group-lawfailingtoprotectchildbrides.html>

⁵ While Saudi Arabia is not a signatory to the UDHR, in being a Member of this Council it is party to the founding resolution of the Human Rights Council, 60/251. As a Member, it is bound to '*uphold the highest standards in the promotion and protection of human rights, ...[and] fully cooperate with the Council*'. This implies that they must, at the very least, uphold the normative standards arising from UN resolutions to which they subscribe, including the consistent re-affirmations of the values set forth in the UDHR and ICCPR.

⁶ <http://www.opendemocracy.net/arab-awakening/oguz-alyanak-funda-ustek/inconvenient-truth-about-child-brides%0A>

⁷ Jaafari Personal Status Law, http://www.huffingtonpost.com/2014/04/30/iraq-child-marriage-law-vote_n_5234828.html

⁸ <http://www.digitaljournal.com/article/329317>

⁹ During their speech in the Interactive Dialogue with the Special Rapporteur on Contemporary Forms of Slavery,
<http://webtv.un.org/meetings-events/human-rights-council/regular-sessions/27th-session/watch/clustered-id-ie-on-older-persons-and-sr-on-contemporary-forms-of-slavery-3rd-meeting-27th-regular-session-of-human-rights-council/3774406324001>

¹⁰ Paragraph 39, page 11, A/HRC/27/53/Add.1