

CHILD MARRIAGE IS CHILD LABOUR

The disappearance of girls from child labour statistics



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INTRODUCTION

In the next year, an estimated 15 million¹ girls will be forced into “marriages.” A frightening proportion of them will be under the age of 15.²

Instead of receiving an education alongside their peers, child “wives,” are forced to work long hours cooking and cleaning. They work night shifts caring for babies and younger children. They are trapped under the control of older husbands, physically and psychologically abused, and raped repeatedly. Confined as domestic servants and sex slaves in homes around the world, they work in abusive conditions that threaten their lives and their health. They suffer human rights and labour violations on a daily basis, and many die as a result.³

“Early marriages, even when they occur with the seeming consent of the child, violate the basic rights of the child, since by legal definition a child cannot give consent.”⁴

Child “marriage” is not merely a harmful traditional practice: it is a crime, it is child labour in its worst form, and it is a complete violation of a girl’s human rights. To call this crime “marriage” is to give it unwarranted legitimacy. It conveys the message that this is a regular rite of passage that is just happening too soon for some girls, rather than an offense that completely and permanently unravels girls’ lives. Calling it “child labour” will correctly classify it as an intolerable and inhumane labour violation faced by millions of girls around the world.

The global community stands in agreement on the fundamental rights of children. The Convention on the Rights of the Child, the most widely ratified human rights treaty in history, protects children’s rights to education, health, rest, leisure, play and recreation, protection from violence, and protection from performing any work that is likely to be hazardous, to interfere with their education, or to be harmful to their spiritual, moral, or social development.⁵ Child “marriage” violates every single one of these rights.

AIDS-Free World has particular concern about child marriage because girls forced into marriage prematurely are at especially high risk of contracting HIV from their older, more sexually experienced husbands – and HIV now affects adolescent girls at rates much higher than those of their male counterparts.⁶ Young girls are especially vulnerable to infection because their vaginal tissues are not yet mature enough for intercourse. Girls in marriages to older men lack equal power to negotiate safer sex and are very isolated, removed from

¹ UNICEF, “Ending Child Marriage: Progress and prospects,” 2014, 6, <http://dataunicef.org/resources/ending-child-marriage-progress-and-prospects>.

² See UNFPA, “Marrying too Young: End Child Marriage”, 2012, 10, www.unfpa.org/end-child-marriage; Population Council, “Who Speaks for Me: Ending Child Marriage,” 2007, 1, www.prb.org/Publications/Reports/2011/ending-child-marriage.aspx.

³ See R. Jenson and R. Thornton, “Early female marriage in the development world,” *Gender and Development*, Vol. 11, No. 2 (2003) 10.

⁴ *Ibid.*

⁵ Convention on the Rights of the Child (CRC), G.A. Res. 44/25, U.N. Doc. A/44/49 (Nov. 20, 1989), arts. 19, 24, 28, 31, 32.

⁶ UNAIDS reports that “in 2013, almost 60% of all new HIV infections among young people aged 15-24 occurred among adolescent girls and young women.” UNAIDS, “The Gap Report,” 2014, 135, www.unaids.org/en/resources/documents/2014/20140716_UNAIDS_gap_report.

school and peer networks with little access to AIDS information or services.⁷ The recently launched “All In” initiative to end adolescent AIDS, a partnership between numerous UN agencies and other organizations, includes a focus on India, Malawi, Mozambique, Nigeria, and Zambia: five countries that are also hotspots for child marriage.⁸

Given the wide range of violations inherent in child marriage, we assumed that the United Nations would strenuously address the problem of child marriage from every angle, and that every relevant UN agency would be involved in ending this widespread oppression of girls. It seemed obvious to us that the harsh and abusive work and conditions to which underage wives are subjected would count as a **worst form of child labour**, and that the International Labour Organization (ILO) would be an important and leading participant in the global movement to end child marriage. So we were very surprised to learn that the ILO refuses to count child “wives” as child labourers.

This report provides our analysis of child “marriage” as a worst form of child labour, a summary of the responses we have received from the ILO to date, and our ongoing advocacy plans to ensure that child “wives” are included in ILO statistics as child labourers. It is our hope that this analysis and advocacy will expand the global response to child marriage and bring much-needed attention and resources to the problem.

CHILD MARRIAGE IS CHILD LABOUR

The invisible girls

When we examined the ILO’s statistics on child labour, we were struck by an odd trend: From ages 5 to 11, the number of boys and girls engaged in child labour is fairly equal (36 million boys and 36 million girls).⁹ From ages 12 to 14, boys involved in child labour start to outnumber girls by about 2.2 million (24.8 million boys versus 22.6 million girls).¹⁰ And at ages 15 to 17, *boys account for 81 percent of all child labourers, outnumbering girls by 29.8 million* (38.7 million boys versus 8.9 million girls).¹¹ The ILO characterizes this lower percentage of girls involved in child labour as a success story, but we were stumped. Was this dramatic shift merely a product of gender differences in the types of work that boys and girls were being asked to perform? Could it be that when young girls become teenagers, their societies suddenly protect them from child labour?

And then we realized the surprising truth: the ratio of boys to girls is skewed because the ILO is not counting child “wives” as child labourers. If they were to include the girls who are illegally forced into marriage every year, the statistics would look completely different. The ILO’s global estimates currently convey to the world a false sense that child marriage is not child labour and that the problem of child labour among girls is not as significant as among boys.

⁷ See Judith Bruce, “Child marriage in the context of the HIV epidemic,” Population Council, Brief No. 11, September 2007; Janet Fleischman & Katherine Peck, “Addressing HIV Risk in Adolescent Girls and Young Women,” CSIS Global Health Policy Center, April 17, 2015.

⁸ See the “All In” Campaign to End Adolescent AIDS, <http://allintoendadolescentaids.org/>; UNICEF, “The State of the World’s Children 2014,” Table 9, 78-83, www.unicef.org/sowc2014/numbers/.

⁹ International Labour Office, “Making progress against child labour: Global estimates and trends 2000-2012,” 2013, 18, http://www.ilo.org/ipec/Informationresources/WCMS_221513/lang--en/index.htm.

¹⁰ *Ibid.*

¹¹ *Ibid.*

The importance of the ILO

The ILO sets the world's standards for labour rights and for eliminating child labour. By correctly classifying child "marriage" as a worst form of child labour, the ILO would reframe the global response to child marriage and become a leader in the fight to end it. This would bring the effectiveness, attention, and significant resources of the ILO to bear on the problem. The ILO's International Programme on the Elimination of Child Labour is the largest program of its kind globally, with operations in 88 countries, including 16 of the 20 countries with the highest rates of child marriage.¹² Resources that are currently focused on boys because of the ILO's faulty statistics would then be directed to girls as well. Perhaps most importantly, the unique tripartite structure of the ILO means that their involvement, unlike that of other UN agencies, would bring together a powerful combination of governments, business coalitions, and trade unionists in countries around the world to combat this problem.

Unfortunately, when the ILO excludes child marriage as a form of child labour, they weaken the fight against it. They send a powerful message to governments, agencies, and individuals around the world that the status quo is acceptable. They send the message that married girls are simply doing household chores, so it is acceptable for them to work long hours, be confined to their husbands' homes, and deprived of education.

We feel strongly that all child marriage under the age of 18 should be abolished, a position that is supported by international law, which defines a child as anyone under the age of 18, and by numerous international and regional conventions that require free and full consent from both parties to a marriage and/or that set 18 as the minimum age of marriage.¹³ However, we recognize that, currently, the legal age of marriage varies around the world. We also recognize that while the ILO can advocate for uniform laws among its member states, it must work within the reality on the ground in each country. We therefore made the decision, while examining the issue of child "marriage" through a child labour perspective, to focus on child "marriages" that are illegal in their respective countries. We will work alongside organizations fighting child marriage to continue to voice support for raising the minimum marriage age to 18, however for the purpose of child labour, it is clear that focusing on illegal marriages removes any veneer of consent or legitimacy to these "marriages." That is why we are so troubled by the ILO's stance as it legitimizes these illegal arrangements and diminishes the brutal reality of child "marriage." At a minimum, the ILO must include underage girls who are illegally married as child labourers.

Assuming we could convince the ILO of their grave error, we reached out to them and presented the case.

Child marriage is a "worst form of child labour"

The ILO states that it is a "priority to eliminate without delay the worst forms of child labour as defined by Article 3 of the ILO Convention No. 182."¹⁴ The following practices are included as a worst form of child labour in ILO Convention 182¹⁵, and child marriage meets the criteria for all of them:

¹² These 16 countries are: Bangladesh, Burkina Faso, Ethiopia, Guinea, India, Madagascar, Malawi, Mali, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Sierra Leone, South Sudan, and Zambia; See UNICEF, "The State of the World's Children 2014," Table 9, 78-83, www.unicef.org/sowc2014/numbers/ and the ILO International Programme to End Child Labour, www.ilo.org/ipecc/Regionsandcountries/lang--en/index.htm.

¹³ See International Convention on Civil and Political Rights (ICCPR), 1966, art.23(3); International Convention on Economic, Social and Cultural Rights (ICESCR), 1966, art. 10(1); Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979, art. 16(1)(b); African Charter on the Rights and Welfare of the Child, 1990, art. 21(2); Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol), 2003, art. 6(a) and 6(b).

¹⁴ International Labour Organization, "Worst Forms of Child Labour," www.ilo.org/ipecc/areas/Childdomesticlabour/lang--en/index.htm.

- **Article 3(a) “All forms of slavery and practices similar to slavery”:** Under international human rights law, a child cannot provide informed consent to a marriage. Child marriages are therefore considered forced marriages and fall under the slavery-like practices defined in the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery. In 2012, the Special Rapporteur on contemporary forms of slavery noted that, “reaffirming forced and early marriages as slavery-like practices is important as it provides an understanding of the violations that victims endure.”¹⁶
- **Article 3(a) “the sale of children”:** Child marriage meets this definition as well. A report from the Special Rapporteur on the sale of children describes child marriage as a form of sale for the purpose of sexual exploitation, noting that one example of this is the offering of young girls as wives to men in exchange for money.¹⁷ Marriages negotiated by girls’ families according to payments or transactions commodify the value of girls and reduce them to objects of sale: they are sold to men as property to be used for sex and domestic labour.
- **Article 3(a) “the trafficking of children”:** Anti-Slavery International reports that many girls are trafficked under the pretext of marriage and then forced into prostitution or domestic servitude.¹⁸ UNFPA calls child marriage a “pathway to commercial exploitation.”¹⁹
- **Article 3(a) “forced or compulsory labour”:** Child “wives” who remain trapped in forced marriages do not have the ability to refuse to do work. By definition, a child cannot consent to an illegal “marriage” and therefore she lives in the home of her “spouse” against her will. Child “wives” do not, therefore, have the ability to leave the home, and have to decide between working or being punished. The Special Rapporteur on contemporary forms of slavery reports that child wives “have no choice but to perform the tasks expected of them, such as domestic chores, shop or farm work and engaging in sexual intercourse with their husbands. If they refuse to do so, or if their performance is unsatisfactory, they face physical, psychological and sexual abuse.”²⁰ UNFPA reports that child marriage can be “tantamount to bonded labor or enslavement.”²¹
- **Article 3(d) “hazardous work”:** This is defined as “work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.” The fact that child marriage is harmful to the safety of children is without question. They face the same “hazards” the ILO has already identified for child domestic workers: long and tiring working days; carrying heavy loads; handling dangerous items such as knives, axes, and hot pans; insufficient or inadequate food and accommodation; and humiliating or degrading treatment including physical and verbal violence, and sexual abuse.²² Child wives are at a heightened risk of experiencing domestic violence overall; women who were married before age 18 are more likely to report being beaten by their husbands

¹⁵ Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182), Geneva, 87th ILC session (June 17, 1999), art. 3.

¹⁶ UN Special Rapporteur, *UN Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Report to the Human Rights Council*, UN Doc. A/HRC/21/41, July 10, 2012, para 19.

¹⁷ UN Special Rapporteur, *UN Special Rapporteur on sale of children, child prostitution and pornography, Report to the General Assembly*, UN Doc A/66/228, August 2, 2011, para 19.

¹⁸ Catherine Turner, “Out of the Shadows: Child Marriage and Slavery,” Anti-Slavery International, 2013, 26.

¹⁹ UNFPA, “Marrying too Young: End Child Marriage”, 2012, 11, www.unfpa.org/end-child-marriage.

²⁰ UN Special Rapporteur, *UN Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Report to the Human Rights Council*, UN Doc. A/HRC/21/41, July 10, 2012, para 17.

²¹ UNFPA, “Marrying too Young: End Child Marriage”, 2012, 11, www.unfpa.org/end-child-marriage.

²² International Labour Organization, “Child labour and domestic work,” www.ilo.org/ipec/areas/Childdomesticlabour/lang-en/index.htm.

and forced to have sex than women who married after reaching age 18.²³ The Committee Against Torture has stated in concluding observations that child marriage amounts to inhuman and degrading treatment in violation of the torture convention.²⁴

The health consequences of child “marriage” are dire. In addition to a heightened risk of HIV, child wives are also at a much greater risk of dying because of their “marriage”: in developing countries, complications in pregnancy and childbirth are the leading cause of death for girls and women aged 15 to 19.²⁵ Girls under age 15 are five times more likely to die in childbirth than women aged 20 to 24.²⁶

THE ILO POSITION

ILO argues that girls in child marriages are not doing “work”

AIDS-Free World sent a letter to the ILO on September 19th, 2014, laying out the arguments described above: that child marriage for girls amounts to slavery-like practices, the sale and trafficking of children, forced labour, and hazardous work that harms their health and safety. We pointed out that no changes to the ILO Convention definitions were necessary, as child marriage already fit within the current terms; it was merely the ILO’s interpretation that needed to adapt to the reality of child marriage.

The ILO’s response on October 8th, 2014, was definitive: “child marriage may not be interpreted as constituting a worst form of child labour for girls, given definitional primacies.”²⁷

Their rationale, however, was confounding. **Simply put, the ILO claimed that the labour performed by girls in a child “marriage” does not qualify as “work,” and therefore ILO Convention 182 does not apply.**

They first reminded us that global estimates of child labour are based on statistical methodology and definitions set by the “Resolution concerning statistics of child labour” (the “**Resolution on Child Labour Statistics**”) adopted by the 18th International Conference of Labour Statisticians in December 2008. Concepts and definitions of child labour and the worst forms of child labour were reviewed and agreed upon at this conference, based on the parameters of work prohibited under ILO Conventions No. 138 on Minimum Age and No. 182 on the Worst Forms of Child Labour, and their accompanying Recommendations.

Based on these definitions, the ILO then argued, child marriage does not qualify as child labour because it is not “work.” Their letter stated the following:

Again, since C.182 was intended to be confined to issues related only to the world of “work” (that is economic activity, even if illegal), under Article 3(b) prostitution and pornography are considered among [the worst forms of child labour] as there is a *work related aspect*. On the other hand, incest and early child marriage, although encompassing forms of sexual exploitation, do not constitute [worst forms of child labour]. [emphasis added]²⁸

We were stunned and alarmed by this response. A further examination of how the ILO defines “work” revealed their fundamental misunderstanding of the nature of child “marriage.”

²³ UNICEF, “Early Marriage: A Harmful Traditional Practice”, 2005, www.unicef.org/publications/index_26024.html.

²⁴ Committee against Torture (CAT Committee), *Concluding Observations: Yemen*, U.N. Doc. CAT/C/YEM/CO/2, December 17, 2009, para 31.

²⁵ UNFPA, “Marrying too Young: End Child Marriage”, 2012, 11, www.unfpa.org/end-child-marriage.

²⁶ International Center for Research on Women, “Child Marriage and Health Fact Sheet,” 2007, www.icrw.org/publications/child-marriage-factsheets.

²⁷ International Labour Organization, Fundamental Principles and Rights at Work Branch (FPRW), “Letter to AIDS-Free World”, October 8, 2014.

²⁸ *Ibid.*

ILO considers girls in child marriages to be living in their “own homes”

In order to understand why the ILO would not consider child wives to be doing “work”, we carefully examined the ILO’s Resolution on Child Labour Statistics and discovered that they make the following distinction: household chores performed in a *third-party household*, whether paid or unpaid, qualify as work; household chores performed in one’s *own household* do not qualify as work.²⁹ The only possible conclusion to draw is that the ILO considers child “wives” to be working in their *own homes* – despite their complete lack of consent to the marriage and the illegal nature of their living arrangement.

How did we come to this conclusion? In the ILO’s Resolution on Child Labour Statistics, they describe the categories of “children in employment” and “children in other productive activities”.³⁰

“Children in employment” are doing tasks that qualify as “economic activity”. In order to define economic activity, the ILO uses the definitions found in the System of National Accounts (the “SNA”), which is an internationally agreed standard set of recommendations on what types of work qualify or do not qualify as economic activity, and how countries should measure economic activity. In general, if children are doing work that qualifies as economic activity (work that falls under the “production boundary” of the SNA), they would be classified as “children in employment”. From there, depending on the age of the child and their working conditions, a determination would be made about whether the work constitutes illegal child labour or a permissible form of work.

The second category, “children in other productive activities” includes children who perform unpaid household services:

Children in other productive activities includes children who perform unpaid household services, that is, the production of domestic and personal services by a household member for consumption within their own household, commonly called “household chores”. In contrast, the performance of household services in a third-party household, paid or unpaid, is included within the production boundary of the SNA.³¹

This definition is illustrative. It makes a simple distinction: household chores performed in *one’s own household* fall under the category of “children in other productive activities” whereas the same chores in a *third-party household*, paid or unpaid, fall under “children in employment”. In other words, the ILO’s position is that if a child conducts unpaid household services in her own house, she is doing chores, and if she is in someone else’s house, there is an economic interest so she is working.

Looking back at the ILO’s response to our letter, they stated that child marriage does not constitute a worst form of child labour because it does not relate to the world of “work (that is, economic activity)”. As we just saw, according to the Resolutions on Child Labour Statistics, the exact tasks performed by a child wife would qualify as work if they were done in a third-party household. **Therefore, the ILO believes child “wives” are merely conducting household chores in their own homes. But to treat the home of her “spouse” as a child wife’s legitimate home is legally incorrect.**

²⁹ International Conference of Labour Statisticians, *Resolution concerning statistics of child labour*, December 5, 2008, para 13, www.ilo.org/global/statistics-and-databases/standards-and-guidelines/resolutions-adopted-by-international-conferences-of-labour-statisticians/WCMS_112458/lang--en/index.htm.

³⁰ *Ibid.*, para 12.

³¹ *Ibid.*, para 13.

ILO treats illegal marriages as legal

If household chores are considered “work” when performed in a third-party household, and the ILO maintains that the tasks performed by a girl in a child marriage are not “work,” then the only logical conclusion is that the ILO treats the household of the child’s illegal spouse as the child’s valid household. This is an indefensible position. Perhaps it is worth stating the obvious: an illegal marriage is illegal. Governments have decided that, below a certain age, children cannot provide consent to marry, and therefore it is illegal for a child below that age to be married. That age may vary by country, but below the lawful age the respective government has set, the marriage cannot legally occur. There is nothing about these arrangements that should be considered legitimate. They are illegal actions, taken by the child’s family and/or her future illegal “spouse”, and they go against the law of the country. They do not have any more legal validity than a slave auction would. They are illegal and illegitimate.

Yet, perversely, the ILO views these illegal marriages as having legal effect by validly transferring the household of the child. Treating illegal marriages as an effective vehicle for transferring the household of the child, even if it is only through the commission of a crime that the child is placed there, legitimizes the illegal marriage in a very dangerous way. It is akin to arguing that the home where a kidnapped child is kept is her valid household. That would be just as absurd as the ILO’s current position. These girls are removed from their childhood homes to live with older “husbands,” used as round-the-clock domestic servants, habitually raped, and deprived of their potential and their dignity. The ILO champions the end of child labour, but to turn a blind eye to young girls who are illegally married off is to endorse the practice of child marriage.

ILO claims they are already counting child “wives” in forced labour

In response to the ILO’s October 8th letter, we asked for clarification: Surely they didn’t mean to legitimize illegal child marriages by considering the illegal “spouse’s” household as the legitimate household of the child? We did not get a response that dealt with this particular issue, only an angry letter denouncing that we had gone public with our understanding of the ILO’s position. They described our articulation of their position as a misrepresentation, although their letter failed to explain in what way our understanding of their position was incorrect.

In subsequent communications, both by letter and a phone call with the Chief of their Fundamental Principles and Rights at Work Branch, another odd position came to the forefront: The ILO claimed that if girls in child marriages were engaged in forced labour, they would already be counted in the ILO’s statistics on forced labour. This contention was problematic for three reasons. First, this same ILO contact admitted that none of their surveys collect data on the marital status of children. Yet the marital status itself is what defines the labour as forced. Any work done by a child wife must be defined as forced labour *by virtue of the condition under which it’s performed: a forced marriage*. Failing to take into account the marital status of a child engaged in work within a household ignores the defining factor that characterizes that work as “forced.” Second, the contention that forced labour surveys would capture child marriage is completely incongruous with the ILO’s previous position that tasks done in a child marriage do not qualify as “work” and would therefore never fall under Convention 182. And, crucially, it fails to note that the ILO does not currently collect statistics on forced labour or any of the worst forms of child labour other than hazardous work, because they contend that national microdata sets on these worst forms of child labour are almost non-existent.³²

Admittedly, household surveys would likely be highly ineffective at collecting accurate data on the number of girls in illegal marriages. There would be a high likelihood that these girls would not have a voice in any survey response or would be pressured to lie about their age or status. Luckily for the ILO, child marriage

³² International Labour Organization, Fundamental Principles and Rights at Work Branch (FPRW), “Global estimates on child labour”, PDF sent to AIDS-Free World, December 2, 2014.

statistics have been and continue to be gathered by UNICEF and UNFPA. Surely the data collection that is acceptable to these UN Agencies would be acceptable to the ILO and could provide the basis for quickly incorporating child marriage into child labour statistics by disaggregating the data to indicate whether marriages are below the national or international minimum age. The difficulty of data collection cannot be an excuse.

Miscategorizing child marriage

Another avenue for including child “marriages” in child labour statistics is worth considering briefly. The ILO claims that they are considering incorporating “hazardous unpaid household services” into child labour statistics, and child “marriage” could conceivably fall under this category.³³ However, this categorization of child “marriage” would be problematic for two reasons: First, it would mean that child marriage would not qualify as a worst form of child labour, which is prioritized by the ILO. Second, and most importantly, it would place a condition on whether child marriage is child labour based on evidence of “hazardous” conditions, rather than recognizing that child marriage is child labour because of the forced, coercive, and harmful circumstances inherent in every child “marriage.” For now, the status quo remains and the ILO’s child labour data is based solely on the SNA production boundaries (which do not include hazardous unpaid household services), because of what the ILO describes as “technical issues” involved with collecting data on unpaid household service.³⁴

While we do not discount the possibility that an occasional child could theoretically be treated “well” by her illegal spouse, it ignores the incontrovertible facts: Governments have determined that marriage below a certain age is illegal. When an adult goes ahead and “marries” a child regardless of the law, they are criminals, the child is a victim, and any element of the child’s freedom of movement and independence has been restricted in order to cater to the whims of this criminal who calls himself her spouse. Child “marriage” involves continuous human rights violations, and any attempt to delegitimize these violations by pretending the work is merely household chores, even if defined as hazardous, is insufficient. Child marriage is a worst form of child labour.

CONCLUSION: LABOUR AND HUMAN RIGHTS

Using the labour lens on child marriage is not only about the ILO. Looking at the labour dimensions of a child marriage reveals the reality of child marriage not always addressed by programs that seek to empower girls or improve childbirth mortality rates. Focusing attention on the labour forced upon girls in illegal marriages returns critical attention to the continuous human rights violations faced by these girls. It also helps eradicate the myth that child “marriage” is purely a cultural problem by reminding us of the fundamental economic component of child marriage, both in terms of the economic needs of parents who feel pressured to “sell” their children and also the never-ending demand of older men for labour and sex. Neither of these economic issues are justifications for engaging in child “marriage,” but recognizing that girls are being “traded,” in part for their economic contribution, can help to focus international attention on the way economic demand incentivizes criminal behavior.

Recognizing child marriage as child labour is not merely a rhetorical step in the battle against child marriage, it could bring real results in ending the problem. Our focus on the ILO is not accidental, and is certainly not born of a desire to disparage or diminish the ILO’s work. On the contrary, the ILO is an enormously powerful

³³ See generally International Conference of Labour Statisticians, “General Report – Chapter 1: Statistical Activities of the ILO: Child Labour Statistics, Unpaid household services and child labour”, 2-11 October 2-11, 2013, www.ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/meetingdocument/wcms_223907.pdf.

³⁴ *Ibid.*, at 7.

and effective UN agency, and it is this effectiveness that makes their stance on this issue so important. There are many potential benefits of the ILO's recognition of child marriage as child labour:

- It will ensure that girls are not neglected in the global fight against child labour.
- It will engage all three powerful groups of ILO constituents: governments, business coalitions, and trade unionists, to work together in-country on the issue of child "marriage."
- It will ensure that the 185 member countries of the ILO provide better and more accurate data on child marriage and take stronger action to protect girls' rights.
- It will signify that the ILO is finally acknowledging, counting, and properly addressing a practice that destroys the health of girls, robs them of sexual and reproductive choices, puts them at lifelong high risk of sexually transmitted infections, and exponentially increases their chances of dying in childbirth. It will help to address the frighteningly high rates of HIV amongst adolescent girls by highlighting underage marriage as a serious but much-ignored risk factor.

All of us in civil society are guilty of using the term child "marriage," which provides the veneer of social sanction for what is indisputably a criminal act. This unwarranted legitimacy would be powerfully stripped away if the ILO were to stand up and call it a "worst form of child labour." There would be no denying the horrifying human rights abuses these girls face every day. There would be no equivocation on whether their work is hazardous and, if so, how hazardous it might be. And there would be no distraction from the fundamental fact that child "marriage" is a criminal act that must be stopped.

We recognize that large bureaucracies do not often move quickly, and the ILO is no exception. Every position and public statement, definition and resolution, goes through committees and conferences, and they all require seemingly endless deliberation and debate. On this issue, however, urgency is needed. The ILO's current definitions already provide for the definition of child marriage as child labour. It is only the ILO's misinformed interpretation, which treats the illegal spouse's household as the valid household of the child, that has stopped the ILO from properly counting child marriage. Its fellow UN agencies already have data on child marriage which could quickly be incorporated into child labour statistics. We urge the ILO to take a principled stance and announce their attention to treat child marriage as a worst form of child labour. This will place the focus of advocacy efforts squarely where it needs to be: on the girls. At its core, child "marriage" is about the violation and subjugation of women around the world. By recognizing the phenomenon of child "marriage" as child labour, the ILO, together with organizations devoted to abolishing child marriage, can take an active role in ending it.

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