

# **UNITED NATIONS COMMISSION ON THE STATUS OF WOMEN**

## **BACKGROUND GUIDE**



## NMMUN 2022

### *Letter From the Chair,*

Greetings to one and all. With honor and pride, we welcome you to the esteemed council of UNCSW (United Nations Commission on the Status of Women). The Commission on the Status of Women (CSW) is the principal global intergovernmental body exclusively dedicated to the promotion of gender equality and the empowerment of women. In the course of two days, we will be covering two critical topics: child marriage and gender-based violence in conflict and post-conflict zones.

As delegates, you will be expected to be well-versed with your country's stance on the issues, as well as previous solutions implemented and the current situation of the same. It is necessary to note that, as delegates, you're representing a country and, thus, are obliged to defend your allocated delegation's stance, even though it may not align with your personal opinions. As a part of UNCSW, you will be arguing about some very serious yet sensitive topics. Hence, it is necessary that all the delegates remain respectful and diplomatic at all times.

That being said, this background guide has been made to serve as a source of reference. This guide will simply help the delegates understand the complexity of the issue and the direction in which the council is headed. Nevertheless, delegates must not rely too much on this guide and focus more on their own personal research. Creativity and originality are essential while making your position papers and coming up with ideas for your resolution, so feel free to be innovative and unique in your approach to the same.

Finally, I would like to once again welcome you to UNCSW, hopefully, the best council at NMMUN, 2022. I wish all the delegates all the very best for this MUN, as well as for their future ones. Alright, that is it from my end. Gear up, delegates..you have a lot more in front of you!

Best Regards,

*Chairperson,*

*Antara Dongre.*

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# **Issue 1: Regulation of Child Marriage Laws**

## **Introduction**

It is universally recognized that child marriage is an infringement of human rights and a barrier to a country's growth. In fact, evidence points to a strong correlation between the practice of child marriage and lower levels of education, early pregnancies, intimate partner violence, maternal and infant mortality, increased rates of sexually transmitted infections, inter-generational poverty, and the undermining of married girls. The international community promised to abolish child marriage by the year 2030 when it signed up for the Sustainable Development Goals (SDGs).

Despite the fact that the number of child marriages has declined globally—from one in four girls getting married a decade ago to roughly one in five today—the practice is still very common. More than 100 million girls were expected to get married before turning 18 in the decade prior to the COVID-19 pandemic. Due to the pandemic, up to 10 million more girls will now be at risk of getting married as children.

Girls are particularly targeted and impacted by child marriage because it frequently results from pervasive gender inequity. Girls lose their childhood through child marriage, which also endangers their lives and well-being. Domestic violence is more common in child marriages and girls who marry before turning 18 are less likely to receive a complete education. They experience worse economic and health outcomes than their unmarried peers, which eventually makes its way to their own offspring, placing further strain on a nation's ability to offer high-quality healthcare and education.

In addition to isolating girls from their families and friends and preventing them from engaging in their communities, the practice can have a detrimental effect on the girls' physical and mental health.

Child marriage has significant economic costs at the national level as well, with significant consequences for growth and prosperity because it affects a girl's health, future, and family.



## **Key definitions:**

- **Child marriage:**

Any legal or unofficial union between a kid under the age of 18 and an adult or another child is referred to as a child marriage.

Child and forced marriage (CFM) is a violation of human rights and an unethical custom that disproportionately affects women and girls worldwide and keeps them from leading lives free from all types of violence.

- **Dowry:**

A dowry is a “gift” of money or property given by the bride’s family to the husband prior to marriage. Scholars agree that the practice reflects a devaluation of women and girls, compounded by their exclusion from owning, controlling and making decisions about productive resources in the household.

Dowries lead to discrimination in different areas against daughters and make them vulnerable to various forms of violence, including girls being unwanted, sex-selective abortion or abandonment and mistreatment of baby girls.

### **Bride kidnappings**

Bride kidnapping often referred to as marriage by abduction or marriage by capture, is a practice in which a man kidnaps the woman he plans to marry.

Bride kidnapping, or bride napping, has been practised by peoples as disparate as the Hmong in Southeast Asia, the Tzeltal in Mexico, and the Romani in Europe throughout prehistory and history. The Caucasus and Central Asia are the two regions of the globe where bride kidnapping is still a problem.

- **Bride exchange:**

Bride exchange still occurs as a type of marriage even if it is less frequent than it once was. It's a type of barter; after a girl joins a family as a bride, that family is required to wed one of its daughters to a man from the bride's family. The majority of the brides in the bride exchange custom are relatively young.

## **-Declaration of the Rights of the Child:**

The realization of the need to establish the awareness that children have different physical, physiological, behavioral, and psychological characteristics from adults, that they grow up and develop continuously, that childcare is a public issue, and that everyone should shoulder this responsibility with scientific approaches was endorsed by the United Nations General Assembly on 20 November 1959.

### **- Domestic violence:**

Domestic abuse, also called "domestic violence" or "intimate partner violence", can be defined as a pattern of behavior in any relationship that is used to gain or maintain power and control over an intimate partner. Abuse is physical, sexual, emotional, economic or psychological actions or threats of actions that influence another person.

## **History of child marriage:**

Early marriage has been common and generally accepted for many centuries in most populated places around the world. In Antiquity and the Middle Ages, girls were most often engaged at the age of puberty or even earlier. It was only in the 20th century that these traditions were questioned when, at first, there was a tendency to increase the age of first marriage, and then states began to raise the minimum age of marriage.

In the Roman Empire, the minimum age of marriage was set at 12 years for girls and 14 years for boys. The legislation of medieval England, largely based on Roman law, also allowed early marriages, and they were usually performed before the age of 16.

Most religions known in history have established a minimum age for marriage in one way or another. Christian canon law forbade marrying a girl before reaching the age of puberty, and the Indian Vedas - three more years after that age. Jewish scholars and rabbis categorically disapproved of marriage before puberty, but at the same time made an exception: girls and girls aged 3 to 12 years could be engaged or married at the will of their fathers.

The Catholic Church, prior to the adoption of the Code of Canon Law of 1917, set the minimum age for concluding an annulable engagement (Lat. sponsalia de futuro) at seven years. The minimum age for a valid marriage was considered to be either the actual

achievement of puberty, or nominally 14 years for boys and 12 years for girls.

### **Effect of Religious and cultural norms and laws on the issue**

Despite the fact that by the beginning of the 21st century, the laws of most countries set the general minimum age of marriage at 18, in many countries (and not only in developing or religious ones), there are exceptions that allow marriage earlier than this age with the consent of parents and/or by court decision. In some countries, religious marriage is still recognized by the state authorities along with secular marriage or even instead of it. In others, a registered civil marriage is mandatory.

Sometimes the authorities of a secular state punish ministers of worship who sanctify the conclusion of marriage with a person who has not reached the age of marriage according to national legislation. For example, in Kyrgyzstan, in 2016, a law was adopted criminalizing (from 3 to 6 years of imprisonment) representatives of the clergy (as well as parents of newlyweds) who participate in the consecration of marriage with a person who has not reached the marriageable age. Penalties for conducting non-state, including religious, marriage ceremonies with young newlyweds also exist in India, Canada and the USA.

Women's and girls' health concepts of gender inequality and discrimination, harmful gender stereotypes, beliefs, and cultural norms serve as additional factors. According to the international organization Plan International, early marriages are especially common among girls with a low level in deeply hierarchical societies, where men dominate women and the elderly over the young, girls face double vulnerability, being both women and young. Such cultural attitudes can justify physical and psychological violence against women.

Parents are worried about ensuring so-called virginity, which is not a medical or scientific term. This concept is rather a social, cultural, and religious concept reflecting education that has grown up in an environment of gender discrimination.

It is also worth noting that in China, India, and other Asian countries, as well as in the South Caucasus, the preference for sons over daughters can be so obvious that couples will do anything to avoid the daughter they already have in favour of their son. Preference for the birth of sons is a sign of ingrained gender inequality, which harms the whole of society. It is widely believed that early marriage protects girls from promiscuous sexual relations and, consequently, from diseases, but the reality is different. Married girls are more likely than unmarried girls to become infected with STDs, in particular HIV and the human

papillomavirus (HPV). In sub-Saharan Africa, girls aged 15-19 are 2-8 times more likely to be infected with HIV than boys of the same age. Early marriages play dramatic role in the spread of a deadly disease - cervical cancer.

Pregnancy creates a lot of problems for girls and girls. Because pregnancy weakens the immune system, pregnant girls are at increased risk of contracting diseases such as malaria. Approximately 25 million pregnant women a year are at risk of malaria, and pregnant women are among the most susceptible to this disease.

### **Effects of COVID'19 on child marriage**

The COVID-19 pandemic is significantly affecting how girls live their daily lives and exercise their human rights. It is possible to draw the conclusion that the probability of child marriage rises in the context of the COVID-19 pandemic and its effects based on empirical literature, theory, and anecdotal data from a variety of countries. Millions of girls are at risk of child marriage due to factors including the economic impact on families and societies, school closings, and pauses in services for females.

### **UN'S efforts towards solving the issue**

The strategy used by UNICEF to eliminate child marriage in South Asia takes into account the socio-cultural and structural variables that contribute to the issue's complexity. Thus, UNICEF's approach anticipates success over a two-year period.

UNICEF believes there are five ways to accelerate these changes:

1. To give young people, especially girls, who are vulnerable to and affected by child marriage more agency and resources.
2. To improve the frameworks for law and development policy in order to create a supportive environment that safeguards the rights of adolescent girls and boys.
3. To increase the production and application of solid evidence-based advocacy, programming, learning, and progress monitoring.
4. To improve programs and services that cater to the needs of young people who could be involved in or affected by child marriage.
5. To change social expectations about girls by investing in and supporting them, as well as by involving boys and men, and to enhance social action, acceptance, and visibility in this regard.



To boost efforts to end child marriage in the 12 nations with the highest incidence of child brides, UNICEF and UNFPA teamed up in 2016.

The higher rate of girls' education, governments' proactive investment in teenage girls, and improved public awareness of the negative effects of child marriage have all contributed to the prevention of 25 million child marriages worldwide during the previous ten years. Despite this, child and forced marriage prevalence rates are still high, especially in some areas, such as sub-Saharan Africa and South Asia, which account for 18% and 44% of the global burden, respectively. East Asia and the Pacific are next with 12%, followed by Latin America and the Caribbean with 9%, the Middle East and North Africa with 5%, and other regions with 14%.

By 2030, no region will have completely eliminated child, forced, or early marriages, as outlined in the 2030 Agenda for Sustainable Development. Progress must be greatly expedited and maintained in order to put a stop to the practice globally. If current trends continue, an extra 120 million females will get married before they turn 18 years old by 2030.

#### **Key messages:**

- Child marriage is an immoral custom that violates girls' rights and is detrimental to their wellbeing.
- Fewer people practice it now. Even yet, it affects 650 million women and girls worldwide, and the SDG goal of ending child marriage by 2030 is not being met due to the slow pace of global progress.
- The rate of development has significantly varied depending on the situation.
- Under the correct circumstances, advancement is feasible, with considerable changes in societal well-being, women's standing, and the provision of essential services over the period of several decades
- Success requires opportunities for girls. When girls have viable options, child marriage becomes a less desirable option.
- It is feasible to reduce child marriage in a range of settings, including both high- and low-child marriage countries. In addition, a number of nations demonstrate that development can occur in a way that benefits both girls from the richest and the poorest households.
- Gains must not be lost. To stop child marriage, it is important to reduce poverty and increase access to education and the labor force. Gains in these areas cannot be lost, especially in light of the COVID-19 pandemic's effects.

- The SDGs are closely intertwined. Eliminating child marriage is aim 5.3, and development there depends on advancements in other areas, particularly in the fields of education, employment, and poverty alleviation.



### **Guiding Questions:**

1. Can child marriage be justified if it's acknowledged by a religion?
2. How does the social and economic situation of a region affect the rate of child marriage occurrences in that region?
3. While many countries have laws prohibiting child marriage, we can observe that in many cases that child marriage is still present. Why and how can this be prevented?
4. What points concerning early marriages must necessarily be included in the legislation of each country?
5. How can those who are not affected by child marriage help with this ongoing issue?

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## **Issue 2: Gender-Based Violence in Conflict and Post-Conflict Zones**

### **Introduction**

The relationship between Gender Based Violence (GBV) and armed conflicts has attracted much attention worldwide over the past decade. In many conflict settings across the world, women continue to experience a plethora of human rights abuses ranging from unlawful killings, sexual exploitation, forced marriages, rape, etc. Additionally, women are still susceptible to violence after armed conflicts, and research shows a significant increase in domestic abuse, sex trafficking, and forced prostitution in post-conflict settings. The effects and ramifications of violence against women have prompted several initiatives to address issues of accountability and impunity. However, GBV, as a whole still remains largely overlooked and is inadequately addressed at a global level. Hence, the delegates of UNCSW must come up with solutions, to tackle the issue at hand.

### **Key Definitions**

1. **Gender-Based Violence (GBV)** -Gender-Based violence refers to harmful acts directed at an individual based on their gender. GBV includes physical, psychological, and sexual violence perpetrated against women and girls.

### **Background**

1. **Causes for Gender-Based Violence in Conflict Zones.**

**Weapons of War.** -Throughout history, sexual violence has been used as a weapon in battles to humiliate, oppress, and terrorize communities. Rape and other types of gender-based violence -torture, punishment, intimidation, coercion, humiliation, and degradation, are employed as weapons of terror— in order for the perpetrators to assert dominance and destabilize the local population. This is also a tactic to indirectly attack the opposing military force and taunt them for failing to perform their duty of “protecting their population.”

- **Lack of Physical Security-** As a result of the breakdown in law and order, the presence of armed forces, and the failure of institutions, women in conflict zones are more vulnerable to acts of violence. In fact, research has also shown that refugees, especially women and children, fleeing conflict areas are more likely to be subject to violence from both, military forces and the civilian population of their own community.
- **Social and Cultural Reasons-** Sexist social, and cultural laws, customs, and



behaviors that violate the rights of women and girls. Other cultural influences include gender prejudice and stereotypes, conventional notions of femininity and masculinity, and a general acceptance of violence against women as a display of a man's hypermasculinity. Women and girls are frequently exposed to violence due to the collapse of family, social, and communal structures as a result of war and conflict.

- Lack of Legal Framework- Access to justice institutions and processes is restricted, resulting in a culture of impunity for violence and abuse. An inadequate legal framework fails to protect the rights of women and girls, and hence exposes them to further harm and violence.

## 2. Consequences of GBV

Social Issues- Gender-based violence can have a wide range of implications for survivors, including rejection by family and society, pressure on marital relations, deteriorated parenting abilities, children born as a result of rape, exclusion from schools and employment, further violence, recurrent assault, and isolation are all documented social consequences. Additionally, in post-conflict societies, the reintegration of victims may be difficult they may experience social stigma related to their abuse.

- Health Issues- consequences on health range from the spread of sexually transmitted diseases (STDs) including HIV, unplanned pregnancies, abortions, gynecological issues, physical injuries, and miscarriages. Furthermore, survivors of sexual and gender-based violence in places of armed conflict have a significant frequency of psychological distress and mental problems.

## 3. History

Sexual violence has long been an element of armed conflict. Sexual and other types of gender-based violence are said to be more prevalent in regions of armed conflict than in non-war-affected areas. Armed organizations have kidnapped women and children and forced them into sexual servitude or combat roles. Detainees have been raped and subjected to, humiliation, and abuse. Some examples of Major historical events featuring high levels of gender-based violence include:

- Rwandan Genocide- Rwanda experienced Africa's worst genocide in 1994. The genocide was connected to the segregation of Hutu and Tutsi populations during colonial times. Around 1.9 million Rwandans fled to neighboring nations, most

notably the Democratic Republic of the Congo, Following the genocide, the United Nations established the International Criminal Tribunal for Rwanda. During the genocide, members of the military and police, as well as ordinary citizens, carried out killings and human rights crimes. Rape was rampant and appeared to be an intrinsic element of the genocidal plot, which was overseen by military and governmental officials. Estimates of the number of rapes committed during Rwanda's genocide range from 200, 000 to 500,000 victims. The genocide's mass rapes played a significant role in the spread of HIV/AIDS in Rwanda.

- Bosnian War- The Bosnian war was an international conflict that lasted from April 6, 1992, through December 14, 1995, in Bosnia and Herzegovina. Nearly 100,000 people were killed and 1.8 million were displaced as a result of the fighting. However, Muslim Bosnians or Bosniaks made up 83% of civilian deaths, with 30% of them being women and children. Serbs created death/rape camps for Bosniaks. Serbs' desire was to degrade, humiliate, and impregnate Bosniak women. these camps were used to gain territorial and political control over a territory, as well as to remove and eliminate ethnic people. Detainees were imprisoned, questioned, tortured, used as slaves, and raped.
- Sierra Leone Conflict- Sierra Leone was controlled by the All People's Congress (APC) for nearly three decades after achieving independence from Britain in 1961. Frustration with government corruption resulted in the fall of the APC government in 1991, kicking off a decade-long civil war. The conflict killed an estimated 50,000 individuals and injured 100,000 more. Around 400,000 people fled the conflict to neighboring Guinea and Liberia, while up to 1 million others were internally displaced. Gender-based violence was common during the war. During the fight, rape, sexual enslavement, and forced marriages were all frequent. It was believed that between 215,000 and 257,000 people were raped throughout the battle.

Delegates are expected to look into their own delegations' history with GBV in conflict situations.

#### 4. Actions Taken

Many national and international laws criminalize sexual violence and gender-based violence (SGBV), which includes rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilization, and any other form of similar sexual abuse, including indecent assault and trafficking.

- *The International Criminal Tribunal for the former Yugoslavia (ICTY, 1993)* recognized rape as a crime against humanity, among other crimes such as torture

and extermination, when committed during an armed conflict and aimed against a civilian population. In 2001, the ICTY became the first international court to convict someone of rape as a crime against humanity.

- *The International Criminal Tribunal for Rwanda (ICTR, 1994)* also declared rape to be a war crime and a crime against humanity. In 1998, the ICTR became the first international court to find an accused person guilty of rape as a crime of genocide (used to perpetrate genocide)
- *International Criminal Court's Rome Statute (2002)* classifies Rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilization, or "any other form of sexual abuse of equivalent seriousness" as crimes against humanity. The ICC issued arrest warrants for many charges of rape as both a war crime and a civil offense, as well as a crime against humanity

The United Nations Security Council has also contributed significantly to addressing the topic of sexual and gender-based violence in conflict:

- *UNSC resolution 1325 (2000)* emphasized the critical role of women in peacekeeping operations and the "disproportionate impact of armed conflict on women and girls".
- *UNSC Resolution 1820 (2008)* urged the United Nations to safeguard women and girls in UN-led security efforts, including refugee camps.
- *UNSC Resolution 1889 (2009)*, asked to consider the need for the safety and empowerment of women and girls, including those connected with armed organizations, in post-conflict programming.
- *UNSC Resolution 1960 (2010)* requested the compilation a list of those parties credibly suspected of perpetrating or being responsible for patterns of sexual assault in conflict situations on the Council's agenda. It also urged for the development of conflict-related sexual violence monitoring, analysis, and reporting mechanisms.
- *UNSC Resolution 2467 (2019)* Encouraged national authorities to strengthen legislation to ensure accountability for those responsible for sexual violence, emphasizing the critical role of member states' domestic investigation and judicial systems in preventing and eliminating sexual violence in conflict, Furthermore, it called for these parties to make and implement undertakings to combat sexual violence, which should include, developing codes of conduct prohibiting sexual violence.

#### 5. Current Status of GBV in Conflict and Post-conflict areas.



The issue of GBV in conflict zones has only worsened in the past years. The following countries are the most relevant examples of SGBV in war-torn areas in recent years.

- Ethiopia-Communities in Ethiopia's Tigray region, home to more than 20 million people, have been affected by an ongoing war since November 2020. The violence quickly spread to Afar, a region in north-eastern Ethiopia, where more than 300,000 people have been displaced since December 2021. Tigray and Afar have extraordinarily high rates of sexual assault against women and girls, particularly as they exit conflict zones and enter refugee camps or host communities. Between November 2020 and June of this year, about 2,204 survivors reported sexual abuse to health institutions throughout the Tigray area. However, experts believe that these estimates underestimate the full incidence of gender-based violence.
- South Sudan- The United Nations has recorded an increase in gender-based violence in South Sudan, which has been driven by the country's ongoing conflict. Even before the civil war officially ended in September 2018, women and girls faced high levels of gender-based violence (GBV) and had few options for dealing with it. According to a Global Women's Institute and International Rescue Committee research, up to 65% of South Sudanese women and girls in war zones have been subjected to physical or sexual assault. Addressing impunity for conflict-related sexual assault in South Sudan is critical at this time. In southern Sudan, UN forces have also been accused of sexual abuse against women, and at least four have been returned.
- Afghanistan- Afghanistan is experiencing one of the world's most acute humanitarian crises, the result of over 40 years of persistent armed conflict. The occurrences of sexual and gender-based violence in Afghanistan in 2020. The Taliban has closed all SGBV shelters and services in Afghanistan, including sexual and reproductive healthcare, and has freed previously detained SGBV abusers.

#### UN Peacekeepers as Perpetrators.

One important concept of peacekeeping derived from international humanitarian law is to "do no damage" in any humanitarian aid, including peacekeeping. It is a peacekeeper's responsibility to protect the defenseless and to prevent harming them. However, occurrences reveal that some peacekeepers fail to perform their



protective job. Sexual violence and exploitation by peacekeeping forces have been documented in a number of nations, including Bosnia and Herzegovina, Mozambique, Cambodia, East Timor, Iraq, the Democratic Republic of the Congo, and Haiti. When UN personnel commit major crimes, the Secretary-General has the authority to have them prosecuted in the host nation where the crime allegedly happened; however, peacekeeping frequently takes place in countries with failing legal systems. The UN's long-standing inability to prevent and prosecute human rights breaches, much alone terrible crimes, perpetrated by its troops and officials functioning under its authority is massive. Nonetheless, after decades of sexual exploitation and abuse by UN soldiers and civilian employees, impunity must finally, come to an end.

### Gender-based Violence in Refugee Camps

Female refugees all across the world are extremely susceptible to sexual and physical assault. Women are at risk of being brutalized by human traffickers or border security authorities. Even after leaving the combat zone, their safety is not guaranteed. Violence might be perpetrated not just by male camp inhabitants, but also by national migration administration or humanitarian employees. Women and girls have been particularly affected by violence, and displacement in Afghanistan, Colombia, and the Democratic Republic of the Congo, among other places.

#### Topics:

1. Post-conflict Justice Mechanisms.
2. Problems of impunity and insufficient care for victims of GBV.
3. Developed countries neglect sexual assault suffered by refugees residing in their countries.
4. Justice for Survivors of Sexual Violence in Armed Conflict.
5. Peacekeepers and Sexual Violence.

#### Guiding Questions:

1. What is your delegation's response to GBV?
2. How to ensure that refugees are given the same protection as civilians in terms of sexual violence?
3. How to solve issues regarding accountability and impunity?

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