



**WORLD Policy
Analysis Center**



MACHEequity
MATERNAL AND CHILD HEALTH EQUITY PROJECT

LEGAL PROTECTIONS AGAINST CHILD MARRIAGE AROUND THE WORLD

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About the WORLD Policy Analysis Center

The goal of the WORLD Policy Analysis Center (WORLD) is to improve the quantity and quality of comparative data available to policymakers, citizens, civil society, and researchers around the world on policies affecting equity, development, human health, and well-being. Under the leadership of Dr. Jody Heymann, Dean of the UCLA Fielding School of Public Health, WORLD is committed to making its broad, globally comparative findings publicly accessible to inform and encourage improvements in legal and policy frameworks worldwide, allow nations to learn from the approaches taken in other countries, facilitate studies of the feasibility and effectiveness of laws and policies in critical areas, and support global and local civil society in their efforts to hold decision-makers accountable.

About MACHEquity

The overall objective of the Maternal and Child Health Equity (MACHEquity) research program is to examine how social policies focused on reducing poverty, income and gender inequality have an impact on the burden of disease among children and women under the age of 50. Supported by the Canadian Institutes of Health Research (CIHR/IRSC), MACHEquity brings together an international group of researchers to work with unprecedented data on social policies and household-level survey data. The program makes datasets available to co-investigators and collaborators to facilitate empirical research and provides mentorship and training to a new generation of investigators.

About This Report

It has been 20 years since the international community committed to advancing equality for women around the world through the Beijing Declaration and Platform for Action in 1995. Using our global datasets capturing the legal and policy contexts shaping gender rights worldwide, we have created a series of policy briefs that highlight areas of progress and areas needing further improvement in child marriage, constitutional rights, work and family, and education. This brief presents evidence about the impacts of child marriage and the current state of laws governing the minimum age of marriage worldwide. We explore trends in rates of child marriage since the adoption of the Beijing Declaration and Platform for Action and legal protections, or lack thereof, in poorly performing countries. Both WORLD and MACHEquity are committed to making a lasting difference on the ground through interactions among researchers, policymakers and other stakeholders invested in translating evidence into practice.

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ABSTRACT

Marriage of children below 18 is widely recognized to have disproportionate adverse impacts on girls and their future offspring. The Beijing Declaration and Platform for Action calls on governments to establish legislative provisions for the minimum age of marriage to eliminate discrimination against the girl child. Since the Beijing Declaration and Platform for Action in 1995, the percentage of countries that allow girls to be married before age 18 with parental consent has been decreasing. Of the low- and middle-income countries for which we have data from 1995 to 2013, this figure fell from 80% in 1995 to 56% in 2013.

However, important challenges remain in terms of widespread gender disparities in minimum age of marriage laws around the world and exceptions to minimum age laws that facilitate early marriage. Sixty-one countries (31%) globally legally allow girls to be married younger than boys with parental permission, 52 of which permit that age to be two to four years younger. Girls can legally be married below the age of 18 in 23 countries around the world. When exceptions to the minimum age based on parental permission are included, that number rises to 101 countries. Since most child marriages occur with parental permission and involvement, these exceptions seriously undermine the protections established in countries' laws. Moreover, girls in 33 countries may legally be married below the age of 18 when analyses include exceptions to the minimum age in civil law that are made for marriage under religious and/or customary law. These parallel laws weaken protections in civil law and expose girls in particular religious and ethnic communities to child marriage. In order to bring an end to child marriage, gender disparities in minimum age of marriage laws must be eliminated and exceptions that facilitate early marriage need to be brought into line with internationally agreed-upon human rights standards.

BACKGROUND

Child marriage, defined by the international community as marriage below the age of 18 years, continues to shape the lives of millions of children around the world. Girls are disproportionately affected by early marriage; in Mali, for example, 72 girls for every boy between the ages of 15 and 19 are married. Many more girls than boys are married as children even in countries with lower rates of early marriage: eight girls for every boy are married between 15 and 19 in the United States, as are six girls for every boy in El Salvador.¹ A 2011 UN study found that a third of women aged 20 to 24 were married under the age of 18, representing almost 70 million girls worldwide. They found that 23 million of those were married before the age of 15.² Global estimates indicate that nearly five million girls worldwide are married under the age of 15 every year.³

In setting out global goals for the advancement of equality and development for women, the Beijing Declaration and Platform for Action calls on 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; in addition, 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 where necessary.” As the document notes, “early marriage and early motherhood can severely curtail educational and employment opportunities and are likely to have a long-term, adverse impact on the quality of their lives and the lives of their children.”

Child marriage creates significant barriers for girls’ education. In some places, married girls are legally prohibited from attending school, while in many others social norms and new family responsibilities force them to end their schooling.⁴ Evidence from Burkina Faso, Cameroon, Côte d’Ivoire, Ghana, Guinea, Nigeria, and Togo indicates that early marriage accounts for between 12 and 22 percent of school dropouts among girls.⁵ Findings from Bangladesh show the impact of early marriage on girls’ learning: for each year that marriage was delayed, girls were 5.6% more likely to be literate.⁶ Limiting girls’ education has lifelong consequences for their own future earning potential and financial independence,⁷ as well as overall economic growth—a World Bank study showed that increasing the share of women with secondary education by one percentage point is associated with an increase of 0.3 percentage points in per capita income growth.⁸ Women’s education also has powerful effects on their children’s chances of survival.⁹

Inequities in age and power differences often characterize marriages involving young girls, who tend to be married to men who are significantly older.¹⁰ Higher rates of physical, emotional, and sexual abuse within marriage have been documented among women married young compared to women married as adults.¹¹ Evidence from India, for example, showed that women married before the age of 18 were three times more likely to have been beaten than women married at age 21 or older.¹² These age and power inequities also mean that girls who are married young have less control over their own bodies, including the ability to make decisions about their sexual and reproductive health. These factors contribute to the lower use of contraceptives and higher rates of HIV and other sexually transmitted diseases among women married as children.¹³ Compounding these risks, young brides’ limited autonomy and education can limit

their ability to access information about reproductive health resources and care.¹⁴ Evidence from Bangladesh showed that delaying marriage by just one year increased the likelihood of receiving prenatal care by 8.6%.¹⁵

Early marriages often lead to early pregnancy and childbirth, with important health risks for mothers and babies.¹⁶ The Beijing Declaration and Platform for Action raises concerns regarding the serious health risks created by early marriage, pregnancy and childbearing, and laments the role of early childbearing in impeding improvements in the educational, economic and social status of women globally. Around the world, maternal mortality for girls between 15 to 19 years old is twice as high compared to women giving birth in their twenties, and for girls under age 15 it is five times as high.¹⁷ In the developing world, complications from pregnancy and childbirth are the leading cause of death for girls aged 15 to 19.¹⁸ Other complications, such as obstructed labor and fistulae, are also more common among very young mothers.¹⁹

As stated in the Beijing Declaration and Platform for Action, early marriage also carries risks for children. Early pregnancies are more likely to result in preterm delivery, low birth weight, and stillbirths.²⁰ In the first year of life, babies born to teenagers are twice as likely to die as babies born to women in their twenties.²¹ In addition to infant mortality, global data also indicate that morbidity and mortality rates for children under five are higher for those born to young mothers.²²

Child marriage is a violation of globally agreed-upon human rights standards and an important form of discrimination against girls. The millions of affected girls face fundamental barriers to their equal chances at education, equal rights within marriage and the home, and long-term employment trajectories. Have countries taken the legal steps necessary to protect girls?

METHODS

We examine legal provisions as they are a first step toward improving outcomes. Across countries, while varying in the extent and effectiveness of implementation, having laws does make a difference in practice for children and marriage. Laws have led to change by shaping public attitudes as well as reflecting them, by facilitating and requiring government follow-through, and enabling citizen and court action for enforcement. Even when local enforcement is incomplete, laws may still have an impact by shaping the terms of debate and providing levers for civil society advocates.

In order to collect global legislative data about the minimum age of marriage and exceptions to that age in all 197 U.S.-recognized countries,²³ the WORLD Policy Analysis Center analyzed official country websites, the Lexadin World Law Guide, the Foreign Law Guide, the NATLEX database, the Pacific Islands Legal Information Institute, the Asian Legal Information Institute, and JaFBase. In some cases, hard copies and electronic copies of legislation were obtained from libraries such as the Swiss Institute for Comparative Law, the UCLA Law Library, the Harvard Law Library, and the Northwestern University Library. The Child Marriage database captures national-level legislation. In countries where minimum age of marriage laws are set at

the state or provincial level, such as the U.S. and Canada, we code based on the lowest minimum age provisions. Given that the scope of the project includes 197 countries, and that the role and strength of case law varies substantially across countries, we were unable to include an analysis of case law relevant to legal provisions for the minimum age of marriage. Including case law in future analyses will be helpful to better understand the minimum age of marriage permitted by law.

If legislation was not available, analysts reviewed the most recent reports submitted by countries to the monitoring committees of the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), as well as the reports detailing the committees' concluding observations. The Child Marriage Database is current as of June 2013.

Information collected from legislation, CRC, and CEDAW reports was translated into a set of features that can be quantitatively analyzed, mapped, readily understood, and shared. This coding process was carried out independently by two researchers and then compared to minimize error. Coding was conducted in the original language of the document whenever possible by team members fluent in the language, or using a version translated into one of the official UN languages. During analysis child marriage was defined as marriage below the age of 18 years, based on the CEDAW and the CRC, which are reaffirmed by the Beijing Declaration and Platform for Action.

McGill University's MACHEquity team expanded this dataset longitudinally for every year between 1995 and 2012 for a subset of indicators for the 121 low- and middle-income countries (LMICs) currently included in the Demographic and Health Surveys (DHS) and Multiple Indicator Cluster Surveys (MICS). Researchers used the same sources and coding methods as described above. In some cases, hard copies of legislation were obtained from the McGill University law library.

In order to provide longitudinal information on restrictions on child marriage, the database included all changes to national legislation between 1995 and 2012. As a first step, researchers reviewed the date of the legislation used for the 2012 database. When legislation used in the 2012 database was enacted before 1995 and had not been amended or repealed since, it was assumed that its provisions remained applicable from 1995 to 2012. The same text was therefore used to code all variables between 1995 and 2012.

When legislation used in the 2012 database was dated between 1995 and 2012, the same text was used to code the years after the law was enacted and researchers searched for prior legislation for the preceding years. All variables between 1995 and the later law would then be coded using the original full text legislation. The most current and in-force legislation was always located first, and changes in the legislation were thereafter traced back to 1995. In many cases, the most current law included information on which previous law it repealed or amended, and researchers were therefore able to search online for the corresponding title/date.

FINDINGS ON CURRENT LAWS

MINIMUM AGE LAWS AND GENDER DISPARITIES

Globally, there are two countries (Saudi Arabia and Yemen) that do not set a minimum legal age of marriage for girls or boys. One country allows girls as young as 9 to be married (Lebanon), one sets the minimum age for girls at 13 (Iran), and an additional four countries set the minimum age for girls at 14 or 15 (Bahrain, Chad, Kuwait, and Holy See). Another 15 countries allow girls to be married at age 16 or 17 (see Map 1).

Examining the disparity in the ages at which girls and boys are protected from early marriage reveals that in many cases, legal frameworks reinforce, rather than combat, gender inequalities (see Map 2). In contrast to the number of countries permitting the marriage of girls under the age of 18, only eight countries set the minimum age below 18 for boys (in addition to the two countries that set no minimum age for either gender, Saudi Arabia and Yemen). Lebanon allows boys to be married as young as 13; Iran sets a legal minimum age of marriage for boys at 15; Andorra, Holy See, and the United Kingdom set a minimum age of 16; and Israel, Kuwait, and Timor-Leste set the minimum for boys at 17.

EXCEPTIONS TO MINIMUM AGE LAWS: PARENTAL PERMISSION

When considering legal protections for early marriage, it is important to keep in mind that the vast majority of child marriages occur with parental permission and involvement. Therefore, legal exceptions that permit marriage at earlier ages based on the approval of the child's parents likely do not provide protection against marriage for children in most cases. Including the two countries that set no legal minimum age for marriage at all, in six countries there is no minimum age for boys or girls with parental consent explicitly stated in the law. Five countries permit the marriage of girls with parental consent at ages 9 to 13, while an additional 33 allow girls to be married at age 14 or 15 (see Map 3). Girls may be married at age 15 or younger with parental consent in a total of 19 countries (56%) in the Americas, 10 (21%) in Sub-Saharan Africa, 5 (16%) in East Asia and the Pacific, 7 (37%) in the Middle East and North Africa, 2 (25%) in South Asia, and 1 (2%) country in Europe and Central Asia (see Map 3 and Map 7).

Here too, gender disparities in legal protections are stark. When parental consent exceptions are considered, one country allows boys to be married at 13, four countries set the minimum age of marriage for boys at 14, and another ten allow them to be married at age 15. Sixty-one countries (31%) globally legally allow girls to be married younger than boys with parental permission, 52 of which permit that age to be two to four years younger (see Map 4).

EXCEPTIONS TO MINIMUM AGE LAWS: CUSTOMARY AND RELIGIOUS LAW

It is also important to consider exceptions to the minimum age of marriage based on customary or religious laws as these play an important role in facilitating the marriage of children in many regions of the world. When exceptions based on customary and religious law are considered, there are 13 countries around the world where there is no explicit minimum age for marriage for

at least part of the population for whom customary or religious law can take precedence over civil law. In a further five countries girls may be married between ages 9 to 13, while in an additional two countries they may be married at 14 or 15 (see Map 5). Globally, because exceptions are allowed in a significant number of countries for marriage under customary or religious law, girls may be married at 15 or younger in nine countries (26%) in Sub-Saharan Africa, five (29%) in the Middle East and North Africa, one (17%) in South Asia, two (8%) in East Asia and the Pacific, two (4%) in Europe & Central Asia, and one (3%) in the Americas (see Map 5 and Map 7).

EXCEPTIONS TO MINIMUM AGE LAWS: PREGNANCY AND COURT OR GOVERNMENT APPROVAL

Additionally, in the majority of countries around the world there are further exceptions for the minimum age of marriage for cases when a girl is pregnant or has given birth to a child, and/or when a court or other government office (such as the president, a governor, a minister, a social work center, child welfare authorities, etc.) grants permission. In 76 countries worldwide (43% of the world) there is no explicit minimum age of marriage once these exceptions are included. In another 6 (3%) girls can be married between ages 9 and 13, in 23 countries (13%) girls may be married at 14 or 15, and in 57 (32%) they may be married at 16 or 17 (see Maps 6, 7, 8, and 9).

CHANGES SINCE THE BEIJING DECLARATION AND PLATFORM FOR ACTION

MINIMUM AGE LAWS AND GENDER DISPARITIES

In 1995, out of 105 LMICs with available data from 1995 to 2013, 4% did not set a legal minimum age of marriage for girls. In one percent of countries, girls could be married as young as 9. In 8% the legal minimum age was 14 or 15 for girls and a further 11% legally permitted girls to be married at 16 or 17. Over time, the data indicate an overall trend of raising the legal minimum age of marriage around the world. In 2005, ten years after the establishment of the Beijing Declaration and Platform for Action, two percent of countries did not set a minimum age of marriage for girls, one percent allowed girls to be married as young as 9, three percent set the minimum age at 14 or 15, and ten percent set it at 16 or 17. By 2013, legislation had further improved in these countries with one percent not setting a minimum age of marriage for girls, one percent allowing girls to be married at age 9, one percent establishing a minimum age of 14 or 15, and nine percent setting it at 16 or 17 (see Figures 1 and 2).

While the gap between boys and girls in legal minimum marriage age remains significant, it has narrowed over time. In 1995, eight percent of countries out of 105 LMICs with data available from 1995 to 2013 permitted the marriage of boys below 18, while in 2005 this number lowered to four percent, and by 2013, only two percent legally allowed boys to be married below 18. For this same subsample of countries, there is also a decline in the difference in the minimum age of marriage between boys and girls over time. In 1995, 14% of countries allowed girls to be

married three or four years younger than boys; this number lowered to 10% by 2005 and 6% in 2013 (see Figure 3).

EXCEPTIONS TO MINIMUM AGE LAWS: PARENTAL PERMISSION

Considering that parental permission exceptions to minimum marriage age laws provide significant loopholes that facilitate early marriage, it is important to understand how the legal minimum age with parental permission has varied over time. As demonstrated in Figure 2, the percentage of countries that permit the marriage of girls before age 18 (including with parental consent) has been falling over the years, though the parental permission exception still represents an important loophole in lowering the minimum age in many countries. Of the LMIC countries for which we have data from 1995 to 2013, this figure was 80% in 1995, 75% in 2000, 67% in 2005, 58% in 2010, and 56% in 2013. Between 1995 and 2013, 24% percent of countries changed their minimum age for marriage legislation to protect girls below age 18 even when parental permission is considered, meeting the internationally-recommended minimum age standard.

Despite these improvements, there are numerous countries that have not made adequate changes to protect young girls from early marriage and fulfill their commitment to the Beijing Declaration and Platform for Action. Between 1995 and 2013, out of the 105 countries for which we had complete data, 66% had no change in legal restrictions for early marriage of girls with parental permission. Many of these countries do not have minimum age of marriage legislation that adequately protects girls. In 23% of the 105 countries, the legal age of marriage with parental consent remained at age 15 or younger, with some having no minimum age for marriage if there is parental consent. Azerbaijan and Sri Lanka²⁴, actually lowered the legal age of marriage with parental permission while Yemen removed any explicit barriers to marriage based on age. Thirty percent of countries increased the legal age of marriage with parental consent; however five percent still kept it under age 18 (see Figure 4).

Our longitudinal dataset also helps to shed light on regional variation in minimum age of marriage laws over time. The average legal minimum age of marriage for girls with parental consent in the Middle East and North Africa increased from 12.7 in 1995 to 15.4 in 2013 for countries with data in both time periods. In South Asia the age increased from 13.9 to 15.1 over the same time period, in Sub-Saharan Africa it increased from 14.4 to 16.8, while in the Americas it increased from 14.2 to 14.6 and in Europe and Central Asia it increased from 16.9 to 17.6. The average age for East Asia and the Pacific dropped from at 17.2 to 17.0 over this time period. Overall, countries in the Middle East and North Africa made the most substantial progress, reflected by an increase of 2.7 years in the legal age of marriage for girls, followed by Sub-Saharan Africa, with an increase of 2.4 years, and South Asia, which increased the legal age by 1.2 years on average.

Gender disparities in minimum age laws over time are further highlighted when parental permission exceptions are taken into account. In 1995, 40% of the 105 countries with data available from 1995 to 2013 allowed boys to be married earlier than age 18 with parental

consent, while 80% allowed the marriage of girls before 18. In 2013, 30% of those same countries permitted early marriage with parental consent for boys and 56% for girls.

Between 1995 and 2013, the number of countries in our sample with complete data that permitted girls to legally be married younger than boys with parental permission fell from 66% to 44%. In 1995, 27% of the countries in our sample allowed girls to be married three or four years earlier than boys with parental permission and 39% allowed them to be married one or two years earlier. By 2013, this trend showed some improvement: the percentage of countries that allowed girls to be married three or four years earlier with parental permission dropped to 15% and those that allowed girls to be married one or two years earlier dropped to 29% (see Figure 3).

RECOMMENDATIONS FOR ACTION

Our findings highlight important actionable steps that can be taken by policymakers to reduce rates of child marriage and thereby mitigate its devastating effects on young girls and their children. As highlighted in the Beijing Declaration and Platform for Action and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), eliminating child marriage is an essential element in achieving equality for women. These conventions call for governments to enact and enforce laws for the minimum age of marriage and raise them where needed to protect children under 18 years of age. Only 16 countries around the world (9%) maintain an absolute minimum age of at least 18 for girls' marriage and do not create loopholes that facilitate early marriage. While the presence or absence of laws is not the only factor shaping the problem of child marriage, in many countries it represents a practical and achievable goal for bringing about change.

Gender gaps in the legislated minimum age of marriage demonstrated by WORLD data reinforce structural gender inequities in child marriage and indicate a concrete measure that can be taken immediately to reduce the disparities in disadvantage experienced by girls. Gaps in the legal minimum age of marriage exist in at least 61 countries that have adopted the Beijing Declaration and Platform for Action. Similarly, of the 186 UN member states that have ratified CEDAW, at least 56 countries permit girls to be married younger than boys with parental permission. Laws in these countries, and in countries that have not ratified these international instruments, need to be changed to treat girls and boys equitably.

It is also essential for the minimum age of marriage to be raised to 18 in all countries around the world in compliance with international conventions. In at least 21 countries that adopted the Beijing Declaration and Platform for Action in 1995 and at least 21 that have ratified CEDAW, the general minimum age of marriage legally permits the marriage of children below 18. Governments should act to fulfill their commitments by raising the minimum age and protecting children, particularly girls, from the harmful impacts of early marriage.

Finally, exceptions to minimum age of marriage laws can substantially undermine the legal protections against child marriage established in countries' laws.²⁵ Considering that most child

marriages occur with parental consent and involvement, exceptions that permit the age to be lowered based on parental permission create significant loopholes that facilitate early marriage.²⁶ Moreover, in many countries civil law exists alongside parallel customary and religious legal systems. These parallel laws often do not establish an adequate minimum age for marriage, or any at all, weakening civil law prohibitions and exposing girls in particular religious and ethnic communities to early marriage. In order to bring an end to child marriage, leaders must ensure that children younger than the internationally agreed-upon minimum marriage age of 18 are not married under customary and religious law.²⁷

LAWS IN COUNTRIES WITH POOR PERFORMANCE ON CHILD MARRIAGE

These steps are especially urgent for those countries that have shown remarkably little improvement since 1995. Of the 11 countries with the highest rates of married women between age 15 and 19 in the world according to 2012 UN Population Division data (those with rates of over 30%), over half (6 countries) permit the marriage of children below 18 with parental consent. Customary or religious law enables child marriage in at least 4 of these 11 countries. Chad, for example, where 48.6% of girls aged 15 to 19 were married in 1997 and where rates decreased very little to 45.3% in 2004, sets the legal minimum age of marriage for girls at 15 years old. This age is further reduced by customary law, which allows the marriage of girls at 13 years old. In Niger, where almost two thirds of girls between 15 and 19 years old are married (61.9% in 1998 and 60.6% in 2006), girls can be married at age 15 with parental permission. This dramatically reduces the minimum age, which is officially 21, indicating the significant difference made by loopholes in laws. In Nicaragua, where almost a third of girls between 15 and 19 years old are married (32.2% in 1995 and 30.3% in 2007), girls may legally be married at age 14 with parental permission, which significantly reduces the legal minimum age which is otherwise 18. In Eritrea, where rates of early marriage have similarly experienced limited improvement (37.7% in 1995 and 31.1% in 2002), there are a number of customary laws, many of which are not codified and do not set a minimum age of marriage.²⁸

Action is also critical for countries that have seen increases in rates of early marriage since the Beijing Declaration and Platform for Action. Of the ten countries that have experienced an increase of at least five percentage points in early marriage rates over the past twenty years, eight permit the marriage of girls before age 18 with parental permission. In Madagascar, the percent of girls ages 15 to 19 that are married has increased by 12.5 percentage points from 27.4 in 1993 to 39.9 in 2008. In 2007 Madagascar changed its law by removing the exception that allowed girls to be married as young as 14 with parental permission. This is an important first step towards protecting girls from early marriage; however, the law still allows girls to be married in Madagascar below 18 if the court grants its approval at the request of the parents. Guyana, where early marriage rates between 1991 and 2009 increased by 11.6 percentage points (from 6.9% to 18.5%), allows girls to be married at the age of 16 with parental permission. In Zimbabwe the rate of married girls aged 15 to 19 has increased from 20.8% in 1992 to 25.9% in 2010; there is no minimum age for marriage under customary law in this country.²⁹

IMPACT OF LEGISLATION

Our longitudinal policy dataset can help to shed light on positive changes in early marriage rates in some countries and associated changes in legislation. According to 2012 UN Population Division data, Maldives has experienced a dramatic drop in the rates at which girls between 15 and 19 were married, from 46.9% in 1995 to 5.6% in 2009.³⁰ Prior to 2001, Maldives had no written marriage law. In 2001, a Family Act was passed that set a legal minimum age of marriage at 18. While we may identify associations, without further in-depth analysis we are unable to conclude definitively if it is the passage of protective laws in countries like Maldives that bring about a positive change in rates of early marriage.

Once laws are passed, it is critical that they be enforced. Examining minimum marriage age laws around the world can also help to highlight countries in which strongly protective laws exist but may not be adequately enforced. There are important gaps in some nations. For example, despite a legal minimum age of marriage of 18 without any permitted exceptions, in Bangladesh, girls between 15 and 19 were married at a rate of 51.3% in 1991 and 45.7% in 2011.³¹ Policies to ensure compliance with marriage registration are an important strategy to ensure that marriages are legally recognized and must conform to relevant legal provisions.

This brief provides the global community with a window into progress and future priorities for the legal context of child marriage worldwide. Protective laws are an essential first step in addressing the global problem of child marriage. Legal instruments provide concrete tools to help protect girls' rights. Further analysis is needed to better understand the link between legislation, enforcement mechanisms, and rates of early marriage.

1 S. Mathur, M. Greene, and A. Malhotra, "Too Young to Wed: The Lives, Rights, and Health of Young Married Girls" (Washington, D.C.: International Center for Research on Women, 2003).

2 R. Vogelstein, *Ending Child Marriage* (New York: Council on Foreign Relations, 2013).

3 Ibid.

4 R. Jensen and R. Thornton, "Early Female Marriage in the Developing World," *Gender and Development* 11, no. 2 (2003): 9-19.; B. Mensch, "The Transition to Marriage," in C.B. Lloyd, ed., *Growing Up Global: The Changing Transitions to Adulthood in Developing Countries*, Committee on Population, Board on Children, Youth, and Families, Division of Behavioral and Social Sciences and Education, National Research Council, and Institute of Medicine (Washington, D.C.: National Academies Press, 2005), 416-505.; S. Jain and K. Kurz, "New Insights on Preventing Child Marriage: A Global Analysis of Factors and Programs" (report prepared by the International Center for Research on Women for the United States Agency for International Development, April 2007).

5 C.B. Lloyd and B.S. Mensch, "Marriage and Childbirth as Factors in Dropping out of School: An Analysis of DHS Data from Sub-Saharan Africa," *Population Studies* 62, no. 1 (2008): 1-13.; T. Tuwor and M.-A. Sossou, "Gender Discrimination and Education in West Africa: Strategies for Maintaining Girls in School," *International Journal of Inclusive Education* 12, no. 4 (2008): 363-379.

6 E. Field and A. Ambrus, "Early Marriage, Age of Menarche, and Female Schooling Attainment in Bangladesh," *Journal of Political Economy* 116, no. 5 (2008): 881-930.

7 R. Vogelstein, *Ending Child Marriage* (New York: Council on Foreign Relations, 2013).

8 D. Dollar and R. Gatti, "Gender Inequality, Income, and Growth: Are Good Times Good for Women?" (Washington, DC: The World Bank, 1999).

9 E. Gakidou, K. Cowling, R. Lozano, and C. Murray, "Increased Educational Attainment and Its Effect on Child Mortality in 175 Countries between 1970 and 2009: A Systematic Analysis," *The Lancet* 376, no. 9745 (2010): 959-74.

10 R. Jensen and R. Thornton, "Early Female Marriage in the Developing World," *Gender and Development* 11, no. 2 (2003): 9-19.

11 UNICEF, "Early Marriage: A Harmful Traditional Practice" (New York: UNICEF, 2005).; B. Mensch, "The Transition to Marriage," in C.B. Lloyd, ed., *Growing Up Global: The Changing Transitions to Adulthood in Developing Countries*, Committee on Population, Board on Children, Youth, and Families, Division of Behavioral and Social Sciences and Education, National Research Council, and Institute of Medicine (Washington, D.C.: National Academies Press, 2005), 416–505.; S. Jain and K. Kurz, "New Insights on Preventing Child Marriage: A Global Analysis of Factors and Programs" (report prepared by the International Center for Research on Women for the United States Agency for International Development, April 2007).; R. Jensen and R. Thornton, "Early Female Marriage in the Developing World," *Gender and Development* 11, no. 2 (2003): 9-19.; M. Muleta and G. Williams, "Postcoital Injuries Treated at the Addis Ababa Fistula Hospital," *Lancet* 354, no. 9195 (1999): 2051–2052; K.G. Santhya, N. Haberland, F. Ram, R.K. Sinha, and S.K. Mohanty, "Consent and Coercion: Examining Unwanted Sex among Married Young Women in India," *International Family Planning Perspectives* 33, no. 3 (2007): 124–132; D.F. Flake, "Individual, Family, and Community Risk Markers for Domestic Violence in Peru," *Violence against Women* 11, no. 3 (2005): 353–373; N. Gottschalk, "Uganda: Early Marriage as a Form of Sexual Violence," *Forced Migration Review* 27 (2007): 51–53; M.J. Hindin and A.O. Fatusi, "Adolescent Sexual and Reproductive Health in Developing Countries: An Overview of Trends and Interventions," *International Perspectives on Sexual and Reproductive Health* 35, no. 2 (2009): 58–62.; P. Ebigbo, "Child Abuse in Africa: Nigeria as Focus," *International Journal of Early Childhood* 35, no. 1 (2003): 95–113.; P. Ouis, "Honourable Traditions? Honour Violence, Early Marriage and Sexual Abuse of Teenage Girls in Lebanon, the Occupied Palestinian Territories and Yemen," *International Journal of Children's Rights* 17, no. 3 (2009): 445–474.; S. Mathur, M. Greene, and A. Malhotra, "Too Young to Wed: The Lives, Rights, and Health of Young Married Girls" (Washington, D.C.: International Center for Research on Women, 2003).; Proportion of women who had been emotionally abused, married at the age of 15 or younger: 43 percent; under 18: 41 percent; 16–20: 39 percent; 21–25: 34 percent; 26–30: 29 percent; 30 or older: 28 percent. Proportion of women who had been physically abused, married at the age of 15 or younger: 20 percent; under 18: 18 percent; 16–20: 16 percent; 21–25: 12 percent; 26–30: 8 percent; 30 or older: 7 percent. Proportion of women who had been sexually abused, married at the age of 15 or younger: 17 percent; under 18: 14 percent; 16–20: 13 percent; 21–25: 11 percent; 26–30: 7 percent; 30 or older: 5 percent. R. Jensen and R. Thornton, "Early Female Marriage in the Developing World," *Gender and Development* 11, no. 2 (2003): 9-19.

12 Twelve percent of women married under age 18 had been beaten in the past year, compared with 5% of women married between the ages of 21 and 25 and 4% of women married at age 26 or older. R. Jensen and R. Thornton, "Early Female Marriage in the Developing World," *Gender and Development* 11, no. 2 (2003): 9-19.

13 M.J. Hindin and A.O. Fatusi, "Adolescent Sexual and Reproductive Health in Developing Countries: An Overview of Trends and Interventions," *International Perspectives on Sexual and Reproductive Health* 35, no. 2 (2009): 58–62.; UNICEF, "Early Marriage: Child Spouses" *Innocenti Digest* 7 (March 2001).; UNICEF, "Early Marriage: A Harmful Traditional Practice" (New York: UNICEF, 2005).; R. Savitridina, "Determinants and Consequences of Early Marriage in Java, Indonesia," *Asia-Pacific Population Journal* 12, no. 2 (1997): 25–48.; A. Raj, N. Saggurti, D. Balaiah, and J.G. Silverman, "Prevalence of Child Marriage and Its Effect on Fertility and Fertility-Control Outcomes of Young Women in India: A Cross-Sectional, Observational Study," *Lancet* 373, no. 9678 (2009): 1883–1889.; S. Jain and K. Kurz, "New Insights on Preventing Child Marriage: A Global Analysis of Factors and Programs" (report prepared by the International Center for Research on Women for the United States Agency for International Development, April 2007).; S. Mathur, M. Greene, and A. Malhotra, "Too Young to Wed: The Lives, Rights, and Health of Young Married Girls" (Washington, D.C.: International Center for Research on Women, 2003).

14 S. Mathur, M. Greene, and A. Malhotra, "Too Young to Wed: The Lives, Rights, and Health of Young Married Girls" (Washington, D.C.: International Center for Research on Women, 2003).

15 E. Field and A. Ambrus, "Early Marriage, Age of Menarche, and Female Schooling Attainment in Bangladesh," *Journal of Political Economy* 166, no. 5 (2008): 881–930.

16 UNICEF, "Early Marriage: A Harmful Traditional Practice" (New York: UNICEF, 2005).; S. Singh and R. Samara, "Early Marriage among Women in Developing Countries," *International Family Planning Perspectives* 22, no. 4 (1996): 148–157.; M. Ertem, G. Saka, A. Ceylan, and V. Deger, "The Factors Associated with Adolescent Marriages and Outcomes of Adolescent Pregnancies in Mardin Turkey," *Journal of Comparative Family Studies* 39, no. 2 (2008): 229–239.; A. Raj, N. Saggurti, D. Balaiah, and J.G. Silverman, "Prevalence of Child Marriage and Its Effect on Fertility and Fertility-Control Outcomes of Young Women in India: A Cross-Sectional, Observational Study," *Lancet* 373, no. 9678 (2009): 1883–1889.; S. Jain and K. Kurz, "New Insights on Preventing Child Marriage: A Global Analysis of Factors and Programs" (report prepared by the International Center for Research on Women for the United States Agency for International Development, April 2007).; S. Mathur, M. Greene, and A. Malhotra, "Too Young to Wed: The Lives, Rights, and Health of Young Married Girls" (Washington, D.C.: International Center for Research on Women, 2003).

17 K.A. Annan, "We the Children" (New York: UNICEF, 2001).; N.M. Nour, "Health Consequences of Child Marriage in Africa," *Emerging Infectious Diseases* 12, no. 11 (2006): 1644–1649.; N.M. Nour, "Child Marriage: A Silent Health

and Human Rights Issue," *Reviews in Obstetrics and Gynecology* 197, no. 1 (2009): 51–56.; L. Wall, "Dead Mothers and Injured Wives: The Social Context of Maternal Morbidity and Mortality among the Hausa of Northern Nigeria," *Studies in Family Planning* 29, no. 4 (1998): 341–370.; L.S. Zabin and K. Kiragu, "The Health Consequences of Adolescent Sexual and Fertility Behavior in Sub-Saharan Africa," *Studies in Family Planning* 29, no. 2 (1998): 210–233.; UNICEF, "Early Marriage: Child Spouses" *Innocenti Digest* 7 (March 2001).; Save the Children, "Children Having Children: State of the World's Mothers 2004" (Westport, Conn.: Save the Children, 2004).

18 DFID, "Programme to End Child Marriage: Project Summary," 2011, <http://www.projects.dfid.gov.uk/IATI/documents/3707292>.

19 L. Meyer, C.J. Ascher-Walsh, R. Norman, A. Idrissa, H. Herbert, O. Kimso, and J. Wilkinson, "Commonalities among Women Who Experienced Vesicovaginal Fistulae as a Result of Obstetric Trauma in Niger: Results from a Survey Given at the National Hospital Fistula Center, Niamey, Niger," *American Journal of Obstetrics and Gynecology* 197, no. 1 (2007): 90.e1–90.e4.; G.S. Melah, A.A. Massa, U.R. Yahaya, M. Bukar, D.D. Kizaya, and A.U. El-Nafaty, "Risk Factors for Obstetric Fistulae in North-eastern Nigeria," *Journal of Obstetrics and Gynaecology* 27, no. 8 (2007): 819–823.; A. Holme, M. Breen, and C. MacArthur, "Obstetric Fistulae: A Study of Women Managed at the Monze Mission Hospital, Zambia," *Bjog: An International Journal of Obstetrics and Gynaecology* 114, no. 8 (2007): 1010–1017.; N.M. Nour, "Health Consequences of Child Marriage in Africa," *Emerging Infectious Diseases* 12, no. 11 (2006): 1644–1649.; M.J. Hindin and A.O. Fatusi, "Adolescent Sexual and Reproductive Health in Developing Countries: An Overview of Trends and Interventions," *International Perspectives on Sexual and Reproductive Health* 35, no. 2 (2009): 58–62.; D.O. Onolemhem and C.C. Ekwempu, "An Investigation of Sociomedical Risk Factors Associated with Vaginal Fistula in Northern Nigeria," *Women and Health* 28, no. 3 (1999): 103–116.; S. Jain and K. Kurz, "New Insights on Preventing Child Marriage: A Global Analysis of Factors and Programs" (report prepared by the International Center for Research on Women for the United States Agency for International Development, April 2007).; E.P. Ghararo and K.N. Agholor, "Aspects of Psychosocial Problems of Patients with Vesico-vaginal Fistula," *Journal of Obstetrics and Gynaecology* 29, no. 7 (2009): 644–647.

20 S. Mathur, M. Greene, and A. Malhotra, "Too Young to Wed: The Lives, Rights, and Health of Young Married Girls" (Washington, D.C.: International Center for Research on Women, 2003).; N.M. Nour, "Health Consequences of Child Marriage in Africa," *Emerging Infectious Diseases* 12, no. 11 (2006): 1644–1649.; V. Sharma, J. Katz, L.C. Mullany, S.K. Khatry, S.C. Leclercq, S.R. Shrestha, G.L. Darmstadt, and J.M. Tielsch, "Young Maternal Age and the Risk of Neonatal Mortality in Rural Nepal," *Archives of Pediatric and Adolescent Medicine* 162, no. 9 (2008): 828–835.; M. Ertem, G. Saka, A. Ceylan, and V. Deger, "The Factors Associated with Adolescent Marriages and Outcomes of Adolescent Pregnancies in Mardin Turkey," *Journal of Comparative Family Studies* 39, no. 2 (2008): 229–239.; A. Raj, N. Saggurti, D. Balaiah, and J.G. Silverman, "Prevalence of Child Marriage and Its Effect on Fertility and Fertility-Control Outcomes of Young Women in India: A Cross-Sectional, Observational Study," *Lancet* 373, no. 9678 (2009): 1883–1889.; UNICEF, "Early Marriage: Child Spouses" *Innocenti Digest* 7 (March 2001).; A.O. Igwebe and G.O. Udigwe, "Teenage Pregnancy: Still an Obstetric Risk," *Journal of Obstetrics and Gynaecology* 21, no. 5 (2001): 478–481.; B. Banerjee, G. Pandey, D. Dutt, B. Sengupta, M. Mondal, and S. Deb, "Teenage Pregnancy: A Socially Inflicted Health Hazard," *Indian Journal of Community Medicine* 34, no. 3 (2009): 227–231.; S. Jain and K. Kurz, "New Insights on Preventing Child Marriage: A Global Analysis of Factors and Programs" (report prepared by the International Center for Research on Women for the United States Agency for International Development, April 2007).; S. Shawky and W. Milaat, "Cumulative Impact of Early Maternal Marital Age during the Childbearing Period," *Paediatric and Perinatal Epidemiology* 15, no. 1 (2001): 27–33.

21 S. Jain and K. Kurz, "New Insights on Preventing Child Marriage: A Global Analysis of Factors and Programs" (report prepared by the International Center for Research on Women for the United States Agency for International Development, April 2007).

22 S. Mathur, M. Greene, and A. Malhotra, "Too Young to Wed: The Lives, Rights, and Health of Young Married Girls" (Washington, D.C.: International Center for Research on Women, 2003).

23 Greenland is self-governing. WORLD data on child marriage reflects Greenland's legislation and policies where information is available. Greenland is omitted from country counts when calculating the number of countries that have a given policy.

24 While Sri Lanka's marriage legislation had previously explicitly set a minimum age of marriage at 12 with parental consent, due to changes in wording the law no longer explicitly sets a minimum age for marriage as long as parental consent is provided. The Court of Appeal decided in 2004 that age 18 was to be the absolute minimum age for marriage but the laws have not been modified since then.

25 Child Marriage and the Law. Girls not Brides. Accessed August 21, 2014 at <http://www.girlsnotbrides.org/child-marriage-law/>.

26 V. Odala, "How important is minimum age of marriage legislation to end child marriage in Africa?" Girls not Brides, June 11, 2013. Accessed August 21, 2014 at <http://www.girlsnotbrides.org/how-important-is-minimum-age-of-marriage-legislation-to-end-child-marriage-in-africa/>.; A. Raj, "When the mother is a child: The impact of child marriage on the health and human rights of girls," *Archives of Disease in Childhood* 95 (2010): 931–935.

27 R. Silva-de-Alwis, "Child marriage and the law: Legislative reform initiative paper series" (New York: UNICEF Division of Policy and Planning, 2008).; "Marrying too young: End child marriage" (New York: United Nations Population Fund, 2012).

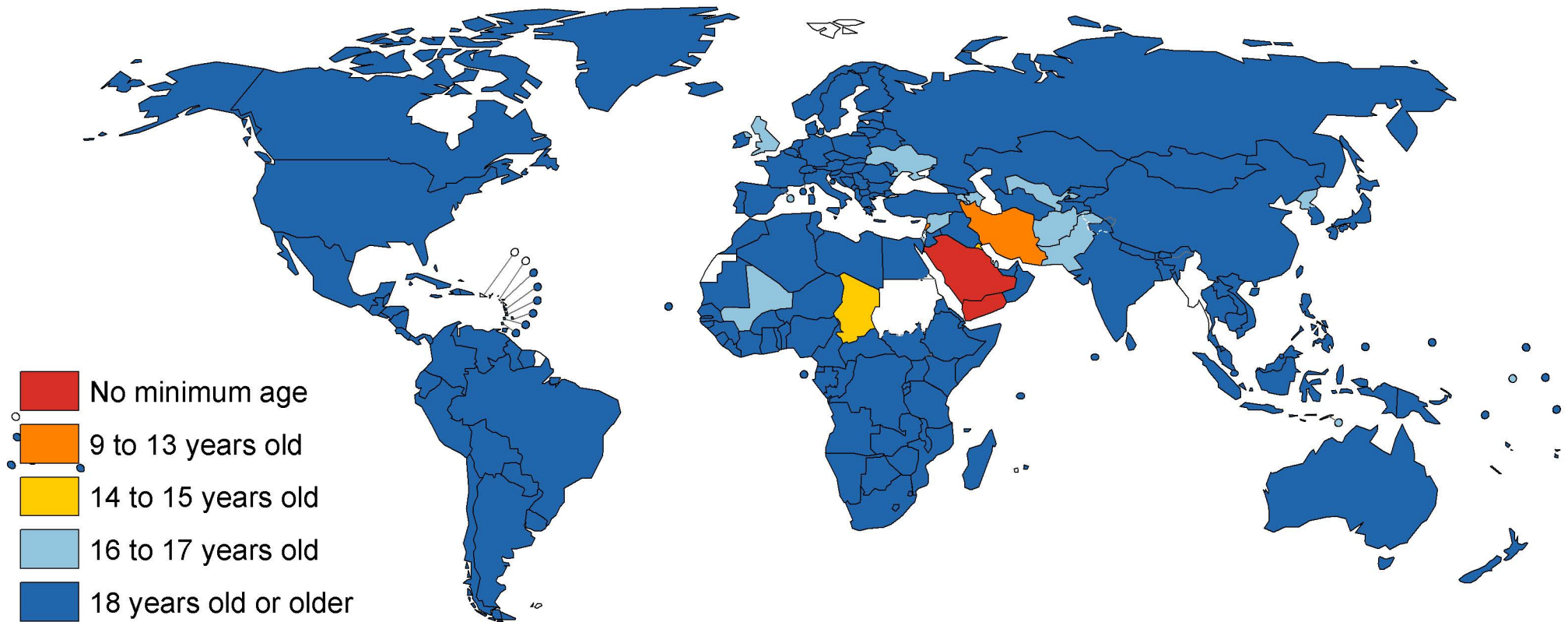
28 United Nations, Department of Economic and Social Affairs, Population Division. "World Marriage Data 2012" (2013).

29 Ibid.

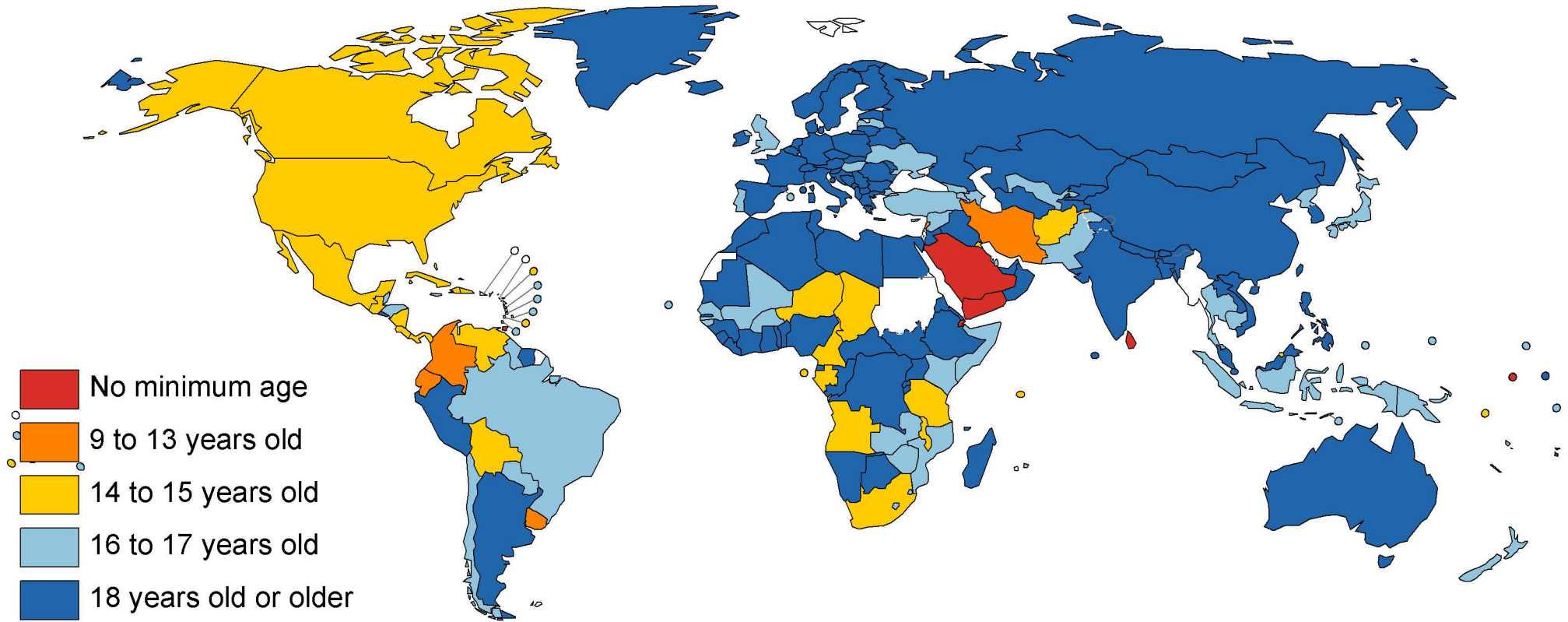
30 Ibid.

31 Ibid.

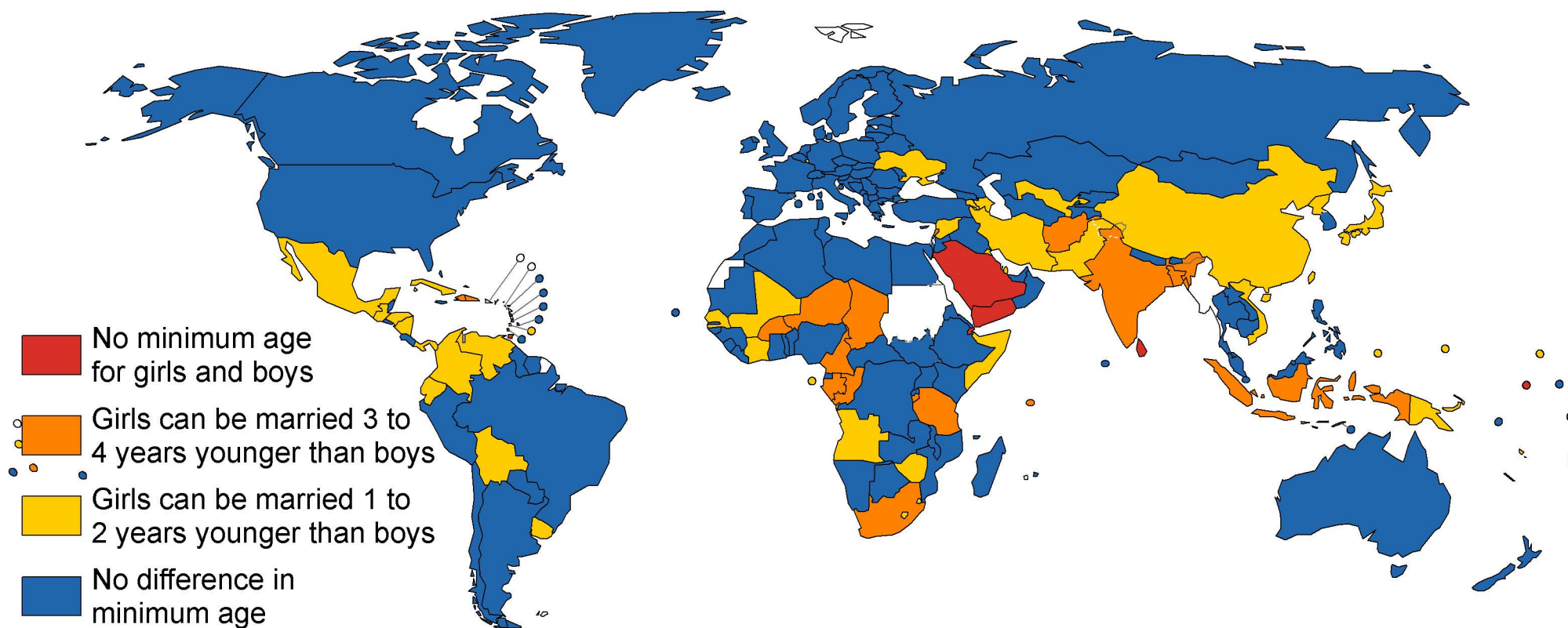
Map 1: What is the minimum age of marriage for girls?



Map 3. What is the minimum age of marriage for girls with parental consent?

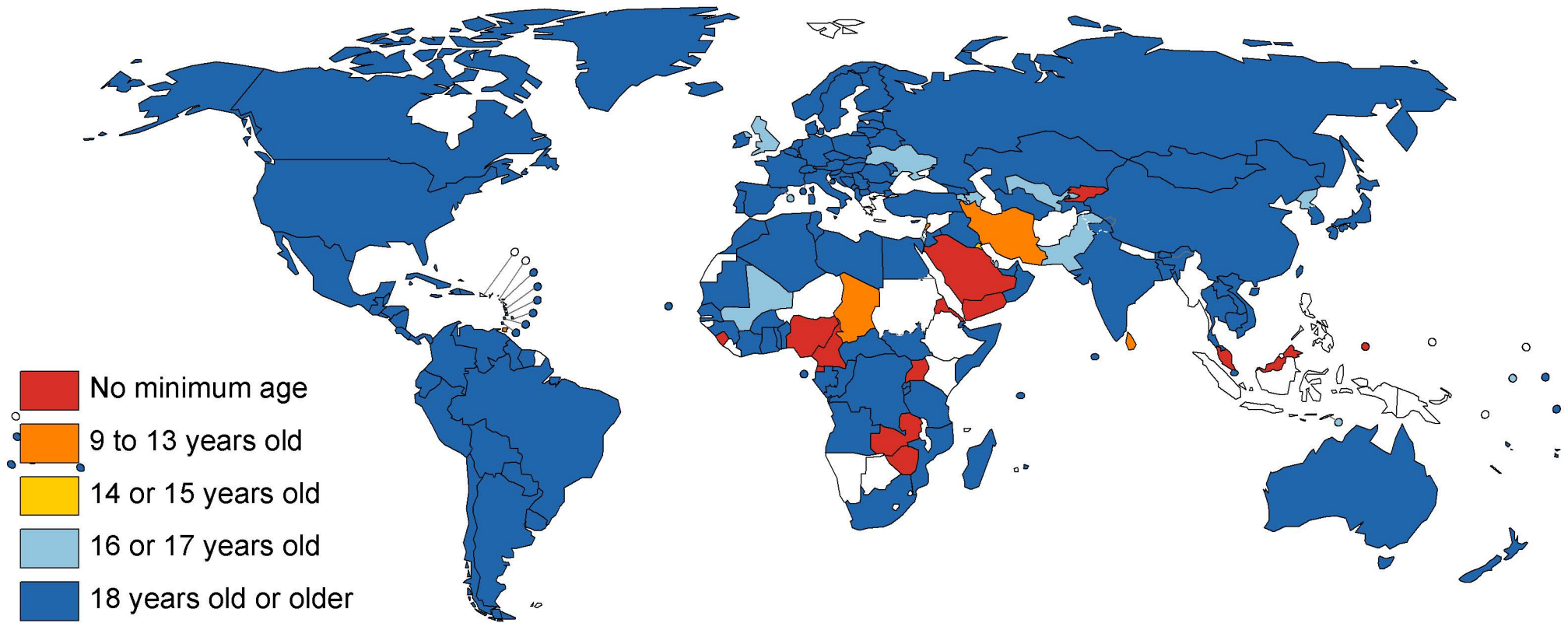


Map 4: Is there a gender disparity in the minimum legal age of marriage with parental consent?

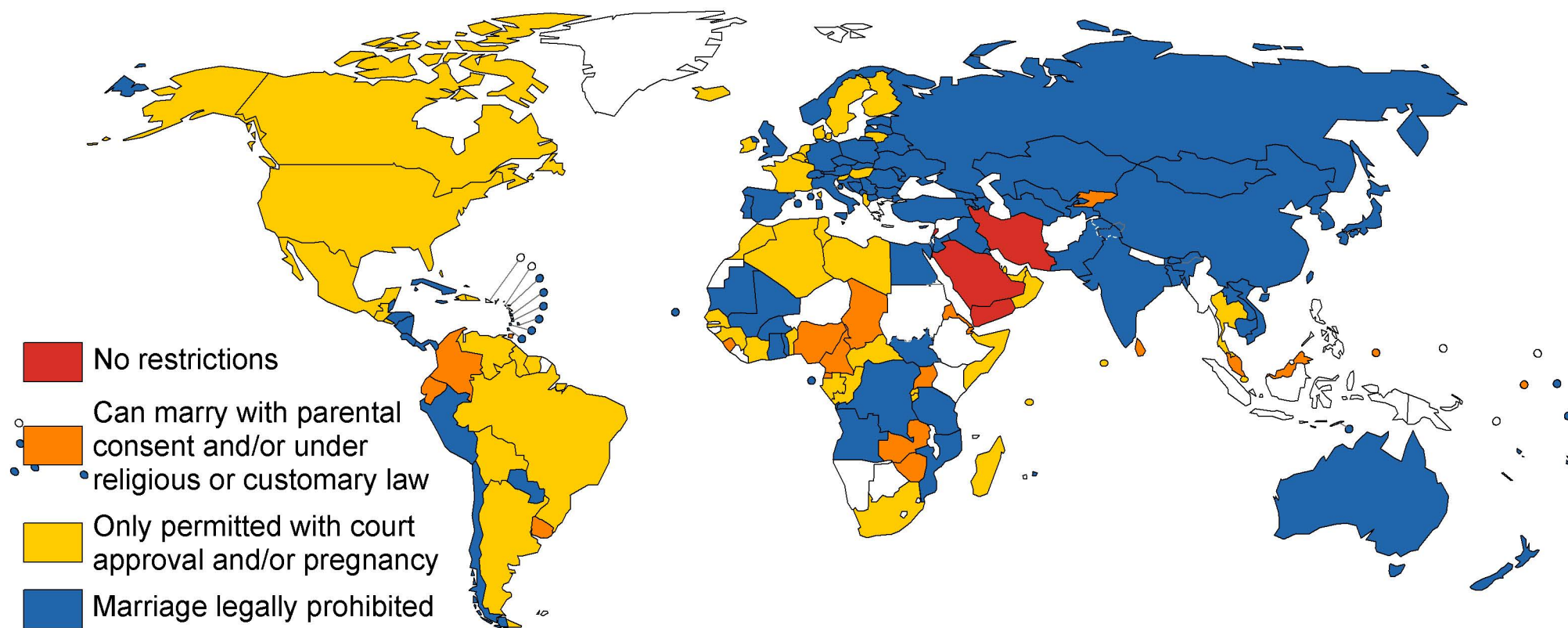


There are no cases where the minimum age for boys is younger than the minimum age for girls. In 8 countries, the minimum age of marriage for females is 18 years old or older, but legislation specifies a higher minimum age of marriage for males. The difference in age is reflected in this map to show gender disparities in legislation.

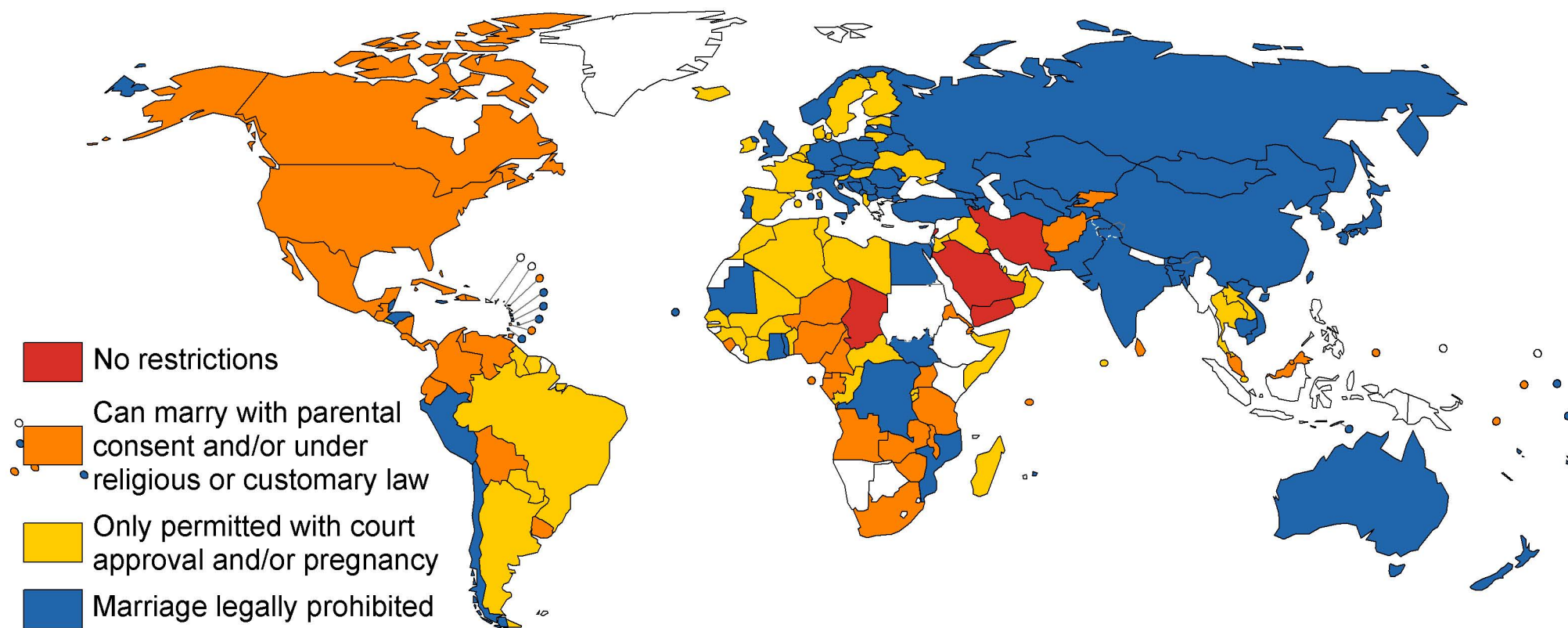
Map 5: What is the minimum age of marriage for girls including under customary or religious law?



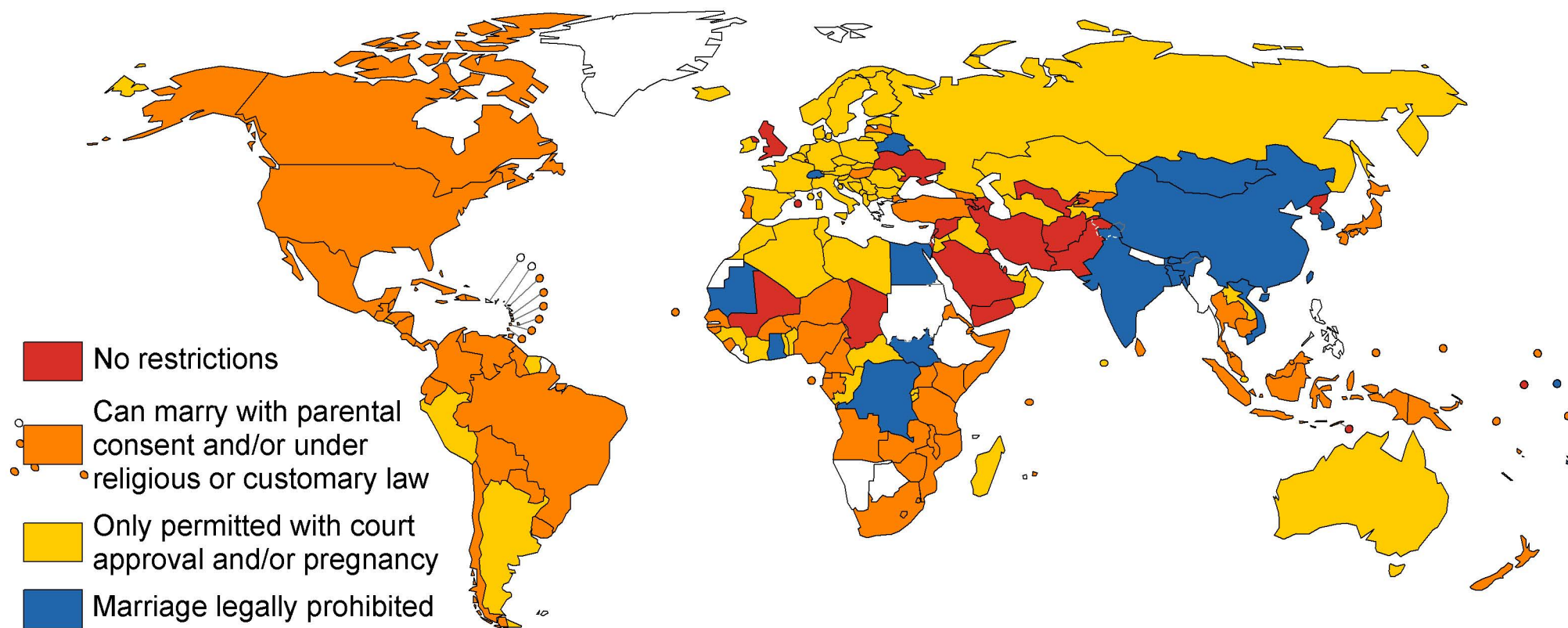
Map 6: Under what circumstances can 13-year-old girls be married?



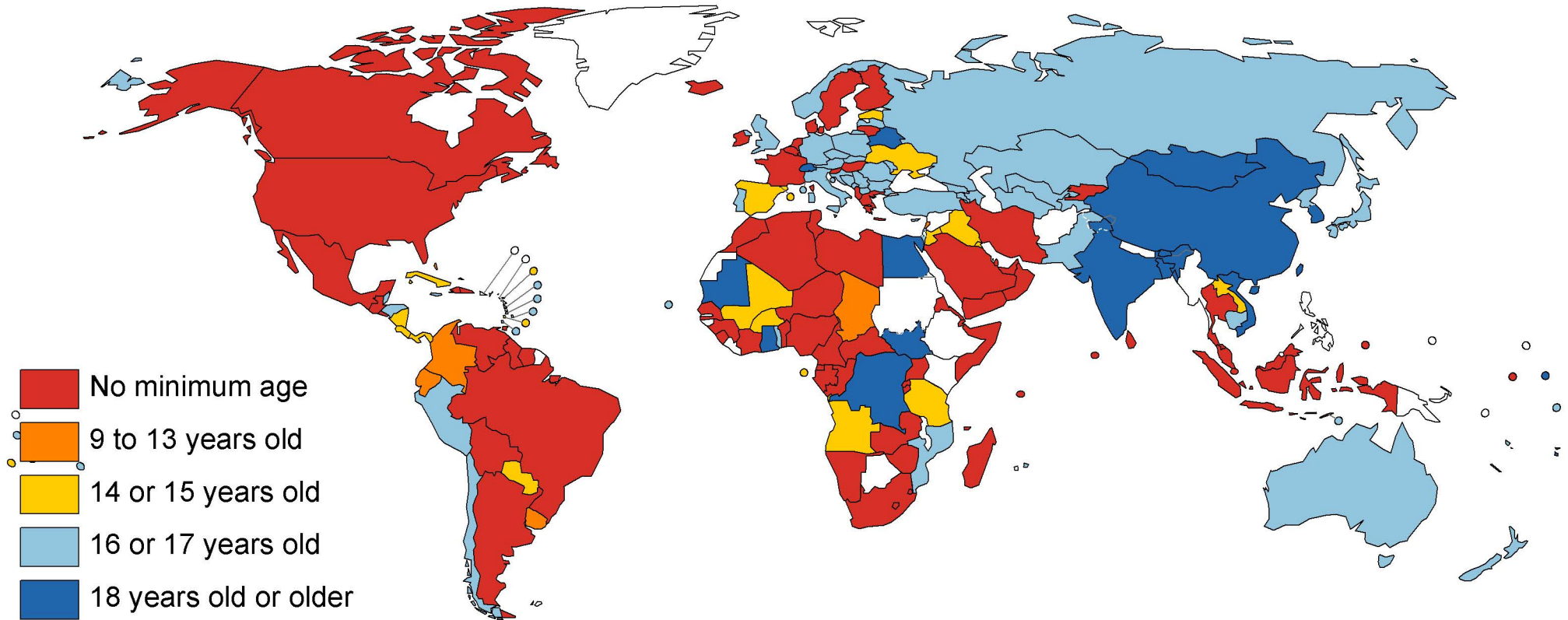
Map 7: Under what circumstances can 15-year-old girls be married?



Map 8: Under what circumstances can 17-year-old girls be married?

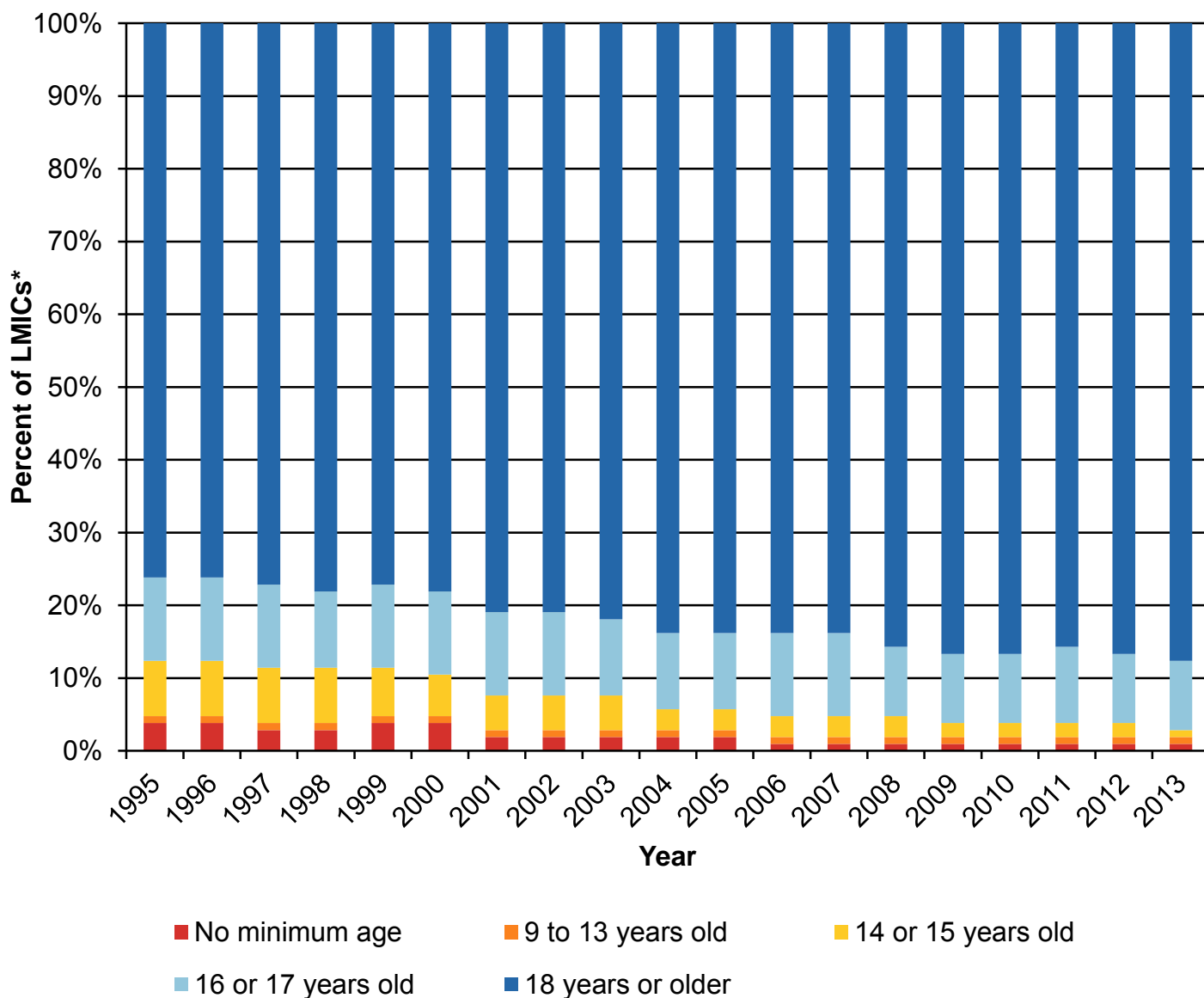


Map 9: When all exceptions are taken into account, what is the minimum age of marriage for girls?



This map includes exceptions to minimum age laws that lower the age based on parental consent, under religious or customary law, with court approval, and/or when the girl is pregnant or has given birth.

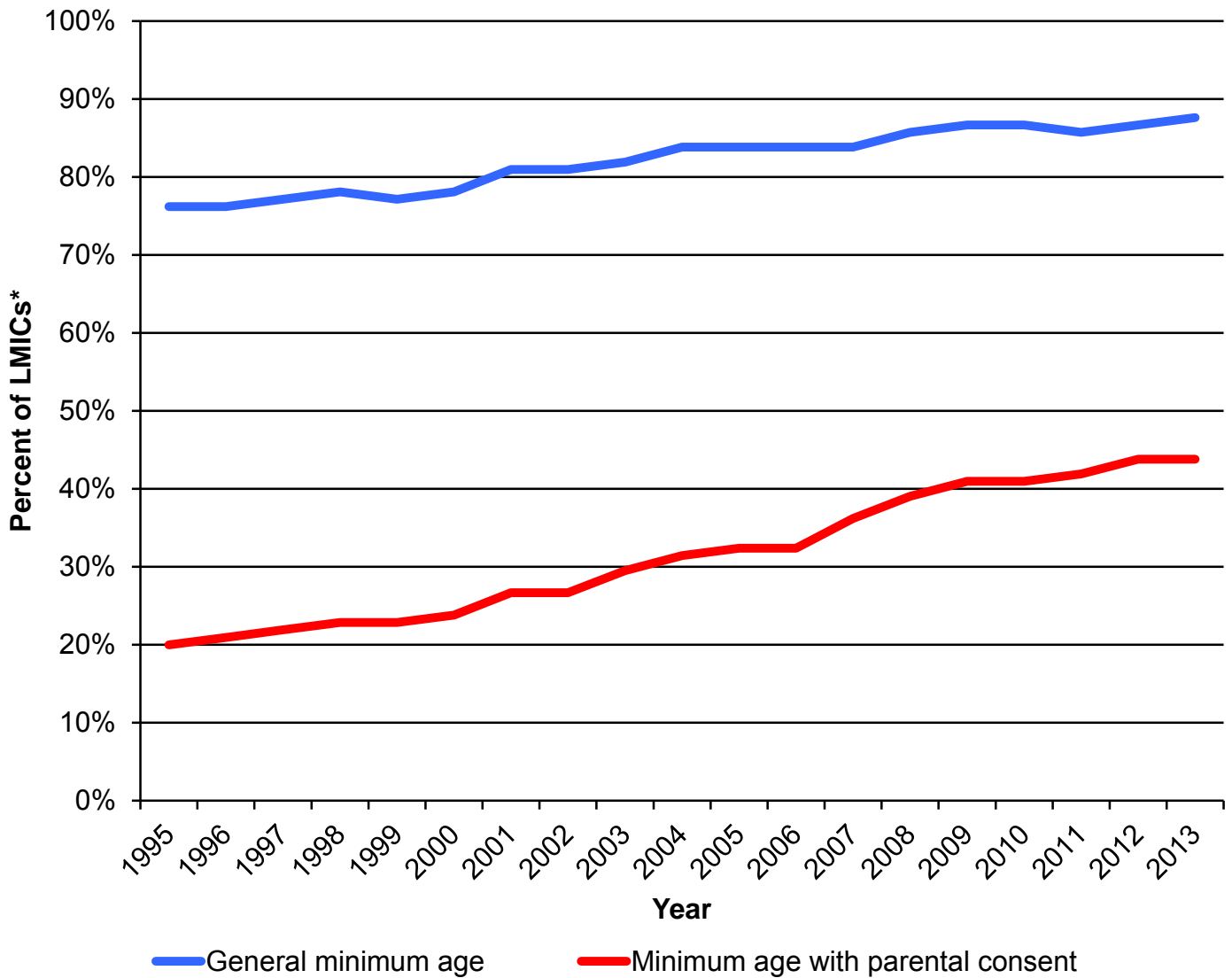
Figure 1: From 1995 to 2013, how did the legal minimum age of marriage for girls change in low- and middle-income countries (LMICs*)?



**To look at change over time, this graph shows laws in 105 LMICs currently included in the Demographic and Health Surveys and Multiple Indicator Cluster Surveys for which we were able to collect complete information about minimum age of marriage laws between 1995 and 2013.*

Source: MACHEquity & WORLD Policy Analysis Center, Marriage Database (1995-2013)

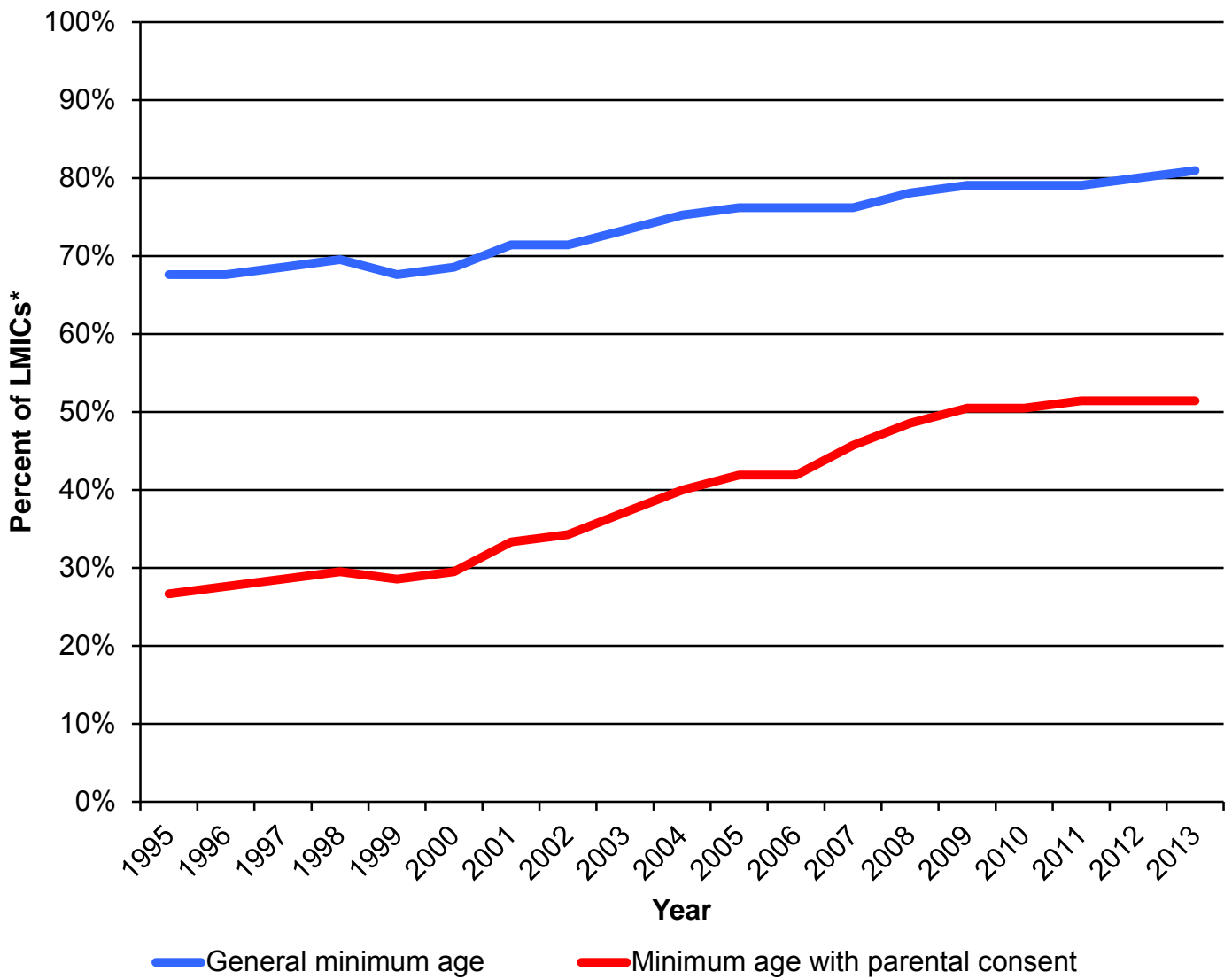
Figure 2: From 1995 to 2013, what percentage of low- and middle-income countries (LMICs*) set a legal minimum age of marriage for girls of at least 18?



**To look at change over time, this graph shows laws in 105 LMICs currently included in the Demographic and Health Surveys and Multiple Indicator Cluster Surveys for which we were able to collect complete information about minimum age of marriage laws between 1995 and 2013.*

Source: MACHEquity & WORLD Policy Analysis Center, Marriage Database (1995-2013)

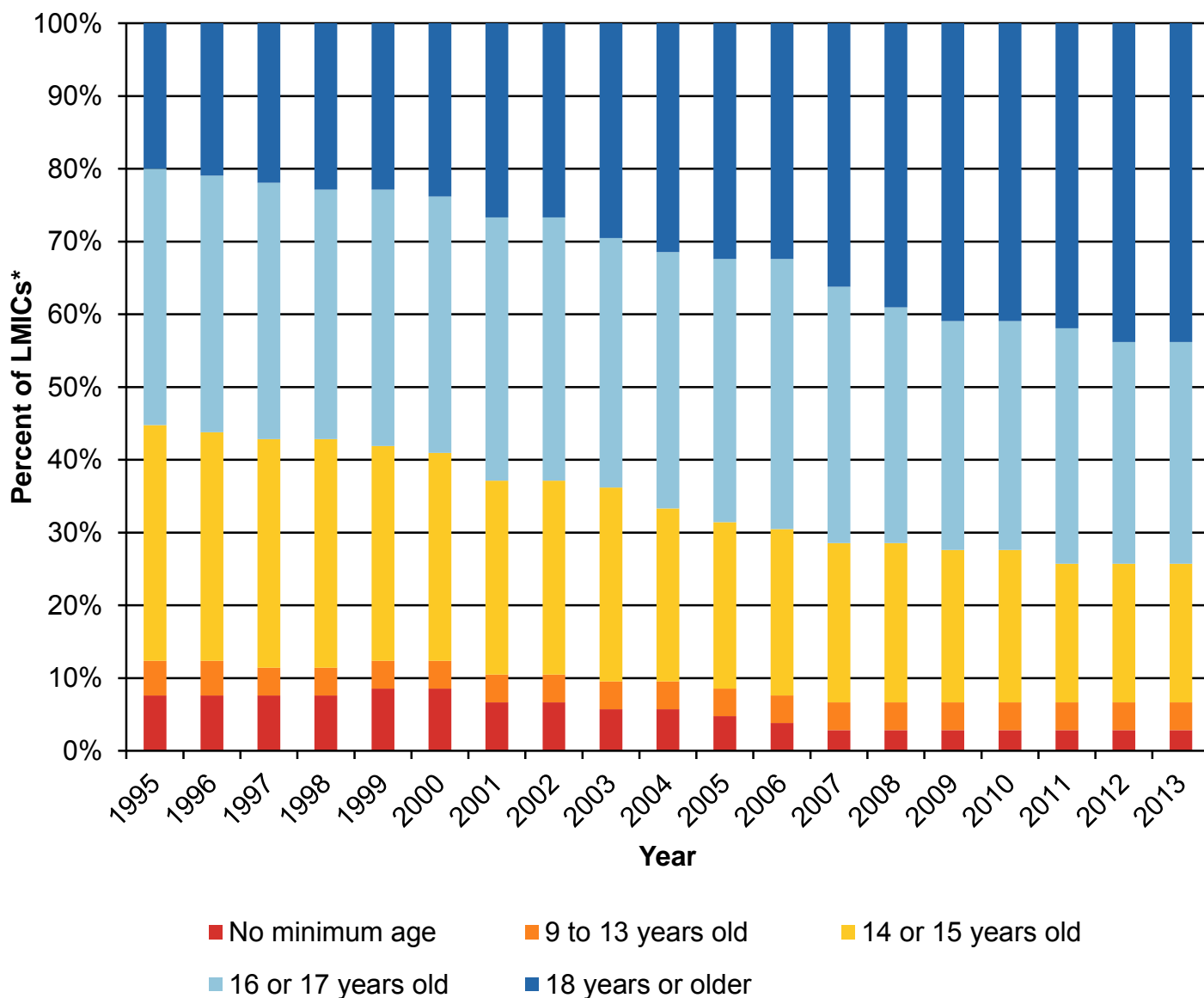
Figure 3: From 1995 to 2013, how did the percentage of low- and middle-income countries (LMICs*) with no gender disparities in the legal minimum age of marriage change?



**To look at change over time, this graph shows laws in 105 LMICs currently included in the Demographic and Health Surveys and Multiple Indicator Cluster Surveys for which we were able to collect complete information about minimum age of marriage laws between 1995 and 2013.*

Source: MACHEquity & WORLD Policy Analysis Center, Marriage Database (1995-2013)

Figure 4: From 1995 to 2013, how did the legal minimum age of marriage with parental consent for girls change in low- and middle-income countries (LMICs*)?



**To look at change over time, this graph shows laws in 105 LMICs currently included in the Demographic and Health Surveys and Multiple Indicator Cluster Surveys for which we were able to collect complete information about minimum age of marriage laws between 1995 and 2013.*

Source: MACHEquity & WORLD Policy Analysis Center, Marriage Database (1995-2013)