

**Forum (Council, Committee, Assembly): Human Rights Council**

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## **TOPIC 1: The Question of Marriage Choice**

### **I. Introduction to the Topic**

The United Nations Human Rights Council is a United Nations body whose mission is to promote and protect human rights around the globe and to address situations of human rights violations and make recommendations on them.

To introduce the topic, marriage choice is a significant matter, because it connects to a lifelong commitment and union of two individuals. It is essential that the choice of marriage is based on personal willingness, free of dictation by anyone else, neither the society nor one's parents. With this being said, men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family, with equal rights entitled to both sides. No marriage shall be legally entered into without the full and free consent of both parties, thus topics such as child, minimum age to marry, and forced marriage, as well as same sex marriage should be mainly debated issues during the conference. Forced marriage and child marriage has long been an existing problem in Niger, and people especially females who attempts to escape from the forced marriage are socially abandoned or forced to enter prostitution due to the poverty. Bangladesh is also one of the countries with the highest rates of child marriage in the world, and the main problems to the marriage problems remain to be poverty, lack of education and awareness, designated social status.

The following report will be a comprehensive guide to support delegates with their research process and their countries' opinions on the topic.

### **II. Definition of Key Terms & Concepts**

#### **TOPIC 1: The Question of Marriage Choices**

##### **Definition of Key Terms**

**Human right:** Human right is any basic rights and freedom to which all people are entitled inborn.

**Equality before the law:** Equality before the law is the right to equal protection of the laws.

**International law:** International laws are the body of laws governing relations between nation. Universal human rights are often expressed and guaranteed by law, in the forms of treaties, customary international law , general principles and other sources of international law.

**Forced marriage:** Forced marriage is a marriage in which one or more of the parties is married without their consent or against their will.

**Early marriage:** Early marriage is any marriage entered into before one reaches the legal age of 18. Though both boys and girls could marry early, the norm in many countries around the world is that more girls than boys are likely to marry young, to someone older, againsting their will.

**civil union:** Civil union is a legally recognized arrangement similar to marriage. In a civil union, couples of the same or opposite sex officially promise to live together and respect their rights and obligations under this type of relationship.

**Arranged marriage:** Arranged marriage is a type of marital union where the bride and groom are primarily selected by individuals other than the couple themselves, particularly by family members such as the parents or matchmakers.

**Same-sex marriage:** Same sex marriage is the marriage of two people of the same sex or gender. As of 2022, marriage between same-sex couples is legally performed and recognized in 33 countries.

### III. Key Stakeholders

#### Key stakeholder 1: International Covenant on Civil and Political Rights (ICCPR)

The ICCPR aims to protect the fundamental civil and political rights of people around the world. The relevant provisions of the ICCPR are, right to non-discrimination, right to an effective remedy for a breach of human rights, right to family, and rights of the child. In 2002, the UNHRC and ICCPR decided a case in which two lesbian couples challenged New Zealand's refusal to issue them their marriage licenses under the Human right Law of New Zealand.

#### Key stakeholder 2: International Labour Organisation Discrimination (Employment and Occupation) Convention 1958 (ILO 111)

The ILO 111 required Australia to take all appropriate steps to eliminate the discrimination on a range of aspects and re-ensure equality of opportunities and treatment in discriminations in employment. "The ILO 111 provided that countries can add to the list of grounds on which discrimination is prohibited. In 1989, Australia added discrimination on the grounds of sexual preference to that list."

### Key stakeholder 3: Convention on Consent to Marriage, Minimum Age of marriage, and Registration for Marriages New York, 1962

The Convention was opened for signature pursuant to the resolution, adopted by the General Assembly of the United Nations in November 1962. Reservations from Bangladesh: “The Government of the People's Republic of Bangladesh, in accordance with the Convention will not be bound by the exception clause of article 2 viz . except where a competent authority has granted a dispensation as to age, for serious reasons, in the interest of the intending spouses" Perspective from Norway; “With the reservation that article 1, paragraph 2, shall not apply to the Kingdom of Norway.

#### IV. Key Issues including Background Information

**Key Issue 1 ‘Child Marriage Restraint Act 2017’:** The legal age of women at first marriage is 18years old, and 21years old for men in Bangladesh. However, the parliament of government has approved the Child Marriage Restraint Act on the year of 2017, which allows women under age of 18 to marry under parental consents and permission from the local courts, which is the key obstruction to changes at this point.

**Key Issue 2 Accession to the Convention on the Rights of the Child in Saudi Arabia:** Saudi Arabia also ratified the Convention on the Elimination of All Forms of Discrimination Against Women’ in 2000, which officially banned child marriages within the country.

**Key Issue 3 Recognition to Civil unions, in Italy:** Italy has recognised same-sex ‘civil unions’ since 2016, providing same-sex couples with majority of the legal protections enjoyed by opposite-sex married couples. Before this, several regions had supported a national law on civil unions and some municipalities passed laws providing for civil unions, though the rights conferred by these civil unions varied from place to place.

#### V. Timeline of Resolutions, Treaties, and Events

##### Timeline of Resolutions, Treaties, and Events

Date	Description of event
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- 1969      The American Convention on Human Rights  
This convention, along with the American Declaration on the Rights and Duties of Man, acts as a major instrument of the OAS. The Convention focuses predominantly on an individual's political and civil rights, but also touches upon cultural, social, and economic rights.  
The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)
- 1979      The Convention on the Elimination of all Forms of Discrimination Against Women is the only treaty to recognize tradition and culture as molding factors of family relations and gender roles, and guarantee the reproductive rights of women.
- 1989      The Convention on the Rights of the Child  
  
The Convention of the Rights of the Child was adopted by the UN. It established the civil, political, economic, social, health and cultural rights of children, a group whose rights are largely overlooked. This treaty sets forth the idea that children are their own individuals with rights and are not in fact the property of their parents.
- 2013      National Children's Commissioner  
The first National Children's Commissioner is appointed in Australia
- 2017      Marriage equality law passes Australia's parliament in landslide vote; Australia became the 25th country to recognise same-sex marriage
- 2022      The Marriage Act 1949 of UK Public General Acts was amended; Increase of minimum age to marriage was now 18, substituting 16.

## VI. Possible Challenges & Solutions

**Key Issue 1 'Child Marriage Restraint Act 2017':** The **approval** to the Child Marriage Restraint Act on the year of 2017, which allows women under age of 18 to 'marry through parental consent and permission from the courts' should be modified, since the statement has become the means to abuse the law and the human rights of women.

**Key Issue 2 Accession to the Convention on the Rights of the Child in Saudi Arabia: Though** Saudi Arabia ratified the Convention to women, in 2000, which officially banned child marriages within the country. However, because child marriage in Saudi Arabia is driven by gender inequality and the belief that women and girls are somehow inferior to men and boys, changes are hard to make. The issue connects to the country's social system as well as political system, thus is complicated to resolve.

**Key Issue 3 Recognition to Civil unions, in Italy:** Italy has recognised same-sex civil unions since 2016, providing same-sex couples with majority of the legal protections enjoyed by opposite-sex married couples. This law should be implemented within other nations, and there should be strong punishment applied as well as the rise in education.

## VII. Recommendations for Resolution Writing including Research

Please choose your topics considering the relevance of your country to the particular topic. Please also keep in mind that delegates are required to seek out countries with similar perspectives with themselves during lobbying, so researching about what other countries the delegate is closely interconnected with will also be a help in the lobbying and merging procedure. The 2 main issues that delegates should look at in this topic 1 are: early, forced, and child marriage as well as rights to same sex marriages, so please try to regulate your research on those concepts. Those concepts also connect to issues such as gender equality, issues of poverty, and issues regarding discriminations in different social status. So having closely researched these interconnected issues will help delegates understand the topic more, and present a fruitful resolution that solves the issue at hand.

## VIII. Bibliography

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## IX: Additional Resources

<https://www.ohchr.org/en/press-releases/2021/10/human-rights-council-adopts-four-resolutions-child-early-and-forced-marriage>

<https://www.cfr.org/background/marriage-equality-global-comparisons>

<https://www.girlsnotbrides.org/articles/un-human-rights-council-adopts-5th-resolution-on-child-early-and-forced-marriage/>

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