

Concept Note: Coalition to End Child Marriage in the United States

Background

Child marriage is a serious problem in the United States. Between 2000 and 2010, some 248,000 children below the age of 18 were married in the United States – mostly minor girls wed to adult men.¹ This alarming rate of child marriage is made possible by legal loopholes that allow marriage before age 18 in 48 U.S. states. Many U.S. states do not set any legal minimum age for marriage, allowing minors *of any age* to marry if certain conditions are met (these conditions vary from state to state, and are usually related to parental consent and/or judicial approval).

Federal law also serves to condone and promote child marriage. 18 U.S.C. 2243, which defines the federal crime of statutory rape of a minor between the ages of 12 and 16, provides for a marriage exception. This marital exception to the crime of statutory rape (which is also present in one form or another in the laws of at least 20 states) incentivizes the marriage of minor children as a means to escape potential legal consequences and legally justifies gender-based violence and the rape of adolescent girls.

Rationale

Children can too easily be forced to marry. Until they become legal adults, which in most U.S. states happens at age 18, children face overwhelming legal and practical barriers if they try to leave home, enter a domestic violence shelter, retain an attorney or bring a legal action such as a divorce. Further, marriage before 18 irreparably harms girls' lives, devastating their health, education and economic opportunities and significantly increasing their risk of experiencing domestic violence.²

Countries around the world are working to end child marriage. Included in the Sustainable Development Goals the United Nations General Assembly adopted in 2015 to achieve a better world by 2030 is Target 5.3: "Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation."

In the U.S., groups are working on campaigns to amend state marriage-age laws to eliminate marriage before 18. However, passing legislation on a state-by-state basis is a daunting task, and these campaigns face many challenges and unexpected opposition.

Proposal

We propose a Coalition to End Child Marriage in the United States that brings together organizations and individuals working toward passage of federal legislation to help end child marriage in the U.S.

¹ Unchained At Last, *Child Marriage – Shocking Statistics*, available online at <http://www.unchainedatlast.org/child-marriage-shocking-statistics>. This number is based on actual marriage-license data from 38 states, which show that more than 167,000 children were wed between 2000 and 2010, as well as estimates from the other 12 states and Washington DC, where actual data were not available.

² Fraidy Reiss, *Why can 12-year-olds still get married in the United States?* Washington Post (10 February 2017), available online at <https://www.washingtonpost.com/posteverything/wp/2017/02/10/why-does-the-united-states-still-let-12-year-old-girls-get-married>.



Mission

The mission of the Coalition would be to pass federal legislation and policies to help end marriage below the age of 18 within the United States and to repeal loopholes and exceptions that may promote child marriage. The Coalition would advocate for a national age of 18 as the minimum age of marriage, *without exception*.

Proposed Solutions

The Coalition would pursue various approaches, including passing or amending federal legislation that:

- *Removes the statutory rape exception:* Amend 18 USC 2243 to remove the marriage exception to the federal crime of statutory rape of children below the age of 16.
- *Ensures that no other federal laws, policies or regulations encourage or facilitate child marriage.*
- *Sets a federal standard, if not a law:* Pass federal legislation that includes specific language defining marriage under the age of 18 as a human-rights abuse (as already exists in US foreign policy language and documents).
- *Gives incentives to states to set a minimum marriage age of 18:* Tie certain targeted federal funds to a state-level ban on all marriage below the age of 18, without exceptions.

Membership of the Coalition

All organizations, decision makers, activists, advocates, survivors and allies, including Girls Not Brides members, who are committed to ending child marriage in the United States and who are in agreement with the Coalition's mission (above) are invited to join the National Coalition.

Co-Conveners

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