



CHILD MARRIAGE IN THE UNITED STATES: A Serious Problem With a Simple First-Step Solution

TAHIRIH JUSTICE CENTER

Protecting Immigrant Women and Girls Fleeing Violence

The Tahirih Justice Center (“Tahirih”) is a national non-profit legal advocacy organization that aims to end violence against women and girls through free, holistic direct services, policy advocacy, and training and education. Tahirih serves courageous survivors of abuses such as domestic violence, sexual assault, female genital mutilation/cutting, human trafficking, “honor” violence, and forced marriage. Since Tahirih opened in 1997, we have helped over 19,000 women and children access justice.

Through our **Forced Marriage Initiative** (“FMI”), Tahirih is leading efforts at the federal and state levels to tackle forced marriage as a domestic U.S. problem. We coordinate a broad National Network to Prevent Forced Marriage with nearly 7000 members, and chair a core Forced Marriage Working Group with over 40 diverse organizational and individual members, including survivor-advocates. Since launching the FMI in 2011, through direct services and national technical assistance, Tahirih has worked on hundreds of forced marriage cases, triaging requests for help to date from 35 states and 20 countries (when U.S. victims have been taken abroad for forced marriages).

CHILD MARRIAGE IN THE UNITED STATES: AN OVERVIEW

- A study published in 2011 drew on data from a national survey sample of nearly 25,000 U.S. women to conclude that **the prevalence of child marriage among women in the United States is 8.9%**. Projecting nationally, researchers estimated that **over 9.4 million U.S. women had married at age 16 or younger**, and that nearly 1.7 million had married at age 15 or younger).¹
- These startling figures are not a mere historical snapshot, no longer reflective of current reality. **Child marriage persists in present-day America.**

Records pulled by Tahirih from the Virginia Department of Health Statistics, for example, show that during 2004-2013, nearly 4500 children were married, nearly 90% of them were girls, nearly 90% married adults, and sometimes those adults were decades older. Records pulled by Tahirih from Maryland show that during 2000-2014, 3100 children were married, again the vast majority of them girls marrying adult men.² Similar

statistics are being uncovered around the country through research led by Tahirih’s partner organization Unchained At Last³ indicating that **tens of thousands of children under age 18 have been married across the U.S. in recent years — as young as 12 years old.**

- A first-ever national survey on forced marriage conducted by Tahirih in 2011 identified as many as **3,000 forced marriage cases encountered by 500 service-providers across the U.S. in just a 2-year period, many involving girls under age 18.**⁴
- **Children under age 18 face many practical obstacles when they try to resist or escape forced marriages. State laws can also work against them.** Before a girl reaches the “age of majority,” when she gains the rights of a legal adult, she may be legally unable to take critical steps to protect herself. She may not be able to leave home, stay in a shelter, file for a protective order, or even file for her own divorce. Child protective services may also be legally unable to protect a minor from a forced marriage or from an abusive spouse once married.

- **Most U.S. states set 18 as the ostensible statutory minimum age to marry. However, this requirement can often be easily set aside through lax waiver provisions,⁵ which does little to protect against forced marriages of children. In some states, a court clerk can approve all underage marriage license applications. Notably, even in states that require judges to be involved and to consider the best interests of the child, marriages of young children have been judicially-approved.⁶**

CHILD MARRIAGE IN THE UNITED STATES: INCREASING RISKS, LIMITING OPTIONS

Child marriage denies young people more than the right to decide if, when, and whom to marry – it denies them the opportunity to lead healthy and fulfilling lives.

In addition to the extensive global data about the many harms of child marriage (including its linkages to maternal and child mortality, domestic and sexual violence and human trafficking, and HIV infection), **mounting U.S.-specific evidence demonstrates the devastating, lifelong consequences that can result from child marriage, including:**

- **Family instability.** Between 70-80% of marriages involving individuals under age 18 end in divorce. For teen mothers, getting married and later divorcing can *more than double* the likelihood of poverty, making them worse off than their counterparts who never married.⁷
- **Curtailed education and constrained work opportunities.** A girl's education can be interrupted or discontinued when she marries, limiting her ability to become financially independent in the event of domestic violence or divorce. Women who marry in their teens tend to have more children, earlier, and more closely spaced, which can prevent them from accessing education and work opportunities.⁸ Women who marry before the age of 19 are 50% more likely to drop out of high school and four times less likely to graduate from college. Not surprisingly, then, a woman who marries young is a striking 31 percentage points more likely to

live in poverty when she is older.⁹

- **Diminished mental and physical health.** A major study of U.S. women who married as children found they experienced higher rates of psychiatric disorders (in some cases, nearly 3 times as high as those who married as adults), and were more likely to seek health services.¹⁰

These substantial personal costs can also mean tremendous inter-generational and social costs.¹¹

The acute vulnerability of girls and young women in the U.S. to physical, emotional or verbal abuse¹² also raises major red flags with respect to child marriage:

- Nationally, girls and young women aged 16-24 experience the highest rates of intimate partner violence among all such victims, and girls aged 16-19 face victimization rates *almost triple the national average.*¹³ Yet in the vast majority of states, girls aged 16-17 are *least protected* by minimum marriage age laws, as court clerks can issue marriage licenses to older minors based on parental consent alone.
- The younger the adolescent, the more likely it is that if they are sexually active, they have experienced coercive sex — this is the core understanding that underlies statutory rape laws.¹⁴ Yet in many states, statutory rape laws are set aside by other state laws that permit marriages of adolescents younger than the legal age of consent to sex.
- In addition, “[b]eing physically or sexually abused makes teen girls six times more likely to become pregnant.”¹⁵ Yet a number of states have express pregnancy exceptions to their minimum marriage ages. Such provisions fail to grasp that the pregnancy may be the result of rape and abuse. Granting the marriage license could subject a pregnant teen to further rape and abuse, and moreover, isolate her from help (including because *spousal* abuse suffered by married minors can fall outside of Child Protection Services’ mandate).

For all of these reasons, Tahirih urges the elimination of child marriage throughout the United States – as a critical first step, by setting the minimum legal marriage age at the age of majority.

ENDNOTES

1. See Yann Le Strat, Caroline Dubertet & Bernard Le Foll, "Child Marriage in the United States and Its Association with Mental Health in Women" 128 *Pediatrics* 524 (September 2011), available at <http://pediatrics.aappublications.org/content/pediatrics/early/2011/08/24/peds.2011-0961.full.pdf>.
2. See Tahirih Justice Center, "Child Marriage in America: Current Laws Are Failing to Protect Vulnerable Children and Teens," February 20, 2016, available at <http://www.tahirih.org/news/child-marriage-happens-in-the-u-s-too/>.
3. See Fraidy Reiss (Unchained At Last), "America's Child Marriage Problem," *New York Times* Op-Ed, October 13, 2015, available at http://www.nytimes.com/2015/10/14/opinion/americas-child-marriage-problem.html?_r=0 (citing nearly 3,500 children married in New Jersey between 1995-2012, and nearly 4,000 children married in New York from 2000-2010); see also Anjali Shastry, "Virginia, Maryland Weigh Raising Minimum Marriage Age to Combat Coercion, Abuse," *The Washington Times*, February 15, 2016, available at http://www.washingtontimes.com/news/2016/feb/15/virginia-maryland-weigh-raising-marriage-age-to-18/?utm_medium=RSS&utm_source=RSS_Feed (citing 4,872 children married in Michigan between 2000-2014, with girls as young as 12). Data obtained by Tahirih from the Texas Department of State Health Services, also indicates that girls as young as 12 were married over the period 2000-2013, and that 1260 children were married in 2013 alone.
4. See "Forced Marriage in Immigrant Communities in the United States," Tahirih Justice Center: September 2011, available at <http://www.tahirih.org/wp-content/uploads/2015/03/REPORT-Tahirih-Survey-on-Forced-Marriage-in-Immigrant-Communities-in-the-United-States.pdf>. For more information, please visit Tahirih's Forced Marriage Initiative at www.preventforcedmarriage.org.
5. In only one state, Virginia, is marriage reserved to legal adults (individuals age 18 or older, or individuals age 16-17 who have been ordered "emancipated" by a court after a special proceeding). This law, which became effective July 1, 2016, was enacted as a result of a legislative campaign marshaled by Tahirih. Please see commentary by Tahirih Justice Center available at <https://allianceinaction.org/2016/06/27/new-marriage-age-law-equals-better-protections-for-thousands/>.
6. Cf. Texas statistics cited at n. 3, *supra*. A judge must approve all marriages of minors under 16 in Texas, and we know that girls as young as 12 have been judge-approved. Especially if any such girl was pregnant, she would have been a *per se* rape victim, since the state considers it statutory rape for any person to have intercourse with a "child" (defined as an individual younger than age 17). See Tex. Penal Code Ann. § 22.011(c)(1). As a result, any such judge-approved marriage would effectively amount to a judge-sanctioned rape.
7. See research cited by College of William & Mary Law School Professor Vivian E. Hamilton, in "The Age of Marital Capacity: Reconsidering Civil Recognition of Adolescent Marriage" (*Boston University Law Review*: December 2012) 92 B. U. L. Rev. 1817, 1820 and at n. 10, 11, and 15, available at <http://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=2467&context=facpubs>.
8. See, e.g., Naomi Seiler, "Is Teen Marriage a Solution?" (Center for Law and Social Policy, April 2002), at pp. 7-9, available at <http://www.clasp.org/resources-and-publications/archive/0087.pdf>.
9. See Gordon B. Dahl, "Early Teen Marriage and Future Poverty," *Demography* (August 2010: 47(3): 689-718), available at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3000061/>.
10. See Yann Le Strat et al, *supra*, n. 2. This recent study added to "previous research [that] has linked such early marriages to a higher risk of HIV or other sexually transmitted infections, cervical cancer, unintended pregnancy, maternal death during childbirth, and abortion; early marriage is also associated with malnutrition among offspring." See Bridget M. Kuehn, "Early Marriage Has Lasting Consequences on Women's Mental Health," *news@JAMA* (August 29, 2011), medical news posts by *The Journal of the American Medical Association*, available at <http://newsatjama.jama.com/2011/08/29/early-marriage-has-lasting-consequences-on-women%e2%80%99s-mental-health/>.
11. A major study co-sponsored by the Centers for Disease Control and Prevention found a powerful relationship between adverse emotional experiences as children, on our physical and mental health as adults. See information about the "Adverse Childhood Experiences" ("ACEs") Study at <http://www.cdc.gov/NCCDPHP/ACE>, <http://www.cdc.gov/violenceprevention/acestudy/about.html>, and <http://www.cdc.gov/violenceprevention/acestudy/findings.html>. These findings suggest that not only individuals who themselves marry as children, *but also the children produced of such marriages*, may be more susceptible to lifelong health problems.
12. See Centers for Disease Control and Prevention, information about Teen Dating Violence, available at http://www.cdc.gov/violenceprevention/intimatepartnerviolence/teen_dating_violence.html.
13. See www.loveisrespect.org factsheet available at http://www.loveisrespect.org/pdf/Dating_Abuse_Statistics.pdf.
14. See "Statutory Rape: A Guide to State Laws and Reporting Requirements," prepared by The Lewin Group for the U.S. Dept. of Health and Human Services, December 15, 2004, p. 1, available at <http://aspe.hhs.gov/hsp/08/sr/statelaws/report.pdf>, citing research findings that almost three-quarters of women who had intercourse before age 14, and 60 percent who did so before age 15, reported having a forced sexual experience.
15. See factsheet *supra*, n. 13.

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