



CYGEN

Commonwealth Youth
Gender & Equality Network



**ENDING CHILD MARRIAGE IN
THE COMMONWEALTH:
ADVOCATING FOR LEGAL REFORM
AND SOCIAL CHANGE**

ACKNOWLEDGEMENTS

ACKNOWLEDGEMENTS

The Commonwealth Youth Gender & Equality Network (CYGEN) and the Royal Commonwealth Society express their gratitude to the authors of this report: Firhaana Bulbulia and Sophia Lane. We would also like to thank the Australian Government, through the Department of Foreign Affairs and Trade (DFAT), who provided funding for this resource in support of their commitment to advancing gender equality and the rights of women and girls.

Design and Illustration: Maggie Roman Illustration

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ABOUT THE COMMONWEALTH YOUTH GENDER & EQUALITY NETWORK (CYGEN)

Created in 2015 at a youth convening in Malta, the Commonwealth Youth Gender & Equality Network (CYGEN) is a youth led, and youth focused, network that actively promotes and supports the meaningful inclusion of youth voices on gender equality issues in local, national, regional, Commonwealth and international agendas. The Royal Commonwealth Society acts as the secretariat of CYGEN, working with the Executive Committee and the membership to continually develop and grow the network and ensure it is represented at high-level advocacy opportunities.

CYGEN seeks to improve the position of young people, and advocate for increased youth engagement and participation in existing structures, processes and governance. CYGEN affords young people the opportunity to voice their concerns on gender equality issues that not only affect them, but that impact the variety of communities in which they live.

For more information, visit: <https://www.royalcwsociety.org/cygen>

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Through youth empowerment, education and high-level advocacy, the Society champions the importance of connected communities, literacy, equality, and the environment across the Commonwealth's 54 member states. Since 2013, the Society has sought to build sensitive dialogue among Commonwealth stakeholders around the need to protect the rights of LGBT+ people, women and girls, and other marginalised groups.

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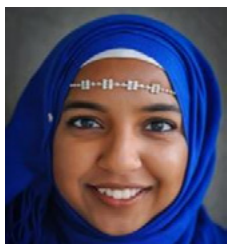
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ABOUT THE AUTHORS



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Firhaana Bulbulia is a leading contributor to CYGEN's work on child, early and forced marriage. She has more than 11 years of experience in grassroots activism. In 2010, she founded the Barbados Association of Muslim Ladies to promote the socio-economic and educational advancement of Muslim women in Barbados. She is a project coordinator and gender analyst, working with several entities including the United Nations and the Government of Barbados. She holds an MA in Education, Gender and International Development from University College London. In 2021, she was awarded the One Young World Leading Americas Scholarship for her work on gender-sensitive juvenile justice reform in the Caribbean.



SOPHIA LANE

Sophia Lane has worked with a range of organisations on gender equality and women's rights at the international level, including the Council of Europe, UN and EU agencies, and NGOs, focusing mainly on research and advocacy. She has worked on issues relating to women's and girls' rights, especially in the context of health and education, and has a particular specialisation in the area of violence against women. Her experience of gender equality work ranges from Europe to sub-Saharan Africa. She holds an LLM in Human Rights from the University of Edinburgh. She is a member of the CYGEN Child, Early and Forced Marriage Working Group.

ABSTRACT



The Commonwealth Youth Gender & Equality Network (CYGEN) virtual workshop 'Ending Child Marriage in the Commonwealth: Advocating for Legal Reform and Social Change' took place on Saturday 30 October 2021. The workshop included presentations from five speakers, plus a recorded video message from an advocate on ending child early and forced marriage (CEFM). Setting the context for CEFM globally and in the Commonwealth, the presentation by Christine Alfons (Safe Engage Foundation) was followed by a detailed explanation of Commonwealth mechanisms for advancing social change and legal reform to end CEFM, delivered by Gary Rhoda (Commonwealth Secretariat). Following a video message from advocate Kavell Joseph, who highlighted the recent amendment to the law in Trinidad and Tobago criminalising child marriage, participants were provided with a practical how-to session on writing policy papers by Cherise Francis, Attorney-at-Law, Doctoral Researcher and Commonwealth Scholar.

Finally, two case studies on CEFM were presented: one for Trinidad and Tobago, delivered by Dr Gabrielle Hosein from the Institute of Gender and Development Studies (St. Augustine); and one for Pakistan, delivered by Dr Rajwanti Kumari, grassroots activist, peace agent and moderator of the workshop. A Q&A was held at the end of each session, and these were characterised by lively discussions and valuable questions and inputs from various participants, making for a rich and interactive workshop. The following is a detailed report on the workshop, and serves as a resource for youth advocates interested in learning more on this topic or facilitating a similar capacity building activity.

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BACKGROUND

The colonial past of Commonwealth countries has greatly influenced the institutionalisation of discriminatory laws and policies, solidified by social and cultural practices that disproportionately affect women and girls.

Issues such as child, early and forced marriage continue to undermine and destroy the lives of children, particularly girls. Almost 60 per cent of all child marriages globally occur within the Commonwealth, despite the bloc accounting for only 32 per cent of the global population. This stark figure highlights the need for persistent and urgent action. Moreover, the unprecedented challenges being faced globally due to the COVID-19 pandemic have further increased vulnerability. The United Nations Population Fund (UNFPA) has reported that COVID-19 restrictions may delay interventions against child marriage and cause a long-lasting economic downturn that will push more families into poverty, which is a key driver of child marriage.

Legal reform and accompanying social change remain two critical areas needed to end child marriage in the Commonwealth.

"Across the Commonwealth, legislation remains insufficient to acknowledge and address child marriage. The legal frameworks of many countries actively enable marriages involving children through an absence of constitutional minimum ages for marriage, legislative ages of marriage that are or in certain circumstances can be below 18 years of age, and discriminatory ages of marriage as between males and females. Few countries have criminal or other sanctions against those conducting or enabling a marriage involving a child. Much of the Commonwealth continues to struggle with enforcing legal systems that mandate birth and marriage registration, which would enable better monitoring of ages of marriage. Few court cases are brought challenging the institutional and societal systems and structures that enable child marriage."

R. Santhanakrishnan, President of the Commonwealth Lawyers Association (2017 - 2019).

BACKGROUND

The Commonwealth Youth Gender & Equality Network (CYGEN) is a leading youth network in the Commonwealth advocating for change in legislation, policy and social attitudes to end child marriage. Child, early and forced marriage has remained a key component of its Gender Agenda since its inception in 2015. In January 2020, CYGEN launched the '#Reform 53: Together for Legal Equality' campaign*, calling on the leaders of the 54 Commonwealth countries to reform laws that discriminate against women and girls and LGBT+ people, many of which are a colonial legacy. In the lead up to the Commonwealth Heads of Government Meeting in 2022, the campaign outlines five objectives, one being to "Reform consent laws on forced marriage and removing clauses that defer to customary laws."

In line with these priorities, and to build momentum for sustained action to end child marriage, the capacity of young people needs to be built throughout the Commonwealth so they can lead this change. The workshop was designed with this objective in mind.

** At the time of the campaign's launch, the Commonwealth had 53 Member States*

OBJECTIVES

The virtual workshop aimed to:

- Sensitise young people in the Commonwealth to the issue of CEFM;
- Help participants better understand the linkage between social change and legal reform in ending child marriage in the Commonwealth;
- Raise awareness on Commonwealth mechanisms for advocacy on CEFM;
- Gain practical skills in developing campaign/policy briefs to support in-country advocacy; and
- Provide examples of success stories in the Commonwealth on social change and legal reform on CEFM.

BACKGROUND



TARGET AUDIENCE

The workshop targeted young people between the ages of 15 and 29 living in the Commonwealth who:

- Were part of national youth councils, youth machineries, youth civil society organisations or youth groups;
- Were advocates, community leaders or influencers; and
- Had an interest in CEFM/gender issues.

FORMAT

The workshop was held online, via Zoom, on Saturday, 30 October 2021. Pre-registration was facilitated via Zoom, with 388 persons from 41 countries registering for the session. Information on the workshop was shared via email with the CYGEN membership database, other Commonwealth networks, CYGEN social media and National Youth Councils.

Flyers for the workshop can be found below.

BACKGROUND

Ending CHILD MARRIAGE in the COMMONWEALTH

Advocating for Legal Reform and Social Change

A Virtual Workshop for Youth Advocates! ages 15-29

The workshop will help youth advocates:

- Enhance awareness on CEFM in the Commonwealth
- Better understand the linkage between social change and legal reform in ending CEFM
- Identify Commonwealth mechanisms for advocacy on CEFM
- Gain practical skills in developing campaign/policy briefs to support in-country advocacy

Participants will learn from Case Studies based on success stories in Trinidad & Tobago and Pakistan!

REGISTER ONLINE! zoom <https://bit.ly/330P4Vxy>

SATURDAY, 30TH OCTOBER

10AM - 1PM GMT

#CYGENetwork cymgssocialinators@gmail.com

Ending CHILD MARRIAGE in the COMMONWEALTH

Advocating for Legal Reform and Social Change

A Virtual Workshop for Youth Advocates! ages 15-29

PRESENTERS

- Christine Alfano**
Founder & Director of Safe Engage Foundation
- Gabriele Hosain**
Lecturer & Head of the Institute for Gender & Development Studies
- Cherrise Francis**
Attorney at Law & Doctoral Researcher
- Dr. Rajwanti Karmali**
Diploma, Female Activist, Peace Agent

with **Shavana HayBorthwick** & **Gary Rhoads**
Head of Human Rights Unit & Human Rights Officer

REGISTER ONLINE! zoom <https://bit.ly/330P4Vxy>

SATURDAY, 30TH OCTOBER

10AM - 1PM GMT

#CYGENetwork cymgssocialinators@gmail.com

A Certificate of Participation was shared with participants following the workshop.

CERTIFICATE OF PARTICIPATION

THIS CERTIFICATE IS AWARDED TO YOU

For taking part in the CYGEN "Ending Child Marriage in the Commonwealth" Workshop.

NAFESHA RICHARDSON
Coordinator
Commonwealth Youth Gender Equality Network

CYGEN

BACKGROUND

AGENDA

The agenda was divided into five sessions. Speakers came from diverse backgrounds with varying expertise working on CEFM issues at the grassroots, national, international and Commonwealth levels.

TIME (GMT)	ITEM	FACILITATOR	PRESENTER
10:00–10:05	Welcome	CYGEN	Dr Rajwanti Kumari Host and Member of CYGEN/CEFM Working Group
10:05–10:10	Opening Remarks	CYGEN	Nafesha Richardson Commonwealth Youth Gender & Equality Network Coordinator
10:10–10:15	Viewing #Reform53 Video on CEFM		
10:15–10:45	CEFM Globally and in the Commonwealth Presentation + Q&A	Safe Engage Foundation	Christine Alfons Founder and Director
10:45–11:00	Commonwealth Mechanisms for advancing social change and legal reform to end CEFM Presentation + Q&A	Commonwealth Secretariat	Shavana Haythornthwaite Head of Human Rights Unit Gary Rhoda Human Rights Officer
11:00–11:05	Video Message from Advocate		Kavell Joseph, Trinidad and Tobago
11:05–11:35	Tools for Advocacy: Preparing a Policy Brief Presentation + Q&A		Cherise Francis Attorney-at-Law, Doctoral Researcher and Commonwealth Scholar
11:35–12:05	Case Study Presentation: Pakistan Presentation + Q&A		Dr Rajwanti Kumari Grassroots activist and peace agent, Pakistan
12:05–12:25	Case Study Presentation: Trinidad and Tobago Presentation + Q&A	Institute of Gender and Development Studies, St. Augustine	Dr Gabrielle Hosein
12:25–12:30	Final Words and Call to Action	CYGEN	Firhaana Bulbulia CYGEN, CEFM Lead

SPEAKERS



NAFESHA RICHARDSON

Coordinator, Commonwealth Youth Gender & Equality Network

Nafesha Richardson was born and raised in St. Vincent and the Grenadines. She received a Bachelor of Laws from The University of the West Indies in 2020. Nafesha is the Founder of SPARK SVG, Coordinator of the Commonwealth Youth Gender & Equality Network (CYGEN), Youth Champion of the Escazú Agreement, and a volunteer with the St. Vincent and the Grenadines Girl Guides Association.



CHRISTINE ALFONS

Founder, Safe Engage Foundation

Christine Ghati Alfons is the founder of Safe Engage Foundation. She is a Kenyan activist working to end FGM/C and child marriages, in her community and beyond. She is also a co-facilitator with Orchid Project on UNICEF's six elements of social norm change, and served on the executive committee of CYGEN as the CEFM lead in 2019–20. She is a 2015 Queen's Young Leader.



CHERISSE FRANCIS

Attorney-at-Law, Doctoral Researcher

Cherisse Francis is an attorney at law and educator from Barbados and a proud alumna of the University of the West Indies, Cave Hill Campus. She has a personal and professional interest in human rights, holding a Master of Laws in Human Rights and Criminal Justice. Cherisse has worked in legal systems across the Caribbean and Latin America, and has experience facilitating training for various audiences, including youth advocates. At present, Ms Francis is a PhD candidate at the University of Warwick, where her research focuses on trafficking in persons in the English-speaking Caribbean.

SPEAKERS



DR GABRIELLE HOSEIN

Head of the Institute for Gender and Development Studies, Lecturer

Gabrielle Jamela Hosein is Senior Lecturer at the Institute for Gender and Development Studies, The UWI, Trinidad and Tobago. She co-edited the study, 'Negotiating Gender, Policy and Politics in the Caribbean: Feminist Strategies, Masculinist Resistance and Transformational Possibilities'. She works on engaging men and boys to end violence against women, gender mainstreaming in the Caribbean, and gender-based violence in TT. She is currently researching child marriage and early unions in six Caribbean countries. Involved in Caribbean feminist organising for 25 years, her newspaper column, 'Diary of a Mothering Worker', has been published weekly since 2012.



DR RAJWANTI KUMARI

Doctor, Women's Rights Activist, Peace Agent

Rajwanti Kumari is a doctor, an activist, debater and speaker who has worked at a grassroots level tackling the practice of CEFM. She has campaigned for changes to marriage laws, advocating with government and community leaders.



GARY RHODA

Human Rights Officer, Commonwealth Secretariat

OVERVIEW OF SESSIONS

OPENING REMARKS

The workshop began with opening remarks by Nafesha Richardson, Coordinator of the Commonwealth Youth Gender Equality Network. She highlighted the fact that, across the Commonwealth, forced marriage is still a significant issue. Even though some countries have a legal framework in place, these are often undermined by religious and customary laws. This leads to some communities accepting a higher number of women and girls entering marriage without their consent, amounting to modern slavery.

CYGEN works on these issues by improving the position of young people and their ability to engage in governance and to voice their concerns on gender equality issues that affect them and their communities. Since 2015, CEFM has been a key component of CYGEN's Gender Agenda, which notes that the practice is rooted in gender inequality and poverty and that strong political will combined with grassroots activism is vital to ending CEFM. In 2020, CYGEN launched the 'Reform 53: Together for Legal Equality' advocacy campaign, calling on governments to repeal laws on consent for forced marriage, as well as clauses deferring to customary laws. Nafesha noted that, although there has been progress, there is still work to be done. Recalling the objectives of the workshop (outlined above), she emphasised that, for action to be successful, the skills and resources of organisations and activists working on ending CEFM need to be strengthened.

#REFORM53 VIDEO ON CEFM

A short video from the 'Reform 53: Together for Legal Equality' campaign, produced in the lead up to the (postponed) 2020 Commonwealth Heads of Government Meeting, was shown to the participants. The video highlights how discriminatory laws still affect millions of people across the Commonwealth and shares the story of Christine from Kenya, an activist working to end CEFM. In the clip, Christine explains how damaging CEFM is and how effective laws to end the practice are an essential starting point for changing the mindsets of communities.



SESSION 1: CEFM GLOBALLY AND IN THE COMMONWEALTH

SESSION 1: CEFM GLOBALLY AND IN THE COMMONWEALTH

The first session of the workshop was delivered by Christine Alfons, Founder and Director of the Safe Engage Foundation, who introduced the issue of CEFM and why we need to work together to end the practice now.

DEFINING CEFM

The concept of CEFM was illustrated with images, highlighting the distress of the girls and portraying the force used against them. In describing the images, Christine stressed how, in CEFM, the victim, whether a girl or a boy, is not given the chance to enjoy their childhood or their right to choose. Using the images, CEFM was defined as follows:



Child marriage—any formal marriage or informal union where one or both parties are under 18 years of age.



Early marriage—the marriage where one or both parties who are above 18 years enter into the union without being ready to do so; rather, circumstances pressure them into marriage.

SESSION 1: CEFM GLOBALLY AND IN THE COMMONWEALTH



Forced marriage—where one or both parties do not or cannot consent to the marriage, and pressure or abuse is used to force them into marriage.

DRIVERS OF CEFM

Christine highlighted four key drivers of CEFM:

- **Gender inequality:** this is a problem in many communities, where members of the community do not value girls and women. This can also affect boys, but the value of girls is often very low in comparison, and many more are therefore often vulnerable to CEFM.
- **Poverty:** in many communities across the Commonwealth, girls are viewed as a source of income. For example, in the form of dowries paid to the family of the girl who is being married.
- **Social norms:** for example, female genital mutilation (FGM), which is practised in some Commonwealth communities. Other social norms include 'bidding', whereby the girl is born into one family but is considered an in-law of another family from birth. Such social norms fuel CEFM.
- **Insecurity:** this includes pressure put on victims to marry, including those over 18, and who therefore rush into marriage despite not being ready. Insecurity can also be linked to community social structures.

RIGHTS VIOLATED BY CEFM

Four key human rights were identified as being violated by the practice of CEFM:

SESSION 1: CEFM GLOBALLY AND IN THE COMMONWEALTH

- **Health:** this right, in particular sexual and reproductive health (SRH), is violated by CEFM. For example, when a girl is not biologically ready to have a child but is forced to do so.
- **Education:** CEFM leads to school dropouts, thereby violating the right of the child to education.
- **Freedom of choice:** girls are not given an opportunity to choose their partner.
- **Protection from harmful practices:** girls are subjected to practices that are physically and psychologically harmful.

In many communities, these practices are not seen as violations of human rights, indicating a lack of awareness.

ACCELERATING EFFORTS TO END CEFM

Despite progress, CEFM and other harmful practices against girls are ongoing, and the statistics indicate the need to accelerate efforts to end such practices. For example, of the 650 million women alive today who already suffer the direct consequences of child marriage, 375 million (58 per cent) are from Commonwealth member states. In fact, on average, 23 girls are married every minute, 17 of whom come from Commonwealth member states. Twelve million girls are married before the age of 18 each year and 8.8 million are from the Commonwealth. It is clear that Commonwealth member states are lagging in protecting girls and ensuring that they are reaching their full potential.

On this basis, the need to accelerate specific efforts to end CEFM was highlighted. Primarily, girls should have access to safe spaces and people they can trust, who allow them to grow and to have their dreams and goals actualised. Efforts are already underway, with some communities (including tribal communities) abandoning these practices, serving as examples to others. In these cases, the communities have been effectively reached and sensitised, such as in countries where FGM has been abolished by putting laws in place to guide and protect women and girls.

SESSION 1: CEFM GLOBALLY AND IN THE COMMONWEALTH

STRATEGIES TO END CEFM

Several strategies have been employed so far to tackle CEFM. To be effective, strategies to combat CEFM need to include:

- **Community sensitisation towards abandonment of child marriage.**
- **Laws, policies and commitments that protect women and girls from CEFM.** The #Reform53 campaign is a good example of activism to encourage Commonwealth heads of government to reform customary laws that are not in line with international laws—an essential task if we are to protect all girls at risk of CEFM.
- **Education scholarship opportunities.** Programmes ensuring girls can stay in education, such as scholarships, are key to ending CEFM. Without such opportunities, many girls would otherwise drop out of school, as parents would not be able to afford their education.
- **Economic empowerment programmes for women.** Economically empowered women make informed choices about their own bodies and any children they bear. Such women are in a position to articulate problems and can discuss matters affecting their family or community as a whole with their husbands. They are therefore supported to make decisions that are good for them, their families, and their wider communities.

The loss of jobs during the COVID-19 pandemic and other challenges, such as girls staying at home rather than going to school, has led to a major increase in CEFM. We therefore need to ensure these issues are addressed in order to avoid losing more girls to CEFM.

This demonstrates a clear need to accelerate efforts so that we are not still talking about CEFM in the Commonwealth in 2030.

SESSION 1: CEFM GLOBALLY AND IN THE COMMONWEALTH

DISCUSSION/Q&A

In response to several questions posed by participants following the presentation, Christine further explained that, in order to start a programme advocating to end CEFM, activists need first to connect with like-minded people to advance their cause. If their vision and mission are not well-aligned, their work will not receive support and will therefore not be as effective.

The issue of girls consciously choosing to enter into child marriage, as a result of having grown up in cultures that support it, was raised as a little-discussed but very real problem. The presenter proposed to think about how best to sensitise families and mentor girls to explain the problems of child marriage and why such unions can wait. Mentorship programmes in schools were highlighted as particularly key to tackling CEFM in this regard, as these would allow for discussions to explain to girls why they should not enter a child marriage, helping them to change their attitudes.

Following on from this issue, the question of how to effectively mentor girls in schools which are bureaucratically run (such as church schools with conservative attitudes to matters such as SRH) was raised. Such schools may be resistant to inviting activists to speak on these issues. A potential solution is to create rapport with teachers before reaching out to girls through their schools, by explaining the programme and encouraging their buy-in. This could be an important entry point to mentoring girls on CEFM. Holding meetings with teachers in the initial stage was also recommended as a way to enquire about the challenges teachers face, and to explain why and how CEFM mentorship programmes will help them solve those challenges. Such an approach helps to lay the foundations for entering schools and changing the system from within. To ensure the sustainability of such programmes, activists can also set up clubs that can continue to run even if the formal mentorship project has been phased out.



SESSION 2: COMMONWEALTH MECHANISMS FOR SOCIAL CHANGE AND LEGAL REFORM TO END CEFM

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The second session was delivered by Gary Rhoda, Human Rights Officer at the Commonwealth Secretariat.

KEY MECHANISMS

The Commonwealth mandate for addressing CEFM is underpinned by several developmental agendas. This includes the **Commonwealth Agenda for Action for Gender Equality**, which explicitly recognises CEFM. **Meetings of the Commonwealth Law Ministers** over the years have also recognised CEFM as a concern for addressing gender equality and the empowerment of women.

An additional mechanism is the **Commonwealth Heads of Government Meeting (CHOGM)**, held every two years, at which the heads of government across the Commonwealth come together and issue guidance on how the Secretariat should conduct their work and direct which topics it will focus on. The most important of these in relation to CEFM was the 2015 CHOGM in Malta, at which the heads of government welcomed the collective action of Commonwealth governments in preventing and eliminating CEFM. They also requested that Commonwealth countries use this platform to address the issue collectively, and to establish programmes for those who have already been subjected to CEFM.

The presentation stressed that an important feature of the Commonwealth is its ability to convene meetings across regions and languages, and to bring together voices from across cultures.

An example of this is the **Roundtable on CEFM**, co-convened by the Human Rights Unit of the Secretariat with the Royal Commonwealth Society and Plan International in 2013. The meeting brought together experts, national human rights institutions (NHRIs) and governments from across the Commonwealth to discuss key issues and challenges. A report was released following the roundtable and submitted to the UN Office of the High Commissioner for Human Rights (OHCHR) as part of the core annual inputs on the issue of CEFM.

SESSION 2: COMMONWEALTH MECHANISMS FOR SOCIAL CHANGE AND LEGAL REFORM TO END CEFM

Since then, the Secretariat has sought input from member countries and is facilitating those countries input into global calls and mechanisms seeking to address CEFM, to ensure the voice of the Commonwealth is represented and action is prioritised.

In 2015, a meeting of the **Commonwealth Forum of National Human Rights Institutions (CFNHRI)** convened in Rwanda to strengthen the ability of Commonwealth NHRIs to address the issue of CEFM in their jurisdictions. This led to the **Kigali Declaration**, a united framework of all NHRIs across the Commonwealth, setting out what actions they can take to fight CEFM.

At the local level, the Secretariat supported the mobilisation of traditional chiefs, young men, and young women survivors of CEFM in a rural district of Malawi. This led to the establishment of the **Chiefs' Caucus** to mobilise traditional leaders to the cause. In 2016 in Ghana, the Secretariat also supported the mobilisation of chiefs and queen mothers in rural areas, resulting in the signing of a memorandum of understanding between traditional leaders and the Ghanaian NHRI to promote advocacy on CEFM, especially in northern Ghana, where CEFM is quite prevalent.

At the academic institutional level, the Secretariat partnered with the University of Pretoria and the African Commission on Human and People's Rights by convening child marriage dialogues with civil society actors, NHRIs, traditional leaders and traditional leadership structures, working to address CEFM from the grassroots up. The first dialogue was in Nairobi, with others in Malawi and Uganda, then, in May 2016, in South Africa and Mozambique.

A further partnership with the South Asian Association of Regional Cooperation also resulted in activities to mobilise men and boys. In 2017 in Addis Ababa, the Secretariat, in collaboration with the OHCHR, partnered with the African Union to deliver capacity building workshops for traditional leaders and parliamentarians on ending child marriage in Africa. This included delivering an expert workshop, which facilitated the sharing of best practices across different countries, regions and institutions.

SESSION 2: COMMONWEALTH MECHANISMS FOR SOCIAL CHANGE AND LEGAL REFORM TO END CEFM

CEFM GOOD PRACTICE GUIDE

In 2016, the Commonwealth Law Ministers Meeting held in the Bahamas mandated the Secretariat to produce a **Good Practice Guide** on addressing CEFM. This is currently being finalised and will be presented to Commonwealth Law Ministers in preparation for the CHOGM 2022. Countries can use the Guide to adopt, scale-up and/or adapt practices that have been successful in other countries to address CEFM.

DISCUSSION/Q&A

In the ensuing discussion, it was noted that some countries' human rights institutions lack the necessary contextual knowledge to ensure behavioural change that helps to prevent CEFM more sustainably, rather than by simply enforcing the law. An example from the UK was mentioned to illustrate this: there, the conviction of a mother who perpetrated FGM in Bristol led to a backlash against the government from the community, who felt that insufficient attention had been given to context. This led to a discussion of how the CEFM Good Practice Guide could shed light on how to enforce the law whilst recognising context and highlighting cultural issues, including how to balance these with the law.

In response, Gary explained that the forthcoming Guide will address such issues relating to CEFM, including distinctions between international, national and customary law, and how states should approach this tension. The Guide will also highlight several actions that can be taken, including social norm change, which is fundamental to promoting community understanding of why such practices are harmful. The need to address the economic and social empowerment of women and young girls was also mentioned, including by ensuring their meaningful participation in decision making, as well as the repeal of discriminatory laws.

SESSION 2: COMMONWEALTH MECHANISMS FOR SOCIAL CHANGE AND LEGAL REFORM TO END CEFM

The second topic explored in the discussions was the impact of other harmful practices relating to CEFM, namely dowries/bride price, FGM, and child trafficking, and whether such issues are highlighted when working with communities. It was acknowledged that CEFM cannot be solved without also addressing these issues, and that the empowerment of women, particularly through education, is key. This is essential in shifting the value chain from the price of a dowry or a girl being married early towards girls' education and ability to choose what they want to do, and when and whether they want to marry and/or have children.



VIDEO MESSAGE FROM KAVELL JOSEPH, ADVOCATE

Before the final two sessions of the workshop, a video message from Kavell Joseph, CEFM advocate and lawyer from Trinidad and Tobago, was presented to the participants.

In the video, Kavell discussed the recent legal amendment addressing CEFM in Trinidad and Tobago, including its context. Prior to the amendment, child marriage had been allowed with parental consent, judicial authorisation, or in accordance with applicable religious laws. The main legal framework had been put in place in the early 20th century, when girls' education was not valued. Kavell mentioned her own grandmother as an example, who had been a child bride at 16, unable to complete her education, and had suffered several miscarriages resulting in physical and psychological harm.

SESSION 2: COMMONWEALTH MECHANISMS FOR SOCIAL CHANGE AND LEGAL REFORM TO END CEFM

Over time, legal exceptions introduced in the **Marriage Act** came to directly contradict the **Sexual Offenses Act**, which made it illegal to engage in sexual acts with individuals under the age of 18 years. In 2017, an amendment to the marriage law removed legal exemptions—a huge victory for all girls in Trinidad and Tobago. As a result of this reform, anyone who attempts to engage in child marriage is no longer protected, and will be subject to sanction.

Advocates against CEFM played a key role in securing this change; writing articles in local newspapers, protesting on social media and in the streets. Kavell herself wrote two articles on child marriage for the World Bank to highlight the issue on an international stage.

Yet, today there are still countries in the Caribbean that allow marriage for children who are aged 16 years and above when parental or judicial consent has been granted. This needs to change. Such amendments are also critical for these countries in order for them to reach target 5.3 of the Sustainable Development Goals.

CEFM has serious consequences, depriving child brides of their safety, security, health, education and freedom of choice. Ending the practice is not only morally right, but also economically smart. According to the World Bank, women married as children have lower expected earnings in adulthood than women married after the age of 18.

Kavell closed by mentioning the key skills needed by an advocate:

- Communication;
- Team player skills;
- Drive; and
- Patience.

Kavell stressed that laws are not changed overnight. Advocates should rather keep in mind the long-term goals of their mission.



SESSION 3: TOOLS FOR ADVOCACY

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In the third session, Attorney-at-Law, Doctoral Researcher and Commonwealth Scholar, Cherisse Francis, presented on policy (or position) papers as tools for CEFM advocacy. The practical and effective use of policy papers was discussed in relation to '5Ws and 1H: the What, the Why, the Who, the When, the Where and the How'.

WHAT?

What is a policy paper? **What** is it about?

For the purposes of this workshop, 'policy' and 'position' papers do largely the same thing, so the terms are used interchangeably. Such papers transfer knowledge on a topic to a specific audience, such as a government or an international organisation. They provide a professional opinion on a topic and/or try to generate support for a cause. Policy papers often include the results from a particular study, and recommendations to address those findings.

WHY?

Why are policy papers important?

Policy papers are useful for convincing audiences, especially governments, that issues are worth discussing, and that the opinion of the activist presenting the paper is credible, valid and worthy of consideration. Reliable evidence should be used to support the opinion put forward in the policy paper. Another goal of policy papers is to make recommendations, which should be measurable, impactful, and propose a way forward.

Why write a policy paper?

Activists may choose to write a policy paper (such as on ending CEFM) because they have personal and/or moral connections to the issue. However, the primary objective of developing a policy paper should be to push for legislative change or reform—they are not the best tool for quickly changing community attitudes.

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Why is CEFM important, and **why** is a policy paper on CEFM important?

Effective policy papers are based on fact rather than emotion and use statistics and examples to put forward solid arguments. Examples of credible information highlighting the issue of CEFM include:

- Every year, at least 12 million girls are married before they reach the age of 18. This is 28 girls every minute. In the least developed countries, 40 per cent of girls are married before age 18 and 12 per cent are married before age 15.¹
- Child marriage has long-term consequences on girls, including social isolation, domestic violence, and complications in childbirth. Child brides also have a higher risk of contracting HIV. In low-income countries, maternal-related complications are the leading cause of death amongst girls aged 15 to 19 years.²
- COVID-19 has increased vulnerabilities and caused CEFM to increase dramatically—we need to act now.

WHO?

Who is the audience for the policy paper?

This will most likely be a government entity or international organisation.

WHAT?

What does the audience believe?

For example, CEFM in many cases stems from cultural beliefs. If the audience (a national government, for example) is part of this community, it is important to be aware of socio-cultural and religious beliefs.

¹UNICEF. 2021. 'Child marriage'. **UNICEF**. Accessed 1 November 2021. Available from <https://data.unicef.org/topic/child-protection/child-marriage/>

²Girls Not Brides. n.d. 'Child marriage and health'. **Girls Not Brides**. Accessed 2 November 2021. Available from <https://www.girlsnotbrides.org/learning-resources/child-marriage-and-health/>

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This will affect the structure of the policy paper and how arguments are used to influence the audience.

What does the audience believe? **What** are their interests and mandates?

An understanding of the audience's other biases is also important to tie into a policy paper. For example, the driving force for governments is often an economic argument. By highlighting the various ways in which CEFM affects the economy, a policy paper will be more likely to persuade governments on this point.

Policy papers should be quite short so that they can be read cover to cover, giving the audience all the information it needs. If the paper is too long, it is more likely to get lost in the process of policy advocacy.

WHEN?

In what context is the paper being written?

Consider the social, economic, political and economic contexts that the policy paper is being written in and how this should inform the content.

Key moments for pursuing a policy paper should also be considered, for example: **when** the next big debate on the issue will be; **when** the government will next meet; **when** the next CHOGM or Commonwealth Youth Ministers meeting will be held.

Using policy papers to persuade someone to support a cause also requires speaking their language. For example, a policy paper directed at a government should use relevant government terminology to have the best chance of influencing decision making. The style that the policy paper is written in should also be tailored to the audience. For example, a government paper may be more text-heavy, whereas if the audience is more general (such as a youth group) it may be more effective to use more graphics and colour.

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WHERE?

Where is the paper going?

The 'where' is closely connected to the 'when', especially in terms of language choice; **where** the paper is going will determine the language it is written in, as well as the style used. For example, if the audience is English-speaking, the policy paper also needs to be in clear, correct English.

How?

How to write a policy paper?

Clarity and brevity are key to a good policy paper, with the focus being on quality over quantity. The paper should be well-written with good punctuation and grammar, using terms the audience understands without excessive explanation. Sources that can be traced and are recognisable, such as the UN, the Commonwealth, and accredited journal articles, lend further credibility to the policy paper. Possible counterarguments should also be anticipated; consider, for example, the religious or customary importance of CEFM. These can be addressed by highlighting the impact of CEFM on the human rights of girls and boys, including their right to education, to freedom from poverty, and to health (particularly SRHR and mental health).





SESSION 4: CASE STUDY PRESENTATIONS

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SESSION 4.1: TRINIDAD & TOBAGO—DR GABRIELLE HOSEIN

Dr Gabrielle Hosein from the Institute for Gender and Development Studies at the University of the West Indies, delivered the first half of the final workshop session, focusing on CEFM in Trinidad and Tobago.

HISTORICAL CONTEXT

The history of legislation of child marriage in Trinidad and Tobago before 2017 is reflected in four key marriage acts, covering different religious and ethnic groups:

1. **Hindu Marriage Act of 1946:** the minimum age was 14 years for a girl and 18 years for a boy.
2. **Muslim Marriage and Divorce Act of 1964:** the minimum age was 12 years for a girl and 16 years for a boy.
3. **Orisha Marriage Act of 1999:** the minimum age was 16 years for a girl and 18 years for a boy.
4. **Trinidad and Tobago Marriage Act of 1923,** governing Christian and civil marriages: set the minimum age at 18 years for women and men, but allowed exceptions on religious grounds, for which a minimum age was not prescribed.

The Children's Act of 2012, which came into force on 18 May 2015, harmonised the age of childhood and consent at 18 years and reflects the government's commitment to the protection of the rights of the child. However, while this act also decriminalised sex between opposite sex adolescents, it increased the penalty for same-sex intercourse to life imprisonment. The aforementioned Marriage Acts also remained in place until they were finally superseded in 2017³ by a law formally ending child marriage.

³ The law came into force in June 2018.

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Prior to these legal changes, the statistics for child marriage were as follows:

- From 2002 to 2012, 1.8 per cent of children were married by age 15 and 8.1 per cent by age 18, 98 per cent of whom were girls.
- From 1996 to 2016, 3,478 child marriages were recorded by the Registrar General.

Furthermore, low educational attainment, low socio-economic status and experience of child sexual abuse were correlated with early marriage/unions.

The Hindu Women's Organisation in Trinidad and Tobago had argued for a "window of consent between the ages of 16 and 18" for marriage with parental consent. The change to the marriage law meant that girls could only legally have sex (and get pregnant) outside of marriage if they were younger than 18. Based on consensus established within the Hindu community, the Organisation wrote a letter to the Attorney-General in 2011 asking for legal reform to end marriage for children below the age of 16.

CURRENT SITUATION—SRHR

Even with child marriage now criminalised in Trinidad and Tobago, girls are still unable to access SRH services between the ages of 16 and 18 without parental consent. Public health approaches do not address issues of predatory masculinity and the realities of sexual-economic transactions. It is therefore **necessary to shift the focus from girls as 'victims' to the predators themselves**, to speak about how social and cultural norms legitimise these kinds of masculinities, and the harms they do to these girls. Such conversations must also not focus strictly on either marriage or abstinence as the only options for girls. Caribbean countries have a long history of transactional sex between girls, especially working-class or impoverished, and older men.

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It is therefore important not to stigmatise these girls as having immoral values but to recognise their choices as stemming from struggling to survive.

Current efforts in Trinidad and Tobago to address access to SRH services for girls are also facing media backlash, especially the proposal to introduce comprehensive sexual education (CSE) in schools. However, access to SRH services is now in the second phase of legislative advocacy to address the gaps with CSE.

STATISTICS BEHIND SRHR ADVOCACY

According to the **Global School Based Health Survey** conducted in 2017:

- In **Trinidad**, 28.4 per cent were sexually active and 55.9 per cent had sexual intercourse before the age of 14.
- In **Tobago**, 38.8 per cent were sexually active and 56.3 per cent had sexual intercourse before the age of 14.
- In both **Trinidad and Tobago**, a higher incidence of sex was found among boys than girls.

On adolescent pregnancy and predatory adult masculinity:

- In 2017–19, births to girls aged 19 or younger accounted for **nine per cent of all births**.
- In 2011–15, **764 abortions** were performed on girls in public hospitals.
- In 2015–19, more than **90 per cent** of men fathering children of teenage mothers were over 18 years old.

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In terms of child sexual abuse, sexual violence and early unions:

- **1 in 5 women** reported experiencing **sexual abuse** before the age of 18. This was also the ratio for **15–19-year-olds** in the survey (**18 per cent**).
- **1 in 4 women** (25 per cent) who were first married or cohabiting with a male partner by the age of **18 or younger** also experienced **sexual abuse** before they were 18.
- **25–36 per cent** of women whose first sexual experience occurred before age 15 (12 per cent of total respondents) were more likely to report having been forced into this act than women whose age of first sexual experience was 15 years or older.

Overall, the statistics indicate that the age at first union is associated with all forms of partner violence, and that there is a clear correlation between child sexual abuse and early unions.

ADVOCACY STRATEGIES

Key strategies for advocating against CEFM include:

- **Information sessions** that help identify opportunities, threats, allies, beliefs, and resistance, and which help to build consensus around the issues.
- **Including a key message**—for CEFM, this could serve to shift the language, and therefore the focus, from CSE to the importance of protecting women and girls.
- **Letter-writing campaigns:**
 - Letters to legislators and the media with proposed amendments;
 - Letters to allies and partners outlining key points; and
 - Both social and traditional media campaigns can be used to point out the key issues related to health, education and rights.

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- Popular actions, including:
 - Use of popular public spaces;
 - Use of visual forms, (e.g., flags);
 - Protests/marches;
 - Vote boxes (e.g., where votes would be collected from the public during advocacy efforts, with the slogan 'vote against child marriage'); and
 - Use of examples of CEFM (such as staged child weddings, to attract media).
- Speaking as a coalition of many groups and multiple voices, taking different perspectives into account.
- Combining diplomacy and public advocacy; engaging with those speaking directly with authorities (inside) and those campaigning (outside).
- Building generational power by framing CEFM as a youth issue—arguably the best work is done when the younger generation is mobilised.

DISCUSSION/Q&A

Follow-up discussions explored forced marriage affecting working-class girls. A pattern whereby men offer to take care of girls from poor families highlights the particular vulnerability of these girls, who may be sent by their parents to such men under the assumption that they will be looked after. In the majority of cases, the age gap is at least 10 years. In Trinidad and Tobago, such unions now take place informally, under the same conditions that characterised child marriage before the law changed: vulnerable girls, predatory men, desperate families, economic insecurity, sexual transaction, and lack of SRH services for girls. Advocacy focusing on the wider context driving CEFM in addition to a specific focus on legislation is therefore needed for activism to be effective.

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SESSION 4.2: PAKISTAN—DR RAJWANTI KUMARI

The second half of the session, and the final presentation, was delivered by grassroots activist, and workshop moderator, Dr Rajwanti Kumari. Dr Kumari shared her experience as an activist on CEFM in Pakistan, which evolved from her roots growing up in a very small city with a traditional outlook. Many of the children in her community were married off at a very early age, as young as 12 years old. Dr Kumari began preparing for her entrance exam for medical school at the age of 15, when she started research into child marriages. She began to identify cases and developed an understanding of child marriage as a huge global issue, one she was in danger of herself.

Forming a team of 30 like-minded people, they ran a small project, collecting a lot of data. Over the next two years they developed into a country chapter. Working together to connect with small local NGOs with the same agenda, they progressed to advocating at the National Assembly and proposed a bill to end CEFM. Some senior members of the Assembly supported the country chapter and its work on CEFM, which was important for advancing the cause. In Pakistan, it is especially difficult to access education after the age of 25. Forced marriage is also very common, including forced conversion to another religion, and marriage to men 30 to 40 years older. Change in Pakistan may therefore take years, but there are signs that CEFM may end in the not-too-distant future.





**FINAL WORDS AND CALL TO ACTION
RECOMMENDATIONS / CONCLUSION**

FINAL WORDS AND CALL TO ACTION

CYGEN's CEFM Lead, Firhaana Bulbulia, delivered the closing statement and call to action. She sought to conclude the session by reinforcing the following key points and actions:

- She emphasised CYGEN's mandate to end CEFM, indicating that youth voices played a central role in achieving legal reform and social change.
- Firhaana encouraged participants to engage with CYGEN's #Reform53 campaign and take the information learnt through the workshop to start their own campaigns or further their advocacy in-country, particularly in the lead-up to key events such as CHOGM 2022.
- She invited participants to stay connected to CYGEN via social media, particularly Facebook, Twitter and Instagram. Questions can be sent to CYGEN via email. She also noted that the report on the workshop, and further details, would be made available on the CYGEN Knowledge Hub.
- The workshop concluded with a vote of thanks to the speakers, participants and CYGEN members who supported the coordination of the workshop.



RECOMMENDATIONS

RECOMMENDATIONS

- The large number of registrants for the workshop indicates a keen interest in this topic. It is recommended that additional opportunities be created to build on these vital conversations.
- Participants expressed a strong desire to better understand the Commonwealth mechanisms for advancing progress in this area. It is recommended that the Commonwealth Secretariat be further engaged to conduct similar sensitisation sessions and that the resources mentioned by the Commonwealth Human Rights Officer be shared with participants and the wider CYGEN membership.
- Participants brought their own wealth of knowledge and experience working on CEFM-related issues, so follow-up sessions could include more opportunities for knowledge- and resource-sharing between participants using break-out rooms or extended discussion periods.



CONCLUSION

CONCLUSION

The workshop provided participants with detailed insights into the problem of CEFM across the Commonwealth, including specific case studies from countries such as Pakistan and Trinidad and Tobago. CEFM is driven by gender inequality, poverty, social norms, and insecurity, among other factors. It affects the human rights of victims, in particular their rights to health, education, freedom of choice and protection from harmful practices.

CEFM is a particular problem in the Commonwealth, for which the statistics are significantly higher in comparison to global figures. Efforts to tackle CEFM by the Commonwealth Secretariat include various initiatives, such as meetings and the development of instruments like the forthcoming Good Practice Guide.

Many of the speakers also shared their wisdom on the various advocacy approaches activists can take to tackle CEFM effectively. Some of the key takeaways from the sessions were that:

- Changes to relevant legislation and cultural, religious and community attitudes on CEFM go hand-in-hand with efforts to end child marriage;
- On-the-ground communication with local communities is a powerful way to change opinions on CEFM;
- Effective efforts to change legislation on CEFM include writing policy papers and connecting with authority figures who are sympathetic to the cause;
- Legislative changes must harmonise relevant laws on ages of consent, for example, with marriage, sexual consent, and access to SRH services;
- Opportunities to access education, such as scholarships, as well as economic empowerment programmes for women can help protect women and girls from being subjected to CEFM;

CONCLUSION

- Working with like-minded people and groups to put forward a collective voice on CEFM is more impactful than working alone; and
- Advocates should prepare themselves for a backlash against their efforts to end CEFM from those who support the practice (e.g., some authorities, religious leaders, etc.).

The workshop therefore fulfilled its aims by sharing with participants the knowledge and tools they need to engage in effective advocacy to end CEFM in the Commonwealth. This report has documented these tools and knowledge to further extend the workshop's impact. The recommendations will serve as guidance for CYGEN as the network continues to engage with youth advocates to end child, early and forced marriage in the Commonwealth.

A recording of the workshop can be accessed [here](#).

