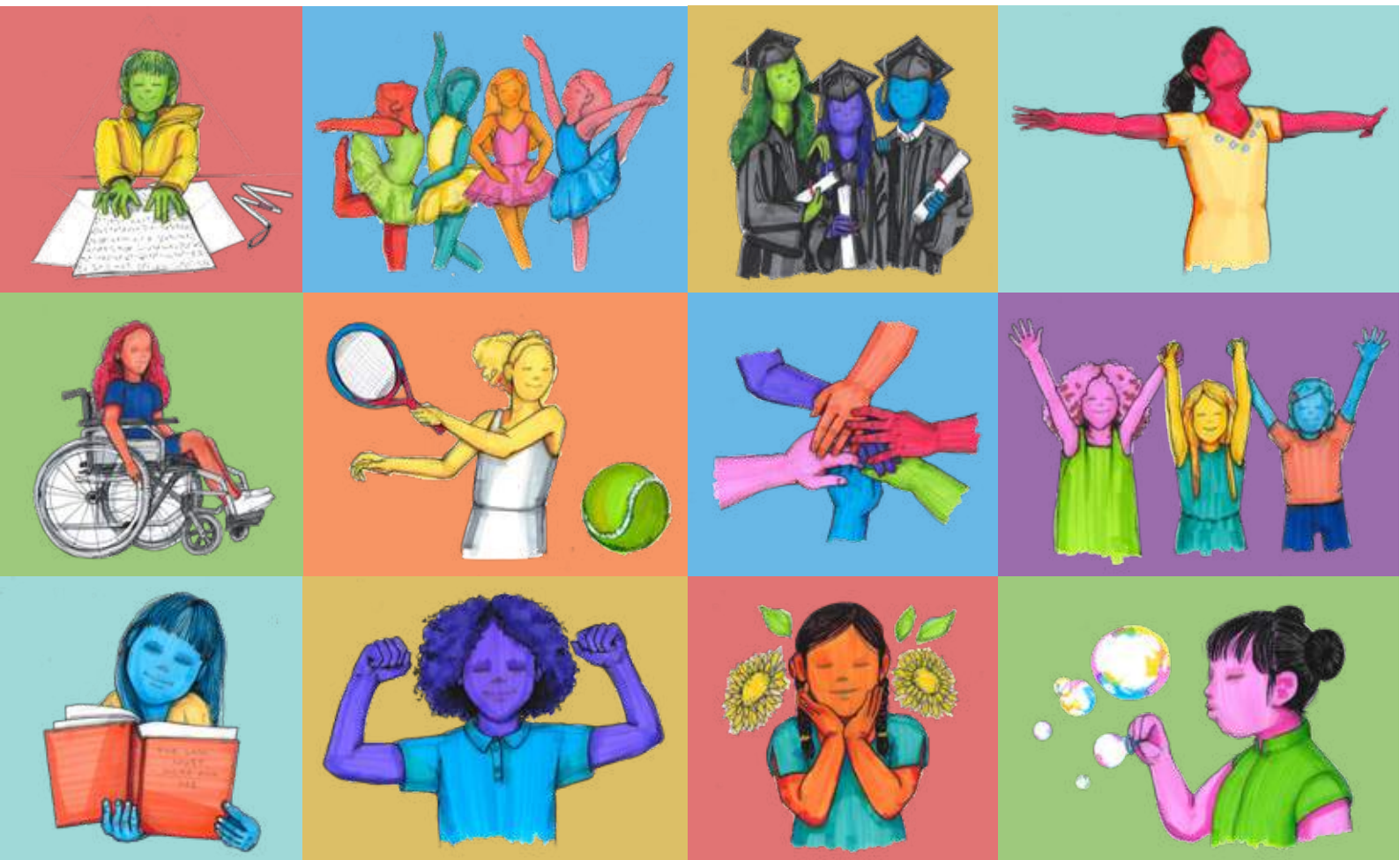


LEGISLATING AND ENFORCING
THE MINIMUM AGE OF MARRIAGE:

A COMPARATIVE STUDY OF EXPERIENCES AND LESSONS LEARNED IN ENDING THE LEGALIZATION OF CHILD MARRIAGE



UNCHAINED
at last

 Equality Now

 UN
WOMEN

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LIST OF ACRONYMS

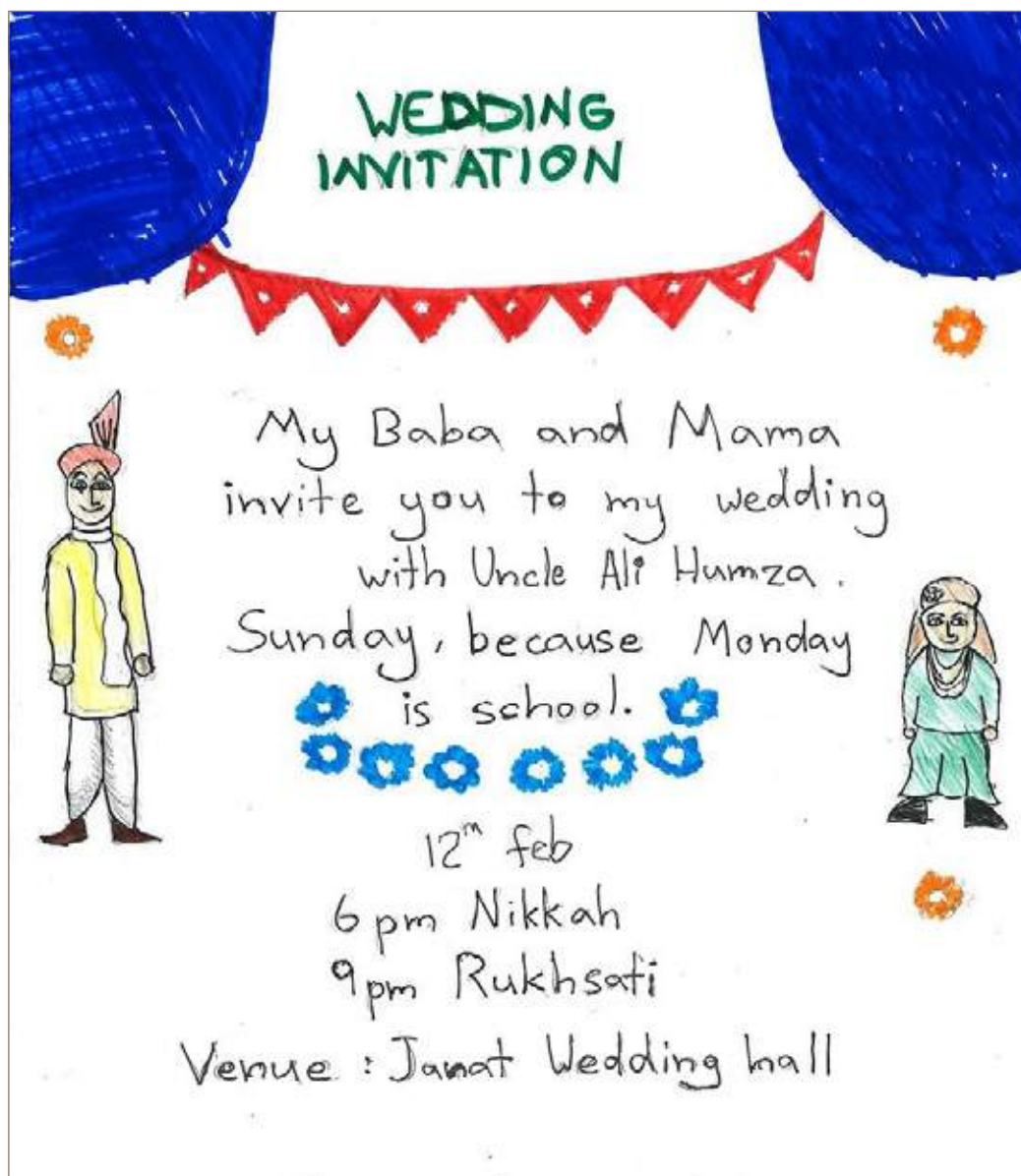
ACRWC	African Charter on the Rights and Welfare of the Child
AfCHPR	African Court on Human and Peoples' Rights
APDF	Association Pour Le Progrès et la Défense des Droits des Femmes Maliennes
BDPA	1995 Beijing Declaration and Platform for Action
BDT	Bangladeshi Taka
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
CMRA	Child Marriage Restraint Act
CRC	Convention on the Rights of the Child
CSO	civil society organization
EU	European Union
GBV	gender-based violence
GMRO	General Marriage Registration Ordinance
GENET	Girls Empowerment Network
GNI	gross national income
GPECM	Global Programme to End Child Marriage
HF	House File
HWO	Hindu Women's Organization
IHRDA	Institute for Human Rights and Development in Africa
IRO	Inter-Religious Organization
MAM	minimum age for marriage
MMDA	Muslim Marriage and Divorce Act

NGO	non-governmental organization
PLCPD	Philippine Legislators' Committee on Population and Development
RMS	Results Management System
SAARC	South Asian Association for Regional Cooperation
SADC	South African Development Community
SDG	Sustainable Development Goal
SACM	Students Against Child Marriage
UAE	l'Union de l'Action Féminine
UDHR	Universal Declaration of Human Rights
UK	United Kingdom of Great Britain and Northern Ireland
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women
USA	United States of America
VAWG	Violence Against Women and Girls

KEY TERMS

Child	Every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier. ¹
Child or early marriage	Any marriage where at least one of the parties is under 18 years of age. ²
Federal system	A system of government that divides the powers of government between the national (federal) government and state and local governments. Under federalism, each level of government has sovereignty in some areas and shares powers in other areas. ³
Forced marriage	The union of two persons, at least one of whom has not given their full and free consent to the marriage. ⁴ A child marriage is considered a form of forced marriage, given that one and/or both parties have not expressed or cannot express full, free and informed consent. ⁵
Exceptions to the minimum age for marriage (MAM)	Early marriage, before the legal MAM, that is permissible with parental consent or judicial consent, or under religious or customary laws.
Fragile or conflict-affected situation	Countries in a fragile situation are those with high levels of institutional and social fragility, identified based on publicly available indicators that measure the quality of policies and institutions and other manifestations of fragility. Countries in a conflict-affected situation are those affected by violent conflict, identified based on a threshold number of conflict-related deaths relative to the population. This category includes two subcategories based on the intensity of violence: countries in high-intensity conflict situations and countries in medium-intensity conflict situations. ⁶
High-income country	For 2021, countries with a gross national income (GNI) per capita of US\$12,696 or more in 2019. ⁷
Legal system	A procedure or process for interpreting and enforcing the law. ⁸
Low-income country	For 2021, countries with a GNI per capita of US\$1,305 or less in 2019. ⁹
Lower-middle income country	For 2021, countries with a GNI per capita of between US\$1,036 and US\$4,045 in 2019. ¹⁰
Marriage	The act, ceremony or process by which the legal relationship of husband and wife is constituted. The legality of the union may be established by civil, religious or other means as recognized by the laws of each country. ¹¹
Minimum age for marriage (MAM)	The legal age for marriage without parental consent or judicial approval, sometimes referred to as the 'statutory minimum marriage age'. ¹²
Marriage with parental consent	The legal marriage of a child below the minimum marriage age with the formal permission or consent of either parent.
Monolithic legal system	A single legal system. ¹³

Plural legal system	In general, a situation in which two or more legal systems coexist in a country or nation. ¹⁴
Successful MAM reforms	In keeping with international legal frameworks, examples include increasing MAM to 18 years, eliminating exceptions and legal loopholes and enacting punishments for complicity in the marriage of children under 18 years of age.
Unitary monarchy	A unitary State with a monarchy.
Unitary system	A system of political organization in which most or all of the governing power resides with a centralized government. In a unitary State, the central government commonly delegates authority to sub-national units and channels policy decisions down to them for implementation. A majority of nation States have unitary systems. ¹⁵
Upper-middle income country	For 2021, countries with a GNI per capita of between US\$4,046 and US\$12,535 in 2019. ¹⁶



Credit: UN Women, 2023.

SUMMARY

Every year, millions of girls around the world are married off before their eighteenth birthday,¹⁷ resulting in detrimental effects on them and their families and an erosion of the well-being and prosperity of communities and societies at large for generations. This is because child marriage is linked to numerous adverse consequences, including reduced educational attainment; increased prevalence of early pregnancy and its associated sexual and reproductive health complications; restricted decision-making capacities and physical mobility; increased risk of experiencing intimate partner and domestic violence; increased prevalence of depression; and poor economic opportunities.¹⁸ Research has found that compared to women who marry in the later stages of their lives, girls who marry before 18 years of age are more likely to earn less over their lifetime and tend to live in poverty, along with their families.¹⁹ Moreover, in countries and societies where divorce is banned or strongly discouraged, married girls are typically not allowed to leave abusive relationships.²⁰

The minimum age of marriage (MAM) is recognized as the statutory or legal age at which the law permits a person to marry, and is to be distinguished from minimum age requirements under religious or customary laws unless these are codified in law. While some countries have set their MAM below 18 years, others have opted for 18 years with permitted exceptions (e.g., with parental consent, with judicial consent or under religious or customary laws). A substantial number of countries also apply different minimum age of marriage standards for boys and girls, with the latter often being lower than the former. These legal standards fuel child marriages, especially in contexts where social norms play a significant role in sustaining the practice. Child or early marriage is defined as any marriage where at least one of the parties is under 18 years of age.²¹ The law can therefore promote child marriage if the statutory minimum age for marriage is fixed below 18 years of age or at that age with exceptions. By 2019, an estimated 52 per cent of countries had established MAM at 18 years, without sex disparities or exceptions. However, the remaining 48 per cent of countries had not met this requirement.²² More specifically, in more than 50 countries, MAM was lower for females than for males and in 93 countries, girls were legally allowed to marry before the age of 18 years with parental consent.²³ These sex-based distinctions are important, as they signal deep-rooted gender inequality in marriage and family in many societies.²⁴

It is in this context that the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) launched this comparative study, in partnership with the African Women's Development and Communication Network, Equality Now, Partners for Law in Development, Musawah, and Unchained At Last, to explore the key pillars of success behind reforms which have resulted in countries choosing 18 years without exceptions as the MAM. In particular, this study examines the entry points and opportunities which were leveraged, the actors involved, and the key lessons learned.

The review and analysis focus on 43 countries that have attempted to and/or succeeded in increasing MAM for girls to 18 years over the past decade. In addition, nine countries were selected among the 43 for deep-dive analysis. These reflect geographical diversity and various contexts (e.g., religious and cultural, conflict and post-conflict and stage of economic development), as well as diversity in terms of political, governance and legal systems (e.g., federal and unitary States). The nine countries were Kyrgyzstan, Malawi, Mexico, Mozambique, the USA (specifically the state of New York), Pakistan, Philippines, Tanzania and Trinidad and Tobago.

The study highlights different approaches to MAM legal reforms and good practices for effecting the legislative reform of MAM laws that contribute to ending *de jure* and *de facto* child marriage. The analysis also focuses on challenges and resistance faced by advocates of MAM legal reforms and reforms that have fallen short of increasing MAM for girls with no exceptions.

It serves as a guide to countries that are undertaking steps to increase the age of marriage to 18 years without exceptions as well as those contemplating similar reforms. Moreover, this comparative analysis fills a critical gap in the literature on legislative reforms focused on increasing MAM for girls to 18 years, highlighting different ways and means of achieving such legal reforms in very diverse countries and legal systems.

Building on the overall findings, as well as the importance of mobilizing support for MAM legal reforms to end child marriage, important lessons can be learned from this comparative study in efforts at ending child marriage. Based on the lessons learned, 11 recommendations are suggested to stakeholders involved in such reform processes. It is to be noted that these recommendations are aimed specifically at addressing gaps in the

law, rather than at addressing all root causes of child marriage. Therefore, inherent in these recommendations is the important need to tackle child marriage in a holistic and integrated manner.

TO GOVERNMENTS, CSOS, DONORS AND THE UNITED NATIONS SYSTEM:

I. Conduct national in-depth studies on the causes and consequences of child marriage, and gender analyses of legislation related to the age of marriage, sexual consent and sexual offences

Countries that are contemplating reforms should conduct in-depth national studies on the root causes and consequences of child marriage, including an analysis of the situations in which child marriage occurs and of the population groups most affected. Critical to this situational analysis should be a gender analysis of legislation related to the age of marriage, sexual consent and sexual offences, to understand how such provisions or laws are aligned, punishment regimes and other penalties, what laws need to be repealed and/or amended to end the legalization of child marriage, without exceptions, and how laws in general (e.g., constitutions, family codes, criminal codes, children’s codes) need to be reviewed, amended or repealed to eliminate conflicts and inconsistencies across legislation. This recommendation is addressed to governments, civil society organizations (CSOs), donors and the United Nations system because each of these groups play a role in building the evidence-base in support of law reform. Governments, for example, do so when submitting State Party Reports to Treaty Bodies, CSOs when preparing and submitting shadow reports to such bodies, and donors and the United Nations System conduct situational analyses as a basis for prioritizing their development assistance.

II. Develop positive messaging related to MAM legal reforms to end child marriage

Positive messages should be developed regarding the content of the legal reforms, with a focus on fully protecting girls and adolescents, and a vision of creating opportunities for adolescents to achieve their full potential. Positive messages should be adapted for different groups, such as messages geared towards populations and territories where child marriage is most prevalent, and messages focused on gender and human rights. It is important that messaging help the public to appreciate children and adolescents as rightsholders—people with the right to make free and informed decisions on issues that affect them directly, based on their evolving physical, intellectual and emotional maturity.

III. Establish national monitoring systems to gain an understanding of progress being made in applying legislative reforms to end child marriage

Monitoring can be used to ensure that legislative reforms are being effectively implemented and are having a significant impact on ending child marriage. National monitoring should track the proportion of women aged 20–24 years who were married or in a union before the age of 15 years and below the age of 18 years (SDG indicator 5.3.1). In addition, national monitoring should track the number of reported incidents of child marriage, the number of police reports related to underage marriage and the number of court cases related to violations of

MAM. Data related to indicators should be disaggregated by sex, age and other relevant factors (e.g., disability, ethnicity, religion, wealth quintile).

IV. Leverage the power and networks of women and men leaders at all levels and support them with the resources they need to serve as champions and advocates in support of MAM reforms

Engaging women and men leaders as agents of change and champions of MAM reforms is crucial because they can use their positions and political and social capital to advocate for and support increasing MAM for girls to 18 years, without exceptions. The most effective strategies involve capacitating politically empowered women and men to have an awareness of human rights and the international legal frameworks related to ending child marriage that their government is a signatory to (e.g., Convention on the Rights of the Child (CRC) and Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)). This requires the design of special sensitization programmes for legislators, sector ministers, traditional and religious leaders, student leaders, the private sector and other groups to sensitize them on the impact of child marriage on girls and comparative developments across the world. Such leaders also have an important role to play in raising awareness among constituents of the need to end child marriage through effectively legislating for a MAM and enforcing MAM laws.

TO GOVERNMENTS:

V. Take action to reform and enact MAM laws that end child marriage

Governments are ultimately responsible for creating national legal regimes that are consistent with regional and international standards which they have ratified, and this includes targeted action to end child marriage. It requires a strategic plan that guides the use of evidence-based strategies and good practices to bring about legislative reforms related to MAM laws and the effective enforcement of such laws to end child marriage. Strategic action can include conducting quantitative and qualitative research on child marriage and using the findings to develop evidence-based policy and legislative reforms to increase MAM for girls to 18 years, without exceptions, and implementing a comprehensive awareness-raising programme on the negative effects of child marriage on girls and the benefits of MAM legal reforms in both theory and practice. Strategic action needs to be coordinated to achieve results. It also requires the participation of and consultations with a wide range of stakeholders and beneficiaries – the public, governmental agencies, civil society and religious stakeholders – at the national, sub-national, and local levels. Strategic action also requires creating platforms for direct advocacy and coordination, including with alliances, coalitions, and networks of CSOs working to end child marriage, and relevant partners in the legislative and executive branches of government.

VI. Build public support for increasing MAM to 18 years, without exceptions, to end child marriage

In many countries, most people are not aware that child marriage is occurring, or the extent of the problem. Those who are aware of child marriage often assume that ‘safeguards’ are in place (e.g., parental consent and/or court approval) and are sufficient to protect children. They are also not aware of the profound, lifelong damage caused by child marriage, especially for girls. Public awareness campaigns, including those involving activists and former child brides, are critical pathways for educating the public and lawmakers about the need to increase MAM to 18 years, without exceptions. Significant work is also needed to educate these groups, address their concerns, and build their trust. Legislative reforms require public information campaigns with a focus on changing social norms related to child marriage. Such campaigns should highlight the benefits that MAM reforms can

have on efforts being made to end child marriage and how accelerating such efforts can impact positively on both girls and boys as well as communities and society in general. The public needs to understand the negative consequences of child marriage, particularly for girls, and why girls need to be educated so that they can make their own decisions about when and who to marry. This needs to straddle with public appreciation of the fact that an increase in MAM to 18 years, without exceptions, is in keeping with international and regional treaties and protocols. In line with such frameworks, constitutional provisions and legislation must conform to the principles of gender equality, non-discrimination and human dignity and, inherent in these, justify ending the practice of child marriage, and the important role of MAM legal reforms in such efforts.

VII. Be guided by international and regional standards established by CRC and CEDAW in frameworks for MAM legal reforms

Frameworks for MAM legal reforms should include international standards established by CRC and CEDAW, as well as concluding observations and general recommendations of the CEDAW Committee and the Committee on the Rights of the Child. This includes creating systems for the protection of women and children's rights and the design and implementation of public policies with appropriate budgetary and institutional support. Reforms should also be informed by regional and sub regional treaties which relate to MAM e.g., the African Charter on the Rights and Welfare of the Child, with determinations on which frameworks offer the highest standards of care and using such standards as the basis of reforms.

VIII. Implement and enforce MAM laws that end child marriage, to bring about social change

Investing in laws that establish 18 years as MAM for both girls and boys, without exceptions, is crucial to ending child marriage. However, MAM laws need to be effectively implemented and enforced to bring about social change. Enactment of new legislation related to ending child marriage in a country must involve persons and public servants who are well informed about the law. This will require capacity development for social workers, community paralegals, police and court officials, judges, prosecutors and others, to help them interpret and implement new MAM laws in a gender sensitive and child-centred manner.

TO CSOS:

IX. Build coalitions, which are critical to successful MAM legal reforms to end child marriage

There is strength in numbers and, by coming together in coalitions and networks, civil society and government can press for legal reforms to increase MAM to 18 years, without exceptions. Coalitions and partnerships should exist both inside and outside the government and parliament to place the issue of child marriage squarely in the public agenda. Coalitions and networkers should develop key messages regarding the urgent need to end child marriage in law and in practice, and these key messages should be widely disseminated. Coalitions and networks established at global, regional and national levels are all crucial and present opportunities for the coming together of different advocacy groups e.g., child rights, women's rights, civic organizations. Exploiting the power in these numbers creates a platform for common messaging and a unified strategy and approach for effective reforms.

X. Utilize social media platforms as effective tools for mobilizing activists who are committed to ending child marriage

Social media platforms (e.g., Facebook, Instagram, Twitter and TikTok) reach a wide audience and have been effectively used to mobilize activists committed to ending child marriage. Social media platforms have also been used to communicate accurate information and key messages about child marriage for purposes of raising awareness among the public and lawmakers. Social media has also been used to organize petitions for MAM legal reforms and mobilize public protests or pressure points at key moments in time, such as when legislators are voting on MAM legal reforms.

TO DONORS AND THE UNITED NATIONS SYSTEM:

XI. Capacitate advocates for ending child marriage so they can effectively and consistently lobby and advocate for increasing MAM to 18 years, without exceptions

Advocates, including women and young people, need to be capacitated with financial and technical support to speak out and take action as participants and champions of legislative and policy reforms to end child marriage. For example, women and young people need to use their collective voices to speak out about the root causes and deeply entrenched cultural biases that contribute to child marriage, and to advocate for legal reforms to increase MAM to 18 years, without exceptions. It is important to create spaces and mechanisms for cooperation between women's and youth-led movements to facilitate constructive dialogue between adults and young people, and to define common agendas from a human rights and gender equality perspective. Furthermore, advocacy groups including CSOs must be supported to prepare and submit shadow reports to Treaty Bodies, to directly engage with such bodies and to create observatories and other monitoring mechanisms to assess progress and/or challenges associated with the reform process.



SECTION 1

INTRODUCTION



Purpose of the Study

In recent years, reforms to MAM provisions have been growing across many jurisdictions. The content and nature of such reforms are being documented by organizations such as UN Women, the African Union,²⁵ the Global Programme to End Child Marriage of the United Nations Children’s Fund (UNICEF) and the United Nations Population Fund (UNFPA),²⁶ Girls Not Brides²⁷ and Equality Now.²⁸ These growing reforms present opportunities for cross-country learning among countries that are yet to raise their MAM to 18 years without exceptions. This learning process can be facilitated through research that explores the ‘how’ of these reforms as well as the ‘who’ behind such processes, emphasizing entry points, opportunities and lessons learned.

UN Women therefore launched this comparative study of legal reform efforts to raise the MAM for girls to 18 years, with no exceptions, to document good practices and lessons for the benefit of other countries undergoing or contemplating similar reforms. The study highlights different approaches to MAM legal reforms, steps taken to effect legislative reforms to end child marriage and the actors involved.

The review and analysis focus on 43 countries that attempted to and/or succeeded in increasing MAM for girls to 18 years over the past decade. This is complemented by a more in-depth analysis of nine of these countries (‘deep-dive studies’). The analysis also focuses on challenges and resistance faced by advocates of MAM legal reforms and sheds light on reforms that have fallen short of increasing MAM for girls with no exceptions.

Research Questions

Six research questions guided the desk review and the nine deep-dive studies:

1. What was the law on the age of marriage for girls prior to the legal reforms? What impact did legal reforms have on laws related to MAM for girls?
2. Which entry points were used for reform of legislation to raise MAM for girls to 18 years, without exceptions?
3. What strategies were used to achieve these legal reforms?

4. Who were the main stakeholders in promoting and advancing legislative reforms related to raising MAM for girls to 18 years, without exceptions (e.g., CSOs, government agencies, United Nations entities or the private sector)?

5. What were the obstacles to such legal reforms and how were they overcome?

6. What lessons have been learned about legislative reform related to raising MAM for girls to 18 years, without exceptions? What lessons learned are relevant to other countries undertaking similar legal reforms aimed at raising MAM for girls to 18 years of age?

Methodology

A comprehensive desk review of the literature was undertaken, with a focus on global literature related to legislative reforms to increase MAM for girls to 18 years, without exceptions. The desk review centred on countries that underwent legislative reforms to increase MAM between 2010 and 2021.

It should be noted that conducting a desk review of legal reform processes across countries can be challenging, as this method of research does not typically provide extensive insight into the entirety and depth of the reform process. In addition, desk review materials generally do not document legal reform processes that occur over a prolonged period, often several years, and that involve lobbying and advocacy by international organizations and civil society organizations, human rights activists, women’s rights activists, youth activists, child protection activists, political representatives and other agents of change.

Moreover, legal reform challenges and resistance faced, and the strategies taken to overcome challenges throughout reform processes, are often not documented.

Despite these limitations, a desk review was conducted to reveal how legal reform processes related to MAM have occurred in 43 countries, including all six states that had undertaken reforms in the United States of America (USA). These states are Delaware, Minnesota, New Jersey, New York, Pennsylvania and Rhode Island. It must however be mentioned that four states, Connecticut, Massachusetts, Michigan and Vermont, concluded successful reforms while the

study was ongoing. This would bring the total number of states within the USA with successful reforms to 10, of which six were reviewed in this study.

In terms of country selection, the goal was to select countries for which there was sufficient information available to draw general patterns and conclusions. The 43 countries, therefore, do not represent the entirety of countries which undertook reforms during the review period of 2010 to 2021. In addition, nine countries among the 43 countries were selected for deep-dive analysis. These reflect geographical diversity and various contexts (e.g., religious and cultural, conflict and post-conflict and stage of economic development), as well as diversity in terms of political, governance and legal systems (e.g., federal and unitary States). The nine countries were Kyrgyzstan, Malawi, Mexico, Mozambique, the USA (specifically the state of New York), Pakistan, Philippines, Tanzania, and Trinidad and Tobago.

To supplement the desk review, a questionnaire was designed for purposes of collecting in-depth information from the deep-dive countries on legal reform processes related to increasing MAM to 18 years, including the elimination of exceptions and legal loopholes. It covered 14 open questions, which were designed to collect qualitative data and information on each of the objectives and research questions. See Table A.2, Appendices.

The questionnaire was administered by UN Women staff to key stakeholders in each of the nine deep-dive countries. In total, 66 stakeholders, comprising non-governmental organization (NGO) representatives (24), current/former government officials (13), current/former legislators and parliamentarians (10), representatives of international organizations (12), representatives of private organizations (2) and others (5) participated in the survey across all nine countries. Based on data collected from the desk review and nine deep-dive countries, an analysis was undertaken to distil lessons and conclusions, with an emphasis on common and comparative themes.

Structure of the Report

This report consists of 10 interrelated sections. Following this Introduction (**Section 1**), the analysis begins with **Section 2**, an overview of the global context for MAM legal reforms, including the global incidence

of child marriage, MAM standards across regions and their characteristics by income level and legal system. It is important to understand the international and regional treaties, resolutions and development agendas that outline State obligations to enact national and subnational legislation that bans child marriage, i.e., marriage before 18 years of age. Therefore, **Section 3** presents a synthesis of international and regional treaties, resolutions and development agendas to end child marriage. **Section 4** offers an overview of global programmes that were or have been designed over the past decade to accelerate action to end child marriage. This is followed by **Section 5**, which is a comparative analysis of MAM legal reforms from 2010 to 2021, based on the findings from this research. The comparative analysis is based on a desk review of the MAM legal reforms that occurred in 43 countries, including the nine deep-dive countries. **Section 6** provides an overview of the key stakeholders in MAM legal reforms, and **Section 7**, counter-mobilization against MAM legal reforms. **Section 8** then provides an overview of good practices for mobilizing support for MAM legal reforms, revealing a multitude of promising approaches for effectively legislating MAM reforms to accelerate efforts to end child marriage. The comparative analysis ends with **Section 9**, which distils 11 recommendations based on the overall lessons learned for advancing MAM legal reforms from countries that have succeeded in their efforts to do this, for the benefit of countries that are undergoing or contemplating similar legal reforms to their MAM, and **Section 10**, which is the Conclusion.

SECTION 2

AN OVERVIEW OF THE GLOBAL CONTEXT



Introduction

Every year, millions of girls around the world are married off before 18 years of age.²⁹ This is a harmful practice and human rights violation that denies girls the opportunity to develop to their full potential and has far-reaching ripple effects that shape the lives of girls well into adulthood. More specifically, child marriage has detrimental impacts on girls and their families, and erodes the well-being and prosperity of communities and societies at large for generations.³⁰ This is because child marriage is linked to numerous adverse consequences, including reduced educational attainment; increased prevalence of early pregnancy and its associated sexual and reproductive health complications; restricted decision-making capacities and physical mobility; increased risk of experiencing intimate partner and domestic violence; increased prevalence of depression; and poor economic opportunities.³¹ Research has found that girls who are married before 18 years of age are more likely to earn less over their lifetime and to live in poverty, along with their children, in contrast to those who marry at later stages in their lives.³² Moreover, in countries and societies where divorce is banned or strongly discouraged, married girls are typically not allowed to seek legal services to secure a divorce.³³

Many factors place girls at risk of early marriage, including poverty and perceptions that marriage will provide girls with protection and safeguard family honour. In addition, social norms and customary and religious laws condone the practice of child marriage in many societies. Inadequate national legislation and civil registration systems in countries also place children at risk of early marriage.³⁴ Ultimately, child brides have very little or no say in their marriage and are robbed of their childhood and denied their rights to education, health and well-being, and protection and security.³⁵

The law can promote child marriage if the statutory minimum age for marriage is fixed below 18 years of age or at 18 years with exceptions. By 2019, an estimated 52 per cent of countries had established a MAM of 18 years, without sex disparities or exceptions (e.g., early marriage with parental consent, with judicial consent or under religious or customary laws). However, the remaining 48 per cent of countries had not met this requirement. More specifically, in more than 50 countries MAM was lower for females than for males. In 93

countries, girls were legally allowed to marry before the age of 18 years with parental consent;³⁶ and in 15 countries, a girl could be married at any age with the approval of a parent/guardian.³⁷ These distinctions by sex are important, as they signal deeply rooted gender inequality in marriage and family in many societies.³⁸

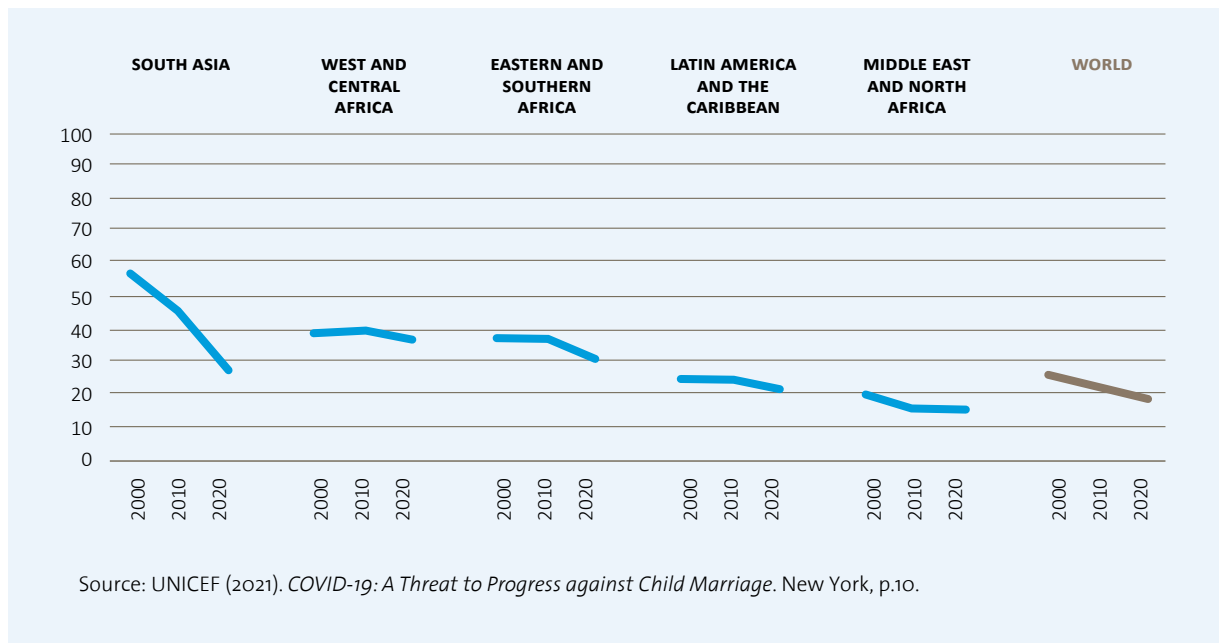
The data

Although child marriage is an age-old tradition, the practice is becoming less common worldwide. Over the past decade, the proportion of young women who were married as children decreased by 15 per cent, from nearly one in four to one in five globally; this means that the marriage of some 25 million girls has been averted, in part through legislative reforms related to MAM.³⁹ This effort has been due in part to global commitments and the three-pronged approach to ending child marriage (see Figure 1 below). Global progress in ending child marriage has been stronger among wealthier segments of society, while the poorest girls have been largely left behind.⁴⁰ The largest decline in the prevalence of child marriage was in South-East Asia, which saw a 19-percentage-point decline in child marriage (i.e., women aged 20–24 years being first married or in a union before the age of 18 years), from 49 to 30 per cent, over the past decade (Figure 2.1).⁴¹

Despite this progress, child marriage remains common in many countries and affects girls in all countries, cultures and religions.⁴² By 2020, an estimated 4.8 per cent of women aged 20–24 years were married or in a union before the age of 15 years and 19.4 per cent were married or in a union before the age of 18 years.⁴³ In other words, globally, an estimated 12 million girls marry each year before they turn 18; this is down from the previous estimate of 15 million girls per year.⁴⁴ In low income countries, an estimated one in nine girls is married before the age of 15 years, and some child brides are as young as eight or nine years of age.⁴⁵

The global coronavirus (COVID-19) pandemic placed a brake on global efforts to end child marriage.⁴⁶ Since March 2020, the pandemic has profoundly affected the everyday lives of girls, including their physical and mental health, education and the economic circumstances of their families and communities. Changes like these put girls at higher risk of becoming child brides.⁴⁷ Since March 2020, COVID-19 raised the risk

FIGURE 2.1
Percentage of women aged 20–24 years first married or in a union before the age of 18 years (2000–2020)



of child marriage through five main pathways: 1) interrupted education;⁴⁸ 2) economic shocks;⁴⁹ 3) disruptions to programmes and services; 4) pregnancy;⁵⁰ and 5) death of a parent.

In 2022 alone, an estimated 19 per cent of women aged between 20 and 24 years globally were married before 18 years of age.⁵¹ The actual number of girls who have been married since the beginning of the global pandemic is unknown, since most marriages are not registered, but UNICEF projects that about 10 million more girls will be at risk of child marriage as a result of COVID-19 over the next decade.⁵²

These estimates bring into sharp focus the need for a post-pandemic strategy that extends beyond health and prioritizes a broader set of human rights protections that protect girls from child marriage.⁵³ This includes creating a protective legal and policy framework to end child marriage; addressing social and behavioural changes that place girls at risk of child marriage; ensuring continuity of programmes and services; adapting and strengthening child protection systems and the provision of social services; social protection measures, such as cash transfers; and making the right socioeconomic policy choices for girls and their families. For low-income families, these interventions are fundamental to helping them meet their basic needs without resorting to child marriage.⁵⁴

In the past decade, progress has been made, as more than 20 countries have raised MAM to 18 years and/or have removed exemptions, namely those that allow girls younger than 18 years to marry with parental consent, judicial consent and/or under religious or customary laws. These countries include Chad, Costa Rica, Ecuador, Gambia, Germany, Guatemala, Indonesia, Malawi, Malaysia, Mexico, Nepal, Netherlands, Norway, Panama, Philippines, Saudi Arabia, Trinidad and Tobago and Zimbabwe.⁵⁵ In the USA, nine states – Connecticut, Delaware, Massachusetts, Michigan, Minnesota, New Jersey, New York, Pennsylvania, Rhode Island and Vermont – have raised their MAM to 18 years without exceptions.⁵⁶

Regional Differences in the Minimum Marriage Age for Girls

By 2021, 146 countries did not have in place laws or provisions which stipulate 18 years of age as the MAM without exception for both men and women⁵⁷. The gaps were largest in Africa (41 countries), Americas (34 countries), Asia (39 countries), Europe (32 countries) and the Pacific (10 countries). The largest numbers of girls being married by country are in Afghanistan, Brazil, India, Indonesia, Mali, Nigeria and Pakistan.⁵⁸ In an estimated one in four countries, the law allows

BOX 2.1

Legal discrimination on minimum age of marriage around the world

- Fifteen (15) countries – Afghanistan, Bahrain, Burkina Faso, Gabon, Haiti, Kuwait, Mali, Niger, Pakistan, Palau, Papua New Guinea, Qatar, Senegal, Timor-Leste and Tonga - allow girls to legally marry below 18 years.
- Nineteen (19) countries – Afghanistan, Bahrain, Bangladesh, China, Democratic People’s Republic of Korea, Federated States of Micronesia, India, Iran, Kuwait, Lebanon, Mali, Pakistan, Qatar, Republic of Congo, Samoa, Saudi Arabia, Sudan, Vietnam and Yemen – have lower marriageable ages for girls than boys.
- At least 7 countries do not have a legally defined marriageable age for either girls or boys. These are Brunei-Darussalam, Iran, Lebanon, Palestine, Saudi Arabia, Sudan and Yemen.

Source: Girls not Brides Atlas, latest States Party reports submitted to the Committee on the Rights of the Child and WORLD Policy Center (2019).

girls to be married at a younger age than boys with parental consent and/or judicial authorization.⁵⁹

The majority of countries in Europe and Central Asia (84 per cent), East Asia and the Pacific (82 per cent) and the Americas (65 per cent) legally prohibit the marriage of a 13-year-old girl; in other words, there are no circumstances in which a 13-year-old girl can be legally married in the majority of countries in these regions. However, a significant proportion of countries in the Middle East and North Africa (40 per cent), South-East Asia (33 per cent), the Americas (32 per cent), sub-Saharan Africa (29 per cent) and, to a lesser extent, Europe and Central Asia (16 per cent) permit girls to be married at the age of 13 years with court approval and/or pregnancy or after the birth of a child.⁶⁰ Fewer countries allow girls to be married at the age of 13 years with parental consent and/or under religious or customary law: these are 23 per cent of countries in sub-Saharan Africa, 17 per cent in South-East Asia, 9 per cent in East Asia and the Pacific, 7 per cent in the Middle East and Africa and 3 per cent in the Americas. Only in the Middle East and North Africa (27 per cent) and sub-Saharan Africa (3 per cent) do some countries have no restrictions on girls marrying at 13 years of age. (see Figure 2.2).

In some countries, civil laws exist alongside customary and religious legal systems. These parallel laws often do not establish an adequate MAM, or any MAM at all, which weakens civil law prohibitions and exposes girls and particular religious and ethnic communities

FIGURE 2.2
Circumstances under which girls aged 13 years can be married, by region, 2019

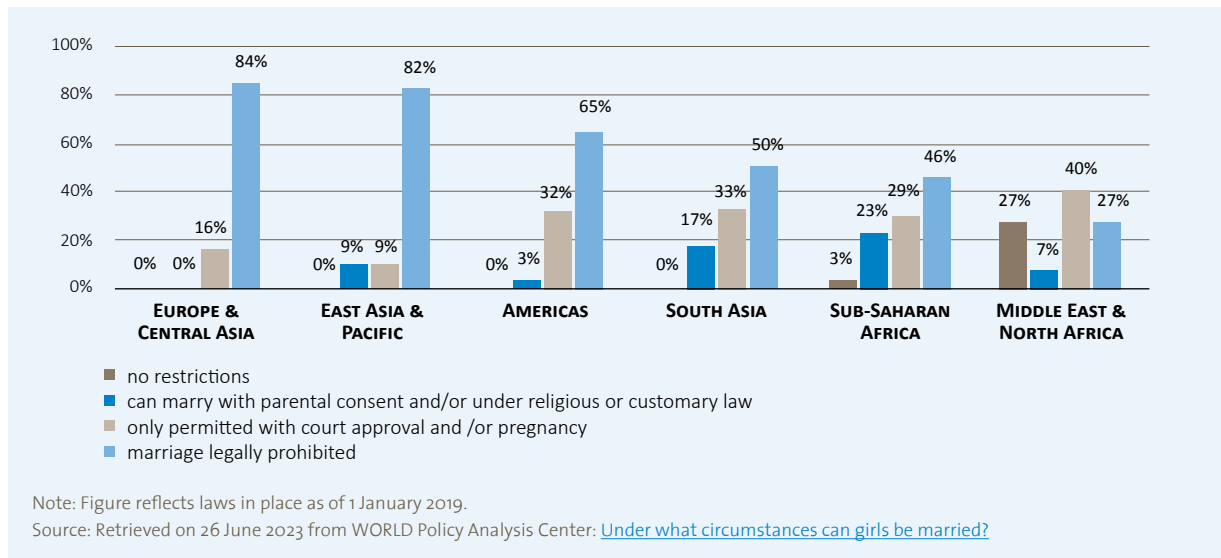
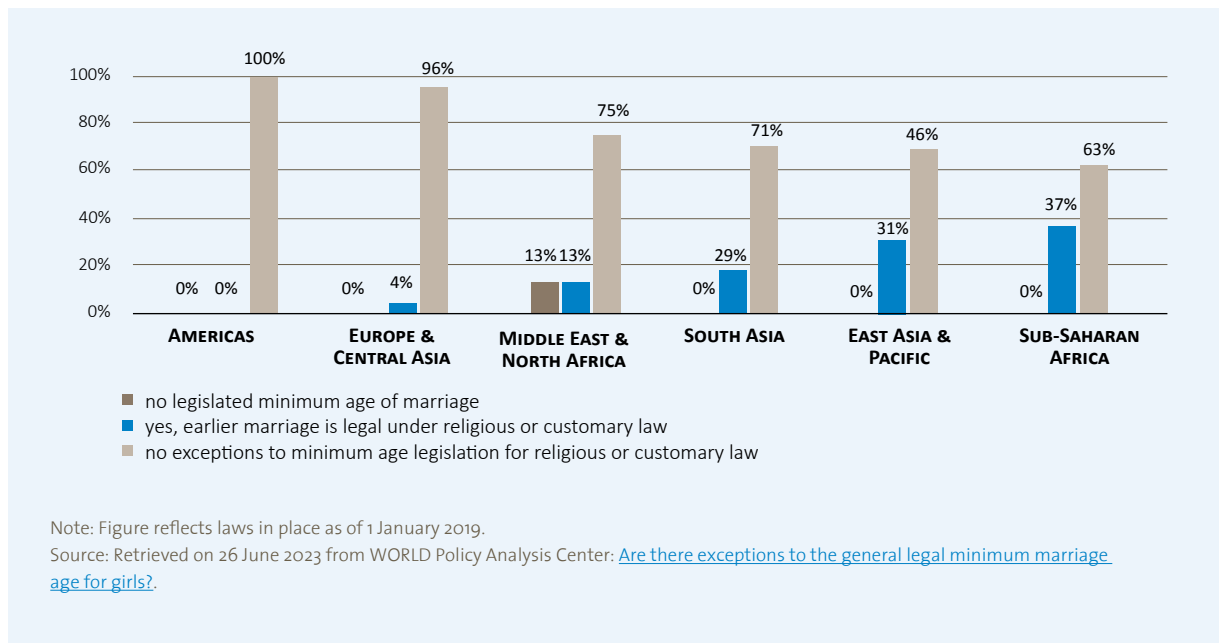


FIGURE 2.3

Exceptions to the law on minimum marriage age for girls by region, 2019



to early marriage. By 2019, a significant proportion of countries in sub-Saharan Africa (37 per cent), East Asia and the Pacific (31 per cent), South-East Asia (29 per cent) and the Middle East and North Africa (13 per cent) allow girls to be married earlier than MAM under religious or customary law. By the same year, 13 per cent of countries in the Middle East and North Africa had no legislation related to MAM. Figure 2.3 shows that there are no exceptions to MAM laws under religious or customary laws in all countries in the Americas (100 per cent) and nearly all countries in Europe and Central Asia (96 per cent), but in fewer countries in the Middle East and North Africa (75 per cent), South-East Asia (71 per cent), East Asia and the Pacific (69 per cent) and sub-Saharan Africa (63 per cent). This data, however, needs to be interpreted with caution because customary law is generally not documented and the existence or otherwise of MAM customary norms and related exceptions could be a question of fact rather than law.

Differences in the Minimum Marriage Age for Girls by Country Income

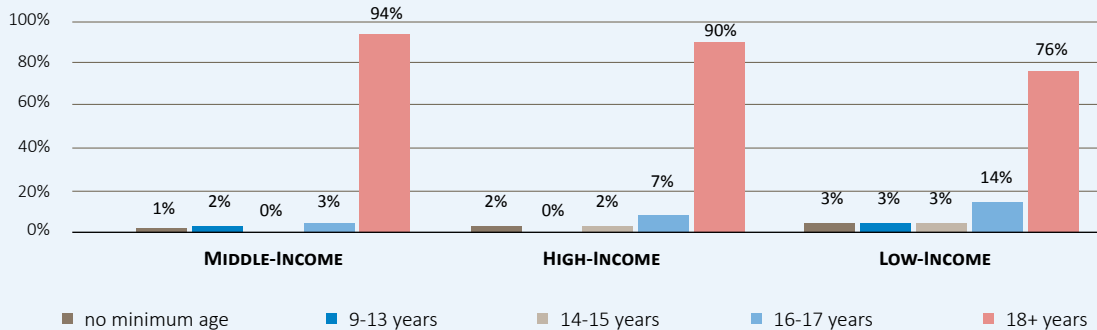
There are also notable variations in MAM for girls based on country income differences. Figure 2.4 shows that

MAM for girls is 18 years and older in nearly all middle and high-income countries (94 per cent and 90 per cent, respectively), but in fewer low-income countries (76 per cent). Furthermore, low-income countries are more likely to set MAM for girls below 18 years of age, compared with high and middle-income countries (20 per cent compared with 11 per cent and 6 per cent, respectively). It is notable that only a small proportion of high, middle and low-income countries had a MAM for girls as low as 14–15 years and 9–13 years of age.

Whether girls can legally marry before the age of 18 with parental consent and/or religious or customary law also varies by country income. Figure 2.5 shows that the majority of high and middle-income countries legally prohibit marriage of a 13-year-old girl (71 per cent and 65 per cent, respectively), whereas only 48 per cent of low-income countries do so. In addition, high income (25 per cent), middle income (23 per cent) and low-income (24 per cent) countries were equally likely to permit girls to be married at the age of 13 years with court approval and/or pregnancy or after the birth of a child.

Far fewer countries allow girls to be married at the age of 13 years with parental consent and/or under religious or customary law. However, 19 per cent of low-income countries, 9 per cent of middle-income

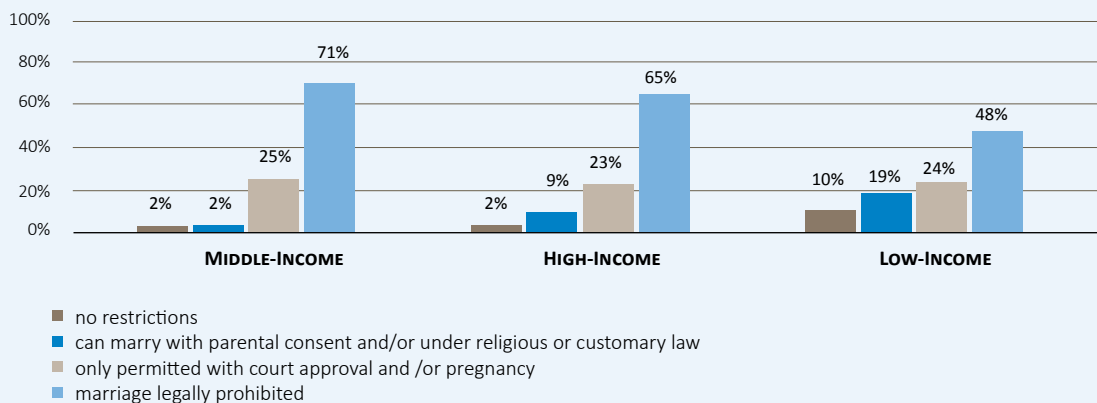
FIGURE 2.4
Minimum marriage age for girls by country income, 2019



Note: The figure reflects laws in place as of 1 January 2019.

Source: Retrieved on 26 June 2023 from WORLD Policy Analysis Center: [What is the minimum marriage age for girls?](#)

FIGURE 2.5
Circumstances under which girls aged 13 years can be married by country income, 2019



Note: The figure reflects laws in place as of 1 January 2019.

Source: Retrieved on 26 June 2023 from WORLD Policy Analysis Center: [Under what circumstances can girls be married?](#)

countries and 2 per cent of high-income countries allow a 13-year-old girl to be married with parental consent and/or under religious or customary law. Low-income countries are twice as likely as middle-income countries and nine times more likely than high-income countries to allow a 13-year-old girl to be married. Furthermore, low-income countries are five times more likely to have no restrictions on girls marrying at 13 years of age than middle and high-income

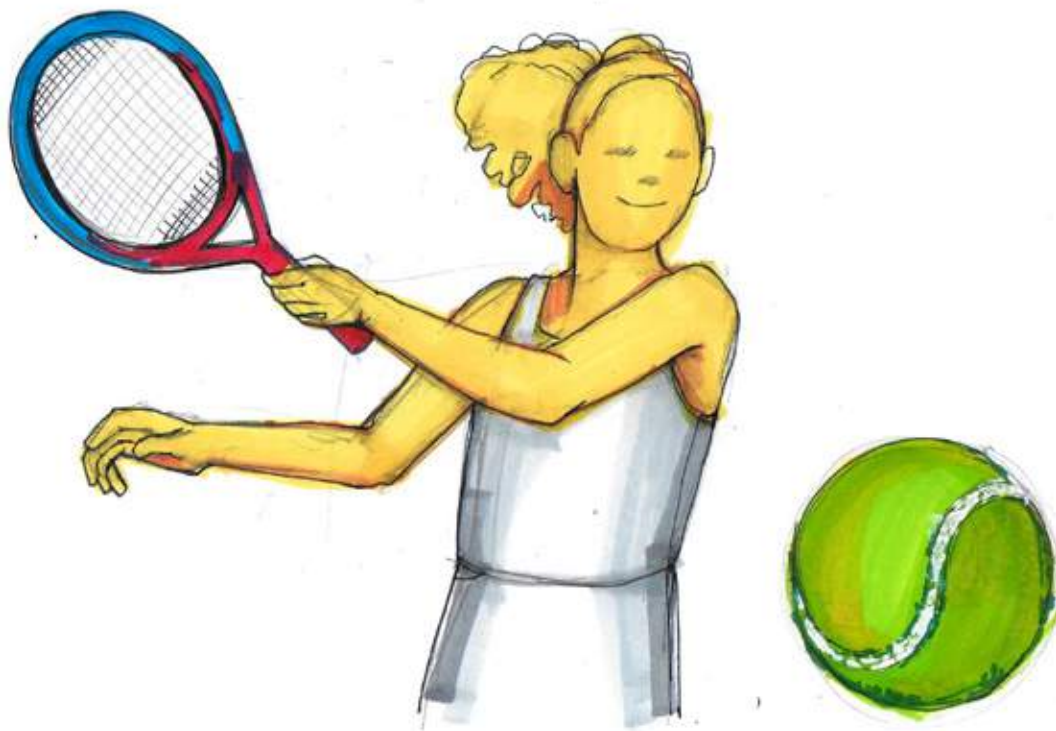
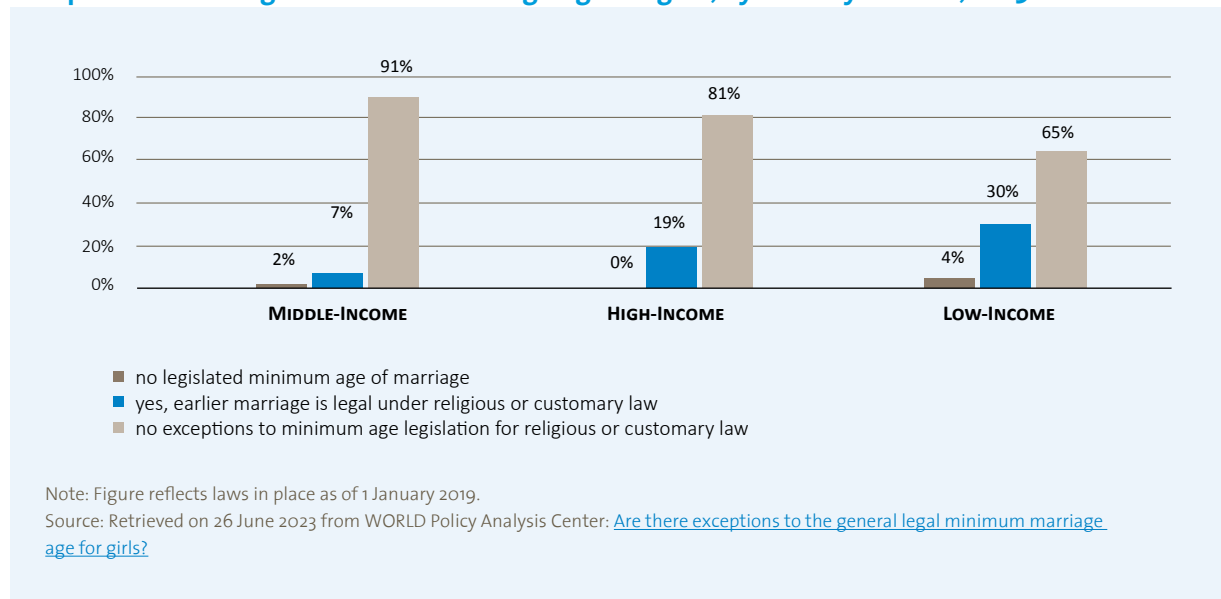
countries (10 per cent compared with 2 per cent and 2 per cent, respectively).

As previously mentioned, in many countries, civil laws exist alongside customary and religious legal systems. These parallel laws often do not establish an adequate MAM, or any MAM at all, which weakens civil law prohibitions and exposes girls and particular religious and ethnic communities to early marriage. Figure 2.6 shows that there are no exceptions to MAM legislation

for religious or customary laws in nearly all high-income countries (91 per cent), but in fewer middle (81 per cent) and low-income countries (65 per cent). A significant proportion of low-income countries (30 per cent) and some middle-income countries (19 per cent)

allow girls to be married earlier than MAM under religious or customary law, compared with 7 per cent of high-income countries. Only low-income (4 per cent) and high-income (2 per cent) countries have no legislated MAM for girls.

FIGURE 2.6
Exceptions to the legal minimum marriage age for girls, by country income, 2019



SECTION 3

INTERNATIONAL AND REGIONAL TREATIES, RESOLUTIONS AND DEVELOPMENT AGENDAS ON ENDING CHILD MARRIAGE



Context

“The engagement of the global women’s movement and the UN has transpired into a comprehensive international regime for women’s rights. As women’s concerns trickled up from the local to the global, the women’s movement diversified and so did the UN gender agenda, which experienced a shift of focus from formal equality to integrating women into development, to women’s empowerment, to women’s human rights, and to women and peace.”⁶¹

Equality in law is crucial to gender equality, as women and girls look to the laws of their State to protect, fulfil and enforce their rights. Laws that discriminate and deny them equal rights with men and boys betray their trust in society and signal that gender discrimination is acceptable, normal and expected. Women and girls who are left behind as a consequence of laws which discriminate against them are often permanently excluded from the benefits of development. Conversely, the design and implementation of good laws that conform to the human rights principles of equality and non-discrimination can help sustain society’s efforts at moving towards justice, peace and inclusion.

Over the past 70 years, various international and regional treaties, resolutions and development agendas have focused on ending child marriage by increasing MAM to 18 years and ensuring that marriage is entered into with the free and full consent of both spouses. It is important to understand the various instruments that outline State obligations to enact national and subnational legislation that bans child marriage.

International Treaties and Resolutions

To be compliant with international and regional standards on the age of marriage, countries need to increase MAM to 18 years and eliminate all exceptions and legal loopholes, in addition to comprehensive enforcement. This subsection sheds light on how these standards have evolved and the manner in which they shape national level legal frameworks.

In 1948, the Universal Declaration on Human Rights (UDHR)⁶² established that “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, and are entitled to equal rights as to marriage, during marriage and at its dissolution.” According to the UDHR “marriage shall be entered into only with free and full consent of the intending parties” (Article 16). A child is unable to provide free and full consent to a contract such as marriage.

In 1962, the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages⁶³ was signed by 16 countries and ratified by 55 States Parties to the United Nations General Assembly (UNGA). In accordance with UDHR, this convention established that “no marriage shall be legally entered into without the full and free consent of both parties” (Article 1) and that “States Parties to the Convention shall take legislative action to specify a minimum age for marriage” (Article 2). Article 2 also establishes that “no marriage shall be legally entered into by any person under this age, except where a competent authority has granted a dispensation as to age, for serious reasons, in the interest of the intending spouses.” This convention also highlights that “all marriages shall be registered in an appropriate official register by the competent authority” (Article 3).

While the convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages reaffirms the consensual nature of marriage advanced in UDHR and requires States Parties to establish a MAM by law, it falls short of mentioning 18 years as the minimum age for marriage without exceptions. This reflects the tensions that have historically existed over explicit recognition of women’s bodily autonomy and the rights of the girl child. This is furthermore reflected in the United Nations General Assembly Resolution 2018 (XX) of 1 November 1965 concerning the Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages which stipulates that “the minimum age for marriage shall under no circumstances be less than 15 years.”

In 1966, the International Covenant on Civil and Political Rights⁶⁴ reinforced “the right of men and women of marriageable age to marry and to found a family” and that “no marriage shall be entered into without the free and full consent of the intending spouses” (Article 23). States Parties to the covenant are obligated to “take appropriate steps to ensure equality of rights and

responsibilities of spouses as to marriage, during marriage and at its dissolution.”⁶⁵ The Covenant does not establish a specific marriageable age for either men or women, but does recognize that age enables each of the intending spouses to give his or her free and full personal consent in a form and under conditions prescribed by law.⁶⁶

In 1979, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)⁶⁷ went even further and established the right to protection from child marriage. Article 16 (1) provides that men and women have equal rights to enter into a marriage and the same rights to freely choose a spouse, and equal rights to enter into marriage only with their free and full consent. Free and full consent is defined as a capacity to understand the meaning and responsibility of marriage, to have access to full information about one’s future spouse and knowledge about the institution of marriage, and the right to exercise a choice about whether to marry, who to marry and when to marry. Consent to marriage cannot be free and full when one party is insufficiently mature or experienced to make an informed decision about a life partner.⁶⁸ The Convention therefore clearly prohibits child marriage under article 16 (2), providing that “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.”

However, at least 30 countries have entered reservations to CEDAW, including Article 2 on the prohibition of discrimination and Article 16 on ensuring and promoting gender equality in the family and in marriage. Such reservations perpetuate and deepen de jure and de facto discrimination within family settings, where women and girls expect maximum protection.

In 1989, the Convention on the Rights of the Child (CRC)⁶⁹ further addressed practices such as child marriage through Article 24(3), which established that States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.⁷⁰

The lack of a specific mention of an age of marriage in the CRC and CEDAW is addressed in the revised Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, which defines

child marriage as “any marriage where at least one of the parties is under 18 years of age” and in which the Committees recommend “that a minimum legal age of marriage for girls and boys, with or without parental consent, is established at 18 years”.⁷¹ In support of this position, the CRC Committee and CEDAW Committee consistently recommend 18 years as the minimum marriageable age for both men and women in their concluding observations and recommendations to State Parties to their respective conventions.⁷² The two committees furthermore recommend the establishment of a legal requirement of marriage registration and effective implementation through raising awareness, education and putting in place adequate infrastructure to make registration accessible to all persons within their jurisdiction, as well as a national system of compulsory, accessible and free birth registration, to effectively prevent harmful practices, including child marriage.⁷³

To bolster these international norms and standards, the Beijing Declaration and Platform for Action (BDPA)⁷⁴ (1995) addresses the girl child as one of 12 critical areas of concern. BDPA recognized early or child marriage as a harmful practice and a form of discrimination against girls that has long-term negative impacts. After all, child marriage and early motherhood can severely curtail educational and employment opportunities, and is likely to have long-term, adverse impacts on the quality of women’s lives and the lives of their children.⁷⁵ Given this reality, BDPA set forth that it is the responsibility of governments to “enact and strictly enforce laws to ensure that marriage is only entered into with the free and full consent of the intending spouses” and to “enact and strictly enforce laws concerning the minimum legal age of consent and the minimum age for marriage, and raise the minimum age for marriage when necessary.”⁷⁶ BDPA also establishes that governments, international organizations and NGOs need to “generate social support for the enforcement of laws on the minimum legal age for marriage, in particular by providing educational opportunities for girls.”⁷⁷

In recent years, the United Nations General Assembly and the United Nations Human Rights Council have issued resolutions on child, early and forced marriage, with a call for United Nations Member States to set the statutory MAM at 18 years, without exceptions. The following sets out in a chronological manner, the paths that have been followed by each body to achieve global consensus on the need to end child marriage.

In 2014, a landmark resolution calling for a ban on child marriage was agreed on during the 69th session of the United Nations General Assembly. The passing of the United Nations Resolution on Child, Early and Forced Marriage⁷⁸ marked the first time that States Parties had agreed on substantive recommendations for the steps that governments and international organizations and NGOs must take to address the problem of child, early and forced marriage. This resolution, introduced and led by the Governments of Canada and Zambia, and supported by 116 Member States, built on other procedural resolutions of the United Nations General Assembly and the United Nations Human Rights Council, which called for reports and further consideration of the issue of child, early and forced marriage.⁷⁹

More specifically, the United Nations Resolution on Child, Early and Forced Marriage calls on State Parties, with the participation of relevant stakeholders (i.e., women and girls, religious and community leaders, civil society groups, women's and human rights groups, youth organizations, and men and boys), to develop and implement holistic, comprehensive, coordinated responses and strategies to eliminate child, early and forced marriage. The resolution also calls on relevant stakeholders to support already married girls, including through strengthening child protection systems, protection mechanisms (e.g., safe shelters), access to justice and the sharing of best practices across borders. This resolution marked a breakthrough in the campaign to end child marriage.⁸⁰

In 2016 and 2018, the United Nations General Assembly adopted the second and third resolutions on child, early and forced marriage.⁸¹ These resolutions reaffirm previous commitments and expanded existing language around child, early and forced marriage, as well as recognized gender inequality as a root cause of child marriage, and child marriage as a harmful abuse of human rights. The resolutions also recognized the contexts that exacerbate child marriage, including poverty and insecurity, and the risk of child marriage in armed conflict and humanitarian emergencies. They set out the roles and responsibilities of States Parties to end child, early and forced marriage, particularly through legal and policy reforms, strengthening systems, providing services and working with families, communities and girls to change social norms.⁸² These resolutions have been crucial in maintaining international pressure on States Parties to strengthen and accelerate action and to implement their commitments to eliminating

child, early and forced marriage by 2030, in accordance with the 2030 Agenda for Sustainable Development.⁸³

In 2020, amid the global COVID-19 pandemic, the United Nations General Assembly adopted its fourth resolution on child, early and forced marriage. This resolution had broad cross-regional engagement and called on States Parties to implement, strengthen and accelerate actions to end child, early and forced marriage during the 'Decade of Action' for achieving the SDGs.⁸⁴

In the context of the United Nations Human Rights Council, it must be noted that the Council is credited with passing the first resolution on child, early and forced marriage in 2013, through Resolution A/HRC/24/L.34/Rev.1 on "Strengthening efforts to prevent and eliminate child, early and forced marriage: challenges, achievements, best practices, and implementation gaps." It recognizes that the complex and challenging nature of child, early and forced marriage necessitates the collective efforts of governments, lawmakers, judicial authorities, law enforcement officials, traditional and religious leaders, civil society, media, the private sector and other relevant stakeholders to address the root causes of this practice that exists in different economic, social and cultural settings.

Similarly, in 2015, the Human Rights Council unanimously adopted the Resolution to End Child, Early and Forced Marriage.⁸⁵ This resolution was designed to complement the 2014 United Nations Resolution on Child, Early and Forced Marriage and was co-sponsored by over 85 Member States, including countries with high rates of child marriage, and aimed to strengthen efforts to prevent and eliminate child, early and forced marriage.⁸⁶ It was the first-ever substantive resolution on child marriage adopted by the United Nations Human Rights Council, and demonstrated global support for ending child marriage and making child marriage a human rights and development priority in the post-2015 development framework.⁸⁷ The United Nations Human Rights Council resolution recognizes child marriage as a violation of human rights that prevents individuals from living their lives free from all forms of violence, and as having wide-ranging and adverse consequences on the enjoyment of human rights, including the right to education and a high standard of health. Ultimately, this resolution recognizes child marriage as a "barrier to sustainable development" that "helps to perpetuate the cycle of poverty."⁸⁸

The United Nations Human Rights Council resolution was adopted just months before the adoption of the 2030 Agenda for Sustainable Development,⁸⁹ which identifies ending child marriage as an indicator for achieving gender equality and empowering all women and girls (Sustainable Development Goal (SDG) 5).⁹⁰ In particular, SDG 5.3 calls for the elimination of all harmful practices, including child, early and forced marriage and female genital mutilation. In keeping with this, SDG indicator 5.3.1 measures the proportion of women aged 20–24 years who were married or in a union before the age of 15 years, and before the age of 18 years.

It is critical to mention that the Human Rights Council’s work on ending early, child and forced marriage is also reflected in its resolution on child, early and forced marriage in humanitarian settings (2017);⁹¹ and the resolution on child, early and forced marriage, with an emphasis on respect for the sexual and reproductive health and rights of girls, including bodily autonomy, comprehensive sexuality education and participation in decision making (2021).⁹³

Just at the time of publishing this report, the Human Rights Council also issued its most recent resolution on child, early and forced marriage: ending and preventing forced marriage (2023). Some gains/important changes in comparison to the previous resolution include:

- Strengthened attention to forced marriage and its consequences, something often overlooked in current programmes and policies.
- Recognition of the existence of “informal unions, cohabitation or other arrangements that are not formalized, registered or recognized by a religious, customary or State authority”.
- Increased attention to the importance of ensuring full, free and informed consent.
- Stronger language related to equal rights in marriage (around property, inheritance, managing assets) and its dissolution.
- New and strengthened language in relation to ending/leaving a marriage and the provisions that are needed for women and girls to let it be an option.
- Forced marriage recognized as a form of sexual and gender-based violence/violence against women and girls.
- The impact of climate change and biodiversity loss.

- References to (misconceptions of) masculinity.
- Strengthened language on impact of gender stereotypes.
- Strengthened language on civil society and civic space.
- Stronger language related to the role of men and boys in ending child, early and forced marriage.

The resolution requests the OHCHR to develop, through open, transparent and inclusive elaboration with different actors, action-oriented guidelines on the effective application of a human rights-based approach to the development and implementation of laws, policies and programmes to prevent and eliminate child, early and forced marriage and to submit the guidelines, in a comprehensive report, accessible to persons with disabilities, including in an accessible and easy to read format, to the Human Rights Council at its fifty-ninth session.⁹⁴

The above international treaties and resolutions are important because they help to build international political will and political momentum to end child marriage, and further acknowledge its harmful effects. They also reinforce the need for national action on child marriage, encourage States Parties to work with international organizations and NGOs to develop and implement comprehensive and coordinated responses to ending child marriage and supporting married girls, and direct funding towards ending child marriage. Such actions are critical for achieving the SDGs, particularly SDG 5.3.⁹⁵ Despite these commitments, however, the incidence of child marriage has been declining too slowly to make its elimination, even by the end of the SDGs 2030, achievable.

Regional Conventions and Charters

Over the past 50 years, the urgency to address child marriage has also been articulated at the regional level. Africa has made significant normative advances through the adoption of legal and policy instruments.⁹⁷ This began with the African Charter on Human and Peoples’ Rights⁹⁸ in 1981, which called on States Parties to ensure that women and men enjoy equal rights and are regarded as equal partners in marriage.⁹⁹ Article 18(2) of the Charter also calls on States Parties to eliminate discrimination against women and ensure the protection of the rights of women

and children as stipulated in international treaties and conventions.¹⁰⁰ More specifically, Article 6 of the Charter establishes that appropriate national legislative measures should be taken to guarantee that:¹⁰¹

- MAM for girls and women shall be 18 years.
- No marriage shall take place without the free and full consent of both parties.
- Monogamy is encouraged as the preferred form of marriage, and the rights of women in marriage and family, including in polygamous marital relationships, are promoted, and protected.
- Every marriage shall be recorded in writing and registered in accordance with national laws to be legally recognized.

Introduced in 1999, the African Charter on the Rights and Welfare of the Child (ACRWC)¹⁰² provides for the protection of children against harmful social and cultural practices. Article 21(2) provides that child marriage and the betrothal of girls and boys should be prohibited, and effective action taken, including legislation to specify that MAM must be 18 years, and makes registration of all marriages in an official registry compulsory.¹⁰³ To date, 16 countries in Africa have fixed their age of marriage at 18 years without exceptions.¹⁰⁴

In 2003, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa,¹⁰⁵ known as the Maputo Protocol, reinforced that States Parties shall ensure that women and men enjoy equal rights and are regarded as equal partners in marriage, and shall enact appropriate national legislative measures to guarantee that no marriage shall take place without the free and full consent of both parties, and that MAM for women must be 18 years (Article 6).

In 2008, the South African Development Community (SADC) set forth the Model Law on Eradicating Child Marriage and Protecting Children Already in Marriage.¹⁰⁶ The Model Law provides a common framework to end child marriage and protect children already in marriage.¹⁰⁷ It advances that legislation on marriage should ensure that no person under the age of 18 years shall marry, as they lack the capacity to consent to marriage or to contract a marriage; thus, any purported marriage entered into before the age of 18 years is a prohibited marriage and void.¹⁰⁸ The Model Law also sets forth that a person, other than a child, who commits an offence of child marriage shall be liable, on conviction,

to a fine and/or imprisonment. Where it is proved to a court that a child, at the time the betrothal or marriage was contracted, was living or dependent on a person, the court shall consider the parental relationship as an aggravating circumstance. Finally, the Model Law advances different options and approaches for voiding child marriages.

In 2014, the African Union launched the Campaign to End Child Marriage in Africa.¹⁰⁹ The campaign is aimed at promoting and advocating for the rights of women and girls in Africa and accelerating an end to child marriage in Africa by enhancing continental awareness of the implications of the practice. This can be done by supporting legal and policy actions in the protection and promotion of human rights; mobilizing awareness across the African continent of the negative consequences and socioeconomic impacts of child marriage; building social movements and mobilization at the grass-roots and national levels to end child marriage; and increasing the capacity of non-state stakeholders to undertake evidence-based advocacy and lobbying to end child marriage, including by focusing on the role of youth leadership.¹¹⁰ Over the past decade, the Campaign to End Child Marriage in Africa has served to catalyse the collaboration of multiple stakeholders at different levels to end child marriage in Africa.¹¹¹

In South-East Asia, the South Asian Association for Regional Cooperation (SAARC) Convention on Regional Arrangements for the Promotion of Child Welfare¹¹² of 2002 places an obligation on States Parties to ensure that appropriate legal and administrative mechanisms, and social safety nets and defences, are in place. This includes national laws that protect children from any form of discrimination, violence, abuse, neglect, trafficking, exploitation, torture or degrading treatment, and makes official civil registration of marriage compulsory to facilitate the effective enforcement of national laws, including on MAM (Article IV (3)). The SAARC Convention, however, fails to stipulate that MAM should be 18 years. Nevertheless, the Kathmandu Call for Action to End Child Marriage in South Asia was unanimously adopted by the South Asian Association for Regional Cooperation in 2014 with a call on governments to commit to ending child marriage through legal reforms and support for a regional action plan, stipulating 18 years as the minimum age of marriage.

In 2004, the Council of the League of Arab States adopted the Arab Charter on Human Rights.¹¹³ The Arab Charter on Human Rights protects civil, cultural,

economic, political and social rights. The Arab Charter endorses the family as the natural and fundamental group unit of society, which is based on marriage between a man and a woman (Article 33(1)). The Charter maintains that men and women of marrying age have the right to marry and to found a family according to the rules and conditions of marriage. In accordance with this Charter, no marriage can take place without the full and free consent of both parties. Similar to UDHR, the Arab Charter does not establish a MAM.¹¹⁴

In 1969, the American Convention on Human Rights¹¹⁵ adopted at the Inter-American Specialized Conference on Human Rights in Costa Rica was the first regional treaty to establish that “no marriage shall be entered into without the free and full consent of the intending spouses” (Article 17(3)). This convention reinforced Article 16 of UDHR.¹¹⁶ However, despite a commitment to ending child marriage, Inter-American human rights norms and standards, which include the Charter of the Organization of American States, the American Declaration on the Rights and Duties of Man, the American Convention on Human Rights and the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention

of Belém do Pará), do not provide conclusive definitions of a child or age of marriage.¹¹⁷

Similarly, the European Convention on Human Rights guarantees the right to marry for those of marriageable age but places the obligation of fixing the marriageable age on member states.¹¹⁸ The Council of Europe has made ongoing efforts to prevent violence against women and domestic violence since the 1990s. In 2011, the Council negotiated and adopted the Convention on Preventing and Combating Violence against Women and Domestic Violence,¹¹⁹ popularly known as the Istanbul Convention. The Istanbul Convention is a human rights treaty that establishes comprehensive legal standards to ensure women’s right to be free from violence, recognizes the problem of forced marriage and identifies victims of forced marriage as below the age of 18 years. It also recognizes that some victims of forced marriage are lured or forced to travel to another country where they have been promised to someone. The Istanbul Convention criminalizes both forcing a child (boy or girl) to enter into a marriage and luring a child to another country with the intention of marrying the child against his or her will (Article 37).¹²⁰



BOX 3.1

African Court on Human and Peoples' Rights finds that Mali's Persons and Family Code violates international human rights standards on the State obligation to establish a MAM for girls

In 2018, in the case of *Association Pour Le Progrès et la Défense des Droits des Femmes Maliennes (APDF) and the Institute for Human Rights and Development in Africa (IHRDA) vs. Republic of Mali* (App. No. 046/2016), the African Court on Human and Peoples' Rights (AfCHPR) ruled that Mali's Persons and Family Code violates regional and international human rights standards on State obligations to establish a MAM for girls, the right to consent to marriage and the State obligation to eliminate harmful social and cultural practices for women and girls.

APDF and IHRDA brought the case against the Government of Mali to challenge the domestic law's compliance with three human rights treaties – the Maputo Protocol, the African Charter on the Rights and Welfare of the Child and CEDAW.

APDF and IHRDA argued that Mali's Persons and Family Code violates obligations on setting MAM, which the Maputo Protocol requires States Parties to set at 18 years. AfCHPR established that Mali's Persons and Family Code sets MAM at 18 years for boys and 16 years for girls but allows children to marry from the age of 15 years with the consent of the boy's mother or father and the consent of the girl's father. The Government of Mali claimed that the Persons and Family Code allows such flexibility in age of marriage to enable those who observe certain traditions to do so, while others may opt out; as a result, the code neither undermines the State's human rights obligations to establish a MAM nor establishes rules that hinder social, cultural and religious realities. The State argued that enacting legislation that would not be implemented, or would be hard to implement, would be useless.

The AfCHPR found that Mali failed to guarantee compliance with setting MAM at 18 years under the Maputo Protocol and the African Charter on the Rights and Welfare of the Child. More specifically, the court concluded that Mali's Persons and Family Code was in violation of Article 6(b) of the Maputo Protocol, the obligation to enforce a MAM

of 18 years; Article 2, defining a child as a person under 18 years; and Article 21 of the African Charter on the Rights and Welfare of the Child, the obligation to eliminate practices harmful to children, including sex-based discriminatory practices, and to prohibit marriage of children under 18 years.

APDF and IHRDA also argued that the State of Mali had refused to eliminate practices that violate the rights of women and girls, especially with regard to child marriage and lack of consent to marriage, in violation of Mali's human rights obligations.

The AfCHPR further held Mali to be in violation of Article 2(2) of the Maputo Protocol, Article 5(a) and Article 16 of CEDAW, and Article 1(3) and Article 21 of the African Charter on the Rights and Welfare of the Child, which requires States Parties to take appropriate measures to eliminate harmful social and cultural practices and discrimination against women and girls.

Following this judgement, a Bill on Gender-Based Violence (GBV) was drafted through the collaboration of CSOs, development partners and the National Programme on the fight against Gender-Based Violence. If passed, this Bill will raise the age of marriage to 18 years. However, the Bill has faced great opposition from religious leaders and as a result the process has stalled and the government has not undertaken further efforts to comply with the judgement.

Sources: African Court Finds Mali's Family Law Violates Human Rights Obligations. International Justice Resource Centre, 29 May 2018. Retrieved on 26 June 2023 from: African Court Finds Mali's Family Law Violates Human Rights Obligations – *International Justice Resource Centre* (ijrcenter.org); Equality Now Joint submission to OHCHR, <https://www.ohchr.org/en/calls-for-input/2022/call-input-reports-issue-child-early-and-forced-marriage-general-assembly>.

SECTION 4

GLOBAL ACCELERATORS FOR ENDING CHILD MARRIAGE



Overview

Over the past decade, international organizations and NGOs have partnered to launch global interventions to accelerate action to end child marriage, including holding governments accountable to girls based on their obligations under international and regional treaties, resolutions and development agendas to end child marriage. Such programmes have played a pivotal role in increasing global recognition of the harms that result from child marriage and have contributed to the decision of governments in many countries to end child marriage. These interventions have advanced good practices for ending child marriage – governance and justice, social and behaviour change promotion and services and opportunities.¹²¹ Endorsed and promoted by the United Nations and regional and continental associations and intergovernmental bodies, these global interventions have been particularly influential in advancing efforts to end child marriage. This section highlights four notable global initiatives which are contributing to accelerated action on ending child marriage.

Girls Not Brides: The Global Partnership to End Child Marriage

In 2011, Girls Not Brides: The Global Partnership to End Child Marriage was launched as an international NGO with the mission to end child marriage worldwide. Over the past decade, Girls Not Brides has grown to become a global network of more than 1,500 CSOs from over 100 countries that are committed to ending child marriage and ensuring that girls can reach their full potential. Member organizations of Girls Not Brides are based in Africa, Asia, Europe, the Americas and the Middle East.¹²²

Girls Not Brides is committed to a world without child marriage, where girls and women enjoy equal status with boys and men and are able to achieve their fullest potential in all aspects of their lives. Girls Not Brides collaborates with governments, international organizations and CSOs to:¹²³

- Prevent child marriage and support girls who are or have ever been married;
- Amplify the voices of girls at risk of child marriage and defend girls' rights to health, education and the opportunity to fulfil their potential;

- Enhance and strengthen efforts to end child marriage at every level;
- Raise awareness of the harmful impact of child marriage by encouraging open, inclusive and informed discussion at the community, local, national and international levels;
- Facilitate learning and coordination between organizations working to end child marriage; and
- Mobilize all necessary policy, financial and other support to end child marriage.

The United Nations Spotlight Initiative to Eliminate Violence Against Women and Girls

The Spotlight Initiative is a global, multi-year partnership between the European Union (EU) and the United Nations to eliminate all forms of violence against women and girls (VAWG). The Spotlight Initiative was launched in 2017 with seed funding from the EU and represents one of the world's largest targeted efforts to end all forms of VAWG.¹²⁴ The initiative represents a global effort to invest in gender equality and women's empowerment as a precondition for and driver of the achievement of the SDGs, particularly SDG 5, to achieve gender equality and empower all women and girls.¹²⁵ The aim is to demonstrate that a significant, concerted and comprehensive investment in gender equality and ending VAWG can make a transformative difference in the lives of women and girls. The Spotlight Initiative supports measures to end all forms of VAWG, with a particular focus on domestic and family violence and harmful practices, including child marriage.¹²⁶

The Spotlight Initiative includes a focus on six mutually reinforcing programme pillars:¹²⁷

- 1. Laws and policies:** promote laws and policies to prevent violence and discrimination and address impunity by advocating at all levels of government, providing technical assistance, facilitating capacity-building and ensuring the active and meaningful participation of women.
- 2. Institutions:** strengthen national government and regional institutions to better inform decision makers, develop fully financed national action plans on ending VAWG, promote gender-responsive ministries and ensure linkages across institutions.

- 3. Prevention:** promote gender-equitable social norms, attitudes and behaviours through community-based prevention strategies; mobilizing women and girls and men and boys at the community level; programming in formal and informal education settings; and engaging men and boys.
- 4. Services:** make high-quality, essential services for survivors of violence available by ensuring that the services provided meet global standards; build the capacity of service providers; and improve service provider coordination and coverage.
- 5. Data:** improve the quality, accuracy and availability of data on VAWG by enhancing the capacity of national statistics offices, improving data presentation to inform decision-making and using data to guide programme monitoring.
- 6. Women’s movements:** promote strong and empowered civil society and autonomous women’s movements by advocating for laws and policies that protect the participation of autonomous women’s groups; ensuring civil society participation in development planning; building the capacity of CSOs; deploying innovative financing mechanisms; and strengthening partnership and networking opportunities for civil society.

UNFPA-UNICEF Global Programme to End Child Marriage

In 2016, the United Nations Committee on the Rights of the Child reaffirmed that “the minimum age limit should be 18 years for marriage.”¹²⁸ That same year, UNFPA and UNICEF partnered to launch the Global Programme to End Child Marriage.¹²⁹ The 15-year programme (2016–2030), was launched in 12 countries in Africa, the Middle East and South-East Asia, with a focus on countries that had a high prevalence of child marriage – countries where at least 25 per cent of women aged 20–24 years were married before the age of 18 years. In particular, the focus was on Bangladesh, Burkina Faso, Ethiopia, Ghana, India, Mozambique, Nepal, Niger, Sierra Leone, Uganda, Yemen and Zambia.¹³⁰

Phase I (2016–2019) aimed to strengthen critical institutions and systems in selected locations and countries to deliver high-quality services and opportunities for adolescent girls, and lay the foundation for changing attitudes, behaviours and social norms in relation to child

marriage.¹³¹ The programme also focuses on promoting the rights of adolescent girls to avert marriage and pregnancy, and on enabling girls to achieve their aspirations through education and alternative pathways.¹³² It was also designed to support households to demonstrate positive attitudes towards girls and empower girls, and to strengthen services that allow girls to do the same. The programme has been particularly effective at highlighting the importance of using robust data to develop evidence-based policies that end child marriage.¹³³

The goal of Phase II (2020–2023) is to accelerate actions to end child marriage by enhancing investments in and support for unmarried and married girls, and by engaging key stakeholders, including young people, as agents of change in catalysing a shift towards positive gender and social norms. Phase II is focused on advancing gender norms related to the right of girls to choose when and who to marry; increasing political support, resources, gender-responsive policies and frameworks to end child marriage; engendering respect for laws, including national, regional and international legal frameworks; and improving data and evidence on what works.¹³⁵ The plan is to continue work in each of the 12 countries that were engaged in Phase I to build on what has already been accomplished and to accelerate progress. The 12 countries are expected to receive intensive support in the form of funding, technical assistance, and oversight. There are also plans to arrange ‘South-South’ knowledge exchanges and knowledge management initiatives that will accelerate actions to end child marriage. Furthermore, there are plans to work with additional countries, particularly countries that are part of the Spotlight Initiative to Eliminate Violence Against Women and Girls, which is funded by the EU.¹³⁶ It should be noted that Phase II was interrupted by the global COVID-19 pandemic.

Phase III (2024–2030) of the UNFPA-UNICEF Global Programme to End Child Marriage is underway, with the primary aim of a longer-term focus on gender transformation for a larger proportion of girls to ensure that they fully enjoy a childhood free from the risk of child, early and forced marriage. The long-term goal is to ensure that girls experience healthier, safer and more empowered life transitions, including by making choices about their education, career, sexuality, relationships, marriage and childbearing.¹³⁷

BOX 4.1

UN Women's role in advancing MAM legal reforms globally

As a global champion for women and girls, UN Women has worked to accelerate progress on meeting the needs of women and girls worldwide. UN Women supports Member States as they set global standards for achieving gender equality and works with governments and civil society to design the laws, policies, programmes and services needed to implement these standards.

UN Women also partners with governments, traditional rulers, religious leaders, United Nations agencies, CSOs and other institutions to find ways to end VAWG and harmful practices, including child and early marriage. VAWG is one of the most widespread, persistent and devastating human rights violations in the world today.

In line with the 2030 Agenda for Sustainable Development and under the aegis of the Spotlight Initiative and the UN Women-led *Equality in Law for Women and Girls by 2030: A Multi-stakeholder Strategy for Accelerated Action*, UN Women has provided financial and technical support, facilitated capacity-building and provided advocacy to advance legal reforms related to MAM for girls in countries worldwide. This includes eliminating harmful and discriminatory MAM provisions by promoting the setting of MAM at 18 years (equalizing the age of marriage for females and males) and eliminating exceptions under religious and customary law.

An assessment of UN Women's Results Management System (RMS) reveals activities related to eliminating harmful and discriminatory MAM practices during the period from 2011–2020. UN Women has played a key role in supporting and advocating for successful legal reforms related to MAM for girls in more than 25 countries worldwide, including in the Americas and Caribbean (Colombia, Dominican Republic, Ecuador, El Salvador, Guatemala, Mexico); the Arab States and North Africa (Egypt, Iraq, Jordan, Lebanon, Morocco); Asia and the Pacific (Bangladesh, Indonesia, Pakistan, Tonga, Viet Nam); East and Southern Africa (Kenya, Malawi, Mozambique, Somalia, Tanzania, Uganda, Zimbabwe); West and Central Africa (Sierra Leone); and Europe and Central Asia (Kyrgyzstan, Türkiye, Turkmenistan).

The UN Women-led strategy to repeal and revise discriminatory laws is an important part of a broader legal reform agenda that supports the achievement of gender equality globally and the advancement of the 2030 Agenda for Sustainable Development, particularly SDG 5.

Source: UN Women. 2022. Internal Reporting.

UN Women and Partners: Equality in Law for Women and Girls by 2030

In 2019, UN Women, the African Union, the Commonwealth, the Inter-Parliamentary Union, the Organisation Internationale de la Francophonie and the Secretaría General Iberoamericana, along with a range of CSOs, united around the launch of *Equality in Law for Women and Girls by 2030: A Multi-stakeholder Strategy for Accelerated Action*.¹³⁸ This UN Women-led strategy focuses on repealing and/or revising discriminatory laws as an important part of a broader legal reform agenda that supports the achievement of gender equality globally. One of the six focus areas of UN Women's strategy is to eliminate harmful and discriminatory MAM provisions by promoting the setting of MAM at 18 years and eliminating exceptions.¹³⁹ UN Women cooperates with UNFPA and UNICEF to ensure synergies between UN Women's strategy and ongoing

efforts of the UNFPA-UNICEF Global Programme to End Child Marriage.¹⁴⁰ The various means by which this is being pursued include the following:

- Analysing laws affecting child marriage, such as family laws, human trafficking laws, family and children's codes and laws pertaining to harmful practices;
- Harmonizing the legal age for marriage for all persons, with an emphasis on establishing 18 years or older across all laws, and, where a higher age is chosen, ensuring that it applies equally to women and men;
- Reviewing exceptions to MAM;
- Removing legal provisions that permit the betrothal of children; and
- Introducing clauses that guarantee women and men the right to freely choose a spouse.¹⁴¹

SECTION 5

A COMPARATIVE OVERVIEW OF LEGAL REFORMS (2010-2021)



“Discriminatory practices in family life, codified in law, [have] been a major concern for women’s quest for equality and rights worldwide. Amending law to eradicate patriarchal biases has been a common goal for women’s movements, at the international and national levels. Feminist advocacy, women’s representation in decision-making and the international gender equality agenda have been critical to the recent gender-sensitive legislative and judicial advances in family-related matters, in many countries.”¹⁴²

This section presents findings from a desk review and case studies for a comparative analysis of legal reforms related to MAM in 43 countries that attempted MAM legal reforms from 2010 to 2021, including six states within the USA.¹⁴³

The goal was to select countries for which there was sufficient information available to allow for drawing general patterns and conclusions. The 43 countries, therefore, do not represent the entirety of countries which undertook reforms during the review period of 2010 to 2021. Of these 43 countries, nine countries which undertook successful reforms were further selected for deep-dive analysis. The choice of these nine countries was based on geographical diversity and various contexts (e.g., religious, cultural, conflict and post-conflict and stage of economic development), as well as diversity in terms of political, governance and legal systems. The nine countries are Kyrgyzstan, Malawi, Mexico, Mozambique, the USA (New York state), Pakistan, Philippines, Tanzania and Trinidad and Tobago. While operating a federal system of governance, the USA does not possess a federal law related to MAM. Instead, each state sets its own MAM law. Therefore, for the purposes of this comparative study, the six states that reformed their MAM laws at the time of the study (Delaware, Minnesota, New Jersey, New York, Pennsylvania, and Rhode Island) were included in the broader analysis, while only New York was selected for the deep-dive analysis.

National governments are responsible for translating international and regional human rights treaties and conventions into national legislation. This includes enacting national legislation that aims to accelerate an end to child marriage and protecting girls at risk of early marriage and supporting already married girls. National legislation should also require that women who have reached MAM (18 years) be able to enter into a marriage

with the informed, free and full consent of both intending spouses, and that women are equal to men in all matters pertaining to marriage.¹⁴⁴

UNICEF and UNFPA have proposed the following elements as key components of a comprehensive legislative approach to child marriage:

1. The right to services: Guarantee reproductive rights and access to reproductive health services for girls and boys; ensure the right to education (including comprehensive sexuality education); ensure that girls can stay in school after marriage, during pregnancy and after having children; and guarantee the right to benefit from social security.
2. The right to information, expression, privacy and confidentiality: Guarantee the right to privacy and confidentiality of the child; to expression, including freedom to seek, receive and impart information.
3. Access to justice: Children’s access to justice, civil remedies, safety and protection.
4. Protection from violence and exploitation: Protect children from abuse, neglect and harmful practices, including child marriage, rape, sexual slavery and forced labour, bride kidnapping, trafficking of women and girls, wife inheritance, marriage as settlement or payment, international marriage brokering and polygamy.
5. Mandatory civil registration through a system to register all marriages, births and deaths. Ensure registration for all marriages, including civil, religious and customary unions as a means to track marriages and the age of marriage. Data gathered through registration systems should be used to monitor and facilitate enforcement of the minimum marriage age standard, provide age verification and compile statistics on marriages.

Similar proposals have also been put forward by SADC in a model law on child marriage that focuses on the age of consent to marriage, with no exceptions.¹⁴⁵

The increase in global recognition of the harms that result from child marriage has contributed to the decision of governments in many countries to end the practice. Good practices have shown that efforts to end child marriage require a three-pronged approach, addressing the pillars of governance and justice, social and behaviour change promotion, and services and opportunities (Figure 5.1). Although the focus of this research is only the

first of these pillars, that is, legal reforms to raise MAM to 18 years, one should not lose sight of the fact that the two other pillars are important for ensuring a comprehensive approach to ending child marriage (i.e., social and behaviour change promotion, and girls' access to services and opportunities).¹⁴⁶ Enforcing child marriage laws requires the provision of justice and access to remedies and protection services for victims of child marriage and associated human rights violations; the promotion of change in social and gender norms in societies; and the provision of services and greater opportunities for both adolescent girls and boys.¹⁴⁷

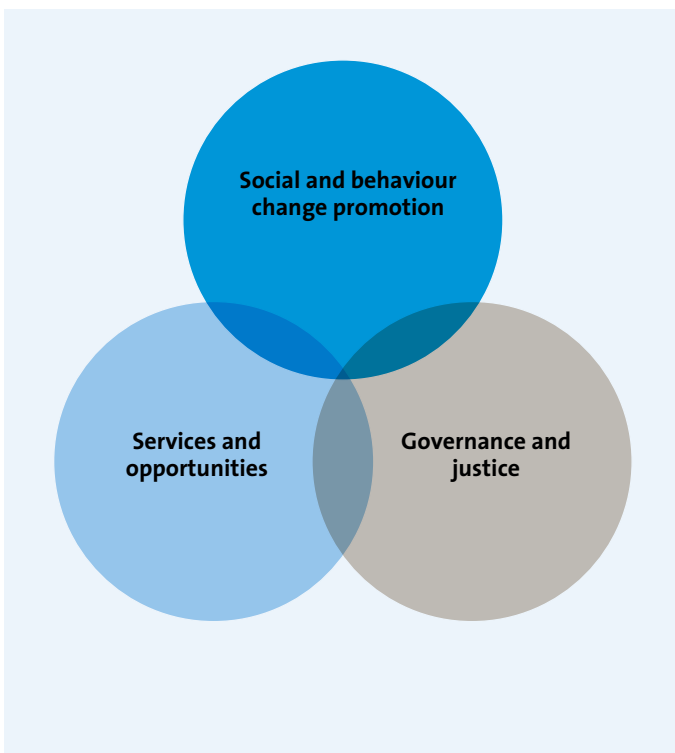
The Profile of Selected Countries

Table 5.1 shows that, among the 43 countries included in this comparative study, 11 countries are in the Americas and Caribbean, seven countries are in East and Southern Africa, three countries are in West and Central Africa, six countries are in the Arab States and North Africa, nine countries are in Asia and the Pacific, and seven countries are in Europe and Central Asia. The majority of countries included in this comparative study had undertaken legal reforms to increase MAM to 18 years and/or to eliminate

TABLE 5.1
Breakdown of Countries by Region

Region	Country
Americas and the Caribbean	Colombia Costa Rica Dominican Republic Ecuador El Salvador Guatemala Honduras Mexico Panama Trinidad and Tobago USA (Delaware, Minnesota, New Jersey, New York, Pennsylvania and Rhode Island states)
East and Southern Africa	Kenya Malawi Mozambique Somalia Tanzania Uganda Zimbabwe
West and Central Africa	Chad Gambia Sierra Leone
Arab States and North Africa	Egypt Iraq Jordan Lebanon Morocco Saudi Arabia
Asia and the Pacific	Bangladesh Indonesia Japan Malaysia Pakistan Philippines Sri Lanka Tonga Viet Nam
Europe and Central Asia	Denmark Finland Germany Kyrgyzstan Norway Türkiye United Kingdom

FIGURE 5.1
Pillars of a comprehensive response



exceptions to bring an end to child marriage. However, two of the countries, Somalia and Türkiye, undertook legal reforms to decrease MAM to allow the marriage of girls below the age of 18 years.

Table 5.2 shows the characteristics of the 43 countries included in the sample. In terms of region, 33.3 per cent of countries are in the Americas and Caribbean, 18.8 per cent are in Asia and the Pacific, 14.6 per cent are in Europe and Central Asia, 14.6 per cent are in East and Southern Africa, 12.5 per cent are in Arab States and North Africa and 6.3 per cent are in West and Central Africa.

In terms of country income classifications, 12.5 per cent of countries are classified as low income, 31.3 per cent as lower-middle income, 27.1 per cent as upper-middle income and 29.2 per cent operate a plural legal system.

In general, legal pluralism is a situation in which two or more legal systems coexist in a country or nation.¹⁴⁸ More specifically, 54.2 per cent are civil law countries, 39.6 per cent are common law countries, 16.7 per cent are customary law-based, 16.7 per cent are Islamic/Sharia-based, 8.3 per cent are statute-based and 8.4 per cent operate other types of legal systems.

In terms of country income classifications, 12.5 per cent of countries are classified as low income, 31.3 per cent as lower-middle income, 27.1 per cent as upper-middle income and 29.2 per cent as high income.¹⁴⁹ Some 18.8 per cent of countries are categorized by the World Bank as fragile or conflict-affected. Finally, in terms of religion and cultural settings, the countries included in the sample are predominantly Christian (33.3 per cent), Muslim (25 per cent) and Buddhist (4.2 per cent),

TABLE 5.2
Characteristics of countries with recent MAM legal reforms

	Countries and USA States (N = 48)	
	N	%
Region		
Americas and the Caribbean	16	33.3
Asia and the Pacific	9	18.8
Europe and Central Asia	7	14.6
East and Southern Africa	7	14.6
Arab States and North Africa	6	12.5
West and Central Africa	3	6.3
System of internal governance		
Unitary	30	62.5
Federal	12	25.0
Unitary monarchy	4	8.3
Absolute monarchy	2	4.2
Legal system		
Monolithic legal system	34	70.8
Plural legal system	14	29.2

Country income classification ^a		
Low income	6	12.5
Lower-middle income	15	31.3
Upper-middle income	13	27.1
High income	14	29.2
Religious and cultural setting		
Christian	16	33.3
Muslim	12	25.0
Buddhist	2	4.2
Multi-religion	18	37.5
Fragile and conflict-affected status		
Yes	9	18.8
No	39	81.3

^a Retrieved on 26 June 2023 from [World Bank: World Bank Country and Lending Groups – World Bank Data Help Desk](#); World Bank Classification of Fragile and Conflict-Affected Situations. FY22 FCS List. Retrieved on 26 June 2023 from World Bank: [Classification of Fragile and Conflict-Affected Situations](#) (worldbank.org).

Source: Based on analysis of data generated from the study questionnaire, 2022.

with some countries classified as multi-religion (37.5 per cent).

Successful Legal Reforms on the Minimum Age for Marriage

As noted earlier, to end child marriage, countries need to increase the MAM to 18 years and eliminate all exceptions and legal loopholes. In addition, there needs to be adequate enforcement of MAM laws and punishment of those who are complicit in the marriage of children under 18 years of age.

In nearly all 43 countries, including six states of the USA, legal reform processes related to MAM focused on advancing child rights and reinforcing the protection of human rights, particularly for girls. In most countries, legislative reforms were successful, although in practice, enforcement of MAM laws tends to be weak, particularly if MAM laws are incompatible with prevailing social norms and practices.¹⁵⁰

Among the countries/states in the sample, 37 (77.1 per cent) succeeded in increasing MAM to 18 years. Of these 37 countries/states, 68 per cent ($n = 25$) were also able to remove or avoid exceptions to MAM of 18 years; and only 30 per cent ($n = 11$) still had exceptions to MAM. In many countries, violations of MAM laws are rarely accompanied by legal penalties, as there are typically no legal sanctions for those complicit in child marriage.¹⁵¹ Criminalization of child marriage is often a complex and polarizing issue: laws that criminalize child marriage are symbolic and aim to deter the behaviour by sending a clear message that marrying children is illegal and a crime and will not be tolerated.¹⁵² At the same time, however, criminalizing child marriage may have unintended negative consequences for children and families. For example, girls may face social stigma, retaliation, and mental distress; family members can be imprisoned; and families and communities are destabilized in situations where everyone who attended a wedding is at risk of being imprisoned.¹⁵³ Among the 37 countries/states that succeeded in increasing MAM to 18 years,

only 32 per cent ($n = 12$) had laws or provisions or penal codes to penalize violations of the law.

Legal Reforms on the Minimum Age for Marriage by Region

Among the countries and states studied, 100 per cent ($n = 7$) of countries in Europe and Central Asia and 94 per cent ($n = 15$) in the Americas and Caribbean succeeded in increasing MAM to 18 years. Countries in the Americas and Caribbean (81 per cent, $n = 13$) were also more likely to eliminate exceptions to or legal loopholes in enforcing MAM of 18 years than countries in the other regions, including Europe and Central Asia (57 per cent, $n = 4$). Countries that successfully reformed MAM laws had strong support for such legal reforms from political and government representatives, and such reforms were met with little opposition or resistance.

It is notable that only 57 per cent ($n = 4$) of countries in East and Southern Africa and 50 per cent ($n = 3$) in the Arab States and North Africa succeeded in increasing MAM to 18 years. Barriers to successful legal reforms varied across countries, but in East and Southern Africa and in Arab States and North Africa, particularly in predominantly Muslim contexts, legal reforms were often met with resistance or opposition from conservative Islamic groups, including from religious leaders who claimed that, according to Islam, marriage of a girl child can occur at the age of puberty, which can be as young as nine or 10 years of age (see section 8 for

a review of counter-mobilization against MAM legal reforms).

In most regions, few countries have punishment regimes in place: West and Central Africa (67 per cent, $n = 2$), East and Southern Africa (43 per cent, $n = 3$), Americas and Caribbean (19 per cent, $n = 3$)¹⁵⁴ and Asia and the Pacific (22 per cent, $n = 2$). In some countries, the tendency is not to criminalize child marriage, but to ban or invalidate marriages when either spouse is under the legal age of marriage.

Legal reform processes varied on the basis of social, political and legal contexts; as such, there was no clear pattern. Box 5.1 summarizes MAM legal reforms achieved in the nine deep-dive countries by region: the Americas and Caribbean (i.e., Mexico, Trinidad and Tobago and the United States (New York state)), Asia and the Pacific (i.e., Pakistan and Philippines), Central Asia (i.e., Kyrgyzstan), and East and Southern Africa (i.e., Malawi, Mozambique and Tanzania). The summaries highlight the approach taken in each country to increase MAM to 18 years, without exceptions. In some countries, the legal reform process of assessing existing laws and advocating for and implementing legal reforms occurred smoothly and quickly (e.g., in the US state of New York and in Malawi), whereas in other countries the process was slow and was met with resistance from conservative groups and government officials (e.g., Pakistan and Philippines).

BOX 5.1

MAM legal reforms in the deep-dive countries by region

AMERICAS AND THE CARIBBEAN

Mexico: Before 2014, child marriage was legal throughout Mexico. All Mexican states allowed persons younger than 18 years to formally marry, with some restrictions. Minors could marry if they had the consent of their parents/guardians and had reached 14 or 16 years of age, with variations across states. In a few states, those who were younger than 14 or 16 years of age and without parental consent could still get married with the permission of a judge or municipal mayor. A few states also allowed girls younger than the minimum age to marry if they were pregnant.¹⁵⁵ From 2008 to 2014, some states eliminated all exceptions for marriage below 16 years, but still allowed 16 and 17-year-olds to marry.¹⁵⁶ In December 2014, the Federal Congress sanctioned the General Law on the Rights of Boys, Girls and Adolescents, which

set MAM at 18 years, without exceptions, and urged all states to reform their law to incorporate this change. Article 45 of General Law on the Rights of Boys, Girls and Adolescents stipulates that federal bodies shall set MAM at 18 years and establish requirements. Since marriage laws are a competency of states, it is up to state congresses to reform MAM laws; thus, this federal law was not directly applicable to the states.¹⁵⁷

Trinidad and Tobago: The Marriage Act of 1923, which governs Christian and civil marriages, stated that the youngest legal age of marriage was 12 years for girls and 14 years for boys, if there is parental consent.¹⁵⁸ Meanwhile, the Muslim Marriage and Divorce Act set MAM at 12 years for girls and 16 years for boys, the Hindu Marriage Act set the age of marriage at 14 years for girls and 18 years for boys, and the Orisa Marriage Act set the age of marriage at 16 years for girls and 18 years for boys.¹⁵⁹ The country's Muslim and Hindu communities, including some religious leaders, were intent on protecting child marriage.¹⁶⁰ In 2012, the Children's Act raised the age of sexual consent from 16 to 18 years, but did not repeal the Marriage Act of 1923. The Children's Act had an immediate domino effect on other laws, such as marriage laws that needed to be changed to accord with the Children's Act. In 2017, the Attorney General presented the Miscellaneous Provisions Marriage Bill to the Senate. The bill ensured that the age of marriage was in line with the age of sexual consent.¹⁶¹ Six months after being introduced, the bill was unanimously passed, amending the Orisa Marriage Act and the Matrimonial Proceedings and Property Act. In 2017, the Government passed legislation to make 18 years of age the new MAM, ending child marriage. The bill was passed in the Senate and proceeded to the Lower House for final approval.¹⁶²

United States (New York): In 2017, the state of New York raised MAM from 14 to 17 years with parental consent and written approval of a justice of the New York Supreme Court or a judge of the Family Court who presides in the town/city where the application is made.¹⁶³ In 2021, the New York State Senate voted unanimously in favour of Senate Bill A. 3891/S3086, the proposed End Child Marriage Bill, which raised MAM from 17 to 18 years in the state of New York and eliminated the legal loopholes that allowed children under the age of 18 years to marry.¹⁶⁴ That same year, the Democratic State Governor signed Senate Bill A. 3891/S3086, making it Chapter 306 of 2021.¹⁶⁵ New York's law fines anyone who issues a marriage license to an ineligible person and charges the issuer with a misdemeanour.

ASIA AND THE PACIFIC

Pakistan: The current MAM in most of the country is 16 years for girls and 18 years for boys, as stipulated by the Child Marriage Restraint Act of 1929. The Sindh province, however, has raised the age to 18 years for both girls and boys, with harsher punishments in case of violations. In Punjab, which constitutes 60% of the country's population, efforts to raise MAM failed, although harsher punishments for marriage under the legal ages were legislated.¹⁶⁶ In 2016, a bill was introduced to raise MAM for girls from 16 to 18 years and propose harsher penalties for those who arrange marriages involving children.¹⁶⁷ The move to ban child marriage in Pakistan was withdrawn after meeting resistance from the Council of Islamic Ideology, a prominent religious body that gives advice to Parliament on the compatibility of laws with sharia, which declared the bill un-Islamic. In 2018, another bill was introduced to the Senate Committee on Human Rights that suggested amendments to the Child Marriage Restraint Act of 1929 that would ban marriage before the age of 18 years.¹⁶⁸ In 2019, the Senate Committee on Human Rights unanimously passed the bill to raise MAM from 16 to 18 years; the new law is an amendment to the Marriage Restraint Act of 1929.¹⁶⁹ Parliament still needs to approve the regulation before the new age restrictions take effect.¹⁷⁰ In 2019, however, a politician from the Pakistan Muslim League Party withdrew the bill after the then Council of Islamic Ideology dubbed the bill "blasphemous". The current Council has been more hesitant to use such terminology. The Islamabad High Court ruled in 2022 that marriage under 18 is illegal (relying on the CRC) – however, because of this resistance and limited judicial applicability, Pakistan has yet to increase MAM for girls to 18 years, without exceptions.¹⁷¹ After the 18th amendment to the Constitution of Pakistan, however, the provinces are independent to legislate according to local needs. The federal parliament has limited scope in this matter, and can only legislate for the Islamabad Capital Territory (ICT).

The Philippines: Republic Act No. 11596, known as the Act Prohibiting the Practice of Child Marriage and Imposing Penalties, was signed into law on 10 December 2021. This Act recognizes the need to abolish all traditional and cultural practices and structures that perpetuate discrimination, abuse and exploitation of children, including the practice of child marriage. The Act defines child marriage as “any marriage entered into where one or both parties are children and solemnized in civil or church proceeding, or in any recognized traditional, cultural or customary manner. It shall include an informal union or cohabitation outside of wedlock between an adult and a child, or between children.” The law provides that any person who causes, fixes, facilitates or arranges a child marriage shall suffer the penalty of prison and a fine of not less than PHP 40,000.¹⁷² Republic Act No. 11596 also repeals contradictory laws, such as the Code of Muslim Personal Laws, thus eliminating legal loopholes and exceptions.

CENTRAL ASIA

Kyrgyzstan: Article 26 of the Constitution establishes that no marriage shall be registered without mutual consent of the parties to the marriage.¹⁷³ In 2011, Parliament approved legislation that toughened the penalty for the practice/custom of abduction for forced marriage (bride kidnapping).¹⁷⁴ In 2013, the President approved amendments to Article 155 of the Criminal Code that increased penalties for bride kidnapping to 10 years in prison; previously, the offence was punishable by a maximum of three years in prison.¹⁷⁵ In 2016, the Family Code was amended to ban marriage of persons under 18 years of age (Article 14). The President also passed amendments to Article 155 of the Criminal Code, which introduced criminal sanctions, including imprisonment, for people who conduct or facilitate religious marriages of children under 18 years of age.¹⁷⁶

EAST AND SOUTHERN AFRICA

Malawi: In 2015, Parliament voted unanimously to pass the Marriage, Divorce and Family Relations Bill, which the President signed into law.¹⁷⁷ The law bans child marriage and raises MAM from 15 to 18 years, imposing a 10-year prison sentence on those who defy the ban on child marriage.¹⁷⁸ Nevertheless, a loophole limited this law from fully eradicating child marriage by allowing children as young as 15 years to marry with their parents’ consent.¹⁷⁹ In 2017, the government addressed this loophole and Parliament unanimously voted to remove the constitutional provision allowing children to marry with parental consent.¹⁸⁰ In 2017, the amended Constitution banned child marriage for those under the age of 18 years, making child marriage officially illegal in Malawi.¹⁸¹ The amendment brought the Constitution into line with the Marriage, Divorce and Family Relations Act of 2015, which set MAM at 18 years.¹⁸² The Act also explicitly states that a marriage to someone who is below the age of 18 years is punishable by imprisonment.

Mozambique: Article 30 of Family Law 10/2004 stated that, exceptionally, a girl or boy under the age of 16 years could marry, under circumstances of recognized public and family interest, and if there is the consent of parents or legal representatives. In 2016, Mozambique launched the UNFPA-UNICEF Global Programme to Accelerate Action to End Child Marriage¹⁸³ and the National Strategy to Prevent and Combat Child Marriage.¹⁸⁴ In 2019, Mozambique’s Parliament unanimously passed a new bill banning child marriage. The bill set MAM at 18 years and eliminated previous legal loopholes in the Family Law that made it possible for children to marry at 16 years with parental consent. The new law essentially prohibits marriage of children younger than 18 years, without exceptions.¹⁸⁵ The law also establishes that marriage between an adult and a minor is punishable by up to 12 years in prison.¹⁸⁶ In 2019, the government adopted a new national strategy to prevent and combat child marriage, led by the Ministry of Gender, Children and Social Affairs.¹⁸⁷

Tanzania: The Law of the Marriage Act of 1971 set MAM for girls at 15 years and for boys at 18 years and stated that MAM can be lowered to 14 years by the courts under special circumstances. MAM was not provided for in the Constitution or in the Law of the Child Act of 2009, even though the Act defines a child as a person below the age of 18 years.¹⁸⁸ The country has a pluralistic legal system, in which customary law provides that MAM is considered the age of the onset of puberty

(Local Customary Law Declaration Order of 1963) and Islamic law has no MAM.¹⁸⁹ In 2016, Ms. Rebecca Gyumi, founder of the Msichana Initiative and winner of the 2018 United Nations International Human Rights Prize, filed a petition with the High Court demanding that the government amend the Law of Marriage Act of 1971, particularly Sections 13 and 17, which allow girls to marry from 14 years of age. Ms. Gyumi argued that this Act violates girls' rights to equality, dignity and access to education, as granted by the Constitution.¹⁹⁰ In 2016, in *Rebecca Gyumi vs. Attorney General*, the High Court ruled that two sections of the Law of Marriage Act of 1971 that allowed girls to marry at 15 years of age with parental consent, and 14 years of age with permission of a court, were unconstitutional because they violated Articles 12, 13 and 18 of the Constitution, which give people equal rights before the law and the right not to be discriminated against.¹⁹¹ The court declared that 1) it was unfair to subject a 15-year-old girl to marriage, as a child has no understanding of and could hardly comprehend her responsibilities and obligations as a married person;¹⁹² and 2) the law was discriminatory and unfair because it allowed a girl as young as 14 years to be married, whereas males could marry only when they reach the age of 18 years.¹⁹³ The High Court ordered Parliament to review the Marriage Act in accordance with its obligations under Article 6 of the Maputo Protocol and Article 21 of ACRWC, and to amend the Act as required by the 2016 Constitution.¹⁹⁴ The High Court effectively raised MAM for girls to 18 years and established that all marriages under 18 years were illegal and unconstitutional.¹⁹⁵ In 2018, the Attorney General appealed the ruling on the grounds that the lower MAM actually protected girls who became pregnant out of wedlock, and that the disparity in MAM is a compromise to accommodate customary, traditional and religious values on marriage.¹⁹⁶ In 2019, Tanzania's Court of Appeal ruled against the Attorney General's appeal to overturn the landmark 2016 High Court ruling that banned marriage for both boys and girls under 18 years. To date however, the Parliament is yet to take steps to implement the decision of the court by passing enabling legislation on MAM.

Judicial activism and strategic litigation have had important impacts on case law and court rulings and have played a role in challenging laws related to marriage, including MAM.¹⁹⁷ In Africa in particular, there have been successful MAM reforms that have resulted from court rulings. In particular, in Tanzania (Box 5.1 above) and Zimbabwe (Box 5.2 below), the courts ruled against child marriage or marriage of children under the age of 18 years.¹⁹⁸ Marriage laws that set a MAM at 18 years, without exceptions, serve as an important tool to safeguard girls from early marriage.¹⁹⁹ The example from Zimbabwe demonstrates how a two-track advocacy strategy that focuses both on legislative and judicial reform can be mutually beneficial, as each advocacy strategy influences the other and also increases the strategy's impact.²⁰⁰

Legal Reforms on the Minimum Age for Marriage by System of Internal Governance

Figure 5.2 shows the relationship between different systems of internal governance and legal reforms related to MAM. Among the sample of countries/states, 83 per cent ($n = 25$) of those with a unitary system and

BOX 5.2

Court rulings related to MAM in Zimbabwe

Zimbabwe: In the case of *Mudzuru and Another vs. Ministry of Justice and Parliamentary Affairs (CCZ 12/2015)*, the Constitutional Court of Zimbabwe struck down Section 22(1) of the Marriages Act (Chapter 5:11), which provided that a girl who attained the age of 16 years was capable of entering into a valid marriage if there was consent in writing to solemnize the marriage from her legal guardians.²⁰¹ The court unanimously ruled that no person, male or female, may enter into a marriage, including an unregistered customary union or any other union, including one arising out of religious rites, before the age of 18 years.²⁰² In this ruling, the court declared that Section 78(1) of the Constitution set MAM at 18 years. The court also declared that Section 22(1) of the Marriages Act established that any law or customary and religious practice that authorized a person under the age of 18 years to marry or be married was inconsistent with the provisions of Section 78(1) of the Constitution and would therefore be unconstitutional. This court ruling went even further, declaring that "Section 78(1) of the Constitution permits of no exception for religious, customary or cultural practices that permit child marriage, nor does it allow for exceptions based on the consent of public officials, parents or guardians."²⁰³

67 per cent ($n = 8$) with a federal system succeeded in increasing MAM to 18 years. In addition, 50 per cent ($n = 2$) of unitary monarchies and 100 per cent ($n = 2$) of absolute monarchies increased MAM to 18 years. It should be noted that the number of unitary and absolute monarchies included in the sample of countries was quite small ($n = 6$).

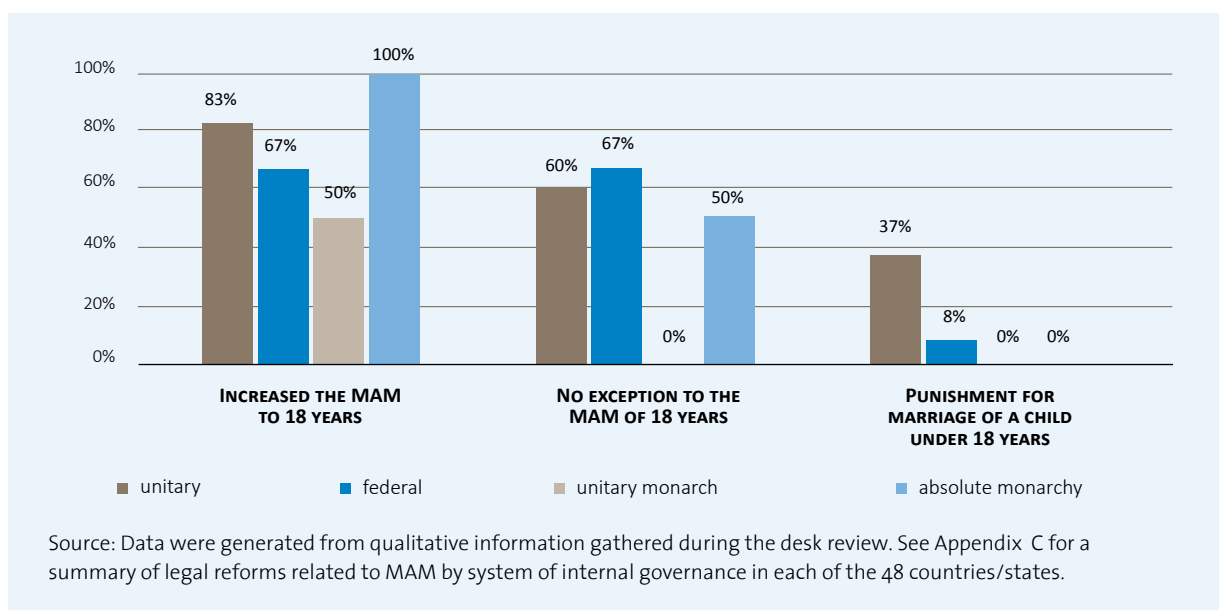
The data also show that 67 per cent ($n = 8$) of countries with a federal system, 60 per cent ($n = 18$) of those with a unitary system and 50 per cent ($n = 1$) of those with an absolute monarchy have ruled that there are no exceptions to MAM of 18 years. In addition, countries with a unitary system (37 per cent, $n = 11$) were most likely to establish laws that punish those who are complicit in the marriage of a child under 18 years of age, by either imprisonment and/or fines.

Both Mexico and the United States have federal systems of governance, yet MAM legal reform processes differed between these two countries. In Mexico, in 2014, the federal congress sanctioned a law that defines the rights of children and adolescents, i.e., the General Law on the Rights of Boys, Girls and Adolescents. Article 45 of this law stipulates that federal bodies shall set MAM at 18 years, without exceptions, for both sexes, and urged all states to reform their legislation to incorporate this change.²⁰⁴ Since marriage laws are a competency of each state, it is up to state congresses to adopt MAM legal reform;

thus, this federal law was not directly applicable to the states.²⁰⁵ Over time, states gradually adopted MAM legal reforms in accordance with federal legislation. By the end of 2015, only eight of the 32 states had changed their marriage laws. By 2018, however, 30 of the 32 states had increased MAM to 18 years, without exceptions.²⁰⁶ By 2020, all 32 states changed their marriage laws in accordance with federal legislation, although some states had exceptions to MAM of 18 years.²⁰⁷ Legal reform processes varied by state but have not been documented in the literature.

In contrast, in the United States, MAM is established by each state and territory, either by statute or common law. The United States does not have a federal law related to age of marriage nor any requirements for states to increase their MAM. In 2022, child marriage remained legal in most US states. In reality, most states allow 16- and 17-year-olds to marry, and a few allow 14-year-olds to marry by means of legal loopholes and exceptions at the state level. By 2022, eight US states had no MAM.²⁰⁸ From 2016 to 2018, more than 20 states had introduced legislation to raise MAM to 18 years; however, by 2023, only ten states had passed laws banning marriage before the age of 18 years.²⁰⁹ These ten states are Connecticut, Delaware, Massachusetts, Michigan, Minnesota, New Jersey, New York, Pennsylvania, Rhode Island and Vermont.

FIGURE 5.2
Successful MAM legal reforms by system of internal governance



Legal Reforms on the Minimum Age for Marriage by Legal System Type

In accordance with international legal frameworks, MAM should be clearly defined in civil, criminal, family, customary and/or religious laws, depending on a country's legal system, to avoid the possibility of marriage under the age of 18 years. Furthermore, no gender disparities or legal loopholes should exist that allow marriage under the age of 18 years, either with parental or judicial consent/approval or other exceptions that can force girls into marriage.²¹⁰ Desk review materials were analysed to explore the relationship between the type of legal system – monolithic and plural – and legal reforms related to MAM. In theory, in countries operating legal pluralism, legal reforms related to MAM are more likely to be viewed as divisive and provocative, making it more difficult to increase MAM to 18 years, with no exceptions.²¹¹

Among the 48 countries/states, those with monolithic legal systems were more likely to succeed at increasing MAM to 18 years than those with plural legal systems. In addition, countries with monolithic legal systems were more likely to establish that there are no exceptions to MAM of 18 years than countries with plural legal systems.

The findings also reveal that countries with plural legal systems were more likely to establish laws that punish those who are complicit in the marriage of a child under 18 years of age, by imprisonment and/or fines, than countries with monolithic legal systems.

In countries with plural legal systems, including customary laws, entering into marriage first through traditional rites and then having it approved by traditional institutions is often a widespread practice. In such cases, there may be customary laws that have an age limit for marriage that differs from MAM defined in national laws (i.e., formal, or civil law).²¹² For instance, in many African countries, in addition to civil or common laws, customary laws need to be taken into account as a component of the national legal framework. Within some plural legal systems in Africa, customary laws are given constitutional recognition as part of the State's law.²¹³

In **Tanzania**, legal pluralism is embodied in legislation that stipulates how non-state legal orders are accommodated by the State and interact with each other.

On the one hand, customary law provides that MAM is the age of onset of puberty (Local Customary Law Declaration Order, Government Notice 279/1963), while, on the other, the Law of the Marriage Act of 1971 sets MAM for girls at 15 years and for boys at 18 years. The Act also states that MAM can be lowered to 14 years by the courts under special circumstances. Under Islamic law, there is no MAM.²¹⁴ Tanzania does, however, comply with CEDAW's Article 2, in that the

BOX 5.3

State Party Obligations to Address *de jure* and *de facto* Discrimination in CEDAW

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- (g) To repeal all national penal provisions which constitute discrimination against women.

Source: CEDAW, Article 2.

Judicature and Application of Laws Act states that, in cases where customary or Islamic law contradict it, statutory law takes precedence. If either customary or Islamic law contradicts the Constitution, then it is null and void as per Article 64(4) of the Constitution.²¹⁵ The Ministry of Community Development, Gender, Women and Special Groups is responsible for children, and has played a significant role in initiating and driving the agenda to raise the legal age of marriage for girls to 18 years. This was done in close cooperation with the Ministry of Constitutional and Legal Affairs, along with other stakeholders and activists working to end child marriage.

In other countries with plural legal systems, Islamic law and civil or common law have different laws related to marriage. For instance, in Trinidad and Tobago, the CEDAW Committee recommended that legislation should be harmonized to eliminate different ages of consent to marriage in the Hindu, Muslim, Christian and Buddhist religions. For instance, the Hindu Marriage Act permits girls to marry at the age of 14 years and the Muslim Marriage Act permits girls to marry at the age of 12 years. The Hindu Women's Organization and the Network of NGOs of Trinidad and Tobago for the Advancement of Women lobbied the government to reform MAM laws, following recommendations from the CEDAW Committee. These efforts, however, were met with resistance from conservative religious groups, particularly Hindu and Muslim religious leaders.

Malaysia also has a plural legal system that recognizes civil and criminal jurisdictions of common law, and Islamic law, which is the jurisdiction of the sharia court in each state. Two sets of laws govern Muslim and non-Muslim marriages.²¹⁶ For non-Muslims, the major statute is the Law Reform (Marriage and Divorce) Act of 1976, whereas marriage for Muslims is governed by Islamic Family Law Enactments or Ordinances of each state.²¹⁷ For the Orang Asli of Peninsular Malaysia and Bumiputera of Sabah and Sarawak, their religion determines which laws they are bound by; in other words, Muslims marry in accordance with Islamic law, and non-Muslims may choose to marry under the Law Reform Act of 1976 or according to customary law. There is no uniform MAM in these laws, which presents several problems in the context of civil, criminal, and Islamic law (Box 5.4).²¹⁸

In general, these findings build on previous research that found that “an important barrier to progress

around child marriage lies in the discrepancy between legislation and actual marriage practices, largely the result of legal pluralism.”²¹⁹ In many countries, legal loopholes in customary, religious and traditional laws are cited as justification for overriding legal prohibitions on age of marriage legislation.²²⁰ Another barrier to enforcing MAM is the absence of marriage registration, which limits the ability to monitor both the implementation of national laws and international treaties related to MAM and the prevalence of child marriage.²²¹

It is notable that existing research has found that “raising the MAM may not be as effective in societies where informal unions are a viable option for young couples, as a drop in the number of formal marriages may be offset by an equal rise in the number of informal unions, leaving child marriage rates unchanged. Banning child marriage could even have negative welfare effects if people in informal unions do not have the same legal benefits or social recognition as those who are formally married. Alternatively, if laws banning child marriage have an expressive function, they may change social norms, reducing the incidence of both formal and informal child marriages.”²²²

Legal Reforms on the Minimum Age for Marriage by Country Income Classification

Among the 48 countries/states, high-income countries were more likely to succeed in increasing MAM to 18 years. Upper-middle and low-income countries were least likely to succeed with legal reforms to increase MAM to 18 years; however, low-income countries and high-income countries were most likely to eliminate exceptions to or legal loopholes in enforcing a MAM of 18 years. In addition, low-income countries were most likely to establish laws that punish those who are complicit in the marriage of a child under the age of 18 years. More research is needed to better understand the relationship between country income classification and MAM-related legal reforms.

BOX 5.4

Malaysia's Plural Legal System and MAM

For non-Muslims, the Law Reform Act of 1976 specifies that MAM is 18 years for boys and 16 years for girls, and all parties under 21 years must obtain parental consent to marry. Girls aged 16–17 years must obtain special permission from the chief minister of their state and apply to the registrar of marriage under the Law Reform Act. Marriage is not allowed if parties are under the minimum age requirement, and any marriage solemnized between persons under the required age is considered void.

Native customary marriage refers to marriages conducted according to the customs of the Orang Asli of Peninsular Malaysia, the Bumiputera of Sabah and Sarawak and Hindu communities. These communities are not subject to the marriage requirements of the Law Reform Act of 1976. The Bumiputera of Sabah and Sarawak and the Orang Asli of Peninsular Malaysia can marry according to custom at an age younger than the statutory minimum age of 16 years for girls and 18 years for boys. There is no requirement for these marriages to be registered; thus, protection of rights under the written legal frameworks may not be available to those marrying under customary law.

Hindu customary marriage is religious in nature and is codified under the Law Reform Act of 1976. Section 11 provides that a marriage between an uncle and his niece is permitted as part of Hindu custom; however, for the marriage to be valid, it must be solemnised in accordance with Section 24 of the Act. Hindu marriages may also involve young brides, as it is customary for young girls and boys to be engaged; however, the Law Reform Act imposes a MAM, and the marriage of anyone under the required age is void.

For Muslims, all state Islamic laws set the age of marriage at 18 years for boys and 16 years for girls. Marriage of anyone under these minimum ages may be allowed with permission from the sharia court. With respect to the minimum age for permission of an underage marriage, the position in each state's Islamic Family Law can differ from the Law Reform Act of 1976. Theoretically, the sharia court may allow a girl aged 11 years or younger to marry after interviewing her and being satisfied that she understands what she is doing and has attained puberty (*baligh*) in accordance with Islamic law. Procedures for Muslim marriage are provided for in each state's Islamic Family Law, but brides and grooms typically make their marriage applications directly to the Registrar of Marriage, Divorce and Reconciliation in their respective districts without going through the sharia court.

Source: Awal, D. N. A. M. and M. A. A. Samuri (2018). "Child Marriage in Malaysia." Working Paper. Malaysia: University of Kebangsaan.

Legal Reforms on the Minimum Age for Marriage by Religious and Cultural Setting

Religious traditions and groups have long been invested in provisions on marriage. In some countries, family law consists of legal norms that govern the formation and internal relations of family units, including rules about marriage.²²³ In other countries, family law does not dictate rules about marriage; rather, marriage laws are defined in civil, common and/or statutory laws. Despite these important differences, it is notable that majority Christian countries were more likely than majority Muslim countries to succeed in increasing

MAM to 18 years. In majority Muslim countries, MAM for girls tends to be lower than that for boys. This finding may be attributable, in part, to the fact that 88 per cent of the majority Christian countries had monolithic legal systems, whereas 42 per cent of the majority Muslim countries had plural legal systems. Furthermore, at least 78 per cent of multi-religion countries succeeded in increasing MAM to 18 years. Successfully increasing MAM to 18 years in multi-religion countries may be challenging, owing in part to the fact that 39 per cent of multi-religion countries have plural legal systems.

The findings also show that majority Christian countries were nearly twice as likely as majority

Muslim countries to eliminate exceptions to or legal loopholes in MAM of 18 years. This is because many Muslim family laws have a MAM below 18 years and offer exceptions, such as parental consent and/or judicial approval and pregnancy, as reasons for allowing children to marry below MAM.²²⁴ Still, 67 per cent of multi-religion countries succeeded in eliminating exceptions to MAM of 18 years. In terms of punishment for child marriage, majority Muslim countries were most likely to establish laws that punish those who are complicit in the marriage of a child under 18 years. It is notable that neither of the majority Buddhist countries had laws that punished those who are complicit in the marriage of children under the age of 18 years. In many countries, underage marriages are simply void or nullified.

In a multi-religion country such as Lebanon, personal status laws can vary across religious communities. In Lebanon, each of the 18 recognized religious groups has its own personal status laws and sets its own rules on the legal age of marriage; thus, there is no unified law on marriage or MAM.²²⁵ Table 5.3 shows MAM for girls and boys set by different Lebanese religious communities as of 2017.²²⁶ It is notable that some religious

communities set MAM at 15 years, whereas other religions allow for the marriage of girls at nine years of age, with exceptions.²²⁷

Legal Reforms on the Minimum Age for Marriage by Fragile and Conflict-affected Status

There are also notable differences in MAM-related legal reforms between countries with a fragile and conflict-affected status and those not in this category. Countries that were not fragile or conflict-affected were twice as likely to succeed in increasing MAM to 18 years than those that were fragile or conflict-affected. Similarly, countries that were not fragile or conflict-affected were more likely to eliminate exceptions to or legal loopholes in enforcing a MAM of 18 years than fragile and conflict-affected countries. In contrast, fragile and conflict-affected countries were more likely to have laws that punish those who are complicit in the marriage of a child under 18 years than countries that are neither fragile nor conflict-affected.

TABLE 5.3
Legal age of marriage in Lebanon, including with exceptions, by religious group

Religion	Legal age of marriage		Exceptions	
	Girls (years)	Boys (years)	Girls (years)	Boys (years)
Sunni	17	18	9	17
Shiite	9	Puberty	Puberty	15
Druze	17	18	15	16
Catholic	14	16	–	–
Greek Orthodox	18	18	15	17
Armenian Orthodox	15	18	14	16
Syriac Orthodox	14	18	–	–
Evangelistic	16	18	14	16
Israeli	12.5	18	Under 12.5	13

Source: OHCHR (undated). *Report on Child Marriage, Early Marriage and Forced Marriage in Lebanon*. Retrieved on 26 June 2023 from: [Report on child marriage, early marriage and forced marriage in Lebanon](#).

Among the deep-dive countries, Mozambique and Pakistan were categorized as fragile and conflict-affected countries by the World Bank Classification of Fragile and Conflict-Affected Situations.²²⁸ In 2019, Mozambique succeeded in increasing MAM to 18 years, without exceptions. The success achieved in Mozambique can be attributed to having support from the UNFPA-UNICEF Global Programme to Accelerate Action to End Child Marriage, which was launched in 2016 and led to the development of the country's national strategy to prevent and combat child marriage.²²⁹ In addition, UN Women supported a legal review of all relevant legal provisions related to marriage, including those in Mozambique's criminal and family codes, and advocated for the introduction of the Prevention and Combat of Premature Unions Act. At the national level, legislators/parliamentarians, government ministries and CSOs organized and coordinated with each other to end child marriage and used the SADC Model Law on Child Marriage to draft the Prevention and Combat of Premature Unions Act.

Pakistan is still in the process of reforming legislation on MAM for girls, a process that has been ongoing

since the early 2000s. These initiatives have been supported by women's rights organizations, as well as the Provincial Alliance to End Early, Child and Forced Marriage, the National Commission on the Rights of the Child (which comes under the aegis of the Ministry of Human Rights), National Commission on Human Rights, National and Provincial Commissions on the Status of Women, Law and Justice Commission of Pakistan and the Women's Parliamentary Caucus, among others (e.g., The Ministry of Law and Justice, Provincial Law Departments and federal and provincial judicial academies). International organizations, including UN Women, UNICEF and UNFPA, have also played a role in supporting CSOs and government partners to advocate for MAM legal reforms. Despite success in Sindh province and introducing a draft bill in the National Assembly that would raise MAM for girls from 16 to 18 years and introduce harsher penalties for those who arrange marriages involving children, advocates of MAM legal reform were met with strong resistance.



SECTION 6

KEY STAKEHOLDERS INVOLVED IN MAM LEGAL REFORMS



National efforts to reform MAM legislation typically require multifaceted and interdisciplinary approaches to bring such provisions in line with regional and global norms and standards. To accomplish effective legislative reform, targeted advocacy and awareness raising have been used to generate widespread public knowledge on the prevalence and negative consequences of child marriage, as well as the importance of banning child marriage with laws that set MAM at 18 years, for both girls and boys, without exceptions or legal loopholes. More targeted advocacy and awareness raising has also been directed at legislators and parliamentarians who can serve as agents of change and champion MAM legal reforms to end child marriage.

In many of the 48 countries/states that successfully increased MAM to 18 years, with no exceptions or legal loopholes, targeted advocacy and awareness raising to mobilize support for the drafting, adoption, dissemination and implementation of MAM laws were adopted as strategies to end child marriage.²³⁰ Once

national legislation is passed it needs to be promoted widely and implemented. This requires capacity development programmes for key stakeholders to understand MAM laws and their implications, as well as the responsibilities of legislators and law enforcement agencies in enacting and upholding MAM laws.

Table 6.1 outlines the broad roles and responsibilities of key stakeholders in legislative reform.²³¹ The list of stakeholders highlights the fact that, across countries, there is a wide range of stakeholders from across sectors and ministries/agencies who have key roles to play and responsibilities in legislative reform processes aimed at ending child marriage. Each of these stakeholders, sectors and ministries/agencies can contribute to legislative reforms and play a key role in promoting change.

Among the 48 countries/states included in this study, successful mobilization of key stakeholders was found to be crucial when it comes to advocating for MAM legal reforms. There have been, however, notable differences across countries in the types of stakeholders

TABLE 6.1
Roles and responsibilities of key stakeholders in MAM legislative reform

Stakeholders	Roles and responsibilities
Parliamentarians and legislators	Play a leadership role in establishing and implementing a legal and policy framework for preventing child marriage and supporting married girls and ensuring legal and policy frameworks are effectively enforced by relevant stakeholders and institutions. Parliamentarians are typically responsible for drafting and introducing MAM laws and debating such laws on the floor of the parliament or assembly. Parliamentarians can also advocate for the adoption, strengthening and implementation of laws and policies related to MAM and child marriage.
CSOs, including women’s rights organizations, youth networks and activists	Play an important role in legislative reform processes through direct advocacy and lobbying of policymakers and decision makers; holding governments accountable to commitments on ending child marriage; mobilizing public opinion and raising public awareness of MAM laws; training key stakeholders, including law enforcement, judicial officials and registrars on legal provisions and their implementation; and implementing programmatic and legal provisions, including support services and legal advocacy for child brides.
Judicial court system	Interpret laws passed by the legislative branch and enforced by the executive branch. Courts are responsible for the administration of justice and may use child-friendly and gender-sensitive legal procedures.

Ministries enforcing the prohibition of child marriage	Implement laws that prohibit child marriage by, for example, appointing public officers as child marriage prohibition officers, committees that prevent child marriage and other bodies established as part of a child protection system.
Ministries of Education	Design, implement, monitor and evaluate educational policies and programmes and ensure that all children have access to free and compulsory primary education and can equally access secondary education without discrimination, even if the student is pregnant and after giving birth to a child.
Ministries of Health and Social Welfare	Protect and promote public health, including sexual and reproductive health rights and social welfare. The health sector is also responsible for the design, implementation, monitoring and evaluation of health policies and social protection, programmes and guidelines.
Ministries of Civil Registration and Vital Statistics	Registers births, marriages and deaths.
Representatives of customary and religious law and justice systems, local chiefs and traditional authorities	Enact customary and religious law in accordance with existing legislation to prevent child marriage.
Other stakeholders	Play roles and have responsibilities in legislative reform processes. These stakeholders include police; administrative institutions; ministries of finance (budgeting to support ending child marriage legislation and policies and anti-child marriage funds); ministries of community development and traditional affairs; ministries of local governments; and the private sector.

engaged in MAM legal reforms and in their roles and responsibilities. For instance, in the United States, the national advocacy group Unchained At Last has been lobbying and advocating across states to end child marriage in the United States, and was at the forefront of the campaigns to end child marriage in Delaware, Minnesota, New Jersey, New York, Pennsylvania and Rhode Island. There was also a National Coalition to End Child Marriage, with a steering committee that brought together a wide range of CSOs and private entities that supported ending child marriage, mainly through legislative advocacy in various states.

More specifically, in Minnesota, to get House File (HF) 745 passed, local advocacy groups, including the Minnesota Nurses Association, Zonta International Club of Minneapolis and ERA Minnesota, partnered with Unchained At Last to form the Minnesota Coalition to End Child Marriage. This coalition also included advocates from several national organizations such as Students Against Child Marriage. The coalition conducted in-depth legal research and spent months lobbying Minnesota legislators to reform MAM laws. By elevating the voices of survivors of child marriage and engaging stakeholders, as well as working with

existing advocates and capitalizing on the organizing power of students, the Minnesota Coalition to End Child Marriage mobilized to compel lawmakers to reform existing laws and create new legislation to end child marriage.²³²

Box 6.1 presents the key stakeholders who were involved in MAM legislative reform in the state of New York and their approach to successful MAM legal reform.

Globally, Plan International and Girls Not Brides have been at the forefront of mobilizing key stakeholders to lobby and advocate for MAM legal reforms across countries. For instance, in Norway, Plan International oversaw a youth-led campaign called the “wedding busters”, which was at the forefront of the push to raise Norway’s MAM to 18 years, with no exceptions,²³³ and helped to mobilize support across Norway for the ban on child marriage. Plan International even organized a youth camp in Oslo where they trained over 50 youth ambassadors to lead sessions around the country about child marriage.²³⁴ The 50 youth ambassadors recruited other young activists to support the campaign, and over 9,400 young people sent letters to their county governor to ask why child marriage

BOX 6.1

Key stakeholders in MAM legislative reform in the state of New York (United States)

Unchained At Last played a pivotal role in lobbying and advocating for MAM legislative reforms in New York. The non-profit group:

- Contracted lobbyists to provide political and strategic advice and to schedule meetings with legislators and their staff to advocate for laws that established a MAM of 18 years, with no exceptions
- Coordinated written and oral testimony for committee hearings of the New York State Assembly and Senate hearings where MAM legislation was being considered
- Organized email campaigns and sign-on letters
- Organized press events called ‘Chain-Ins’ where Unchained At Last staff and volunteers wore bridal gowns and plastic chains on their wrists to protest child marriage
- Published stories and op-eds in newspapers
- Organized public protests in front of the New York State Legislature building to put pressure on legislators to pass legislation that increased MAM to 18 years, with no exceptions
- Pressured the governor of the state to sign the bill that the legislature passed

Unchained At Last’s strategy also included building a diverse coalition of local, state and international organizations that were committed to MAM legal reforms. They rallied together and reached out to every member of the legislature to educate them on the harmful effects of marriage before 18 years and asked them to co-sponsor MAM legislation and to vote yes if the bill was up for vote. Advocates found deeply committed legislators who sponsored and championed Senate Bill A. 3891/S3086, the so-called End Child Marriage Bill. These legislators took all the necessary legislative steps needed to make sure the bill was approved by the New York State Senate and signed by the Governor of New York.

Other key partners and stakeholders included the Naila Amin Foundation; the Tahirih Justice Center; the AHA Foundation; UNICEF USA; Equality Now; Human Rights Watch; Zonta International; the National Association of Social Workers; the Resiliency Foundation; Footsteps; the National Council of Jewish Women in New York; Freedom United; Prevent Child Abuse NY; the Muslim American Leadership Alliance; the New York Coalition Against Domestic Violence; Child USA; Now-NYC; Students Against Child Marriage; the New York Bar Association; the New York Catholic Conference; and Lifeway Network. Religious organizations were also represented in the state-level Coalition to End Child Marriage, including individuals from the Muslim American and Catholic communities, and individuals from ultra-orthodox communities.

was allowed in Norway. The campaign received media coverage (newspapers, TV and radio) and spread across social media; as a result, major political parties announced their support for a MAM of 18 years, with no exceptions.²³⁵

Similarly, in the Philippines, Plan International²³⁶ supported a youth-led movement to end child marriage under the aegis of its Girls Get Equal campaign against child, early and forced marriage. At the national level, young people were mobilized to join the national conversation with legislators and other CSOs to end child marriage, and they launched the #ENDChildMarriage

campaign. At the local level, young people mobilized to advocate for local ordinances to prohibit *Kasal Katipunon*, a traditional wedding ceremony practised by indigenous people’s groups in Occidental Mindoro that allows child marriage. Young people also held discussions with indigenous elders about the negative consequences and impacts of early marriage on girls and the importance of prohibiting child marriage.

In the Philippines, there was also significant coordination among the Legislative Committee on Population and Development;²³⁷ the Commission on Population and Development; the Commission on Human Rights;

the Philippine Commission on Women; the Council for the Welfare of Children; the Department of Social Welfare and Development; the Department of Health; the Department of Education; the Department of Justice; and the Department of Interior and Local Government. In the legislative branch of government, there was also support from the Senate Committee on Women, Children, Family Relations and Gender Equality, and the Committee on Welfare of Children. Among CSOs, there was support from Child Rights Network Philippines; Al-Mujadilah Development Foundation; United Youth of the Philippines-Women; Maguindanao Alliance of Youth Advocates; Linding Ko Kalombayan; and #GirlsDefendersAlliance. International organizations, such as Oxfam, UNFPA, UNICEF and UN Women also supported increasing MAM to 18 years without exceptions.

In Kyrgyzstan, advocacy efforts to increase MAM to 18 years and to eliminate exceptions were led by CSOs. For instance, one CSO held a photo exhibition and published a brochure entitled 'Early Marriages: Minuses without Pluses'. CSOs also led research and legal reviews on child marriage and organized a conference on child marriage and the need for MAM legal reforms, after which appeals to increase MAM and end child marriage were sent to Parliament. Parliament held public meetings with the involvement of a wide range of participants from government agencies,²³⁸ CSOs and religious institutions (e.g., Spiritual Board of Muslims). There were also public campaigns in the media. The United Nations Development Programme (UNDP) facilitated the MAM legal reform process under the aegis of its project 'Promoting democracy and stability in Kyrgyzstan through an improved legal mechanism', which included the component 'Support for implementation of the law on prohibition of child marriage rites'. Parliamentarians who were champions of raising MAM to 18 years of age drafted a bill and amendments to the Family Code to increase MAM to 18 years, as well as amendments to Article 155 of the Criminal Code, which created a legal basis for the punishment of adults who perform marriage ceremonies involving minors.

Similarly, in Malawi and Mozambique, a wide range of key stakeholders were engaged in advocating for MAM legal reforms (Box 6.2).

In Tanzania, UNFPA, UNICEF, UN Women, Plan International, the Tanzania Gender Networking Programme and the Tanzania Ending Child Marriage

BOX 6.2

Key stakeholders in MAM legal reforms in Malawi and Mozambique

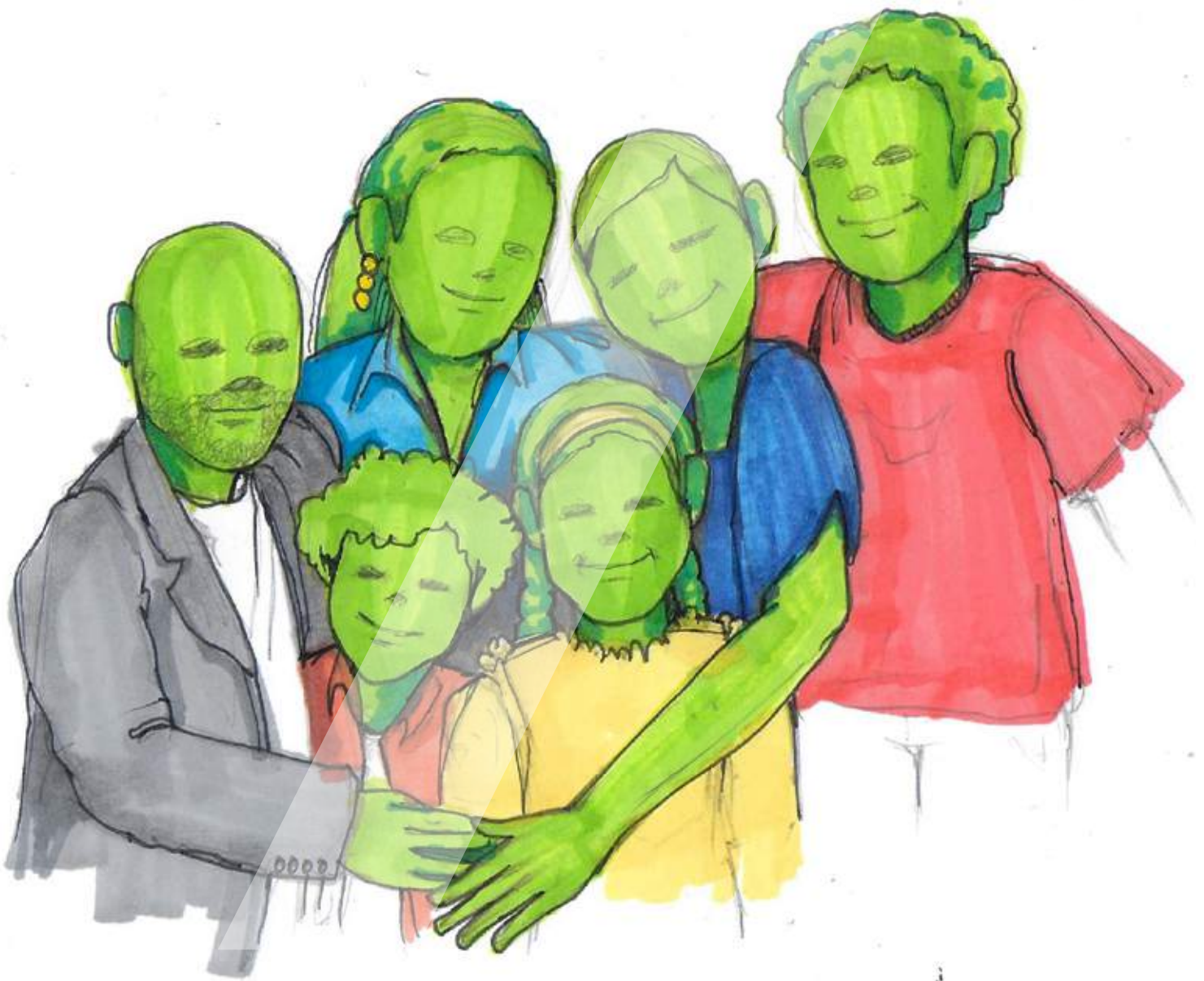
Malawi: The main stakeholders engaged in increasing MAM included the Ministry of Gender, Children, Disabilities and Social Welfare; Ministry of Justice and Constitutional Affairs; Ministry of Education; Ministry of Health; Malawi Human Rights Commission; Malawi Law Commission; Legal Affairs Committee of Parliament; and Social Affairs Committee of Parliament. Other key stakeholders included UN Women, Girls Not Brides and the Civil Society Network on Child Rights, as well as youth groups.

Mozambique: The main stakeholders engaged in increasing MAM included the Assembly of the Republic of Mozambique; Ministry of Gender, Child and Social Action; Ministry of Justice; and Ministry of Youth. Fórum da Sociedade Civil para os Direitos da Criança and the Coalition for the Elimination of Child Marriages (a coalition of national and international CSOs working to end child marriage) were also involved. International organizations included UNICEF; UNFPA; UN Women; the United Nations Educational, Scientific and Cultural Organization; Plan International; Save the Children; and Oxfam. There was also support from embassies and government agencies for development from Canada, Sweden and the Netherlands.

Network advocated for women and children's rights, including an end to child marriage and the strengthening of child protection systems.²³⁹ It is notable that UN Women provided technical and financial support to the Ministry of Constitutional and Legal Affairs, the Tanzania Women's Parliamentary Group and Msichana Initiative to advocate for a review of the Law of Marriage Act of 1971, as recommended by the CEDAW Committee.²⁴⁰

SECTION 7

COUNTER-MOBILIZATION AGAINST LEGAL REFORMS



Across the world, efforts to increase MAM for girls to 18 years of age has led to counter-positions against such legal reforms. In Africa, some, but not all, countries where religious or traditional institutions enjoy constitutional authority have stirred counter-mobilization activity against legislating for a MAM of 18 years, without exceptions.²⁴¹ For instance, as a plural legal system, Mozambique has civil and customary laws, and MAM is codified in family law. Codified laws create a centralized legal power structure where the political battle is over interpretation of the law and conservative segments of society with the power to influence public opinion (i.e., religious leaders, government officials and parliamentarians) have defended the tradition of child marriage.

Similarly, in Kyrgyzstan, there was resistance from some religious leaders and CSOs who supported traditional practices of bride kidnapping and child marriage, particularly for girls who become pregnant before 18 years of age. The main arguments put forth were that child marriage was a practice of Islam and a tradition in Kyrgyzstan, and that in individual cases there is sometimes a need to marry girls before 18 years of age because of pregnancy and the difficult socioeconomic circumstances of the family. Over time, through public discourse and pressure, as well as an active information campaign, religious figures were able to come to an agreement on MAM legal reforms, ultimately increasing MAM to 18 years, without exceptions.

In predominantly Muslim contexts, legal reforms have often been met with resistance or opposition from conservative Islamic groups, including religious leaders who claim that, according to Islam, marriage of the girl child can occur at the age of puberty, which can be as young as nine or 10 years of age. For instance, in Pakistan, efforts to reform MAM for girls to 18 years, without exceptions, were met with resistance from religious, conservative members of society, including religious leaders and party members, but particularly from the Council of Islamic Ideology, which aims to uphold traditional and religious practices and tribal norms. These groups argued that a MAM of 18 years for girls would go against Islamic teachings and could not be implemented in an Islamic republic such as Pakistan (Box 7.1).

BOX 7.1

Counter-mobilization against MAM legal reforms in Pakistan

Pakistan: In 2014, the Council of Islamic Ideology, a constitutional body that gives advice to Parliament on the compatibility of laws with sharia, rejected the proposed Child Marriage Restraint (Amendment) Bill of 2014 on religious grounds, stating that legislation to ban child marriage was “un-Islamic” and “blasphemous.” Clerics on the Council objected to MAM requirements, arguing instead that girls as young as nine years of age should be eligible for marriage if the signs of puberty are visible.²⁴²

In 2016, a second bill was introduced to raise MAM for girls from 16 to 18 years and call for harsher penalties for those who arrange marriages involving children.²⁴³ The bill was withdrawn after meeting resistance from the Council of Islamic Ideology, which again declared the bill “un-Islamic” and “blasphemous.”²⁴⁴

In 2018, yet another bill was introduced to the Senate Committee on Human Rights that suggested amendments to the Child Marriage Restraint Act of 1929. The bill seeks to completely ban marriage before the age of 18 years.²⁴⁵ In 2019, the Senate Committee on Human Rights unanimously passed the bill to raise MAM from 16 to 18 years as an amendment to the Marriage Restraint Act of 1929.²⁴⁶ Parliament, however, still needs to approve the bill before the new age restrictions can take effect.²⁴⁷

In 2019, a politician from the Pakistan Muslim League Party withdrew the bill after the Council of Islamic Ideology dubbed the bill “blasphemous.” The Council of Islamic Ideology rejected the proposed bill on purely religious grounds, as the Council chairman said the bill contradicted Islamic teachings.²⁴⁸ Girls Not Brides cited the religious body as an obstacle to reform.

In response, some parents began marrying off their children without public announcements, while others reportedly changed their child’s age on their birth certificates to circumvent the draft bill, if enacted.

BOX 7.2

Potential challenges in setting MAM of 18 years in Muslim contexts

Below are common arguments put forth by many conservative clerics, Islamist activists and even government officials opposed to attempts to set or raise MAM. These arguments are then used by governments to justify reservations about treaty provisions and failure to implement international legal obligations that respect the rights of girls and women to choose if, when and who they marry:

- Setting MAM at 18 years is un-Islamic because it goes against the practice of the Prophet Muhammad, who married Aishah when she was six years old and consummated the marriage when she reached puberty at the age of nine. Muslims must follow the Sunnah (practice) of the Prophet; thus, any effort to outlaw child marriage goes against the teachings of Islam.
- Sex outside marriage is forbidden in Islam. Since humans develop sexual urges at puberty, early marriage is the Islamic solution to deal with natural sexual desire. Marriage should be allowed when a girl reaches puberty in the belief that, when a girl menstruates, she is sexually mature and therefore ready for marriage.
- Men and women are created to be attracted to one another. For Muslims living in societies where there is no or little gender segregation and where they are continually exposed to sexual promiscuity in the media and larger society, early marriage ensures that sex happens only within marriage.

These arguments are expressed in prescriptive religious terms and are based on outdated patriarchal and cultural prejudices and practices, which merely seek to keep existing unequal gender systems and power relations intact.

Source: Musawah, Global Movement for Equality and Justice in Muslim Family, Report to be written pursuant to HRC Resolution A/HRC/RES/24/3 on child, early and forced marriage, 2013. Retrieved on 26 June 2023 from: [Child Marriage for OHCHR Dec13 2013](#).

These findings reinforce those laid out by Musawah, a global movement for equality and justice in the Muslim family, which highlighted the fact that campaigns to reduce the practice of child marriage and promote setting MAM at 18 years often have to deal with conservative Muslim arguments and resistance (Box 7.2).

Prior research has found that gender law reforms often meet resistance, and some gender status issues meet more resistance than others. Counter-mobilization by religious and traditional actors is more likely to take place if the gender status issue is doctrinal, i.e., contradicts the explicit doctrine, codified tradition or sacred discourse of the dominant religion or cultural group.²⁴⁹ Religious and traditional counter-mobilizing actors are often lumped together as forces inhibiting gender law reform; however, some scholars contend that the nature of family law, specifically whether the law is codified or uncodified,

are more powerful factors in explaining the presence or absence of counter-mobilization.²⁵⁰

Efforts to reform MAM laws have also been met with resistance in countries with pluralistic legal systems that have either Islamic law and/or a Muslim Marriage Act (e.g., Philippines, Tanzania and Trinidad and Tobago). In these countries, conservative Islamic groups and leaders have issued claims that, according to Islam, marriage of the girl child can occur at the age of puberty. For instance, in the Philippines, child marriage was allowed in Muslim communities under the Code of Muslim Personal Laws (Presidential Decree 1083), which was deemed 'unrepealable' due to a provision stating that any contradictory law will not lead to amendments to the Code of Muslim Personal Law. Opposition to MAM legal reforms came from the Commission for Muslim Filipinos and some legislators from the Bangsamoro Transition Authority of the Bangsamoro Autonomous Region in Muslim

BOX 7.3

Counter-mobilization against MAM legal reforms in Sierra Leone

Sierra Leone: Although the Ministry of Social Welfare played a central role in the enactment of the Child Rights Act of 2007, many government officials and civil society actors believe that the legislation came about as a result of international pressure and was not the product of an organic, domestic political movement. Although the process for developing the Child Rights Act included substantial participation of national stakeholders, critics claimed that the Act was “pushed through” the Sierra Leonean legislature by international organizations at the same time that nearly identical laws were passed in legislatures in neighbouring countries. As a result, the Child Rights Act has been criticized as a product of foreign interests that does not represent the independent will and efforts of domestic leaders. It was argued that the central government had been less inclined to enforce the Child Rights Act.

Source: Based on analysis of data generated from the study questionnaire, 2022.

Mindanao (BARMM). These entities appealed to the President of the Philippines to stop the implementation of Republic Act No. 11596, known as the Act Prohibiting the Practice of Child Marriage and Imposing Penalties, on the grounds that it contradicted Islamic teachings and the Code of Muslim Personal Laws, and infringed on the right to practice religion and the autonomy of the BARMM. Muslim leaders in Mindanao argued that child marriage was an integral part of their culture.

Counter-mobilization against MAM legal reforms must be met with greater mobilization, awareness raising, lobbying and advocacy by international and national advocates of MAM legal reforms. Strong feminist movements and feminist activism, and youth-led movements, can effectively push back against counter-mobilization efforts when it comes to MAM legal reforms. This is particularly the case if they are successful at mobilizing allies, raising awareness and successfully using international and regional agreements and conventions as leverage to influence legislation and policymaking related to gender equality, non-discrimination and women’s and children’s rights.²⁵¹



SECTION 8

GOOD PRACTICES USED FOR MOBILIZING SUPPORT FOR MAM REFORMS



Introduction

Globally, efforts to raise MAM for girls to 18 years has required the mobilization of support for legal reforms and countering resistance and opposition. As discussed in section 7, there are a wide range of stakeholders who have mobilized and advocated for MAM legal reforms within and across countries, and some of these efforts have been successful. Globally, UNFPA, UNICEF and UN Women, along with their national partners, have been at the forefront of mobilizing support for MAM legal reforms and advocating for an end to child marriage, and have provided technical expertise to governments and civil society to increase MAM for girls to 18 years, without exceptions.

There is no one approach or model for mobilizing support for MAM legal reforms, either globally or at a national level, but evidence shows that strategic, multi-pronged approaches to legal reform have proven successful. This comparative study revealed a multitude of good practices for effectively legislating for MAM legal reforms to accelerate efforts to end child marriage. Good practices that have proven successful across countries are presented below.

Awareness-raising Campaigns to Mobilize Support for Legal Reforms on the Minimum Age for Marriage

Awareness-raising campaigns are an important strategy. In most countries, the focus has been on raising awareness of the practice of child marriage and the negative consequences it entails, particularly for girls who are married before 18 years of age, as well as the need to increase MAM to 18 years for girls, without exceptions, in order to end the practice of child marriage. Awareness-raising campaigns have successfully been used to mobilize public support to end child marriage. In 2019, during the United Nations General Assembly, as part of a campaign dubbed ‘Hands Off Our Girls!’, Africa’s First Ladies called for an end to child marriage and other forms of human rights violations that affect girls. The First Lady of Sierra Leone led the delegation to the United Nations General Assembly and recalled her personal experience with forced early marriage.²⁵²

Box 8.1 presents examples of different types of awareness-raising campaigns for MAM legal reforms and ending child marriage in three of the deep-dive countries: Kyrgyzstan, Mexico and Trinidad and Tobago.

BOX 8.1

Awareness-raising campaigns in Kyrgyzstan, Mexico and Trinidad and Tobago

Kyrgyzstan: Extensive public hearings were held with the involvement of a wide range of participants, including government agencies, CSOs and religious figures. Only through public awareness-raising campaigns that involved the media, public discussions and debates in parliament was it possible to overcome strong resistance and encourage religious figures to support MAM legal reforms.

Mexico: In November 2015, to mark the International Day for the Elimination of Violence against Women and 16 Days of Activism, the United Nations launched the campaign ‘*De la A (Aguascalientes) a la Z (Zacatecas), México Sin Unión Temprana y Matrimonio de Niñas en la Ley y en la Práctica*’ (‘From A (Aguascalientes) to Z (Zacatecas), Mexico Without Early and Child Marriage in Law and Practice’), which aimed to positively influence the lives of girls and women by developing and implementing legal reforms and public policies with the aim of preventing and eliminating early marriage and unions for girls.²⁵³ The campaign helped to spread awareness of the situation of early union and child marriage in Mexico.²⁵⁴ The campaign also contained a call for action for all states, “from A (Aguascalientes) to Z (Zacatecas),” to carry out legislative reform to ensure state laws related to age of marriage complied with international standards of establishing a MAM of 18 years, without exceptions. The campaign also included the challenge of generating comprehensive public policies for education and social protection that addressed the structural causes of inequality, poverty and discrimination towards girls, which contribute to early marriage and union for girls.²⁵⁵

Trinidad and Tobago: The Ministry of Gender, Youth and Child Development funded the Hindu Women’s Organization to lead public discussions, which engaged women influencers from the Christian, Hindu, Muslim and Baptist religions. The event was broadcast on State television, resulting in expanded outreach and activism and engagement with other proponents of an increase in MAM for girls to 18 years, without exceptions.

Source: Based on analysis of data generated from the study questionnaire, 2022

Research, Publications and Press Releases

Much focus has been placed on producing researched publications and press releases on the prevalence and negative consequences of child marriage, coupled with the benefits of increasing MAM to 18 years, without exceptions. For instance, in Malawi, one NGO produced a publication entitled ‘I Will Marry When I Want’, which contained girls’ voices and their opinions, ideas and views about child marriage. Similarly, in Trinidad and Tobago, the Hindu Women’s Organization published a booklet entitled ‘Rejecting Violence Against Women’, which addressed the negative effects of early and forced marriage on girls. It also published several press releases in daily newspapers, expressing support for changes to the Marriage Acts of Trinidad and Tobago. The Hindu Women’s Organization soon realized that a much stronger approach was needed to encourage the public to think more deeply about the negative consequences of child marriage on girls; thus, it developed a more coordinated campaign to increase MAM for girls and end child marriage. The Institute for Gender and Development Studies in Trinidad and Tobago was also at the forefront of calls for MAM legal reforms and held a public forum to widen the discussion.

Box 8.2 offers an example of how research was used in Kyrgyzstan to document the implementation and enforcement of MAM laws in the country, and how research informed evidence-based recommendations for improving the legislation and judicial practices related to enforcing MAM laws.

Social Media Campaigns and Petitions to End Child Marriage

CSOs and activists have used social media as a tool to raise awareness and advocate for increasing MAM for girls to 18 years, without exceptions. In some countries, CSOs have used social media to organize online petitions that call for governments to immediately end child marriage and amend or repeal legislation and policies to increase MAM to 18 years, without exceptions. Social media campaigns have been introduced at the global level, such as #EndChildMarriage and #HandsOffOurGirls, as well as at national levels, such as #NotBefore18 (Morocco) and #GirlDefendersAlliance (Philippines). In Malawi,

BOX 8.2

Research on implementation of MAM laws in Kyrgyzstan

Kyrgyzstan: Two CSOs obtained statistics on more than 200 criminal cases filed under Article 155(1) of the Criminal Code, which bans child marriage and introduced criminal sanctions, including imprisonment, for people who conduct or facilitate the marriage of a child under the age of 18 years and/or bride kidnappings. A legal analysis of criminal cases was conducted to reveal the challenges faced by law enforcement agencies when it came to enforcing Article 155(1) of the Criminal Code. A second study was conducted that focused on judicial practices in criminal cases related to violations of MAM law. This research helped to reveal challenges and barriers related to the enforcement of Article 155(1) of the Criminal Code, as well as expose hidden cases of sabotage by certain law enforcement officers who allowed individuals to evade responsibility for child marriage and bride kidnappings. These studies led to evidence-based recommendations for improving the legislation and judicial practices related to enforcing MAM laws.

Sources: Based on analysis of data generated from the study questionnaire, 2022.

CSOs organized a text message campaign to end child marriage that targeted parliamentarians.

Youth-led Movements to End Child Marriage and Increase the Minimum Age for Marriage to 18 Years for Girls

Globally, Plan International has been at the forefront of mobilizing youth-led movements to lobby and advocate for legal reforms to MAM across countries. Youth-led movements have also been organized at the national level by coalitions and networks of CSOs. Box 8.3 presents examples of youth-led movements in Malawi and the Philippines, and the impact they had on support for MAM legal reforms.

BOX 8.3

Youth-led movements to end child marriage in Malawi and the Philippines

Malawi: The Girls Empowerment Network (GENET) mobilized girls around the issue of advocating for an end to child marriage. GENET built the capacities of girls and created platforms for girls to interact with policymakers and traditional leaders and encourage them to support an end to harmful cultural practices that drive the practice of child marriage.

Philippines: Plan International supported a youth-led movement to end child marriage under the aegis of its Girls Get Equal campaign against child, early and forced marriage. Young people were mobilized to join the national conversation with legislators and other CSOs to end child marriage, and they launched the #ENDChildMarriage campaign and an online petition to end child marriage. At the local level, young people mobilized to advocate for local ordinances to prohibit *Kasal Katipunan*, a traditional wedding ceremony practised by indigenous people's groups in Occidental Mindoro that allows child marriage. Young people also held discussions with indigenous people's elders about the negative consequences and impacts of early marriage on girls, and the importance of prohibiting child marriage. The youth-led movement was successful because it included the meaningful involvement of girls and young women from communities that practice child marriage, who were able to talk about the importance of ending child marriage by increasing MAM for girls to 18 years, without exceptions. The youth-led movement joined forces with the #GirlDefendersAlliance, a national network of CSOs, legislators and government champions who were working together to end child marriage. Young people also delivered compelling speeches against child marriage at Association of Southeast Asian Nations (ASEAN) regional forums and at celebrations of the International Day of the Girl Child and engaged with their communities through the Youth Reporter Project via community radio.

Coalitions that Lobby Legislators and Parliamentarians and Advocate for Reform on the Minimum Age for Marriage

In this area, the focus has been on establishing coalitions that are able to lobby legislators and parliamentarians, informing them of the negative consequences of child marriage and encouraging them to support legislative reforms to increase MAM to 18 years, without exceptions, to end child marriage by introducing legislative reforms and/or voting yes to support such legislative reforms. Such advocacy and lobbying activities are often time-consuming. Box 8.4 presents the different approaches that coalitions in Pakistan, the Philippines and the United States took to lobby legislators and parliamentarians for an increase in MAM for girls to 18 years, without exceptions.

Coalitions that Lobby Government Ministries and National Commissions and Advocate for Reforms

The creation of coalitions that can lobby relevant ministries (e.g., ministries of legal affairs and justice, ministries of gender) and national commissions (e.g., national commissions on women and children and child protection) has encouraged them to support legal reforms to increase MAM to 18 years, without exceptions. Coalitions have also highlighted incongruities that exist in national laws and/or between civil, customary and religious laws that sanction the marriage of underage girls.

Box 8.5 explains how national commissions in Pakistan were involved in advocating for MAM legal reforms and how coalitions in Trinidad and Tobago lobbied the government to bring about legislative and policy reforms to end child marriage.

BOX 8.4

Advocacy work with legislators/parliamentarians in Pakistan, the Philippines and the United States

Pakistan: Women’s rights organizations in Pakistan began working on this issue by scrutinizing legislation on the subject and laws that define “child”. In the late 1990s and early 2000s, women parliamentarians actively joined hands with CSOs. The Women’s Parliamentary Caucus (WPC), established in 2008, has played an important role in advocating against child marriage and promoting legal reforms to increase MAM for girls to 18 years. Legal aid and research institutions actively supported the Women’s Parliamentary Caucus and women parliamentarians to prepare research briefs and talking points that were used in their awareness-raising sessions on the importance of increasing MAM for girls to 18 years, without exceptions or legal loopholes. The Women’s Parliamentary Caucus’s advocacy was successful in using information and awareness-raising campaigns to garner support from some male parliamentarians. One of the effective strategies used to counter arguments set forth by those who opposed increasing MAM for girls to 18 years was to address the issue of child marriage using medical arguments (i.e., that child marriage results in early pregnancy and childbirth, which is the leading cause of fistula cases among girls and contributes to maternal morbidity and mortality). The government recognized that it was important to educate the public on the harmful effects of early-age marriage on the health and well-being of young girls.

Philippines: The Philippine Legislators’ Committee on Population and Development (PLCPD) conducted research, developed social media and communications campaigns and worked to develop alliances to end child marriage. PLCPD developed key messaging that helped decision makers and key stakeholders to understand the negative consequences of child marriage and the need to end this harmful practice in the Philippines. PLCPD also worked one-on-one with legislators to advocate for legislation to end child marriage. Its aim was to influence both national and local legislators to garner support for legislative and policy reforms to increase MAM for girls to 18 years, without exceptions.

United States: Unchained At Last is dedicated to ending forced and child marriage in the United States through direct services and advocacy. Unchained At Last has led the way, in partnership with other CSOs and private foundations, to lobby state legislators and advocate for increasing MAM to 18 years, without exceptions. Unchained At Last even contracted lobbyists to provide political and strategic advice, and to schedule meetings with legislators and their staff to advocate for laws that establish 18 years as MAM, with no exceptions. A part of Unchained At Last’s strategy has been to educate lawmakers and the public about the true extent of child marriage in the United States, and how marriage laws that allow for the marriage of children under 18 years of age harm children. Unchained At Last has also organized rallies in state capitals to end child marriage and engaged former child brides in these rallies to raise awareness. It also encourages people at the grass-roots level to reach out to lawmakers and submit written and oral testimony at hearings that detail the extent of child marriage and illustrate the current problems with state laws. Unchained At Last also lobbies state governors to sign bills that end child marriage.

In the state of New York, Unchained At Last’s strategy was successful, in part, because it engaged a coalition of national and state organizations that came together to advocate for the End Child Marriage Bill. Moreover, they successfully lobbied legislators and their staff on a weekly basis over a four-month period and had some legislators co-sponsor the End Child Marriage Bill. Through lobbying and advocacy, Unchained At Last was able to find deeply committed legislators who sponsored and championed Senate Bill A. 3891/S3086 and encouraged the state governor to sign the bill into law.

Source: Based on analysis of data generated from the study questionnaire, 2022.

BOX 8.5

Coalitions that lobby and advocate for reform in Pakistan and Trinidad and Tobago

Pakistan: The National Commission on the Status of Women is responsible for reviewing laws and recommending amendments to ensure that they uphold women's rights. Increasing MAM for girls from 16 to 18 years is one of the legal reforms that the commission has advocated for. In addition, the Law and Justice Commission prepared draft legislative proposals on the subject, which were placed before Parliament and provincial legislatures for enactment. The draft legislation was grounded in research on child marriage and widely discussed and debated by members of the Federal Judicial Academy, including judges, prosecutors and attorneys.

Trinidad and Tobago: The Hindu Women's Organization presented to the Ministry of Legal Affairs a petition including 1,000 signatures to increase MAM to 18 years. Based on inputs from the Child Protection Task Force, it was able to highlight incongruities that existed in national laws that allowed religion to sanction the marriage of underage girls. The group also highlighted incongruities between marriage laws and the Sexual Offences Act (Act 13 of 2021), which stipulates that sexual activity with an underage girl constitutes statutory rape. The chief justice eventually spoke out about child marriage and called for change.

Source: Based on analysis of data generated from the study questionnaire, 2022.

Supporting Civil Society and Government Partners to Advocate for Legal Reforms on the Minimum Age for Marriage

Globally, CSOs and government partners have played pivotal roles in increasing MAM for girls to 18 years, without exceptions. In many countries, CSOs and government partners have formed coalitions or networks that work to raise awareness, campaign, lobby and advocate for the repeal of or amendment to marriage laws that allow marriage of girls before 18 years of age. These groups have also advocated for adequate budgets to strengthen implementation and monitoring of MAM laws, and to ensure perpetrators of child marriage are punished. UNDP, UNICEF, UNFPA and UN Women have been at the forefront of supporting CSOs and government partners to advocate for MAM legal reforms and effective implementation of marriage laws that end the practice of child marriage. Box 8.6 presents examples of how United Nations organizations have been involved in providing support and expertise to national partners in Kyrgyzstan and Mozambique to increase MAM.

Give Child Brides a Voice to Speak Out, Amplify their Voices and Advocate for Legal Reforms on the Minimum Age for Marriage

Across countries, movements to end child marriage have given former child brides a voice and empowered them to advocate for an end to child marriage by increasing MAM to 18 years, without exceptions. Globally, former child brides have been at the forefront of global and national campaigns to end child marriage in their roles as civil society leaders, legislators/parliamentarians, and government representatives. They have given written and oral testimony at public hearings on the negative consequences of child marriage, and their ability to speak from personal experience has had a meaningful impact. For instance, in Pakistan and the USA some of the individuals involved in pushing for MAM legal reforms were themselves married as young girls, so they understood the repercussions of child marriage and could speak from experience.

BOX 8.6

United Nations involvement in ending child marriage in Kyrgyzstan and Mozambique

Kyrgyzstan: UNDP implemented a programme dubbed ‘Promoting democracy and stability in Kyrgyzstan through an improved legal mechanism’, which included a component on implementation of the law on prohibition of child marriage rites. In 2016, this programme succeeded in introducing a new article to the Criminal Code that prohibited religious-sanctioned marriages to minors. The programme also helped national partners to promote the implementation of new legislation that prohibits child marriage.

Mozambique: The UNFPA-UNICEF Global Programme to End Child Marriage (GPECM) provided technical support, advocacy, key messages and financial support to government and civil society partners to carry out legal reforms related to MAM. Under the aegis of GPECM, UNFPA and UNICEF also supported the government to develop, endorse and implement a costed national strategy to prevent and combat child marriage. In addition, UN Women supported a legal review of legislation related to marriage and family and supported the introduction of the Prevention and Combat of Premature Unions Act. Both GPECM and UN Women provided support to government and civil society partners, and parliamentarians, to support MAM legal reforms. The Children’s Parliament was also capacitated to join the movement to amend MAM and eliminate legal loopholes. In 2017, a taskforce was formed to draft a separate law on child marriage, titled the Draft Law to Prevent and Combat Premature Unions. The Draft Law provided integrated protection to children to fight against premature marriages, criminalized informal unions and created sanctions to ensure accountability for acts of child marriage. In 2019, the Prevention and Combat of Premature Unions Act was adopted by Parliament.

Source: Based on analysis of data generated from the study questionnaire, 2022..

BOX 8.7

Ten Tips for Successful Advocacy and Law Reform

1. Stories change minds.
2. It is up to you to champion the bill, but you will not be alone.
3. Introduce the strongest bill.
4. Listen to what legislative leadership needs to move the bill forward.
5. Get help from friends.
6. You need a coalition.
7. Be prepared.
8. Be patient, and, at the same time, communicate urgency.
9. Relationships Matter.
10. Timing Matters.

Source: Carol Ode, House of Representatives, Vermont. During the Virtual Launch of this Report on 18th July 2023.

SECTION 9

RECOMMENDATIONS FOR ADVANCING LEGAL REFORMS ON THE MINIMUM AGE FOR MARRIAGE



Building on the overall findings, as well as the importance of mobilizing support for MAM legal reforms to end child marriage, important lessons can be learned from this comparative study in efforts at ending child marriage. Based on these lessons, 11 recommendations are suggested to stakeholders involved in such reform processes. It is to be noted that these recommendations are aimed specifically at addressing gaps in the law, rather than at addressing all the root causes of child marriage. Therefore, inherent in these recommendations is the important need to tackle child marriage in a holistic and integrated manner.

TO GOVERNMENTS, CSOS, DONORS AND THE UNITED NATIONS SYSTEM:

I. Conduct national in-depth studies on the causes and consequences of child marriage, and gender analyses of legislation related to the age of marriage, sexual consent and sexual offences

Countries that are contemplating reforms should conduct in-depth national studies on the root causes and consequences of child marriage, including an analysis of the situations in which child marriage occurs and of the population groups most affected. Critical to this situational analysis should be a gender analysis of legislation related to the age of marriage, sexual consent and sexual offences, to understand how such provisions or laws are aligned, punishment regimes and other penalties, what laws need to be repealed and/or amended to end the legalization of child marriage, without exceptions, and how laws in general (e.g., constitutions, family codes, criminal codes, children's codes) need to be reviewed, amended or repealed to eliminate conflicts and inconsistencies across legislation. This recommendation is addressed to governments, civil society organizations (CSOs), donors and the United Nations system because each of these groups play a role in building the evidence-base in support of law reform. For example, governments do so when submitting State Party Reports to Treaty Bodies, CSOs when involved in preparing and submitting shadow reports to such bodies, and donors and the United Nations System conduct situation analysis as a basis for prioritizing their development assistance.

II. Develop positive messaging related to MAM legal reforms to end child marriage

Positive messages should be developed regarding the content of the legal reforms, with a focus on fully protecting girls and adolescents, and a vision of creating opportunities for adolescents to achieve their full potential. Positive messages should be adapted for different groups, such as messages geared towards populations and territories where child marriage is most prevalent, and messages focused on gender and human rights. It is important that messaging helps the public to appreciate children and adolescents as rightsholders—that is people with the right to make free and informed decisions on issues that affect them directly, based on their evolving physical, intellectual and emotional maturity.

III. Establish national monitoring systems to gain an understanding of progress being made in applying legislative reforms to end child marriage

Monitoring can be used to ensure that legislative reforms are being effectively implemented and are having a significant impact on ending child marriage. National monitoring should track the proportion of women aged 20–24 years who were married or in a union before the age of 15 years and below the age of 18 years (SDG indicator 5.3.1). In addition, national monitoring should track the number of reported incidents of child marriage, the number of police reports related to underage marriage and the number of court cases related to violations of

MAM. Data related to indicators should be disaggregated by sex, age and other relevant factors (e.g., disability, ethnicity, religion, wealth quintile).

IV. Leverage the power and networks of women and men leaders at all levels and support them with the resources they need to serve as champions and advocates in support of MAM reforms

Engaging women and men leaders as agents of change and champions of MAM reforms is crucial because they can use their positions and political and social capital to advocate for and support increasing MAM for girls to 18 years, without exceptions. The most effective strategies involve capacitating politically empowered women and men to have an awareness of human rights and the international legal frameworks related to ending child marriage that their government is a signatory to (e.g., Convention on the Rights of the Child (CRC) and Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)). This requires the design of special sensitization programmes for legislators, sector ministers, traditional and religious leaders, student leaders, the private sector and other groups to sensitize them on the impact of child marriage on girls and comparative developments across the world. Such leaders also have an important role to play in raising awareness among constituents of the need to end child marriage through effectively legislating for MAM and enforcing MAM laws.

TO GOVERNMENTS:

V. Take action to reform and enact MAM laws that end child marriage

Governments are ultimately responsible for creating national legal regimes that are consistent with regional and international standards which they have ratified, and this includes targeted action to end child marriage. It requires a strategic plan that guides the use of evidence-based strategies and good practices to bring about legislative reforms related to MAM laws and the effective enforcement of such laws to end child marriage. Strategic action can include conducting quantitative and qualitative research on child marriage and using the findings to develop evidence-based policy and legislative reforms to increase MAM for girls to 18 years, without exceptions, and implementing a comprehensive awareness-raising programme on the negative effects of child marriage on girls and the benefits of MAM legal reforms in both theory and practice. Strategic action needs to be coordinated to achieve results. It also requires the participation of and consultations with a wide range of stakeholders and beneficiaries – the public, governmental agencies, civil society and religious stakeholders – at the national, sub-national, and local levels. Strategic action also requires creating platforms for direct advocacy and coordination, including with alliances, coalitions, networks of CSOs working to end child marriage, and relevant partners in the legislative and executive branches of government.

VI. Build public support for increasing MAM to 18 years, without exceptions, to end child marriage

In many countries, most people are not aware that child marriage is occurring, or of the extent of the problem. Those who are aware of child marriage often assume that ‘safeguards’ are in place (e.g., parental consent and/or court approval) and are sufficient to protect children. They are also not aware of the profound, lifelong damage caused by child marriage, especially for girls. Public awareness campaigns, including those involving activists and former child brides are critical pathways for educating the public and lawmakers about the need to increase MAM to 18 years, without exceptions. Significant work is also needed to educate these groups, address their concerns, and build their trust. Legislative reforms require public information campaigns with a focus on changing social norms related to child marriage. Such campaigns should highlight the benefits that MAM reforms can

have on efforts being made to end child marriage and how accelerating such efforts can impact positively on both girls and boys as well as communities and society in general. The public needs to understand the negative consequences of child marriage, particularly for girls, and why girls need to be educated so that they can make their own decisions about when and who to marry. This needs to straddle with public appreciation of the fact that an increase in MAM to 18 years, without exceptions, is in keeping with international and regional treaties and protocols. In line with such frameworks constitutional provisions and legislation must conform to the principles of gender equality, non-discrimination and human dignity and inherent in these justify ending the practice of child marriage, and the important role of MAM legal reforms in such efforts.

VII. Be guided by international and regional standards established by CRC and CEDAW in frameworks for MAM legal reforms

Frameworks for MAM legal reforms should include international standards established by CRC and CEDAW, as well as concluding observations and general recommendations of the CEDAW Committee and the Committee on the Rights of the Child. This includes creating systems for the protection of women and children's rights and the design and implementation of public policies with appropriate budgetary and institutional support. Reforms should also be informed by regional and sub regional treaties which relate to MAM, e.g., the African Charter on the Rights and Welfare of the Child, with determinations on which frameworks offer the highest standards of care and using such standards as the basis of reforms.

VIII. Implement and enforce MAM laws that end child marriage to bring about social change

Investing in laws that establish 18 years as MAM for both girls and boys, without exceptions, is crucial to ending child marriage. However, MAM laws need to be effectively implemented and enforced to bring about social change. Enactment of new legislation related to ending child marriage in a country must involve persons and public servants who are well informed about the law. This will require capacity development for social workers, community paralegals, police and court officials, judges, prosecutors and others, to help them interpret and implement new MAM laws in a gender sensitive and child-centred manner.

TO CSOS:

IX. Build coalitions, which are critical to successful MAM legal reforms to end child marriage

There is strength in numbers, and, by coming together in coalitions and networks, civil society and government can press for legal reforms to increase MAM to 18 years, without exceptions. Coalitions and partnerships should exist both inside and outside the government and parliament to place the issue of child marriage squarely in the public agenda. Coalitions and networkers should develop key messages regarding the urgent need to end child marriage in law and in practice, and these key messages should be widely disseminated. Coalitions and networks established at global, regional and national levels are all crucial and present opportunities for the coming together of different advocacy groups, e.g., child rights, women's rights, civic organizations. Exploiting the power in these numbers creates a platform for common messaging and a unified strategy and approach for effective reforms.

X. Utilize social media platforms as effective tools for mobilizing activists who are committed to ending child marriage

Social media platforms (e.g., Facebook, Instagram, Twitter and TikTok) reach a wide audience and have been effectively used to mobilize activists committed to ending child marriage. Social media platforms have also been used to communicate accurate information and key messages about child marriage for purposes of raising awareness among the public and lawmakers. Social media has also been used to organize petitions for MAM legal reforms and mobilize public protests or pressure points at key moments in time, such as when legislators are voting on MAM legal reforms.

TO DONORS AND THE UNITED NATIONS SYSTEM:

XI. Capacitate advocates for ending child marriage, so they can effectively and consistently lobby and advocate for increasing MAM to 18 years, without exceptions

Advocates, including women and young people, need to be capacitated with financial and technical support to speak out and take action as participants and champions of legislative and policy reforms to end child marriage. For example, women and young people need to use their collective voices to speak out about the root causes and deeply entrenched cultural biases that contribute to child marriage, and to advocate for legal reforms to increase MAM to 18 years, without exceptions. It is important to create spaces and mechanisms for cooperation between women's and youth-led movements to facilitate constructive dialogue between adults and young people, and to define common agendas from a human rights and gender equality perspective. Furthermore, advocacy groups including CSOs must be supported to prepare and submit shadow reports to Treaty Bodies, to directly engage with such bodies and to create observatories and other monitoring mechanisms to assess progress and/or challenges associated with the reform process.

CONCLUSION



In conclusion, there is no ‘one-size-fits-all’ approach to achieving legal reform and increasing the MAM to 18. MAM reform efforts have taken place in a diverse range of contexts, across different regions, legal systems and religious and cultural settings. Each of these contexts presents its own unique challenges. Federal systems, like Mexico, often result in a disconnect between central government policy and state-level laws, with a six-year gap between the federal congress supporting MAM of 18 years and all states adopting this. Meanwhile, plural legal systems, like Malaysia, have to contend with varying levels of MAM protection under civil, religious and customary law. Marriage is an inherently social institution, closely tied to family life, making it particularly important to conduct in-depth national studies and understand how local context will inform the effectiveness of any legal reform efforts. Coalition-building and engaging with stakeholders at all levels is critical to success. From Mozambique (the Coalition for the Elimination of Child Marriage in Mozambique) to the USA (the Minnesota Coalition to End Child Marriage), advocates for raising the MAM have found strength in numbers, and the ability to bring together different groups (both nationally and internationally) has proven hugely beneficial. Importantly, these groups have taken their message beyond the confines of congress buildings and courtrooms and into the communities affected – using tools like in-person trainings and social media campaigns to build public support and create momentum.

Successful movements have also given careful consideration to *who* is leading the call for change. As well as established leaders such as parliamentarians and government ministers, advocacy by children and young people can be particularly effective, as was the case in Norway, where 50 youth ambassadors were trained to lead sessions nationally, and Malawi, where girls were given a platform to interact with policymakers and traditional leaders. Survivors of child marriage have also played a vital role, drawing on their own experiences to effectively challenge entrenched cultural norms. That is why in New York the MAM bill was named Nalia’s Law, after a survivor who had been married at the age of 13.

But while there have been major leaps forward, there has also been backlash. Pakistan, for example, has struggled to pass a law raising the MAM in the face of continued criticism from the Council of Islamic

Ideology. Even where laws have been passed, enforcement and implementation can pose an issue. That is the case in Sierra Leone, where critics of the Child Rights Act (which raised MAM to 18 years) have attempted to characterise it as the product of ‘foreign interests’ led by international NGOs, despite the central role of the Sierra Leone Ministry of Social Welfare. Positive messaging is vital to countering this, presenting MAM laws as a realisation of a child’s rights rather than a restriction. Progress can also be tracked (for example, through national monitoring systems), to ensure laws are being implemented and international standards met.

These are the lessons learned from MAM reform efforts over the past decade, which this study has distilled into 11 high-level recommendations. It is hoped that this will serve as a useful tool for campaigners and change-makers embarking on their own legal reform processes to raise the MAM to 18 years, without exceptions.

APPENDICES

TABLE A.1
General Characteristics of 48 Countries and states With MAM Legal Reforms Between 2010 and 2021

No.	Country/ state	Year legal reform achieved	Legal system	Religious/ cultural setting	Fragile and conflict- affected status ^a	Country income classification ^b	Systems of internal governance	Punishment for child marriage	Legal/policy interventions related to child marriage	MAM 18 years	No exceptions to MAM
Americas and the Caribbean											
1	Colombia	TBD	Civil law	Christian	Yes	Upper-middle	Unitary	No	Civil Code of 1974	No	No
2	Costa Rica	2015	Civil law	Christian	No	Upper-middle	Unitary	Yes	Family Code	Yes	Yes
3	Dominican Republic	2021	Civil code	Christian	No	Upper-middle	Unitary	Yes	Civil Code	Yes	Yes
4	Ecuador	2015	Civil law	Christian	No	Upper-middle	Unitary	Unknown	Civil Code	Yes	Yes
5	El Salvador	2017	Civil law	Christian	No	Lower-middle	Unitary	Unknown	Family Code	Yes	Yes
6	Guatemala	2015–2017	Civil law	Christian	No	Upper-middle	Unitary	Unknown	Civil Code, Decree 8.2015	Yes	Yes
7	Honduras	2017	Civil law	Christian	No	Lower-middle	Unitary	Unknown	Federal Family Code	Yes	Yes
8	Mexico	2015–2020	Civil law	Christian	No	Upper-middle	Federal	Unknown	Federal law, state law	Yes	Yes
9	Panama	2015	Civil law	Christian	No	Upper-middle	Unitary	Unknown	Family Code	Yes	Yes
10	Trinidad and Tobago	2017	Common law	Multi-religion	No	High	Unitary	Unknown	Marriage Act, Children’s Act	Yes	Yes
11	Delaware, US	2018	Common law	Multi-religion	No	High	Federal	Unknown	State law	Yes	Yes
12	Minnesota, US	2020	Common law	Multi-religion	No	High	Federal	Unknown	State law	Yes	Yes

^a World Bank Classification of Fragile and Conflict-Affected Situations. FY22 FCS List. Retrieved on 26 June 2023 from World Bank: [Classification of Fragile and Conflict-Affected Situations](#).

^b World Bank Country Classifications. Retrieved on 26 June 2023 from World Bank: [World Bank Country and Lending Groups](#).

^c Includes the Marriage Act of 1923, the Muslim Marriage and Divorce Act, the Hindu Marriage Act, the Orisa Marriage Act and the Matrimonial Proceedings Act.

No.	Country/ state	Year legal reform achieved	Legal system	Religious/ cultural setting	Fragile and conflict- affected status ^a	Country income classification ^b	Systems of internal governance	Punishment for child marriage	Legal/policy interventions related to child marriage	MAM 18 years	No exceptions to MAM
13	New Jersey, US	2018	Common law	Multi-religion	No	High	Federal	Unknown	State law	Yes	Yes
14	New York, US	2021	Common law	Multi-religion	No	High	Federal	Yes	State law	Yes	Yes
15	Pennsylvania, US	2020	Common law	Multi-religion	No	High	Federal	Unknown	State law	Yes	No
16	Rhode Island, US	2021	Common law	Multi-religion	No	High	Federal	Unknown	State law	Yes	Yes
East and Southern Africa											
17	Kenya	2014	Statutory law, common law	Christian	No	Lower-middle	Unitary	Yes	Marriage Act, Children's Act, Marriage (Custom- ary) Rules, village bylaws	Yes	Yes
18	Malawi	2017	Common law	Multi-religion	No	Low	Unitary	Yes	Marriage, Divorce and Family Rela- tions Act	Yes	Yes
19	Mozambique	2019	Civil law, customary law	Multi-religion	Yes	Low	Unitary	Yes	Family law	Yes	Yes
20	Somalia	TBD	Civil law, Islamic law, customary law	Muslim	Yes	Lower-middle	Federal	No	Family law	No	No
21	Tanzania	2019	Statutory law, Islamic law, customary law	Multi-religion	No	Lower-middle	Unitary	Unknown	Law of the Mar- riage Act	Yes	Yes
22	Uganda	TBD	Common law, customary law	Multi-religion	No	Low	Unitary	No	Constitution, Mar- riage and Divorce Bill, ^d Penal Code	No	No

TBD = to be determined, as legal reform of MAM to 18 years, without exceptions, has yet to be achieved.

^a World Bank Classification of Fragile and Conflict-Affected Situations. FY22 FCS List. Retrieved on 26 June 2023 from World Bank: [Classification of Fragile and Conflict-Affected Situations](#).

^b World Bank Country Classifications. Retrieved on 26 June 2023 from World Bank: [World Bank Country and Lending Groups](#).

^d Includes the Marriage Act of 1904, the Marriage and Divorce of Mohamedans Act of 1906, the Marriage and Divorce Act of 1961 and the Customary Marriage (Registration) Act of 1973.

No.	Country/ state	Year legal reform achieved	Legal system	Religious/ cultural setting	Fragile and conflict-affected status ^a	Country income classification ^b	Systems of internal governance	Punishment for child marriage	Legal/policy interventions related to child marriage	MAM 18 years	No exceptions to MAM
23	Zimbabwe	TBD	Common law, case law, customary law	Christian	Yes	Lower-middle	Unitary	No	Constitution, Marriage Act, Customary Marriage Act ^e	No	No
West and Central Africa											
24	Chad	2016	Civil law	Muslim	Yes	Low	Unitary	Yes	Penal Code	Yes	Yes
25	Gambia	2016	Common law, statutory law, customary law	Muslim	No	Low	Unitary	Yes	Children's (Amendment) Act 2016 ^f	Yes	Yes
26	Sierra Leone	TBD	Common law, statutory law, customary law	Multi-religion	No	Low	Unitary	No	Child Rights Act 2017	No	No
Arab States and North Africa											
27	Egypt	2008	Civil law	Muslim	No	Lower-middle	Unitary	No	Egyptian Child Law of 2008	Yes	No
28	Iraq	TBD	Civil law	Islamic Republic	Yes	Upper-middle	Federal	No	Personal Status Law (Law 188 of 1959)	No	No
29	Jordan	TBD	Civil law, Islamic law	Muslim	No	Upper-middle	Unitary monarchy	No	Personal Status Law of No. 36 of 2010, ^g Christian authorities	No	No

TBD = to be determined, as legal reform of MAM to 18 years, without exceptions, has yet to be achieved.

^a World Bank Classification of Fragile and Conflict-Affected Situations. FY22 FCS List. Retrieved on 26 June 2023 from World Bank: [Classification of Fragile and Conflict-Affected Situations](#).

^b World Bank Country Classifications. Retrieved on 26 June 2023 from World Bank: [World Bank Country and Lending Groups](#).

^c Includes also the Criminal Law Act, the Local Court Act, customary law, the Domestic Violence Act and the Constitution.

^f Includes also the Muslim Marriage and Divorce Act of 1941, the Christian Marriage Act of 1862 and the Civil Marriage Act of 1938.

^g Includes the 2010 Temporary Personal Status Law.

No.	Country/ state	Year legal reform achieved	Legal system	Religious/ cultural setting	Fragile and conflict-affected status ^a	Country income classification ^b	Systems of internal governance	Punishment for child marriage	Legal/policy interventions related to child marriage	MAM 18 years	No exceptions to MAM
30	Lebanon	TBD	Civil law, Islamic and Ottoman legal principles, laws of Lebanese legislature	Multi-religion	Yes	Upper-middle	Unitary	No	Separate religious personal status laws	No	No
31	Morocco	2004	Secular courts, civil code	Muslim	No	Lower-middle	Unitary monarchy	No	Family law (Moudawana)	Yes	No
32	Saudi Arabia	2020	Islamic law	Muslim	No	High	Absolute monarchy	Unknown	Personal Status Law, Child Protection Law of 2014, Court Order/Legal Directive	Yes	No
Asia and the Pacific											
33	Bangladesh	2017	Common law, Islamic law	Muslim	Yes	Lower-middle	Unitary	Yes	Child Marriage Restraint Act 2017	Yes	No
34	Indonesia	2019	Civil law	Multi-religion	No	Lower-middle	Unitary	No	Marriage law	Yes	No
35	Japan	TBD	Civil law	Shinto and Buddhism	No	High	Unitary monarchy	No	Civil Code	No	No
36	Malaysia	TBD	Islamic law, common law, customary law	Multi-religion	No	Upper-middle	Federal	No	Law reform (Marriage and Divorce Act of 1976, Islamic Family Law Enactments or Ordinances, State Islamic Laws)	No	Yes
37	Pakistan	TBD	Islamic law, common law	Islamic Republic	Yes	Lower-middle	Federal (with devolved legislative authority to provinces)	Yes	Child Marriage Restraint Act of 1929	No (only in Sindh province)	Yes

TBD = to be determined, as legal reform of MAM to 18 years, without exceptions, has yet to be achieved.

^a World Bank Classification of Fragile and Conflict-Affected Situations. FY22 FCS List. Retrieved on 26 June 2023 from World Bank: [Classification of Fragile and Conflict-Affected Situations](#).

^b World Bank Country Classifications. Retrieved on 26 June 2023 from World Bank: [World Bank Country and Lending Groups](#).

No.	Country/ state	Year legal reform achieved	Legal system	Religious/ cultural setting	Fragile and conflict- affected status ^a	Country income classification ^b	Systems of internal governance	Punishment for child marriage	Legal/policy interventions related to child marriage	MAM 18 years	No exceptions to MAM
38	Philippines	2021	Civil law, common law, Islamic law	Multi-religion	No	Lower-middle	Regionalized unitary	Yes	Senate Bill No. 1373 (Girls Not Brides Act)	Yes	Yes
39	Sri Lanka	2019	Common law	Buddhism	No	Lower-middle	Unitary	No	Marriage Registra- tion Ordinance, 1908 Muslim Mar- riage and Divorce (Amendment) Act, No. 40, 2006	Yes	Yes
40	Tonga	1926	Common law	Christian	No	Upper-middle	Absolute monarchy	No	Parent Consent Act of 1926	Yes	No
41	Viet Nam	2015	Civil law	Multi-religion	No	Lower-middle	Unitary	No	Law on Marriage and Family, Law on Children, Penal Code	Yes	No
Europe and Central Asia											
42	Denmark	2017	Civil law	Christian	No	High	Unitary	Unknown	Bill	Yes	No
43	England and Wales, UK	TBD	Common law	Christian	No	High	Unitary	Unknown	Bill	Yes	No
44	Finland	2019	Civil law	Christian	No	High	Unitary	Unknown	Marriage Act	Yes	Yes
45	Germany	2017	Civil law	Multi-religion	No	High	Federal	Unknown	Act to Combat Child Marriage	Yes	Yes
46	Kyrgyzstan	TBD	Roman- Germanic law	Muslim	No	Lower-middle	Unitary	Yes	Criminal Code	Yes	Yes
47	Norway	2018	Civil law	Christian	No	High	Constitutional monarchy	Unknown	Law	Yes	Yes
48	Türkiye	TBD	Civil law	Muslim	No	Upper-middle	Unitary	Yes	Civil Code, penal Code	Yes	No

TABLE A.2
Key stakeholder questionnaire

MINIMUM AGE FOR MARRIAGE LEGAL REFORM – KEY STAKEHOLDER QUESTIONNAIRE

UN Women is conducting a survey of select countries around the world that have recently succeeded or attempted legal reform related to increasing the age of marriage for girls to 18 years, without exceptions or legal loopholes (e.g., parental consent, consent of a guardian and/or approval of a judge or court).

The purpose of the survey is to learn more about the legal reform process from key stakeholders and ministries/agencies/organizations that supported or opposed the legal reforms to increase the age of marriage for girls to 18 years, without exceptions or legal loopholes.

A total of 9 countries (Kyrgyzstan, Malawi, Mexico, Mozambique, Pakistan, Philippines, Trinidad and Tobago, Tanzania and the United States) have been selected to participate this survey. This study includes countries with different governance structures and legal systems and demographics.

In each country, key stakeholders that supported the legal reforms to increase in the age of marriage for girls to 18 years have been identified. You were selected to participate in this survey because of your identified engagement in the legal reform process.

You are guaranteed anonymity and confidentiality, which means we will not use your name or the name of your organization in the final report.

Bear in mind that there is no right or wrong answer, we just want to know your perspective and experiences with the legal reform process to increase the age of marriage for girls to 18 years, without exceptions/legal loopholes.

Findings from this survey will be used to provide lessons learned on law reform in other countries around the world.

This is an expandable Word document. Please expand as you go along by placing the cursor of your mouse on the relevant part and pressing enter. It takes about 30–45 minutes to complete.

Country	
Name of Respondent	
Ministry/Agency/Organization	
Job Title	
Email	
1	Why would you describe yourself as a stakeholder in the law reform process that led to an increase in the legal age of marriage in your country and why did you support these legal reforms?
2	Choose which of the following applied to the law reform content in your country: <input type="checkbox"/> Increase in minimum legal age of marriage to 18 years <input type="checkbox"/> Increase in legal age of marriage to above 18 years (specify) <input type="checkbox"/> Eliminate exceptions or legal loopholes (e.g., parental consent, judge or court approval) to the age of marriage for girls at 18 years.
3	What exceptions to the minimum age of marriage needed to be eliminated or protected?
4	In your country, what roles or responsibilities, if any, did your ministry/agency/organizations have in supporting or opposing the legal reforms to increase the age of marriage for girls to 18 years?
5	What role or responsibilities, if any, did you play in supporting or opposing legal reforms to increase the age of marriage for girls to 18 years?

6	What strategies were used to lobby or advocate for increasing the age of marriage for girls to 18 years and to eliminate exceptions or legal loopholes?
7	Who were the main actors or ministries/agencies/organizations involved in promoting legal reforms to raise the age of marriage for girls to 18 years, without exceptions/legal loopholes?
7.1	What was the rationale for increasing the age of marriage for girls to 18 years without exceptions/legal loopholes?
8	Who were the main actors in opposing legal reforms to raise the minimum marriage age for girls to 18 years, without exceptions/legal loopholes?
8.1	What was the rationale for opposing the legal reforms to the age of marriage for girls to 18 years or opposing the exceptions/legal loopholes?
9	What other ministries/agencies/organizations played a pivotal role in supporting legal reform to increase the age of marriage for girls to 18 years, without exceptions/legal loopholes?
10	What were the challenges or obstacles faced when it came to increasing the age of marriage for girls to 18 years without exceptions/legal loopholes?
10.1	What steps, if any, were taken to overcome the challenges or obstacles identified in Question 10? In what ways were the steps taken effective or successful?
11	What impact did the legal reforms have on the laws related to the age of marriage for girls?
12	What more work needs to be done to increase the age of marriage for girls to 18 years, without exceptions/legal loopholes and to enforce the law?
13	Which legal framework was used for the law reform process (e.g., a Child Rights Law, Family Code, Personal Status Law etc.) and why?
14	What were the lessons learned about legislative reform related to raising the age of marriage for girls to 18 years and eliminating exceptions/legal loopholes that you would like to share with other countries?

OVERVIEW AND ANALYSIS OF SPECIFIC MAM LEGAL REFORMS IN 43 COUNTRIES AND SIX US STATES

Momentum is building across the globe to end child marriage. Globally, governments have committed to the 2030 Agenda for Sustainable Development, including SDG Target 5.3 to “Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation” by 2030. Over the past decades, some countries have amended and passed new laws related to MAM in an effort to end child marriage, and other countries are developing plans for how to end child marriage by 2030. There are also many countries that have good MAM laws in place but fail to enforce them.

Researching the MAM legal reform process across countries is challenging. As legal reform processes normally occur over a period of time and involve lobbying and advocacy work with numerous international organizations and NGOs, human rights and women’s activist groups and change agents, desk review materials do not provide contextual understanding of these processes.

Below are descriptions of the legal reform processes to increase MAM to 18 years for each of the 48 countries and states listed in Appendix A; in some countries, that means without any exceptions. Information related to the legal reform processes was gathered via an online desk review, where that information was readily available.

AMERICAS AND THE CARIBBEAN

1. Colombia

Under the Civil Code of 1974, the legal MAM is 18 years in Colombia; however, by 14 years of age girls can enter into marriage with approval of their parents or legal guardians. Since 2019, there have been efforts to eliminate early marriage and unions from legislation, and there has been debate related to this in parliament. In 2020, UN Women supported efforts to reform legislation related to child, early and forced marriage, with a focus on eliminating the exceptions to MAM of 18 years for girls. This work was led by UN Women in partnership with UNICEF, UNFPA and the Congress of the Republic of Colombia. There has been support to adopt legislative reforms related to a MAM of 18 years with no exceptions; however, these reforms are still being discussed and debated.

2. Costa Rica

In 2015, Costa Rica amended the Family Code to increase MAM from 15 to 18 years, without exceptions, and strengthened penalties for those who commit a sex crime with minors under the Criminal Code. This legal reform was advanced by the Special Standing Committee on Women.²⁵⁶ No information was found during the desk review on the legal reform process for MAM in Costa Rica.

3. Dominican Republic

Before 2017, child marriage was not seen as a major social problem that affected the Dominican Republic. The government did not see the need to act to end child marriage, and donors were not funding work to end child marriage in the country.²⁵⁷ In that year, the campaign to end child marriage began and was advanced by young activists with support from Plan International and other international organizations.²⁵⁸ In support of the initiative, Plan International carried out a series of studies that aimed to show the magnitude of child marriage in the Dominican Republic, in an effort to change perceptions of child marriage in the country. The first study focused on the scale of the problem and its impact on girls, especially from the perspective of girls and community members.²⁵⁹ The second study examined early pregnancy and its impact on girls, and the relationship between early pregnancy and forced marriage. It was clear from the second study that advocacy efforts should push for comprehensive education on sexual and reproductive health and rights.²⁶⁰ Finally, the third study focused on commercial sex work, violence and masculinity to understand the culture and why men look for young girls to marry.²⁶¹ Together, these three studies provided insight into the situation of child marriage in the Dominican Republic and gave voice to girls at risk of and affected by child, early and forced marriage.²⁶²

The research allowed Plan International to mobilize and develop a communication strategy, which was implemented over a four-year period from 2017 to 2021. Eventually UNICEF, UNFPA, UN Women, Save the Children, the Child Rights Coalition, UNAIDS and International Justice Mission joined the movement.²⁶³ Plan International connected with the women's movement, which amplified its voice and supported youth organizations. They worked together to identify potential supporters and change agents in Congress and actively lobbied members to modify the marriage law.²⁶⁴ International voices, such as Clayton Kershaw, starting pitcher for Major League Baseball's Los Angeles Dodgers and 2020 World Series champion, and his wife also joined the effort.²⁶⁵

In 2017, the Dominican Republic's Parliament voted to close a loophole in the marriage law that allowed girls to marry before the age of 18 years. The bill was introduced by a congressman following lobbying and advocacy by international organizations and NGOs.²⁶⁶

In 2020, a new government came into power and many allies became the new authorities. Plan International lobbied for the ban on child marriage to become one of the new government's first achievements. In 2020, it used International Day of the Girl as an opportunity to double-down on its lobbying and advocacy efforts to end child marriage.²⁶⁷ For the #GirlsTakeover campaign, Plan International supported 10-year-old Melany to meet with the President to advocate for protection of the rights of Dominican girls. Shortly thereafter, the President called his ministries and representatives from all political parties to share with the nation that child marriage was a national priority and that he would act to end it. Just before the end of the year, a new law was approved, banning child marriage in the Dominican Republic.²⁶⁸

The Dominican Republic's senate later approved changes proposed by the House of Representatives to eliminate and modify articles in the Civil Code that created a legal loophole for child marriage with the permission of parents and a special order issued by a judge. The senate had several reviews and, after six weeks, voted to approve the changes and eliminate all legal exceptions that allowed child marriage and early unions. The modifications now penalize this crime with sentences of two and five years, and fines of between US\$150 and US\$300.²⁶⁹

In January 2021, President Luis Abinader approved the bill. By issuing Law 1–21, the government's executive branch modified the Civil Code and other laws, clearly stating that "people under 18 years old will not be able to marry under any circumstances."²⁷⁰ In addition to these changes, the President issued a new decree establishing a special cabinet, led by the Ministry for Women, to work towards ensuring that women and girls can live their lives free of violence.²⁷¹

This achievement has been attributed to a successful girls-led, nationwide campaign supported by NGOs.²⁷² This experience shows that by working together with young people and like-minded allies, international organizations and civil society groups are able to effect legal reforms.

4. Ecuador

The establishment of MAM involved the review and reform of the Civil Code, which began in 2010 and ended in 2015. Initially the proposal for reform stated 16 years as MAM, but in 2015 the legislative committee raised MAM to 18 years in accordance with recommendations of the Committee on the Rights of the Child and the CEDAW Committee.²⁷³

The Parliamentary Group on Children and the Rights of Mothers, which tabled the proposal, received contributions from Plan International, UNICEF, UN Women and UNFPA. One of the key aspects was listening to the voices of girls in various territories, which helped to “change the normal parliamentary procedure, since the girls’ testimonies had an effect on parliamentarians’ consciences.”²⁷⁴

UN Women, in particular, provided technical support to achieve legal reforms to the Civil Code, which the National Assembly approved. These reforms included setting MAM at 18 years, without legal exceptions (Articles 3 and 4), and equality of rights in the administration of marital partnerships for men and women (Article 21). These modifications were reviewed and discussed during several legislative periods of the National Assembly, particularly with the Parliamentarian Groups for the Rights of Women, Children and Adolescents. The legal reforms were signed into law by the executive branch.²⁷⁵

5. El Salvador

Child marriage and early unions have been a serious problem in El Salvador. Article 14 of the Family Code provided that girls, regardless of their age, could marry if they were pregnant or had a child.²⁷⁶ In practice, this provision favoured perpetrators of sexual abuse, giving them the opportunity to evade the penal system by marrying their victims, perpetuating a cycle of impunity.²⁷⁷ In 2016, a report published by UNFPA, the Ministry of Health and the National Council of Childhood and Adolescents (NCCA) revealed that 9 in 10 girls were already in an informal union by the age of 18 years, and 5 in 10 had been forced into such a union. These findings played a key role in bringing about legal reforms that prohibited child marriage.²⁷⁸

In 2017, the Legislative Assembly approved an amendment to the Family Code that prohibited marriage of minors.²⁷⁹ The reform was passed after months of debate within the Legislative Commission for Family, Children, and Adolescents.²⁸⁰ Eventually, all 76 legislators voted in favour of closing the loophole and banning child marriage; there were no votes against the motion and no abstentions.²⁸¹

Although marriage below the age of 18 years is illegal in El Salvador, as noted above, Article 14 of the country’s Family Code made it possible for girls to be married before this age under certain circumstances – if they had a child in common or if the girl was pregnant. These circumstances meant that if a girl became pregnant at 13 years of age, she could be forced to marry a man twice her age at the request of her parents or a judge; her consent was not required, despite the fact that the decision would change her life forever.²⁸² Thus, the most significant change made to the legislation was the elimination of the second paragraph of Article 14. This provision that allowed minors to marry may have resulted in pregnant adolescents who were victims of sexual crimes marrying the perpetrator of the crime.²⁸³ To harmonize the Family Code and eliminate all provisions that allowed the marriage of minors, the reform included amendments to Article 20, the first paragraph of Article 21, Section 5 of Article 23, Section 4 of Article 90 and Article 93, as well as the repeal of Articles 18, 19, 22, 86 and 92.²⁸⁴

The initiative to prohibit marriage of minors was supported by organizations working and advocating for the rights of children. UNICEF, UNFPA and UN Women worked in collaboration to support the legal reform process by providing technical assistance, facilitating exchange of experiences with other countries in the region, promoting the participation of children and adolescents through the U-Report platform, and disseminating the analysis of survey results.²⁸⁵ The National Council for Children and Adolescents, Plan International and other institutions of El Salvador, such as the Attorney for the Defense of Human Rights and the Office of the Attorney General of

the Republic, also engaged in the legal reform process.²⁸⁶ Children's voices were key during deliberations at the Legislative Assembly, and their inputs served to enhance the legislative debate. Children's strong rejection of child marriage, early unions and adolescent pregnancies helped to mobilize civil society and the population at large.²⁸⁷

In 2017, Plan International called for the full backing of the judicial system, the Attorney General's Office and mayors to ensure the law was properly implemented by identifying and preventing child marriage.²⁸⁸

The prohibition of child marriage in El Salvador represents a significant advancement in the protection of children and adolescents from violence and is an important step towards the harmonization of national legislation with international treaties and human rights conventions. The child marriage ban is also a clear example of how the voices of children and adolescents can have a positive impact on the decision-making process of policymakers.²⁸⁹

6. Guatemala

In Guatemala, the Civil Code No. 106 of 1996 contained provisions related to MAM. Article 89(2) prohibited the marriage of boys under the age of 16 years and girls under the age of 14 years, unless before reaching that age the girl had conceived a child and the persons with parental authority over the minor had given their consent to marriage. The Civil Code also formerly provided that the existence of a *de facto* union of minors could be officially declared if the couple had the consent of the persons who had parental authority over them, or the consent of their guardian or the court, where appropriate.²⁹⁰

In 2014, UNICEF and youth organizations led campaign #18Si14No, which contributed to changing the Civil Code and raising MAM to 16 years for girls, putting it on par with that for boys. Amendments to the Civil Code also made exceptions to MAM more difficult by requiring a judicial decision.²⁹¹ Civil society groups also advocated for legal reforms related to MAM and engaged girls and child brides in the campaign to increase MAM. In 2015, UN Women, along with UNFPA, UNAIDS, UNICEF and the Pan American Health Organization, launched a regional programme on preventing VAWG in Ecuador, Guatemala and Mexico, which also focused on legal reforms to eliminate all exceptions to MAM.²⁹²

UN Women played a significant role in convening other United Nations agencies to work on the strategy to increase MAM in Guatemala and provided technical assistance to reform the Civil Code to increase MAM and address exceptions.²⁹³ UN Women also supported the enactment of Decree 8-2015, which prohibits marriage of girls under 16 years of age and eliminates exceptions, particularly authorization of early marriage by a competent judge (Decree 13-2017). One of the challenges was reaching out to a large group of legislators opposing legal reforms to MAM, particularly those legislators who argued that cultural patterns of indigenous populations permit this type of union.²⁹⁴

In 2015, the Congress of Guatemala adopted Decree 8-2015. In part, this decree was adopted because Guatemala ratified CEDAW; in the process it amended five separate sections of the Civil Code. One of the amendments increased MAM for girls from 14 to 18 years of age. More specifically, congress adopted a decree that amended Articles 81–84 and 177 of the Civil Code on matters pertaining to MAM.²⁹⁵ Under amended Article 81, MAM was increased to 18 years. Among the newly amended Articles, Article 82 establishes, as an exception, that the marriage of a minor who is at least 16 years of age may be authorized; Article 83 expressly states that marriage of minors under the age of 16 years cannot be authorized; Article 84 establishes that a request for authorization of a marriage of minors who have attained the age of 16 years must be submitted to the appropriate judge, who, after listening to the opinion of the minors concerned, will make a determination; and Article 177 prohibits the official declaration of the existence of a *de facto* union of minors under any circumstances. A *de facto* union is a concept similar to that of common-law marriage and is recognized under Article 173 of the Civil Code.²⁹⁶

The new civil laws protect young girls who are often pressured or forced into marriage and closes the gender gap by holding girls and boys to the same standard.²⁹⁷ While these legal reforms were an important step in increasing MAM for girls, there was still a need to amend the Civil Code to eliminate exceptions.

In 2017, there was momentum in the Latin America and the Caribbean region, including in Honduras, El Salvador, Ecuador and the Dominican Republic, to reform MAM laws. In September 2017, the Congress of Guatemala further adopted Decree 13-2017, which eliminates the exception of marrying before 18 years of age with authorization of a competent judge. Today, the minimum age is set at 18 years for both girls and boys, without exceptions. Despite such legal reforms, women's rights activists contend that enforcing the new law will be a challenge in Guatemala given the fact that nearly one third of girls are currently married by 18 years of age.²⁹⁸

More recently, Guatemala has been one of the countries where UNICEF, UNFPA and UN Women are working together under the Latin America and the Caribbean Joint Programme for a Region Free of Child Marriage and Early Unions (2018–2021) to align national frameworks with international standards and working to empower girls and promote policies and services that address the drivers of child marriage and early unions.²⁹⁹

7. Honduras

By 2016, Honduras had the 30th highest rate of child marriage in the world, with 34 per cent of young people married before the age of 18 years. In 2017, lawmakers in Honduras's National Congress therefore voted unanimously to raise MAM from 16 to 18 years and to remove a loophole in the law that allowed children aged 16 years and older to marry with permission from their parents.³⁰⁰ For two years (2015–2017), Honduran girls, supported by Plan International, UNICEF, UNFPA and UN Women, campaigned for this loophole to be closed.

A vital part of the legal reform process was that lawmakers heard from girls with personal experience of child marriage. Young people's participation in the campaign to increase MAM to 18 years with no exceptions was also important to the legal reform process.³⁰¹ Advocates of the new law recognize that enforcing the law will be hardest in indigenous communities and poor rural areas in Honduras, where child marriage is most prevalent.³⁰²

8. Mexico

Before 2014, child marriage was legal throughout Mexico; all Mexican states allowed persons younger than 18 years to formally marry, with some restrictions. Minors could marry if they had the consent of their parents or guardians and had reached a minimum age of 14 or 16 years, with variations across states. For instance, the threshold was 14 years of age in Chihuahua and Durango, and 16 years in Chiapas and Baja California Sur. In a few states, those who were younger than 14 or 16 years of age and without parental consent could still get married with the permission of a judge or municipal mayor. A few states also allowed girls younger than the minimum age to marry if they were pregnant.³⁰³

Between 2008 and 2014, some states eliminated all exceptions allowing marriage under 16 years, but still allowed 16 and 17-year-olds to get married.³⁰⁴ In December 2014, the federal congress sanctioned a law that defined the rights of children and adolescents. This law set MAM for both sexes at 18 years, without exceptions, and urged all states to reform their legislation to incorporate this change. Since marriage laws are a competency of the states, it was up to state congresses to adopt the legal reform; thus, this federal law was not directly applicable to the states.³⁰⁵ Over time, however, states gradually adopted MAM legal reforms in accordance with federal legislation. MAM legal reforms used the approval process of the General Law on the Rights of Boys, Girls and Adolescents. Article 45 of this General Law stipulates that federal bodies shall set MAM at 18 years and establish requirements.³⁰⁶

In November 2015, to mark the International Day for the Elimination of Violence against Women and 16 days of activism, the United Nations launched the campaign '*De la A (Aguascalientes) a la Z (Zacatecas), México Sin Unión Temprana y Matrimonio de Niñas en la Ley y en la Práctica*' ('From A (Aguascalientes) to Z (Zacatecas), Mexico Without Early and Child Marriage in Law and in Practice'), which had a general goal of positively influencing the lives of girls and women by implementing legislative change and developing public policies aimed at preventing and eliminating early marriage and unions for girls.³⁰⁷ The campaign helped to spread awareness of the situation of early union and child marriage in Mexico, and place the subject in the national debate as a harmful practice in accordance with local and national realities.³⁰⁸ The campaign also contained a call to action for all Mexican states – “from A (Aguascalientes) to Z (Zacatecas)” – to carry out legislative reform to ensure state laws complied with international standards of establishing a MAM of 18 years, without exceptions. It included a challenge of generating comprehensive public policies for education and social protection that addressed the structural causes of inequality, poverty and discrimination towards girls.³⁰⁹ The campaign was carried out in three phases:³¹⁰

1. Alert the public about the issue with data – child marriage was included in the media agenda, with a press conference and dissemination on social networks.
2. Proposal of solutions – the subject of child marriage was included in actions of high-level stakeholders to mark International Day for the Elimination of Violence against Women, a ‘call to action’ was made to local governors and the message continued to be shared via digital platforms.
3. Free agency and life project – messages were shared on social networks, and the International Day for the Elimination of Violence against Women ended with opinion columns written by heads of agencies. Eleven short messages with simple images and text were developed at national and state levels and adapted to different audiences, with banners and infographics on early unions and child marriage.

Studies were also conducted using data on the age of marriage or early unions, pregnancy, second pregnancy and age of the partner. To support the UNITE campaign, UN Women analysed nationally produced information based on the 2014 National Survey of Demographic Dynamics of the National Institute of Statistics and Geography, with contributions from the UN Women Civil Society Advisory Group.³¹¹ The quality and relevance of the data were key to ensuring a robust communication campaign. Data analysis explored the causes of early unions and areas of focus for the development of public policies. This analysis and preliminary work were essential to defining the objectives of and compiling key messages for the communication campaign.³¹² Other key partners in the legal reform process included *Red por los Derechos de la Infancia* (Network for Children’s Rights) and the Senate. With the support of United Nations agencies, the Senate organized a consultation process that included debates, forums and broad dialogues.³¹³

In terms of the legislative processes, Mexico faced a challenge in harmonizing national legislation with federal laws, and the heterogeneity of civil codes in each state.³¹⁴ By the end of 2015, only eight states had changed their marriage laws in accordance with federal legislation. By December 2018, 30 of the 32 states had increased MAM to 18 years, without exceptions.³¹⁵ By 2020, all 32 states had changed their marriage laws in accordance with federal legislation, although some states did have exceptions to MAM of 18 years.³¹⁶ The legal reform processes varied by state; however, such processes have not been documented in the literature. These legal reforms occurred at different points in time, and there were variations across states and over time.

By 2021, in accordance with legal reforms, informal child marriage was punishable under the law if one partner was under the age of consent.³¹⁷ Mexican states have a ‘hard’ and ‘soft’ age of consent. The ‘hard’ age of consent is typically 12 or 14 years, and intercourse with a person younger than this age is considered rape. The ‘soft’ age of consent is 18 years in most states; intercourse with individuals over 18 years of age is not punished by law. There is a legal grey area between the two ages of consent in which the crime of statutory rape may apply. An adult commits statutory rape by having intercourse through seduction or deceit with an adolescent between

these two ages of consent. The law is vague about what constitutes seduction or deceit, but the typical example is promising the minor that a marriage will occur and then reneging on that promise. While rape is punishable with jail time, this crime can be prosecuted only if the minor or her legal guardians present charges, and this is uncommon. From a legal standpoint, marriage and informal unions are similar but not equivalent institutions; informal unions only generate obligations and rights while the union lasts.³¹⁸

Ultimately, successful MAM legal reforms in Mexico were part of a United Nations joint strategy, which involved the UN Women Advisory Group made up of 13 CSOs and 12 United Nations agencies under the motto ‘Communicating with a single voice’.³¹⁹ UN Women organized a communication campaign and UNICEF provided technical support to the legal reform process, also later on, by monitoring legal harmonization in the states. It is important to understand that recommendations of the Committee on the Rights of the Child were critical since they called for a review of national legislation and civil codes in the various states.³²⁰ Legal reforms were also successful thanks to the political will of the Presidency of the Republic, the National Conference of Governors, the Senate/Congress and the Secretary of State for Foreign Relations.³²¹

9. Panama

In 2015, Panama amended the Family Code to increase MAM to 18 years, with no exceptions. The legislative reform process in Panama began in 2013, following recommendations made by the Committee on the Rights of the Child and the CEDAW Committee regarding MAM. The legal reform process included amendments to three articles of the Family Code – age and legal conditions, restrictions and prohibitions and compliance with standards.³²² The national legislative framework made it possible to work with a short, concise document, with a rapid approval process of around five months and unanimous consensus.³²³

There was a process of coordinating strategic alliances before MAM legal reforms were presented to Parliament, which made it possible to implement awareness-raising communication initiatives highlighting the situation regarding adolescents and marriage laws and undertake campaigns using different methods of communication, including social networks. UNICEF played a decisive role in the legal reform process, not only because of its mandate to promote child rights, but also because of the technical support it offered.³²⁴

The initiative to raise MAM to 18 years was presented to the National Assembly by the Secretary of State for Social Development, with the support of the President of the Republic, following agreement from state and civil society actors.³²⁵ The issue was presented as both a family and human rights issue, and a priority in terms of protecting adolescents. The strategy involved a series of meetings and dialogues with members of various legislative groups in the Assembly, members of the Social Cabinet and United Nations agencies. Ending child marriage was also included in the Periodic Universal Report on Human Rights of Panama.³²⁶ To achieve consensus, the strategy involved arranging meetings with groups that might resist increasing MAM to 18 years.³²⁷

A study was also conducted using data on the age of marriage or early unions, pregnancy, second pregnancy and age of the partner. The study included indigenous communities and found that “indigenous girls are more likely to marry or enter into a union early and much more likely to suffer aggression, maltreatment or emotional, physical or sexual violence as a result of this. They also have fewer opportunities to decide how many children to have and when to have them.” Findings from this study highlighted the need to promote regulations that aim to increase MAM to 18 years.³²⁸

MAM legal reforms opened the door for an amendment to the Comprehensive Law on the Protection of Children and Adolescents. In addition, a project was launched to create a public policy framework by developing a comprehensive protection system for child rights, which enabled wider implementation of standards established by the CRC and CEDAW.³²⁹ MAM legal reforms made other factors related to child marriage more visible, including sex education; teenage pregnancy, second pregnancy and pregnancy conditions; the situation of indigenous girls; and the impact of cultural and religious factors.³³⁰

Factors that made it possible to successfully reform the Family Code and increase MAM to 18 years, with no exceptions, included the establishment of strategic partnerships, including with potential opponents to the draft law, before sending the draft law to the Assembly; presentation of the legal reforms as a state initiative that supported compliance with SDGs and fulfilment of recommendations of the Committee on the Rights of the Child and the CEDAW Committee; and media publicity about the legal reforms to MAM, before and after approval, to avoid resistance in the community.³³¹ The communication campaign was led by the Secretary of State for Children and Families, and the draft law was published via the state's communication channels.³³²

10. Trinidad and Tobago

Prior to legal reform, the Marriage Act of 1923, which governs Christian and civil marriages, stated that the youngest legal age of marriage was 12 years for girls and 14 years for boys with parental consent. The Marriage Act of 1923 made child marriage legal in Trinidad and Tobago.³³³ The Muslim Marriage and Divorce Act meanwhile set MAM at 12 years for girls and 16 years for boys, the Hindu Marriage Act set the age of marriage at 14 years for girls and 18 years for boys and the Orisa Marriage Act set the age of marriage at 16 years for girls and 18 years for boys.³³⁴ The country's Muslim and Hindu communities, including some religious leaders, carefully guarded these child marriage laws.³³⁵

In 2000, the Sexual Offences Act was amended to establish that individuals under the age of 18 years are minors and that engaging in sexual acts with a minor is a sexual offence. The amended law directly contradicted the marriage laws, which allowed girls to be legally married as young as 12 years of age. Despite the legal incongruence, it took a further 17 years of strong advocacy by CSOs against child marriage for Parliament to finally pass legislation to close the legal loopholes and fully protect the rights of girls.³³⁶

In 2012, the Children's Act raised the age of sexual consent from 16 to 18 years but did not repeal the Marriage Act of 1923. The Children's Act had an immediate domino effect on other laws, such as various marriage Acts. It was argued that all other laws needed to be changed to accord with the Children's Act. In 2011, at the same time that the Children's Act was being drafted, the Hindu Women's Organization (HWO) began to petition Parliament to amend the laws to increase MAM to 18 years. The HWO consulted other Hindu, Muslim, Orisa and Christian leaders. Following a number of stakeholder meetings, public forums and debates, HWO submitted a report to the government calling for marriage laws to be amended.³³⁷ The National Muslim Women's Organization of Trinidad and Tobago also mobilized to end the practice of child marriage.³³⁸

Child marriage soon became the subject of heated debate in Trinidad and Tobago.³³⁹ In 2016, the leader of the Inter-Religious Organization (IRO), which represents the country's diverse religious groups, declared that the government should not amend the Marriage Act of 1923 because age does not determine maturity.³⁴⁰ The IRO also maintained that it would vigorously fight government interference in the Muslim and Hindu Marriage Acts. The IRO was supported by the Shouter Baptist Archbishop.³⁴¹ In addition, the Islamic Council of Scholars maintained that the Quran allowed for girls to be married at the age of 12 years.³⁴² The Roman Catholic Archbishop meanwhile called forcing children into marriage "legalized statutory rape," and the Anglican Bishop called for a review of existing marriage legislation.³⁴³

The IRO's declaration put a spotlight on the issue of child marriage and raised public pressure on the government to repeal the Marriage Act of 1923. Once the government took notice of the debate, it began holding its own forums and debates. Eventually the Office of the Prime Minister spoke out in favour of revising age of marriage laws so that they were consistent with the age of sexual consent, which was increased to 18 years of age.³⁴⁴ The government maintained that the time had come to increase MAM to make it the same as the age of sexual consent and to protect children's right to enjoy life.³⁴⁵ The President's wife also called for MAM to be 18 years of age, in keeping with CRC.³⁴⁶

The HWO supported the government's position and called for amendments to the various marriage acts in an effort to end child marriage.³⁴⁷ The HWO organized a petition with nearly 1,000 signatures that was presented to the former Ministry of Legal Affairs.³⁴⁸ There was also an outcry on social media and many social media users called for the head of the IRO to step down.³⁴⁹

The United Nations Country Team in Trinidad and Tobago also encouraged public discussions on child marriage and supported efforts to end the practice. The United Nations recognized that marriage of a person under the age of 18 years violates human rights and threatens the health and prospects of young persons, particularly girls.³⁵⁰

The Attorney General presented the Miscellaneous Provisions Marriage Bill to the Senate. The bill ensured that the age of marriage was in line with the age of sexual consent.³⁵¹ Six months after being introduced, the bill was unanimously passed to amend the Marriage Act, Orisa Marriage Act and the Matrimonial Proceeding and Property Act. After years of mobilization, the centuries-old child marriage law was finally abolished.³⁵² In 2017, the government passed legislation to make 18 years of age the new MAM, ending decades of legalized child marriage. The bill was passed in the Senate and went to the Lower House for final approval.³⁵³ The Proclamation of the Miscellaneous Provisions (Marriage) Act No. 8 was a critical victory against child marriage.³⁵⁴ However, the victory continues to face challenges. For instance, Mahi Saba, a conservative Hindu organization, has vowed to test the law in court, arguing that the government does not have the right to intervene in religious affairs.³⁵⁵

United States of America (six states)

In the United States, child marriage is legal in the majority of states. Most states allow 16 and 17-year-olds to marry, and a few allow 14-year-olds to marry through legal loopholes and exceptions at the state level. In 2022, eight US states had no MAM.³⁵⁶ Between 2016 and 2018, more than 20 states introduced legislation to raise MAM to 18 years.³⁵⁷ By 2021, only six states had passed laws banning marriage before the age of 18 years: Delaware, Minnesota, New Jersey, New York, Pennsylvania and Rhode Island.

11. Delaware, United States

In Delaware, children could previously marry at any age with parental consent or if a minor was pregnant; the law compelled court clerks to issue a marriage licence if a minor was pregnant. In 2007, Delaware's laws governing child marriage were updated to remove the so-called pregnancy exception. In 2018, Delaware was the first state to ban child marriage by raising MAM to 18 years, without exceptions. Delaware's Senate unanimously passed the bill.³⁵⁸ Critics of the legislation argued that removing exceptions to MAM would interfere with cultural and religious traditions and increase the rate of abortions. Others argued that some children are mature enough to enter into marriage before 18 years of age. In contrast, human rights advocates saw the new law as crucial to protecting children's rights.

Unchained At Last, a national advocacy group, advocates for an end to child marriage across the United States and was involved in the campaign in Delaware.³⁵⁹ A clerk of peace in Delaware also fought to change the law for more than a decade after being asked to approve a marriage between a pregnant 14-year-old girl and a 27-year-old man.³⁶⁰

12. Minnesota, United States

In Minnesota, 16 and 17-year-olds could obtain a marriage licence with the consent of their parents, legal guardian or the court. In 2019, HF 745 was introduced in the State House and passed the House a month later with a

unanimous vote, after which it was sent to the Senate. It stalled in the Senate without a hearing, but in 2020 it eventually passed by unanimous vote and headed to the governor's desk, where it was signed into law.³⁶¹

In 2020, Minnesota became the fourth state to ban child marriage without exceptions when the governor signed HF 745 into law, just five days after Pennsylvania became the third state to end child marriage. HF 745 prohibits child marriage in all circumstances, without exceptions, and requires Minnesotans to provide proof of age during the marriage application process. The bill does not void existing legal unions entered into by minors. Marriages between couples who wed before moving to Minnesota are still recognized, but those involving Minnesotans who travel to other states to get around the ban will not be recognized.³⁶²

To get HF 745 passed, local advocacy groups, including the Minnesota Nurses Association, Zonta International Club of Minneapolis and ERA Minnesota, partnered with Unchained At Last to form the Minnesota Coalition to End Child Marriage. This coalition also included advocates from several national organizations such as Students Against Child Marriage (SACM). The coalition conducted in-depth legal research and spent months lobbying Minnesota legislators. By elevating survivors' voices, engaging stakeholders, working with existing advocates and capitalizing on the organizing power of students, SACM mobilized a national movement to compel lawmakers to act on child marriage legal reforms or to create new legislation to end child marriage.³⁶³

Republican Senator Warren Limmer, chairman of the Senate's judiciary committee, was one of the initial voices of opposition to a child marriage ban in the Senate; he refused to give the bill a hearing. Eventually, advocates of the bill convinced the senator to change his mind and support the bill. Advocates of the bill played a key role in putting direct pressure on legislators to act to end child marriage.³⁶⁴

13. New Jersey, United States

In 2017, New Jersey came close to banning child marriage, but failed to pass the law when Republican Governor Chris Christie vetoed the bill.³⁶⁵ The measure, which passed both chambers of the legislature, was halted by the governor, who refused to sign the bill into law. In a memo to legislators, the governor said that a complete ban on child marriage would "violate the cultures and traditions of some communities in New Jersey based on religious traditions."³⁶⁶ In 2018, Governor Christie left office and his successor, Democratic Governor Phil Murphy, indicated that he would support the bill. In 2018, New Jersey banned child marriage when Governor Murphy signed the bill that raised MAM to 18 years, without exceptions. New Jersey was the second state in the United States to ban child marriage.³⁶⁷ Unchained At Last led the movement to end child marriage in New Jersey.

14. New York, United States

In New York, people in their mid-teens had long been able to marry through various legal loopholes and exceptions. In 2017, New York raised the age of marriage from 14 to 17 years with parental consent and written approval of a justice of the New York Supreme Court or a judge of the Family Court presiding in the town/city where the application is made. In addition, the court must appoint, for each minor, an attorney who has been trained in domestic violence and forced marriage issues. Before issuing any approval, the justice or judge must notify any 17-year-old of his/her rights concerning termination of marriage, child and spousal support, domestic violence services, and access to public benefits and other assistance. The court was also required to conduct a review of court-related actions involving the applicants, including any warrants or orders of protection, and consult the sex offender registry.³⁶⁸

The court was also required to separately interview each applicant who is 17 years of age to ensure that the minor was entering into the marriage by free will, and not being compelled by force, threat, persuasion, fraud, coercion or duress. The court was required to ensure that the marriage would not endanger the mental, emotional or physical safety of the minor. Upon court approval, each 17-year-old would have the rights of an adult, except

where a specific constitutional or statutory age threshold exists (e.g., for voting).³⁶⁹ This law put checks in place to ensure that parental consent was not parental coercion.³⁷⁰

In 2021, Democratic Governor Andrew Cuomo signed a bill that raised the age of consent to be married to 18 years, without exceptions.³⁷¹ The bill, called Nalia's Law, was named after a survivor who was forced into marriage at the age of 13 years. The bill was sponsored by two Democratic State Representatives. Unchained At Last had advocated for ending child marriage and lobbied for the New York bill.³⁷² New York's law fines anyone who issues a marriage licence to an ineligible person and charges the issuer with a misdemeanour.

15. Pennsylvania, United States

Pennsylvania used to allow minors as young as 16 years to marry with the consent of their parents, and younger than 16 years with court approval. In 2020, Pennsylvania became the third state to limit child marriage. House Bill 360 was sponsored by representatives on both sides of the House of Representatives – a Republican and a Democrat – who worked hard to raise awareness of this legislation as a child protection issue. Representatives on both sides of the aisle in both chambers then came together to pass House Bill 360.³⁷³

In 2020, Pennsylvania's legislature unanimously voted to approve the ban and Democratic Governor Tom Wolf signed House Bill 360 into law. House Bill 360 sets the minimum age to obtain a marriage licence without parental consent at 18 years. However, there are exceptions to the law; a minor under the age of 16 years can obtain a marriage licence if the court decides it is in the best interest of the applicants, and if a parent or legal guardian gives consent to the marriage.³⁷⁴ Unchained At Last was at the forefront of advocating for a state law that set MAM at 18 years in Pennsylvania.³⁷⁵

16. Rhode Island, United States

In Rhode Island, state law allowed 16-year-olds to marry with permission from a parent/guardian, and children younger than 16 years were able to marry if the family court was notified and a court hearing was conducted.³⁷⁶ Unchained At Last advocated for legal reforms and shared with lawmakers stories of forced marriage and statistics that showed that 32 children as young as 14 years of age were married in Rhode Island between 2013 and 2019, of which 88 per cent were girls wed to adult men. Two of those children were married at an age/spousal age difference that met the definition of a sex crime.³⁷⁷ Inspired by Unchained At Last, a Democratic State Representative supported a bill to ban child marriage in Rhode Island.³⁷⁸ The bill bans child marriage by eliminating language in state law that allows young people under the age of 18 to obtain a marriage licence with parental consent.³⁷⁹ In 2021, Democratic Governor Dan McKee signed into law two bills (2021 H 5387A/2021-S 0398aa) that ban child marriage in Rhode Island, in an effort to protect children and prevent exploitation. The new law eliminates language in state law that allows individuals under the age of 18 to obtain a marriage licence with parental consent. The legislation garnered the support of Kids Count Rhode Island, the Office of the Child Advocate and UNICEF.³⁸⁰

EAST AND SOUTHERN AFRICA

17. Kenya

In Kenya, child marriage has been prohibited since 1990, after the country ratified CRC. Additional Kenyan laws, including the Children's Act of 2001, the Sexual Offences Act of 2006 and the Marriage Act of 2014, explicitly prohibit the marriage of children under 18 years and criminalize this practice.

In 2013, Kenya's Ministries of Health and Education committed, along with ministers from several other African nations, to end child marriage by the end of 2020.³⁸¹ The Marriage Act of 2014 requires all marriage unions, including those under African customary law, to be registered and marriage certificates issued.³⁸² After enactment of the Marriage Act of 2014, the registrar, in consultation with various stakeholders, drafted the Marriage (Customary) Rules 2017 to operationalize the registration of customary marriages³⁸³ pursuant to the provisions of Section 50 of the Marriage Act of 2014. The purpose of the rules was to provide a process of proper registration through which certificates would be issued by the registrar of marriages.

18. Malawi

In 2010, Rise Up partnered with the Girls Empowerment Network (GENET) to launch a girl's empowerment initiative in southern Malawi. Through the Stop Child Marriage programme, Rise Up and GENET worked together to end child marriage in their communities. The Stop Child Marriage programme enabled 200 girls aged 10–18 years to strengthen their leadership, advocacy and public speaking skills, and mobilized chiefs, traditional authorities and the media to fight child marriage.³⁸⁴

GENET and Rise Up organized girl-led dialogues with local decision-makers and national lawmakers and developed an alliance with a female head chief. The girl leaders worked with the head chief and a group of village chiefs under her authority to develop local bylaws that prohibited child marriage and penalized men who engage in the practice. As a result, traditional authorities increased the legal age of marriage to 21 years in their villages and instigated penalties for men who marry underage girls, including significant fines paid in goats, chickens and land. Each village established a taskforce to monitor and enforce implementation of these new bylaws, leading to the unprecedented near elimination of child marriage in these communities.³⁸⁵

As a result of the Stop Child Marriage project, chiefs from over 60 villages ratified their bylaws to protect girls from early marriage. The United Nations Foundation's external evaluation demonstrates that this campaign sharply decreased the incidence of early marriage and increased girls' school enrolment rates in Malawi. The Stop Child Marriage programme also affected social norms related to child marriage.³⁸⁶

While girl activists mobilized at the grass-roots level to end child marriage, Rise Up's network of Malawian civil society leaders launched a national campaign to outlaw child marriage. Following five years of targeted policy advocacy, in 2015, Malawi's Parliament voted unanimously to pass the Marriage, Divorce and Family Relations Bill, which the President signed into law.³⁸⁷ The law bans child marriage and raises MAM from 15 to 18 years, and imposes a 10-year prison sentence on those who defy the ban on child marriage.³⁸⁸ Nevertheless, a loophole limited this law from fully eradicating child marriage by allowing children aged 15–18 years to get married as long as their parents gave consent.³⁸⁹

This legal reform was notable in a country where nearly one in two girls is a child bride, married before their 18th birthday, and nearly one in eight is married by the age of 15 years.³⁹⁰ Child marriage is deeply entrenched in Malawi's society, partly because of a belief that a girl should marry as early as possible to maximize her fertility.³⁹¹

Since the law was passed in 2015, Rise Up leaders have mobilized to ensure successful implementation of the new legislation. One key component of Rise Up's strategy was to engage village chiefs as allies. Village chiefs retain almost total control over the norms and practices that directly affect girls in their communities; therefore, they are key to ending child marriage. Village chiefs decide which laws and norms are enforced, independent of national legal precedents. Rise Up leaders worked closely with village chiefs to eradicate child marriage so that Malawi's new national law could achieve its full positive impact for girls.³⁹²

In 2017, the government addressed the legal loophole. Parliament unanimously voted to remove a constitutional provision allowing children to marry with the consent of their parents. The protracted process leading to this constitutional amendment saw different stakeholders make several recommendations on the Malawi Law Commission's proposal to review the Constitution.³⁹³ To address child marriage, the proposal was that the age

of childhood be raised from 16 to 18 years to harmonize the constitutional provision with international legal standards, including CRC, CEDAW and SDG 5, and regional treaties, including the Maputo Protocol.³⁹⁴

In 2017, the amended Constitution banned child marriage for those under the age of 18 years, making child marriage officially illegal in Malawi.³⁹⁵ The constitutional amendment harmonized the Constitution with the Marriage, Divorce and Family Relations Act of 2015, which set MAM at 18 years.³⁹⁶ The Marriage, Divorce and Family Relations Act of 2015 also explicitly states that a marriage to someone who is under the age of 18 years is punishable by imprisonment. Furthermore, the Marriage Act, read with Section 22 of the constitutional amendment, defines a child as any person under the age of 18 years and fixes the marriageable age at 18 years. Additional legal initiatives to address child marriage are found in the National Registration Act, 2009, which creates a legal framework for universal birth registration. The National Registration Act has far-reaching consequences for child marriage in Malawi given the existing low birth registration rate, estimated to be around 3 per cent. Birth registration can reduce child marriage as it serves as proof of age of spouses intending to get married.

While the constitutional amendment constitutes a critical measure to reduce the number of child marriages, there is a potential risk that the definition of child as a person under the age of 16 years in the Child Care, Protection and Justice Act of 2011 may continue to undermine any effort to protect children from early marriage. Sections 80, 81, 82 and 83 of the Child Care, Protection and Justice Act address child marriage and harmful practices that infringe on children's rights. In previous years, the Children's Act prohibited anyone from subjecting a "child to a social or customary practice that is harmful to the health or general development of the child." Forcing a child into marriage or forcing a child to be betrothed is specifically prohibited by Section 81 of the Children's Act.³⁹⁷ The Children's Act is no longer in effect in Malawi.

In addition to Rise Up and GENET, Plan International joined the move to end child marriage in Malawi and supported Malawian youth groups who spoke out against child marriage.³⁹⁸ UN Women also played a pivotal role in lobbying for an end to this discriminatory practice. UN Women provided support during the constitutional review process, carried out key consultations for the reform, and mobilized other United Nations agencies to collaborate with the Ministry of Justice and Constitutional Affairs and Women and Law in Southern Africa to ensure an inclusive and participatory process.³⁹⁹ UN Women also delivered training to the Parliamentary Women Caucus on gender-related bills, including the Marriage Bill, which provided a space for female legislators to understand and discuss bills and prepared them for lobbying to get bills passed in parliament.

In 2014, UN Women Malawi worked in close collaboration with the Parliamentary Women Caucus, the Legal Affairs Parliamentary Committee and CSOs to lobby for the passing of the Marriage, Divorce and Family Relations Bill, which was passed by the cabinet in 2014. The bill was debated in the National Assembly in 2015. This was one of the most significant results to which UN Women made a credible contribution in 2015.⁴⁰⁰ UN Women continues to partner with civil society networks to change discriminatory attitudes among lawmakers and the public to ensure effective implementation of the new law. UN Women also supports the Ministry of Gender, Community Development and Social Welfare and the Ministry of Justice and Constitutional Affairs to ensure that all laws are consistent with the constitutional amendment bill.⁴⁰¹

19. Mozambique

Mozambique has one of the highest rates of child marriage in the world, with almost half of girls married before the age of 18 years, and more than 1 in 10 married before the age of 15 years.⁴⁰² In 2016, Mozambique launched a national strategy to prevent and combat child marriage.⁴⁰³ Led by the Ministry of Gender, Children and Social Affairs, the national strategy is the product of months of sustained collaboration between multiple ministries, international agencies, donors and CSOs.⁴⁰⁴

That same year, the UNFPA-UNICEF Global Programme to Accelerate Action to End Child Marriage was rolled out in Mozambique.⁴⁰⁵

In 2019, Mozambique's Parliament unanimously passed a new bill banning child marriage following a two-and-a-half-year campaign by women's rights activists and gender equality organizations, including Plan International. The bill set MAM at 18 years and eliminated a legal loophole in family law that previously made it possible for children to marry at 16 years with parental consent. The new law essentially prohibits marriage of children younger than 18 years, without exceptions.⁴⁰⁶ In addition, marriage between an adult and a minor is now punishable by law, with up to 12 years in prison.⁴⁰⁷

Young people lobbied for an to end child marriage with support from Plan International.⁴⁰⁸ Plan International also played an integral role in drafting the bill, working alongside Mozambique's national and local governments, other CSOs, community leaders, boys and girls, parents and religious leaders.⁴⁰⁹ Girls Not Brides Mozambique also helped to develop the content of the national strategy to prevent and combat child marriage at the grass-roots level. Consultation with girls, children community leaders and traditional groups, including civil society and faith-based organizations, were held in several provinces in the north and south with a high prevalence of child marriage.⁴¹⁰

Plan International and other key stakeholders also urged the government to enact and enforce the new laws related to MAM, strengthen legislation with policies and programmes that address the root causes of child marriage and tackle gender inequality and harmful social attitudes.⁴¹¹ UNICEF and Girls Not Brides joined in the national campaign to end child marriage. Donors and international agencies provided financial and technical support to the campaign to end child marriage, including to the legal reforms and development of the national strategy. UN Women was involved in high-level advocacy related to the passage of the *Lei de Prevenção e Combate às Uniões Prematuras* (Law Against Early Unions, 2019).

20. Somalia

Somalia's Constitution (2012) states that a marriage shall not be legal without the free consent of both the man and the woman or if either party has not reached the age of maturity (Article 28.5). The Constitution, however, does not define the age of maturity. The Family Code of 1975 establishes the legal age for marriage at 18 years for both men and women but allowed girls to marry at 16 years with consent of a parent/guardian. In other words, a girl 16 or 17 years of age could be represented in a contract of marriage by her father or, in his absence, by guardians in the following order – mother, grandfather, elder brother, uncle, court-appointed guardian or judge. The Family Code of 1975 also states that a marriage contracted under compulsion is invalid (Article 6) and that failure to register a marriage is punishable by fine. In Somalia, courts can grant exemptions to MAM requirements in cases of necessity.⁴¹²

In Somaliland there is a lack of legislation stipulating a MAM. The Constitution of Puntland⁴¹³ states that the family is the fundamental element of society and originates from marriage between a male and a female (Article 17), but does not include a legal MAM. Article 19.1 of the Constitution of Puntland does, however, define a child as anyone under the age of maturity or 15 years of age. The Constitution of the State of Jubaland⁴¹⁴ does not make any reference to a legal MAM.⁴¹⁵ As a result, child marriage is widespread in Somalia, Somaliland, Puntland and Jubaland, and is largely driven by cultural and religious norms.⁴¹⁶

In 2013, Somalia initiated steps to improve its sexual violence laws, in line with recommendations from the United Nations. After five years of work, a Sexual Offences Bill was approved by the Council of Ministers and sent to Parliament. In 2018, a new Sexual Intercourse Related Crimes Bill was introduced in parliament by a presidential ally, which caused a storm of criticism from lawmakers when they realized it would legalize marriage at puberty, as early as 10 years of age for some girls, and would allow forced marriage if the family consents. Many lawmakers and human rights activists rejected the bill.⁴¹⁷ The bill is a dramatic reworking of years of efforts by international organizations and civil society groups to bring forward a proposed law to give more protections to women and girls. The new Sexual Intercourse Related Crimes Bill would represent a major setback in the

fight against child marriage and sexual violence against women and girls in Somalia and weaken protections for victims of sexual violence.

The deputy speaker of Somalia's lower legislative body reported that the bill was drafted with input from the ministries of justice, women and human development, and Islamic scholars in the country. The bill is a departure from a more comprehensive bill, the Sexual Offences Bill, which would criminalize gender-based violence and child marriage. The Sexual Offences Bill has been in the lower house since 2018.⁴¹⁸

The United Nations, including UN Women, advocated for the adoption of the Sexual Offences Bill and spoke out against the Sexual Intercourse Related Crimes Bill, arguing that it risks legitimizing child marriage, among other alarming practices, and would send a worrying message to other States in the region. In 2020, thousands of people in Somalia circulated a petition against the bill, including the Mogadishu-based Elman Peace Center.⁴¹⁹ In addition, the British Ambassador to Somalia decried the new bill and Mogadishu, a Somali-run social welfare organization, spoke out against the bill. The new bill has attracted international attention, and there is pressure on Somali lawmakers to pass the old Sexual Offences Bill.

21. Tanzania

In Tanzania, the Law of the Marriage Act of 1971 set MAM for girls at 15 years and for boys at 18 years (Section 13). The Act also states that MAM can be lowered to 14 years by the courts under special circumstances. In Tanzania, a MAM was provided for in neither the Constitution nor the Law of the Child Act of 2009, which aimed to put Tanzania's international obligations to children into domestic law.⁴²⁰ Even though the Law of the Child Act of 2009 defines a child as a person under the age of 18 years, the banning of child marriage was purposely left out of the Act. During public hearings before the passage of the Law of the Child Act of 2009, CSOs, legal experts, academics and children advocated for the Act to include a ban on child marriage, but conservative forces blocked these efforts.⁴²¹

In Tanzania, legal pluralism is embodied in legislation that stipulates how non-state legal orders are accommodated by the state and interact with each other. Customary law provides for puberty as MAM (Local Customary Law Declaration Order of 1963), whereas Islamic law has no MAM.⁴²² Tanzania does, however, comply with CEDAW's Article 2,⁴²³ in that it provides in the Judicature and Application of Laws Act that in cases where customary law or Islamic law contradict statutory law, statutory law takes precedence. If either of these laws contradict the Constitution, then they also become null and void as per Article 64(4) of the Constitution.⁴²⁴

For years, reviewing MAM in Tanzania has been a challenge because of traditional and religious practices.⁴²⁵ Nevertheless, human rights advocates have petitioned to end child marriage. Msichana Initiative, a Tanzanian women's rights advocacy organization, led the effort to raise MAM to 18 years. Msichana Initiative argued that permitting marriage at an earlier age contravened the Constitution and disrespected international conventions ratified by Tanzania's Parliament.⁴²⁶ In 2016, Ms. Rebecca Gyumi, founder of Msichana Initiative and winner of the 2018 United Nations International Human Rights Prize, filed a petition with the High Court demanding that the Government of Tanzania amend the Law of the Marriage Act of 1971, particularly Sections 13 and 17, which allow girls to marry from 14 years of age.⁴²⁷ Msichana Initiative argued that the Marriage Act of 1971 violates girls' rights to equality, dignity and access to education, as granted by the Constitution.⁴²⁸

In 2016, in *Rebecca Gyumi vs. Attorney General*, the High Court ruled that two sections of the Marriage Act of 1971 that allowed girls to marry at 15 years of age with parental consent and 14 years of age with the permission of a court were unconstitutional because they violated Articles 12, 13 and 18 of the Constitution, which give people equal rights before the law and the right not to be discriminated against.⁴²⁹ In addition, the court declared that it was unfair to subject a 15-year-old girl to marriage, as a child has no understanding of and could hardly comprehend her responsibilities and obligations as a married person.⁴³⁰ The court also declared that the law was discriminatory and unfair because it allowed a girl as young as 14 years to be married, whereas boys could marry

only once they reached the age of 18 years.⁴³¹ Thus, the High Court ordered Parliament to review the Marriage Act in accordance with its obligations under Article 6 of the Maputo Protocol and Article 21 of ACRWC, and to amend the Act as required by the 2016 Constitution.⁴³² The High Court effectively raised MAM for girls to 18 years and established that all marriages under 18 years were illegal and unconstitutional.⁴³³

In 2018, the Attorney General appealed against the decision on the grounds that the lower MAM actually protected girls who became pregnant out of wedlock. The Attorney General claimed that the disparity in MAM is a compromise to accommodate customary, traditional and religious values on marriage.⁴³⁴ That same year, Ms. Gyumi campaigned against child marriage in Tanzania and advocated for the government to fulfil its obligations by enforcing the court's ruling and changes to MAM.⁴³⁵

In 2019, Tanzania's Court of Appeal quashed the government's appeal seeking to overturn the landmark 2016 High Court ruling that banned marriage for both boys and girls under the age of 18 years. In a highly contested move, the government appealed against raising MAM from 14 to 18 years, specifically for girls. The ruling of the Court of Appeal signalled progress towards the protection of girls in Tanzania and that Tanzania was fulfilling its regional and international obligations related to children and women's rights.⁴³⁶ The Supreme Court of Appeals' decision was welcomed by child welfare and women's advocates as a win.⁴³⁷ It is further important to note that the Court decision was done parallel with awareness raising initiatives and public engagements through media, SMS campaigns and community outreach to create pressure from rights holders.

In the course of 2023 and with the support of UN Women, Tanzania has made commitments under the new administration including some recent developments on national campaigns on ending child marriage and reform of the MAM, work with parliament including women Parliamentarians for reform of the law and national consultations led by the Ministry of Constitution and Legal Affairs to collect views to review the MAM. Further, recent findings from the Social Institutions and Gender Index Tanzania Report show changing attitudes on child marriage.

Over the years, UNICEF, UNFPA, UN Women, Plan International, the Tanzania Gender Networking Programme and the Tanzania Ending Child Marriage Network have also advocated for girls and women's rights in Tanzania, including ending child marriage and strengthening child protection systems.⁴³⁸ More specifically, UN Women provided technical and financial support to the Ministry of Constitutional and Legal affairs, the Tanzania Women Parliamentary Group and Msichana Initiative to advocate for a review of the Law of the Marriage Act of 1971, as recommended by the CEDAW Committee.⁴³⁹

22. Uganda

In Uganda, efforts to end child marriage have focused largely on instituting a national legal and policy framework conducive to ending child marriage. The government has made significant progress in setting the national policy framework for addressing child marriage; in particular, the Uganda Constitution of 1995 and other laws, including the Penal Code (amendment) Act of 2007, set the legal age of marriage or engagement in sexual acts at 18 years.⁴⁴⁰

More specifically, Chapter 4 of the Constitution provides for the protection and promotion of fundamental and other human rights and freedoms for all Ugandan citizens, with specific provisions for the protection of women and girls in Articles 20, 21, 24, 33, 34 and 50. Article 31 provides for the right to marriage and family formation, it criminalizes child marriage and spells out 18 years as MAM for both men and women. Article 31(3) also prohibits forced marriage and provides for free consent of the man and woman to enter into marriage.⁴⁴¹ Although the legal age of marriage in Uganda is 18 years, the law is rarely enforced and local traditions often override the law, especially in rural areas.⁴⁴² It is notable that Article 33(6) of the Constitution prohibits laws, cultures, customs and traditions that are against the dignity, welfare or interest of women or undermine their status.⁴⁴³

The Penal Code (amendment) Act of 2007 can be used to prevent child marriage as it stipulates that any person who performs a sexual act with another person under the age of 18 years commits an offence of defilement and is punishable by life imprisonment or a death sentence if the offence is committed with a child under 14 years of age; the child is infected with HIV or has AIDS; the perpetrator is a parent or guardian, a person in authority or a serial offender; or the victim is a person with disability (aggravated defilement). Other Ugandan laws that can be used to prevent child marriage include the Anti-Trafficking Act of 2010, Domestic Violence Act of 2010 and Anti-Female Genital Mutilation Act of 2009. These laws protect girls from early sex and penalize coerced sexual intercourse and forced marriages.⁴⁴⁴

Although these laws provide for protection of girls from child marriage, they operate alongside other Ugandan laws that are lax in regard to MAM. For example, although the Marriage Act of 1904 set 21 years as the age of consent, it does allow for marriage of minors (below 21 years of age) upon written consent of parents/guardians, or a registrar in cases where the parents are dead or there is no guardian capable of consenting.⁴⁴⁵ The Marriage Act of 1904 is silent on the age of consent. Similarly, the Marriage and Divorce of Mohammedans Act of 1906 is silent on the age of consent. The Hindu Marriage and Divorce Act of 1961 and The Customary Marriages (Registration) Act of 1973 meanwhile set the age of consent at 16 years for girls and 18 years for boys, and allow marriage of minors upon consent of parents or guardians.⁴⁴⁶ These Acts are still in operation, despite the fact that these provisions have been outlawed by the Constitution, which stipulates that in cases where any law or custom is inconsistent with any of the provisions in the Constitution, the Constitution shall prevail.⁴⁴⁷

Contradictions in the laws have hindered their effective enforcement and served to perpetuate child and forced marriage in Uganda. Since 1987, efforts to amend the marriage laws have been met with stiff resistance, particularly from male legislators who see it as a threat to their gender identity and male power because it challenges the status quo of existing power relations in families, where males are dominant.⁴⁴⁸ Current widespread resistance to reforms to marriage laws proposed by the Marriage and Divorce Bill were tabled in Parliament, which underscores the deeply entrenched social norms and expectations of marriage, and male dominance, in Uganda.⁴⁴⁹

The Marriage and Divorce Bill of 2009 sought to reform and consolidate the law relating to marriage, separation and divorce, as well as providing for the types of recognized marriages in the country, and marital rights and duties, including harmonizing MAM with other legislation, i.e., making it 18 years, without exceptions. The Ministry of Justice and Constitutional Affairs deferred the Marriage and Divorce Bill of 2009 to the Committee on Legal and Parliamentary Affairs and debated it in Parliament. Discussion is ongoing with the Committee to ensure that the bill is brought back to the floor of Parliament for debate.⁴⁵⁰

The National Strategy to End Child Marriage and Teenage Pregnancy 2014/2015–2019/2020, supported by UNICEF and the Minister of Gender, Labour and Social Development, focuses on improving the legal and policy environment to protect children, including an end to child marriage. This includes reviewing government policies and laws and stipulating the roles and responsibilities of different stakeholders at national, subnational and community levels in policy and law enforcement. The strategy targets local government administration sector officials, technical teams and committees, development partners, CSOs and local community members.⁴⁵¹

Save the Children developed the ‘Girls as Drivers of Change’ project, which has supported teenage girls to bring positive change in their communities and to end gender-based violence. Funded by a partnership with the UK People’s Postcode Lottery and the World Association of Girls Guides and Girl Scouts, Save the Children works with girls’ clubs in schools to help them stand up for their rights. The girls came together to write a petition that was submitted at a series of events held all over Karamoja with government officials, religious leaders, police commanders and other influential community members.⁴⁵²

Since 2014, UN Women has supported legal reforms related to MAM for girls. In 2014, UN Women initiated dialogue and consultations with a cross-section of stakeholders, including women politicians, on a review of advocacy efforts to enact the Marriage and Divorce Bill of 2009. UN Women worked to improve the political participation of women and knowledge of parliamentarians on legislation related to MAM. In 2013 and 2014, UN Women commissioned a study on the Marriage and Divorce Bill. The report was made available to parliamentarians to equip

them for discussions in Parliament, and to faith leaders to elicit their views on how faith-based organizations can support the Marriage and Divorce Bill; their views were incorporated in the strategy review for the bill.⁴⁵³

In 2015, UN Women provided financial and technical support to the coalition on the Marriage and Divorce Bill through, among other processes, dialogues between the coalition and religious leaders to gain their support. The dialogues were successful, but Parliament closed its session before it was possible to re-table the bill. In 2017, effort was made to address controversial issues in the Marriage and Divorce Bill and efforts are still ongoing to review the Marriage and Divorce Bill and have it re-tabled in Parliament. Proposed amendments were submitted to the Uganda Law Reform Commission for onward transmission to the Ministry of Justice. In 2020, in line with CEDAW recommendations, UN Women worked closely with the Uganda Parliamentary Women Association to engage and lobby relevant parliamentary committees, coordinate with all other implementing partners, and engage the media in advocating for the passage of the Marriage and Divorce Bill. UN Women also supported the analysis of all bills to identify gender-related provisions that could be strengthened.⁴⁵⁴

23. Zimbabwe

There are two formal marriage systems that coexist in Zimbabwe – the customary marriage law and civil marriage law. Customary law is the system that was in place prior to colonization and applies to indigenous people in Zimbabwe. During the colonial era, a registration requirement for customary marriages was introduced. Unregistered customary law marriages also exist but are not governed by or recognized under the marriage laws.⁴⁵⁵

Zimbabwe passed several Acts that are relevant to addressing child marriage. Principal among these legal frameworks is the 2013 Constitution. Subsections 78(1) and (2) of the Constitution set MAM at 18 years and prohibit forced marriage. These subsections further require the state to take appropriate measures to ensure that no marriage is entered into without the free and full consent of the intended spouses. More relevant to addressing cultural practices, such as *kuzvarira*, where a girl is forced to enter into a union with her sister's husband for the purpose of producing children, the Constitution requires the state to take measures to ensure that children are not pledged in marriage.⁴⁵⁶

Laws regulating marriage are contained in several pieces of legislation, namely the Marriage Act (Chapter 5:11), which governs civil marriages; the Customary Marriages Act (Chapter 5:07), which covers customary law marriage; the Married Persons Property Act, which details the marital property regime; the Matrimonial Causes Act, which regulates property distribution, maintenance and other issues upon dissolution of marriage; the Customary Law and Local Courts Act, which has provisions that regulate customary law that applies to marriage; the Criminal Law (Codification and Reform) Act, which defines and imposes penalties for prohibited marriages, including polygamy; and the Domestic Violence Act, which penalizes forced marriage and the pledging of girls into marriage.⁴⁵⁷ The main legislation, however, is the Marriage Act and the Customary Marriage Act.⁴⁵⁸ The Customary Marriage Act regulates registered customary marriages in Zimbabwe. Section 11 of the Customary Marriage Act prohibits the pledging of girls in marriage yet does not stipulate a MAM.⁴⁵⁹

In 2016, Zimbabwe's highest court outlawed marriage for any person under the age of 18 years following a case brought by two women who were forced into child marriages. Both women claimed the early marriage restricted their access to education and sentenced them to a life of poverty. These two cases increased international and regional attention on ending child marriage.

In the case of *Mudzuru and Another vs. Ministry of Justice and Parliamentary Affairs (CCZ 12/2015)*, the Constitutional Court of Zimbabwe struck down Section 22(1) of the Marriages Act (Chapter 5:11), which provided that a girl who attained the age of 16 years was capable of contracting a valid marriage with consent in writing to solemnize the marriage from her legal guardians.⁴⁶⁰ The court unanimously ruled that “no person, male or female, may enter into any marriage, including an unregistered customary union or any other union, including one arising out of

religious rite, before the age of 18.”⁴⁶¹ In this ruling, the court declared that Section 78(1) of the Constitution and would therefore be unconstitutional. The court also declared that Section 22(1) of the Marriages Act established that any law or customary or religious practice authorizing a person under 18 years of age to marry or to be married was inconsistent with the provisions of Section 78(1) of the Constitution, and would therefore be unconstitutional. This court ruling went even further, declaring that “Section 78(1) of the Constitution permits of no exception for religious, customary or cultural practices that permit child marriage, nor does it allow for exceptions based on the consent of public officials, parents or guardians.”⁴⁶²

The Constitutional Court concluded that, from 20 January 2016, no person, male or female, may enter into any marriage, including one arising from religion or religious rites, before attaining the age of 18 years. As the court observed, this judgment is in line with international human rights standards requiring Zimbabwe to take appropriate legislative measures, including constitutional provisions, to modify or abolish existing laws and customs inconsistent with the rights of the child.⁴⁶³

In 2016, the Minister of Justice, Legal and Parliamentary Affairs announced that his ministry would draft a single marriage law that would redress all areas that were discriminatory towards the rights of women. In 2017, the Marriages Bill aimed to harmonize marriage laws in Zimbabwe, bring the governance of marriages under a single act and align the law with the provisions of the Constitution. In 2019, the proposed Marriages Bill was repealed and replaced the current Customary Marriages Act (Chapter 5:07) and the Marriage Act (Chapter 5:11). Disagreements between the government and traditional leaders on a clause related to the payment of *lobola* and the powers of chiefs as marriage officers stalled the Marriages Bill in the Senate. In 2020, the Marriages Bill passed its third reading with amendments in the House of Assembly and proceeded to the Senate.⁴⁶⁴

In 2021, the United Nations Country Team condemned the practice of child marriage in Zimbabwe following the death of a 14-year-old girl. The case brought into the spotlight the practice of child marriage within Zimbabwe’s apostolic churches, which also allow polygamy. Neither of Zimbabwe’s two sets of marriage laws, i.e., the Marriage Act or the Customary Marriages Act, give a MAM for consent, while the customary law allows polygamy. A new marriage bill that seeks to synchronize the laws, ban marriage of anyone below 18 years of age and prosecute anyone involved in the marriage of a minor is before Parliament for debate.⁴⁶⁵

UN Women has supported dialogue and debate among parliamentarians and civil society groups and provided critical analyses on the Marriages Bill. UN Women has also supported the Zimbabwe Council of Chiefs, Senate Chiefs, women’s organizations, legal experts and the Minister of Justice to ensure that they are well equipped to participate in parliamentary debates. Debate on the Marriages Bill was adjourned in the Senate and has yet to reach its conclusion due to the COVID-19 pandemic.

WEST AND CENTRAL AFRICA

24. Chad

Chad has committed to eliminating child, early and forced marriage by 2030, in keeping with SDG 5.3. Chad also proactively adopted the co-sponsored 2015 Human Rights Council Resolution and 2013 United Nations General Assembly Resolution on Ending Child, Early and Forced Marriage. Despite these efforts, marriage of young girls is still a common practice in Chad, as the age of majority is set differently within various documents. From a legal point of view, civil majority is reached at 21 years of age and the legal age of marriage is set at 15 years for girls and 18 years for boys. In customary law, the age of marriage is set at 13 years.⁴⁶⁶

In 2015, the Government of Chad adopted a draft law that prohibits child marriage. In 2016, the Parliament adopted a reform to its Penal Code that raised MAM from 16 to 18 years. The new law not only prohibits child marriage, but also punishes those who violate the law with imprisonment of 5 to 10 years and a fine of 500,000 to 5 million Central African CFA francs (about US\$1,000 to US\$10,000).⁴⁶⁷ The President pledged to ban child marriage by 2020, with the support of UNICEF.⁴⁶⁸

25. Gambia

In Gambia, four types of marriages are legally recognized: Muslim (Mohammedan) marriages, governed by sharia law and the Muslim Marriage and Divorce Act of 1941; Christian marriages, governed by the Christian Marriage Act of 1862; civil marriages, governed by the Civil Marriage Act of 1938; and customary marriages, based on tradition and heavily influenced by sharia law. Given the country's demographics, customary and sharia laws govern nearly all Gambian marriages.⁴⁶⁹

In practice, the 1997 Gambian Constitution applies to civil marriages, and acts passed by the legislature are overridden by customary and religious laws.⁴⁷⁰ Although the Constitution ensures equal rights regardless of gender, it carves out exceptions in certain personal or family law matters, including marriage, divorce and inheritance, which are governed by customary and religious law.⁴⁷¹

With the exception of civil marriages, which are governed by the Constitution and require the consent of both parties, there are no laws in Gambia governing forced marriage performed under customary or religious law. According to sharia law, a girl who has reached puberty is eligible to be married regardless of her age.⁴⁷² In rural communities it is not uncommon for girls to be removed from school and forced into marriage.⁴⁷³ Sharia law contradicts the Constitution as it relates to child marriage, even though the Constitution is the supreme law and should be able to ensure an end to child marriage.⁴⁷⁴

In Gambia, gender has a considerable impact on an individual's ability to determine whether, when and who to marry. Under customary and sharia law, which governs over 90 per cent of Gambian marriages, a marriage contract is made between the groom and the guardian of the bride. Traditionally, the consent of the bride's family (not of the bride herself) is necessary for a valid marriage, making it legally possible for a bride's family to contract a marriage without the bride's consent. In rural areas, girls and adult women have little say regarding who they marry.⁴⁷⁵

The Children's Act of 2005 bans all harmful traditional practices from being imposed on children under the age of 18 but does not define traditional practices within its scope. The Women's Act of 2010 bars parents and guardians from removing female children from school to be married, but still this practice is common. While data on enforcement are not widely available, the prohibition on removing children from school for the purpose of marriage appears to be commonly disregarded.⁴⁷⁶

In 2016, Gambia made child marriage below 18 years illegal with the Children's (Amendment) Act of 2016. Led by Gambia's First Lady, the move to end child marriage was part of a wider movement and campaign against child marriage that was occurring across the African Union and began in 2014. Fourteen countries, including Gambia, joined the campaign and took steps to eradicate child marriage.⁴⁷⁷

The law punishes parents, spouses and involved religious leaders who violate the laws. The penalty for child marriage is 20 years imprisonment for both the husband and parents of the girl child who is married.⁴⁷⁸ NGOs and human rights groups welcomed the decision, but some expressed concern at the prospect of sending parents to jail. Although the threat of imprisonment acts as a deterrent, some fear that it may spark a backlash and be difficult to enforce.⁴⁷⁹

Despite the ban on child marriage in Gambia, child rights groups and advocates against child marriage maintain the practice is still rampant in the country. The National Coordinator of Child Protection Alliance (CPA) highlighted that there are a lot of gaps with regard to child protection in Gambia.⁴⁸⁰

26. Sierra Leone

Sierra Leone's legal environment is complicated by the existence of three different legal systems: statutory and codified law; customary law, which consists of traditional practices and codes; and Christian and Islamic laws. Communities often rely on an informal legal system because it is easier to access and more affordable than formal legal channels. Informal legal systems, however, are more likely to pressure pregnant girls to marry to avoid shame, meaning that those who do commit sexual violence against women often go unpunished.⁴⁸¹

In 2007, the Government of Sierra Leone enacted the Child Rights Act to comply with its international legal obligations under CRC and ACRWC. The Child Rights Act of 2007 established MAM as 18 years, regardless of whether the marriage is carried out under formal, customary or religious laws. Section 34(2) of the Act goes even further and specifies 18 years as the minimum age to be betrothed (promised for marriage) or the subject of a dowry transaction. Section 34(2) prohibits forcing a child to be married, betrothed or the subject of a dowry transaction, and Section 35 provides that any person found to be in violation of this provision has committed a criminal offence and may be subjected to a fine of up to 30 million Sierra Leonean leons or a prison term of no more than two years, or both.⁴⁸²

Although the Ministry of Social Welfare played a central role in the enactment of the Child Rights Act of 2007, many government officials and civil society actors believe that the legislation came about as a result of international pressure and was not the product of an organic, domestic political movement.⁴⁸³ Although the process for developing the Child Rights Act included substantial participation of national stakeholders, critics claimed that the Act was "pushed through" the Sierra Leonean legislature by the United Nations and other international NGOs, at the same time that nearly identical laws were passed in legislatures in neighbouring countries.⁴⁸⁴ As a result, the Child Rights Act has been criticized as a product of foreign interests that does not represent the independent will and efforts of domestic leaders. As a result, the central government has been less inclined to enforce the Child Rights Act.⁴⁸⁵

In 2007, the Registration of Customary Marriage and Divorce Act was also enacted. The Customary Marriage and Divorce Act directly contradicted the Child Rights Act, which prohibits marriage before the age of 18 years.⁴⁸⁶ The Customary Marriage and Divorce Act addressed customary marriage procedures that are applicable to the majority of marriages that take place under the authority of the customary legal system. Section 2 of the Act provides that a customary marriage is valid only if both spouses are at least 18 years of age and consented to the marriage. The Act, however, carves out an exception where, if either of the prospective spouses is aged under 18 years, parents must give consent to the marriage, and, if the parents are dead or unable for any reason to give such consent, then the consent may be given by the guardians of the prospective spouses. If the consent of the parents or guardians cannot be obtained or is unreasonably withheld, a magistrate or local government chief administrator of the locality in which the marriage is to take place may give consent. This provision creates a legal loophole that permits customary child marriages and expands the authority to consent to a child's marriage beyond the family, giving local officials the power to override parental objections and authorize child marriages.⁴⁸⁷

The Customary Marriage and Divorce Act contradicts the Child Rights Act, which was enacted to end the practice of child marriage. Since 2007, supporters of human rights, women's rights and child protection, as well as international organizations and NGOs, have advocated for the Customary Marriage and Divorce Act to be amended to eliminate the legal loopholes and to clarify that child marriage is illegal for all individuals under the age of 18 years, without exceptions. Progress towards reconciling this discrepancy has been slow and has yet to occur.⁴⁸⁸

Some government officials and NGOs believe that the conflict between the Child Rights Act and Customary Marriage and Divorce Act is the result of an oversight; namely that Parliament passed the two Acts in rapid succession without careful consideration of how they relate to each other. Others contend that Parliament had an opportunity to amend the problematic provisions when it voted on the Customary Marriage and Divorce Act in 2009 but chose not to do so.⁴⁸⁹

To date, it appears that the Law Reform Commission, which is the government body responsible for harmonizing conflicting laws, and the Rules of Court Committee, which has taken on a similar role, have yet to issue a report addressing the discrepancy between the two Acts.⁴⁹⁰ As a result, international organizations and NGOs, and other civil society groups, continue to lobby the government to amend the Customary Marriage and Divorce Act to address its inconsistencies with the Child Rights Act to ensure a clear message that child marriage is illegal under all circumstances, regardless of the desires of parents or other adults.

In 2007, the Domestic Violence Act was also passed. The Act prohibits any person in a domestic relationship from engaging in physical or sexual abuse, economic abuse, emotional, verbal or psychological abuse, harassment and all conduct that in any way harms or may harm another person. Although the Domestic Violence Act does not address child marriage specifically, perpetrators of child marriage can be held liable for domestic violence under the Act. Some lawyers and magistrate judges consider child marriage a form of domestic violence subject to punishment under the Domestic Violence Act. Violations of the Domestic Violence Act carry a maximum fine of 5,000,000 Sierra Leonean leons (approximately US\$1,155) and a maximum prison term of two years.⁴⁹¹

In 2012, Sierra Leone's Parliament passed the Sexual Offences Act, which establishes the age of sexual consent at 18 years and raises the penalties for perpetrators of sexual violence against children. This Act harmonized the age of sexual consent with the age of consent to marriage in the Child Rights Act, eliminating this obstacle to its enforcement.⁴⁹² While laws in Sierra Leone prohibit child marriage, implementation is weak. Another challenge is that many rural communities respect customary leadership and bylaws more than national laws.⁴⁹³ For these reasons, implementing formal law is challenging in rural areas, where the majority of the population views the traditional, customary legal system as the primary source of authority in their lives. Rural communities are more likely to turn to customary chiefs and local customary courts to arbitrate conflicts than to formal government bodies, such as police and magistrate courts. Owing in part to the primacy of customary law over formal law, there is a gap between the formally required process for responding to child marriage cases and the actual response.⁴⁹⁴

It is notable, however, that customary bylaws prohibiting child marriage have been passed and enforced, with modest success in a number of chiefdoms. Many customary and central government authorities suggest that bylaws are an integral part of the movement to implement the Child Rights Act of 2007.⁴⁹⁵

Following the launch of the African Union campaign to end child marriage in Africa, in 2016 the Ministry of Gender and Children Affairs launched the End Child Marriage in Sierra Leone campaign. The government also developed the National Strategy for the Reduction of Adolescent Pregnancy and Child Marriage (2018–2022).⁴⁹⁶ The National Strategy recognizes the need to amend the Customary Marriage and Divorce Act of 2009 to eliminate the critical loophole that permits the marriage of 16-year-old boys and girls with parents' consent or consent of a magistrate or local government chief administrator.⁴⁹⁷

ARAB STATES AND NORTH AFRICA

27. Egypt

The Egyptian Child Law of 2008 sets MAM at 18 years for both females and males in an effort to end child marriage. The amended law was more specific about setting MAM at 18 years, particularly since the family law lacked specific provisions that clearly defined 18 years as MAM.⁴⁹⁸ It also raised the minimum age to register a marriage from 16 to 18 years. Among Egypt's efforts to control child marriage, a five-year national strategy to prevent child marriage was launched in 2014. The process was led by the National Population Council, a governmental body that establishes national population policies and strategies in Egypt. This strategy aimed to recognize child marriage as a health and population issue to reduce the prevalence of early marriage by 50 per cent within five years, and to fight proposals to lower MAM.⁴⁹⁹

In 2017, Egypt's National Council for Women launched the 'No to Underage Marriage' campaign in cooperation with the Ministry of Religious Endowments and Christian clerics. The campaign's main objective was to curtail undocumented marriages of minors.⁵⁰⁰

Although MAM is 18 years for both sexes, the law is widely ignored, especially in rural areas, and it lacks provisions that specifically criminalize child marriage. In an effort to circumvent this law, some Imams have convinced village families that couples can have customary marriages until girls reach the marriageable age, after which the bond would be made legal.⁵⁰¹ In 2017, the first draft bill to criminalize child marriage was discussed by the Parliament's Constitutional and Legislative Affairs Committee. The draft bill introduced amendments to five laws in the Constitution, including the right of guardianship and the custody of children under family law.⁵⁰² Since 2017, different draft laws that criminalize girls' early marriage have been discussed in Egypt's Parliament; however, these laws have been met with a lot of controversy.

In January 2020, another draft bill was proposed to criminalize child marriage as a crime of violence against women. It also aimed to stiffen the penalties to include imprisonment and a fine of not less than 5,000 and not exceeding 1,000 Egyptian pounds for anyone who participates in the crime or calls for or promotes the crime of child marriage.⁵⁰³

The Government of Egypt also proposed a new draft law that includes amendments to the Child Law of 1996. The focus is on amending Article 12, which defines when parents can be deprived of guardianship authority over a girl or her property.⁵⁰⁴ For instance, a father who participates in marrying a daughter or son under 18 years of age shall be punished by imprisonment for a period of not less than one year and can be deprived of his guardianship rights over the child. In addition, any person who signs a marriage contract in such cases shall be punished by the same penalty. A marriage registrar who witnesses a case of child marriage shall also notify the Attorney General.⁵⁰⁵ Failure to notify the Attorney General can result in imprisonment for a period of no less than one year.⁵⁰⁶ This bill is yet to be passed and approved.

28. Iraq

Iraq's Personal Status Law (Law 188 of 1959), which applies to all Iraqis, regardless of sect, sets the legal age for marriage at 18 years, but allows a judge to permit girls as young as 15 years to be married in urgent cases or if the father of the bride gives his approval of the marriage.⁵⁰⁷ Article 8 provides a loophole for judges to authorize underage marriages with or without permission from the father.⁵⁰⁸ In such cases, the age of marriage can be lowered to 15 years in cases of parental or judicial consent.⁵⁰⁹

In Iraq, child marriage supporters continuously push for proposed amendments to the Personal Status Law in an effort to abolish legal difficulties when forcing children into marriage. Parliament has rejected these proposals, including an amendment that would allow families to have their own laws in religious communities and authorize families to offer their eight-year-old daughter for marriage.⁵¹⁰ Despite the fact that Iraq's current law states the legal age for marriage is 18 years, in 2014, Iraqis voted on a proposed new law that makes it legal for girls as young as nine years of age to marry. The Jaafari Personal Status Law, which would affect only Iraq's majority Shiite population, was approved by Iraq's Council of Ministers and slated for a vote after a new parliament was elected.⁵¹¹ The proposed law did not explicitly set forth an age limit for marriage but designated nine as the age at which a child can get divorced, thus implying that a child can be married before the age of nine. The proposed law would also legalize marital rape, ban Muslim men from marrying non-Muslim women, give husbands full guardianship over their wives and prevent women from leaving the house without their husband's consent.⁵¹² The draft law was controversial; it drew the attention of human rights activists globally and divided the nation.⁵¹³

In 2017, a group of lawmakers in Parliament voted to move forward with a bill that would allow religious courts throughout Iraq to grant marriages to girls as young as nine years of age. This bill would allow religious courts to make exceptions to the Personal Status Law for girls as young as nine years of age, an age that reportedly comes

from some interpretations of Islamic religion.⁵¹⁴ The draft law was approved by 40 parliamentarians but would need to be voted on by the entire Parliament to become law. Equality Now, a human rights group, argued that the transfer of power from state courts to religious courts represents a dangerous shift for Iraqis and a complete violation of girls' rights. The Baghdad Association and Iraqi Women's League also condemned the bill.⁵¹⁵

In Iraq, religious marriages are not permitted outside the civil or religious court, but still regularly occur and can be formalized with the payment of a small fine. In 2021, when an Iraqi court allowed a man to formalize his religious marriage to a 12-year-old girl, despite the girl's mother opposing the union, human rights activists protested outside the court.⁵¹⁶

29. Jordan

The Personal Status Law, which has been changed four times in Jordan's history, defines the legal MAM as 15 years in the 1976 version. In 2010, the legal age was raised to 18 years, with exceptions.⁵¹⁷ Under Article 10 of the Personal Status Law, MAM is 18 years, but sharia court judges can make exceptions in special cases for children aged 15–17 years if the marriage is necessary and in the interest of the child, and if those who get married are fully competent in everything related to marriage.⁵¹⁸ Special exceptions to marriage are defined by special regulations issued by the supreme judge department, which is in charge of the religious courts and its judges and controls the process of granting marriage permissions to 'underaged' applicants.⁵¹⁹

In 2018, Jordan's upper house of Parliament adopted amendments to the Personal Status Law that would increase MAM from 15 to 16 years without court approval; however, the lower house rejected these changes.⁵²⁰ In 2019, changes to the Personal Status Law were again discussed in Parliament, with a focus on expanding the law to end child marriage and provide full equality for women in marriage and divorce. In a joint session of the upper and lower houses to end the dispute over the proposed amendments to the Personal Status Law, the vast majority of Parliament voted against raising MAM in exceptional cases from 15 to 16 years.⁵²¹

The amendments would have made minor changes to the 2010 Temporary Personal Status Law, which governs issues such as marriage, divorce and inheritance for the country's Muslim majority, based largely on principles of Islamic law. According to Article 14 of the 2010 Temporary Personal Status Law, women must obtain the permission of a male guardian, usually their father, to marry.⁵²² The law does not apply to the country's Christian minority, for whom personal status issues are not codified under Jordanian law, but subject to regulation by church ecclesiastical authorities. Everyone in Jordan is subject to one of these two sets of rules.⁵²³

If the bill (amendments) had been approved by both the House of Deputies and the Senate, it would have been submitted to the King of Jordan, who could have either granted consent by royal decree or returned the bill (amendment) unapproved with justifications. When the House and Senate do not agree, they can meet in joint session to end the dispute and then dispatch the bill (amendments) to the King of Jordan.⁵²⁴

Human rights and women's rights activists and civil society groups protested in front of the Parliament ahead of the session in a last-ditch effort to support pro-women legislative amendments and called on the government to increase MAM to 18 years, without exceptions, to prevent child marriage.⁵²⁵ The Parliament session was heated, with anger about the NGOs' and activists' demands for the increase in MAM. The majority of those who were allowed to speak at the session expressed opinions that were against the Senate's bill. Some members of Parliament accused NGOs of wanting to change the values and traditions of Jordanian society, stressing that such demands were a breach of Islamic law.⁵²⁶ The decision from the joint session was also disappointing to the 'Bint 15' campaign (which translates as '15-year-old girl'), a youth advocacy drive against child marriage.⁵²⁷

Princess Basma Bint Talal voiced her support for the proposed amendments on her social media and expressed her disappointment at the outcome, which she said "does not represent the views of the greater part of Jordanian

society.”⁵²⁸ Princess Basma added: “With due respect to the democratic process that resulted in the rejection of the two amendments put forward to Parliament, it must be asserted that these neither conflict with the Jordanian Constitution nor Islamic law. Furthermore, these amendments were the studious effort of a large cross-section of society with full knowledge of the issues, as well as a keen sense of responsibility and ethics. This setback is not helpful in dealing with the negative outcomes and individual problems created by the existing laws.”⁵²⁹

30. Lebanon

In Lebanon, personal status laws vary across religious communities. Each one of the 18 recognized religious groups has its own personal status law and sets its own rules on the legal age of marriage; therefore, there is no unified law on marriage or MAM.⁵³⁰ Some religious communities have set MAM at 15 years, whereas others allow the marriage of girls at nine years of age, with exceptions.⁵³¹ The table below shows MAM for girls and boys set by different Lebanese religious communities as of 2017.⁵³²

TABLE
Lebanon legal age of marriage with exceptions by religious group

Religion	Legal age of marriage		Exceptions	
	Girls (years)	Boys (years)	Girls (years)	Boys (years)
Sunni	17	18	9	17
Shiite	9	Puberty	Puberty	15
Druze	17	18	15	16
Catholic	14	16	–	–
Greek Orthodox	18	18	15	17
Armenian Orthodox	15	18	14	16
Syriac Orthodox	14	18	--	--
Evangelistic	16	18	14	16
Assyrian Orthodox	15	18	If physically fit	If physically fit
Israeli	12,5	18	Under 12,5	13

Source: OHCHR (undated). *Report on Child Marriage, Early Marriage and Forced Marriage in Lebanon*. Retrieved on 27 November 2021 from OHCHR: [Lebanon](#).

Progressive women religious leaders believe that sharia law does not allow girls to be married before they reach the age of religious responsibility (*sinn al-takleef*); however, minors are married before they are mentally and physically ready – especially in some communities that use religious texts to justify this practice.⁵³³ Feminist/ women’s NGOs, including ABAAD (Dimensions), and human rights activists have been lobbying against child marriage in Lebanon, and have based their arguments on international law.⁵³⁴

In 2017, a draft law was introduced that would set MAM at 18 years, with no exceptions. The draft law would penalize anyone contributing to or complicit in the marriage of a child, with fines equal to 10 times the minimum wage and prison sentences ranging from six months to two years. The bill was prepared by the Lebanese Women Democratic Gathering and introduced by a member of Parliament.⁵³⁵ In 2021, the draft law introduced in 2017 remained stuck in Parliament.⁵³⁶

Lebanese civil society groups have been trying for years to get the government to pass a personal status law.⁵³⁷ Women's rights organization in Lebanon, including Kafa and ABAAD, have long worked on campaigns to set MAM at 18 years. Advocates for the bill and its enforcement argue that Lebanon's authorities should pursue criminal cases against adult spouses, parents and local authorities who continue the practice of child marriage. CSOs have been holding workshops and leading campaigns to increase awareness about child marriage and using social media to spread the message to end child marriage. In 2015, Kafa made a staged video featuring a young bride taking photos with her adult husband, which stirred public opinion against child marriage. In 2017, the Lebanese Women Democratic Gathering launched a campaign, #NotBefore18, aimed at ending child marriage.⁵³⁸

31. Morocco

In 1958, the newly independent Morocco adopted the *Moudawana* (family law), which legitimized practices such as polygamy and forced marriage, and contributed to the subjection of Moroccan women. The *Moudawana* was the main legal framework responsible for legitimizing forced child marriage and established that women could not marry without legal approval from a guardian.⁵³⁹

In 1991, l'Union de l'Action Féminine (UAF), together with several allies, spearheaded the *Moudawana* reform movement. They launched the One Million Signatures campaign, which aimed to gather a million signatures on a petition to reform the *Moudawana*. The campaign was successful and, as a result, the king was forced to take action and order that a new code be drafted in consultation with some women's groups and be submitted to him for approval.⁵⁴⁰ Building on the momentum of the One Million Signatures campaign, in 1993 reforms were made to the *Moudawana*.⁵⁴¹

Despite this achievement, the UAF and other women's groups continued to lobby the government to raise awareness of issues affecting women. In 2001, the king formed a commission to study the possibility of revising the *Moudawana*. The final push for reform came in 2003, when the king announced a draft family code in the Moroccan Parliament.⁵⁴²

In 2004, the Government of Morocco introduced a new *Moudawana*. The reforms enhanced the rights of women, particularly in terms of equality within the family and household. For one, husbands and wives were provided joint responsibility in family matters, making both de jure heads of household. Second, women were no longer required to be obedient to their husbands in return for exercising other rights, such as the rights to financial maintenance or employment outside of the home.⁵⁴³ The new *Moudawana* also enhanced protections for children. On the matter of age of marriage, it raised MAM for girls from 15 to 18 years, equating it with MAM for boys. The law does, however, allow for marriage under the minimum age if certified by a court.⁵⁴⁴ The *Moudawana* was considered one of the most progressive family laws in the Arab world.⁵⁴⁵

The reforms to the *Moudawana* were achieved by women's activist groups, such as the Moroccan Women's Rights Movement and UAF, who had been advocating for changes to the *Moudawana* for decades. They formed alliances with other women's rights NGOs, political parties, independent politicians, social workers and academics. The movement received some funding, largely from international NGOs.⁵⁴⁶ Other stakeholders, such as the King of Morocco and Parliament, responded to the activism. The king created the Ministry in Charge of the Condition of Women, Protection of the Family, Childhood and the Disabled to advance gender equality, and appointed a commission to revise the Family Code.⁵⁴⁷

There was also strong opposition and resistance, especially from the Ministry of Religious Endowment and Islamic Affairs, which encouraged Imams to preach against the reforms. Conservative Islamists believed the reforms were un-Islamic, whereas political Islamists believed that the women's rights agenda was 'western-imposed'. Both groups opposed the legal reforms, including the increase in MAM.⁵⁴⁸ In addition, the anti-reform campaign mobilized large sections of the population, who actively opposed the changes to the *Moudawana*. The anti-reform campaign included disseminating conservative ideology through mosques and cultural spaces, political lobbying and using morality discourses to discredit women activists.⁵⁴⁹

In 2012, women's rights activists demonstrated and lobbied Morocco's Parliament to repeal Morocco's Penal Code, which allows a rapist to marry his victim if she is a minor as a way of avoiding prosecution.⁵⁵⁰ In 2014, Morocco's Parliament unanimously amended an article in the Penal Code that allowed a rapist to escape prosecution if he married his underage victim. The amendment to Article 475 of the Penal Code, first proposed by the country's Islamist-led government, was amended by lawmakers. Rights activists hailed the amendment as a success but stressed that more work remained to be done to promote gender equality and end violence against women.⁵⁵¹

32. Saudi Arabia

In 2013, Saudi Arabia set MAM at 16 years for girls and introduced new regulations in a bid to curb child marriages where minors are often forced by their fathers to marry much older men.⁵⁵² In 2014, the Child Protection Law was introduced. It includes a provision that states, "Before the conclusion of the marriage contract, it is necessary to ensure that a person marrying under the age of 18 will not be harmed, whether male or female." Although the Child Protection Law does not ban child marriage (minors below 18 years of age), it adds another step to the process. Child marriages need the approval of a specialized court, which must determine whether the marriage would harm the minors in question and if the marriage is in the best interests of the child.⁵⁵³

In 2017, according to a recommendation by an ad hoc inter-ministerial committee set up to look into the marriage of minors, girls could marry at 15 years of age with consent of the girl and her mother and approval of the court.⁵⁵⁴ The committee recognized that age of majority is 18 years and that all marriage contracts between persons under that age must fulfil a list of requirements: 1) a judge looking into an application for underage marriage should summon the girl and hear directly from her that she was consenting to get married, and that the marriage does not pose a risk to her life; 2) a judge should also listen to the girl's mother; 3) the application should include medical reports from state doctors and experts about the physical and mental state of the girl to ensure she is not the victim of abuse; 4) a social expert designated by the court should provide a report about the psychological compatibility of the two future spouses; and 5) a judge should order the girl to join a programme for preparing girls about to get married, that includes psychological training and greater knowledge of family responsibilities following the marriage.⁵⁵⁵ The committee banned the health ministry from conducting premarital check-ups for underage would-be brides without the approval of a judge. The committee also declared that, in situations where a marriage contract is drawn up for underage girls outside of a court, violators should be punished severely. According to the committee, the same regulations should apply to non-Saudi girls under 18 living in Saudi Arabia. However, the regulations do not apply to marriage of underage non-Saudi girls contracted outside Saudi Arabia.⁵⁵⁶

In 2019, the kingdom's advisory Shoura Council approved a de facto ban on child marriage. The ban was on the marriage of minors, male or female, under 15 years of age; it also stipulated that marriage of minors under 18 years of age would need permission from a specialized court. The Ministry of Justice issued an order to the courts and marriage officials that any marriage application for someone under the age of 18 years would have to be referred to a special court, in accordance with the Child Protection Law, to make sure that the marriage will not harm the minor and will achieve the best interests of the minor, whether male or female.⁵⁵⁷ That same year, King Salman signed a decree that eliminated the need for a woman to have permission of a guardian to marry.⁵⁵⁸

33. Bangladesh

The Child Marriage Restraint Act (CMRA) of 1929 set MAM for females at 14 years and for males at 18 years, and marriage below such ages was declared punishable.⁵⁵⁹ The Act was amended in 1984 to revise the ages of marriage upward for females to 18 and 21 for males. The law on child marriage was overhauled in 2017 by increasing penalties for underage marriages and creating child marriage prevention committees. The Act has been criticized by experts for permitting marriage below the minimum age under ‘special circumstances’ – with parental consent and permission from the courts, when deemed in the best interest of the underage female or male (Section 19). The consent or permission from the child is not required for a child marriage, and no definition of ‘special circumstances’ has been given.⁵⁶⁰

Members of Parliament argued that allowing girls and boys to marry in special circumstances would ensure that they are not ostracised or discriminated against in their community. More specifically, the aim was to ensure that the girls’ honour is protected.⁵⁶¹ Many believe that if a girl bears a child out of wedlock or is involved in sexual relations at a young age she will be shunned or put at risk if she is not able to marry.⁵⁶² The special provision is not only a setback for ending child marriage, but demonstrates a harmful violation of the child’s right to be heard, informed and involved in decisions that impact on their life.⁵⁶³

Although the CMRA of 2017 establishes MAM at 18 years for females and 21 years for males, this age limit is merely to prescribe punishment for contracting child marriage. The Act does not declare a marriage involving an individual under this age limit as invalid or illegal, although the parties involved in contracting such a marriage will face criminal sanctions. In Bangladesh, legal pluralism is the reason there is silence in addressing the issue of the validity of marriage under the minimum age limit.⁵⁶⁴

In 2018, the Child Marriage Restraint Rules (the Rules) were formulated, providing details of the formation and responsibilities of Child Marriage Prevention Committees, along with other functional details.⁵⁶⁵ According to Rule 15, a concerned official can file a complaint before the court. Under Section 5 of the CMRA of 2017, on receiving a complaint or on its own motion, a court can issue an injunction against solemnisation of child marriage, and it can rescind the same on receiving an application or of its own accord. Violation of such injunctions is punishable by up to six months imprisonment and/or a fine of up to 10,000 Bangladeshi Taka (BDT), with added imprisonment for default of payment of fine.⁵⁶⁶

The CMRA of 2017 does provide for punishment for contracting child marriage for both adults and minors under Section 7. An adult who contracts marriage with a minor shall be punished with imprisonment of up to two years and/or a fine of up to BDT100,000. A minor can be punished for contracting child marriage with a fine of up to BDT50,000 and/or detention of up to one month. This is applicable to both males and females.⁵⁶⁷ There are also punishments for any person solemnising a child marriage, and registrars who register a child marriage.⁵⁶⁸

Despite the fact that stringent provisions in the new law, including its focus on preventive measures, have been welcomed by stakeholders, there has been disagreement over certain aspects of the law. Inclusion of a special provision allowing marriage under 18 years has faced serious criticism. There was also discontent over the drafting process of CMRA and the Rules, as it was done without wider inclusion of civil society recommendations.⁵⁶⁹

Ultimately, the law was passed by Parliament despite protests.⁵⁷⁰ Humanitarian organizations have urged the government to reconsider the law and the damage it would do to young girls.⁵⁷¹ Girls Not Brides said the new Act could lead to widespread abuse, legitimize statutory rape (child rape), allow parents to force their daughters to marry their rapists and encourage the practice of child marriage in a country with one of the highest child marriage rates in the world.⁵⁷² Girls Not Brides is also demanding that the government define the ‘special circumstances’ allowing child marriage to take place.⁵⁷³

34. Indonesia

In Indonesia, girls were allowed to marry at 16 years and boys at 19 years, and parents could ask religious courts or local officials to authorize marriages of even younger girls, with no minimum age in such cases.⁵⁷⁴ In 2018, Indonesia's Constitutional Court ruled that it was discriminatory to have a lower marriage age for women than for men.⁵⁷⁵ In 2019, Indonesia's Parliament unanimously agreed to pass Law No. 16 to amend the marriage law and raise MAM in a ruling aimed at ending child marriage.⁵⁷⁶ The amendment to Indonesia's Marriage Act of 1974 raised the age that girls can be married with parental permission from 16 to 19 years, bringing it in line with the age of marriage for boys. The age of marriage for women and men without parental permission is 21 years.⁵⁷⁷ Parents, however, can still file a petition to local and religious courts, which can grant 'special circumstances' to bypass the laws and marry their underage children.⁵⁷⁸ The Women's Empowerment and Child Protection Minister called the ruling "a present for Indonesian children." UNICEF Indonesia recognized this amendment not only raised MAM for girls but ensured gender equality in the law.⁵⁷⁹ Additional reforms are however expected to ensure that the entirety of the law is in keeping with international standards.

35. Japan

In Japan, according to the Civil Code, people must be 20 years old to marry without parental permission; with parental permission, men can marry at 18 years of age and girls at 16 years of age.⁵⁸⁰ The lower age was set for women because their physical development is faster than that of men; however, legal experts have argued there are no rational reasons for setting different marriage ages by gender, especially since the number of marriages involving 16-year-olds has been declining with the social advancement of women.⁵⁸¹ The gender difference in the age of marriage has also drawn criticism from international and domestic organizations that claim women are being treated unfairly.⁵⁸² The CEDAW Committee criticized the current provision for its different marriage ages based on gender.⁵⁸³

In 2017, the Government of Japan proposed to revise the Civil Code and set a MAM at 18 years for both women and men, which would lower the country's MAM from 20 years to 18 years.⁵⁸⁴ The government decided to make the age of marriage the same for both sexes because there was no justifiable reason for the difference.⁵⁸⁵ In 2021, the government aimed to introduce the bill in an ordinary parliamentary session.⁵⁸⁶ If the change is approved, 18-year-olds would be considered as the new age of majority and both men and women would be able to marry, sign contracts and take out loans without the consent of their parents; however, they would still be banned from smoking, drinking alcohol and gambling until they are 20 years of age.⁵⁸⁷

If passed into law, it would be the first change to the Civil Code that defines adulthood since it was set in 1876.⁵⁸⁸ Some predict the justice ministry is likely to forgo submitting the bill to the current session because it is still trying to pass a contentious bill that would add a charge of conspiracy to commit terrorism to the law on organized crime.⁵⁸⁹

36. Malaysia

Malaysia has a plural legal system that recognizes the civil and criminal jurisdictions of common law as well as Islamic law, which is the jurisdiction of the shariah court in each state. With respect to marriage, two sets of laws govern Muslim and non-Muslim marriages.⁵⁹⁰ For non-Muslims, the major statute is the Law Reform (Marriage and Divorce) Act of 1976, whereas marriage for Muslims is governed by the Islamic Family Law Enactments or Ordinances of each state.⁵⁹¹ For the Orang Asli of Peninsular Malaysia and Bumiputera of Sabah and Sarawak, their religion determines which laws they are bound by – if they are Muslim, they marry in accordance with Islamic law, and if they are non-Muslim, they may choose to marry under the Law Reform Act of 1976 or according to customary law. There is no uniform MAM in these

laws, which presents several problems in the context of civil and criminal law, in addition to Islamic law.⁵⁹² For non-Muslims, the Law Reform Act of 1976 specifies the MAM as 18 years for boys and 16 years for girls, and all parties under 21 years must obtain parental consent to marry. Girls aged 16–17 years can marry, but they must obtain special permission from the chief minister of their state and submit an application to the registrar of marriage under the Law Reform Act. Marriage is not allowed if parties are under the minimum age requirement, and any marriage solemnized between persons under the required age is considered void.⁵⁹³

Native customary marriage refers to marriages conducted according to the customs of the Orang Asli of Peninsular Malaysia, the Bumiputera of Sabah and Sarawak and Hindu communities. These particular communities are not subject to the marriage requirements of the Law Reform Act of 1976; thus, a MAM does not apply. The Bumiputera of Sabah or Sarawak and the Orang Asli of Peninsular Malaysia can marry according to custom at an age younger than the statutory minimum age (16 years for girls and 18 years for boys).⁵⁹⁴ There is also no requirement for these marriages to be registered; thus, protection of rights under the written legal framework in Malaysia may not be available to those marrying under customary law. In the legal context, customary marriages are legally valid, and it may be argued that while rights under such marriages are not enforceable in a civil court, they may be enforced in the native court.⁵⁹⁵

Hindu customary marriage is religious in nature and is codified under Sections 11 and 24 of the Law Reform Act of 1976. For example, Section 11 provides that a marriage between an uncle and his niece is permitted as part of Hindu custom. In order for the marriage to be valid, it must be solemnised in accordance with Section 24.⁵⁹⁶ Hindu marriages may also involve young brides, as it is customary for young girls and boys to be engaged; however, it should be observed that the Law Reform Act imposes a MAM, and any marriage of persons under those ages is void. Despite this, there are Hindus who marry when they are under MAM in accordance with Hindu rites and register the marriage only on attaining the age of majority. This is to ensure that the rights of the parties are protected under written law.⁵⁹⁷

For Muslims, all state Islamic laws set the age of marriage at 18 years for boys and 16 years for girls. Marriage of anyone under these minimum ages may be allowed if permission from the sharia court is obtained beforehand.⁵⁹⁸ With respect to the minimum age for permission to be given for underage marriage, the position in each state's Islamic laws can differ from the Law Reform Act. For non-Muslims, permission may be given for girls to marry under the age of 18 years, but the girl must be over the age of 16 years.⁵⁹⁹ For Muslims, there is no MAM, but, theoretically, the sharia court may allow a girl aged 11 years or younger to marry after interviewing her and being satisfied that she understands what she is doing and has attained puberty (*baligh*) in accordance with Islamic law.⁶⁰⁰

Procedures for Muslim marriage are provided in each state's Islamic law enactments, and brides and grooms make their marriage applications directly to the Registrar of Marriage, Divorce and Reconciliation (*Rujuk*) in their respective districts without going through the sharia court.⁶⁰¹ The Islamic Family Law Enactment of Selangor (EUKIS) of 2003 has similar provisions to all the other 13 enactments in each state. Section 8 of the EUKIS of 2003 provides that MAM is 18 years for boys and 16 years for girls, while those under MAM require the permission of a sharia court judge.⁶⁰² Regardless of religion, there is no national law to prevent or limit child marriage per se; however, there are a number of statutes that discourage child marriage or curb it indirectly, including the Penal Code, Islamic criminal and family law enactments, and the Child Act of 2001.⁶⁰³

In 2016, Malaysia's lower house amended the country's Child Act of 2001 without banning all marriage of girls and boys under the age of 18 years, as called for by several Members of Parliament and human rights groups. While Malaysian civil law sets MAM at 18 years, the law has numerous exceptions. Girls aged 16 years and older can marry with permission of their state's chief minister. For Muslims, Islamic law sets MAM at 16 years for girls and permits marriages at an even younger age, with no apparent minimum, with the permission of a sharia court.⁶⁰⁴

The Joint Action Group on Gender Equality, a coalition of Malaysian NGOs, raised particular concern about situations in which rape victims have been forced to marry the rapist or another man to hush up the crime. After the

lower house's inaction on child marriage, the Malaysian Human Rights Commission urged the government to amend all domestic laws to raise the legal age of marriage to 18 years.⁶⁰⁵ The Dewan Negara, the upper house of Parliament, considered the Child (Amendment) Act of 2015, which was passed by the lower house. Human rights advocates called on the upper house to act to protect Malaysian girls of all faiths by amending the Child Act of 2001 or adopting a new law making 18 years MAM for all girls and boys, with no exceptions.⁶⁰⁶

The challenge in Malaysia is that the federal government cannot enforce a ban on child marriages nationwide. As of 2019, seven states were not cooperating. Ultimately, MAM legal reforms can happen only if states agree with the proposed amendments.⁶⁰⁷ In 2019, only Selangor had amended the enactment, and the Federal Territories were in the process of amending MAM laws. Five other states – Penang, Sabah, Johor, Melaka and Perak – had also agreed to amend the law. However, seven states still disagreed with the legal amendment to increase MAM: Sarawak, Pahang, Terengganu, Perlis, Negri Sembilan, Kedah and Kelantan.⁶⁰⁸

In 2020, the Government of Malaysia considered its options by scrutinizing proposals of legal amendments that will see MAM increased from 16 to 18 years for girls and the introduction of more stringent procedures for a sharia court judge to take into account before allowing a child under the age of 18 years to enter into a marriage.⁶⁰⁹ The Attorney General's Chambers evaluated its options in terms of the proposed amendments as the government's legislative branch looked to safeguard the welfare and interests of children. A consultation process occurred between Federal Territories and states for purposes of uniformity in the law and the drafting of amendments to the Islamic Family Law (Federal Territories) Act of 1984.⁶¹⁰ This is in reaction to pressure that has been put on the government to ban child marriages after news surfaced of men marrying girls as young as 12 years old in rural areas.⁶¹¹

37. Pakistan

The current MAM is 16 years for girls and 18 years for boys, as stipulated in the Child Marriage Restraint Act of 1929. This is applicable to the federal territory and the provinces of Balochistan, Khyber Pakhtunkhwa and Punjab (with harsher punishments added in 2015).⁶¹² The law is discriminatory, setting different legal ages for marriage for girls and boys. In practice, this law is rarely enforced, as Pakistani courts often apply sharia (Islamic law) instead, which they interpret as allowing any girl who has gone through puberty to marry.⁶¹³

However, in Sindh Province, the MAM is 18 years without exceptions for girls and boys, as per the Sindh Child Marriage Restraint Act 2013.⁶¹⁴ The Act describes its purpose as follows: "Child marriage is a widespread phenomenon in Pakistan particularly in the Province of Sindh. These marriages are in violation of the rights of children and international obligations. In order to restrain child marriages and protect the basic rights of children, it is expedient to enact a law at provincial level" (Statement of Objects and Reasons).

In 2016, a federal bill was introduced to raise MAM for girls from 16 to 18 years and impose harsher penalties for those who arrange marriages involving children.⁶¹⁵ The move to ban child marriage in Pakistan was withdrawn after meeting resistance from a prominent religious body that declared the bill un-Islamic. The Council of Islamic Ideology, a constitutional body that gives advice to Parliament on the compatibility of laws with sharia, deemed the legislation "un-Islamic" and "blasphemous". In 2014, the Council of Islamic Ideology handed down a similar ruling when clerics on the Council objected to minimum age requirements, arguing instead that girls as young as nine years of age should be eligible for marriage if the signs of puberty are visible.⁶¹⁶ In the same year, Sindh province adopted MAM legislation contrary to the federal government's stance on the issue, showing greater political will to eradicate child marriage.

In 2018, another bill was introduced to the Senate Committee on Human Rights that suggested amendments to the Child Marriage Restraint Act of 1929. The bill seeks to completely ban marriage under the age of 18 years.⁶¹⁷ In 2019, the Senate Committee on Human Rights unanimously passed the bill to raise MAM from 16 to 18 years; the

new law is an amendment to the Marriage Restraint Act of 1929.⁶¹⁸ Parliament, however, still needs to approve the new regulation before the new age restrictions can take effect.⁶¹⁹

In 2019, a politician from the Pakistan Muslim League Party withdrew the bill after the former Council of Islamic Ideology dubbed the bill “blasphemous.” The Council of Islamic Ideology rejected the proposed Child Marriage Restraint (Amendment) Bill of 2014 on purely religious grounds, as the former Council chairman said the bill contradicted Islamic teachings.⁶²⁰ In October 2021, however, the Federal Shariat Court of Pakistan ruled that in accordance with Islam, the state can legislate on MAM. In 2022, the Islamabad High Court delivered the landmark judgment in *Mumtaz Bibi v Qasim*. This judgement held that marriage of children under the age of 18 is unlawful and the marriage contract is void ab initio. The Court observed that the courts continue to rely on the Supreme Court’s judgement in *Bakhshi v Bashir* (1970): in this case, the court had observed that where a girl below the age of 16 was married in violation of the CMRA, the marriage itself would not become invalid. The High Court observed that the Supreme Court’s judgement is now distinguishable because Pakistan is a party to the CRC.⁶²¹

38. Philippines

In 2020, the Philippine Senate unanimously voted in favour of Senate Bill No. 1373, or the Girls Not Brides Act, which declares child marriage illegal. The Senate Committee on Women, Children, Family Relations and Gender Equality authored and sponsored the bill.⁶²² The bill prohibits marriage between minors and between a minor and adult. Any person who causes, fixes, facilitates or arranges a child marriage shall be fined and imprisoned.⁶²³ The punishment is enhanced if the perpetrator of the child marriage is an ascendant or authority figure. Those who officiate or perform a marriage involving a minor also face penalties. The bill also establishes that any child marriage is considered void from the start, without any need for annulment.⁶²⁴

In 2021, on a third and final reading of the bill, the Senate passed the bill that criminalizes child marriage. The Senate unanimously voted to approve Senate Bill No. 1373 (Girls Not Brides Act).⁶²⁵ This has now been signed by the President and passed into law.⁶²⁶ Republic Act No. 11596 of 2021 is “An Act Prohibiting the Practice of Child Marriage and Imposing Penalties for Violations Thereof”, contains penalties for those who arrange or facilitate, participate, and/or officiate the marriage of a person under 18. Considered a public offense, child marriages will also be considered “void ab initio,” meaning they would not be legal. The law however allows for a one-year transitory period during which the penal provisions will be suspended specifically for Muslims and indigenous peoples (Section 11).

39. Sri Lanka

Prior to 1995, the General Marriage Registration Ordinance (GMRO) of 1907 and the Kandyan Marriage and Divorce Act of 1952 permitted marriages under 18 years of age. In 1995, both these laws were amended, and the legal age of marriage was raised to 18 years.

Despite the existence of a predated clause, Section 22 of the GMRO of 1907 indicated that persons can give consent for minors under 18 years of age to marry; subsequent case law clarified this legal irregularity. There have been no amendments to the MAM since the 1995 amendments to the General Marriage Registration Ordinance and Kandyan Marriage and Divorce Act. There is still no MAM under the Muslim Marriage and Divorce Act (MMDA) and therefore child marriage for Muslims is still allowed in Sri Lanka.

In 2002, in *Gunaratnam v. Registrar-General*, the Court of Appeal held that, since the age for marriage had been raised to 18 years, the absolute bar to marriage overrode the parental authority to give consent to marry. It was therefore irrelevant whether parents agree or not to the marriage of their children; only persons who reach 18 years of age could enter into a valid marriage.⁶²⁷

In 1995, the Penal Code was amended to raise the age of sexual consent from 12 to 16 years, given that this was the age at which individuals had the freedom to make decisions on education. Under Section 363 of the Penal Code, sexual intercourse with a girl under the age of 16 years became a criminal offence, except for married Muslim girls aged 12–16 years.⁶²⁸ While legal reforms in 1995 increased MAM to 18 years for all citizens except Muslims, the MMDA does not stipulate a MAM.⁶²⁹

Common law establishes MAM for all citizens, except Muslims, at 18 years, without exceptions.⁶³⁰ Under the MMDA, a decades-old community law, Muslim community leaders, who are mostly men, are allowed to decide the marriage age, meaning that Muslim girls can marry at a younger age. Given this reality, rights activists have been calling for this law to be amended. So, while there is no MAM for Muslim girls, a marriage involving a girl under 12 years of age requires special permission from an Islamic magistrate.⁶³¹

More than a decade ago, a committee was established by the government to look into MMDA reform but failed to come up with any concrete proposals. Muslim groups have long resisted the call for changes to the MMDA.⁶³²

One of the most contested issues in the debate around reform of the MMDA has been with regard to increasing MAM for Muslims. Contrary to popular belief, the age at which a Muslim girl or boy can marry under the MMDA is not 12 years; as per Section 23 of the Act, a girl under 12 years can be married with the authorization of a Quazi judge. Hence, MAM for Muslims is technically zero.⁶³³

In 2021, the then Cabinet approved a Cabinet paper agreeing to raise the MAM, but nothing further has happened since, and this issue has stalled for now.⁶³⁴

40. Tonga

The legal age of marriage in Tonga is 18 years, but, under the Parent Consent Act of 1926, children as young as 15 years can marry with parental consent. The Women and Children Crisis Centre in Tonga stated that the law was a violation of children’s rights and a breach of CRC, which was ratified by the Government of Tonga. The deputy speaker of the Parliament recognized that the law was embarrassing and called for it to be reviewed.⁶³⁵

In 2015, the government stepped away from its commitment to ratify CEDAW, which prohibits early and forced marriage, after several petitions and protests followed the government’s announcement of its plans to ratify this convention. The Prime Minister expressed concern over the division caused by CEDAW and said the government was stepping back to diffuse tensions in the community.⁶³⁶

In 2017, Tonga’s Ministry of Justice partnered with a local women and girls’ rights group, the Talitha Project, to launch a campaign to end child marriage. The ‘Let Girls be Girls’ campaign, supported by Australian Aid and UN Women, called for the repeal of sections of the Births, Deaths and Marriage Registration Act of 1926, the law that permits children to marry as early as 15 years of age if they have parents’ permission. This comes as the Ministry of Justice is consulting on amendments to marriage laws, including raising MAM.⁶³⁷

In Tonga, girls have often been compelled by parents to marry, sometimes because of teenage pregnancy or because they were seen with boys. Local organizations have also documented cases where girls were forced to marry their rapists. To date, Tonga has yet to amend either the Parent Consent Act of 1926 or the Births, Deaths and Marriage Registration Act of 1926 to put an end to child marriage and eliminate the exceptions that allow marriage of children at 15 years of age with parental consent.

41. Viet Nam

The Law on Marriage and Family, the Law on Children and the Penal Code prohibit and penalize child and early marriage. In 2014, Viet Nam’s legislature adopted a new Law on Marriage and Family, which came into effect in

2015. The aforementioned laws defined the marriage age for girls at 18 years and boys at 20 years (Article 8(1)). The law on MAM was amended because it was inconsistent with the Civil Code and the Civil Procedure Code. According to the Viet Nam Civil Code, persons under 18 years of age are minors and require the agreement of a legal representative in civil transactions. According to the Viet Nam Civil Procedure Code, people of at least 18 years have full capacity for civil conduct proceedings.

EUROPE AND CENTRAL ASIA

42. Denmark

In 2017, the Government of Denmark approved a bill that prohibits people under the age of 18 years from getting married. The bill also states that minors who were married abroad, including asylum-seeking minors who were married abroad, will not have their marriages recognized by the state.⁶³⁸ The action was seen as a response to an Integration Ministry Report from 2016 that revealed there are minors in the Danish asylum system who had spouses or registered partners. This led to an outcry about ‘child brides’ and an order from the Integration Minister to physically separate the couples.⁶³⁹

Seven months later, the government reversed course and reunited the married couples when the Danish Immigration Service was forced to acknowledge that the policy was probably a violation of the asylum seekers’ rights. Under the legislation passed, exceptions to the ban on child marriage can be granted if couples can provide a compelling argument for their marriage.⁶⁴⁰ A number of legal experts and human rights groups, including the National Council for Children (Børnerådet) and the Association of Danish Law Firms (Danske Advokater), criticized Parliament’s decision, saying that current rules already sufficiently protect minors from entering into marriage unwillingly. The Minister for Children’s and Social Affairs, however, argued that the move was necessary. The new law took effect in 2017.⁶⁴¹

43. Finland

In Finland, MAM is set at 18 years; however, the Ministry of Justice has granted a handful of exceptions for 17-year-olds to marry, usually on religious grounds. It is possible for 17-year-olds to apply for special permission from the Ministry of Justice to marry early.⁶⁴² The Ministry of Justice confirmed that there were about 10–30 exemptions to the Marriage Act prior to the ban of special exemptions, which were issued mainly for couples 17 years of age based on religious beliefs and/or due to pregnancy.⁶⁴³ The ministry said the majority of 17-year-old applicants were girls.⁶⁴⁴

In 2018, Finland’s Justice Minister announced that he would push forward to lawmakers as soon as possible a legal reform to ban outright marriages of people under the age of 18 years. The motivation behind the initiative was the protection of children’s welfare.⁶⁴⁵ That same year, the state-sponsored Finnish Evangelical Lutheran Church called for a total ban on any marriage under the age of 18 years. In addition, the National Church Council urged an end to the practice of minors being able to apply for special permission to marry.⁶⁴⁶ The National Church Council submitted its statement to the Ministry of Justice, and the Lutheran Council argued that legislation should be in place to prevent child marriage and that such legislative change should be consistent with the Finnish justice system, which considered that an individual does not have full right to self-determination before the age of 18 years.⁶⁴⁷

In 2019, Finland banned the practice of granting special exemptions that allowed persons under the age of 18 years to marry. Now, only persons aged 18 years or older are able to marry. The Ministry of Justice recognized that banning the practice of granting special exemptions was based on safeguarding the rights of children. Similarly,

the National Church Council had advocated for legislation to be used to prevent child marriage and overturn the exemption rule.⁶⁴⁸

44. Germany

In 2017, Germany adopted the Act to Combat Child Marriage. This law is designed to protect young girls and women from being forced into an arranged marriage against their will by setting MAM at 18 years, without exceptions. It also provides that marriages contracted abroad can be annulled by a judge if the partners had not reached the age of majority (18 years) at the time of marriage.⁶⁴⁹ In the event that a person was under the age of 16 years at the time of marriage, the marriage would be automatically annulled.⁶⁵⁰

In practice, the challenge is that application of the law is not functioning. Since it came into force, marriages involving minors have been reported.⁶⁵¹ Women's rights group Terre des Femmes reports that this is, in part, because individual German states do not have centralized responsible agencies, but are decentralized, with various agencies spread across cities and precincts. The law is said to be applied very differently from one state to another. In some states there is one single authority charged with annulling underage marriages, whereas in others there are several.⁶⁵²

45. Kyrgyzstan

According to Article 26 of the Constitution, no marriage shall be registered without mutual consent of the parties to the marriage.⁶⁵³ In 2011, the Parliament approved legislation toughening the penalty for the practice/custom of abduction for forced marriage (bride kidnapping).⁶⁵⁴ In 2013, the President approved the amendment to the Criminal Code; that same year, the amendment to the Criminal Code was published. In addition, amendments to Article 155 of the Criminal Code increased penalties for kidnapping a woman to marry her against her will. The new sentence for forcing women into marriage is up to 10 years in prison; previously, the offence was punishable by a maximum three-year prison term.⁶⁵⁵

In 2016, the President passed Article 155 of the Criminal Code to combat child marriage. Article 155 introduced criminal sanctions, including imprisonment, for people who conduct or facilitate religious marriages of children under 18 years of age. However, lax enforcement of laws to prohibit child and forced marriages, combined with attitudes and social norms, allow these marriages to continue.⁶⁵⁶

Human rights advocates contend that the government can show it is serious about tackling forced and child marriage by enforcing both the new law (Article 155) and existing laws prohibiting child marriage. The government should also work to ensure state registration of all marriages.⁶⁵⁷ A key organization combating child marriage in Kyrgyzstan is the National Federation of Women's Communities of Kyrgyzstan.⁶⁵⁸ Advocacy efforts by civil society groups, supported by UN Women, led to the final approval of the legislation toughening the sanctions for the broadly practised custom of bride kidnapping.⁶⁵⁹

46. Norway

Norway had a MAM of 18 years but allowed 16 and 17-year-olds to get married with parental consent and permission from the county governor. However, marriage at this age was rare.⁶⁶⁰ A youth-led campaign called the 'wedding busters' was at the forefront of the push to raise Norway's MAM to 18 years, without exceptions.⁶⁶¹ Plan International oversaw the youth-led campaign and helped to mobilize support from across Norway for the ban on child marriage. Plan International organized a youth camp in Oslo where they trained over 50 youth ambassadors to lead sessions around the country about child marriage.⁶⁶² The 50 youth ambassadors recruited other

young activists to support the campaign, and over 9,400 young people sent letters to their county governors to ask why child marriage was allowed in Norway. The campaign received media coverage (newspapers, TV and radio) and spread across social media; as a result, major political parties announced their support for a MAM of 18 years, without exceptions.⁶⁶³

In 2018, a majority of Norway's Parliament, the Stortinget, voted to postpone a change in law to make MAM 18 years. The opposition Labour Party proposed removing the option for 16 and 17-year-olds to apply for special permission from the county governor to marry, but the right-wing government, along with the Christian Democrats, voted against the proposal. Young people campaigning for the change in law were disappointed by the decision. Two teenagers attended the Parliament in Oslo with NGO Plan Norge to follow the debate over the issue.⁶⁶⁴ In 2018, following a postponed vote, Norway's Parliament finally voted unanimously to ban all child marriages; the legal reform came one year after Denmark passed a similar ban. The reform meant that Norway has one of the strictest laws on child marriage in Europe. The law also bans Norwegians from marrying abroad if either party is under 18 years of age. The maximum penalty for child marriage is three years' imprisonment.⁶⁶⁵

47. Türkiye

In Türkiye, the legal age of marriage is 18 years; however, there are a few exceptions that allow a person to marry before turning 18. A 17-year-old person may be granted permission to be married with the consent of his/her parents or legal guardian, and a 16-year-old person may be granted permission to be married by a court decision and with the consent of his/her parents or legal guardian. An unofficial marriage with a child is considered child abuse under the Turkish Penal Code. Perpetrators are punished, including with prison sentences.⁶⁶⁶

In 2017, Türkiye passed a law that could lead to an increase in child brides. The new legislation signed by President Recep Tayyip Erdogan allows Islamic Muftis, who are religious legal representatives, to conduct civil marriage ceremonies. This move to introduce a religious figure into a previously secular procedure could lead to more child marriages.⁶⁶⁷ Previously, marriages had to be performed by civil authorities, whereas now Imams can perform religious ceremonies. With the new law, couples can choose not to be married by a secular authority and instead opt for a single marriage led by a Mufti. The new law has been criticized by the country's liberal Republican People's Party as an attack on secularism.⁶⁶⁸ Civil rights groups are concerned that more underage girls could be married, as conservative Muftis overlook brides under 17 years of age. The Federation of Women Association of Turkey claimed the regulation was a setback on women's rights.⁶⁶⁹

In the 2000s, periods of feminist campaigning that resulted in successes provoked regressive reactions of Islamists, such as calls for criminalizing adultery, lowering the age of marriage and easing the punishments imposed for rape and sexual abuse of minors.⁶⁷⁰ A common theme that has emerged during reform processes has been the tension between secular gender-egalitarian legal norms and religious and/or patriarchal customary laws. The country has experienced tense debates around legal reforms related to child (early and forced) marriage and the increasing involvement of the Directorate of Religious Affairs in developing social policies targeting women. In Türkiye, the existence of a secular constitution has not in itself guaranteed gender equality. Since 2010, the pressure for complete de-secularization has threatened gender equality and women's rights.⁶⁷¹

48. United Kingdom

In the United Kingdom, the age of marriage was 18 years, but minors aged 16–17 years could marry with parental consent. There was no law against religious or cultural ceremonies of underage minors; these are not registered with local councils. There were reports that some children were being made to marry at as young as seven years, without any legal consequences for the adults involved.⁶⁷²

In 2019, a Tory Member of Parliament wanted to make all marriages and civil partnerships of persons under 18 years of age illegal, including religious and cultural marriages.⁶⁷³ That same year, the House of Commons held a debate in Westminster Hall on MAM and civil partnerships. The Parliamentary Under-Secretary of State for Justice said that the government understood the concerns about the possible links between marriage of minors aged 16–17 years and forced marriage. The government announced a forced marriage public consultation and sought views on the issue.⁶⁷⁴ Campaigners for the legal reform warned that legal loopholes that allow for the marriage of minors aged 16–17 years opens young people up to coercion.⁶⁷⁵

In 2021, Members of Parliament in the United Kingdom unanimously backed the Marriage and Civil Partnership (Minimum Age) Bill that would raise the legal age of marriage to 18 years in England and Wales, placing a blanket ban on marriage of minors under 18 years of age. The government supported the bill as it went through the Commons. Under the new law, children would not face penalties, but adults could face up to seven years in jail and a fine for facilitating the marriage. This includes adults who took children abroad to carry out the marriage.⁶⁷⁶

The Marriage and Civil Partnership (Minimum Age) Bill was widely welcomed by campaign groups, but some minority groups wanted further consultation. Girls Not Brides UK wrote to the prime minister warning that the existing law on forced marriage did not go far enough to protect young people.⁶⁷⁷

In November 2021, the Marriage and Civil Partnership (Minimum Age) Bill received a second reading in the Parliament.⁶⁷⁸ The bill has been voted on by Parliament and the Marriage and Civil Partnership (Minimum Age) Act 2022 is now operational.

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