ELIMINATION OF CHILD MARRIAGE AS ONE OF THE MEASURES TO ACHIEVE THE SUSTAINABLE DEVELOPMENT GOALS BY 2030

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Children are one of the most vulnerable groups of people due to their young age and immaturity, and as such they receive special protection in all areas. This is reflected in the extensive legal protection provided in several international instruments and national laws. One of the indicators that countries and international organizations are taking steps to protect them is also the 2030 Agenda for Sustainable Development, which was launched in 2015 by the Member States of the United Nations out of the multiannual »let's change the world« vision. It sets out 17 goals and actions to improve the world, with children as an important target group. A key action in the light of child protection is the elimination of harmful practices, covered by the Gender Equality Goal, which, among other things, aims to eradicate all harmful practices by 2030, such as child marriage, which have a strong impact on children, (mostly) girls, as they affect several aspects of the lives of »child brides« and could help achieve several Sustainable Development Goals.

DOI https://doi.org/ 10.18690/um.pf.4.2024.6

> **ISBN** 978-961-286-855-0

> > Keywords:

Agenda 2030, children, ending harmful practices, ending child marriage, gender- based violence



DOI https://doi.org/ 10.18690/um.pf.4.2024.6

ISBN 978-961-286-855-0

Ključne besede: Agenda 2030, otroci, prenehanje škodljivih praks, prenehanje otroških porok, nasilje na podlagi spola



Odprava otroških porok kot eden od ukrepov za dosego ciljev trajnostnega razvoja do leta 2030

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Zaradi svoje mladosti in nezrelosti so otroci ena najbolj ranljivih skupin ljudi ter kot taki prejemajo posebno zaščito na vseh področjih. To se odraža v obsežni pravni zaščiti, zagotovljeni v večih mednarodnih instrumentih in nacionalnih zakonih. Eden od kazalnikov, da države in mednarodne organizacije sprejemajo ukrepe za zaščito otrok, je tudi Agenda 2030 za trajnostni razvoj, ki so jo leta 2015 začele izvajati članice Združenih narodov. Agenda 2030 določa 17 ciljev in ukrepov za izboljšanje sveta, pri čemer so otroci pomembna ciljna skupina. Ključno dejanje v luči zaščite otrok je odprava škodljivih praks, ki jo pokriva cilj enakosti spolov, ki med drugim cilja na izkoreninjenje vseh škodljivih praks do leta 2030, kot so na primer otroške poroke, ki močno vplivajo na otroke, (večinoma) dekleta, saj vplivajo na več vidikov življenja "otroških nevest" in bi lahko pomagale pri doseganju več trajnostnih ciljev razvoja.

1 Introduction

Child. It represents the beginning of life and the possibility of the continuation of humanity. Because of its importance and vulnerability, it receives special protection in national and international regimes. One of the first instruments to protect children was the Geneva Declaration on the Rights of the Child of 1924, followed by the Declaration on the Rights of the Child of 1959 and then the Convention on the Rights of the Child (CRC), which constitutes the founding instruments and the first internationally legally binding document for the protection of children.¹ The preamble to the CRC is based on the belief that the family, as a fundamental social group and the natural environment for the development and well-being of all its members, especially children, must be given the necessary protection and assistance to enable it to fully assume its responsibilities in society. It triggers all States Parties to take measures to protect children, with the best interests of the child as the guiding principle. One of the indicators that States are following this is, among others, the Agenda 2030 for Sustainable Development, which sets out Sustainable Development Goals (SDGs) for countries to improve the world by 2030 and puts children at the heart of these goals.

2 Children at the center of the SDGs in Agenda 2030

2.1 Child

Article 1 of the CRC provides that a child is any human being under the age of 18 unless the law applicable to the child provides that the age of majority is reached earlier. The general age limit of 18 years for the majority has been adopted in most countries of the world, with the exception of a few countries which set a lower or higher age of majority, but these are in the minority.²

In Slovenian legal system, the Constitution of the Republic of Slovenia itself already provides for special protection and care for children in article 54, and the definition of a child is specifically defined in article 5 of the Family Code, which follows the general age limit set out in the CRC and provides that a child is a person who has

¹ Some of the international instruments that protect the best interests of children are also: *the International Covenant on Civil and Political Rights*, 1966; *Charter of Fundamental Rights of the European Union*, 2010.

² For example, Iran and North Korea have lower age of majority. Some provinces in Canada, South Korea,

Thailand have a higher age majority.

not yet attained the age of 18 years, unless he has previously acquired full legal capacity. The acquisition of full legal capacity before the age of 18 occurs upon the marriage of a child over the age of 15 and when the minor becomes a parent and is granted full legal capacity by the court. When a child acquires full legal capacity before reaching the age of majority, or passes into adulthood, he loses the status of a child and thus the special protection that they enjoy, which is not necessarily in their best interests. Children are a special category of persons and thus a vulnerable group of people due to their age, immaturity and (in)ability to understand their actions and consequences (Kraljić, 2019, pp. 61, 63, 723). As such, they are afforded special protection in all areas, as demonstrated by the rich legal protection in the international legal instruments already listed in the introduction, individual national legislation, organizations dedicated to the protection of the best interests of children³ and the measures they take to protect them. The fact that children are at the heart of the SDGs, as will be explained below, is also an indication of their importance.

2.2 Agenda for Sustainable Development by 2030

The 2030 Agenda for Sustainable Development (Agenda 2030) is an outline for peace and prosperity for people and the planet, now and in the future, conceived in 2015 by all the Member States of the United Nations (UN) out of a multi-year *wlet's change the world*« vision that dates back to 1992 with the adoption of Agenda 21, the first comprehensive action plan to build a global partnership for sustainable development.⁴ The desire to move forward together has only grown stronger over the years, and in 2002 countries set out eight development goals to reduce poverty by 2015 through the Millennium Declaration (2000), followed up in 2012 with the adoption of *»The Future We Want*« (2012) and in 2015 they began the process of preparing for the post-2015 era, culminating in the adoption of the 2030 Agenda. The Agenda sets out sustainable development goals for countries to make the world a better place by 2030. It has been adopted by all 193 UN Member States, including Slovenia, but it is not only intended for the signatory countries, as it is also anchored in human rights and explicitly based on the Universal Declaration of Human Rights (UDHR), international human rights treaties and other instruments (UN, Human

³ United Nations International Children's Emergency Found- UNICEF, Child Rights International Network-CRIN, Defence for Childre International- DFI, Save the Children, Girls not Brides.

⁴ United Nations Conference on Environment & Development Rio de Janerio, Brazil, 3 to 14 June 1992, AGENDA 21.

rights Council, 2016). Sustainable development is also a fundamental principle of the Treaty on European Union (EU), as both, the EU and the UN, work towards a better and safer world for all. To this purpose the EU has developed its own roadmap, the European Green Deal (2019), which is an action plan for a circular economy towards a sustainable EU economy, focusing not so much on people and the Earth as in the 2030 Agenda, but more on the economy (Evropski zeleni dogovor (The European Green Deal), 2019). The Agenda 2030 seeks to realize the human rights of all, and is universally applicable to all people in all countries, including developed and developing countries. It consists of a preamble, a declaration, and 17 general SDGs, within which specific actions or means to achieve them are identified. Central to all the Goals are people and in this context, ending poverty, hunger, ensuring education and a decent, equal life for all; eliminating gender inequality; protecting our planet Earth; ensuring people live a life worth living in prosperity; promoting peaceful and just societies; and providing the means to implement the Agenda through a renewed Global Partnership for Sustainable Development, in a spirit of strengthened solidarity worldwide (Justinek et al., 2015, pp. 19-20). It is therefore about five key elements that are interlinked through the goals- people, land, prosperity, peace and partnership.

2.3 The position of children in Agenda 2030

A key feature of Agenda 2030 is its universality, as it applies to all groups of people and addresses a range of challenges facing both rich and poor countries around the world. The key aspiration of countries is to transform the world by eradicating poverty and reducing inequalities and keeping the planet within its carrying capacity, with actions based on the rule of law, human rights and the Agenda's 2030 core principle of *»leaving no one behind,*« which means that *»no one should be left behind*« and that *»those most in need must be reached first,*« therefore the most at-risk, vulnerable and marginalized groups of people, including children, as a very important target group of the 2030 Agenda (Kešeljević, 2022, pp. 171–174). However, children are not included in the SDGs or its actions only because of their vulnerability. In general, the starting point for adopting sustainable development measures is to improve lives in a sustainable way. The sustainable future of all of us or the future of people, society and the planet as a whole, depends on children and, consequently, on the measures we take to protect them and their development, because they are our future and therefore one of the key groups to be reached first if we are to achieve the SDGs. The SDGs address all aspects of children's lives and within them there are actions, focused on realizing their rights and benefits for a better life. The Agenda's universality and fundamental guiding principles place an additional emphasis on those children who are most in need - those living in the most precarious situations and therefore the most vulnerable. In this context, these are particularly children from poorer areas and children living in migration situations and also in war zones. These children suffer even more from the consequences of inequality, poverty, hunger, violence and poor living conditions because of the circumstances in which they live.

The Agenda 2030 therefore emphasizes non-discrimination to ensure a better future for all the world's children, namely that no one should be treated differently, regardless of where they come from, their race, gender, religion, age or any other personal circumstance, based on the principles of *»leaving no one behind*« and *»reaching* those most in need first,« as mentioned above. Despite years of efforts by organizations around the world and the universal ratification of the CRC, some societies still do not prioritize investing in children and do not see it as a foundation for broader social improvement, and millions of children around the world are still neglected and their rights are still denied. Even in rich countries, many children go hungry or live in absolute poverty, especially those belonging to marginalized social groups including indigenous peoples and ethnic minorities. In addition, millions of children grow up scarred by war or insecurity, deprived of the most basic health, education and development services (Clark et al., 2020, pp. 605-658). Such examples make taking into account that the goals of Agenda 2030 with its focus on children as the driving force of society and the world, have great importance for all of us. The SDGs in the light of children are not just to reduce preventable child deaths or extreme poverty, but to eliminate them altogether, and not just to expand access to vaccines or basic sanitation, but to ensure that this access is universal so that no one is left behind. These goals put the world's most vulnerable and marginalized people, including children, at the top of the Agenda. The SDGs derive general guidelines specifically for children, namely that every child should survive and thrive; every child should learn; every child should be protected from violence, exploitation and harmful practices; every child should live in a safe and clean environment; and all children should have equal opportunities in life. Within these guidelines, there are specific SDGs that relate to children and are designed to protect them. The importance of children and their rights for our future can already been seen from

the fact that of the 17 overarching SDGs many of the specific targets or 44 indicators within the Goals, relate specifically to improving the lives of children, namely this Goals are Eradication of Poverty (»SDG 1«), Eradication of hunger (»SDG 2«), Good Health and well-being (»SDG 3«), Quality Education (»SDG 4«), Gender equality (»SDG 5«), Decent work (»SDG 8«), Reduce inequality (»SDG 10«), Peace and justice (»SDG 16«) and Partnership for achieving the Goals (»SDG 17«) (UNICEF, 2018). The objectives are interlinked and interdependent, which means, among other things, that one action can achieve several objectives at the same time.

For example, in the case of children, if we make progress in poverty eradication, this could indirectly lead to improvements in child good health and well-being, quality of education and the elimination of inequalities, and conversely, if we achieve the elimination of inequalities and better quality of education for girls, this could also have an impact on poverty eradication and improved health. The goals and actions set out in the Agenda 2030 are only the first step and the beginning or continuation of a multi-year commitment by UN Member States to improve the world, but achieving them, actually taking action and making progress, this is the second and more difficult step.

3 Geneder equality (»SDG 5«) – elimination of harmful practices

One of the essential or key actions in the protection of children through the SDGs is the elimination of harmful practices, which include various measures that are carried out against children, especially girls, and constitute a violation of human rights, as they pose a serious threat to the sexual and reproductive health and rights of women and adolescents (United Nations, 2020). Harmful practices, for example, include female genital mutilation (female circumcision), child, early and forced marriage, early motherhood, dietary restrictions or practices (for example, force-feeding), measures taken to make girls beautiful (such as breast ironing), virginity testing and related practices and others. There are many examples of harmful practices around the world, concentrated in Africa and the Middle East, but they are also spreading through migration to other parts of the world (Editorial, 2014). In the Agenda 2030, because of the profound violations of children's rights through harmful practices, their elimination is included in the »SDG 5« (Gender Equality), which aims to achieve gender equality and empower all women and girls. In point 5.3 of this goal, the aim is to eradicate all controversial customs (harmful practices)

by 2030, highlighting early and forced marriage and female circumcision. Both practices have immediate and long-term consequences for the health of children, especially girls. In the case of child or early marriage, these include early and frequent pregnancies, which brings along a lot different problems for the girls, children, infections, complications in childbirth and health and genital mutilation problems (Efevbera & Bhabha, 2020).

3.1 Female genital mutilation

Circumcision is usually performed on adolescent girls as part of various cultural traditions, without therapeutic reasons (also on boys, but justified on hygiene grounds). A common feature of all these practices is the social conditioning of women to accept female genital mutilation within the framework of social definitions of femininity and identity (Jones et al., 2004). These are very painful procedures, involving partial or total removal of the external female genitalia or other damage to the female genital organs, and endangering the health of girls (they are not carried out by medically trained persons, and some of them can even lead to death). It constitutes a violation of the rights of the child, as it is usually always carried out on children, a violation of the right of the person to health, safety and psychological integrity, the right to be free from torture protected by international legal instruments,5 cruel, inhuman and degrading treatment and the right to life (Kraljić, 2010). Despite human rights violations and strong international condemnation, many countries still persist in these harmful practices. According to data, as many as around 44 million girls aged 14 and under are circumcised, with the highest prevalence at this age in African countries (Gambia, Mauritania, Somalia, Guinea), Middle East (Iraq, Yemen) and Asia (Indonesia) and also elsewhere in the world (Muteshi et al., 2016). That is why the UN therefore calls for the urgent elimination of this »violent practice« in Agenda 2030, because these practices scars girls for life, threatens their health, denies them their rights and prevents them from reaching their full potential. But over the last 30 years, the prevalence of female genital mutilation among girls has declined. Since 2008, more than 15,000 communities and sub-districts in 20 countries have publicly declared that they are abandoning female genital mutilation, and some of countries that have carried out these practices have even adopted national legislation criminalizing the practice.

⁵ European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, 1994, and Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984.

However, the data also show a general disapproval of the practice, with the majority of people in countries where these harmful practices exist believing that the practice should end (United Nations, 2016).

4 Elimination of child marriage

4.1 The term »child marriage« and its prevalence worldwide

In addition to female circumcision, one of the most important measures to achieve several of the 2030 Agenda's goals, is the elimination of child marriage, which refers to formal or informal marriages contracted before the age of 18, which means before the age of majority as defined in the CRC (Islam, 2022). It can be said without reservation that child marriage constitutes a form of violence against children because, as will be explained below, it interferes with their fundamental human rights, deprives them of their right to a (carefree) childhood, negatively affects several aspects of their lives and often results in other forms of violence- physical, psychological, economic. Since child marriage is a marriage where at least one of the future spouses is a child who, because of their age, cannot give free or full consent to the marriage or is not yet aware of and does not understand the consequences of the marriage itself, child marriages are often also forced marriages (but this is not a generally accepted rule). Forced marriages are marriages entered into without the free and full consent of both parties, where age plays no role (Efevbera & Bhabha, 2020, pp. 2, 8). Taking into account that UDHR itself stipulates that marriage may only be contracted with the free and full consent of both future spouses, from the very definition of forced marriages, it follows that this is a violation of a fundamental human right.6 In addition to female mutilation, forced marriages and child marriage constitutes also a form of gender-based violence, as their victims are mostly girls (Hüseyin, 2021).

⁶ So child marriage and forced marriage means a violation of article 16 of the UDHR; a violation of article 16 of the Convention on the Elimination of All Forms of Discrimination against Women which says that States Parties shall ensure to women, on the basis of equality of men and women, the equal right to marry; the equal right to choose a spouse freely and to marry of her own free will and full consent); and also the violation of several articles of the Covenant (the right to survival, the right to full development, the right to protection from harmful practices, etc.).

Around us, there are more child marriages than one might think at first sight. Data suggest that globally, more than 650 million girls were married as children and at least 12 million girls are married before the age of 18 every year, which translates into 28 girls per minute. One in every 5 girls is thus married or in a relationship before the age of 18 (Data from UNICEF, 2023). Although child marriage occurs among both, boys and girls, the prevalence is much higher among girls, which is a consequence of social values that hold girls in low esteem and deny them the opportunity to determine their own path in life (»girl child marriage«). In countries where child marriage is most common, child marriage remains high, with approximately 32 percent of girls in sub-Saharan Africa married by the age of 18, 76 percent of girls in Niger married before the age of 18 and approximately 28 percent married before the age of 15, according to statistics from May 2023 (Koski et al., 2017, pp. 7-29 and Ahonsi et al., 2019). In South Asia 26 percent of girls marry before the age of 18, 51 percent of girls in Bangladesh marry before the age of 18 (Faroque, 2016, pp. 156–161), and 21 percent of girls in Latin America marry before the age of 18 (UNICEF, 2023).

4.2 The drivers of child marriages

The coercion for child (forced) marriage often comes from the family or society encouraging the girl, for social beliefs or economic reasons, to marry early in the (mistaken) belief that such a union will protect her. A girl is encouraged by her family to marry early (before the age of majority), mainly because of poverty and the economic needs and the related lack of opportunities for quality education and further work for the child. In such cases, families, if they find a suitable suitor, see the girl's marriage as her *»way out to a better life.*« Furthermore, the fear of becoming pregnant and losing their virginity before marriage is often a reason for child marriage, as in some societies, it represents a *»disgrace to the family.*« Families also encourage child marriage because of possible religious beliefs or social norms in general (Mangeli et al., 2017).

4.3 The (negative) consequences of child marriage and the impact of its elimination on the achievement of the SDGs

By being forced into marriage (most of the time) as children and subjected to various forms of deprivation, girls are in a sense deprived of their childhood. It is a gross violation of human rights, as it exposes girls in a physical sense by endangering their health and well-being and in a psychological, social sense by denying them, making it difficult for them to get a quality education and consequently (quality) employment, causing poverty and distress due to frequent violence and the impasse caused by dependence on a husband. Girls who marry before the age of majority are often the first to be subjected to early pregnancies, which result in health problems; child marriages, due to child and household care, lead to the interruption or cessation of girls' education; and last but not least, due to their vulnerability, youth, and subordination to an (older) partner, they are often also subjected to violence. These (negative) consequences can be seen in a number of factors relating to the SDGs (poverty, education, health and well-being, inequality, etc.). Although the goal of (complete) elimination of harmful practices, and thus child marriage, is identified under SDG 5.3, it is precisely because of the aforementioned impact of child marriage on several aspects of the lives of »child brides« that many other SDGs will not be achieved without its complete elimination, including those relating to poverty, hunger, health, education, economic growth, reducing inequalities, and promoting peace and justice.

4.3.1 Gender equality and empowering all women and girls (»SDG 5«)

The goal of (completely) eliminating harmful practices, and thus child marriage, is identified under Objective 5.3 of »SDG 5« (Achieve gender equality and empower all women and girls), which means that eliminating child marriage would undoubtedly contribute to achieving this goal. Gender equality is not only a fundamental human right, but also a necessary foundation for a peaceful, prosperous and sustainable world, which is why it is one of the most important SDGs under which all forms of discrimination against women and girls everywhere must be eliminated (Justinek et al., 2015). The link between child marriage and gender inequality stems from the fact that, although it occurs among both, boys and girls, the prevalence is much higher among girls, as a result of the (discriminatory) social values still present in some places, which make girls less valued and »unheard,« and

in fact deprive them of the opportunity to determine their own life path, as their marriage is most often decided by others (parents). However, when they marry an older man as minors, this inequality or powerlessness is exacerbated by their young age, their vulnerability in general and their financial dependence on their husbands in most cases. This results in the subordination and domination of the husband, which (often) leads to all forms of domestic violence (physical, psychological, sexual, economic). For these reasons, the abolition of child marriage, which as such is also conditional on changing or abolishing societal beliefs and traditions regarding child marriage, especially for girls, would ensure that girls everywhere will be free to choose when and with whom they marry, thus preserving their childhood and their influence on their future, and thus ensuring that they have the same opportunities as boys.

4.3.2 Good health and well-being (»SDG 3«)

Elimination of child marriage also has long-term consequences for the health of children, especially girls. Getting married young is often associated with early pregnancies, infections, and exposure to complications during childbirth (Editorial, 2014, p. 1722). The high incidence of pregnancies in child marriage is due, among other things, to the fact that girls themselves, because of their young age and their subordination to (most often) an older husband, do not have a decisive say in when they have sex and whether or not they use contraception and are usually not even educated about it. Health problems arise because their age makes them neither physically (physically) nor mentally mature for pregnancy or childbirth and thus puts them at a higher risk of experiencing problems during both. This is also supported by studies, which have shown that being underage increases the risk of adverse birth outcomes, poor fetal growth, and infant and maternal health and mortality (Rah et al., 2008, pp. 1505-1511). This is also shown by the fact that pregnancy and childbirth are one of the leading causes of death for girls aged from 15 to 19 (70.000 adolescent girls die each year in developing countries from pregnancy and childbirthrelated causes), making them much more likely to die in childbirth than girls in their early twenties. However, if child brides survive childbirth, they are still at risk of health complications (they are very vulnerable to obstetric fistula). It is not only »child brides« who are exposed to risks and health risks, but also the babies that adolescent girls give birth to. With stillbirths and neonatal deaths among mothers under 20 years of age being 50 per cent higher than among women who give birth

later, they are more likely to be stillborn or die in the first week of life than children of women who give birth later (after the age of majority). »Child brides« are also more likely to have low birth weight children, with serious long-term consequences for their health (Girls not Brides, 2016, pp. 1–2). Studies have also shown that girls who marry early are at higher risk of HIV infection due to more frequent sexual intercourse and the fact that the husbands of these girls tend to be significantly older, more experienced and thus more likely to be HIV-positive. Child marriage can also be associated with poor mental health for the child, including feelings of isolation, depression and suicidal thoughts and behavior (Editorial, 2013, pp. 513–514). Given all these negative consequences for the health and well-being of girls (and their newborns), it is therefore clear that abolishing child marriage, and thus delaying pregnancy, would undoubtedly contribute to improving the health of adolescent girls and their children, and thus to the achievement of Goal 3.

4.3.3 Quality education (»SDGs 4, 8, 1, 2«)

As mentioned above, most often the reason for an under-age girl's marriage stems from poverty, the economic needs of her family and the less developed environment from which she comes, all of which result in a lack of opportunities for (quality) education, the acquisition of work skills and, consequently, fewer opportunities for employment and decent work. The above shows that poor quality education, lack of job opportunities and consequent poverty are, on the one hand, the drivers of child marriage, as it is precisely the lack of (quality) education, few job opportunities and consequent poverty that drives parents to *marry girl welk* as soon as possible, in the hope and desire for a better life for their child. Early marriage in such a situation thus represents for the girl as the *»only way out«* of her current situation. On the other hand, it is precisely the elimination of child marriage that would contribute to, or have an impact on girl's better education, because it would enable them to have equal work opportunities and thus be their way out of poverty and poor conditions. This is because, by marrying before the age of 18, girls take over the care of the family and home, and consequently abandon or interrupt the process of education, to which they are unlikely to return. As a result, they are more likely to be limited in literacy, with no formal education and few employable skills, and most »child brides« are thus (financially) dependent on their husbands, leading to a relationship of subordination (Tenkorang, 2019, pp. 48-49). Given all of the above, eliminating child marriage would thus also contribute to better quality education (Goal 4), as

child marriage is a barrier to continuing schooling, and eliminating it would help more girls to continue their education and thus acquire the skills needed for further work or employment. As education is also one of the factors that influence the increase in employment opportunities, the elimination of child marriage would consequently improve economic growth (Goal 8), as more girls would be employed, and this would undoubtedly result in the elimination of poverty (Goal 1) and hunger (Goal 2).

4.3.4 Peace, justice and strong institutions (»SDG 16«)

In addition to all the (negative) consequences, girls who are victims of child marriage are also often subjected to violence or devaluation and eliminating child marriage would thus achieve the goal of promoting peace and justice (Goal 16) (Muazzam et al., 2014). Given the findings above that the main cause of a girl's early marriage is mostly the family's poverty, it can be inferred that the family intends that the girl is no longer a financial burden on her father and mother, but that her husband takes care of her. Thus, when a girl marries, she becomes financially dependent on her husband, which often leads to their subordination and, in addition to their vulnerability due to their minority, makes them even more helpless and exposed to the possible domination of their partner. Such girls are much more likely or at risk of being controlled, abused, exploited and sexually, psychologically and physically assaulted by their husbands. It is therefore not surprising that child marriage is not only a violation of human rights, but even a form of violence (Hüseyin, 2021, pp. 548-552). Since girls who marry underage are thus more vulnerable to domestic violence - physical, psychological, sexual and economic - the abolition of child marriage would, in this sense, also have an impact on, or contribute to the achievement of Goal 16 (Promote peace and justice).

4.4 Measures to eliminate child marriage

The goals of the 2030 Agenda and what needs to be achieved to reach them are clear, also without hesitation we can say that ending child marriage is important for achieving several of the SDGs, but the key issue is how to effectively achieve the end of child marriage? Despite the work of international organizations and

international legal instruments,⁷ individual countries still have the most important role to play. The most widespread, common and, in almost all countries of the world, already accepted measure to eliminate or reduce child marriage is a change in legislation. In general, the legal regimes of countries around the world vary with regard to the minimum age of marriage, with some having already adopted several measures and (good) changes in the interests of sustainable development and some not yet, as will be explained below. It should be borne in mind that certain countries have an age of majority or transition to adulthood below or above 18 years, which does not necessarily coincide with the age of marriage.⁸ In all European countries (with the exception of Scotland, where the age of marriage is still 16),9 the age of marriage is 18. This does not mean that these countries have completely abolished child marriage, as most European countries allow marriage before the age of majority, with the consent of the parents or the competent authority, and thus still allow child marriage in exceptional cases. Only Denmark, Germany,¹⁰ the Netherlands, Sweden, England and Wales (Raab, 2023) have taken a step towards to a complete abolition, and under no circumstances allow marriage before the age of 18. Slovenia has made progress in this area over time, but child marriage has not yet been completely abolished. The Marriage and Family Relations Act,¹¹ which was in force before the current Family Code, set the minimum age for marriage at 18 years (article 18 of Marriage and Family Relations Act), but the Social Work Centre could, if there were justified reasons, allow a person under 18 to marry (article 23 of Marriage and Family Relations Act). This means that the minimum age for marriage was not set by the Marriage and Family Relations Act when the Social Work Centre gave its permission. A novelty and, at the same time an improvement and a step towards abolishing the possibility of child marriages in Slovenia was the adoption of the Family Code in 2017 (entry into force in 2019). The minimum age for marriage remains 18 (article 5 of the Family Code in conjunction with article 24 of the Family Code) but there is a change in the possibility of marrying a child under the age of 18

⁷ For example, article 12 of the European Convention for the Protection of Human Rights and Fundamental Freedoms stipulates that men and women of marriageable age have the right to marry. Protection against forced and (too) early marriage is also provided by the Convention on Consent to Marriage, Minimum Age and Registration of Marriages, adopted by the United Nations, New York, December 1962.

⁸ For example, Iran sets the age of majority at 8 years and 8 months for girls and 14 years and 7 months for boys, and the age of marriage at 13 years for girls and 15 years for boys, which may be lowered with the permission of the competent authority (Azimi, 2020, pp. 96–98).

⁹ Marriage (Scotland) Act, 1977, Chapter 15, Act 1.

¹⁰ Although, the Act to Prevent Child Marriages was proclaimed that it is incompatible with the Basic Law due to the failure to address the legal consequences of the invalidation of child marriages concluded abroad (Federal Constitutional Court Decision, NO. 1 BvL 7/18, on 1 February 2023).

¹¹ Zakon o zakonski zvezi in družinskih razmerjih (Marriage and Family Relations Act), 1976.

(underage age waiver). The Family Code now provides that a minor may be granted permission to marry by a court (no longer by the Social Work Centre, as was the case under the Marriage and Family Relations Act) if four conditions are met: there are valid reasons (for example, pregnancy), the minimum age is 15 (a person under 15 cannot marry),¹² the minor is physically and mentally mature (maturity is presumed to begin at the age of 18, but in the case of a child between 15 and 18 years of age, the attainment of maturity must be verified by a court), and the minor who wishes to enter into the marriage understands the meaning and consequences of the rights or obligations arising from the conclusion of the marriage (Kraljić, 2019, pp. 131-132). In light of the above, we can see that Slovenia has already taken measures to protect the best interests of children by setting a minimum age (15 years) and to some extent protecting girls' right to education and protecting them from early pregnancies, which often lead to health complications during pregnancy and childbirth, but has not yet exhausted all possibilities (as has been done, for example, in Denmark, the Netherlands and Sweden), leaving room for progress and improvement towards the complete abolition of child marriage in terms of legislative change by 2030. In other countries around the world, while most already have a minimum age of marriage of 18, some countries still derogate from this, and more allow the age to be lowered with the permission of the parents, the competent authority or other conditions. In the United States, for example the minimum age for marriage is set at 18 years or older (Reiss, 2021, p. S8-S10); in Latin America, despite the above-average number of child marriages in the past (and a low minimum age set in countries), precisely because of the elimination of child marriages, most countries have already raised the age limit to 16 years (Argentina, Brazil) or 18 years (Peru), which is a (much) higher age limit than it was in the past (Wiedemann, 2021). Regardless to the fact that some countries still allow marriage before the minimum age, for example Brazil allows marriage with 16 years with parental consent (Urquia et al., 2022), the changes go in the right direction with the goal to eliminate child marriages. In African countries, many countries have also changed legislation to abolish child marriage, for example Ethiopia has raised the minimum age from 15 to 18 also for girls (McGavock, 2021), Mauritania and Benin from 14 and 15 to 18, Sudan from 13 and 15 to 18 and in Asian countries for example Nepal raised the minimum marriage age from 16 to 18, Tajikistan from 17 to 18 and Kazakhstan from 17 to 18 (Batyra & Pesando, 2021). However, some countries still have a lower age

¹² Compared to article 24 of Marriage and Family Relations Act, this means that the minimum age for marriage with the authorisation of the competent authority has been limited to 15 years by the Family Code.

limit, for example Iran sets the age limit for girls at 13 and for boys at 15, which can be lowered further with the permission of the competent authority (Azimi, 2020, pp. 96–98). As only the mere enactment of a law is by itself not enough, countries are also adopting a variety of additional legal approaches to enforce them successfully, some criminalizing child marriage, some prohibiting or annulling marriages below the legal minimum age, some not even recognizing child marriages contracted in another country where it may be allowed, and others merely prescribing a minimum age for marriage without explicitly criminalizing or prohibiting it (UNICEF, 2020). Indeed, the measure of amending the law and enforcing it in the manner described above is at the forefront of measures to eliminate child marriages and is, to some extent, effective.13 However, the monitoring of data and the analyses carried out have shown that changing the law in order to raise the age of consent itself is not enough, since it remains problematic that countries (including Slovenia and most EU countries) still allow marriages below the generally established minimum age of consent with the agreement of the parents, the competent authorities, or possibly only justify and allow it because of entrenched social or religious customs. However, as already explained in Chapter 4.2, parents and social or religious customs are most often also the main drivers or promoters of child marriages, so arrangements that allow marriage with their consent and approval lose their purpose and effectiveness. Parents are encouraged and incentivized to marry off their girls at an early age because of factors such as poverty, social beliefs (tradition) and social norms, and therefore, when they find a suitable husband for the girl, they consent and give the necessary permission for the marriage to take place, regardless of the age of the girl. Furthermore, the implementation and enforcement of these (amended) laws also remain problematic, as in many places, social or societal norms allow and accept marriage below a certain age, and thus, such ingrained beliefs in society only justify and override any potential legal regulation. It is precisely because of the causes that lead to child marriage (therefore parental wishes and social beliefs), and because of the failure to enforce or respect the rules adopted by law, or because of the large numbers of informal marriages, or because of the exceptions that still allow marriage before the age of majority (the minimum age laid down by law), that studies call for a different approach to measures to eliminate them. In particular, key (successful) interventions have been shown to be, for example, providing financial support for girls' schooling, empowering and educating girls, especially in the areas of life skills,

¹³ Child marriage numbers have increased since the change in legislation (McGavock, 2021).

vocational (career) skills training, raising awareness about sexuality, reproductive health, contraceptive options and gender rights education (Chae et al., 2017), introducing sexuality education in schools, providing education on the protection of human rights and others.

5 Conclusion

The preamble of the Agenda 2030 and its goals already make it clear that the key aspiration of UN Member States is to transform the world by ending poverty and reducing inequalities, with actions based on the rule of law, human rights and the 2030 Agenda's core principle of *»leaving no one behind,*« which means that *»no one should* be left behind« and »reaching those most in need first,« therefore the most deprived, vulnerable and marginalized groups of people. As explained, children are one of these important groups, with vulnerability stemming from their young age, dependence on parents or, in the case of child marriages, spouses, subordination and inexperience, and relevance stemming from the fact that the sustainable future of all of us, or the future of human beings, of society and of the planet as a whole, depends first and foremost on how the needs of the next generation are met today. The fact that children are indeed relevant to the SDGs is evident from the above findings, that they are directly involved in at least 8 of the SDGs, and indirectly targeted by some of the other SDGs. It showed how the action of ending child marriage, which is directly related to children and is only directly included in Goal 5 of the Agenda 2030, would itself have an impact on several goals and thus contribute to sustainable development. From the effects of child marriage on girls who marry as children, it can be safely concluded that without achieving, or at least making significant progress towards, the goal of the (complete) elimination of harmful practices, and thus child marriage, a good half of the other SDGs will also not be achieved, including those related to poverty, health, education, nutrition, economic growth and the reduction of inequalities. As has been pointed out, first of all, girls with child marriage are exposed to health problems as they tend to have early pregnancies and, because of their age, are more likely to suffer complications during the pregnancy itself to and at the time of childbirth, and it is not only the health of the under-age mother that is at stake, but also the child that the young mother gives birth to is more vulnerable to health problems. This demonstrates that eliminating child marriage would improve the health and well-being of girls, contributing to the achievement of SDG 3. Furthermore, girls married before the age of 18 take over

the care of the family and home at a very early age, which prevents them from starting or continuing their education and thus from being able to be independent and work, and as a result, with no formal education and few employable skills and opportunities for further work, most »child brides« are thus (financially) dependent on their husbands. It follows that ending child marriage could also contribute to better quality education (Goal 4), economic growth (Goal 8), and the eradication of poverty (Goal 1) and hunger (Goal 2). Finally, these girls are often subjected to violence and belittling, and so ending child marriage would help to achieve the goal of promoting peace and justice (Goal 16). The inclusion of child marriage elimination and its focus on the SDGs shows that organizations in the first place, followed by individual countries around the world, are aware of the difficulties in this area and are working in the right direction, both by raising awareness and by taking action and planning for the future. Regardless of their efforts, it is an inescapable fact that there are still factors that are slowing down progress toward the goal of ending child marriage. One of these factors is the COVID-19 epidemic, which has had an impact on child marriage mainly because it has interrupted the education of girls who may never return to school, while on the other hand, the economic crisis has also increased the number of children living in poverty, for whom the only way out of poverty, or hope of a »better« life, will be to marry early. In addition to the impact of the epidemic, it is also assumed that conflict and instability in particular countries are important drivers of child marriage, as it is in such areas that girls also leave education and live in the worst conditions, increasing their vulnerability and exposure to early marriage.

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