

## MARRIAGE RIGHTS

### International instruments establishing marriage rights\*

International Instrument	Article or Paragraph	Language / Excerpts
<b>Universal Declaration of Human Rights</b>  Adopted and proclaimed by United Nations General Assembly Resolution 217A (III) on 10 December 1948	Art. 16.1	Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
	Art. 16.2	Marriage shall be entered into only with the free and full consent of the intending spouses.
<b>Convention Relating to the Status of Refugees</b>  189 U.N.T.S. 150  Entered into Force 22 April 1954	Art. 12.2	Rights previously acquired by a refugee and dependent on personal status, more particularly rights attaching to marriage, shall be respected by a Contracting State, subject to compliance, if this be necessary, with the formalities required by the law of that State, provided that the right in question is one which would have been recognized by the law of that State had he not become a refugee.
<b>Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery</b>  226 U.N.T.S. 3  Entered into Force 30 April 1957	Art. 1(c)	[States Parties... shall take all practicable and necessary measures to bring about progressively and as soon as possible the complete abandonment of the following institutions and practices... (c) Any institution or practice whereby:] (i) A woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any other person or group; or (ii) The husband of a woman, his family, or his clan, has the right to transfer her to another person for value received or otherwise; or (iii) A woman on the death of her husband is liable to be inherited by another person.
	Art. 1(d)	[proscribes] Any institution or practice whereby a child or young person under the age of 18 years, is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labour.
	Art. 2	...States Parties undertake to prescribe, where appropriate, suitable minimum ages of marriage, to encourage the use of facilities whereby the consent of both parties to a marriage may be freely expressed in the presence of a competent civil or religious authority, and to encourage the registration of marriages.
<b>Convention on the Nationality of Married Women</b>  United Nations General Assembly Resolution 1040 (XI) 1, 29 January 1957	Art. 1	Each Contracting State agrees that neither the celebration nor the dissolution of a marriage between one of its nationals and an alien, nor the change of nationality by the husband during marriage, shall automatically affect the



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<p><b>Rights</b></p> <p>United Nations General Assembly Resolution 2200A (XXI), 16 December 1966</p> <p>Entered into Force 23 March 1976</p>	<p>Art. 23.3</p> <p>Art. 23.4</p>	<p>age to marry and to found a family shall be recognized.</p> <p>No marriage shall be entered into without the full and free consent of the intending spouses.</p> <p>States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution.</p>
<p><b>American Convention on Human Rights</b></p> <p>Signed by the Organization of American States on 22 November 1969</p> <p>Entered into Force 18 July 1978</p> <p>Series No.36, at 1, OAS Official Record, OEA/Ser. L/V/II. 23 Document Revision 2</p>	<p>Art. 17.2</p> <p>Art. 17.3</p> <p>Art. 17.4</p>	<p>The right of men and women of marriageable age to marry and to raise a family shall be recognized...</p> <p>No marriage shall be entered into without the free and full consent of the intending spouses.</p> <p>The States Parties shall take appropriate steps to ensure the equality of rights and the adequate balancing of responsibilities of the spouses as to marriage, during marriage, and in the event of its dissolution.</p>
<p><b>Convention on the Elimination of All Forms of Discrimination Against Women</b></p> <p>United Nations General Assembly Resolution 34/180, 18 December 1979</p> <p>Entered into Force 3 September 1981</p>	<p>Art. 9.1</p> <p>Art. 16.1</p> <p>Art. 16.2</p>	<p>States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.</p> <p>States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women: (a) The same right to enter into marriage; (b) The same right to freely choose a spouse and to enter into marriage only with their free and full consent; (c) The same rights and responsibilities during marriage and at its dissolution... (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation; (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.</p> <p>The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.</p>

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<p><b>The Cairo Declaration on Human Rights in Islam</b></p> <p>Signed by the Organization of the Islamic Conference on 5 August 1990</p>	<p>Art. 1(b)</p> <p>Art. 2(d)</p> <p>Art. 5(a)</p> <p>Art. 5(b)</p> <p>Art. 6(a)</p> <p>Art. 6(b)</p>	<p>...no one has superiority over another except on the basis of piety and good deeds.</p> <p>Safety from bodily harm is a guaranteed right. It is the duty of the state to safeguard it, and it is prohibited to breach it without a Shari-ah-prescribed reason.</p> <p>...Men and women have the right to marriage, and no restrictions stemming from race, colour or nationality shall prevent them from enjoying this right.</p> <p>Society and the State shall remove all obstacles to marriage and shall facilitate marital procedure. They shall ensure family protection and welfare.</p> <p>Woman is equal to man in human dignity, and has rights to enjoy as well as duties to perform; she has her own civil entity and financial independence, and the right to retain her name and lineage.</p> <p>The husband is responsible for the support and welfare of his family.</p>
<p><b>Committee on the Elimination of Discrimination Against Women General Recommendation 12</b></p> <p>(Eighth Session, 1989)</p> <p>Violence Against Women</p> <p>UN DOC HRI\GEN\1\REV.1 AT 78 (1994)</p>	<p>Para. 11 (on CEDAW Arts. 2(f), 5 and 10(c))</p> <p>Para. 14 (on CEDAW Art. 6)</p>	<p>Traditional attitudes by which women are regarded as subordinate to men or as having stereotyped roles perpetuate widespread practices involving violence or coercion, such as family violence and abuse, forced marriage, dowry deaths, acid attacks and female circumcision. Such prejudices and practices may justify gender-based violence as a form of protection or control of women. The effect of such violence on the physical and mental integrity of women is to deprive them of the equal enjoyment, exercise and knowledge of human rights and fundamental freedoms. ...the underlying consequences of these forms of gender-based violence help to maintain women in subordinate roles and contribute to their low level of political participation and to their lower level of education, skills and work opportunities.</p> <p>Poverty and unemployment increase opportunities for trafficking in women. In addition to established forms of trafficking there are new forms of sexual exploitation, such as...organized marriages between women from developing countries and foreign nationals. These practices are incompatible with the equal enjoyment of rights by women and with respect for their rights and dignity. They put women at special risk of violence and abuse.</p>







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	Section III	<p>marriage-brokering agencies, in the context of forced marriages specifically.</p> <p>[S]ection III contains the Special Rapporteur’s conclusions and recommendations to States and non-State actors on ways to prevent trafficking in persons through or for the purpose of forced marriages, discourage the demand for such marriages, protect and assist the victims concerned, and establish legal and prosecutorial measures to combat forced marriages in the context of trafficking in persons, especially women and children.</p>
<p>Expert paper prepared by Cheryl Thomas, Director, Women’s Human Rights Program, The Advocates for Human Rights, Minnesota, USA, <a href="#">Forced and Early Marriage: A Focus on Central and Eastern Europe and Former Soviet Union Countries with Selected Laws from Other Countries</a>, United Nations Division for the Advancement of Women, United Nations Economic Commission for Africa, Expert Group Meeting on good practices in legislation to address harmful practices against women, United Nations Conference Centre, Addis Ababa, Ethiopia (25 to 28 May 2009)</p>	Expert Paper	<p>This paper provides a brief overview of forced and child marriage from an international perspective and discusses selected international and regional standards on this issue. It includes information about how this problem presents itself in Central and Eastern Europe and the Former Soviet Union (CEE/FSU) and discusses selected laws addressing forced and child marriage from other countries.</p> <p>Full text available at <a href="http://www.un.org">http://www.un.org</a></p>

\*Other human rights potentially implicated in the context of forced, non-consensual and early marriage include, but are not limited to: human dignity; gender equality (e.g., in the family and before the law); reproductive rights and freedoms; polygamy prohibitions; maternity rights and maternal health (e.g., maternal and infant health and mortality rates, and HIV/AIDS rates, are higher in early marriages); rights of the child; parenting rights; nationality rights (e.g., proscribes women losing their nationality based on marriage); property rights (e.g., proscribes practice of prohibiting females from owning, controlling or alienating property); freedom of movement (e.g., proscribes requiring a male spouse or relative’s permission for a female’s travel or movement); right to work and an adequate standard of living; access to education; and freedom from violence, rape, sexual abuse, torture, human trafficking, slavery and exploitation (e.g. servile marriages).

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