

# Legal gaps and enduring harm:

Analysing the persistence of  
child marriage in the United States



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October 2025



A just world for all women and girls





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### About Equality Now:

Equality Now is a worldwide human rights organisation dedicated to securing the legal and systemic change needed to end discrimination against all women and girls. Since its inception in 1992, it has played a role in reforming 120 discriminatory laws globally, positively impacting the lives of hundreds of millions of women and girls, their communities and nations, both now and for generations to come

Working with partners at national, regional and global levels, Equality Now draws on deep legal expertise and a diverse range of social, political and cultural perspectives to continue to lead the way in steering, shaping and driving the change needed to achieve enduring gender equality, to the benefit of all.



### About Unchained At Last:

Unchained At Last is a survivor-led nonprofit organization dedicated to ending forced and child marriage in the United States through direct services and systems change. Unchained provides crucial legal and social services, always for free, to help people in the US to escape arranged/forced marriages and rebuild their lives. At the same time, Unchained pushes for social, policy and legal change; the organization started and now leads a growing national movement to eliminate child marriage in every US state and at the federal level.

## Acknowledgments

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## List of acronyms & abbreviations

<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination Against Women
<b>CPS</b>	Child Protective Services
<b>CRC</b>	Convention on the Rights of the Child
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>SDGs</b>	Sustainable Development Goals
<b>UN</b>	United Nations
<b>US</b>	United States
<b>USC</b>	United States Code
<b>VAWA</b>	Violence Against Women Act

# Introduction

Across most of the United States, child marriage, defined as any formal or informal union involving a person under 18,<sup>1</sup> remains legal.<sup>2</sup> Each state sets its own minimum marriage age and, as of August 2025, just 16 states, the District of Columbia, and two territories have established a firm minimum age of 18 with no exceptions. At the other end of the spectrum, four states impose no absolute minimum age, meaning children of any age can marry with a parent's or judge's approval.<sup>3</sup> Others permit marriage as young as 15. This patchwork of laws exposes hundreds of thousands of minors to heightened risks of abuse, exploitation and lasting harm.

**Between 2000 and 2021, more than 314,000 minors were legally married – some as young as just 10 years old. 86% of those married were girls, most aged 16 or 17, and most were wed to adult men.**

Until 2018, child marriage was legal in every US state. Since then, growing public awareness and grassroots advocacy have led to incremental progress, but the problem remains widespread. According to research conducted by Unchained At Last, looking at marriage age data across the country, between 2000 and 2021, more than 314,000 minors were legally married – some as young as just 10 years old.<sup>4</sup> 86% of those married were girls, most aged 16 or 17, and most were wed to adult men.<sup>5</sup> In these cases, the average

spousal age difference was just over four years. By comparison, when boys married, their spouses were on average 1.5 years older. These patterns underscore the deeply gendered nature of child marriage.

Child marriage is recognised globally as a profound manifestation of gender inequality and a form of gender-based violence.<sup>6</sup> Girls who marry before age 18 face heightened risks of physical, sexual, financial and emotional abuse, exacerbated by the power imbalances that characterise marriages involving minors.<sup>7</sup> Child marriage strips children of their bodily autonomy and freedom, legitimises statutory rape and child sexual abuse under the guise of marriage, and exposes them to coercion that they lack the legal capacity to resist. Many experience early and unplanned pregnancies, poor mental and physical health outcomes, and are more likely to drop out of school.<sup>8</sup> In the long term, child brides earn less, face greater economic insecurity, and are more likely to live in poverty than their peers who marry as adults. US-focused research has demonstrated that these consequences of child marriages impact girls in the United States in similar ways.<sup>9</sup>

The US has consistently condemned child marriage as a human rights abuse in its foreign policy, linking the practice to economic hardship, barriers to education and healthcare, increased vulnerability to violence, and lasting harm to girls' health and wellbeing.<sup>10</sup> However, despite this strong stance, the Government has failed to apply these same standards at home.

This report outlines the ongoing legal and systemic failures that enable child marriage to persist in the United States. It provides an overview of international legal standards, highlights gaps in domestic policy, and illustrates the consequences of exceptions to minimum age laws. Finally, it sets out a comprehensive list of recommendations for state and federal policymakers, civil society, and international actors to take meaningful action to end the harmful practice and uphold the rights of girls across the country.





Credit: Mel Bailey/Equality Now

# Obligations to end child marriage under international human rights law

Situating US laws within their broader international legal context underscores the urgent need for domestic reform. Child marriage is widely recognised under international law as a harmful practice and a profound manifestation of gender inequality.<sup>11</sup> It undermines the ability of girls, in particular, to exercise their rights to education, to the highest attainable standard of health, including sexual and reproductive health, to bodily integrity, to protection from violence, and to freedom from sexual exploitation and abuse.<sup>12</sup> International human rights instruments and frameworks consistently affirm that marriage should be entered into with the free and full consent of both parties, and never before the age of 18.

While the United States has signed but not ratified the Convention on the Elimination of All Forms of Discrimination Against Women

(CEDAW) and the Convention on the Rights of the Child (CRC),<sup>13</sup> two core international treaties, it is nonetheless bound by those it has ratified, including the International Covenant on Civil and Political Rights (ICCPR).<sup>14</sup>

In the United States, however, child marriage is often misunderstood as a cultural issue that exists only beyond the country's borders. Government agencies, including the State Department, have historically addressed child marriage as a human rights abuse occurring elsewhere and often in the context of foreign aid and development work.<sup>15</sup> Yet, as this report demonstrates, child marriage remains legal and prevalent in the United States. This disconnect highlights the urgent need for the US to apply the same human rights standards at home as it demands abroad.

## International Covenant on Civil and Political Rights

The United States is obligated to address child marriage under the ICCPR.<sup>16</sup> Article 23(3) asserts that “No marriage shall be entered into without the free and full consent of both parties.”<sup>17</sup> The UN Human Rights Committee’s General Comment No. 19 clarifies that this “age should be such as to enable each of the intending spouses to give his or her free and full personal consent in a form and under conditions prescribed by law.”<sup>18</sup>

In 2023, the Committee expressed concern regarding the legality of child marriage in the vast majority of US states.<sup>19</sup> It urged the US Government to “adopt measures at all levels in order to prohibit marriage under the age of 18.”

## The Beijing Declaration and Sustainable Development Goals

The Beijing Declaration and Platform for Action (BPfA) of 1995 identifies child marriage as a harmful practice and a form of discrimination against girls, impacting their access to education, employment and quality of life.<sup>20</sup> The United States, along with governments around the world, committed to implementing this platform at the Fourth World Conference on Women.

In addition, under the 2030 Agenda for Sustainable Development, Goal 5 (Achieve gender equality and empower all women and girls) urges states to “Eliminate all harmful practices, such as child, early and forced marriage” by the year 2030, including as indicated by the “Proportion of women aged 20-24 years who were married or in a union before age 15 and before age 18.”<sup>21</sup> The Sustainable Development Goals (SDGs) recognise that the elimination of child marriage is a necessary prerequisite for achieving gender equality and empowering all women and girls.

Taken together, these international commitments form a clear legal imperative. The US cannot continue to promote standards abroad regarding the minimum age of marriage while failing to implement them domestically.

Child marriage is widely recognised as a form of forced marriage, as children, by virtue of their age, are not physically or psychologically capable of providing free, full and informed consent.<sup>25</sup> Yet, despite growing public awareness and momentum for reform, the legal frameworks that allow child marriage to persist remain intact across the majority of states in the US.

■ States that continue to allow child marriage through legal exceptions



## Parental and judicial consent provisions

Parental consent provisions allow a person under the age of 18 to marry with the approval of one or both parents or legal guardians.<sup>26</sup> On their face, these provisions may appear protective, particularly when working on the assumption that parents are informed and operate solely with the best interests of their children in mind. However, in practice, they expose minors to parental and social coercion, particularly in cases where a parent is the driving force behind the marriage or has a vested interest in its occurrence. In the vast majority of states with parental consent provisions, the process to enter minors into marriage does not require any input from the minor and does not provide any recourse for a minor who does not want to marry.<sup>27</sup> Parents may choose to marry their children for an array of reasons, including economic and social incentives, pregnancy, or misconceptions about the ability of marriage to provide a stable or economically secure environment.<sup>28</sup>

In effect, parental consent exceptions do not provide any real safeguard to minors and instead facilitate abuse. Survivors of child marriage in the United States have described that such exceptions are misused to coerce children into marriage, “legitimise” teen pregnancy, cover up sexual abuse, or serve social or economic interests.<sup>29</sup>

Judicial consent provisions allow judges to authorise a marriage involving a minor, either when a child is under a certain age or when parental consent is unavailable.<sup>30</sup> The level of judicial oversight provided varies by state; however, it is often weak. Many judges lack clear guidelines for evaluating coercion or capacity, and many state laws do not even require a hearing. Minors can be married based on paperwork alone, without ever speaking to a judge.

Even where state laws have clear guidelines for the process of judicial consent, it remains dependent on effective implementation by individual judges. Many judges may be unwilling or unable to determine whether it is actually in a child’s best interest to marry. Making accurate assessments of whether an individual minor is mature enough to marry, understands the potential impacts of child marriage, and is acting voluntarily is an inherently complex and time-consuming task. Judges often lack the necessary training and understanding of coercive cultural contexts to be able to effectively make such assessments.<sup>31</sup> Even in instances where a child is given the opportunity to express their views through a hearing or meeting with a judge, they may be too intimidated, afraid, ashamed, or pressured to speak openly, especially if their abuser or parent is present.

In these contexts, the safeguards put in place to protect children instead legitimise forced marriage and subsequent rape, further entrenching the problem.

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## **“Romeo and Juliet” provisions permitting child marriage**

Twelve states allow exceptions to marriage laws where both parties are close in age under “Romeo and Juliet” provisions.<sup>32</sup> For example, Arizona allows 16 and 17-year-olds to marry if the spouse is no more than three years older with parental consent,<sup>33</sup> and North Carolina permits 16 or 17-year-olds to marry only if the age gap is under four years with parental and judicial consent.<sup>34</sup> These provisions are generally intended to avoid prohibiting consensual adolescent relationships, but in practice, they are written too broadly, enforced with limited oversight, and lack adequate safeguards to detect coercion or power imbalances. This creates significant opportunities for misuse.

Critically, such provisions also fail to recognise that the harms of child marriage do not disappear when both parties are minors or close in age. Unlike close-in-age exceptions for statutory rape laws, where research shows that when a minor has sex, the greater the age difference, the higher the likelihood of coercion or force,<sup>35</sup> the same cannot be said of marriage laws. Girls in the United States who marry before age 18 experience detrimental consequences even as adults, regardless of the age of their spouse, including higher rates of abuse, disruption in education and economic attainment, and high rates of poverty.<sup>36</sup> Even in “voluntary” adolescent marriages, the consequences are deeply gendered and lifelong, leaving girls with fewer opportunities and limited pathways to escape harm.

## **Pregnancy or parentage permitting child marriage**

Four states, Arkansas, Maryland, New Mexico, and Oklahoma, currently allow legal exceptions to the minimum age of marriage where the girl is either pregnant or has given birth to the child of the prospective spouse.<sup>37</sup> Such exceptions were previously more common; however, with years of advocacy only four remain.

These provisions are framed as protective; to create family stability, social acceptability, or ensure the “legitimacy” of the baby. In practice, though, they expose minors to further harm by treating pregnancy or parenthood as justifications for marriage, rather than as potential signs of coercion, statutory rape, or child abuse.

Using pregnancy or parentage as a legal basis for marriage fails to account for the complex power dynamics and lack of meaningful consent often present in such relationships, particularly when only one party to the marriage is a minor. These exceptions reinforce harmful gender norms and stereotypes about families and motherhood, and further entrench the idea that marriage is a necessary response to early pregnancy.<sup>38</sup> Rather than acting as a safeguard, they further legitimise exploitative relationships and actions which would otherwise be considered statutory rape or child abuse and strip pregnant teens of autonomy over their bodies and futures.

Research in other countries, as well as in the United States,<sup>39</sup> shows that marriage in the case of teen pregnancies may actually be a more harmful outcome. In Bolivia and Nicaragua, for example, single teen mothers are more likely to complete schooling than married teen mothers.<sup>40</sup> This only underscores that minors who are pregnant or are parents need access to comprehensive sexual and reproductive health services and social supports that present them with a range of options for care, not to be forced into marriage.

## **The potential impact of the Supreme Court decision in *Dobbs* on child marriage**

In 2022, in *Dobbs v. Jackson Women's Health Organization*, the Supreme Court of the United States overturned decades of precedent and held that the US Constitution does not confer a right to abortion.<sup>41</sup> In doing so, the Court handed over power to individual states to regulate access to abortion care. This decision overturned *Roe v. Wade*,<sup>42</sup> which had guaranteed abortion access across the US since 1973 under the constitutional right to privacy. Since *Dobbs*, 13 states have enacted total abortion bans, and four more have passed six-week bans.<sup>43</sup> While these laws have a profound impact on reproductive health access, their consequences extend far beyond abortion itself, undermining broader aspects of gender equality and potentially increasing vulnerability to child marriage.

While it is too soon to precisely study the impacts of abortion bans resulting from the Supreme Court's decision in *Dobbs* on child marriage rates in the US, a number of reinforcing dynamics can be anticipated. Child marriage is often imposed as a response to adolescent pregnancy, particularly where abortion is illegal, inaccessible, or heavily stigmatised in a community.<sup>44</sup> In states where marriage grants a loophole to statutory rape, there may be even greater incentives to enter into marriage if a pregnant minor cannot access abortion care.

The *Dobbs* decision has disproportionately affected populations who are also most vulnerable to child marriage.<sup>45</sup> States that have implemented the most restrictive abortion measures post-*Dobbs* heavily overlap with those permitting marriage under 18,<sup>46</sup> compounding risks for these communities. Black, Indigenous, and other people of colour (BIPOC), as well as individuals living below the poverty line, are at higher risk of both unintended pregnancy and forced marriage as a result of restricted reproductive options.<sup>47</sup> Moreover, these individuals often face limited access to interstate travel for abortion care due to financial, logistical or legal barriers, further constraining their reproductive autonomy and increasing the likelihood of forced or early marriage.<sup>48</sup>

As the legal and policy landscapes continue to shift post-*Dobbs*, additional research is needed to track its impact on child and forced marriage rates and reproductive coercion.

## Marriage as a loophole for statutory rape

Exceptions that allow underage marriage based on pregnancy or parentage are often intertwined with broader legal loopholes that undermine statutory rape exceptions. In 19 states, there is an explicit legal exception or defence to statutory rape laws in the case of marriage, effectively shielding adults from prosecution for engaging in sexual activity with minors.<sup>49</sup> Statutory rape laws exist to protect minors from sexual exploitation by recognising that they are not legally capable of consenting to sexual activity with significantly older adults.<sup>50</sup> However, when a marriage certificate is issued, these statutory protections often disappear.<sup>51</sup> In states where marriage exempts individuals from prosecution for statutory rape, an adult who could otherwise face criminal consequences for sex with a minor can evade accountability entirely.

These exceptions apply regardless of the minor's age or the age difference between the parties, creating a legal pathway for child sexual abuse to be effectively sanctioned by the state through marriage. In practice, marriage becomes a tool for abusers to legitimise unlawful conduct, silence victims, and trap them in a lifetime of domestic and sexual abuse. Once married, a child is legally bound to their spouse with little or no ability to withhold consent to sex. The law leaves minors with no meaningful recourse to refuse sexual encounters, severely curtailing their human rights to bodily autonomy and integrity.

At least 60,000 marriages since 2000 have occurred at an age or spousal age difference that should have constituted statutory rape under the law.<sup>52</sup> These exceptions directly undermine the purpose of rape laws and incentivise abusers to use marriage as a shield from prosecution. They also reflect a broader failure of the legal system to uphold consistent standards of protection for children, particularly girls, across different areas of law.

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## Religious and unregistered marriages

In some communities in the United States, including but not limited to certain Muslim, Christian, and Jewish groups, marriages may be conducted solely through religious ceremonies without being registered with the state.<sup>53</sup> These unregistered marriages fall outside of the scope of civil oversight and are not subject to minimum age laws or other legal safeguards. As a result, minors may be married in religious ceremonies without triggering any state intervention.

These unions are not officially recorded, and states do not track numbers regarding religious marriages,<sup>54</sup> which means there is no reliable data on the prevalence of child marriage within religious marriage-only contexts in the US. Globally, however, unregistered marriages continue to be prevalent at high rates even when the law sets the minimum age of marriage at 18 without exceptions. One study estimates that 7.5 million girls globally marry illegally each year, making up 68% of all child marriages.<sup>55</sup> While the scale of this issue in the US is unknown, the possibility that minors are being married outside the reach of legal protections raises serious concerns.

Minors married in purely religious ceremonies may have no access to legal remedies available to those in civil marriages, such as divorce, spousal support or custody. Without formal recognition, there is no clear path for state detection or intervention.

The possibility of such marriages highlights a significant blind spot: that legal reforms focused solely on raising the minimum age to 18 may not be sufficient to end child marriage in the US. Without a broader legal and social strategy that addresses the root causes of child marriage, including impunity of religious institutions, community engagement, prevention, education, and shifts in cultural perceptions surrounding women and girls' sexuality, harmful norms will persist even where child marriage is made illegal.

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## Federal statutes that permit and encourage child marriage

While marriage laws are primarily determined at the state level, several sectors governed by federal law, including immigration, military, and foreign affairs, also intersect with marriage laws and reveal critical gaps in protections for minors.

### No federal minimum age to petition for a foreign spouse or fiancé visa

There is no federal minimum age requirement to petition for or be the beneficiary of a foreign spouse or fiancé visa in the United States. United States Citizenship and Immigration Services (USCIS) and the State Department may approve a spousal or fiancé visa involving a minor if the marriage would be legal in the state where the couple will reside.<sup>56</sup> For example, in the state of California, such a visa may be approved at any age, as there is no minimum age for marriage in the state.<sup>57</sup>

This policy creates a path for children to be trafficked and exploited under the guise of lawful immigration. US citizen adults can use the immigration system to bring foreign child spouses or fiancés into the country, and non-US citizen adults can seek out marriage to a minor as a means

to gain legal status. This enables those seeking to exploit children to use the visa process to facilitate forced marriage, evade scrutiny, and manipulate immigration rules for personal benefit.

Due to the inherent power imbalances present in such relationships, minors lack the capacity or legal agency to consent or object, placing them at high risk of coercion, abuse, and lifelong harm. In the absence of a federal minimum age threshold, the immigration system becomes complicit in legitimising child marriage and fails to protect those most vulnerable to harm.

- ▶ 8 USC § 1101: Does not specify a minimum age to petition for a foreign spouse or fiancé or to be the beneficiary of a spousal or fiancé visa.
- ▶ 8 USC § 1158: Does not specify a minimum age for an asylee's spouse to be granted asylum.

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## Military exceptions to child marriage

Under the Uniform Code of Military Justice, engaging in sexual acts with a child aged 12 to 15 is considered a criminal offence. However, the law allows marriage as a defence in a court-martial for the sexual assault or sexual abuse of a child.<sup>58</sup> This carveout allows members of the military to avoid conviction for sexual activity with a minor if the child is their spouse.

As with exceptions to statutory rape provisions at the state level, this exception reinforces the idea that sexual abuse cannot occur within the context of a marriage. It places children, particularly girls, at heightened risk of abuse in the military context and sets a dangerous precedent that certain people or institutions are above the law when it comes to protecting children's bodily autonomy. Additionally, the Violence Against Women Act Reauthorization Act of 2022 requires the Attorney General to report each year on states with a marital exception to statutory rape.<sup>59</sup>

- *10 USC § 920b: Allows marriage as a defence in a court-martial for the sexual assault or sexual abuse of a child.*

## The ERA and child marriage

The Equal Rights Amendment (ERA) is an amendment to the United States Constitution that guarantees equality under the law regardless of sex, and inclusive of gender.<sup>66</sup> Originally introduced in 1923 and passed by Congress in 1972, the ERA met all constitutional requirements to become the 28th Amendment in 2020.<sup>67</sup> In January 2025, in the final days of his presidency, former President Biden announced that the ERA is the “law of the land.”<sup>68</sup>

If universally recognised and implemented, the ERA would provide a critical tool for challenging laws and policies that reinforce sex-based discrimination. Laws which allow or enable child marriage, at both the state and federal levels, could be struck down as unconstitutional because such laws have a disproportionately negative impact on girls, preventing them from equally enjoying their rights and participating fully in society.<sup>69</sup> Additionally, the ERA could open the door for federal legislation that sets a national minimum age of marriage to remedy the discriminatory nature of child marriage.

As the United States faces increasing scrutiny for its failure to prohibit child marriage, the ERA could serve as a transformative legal foundation to protect women and girls' rights and meet its commitments under international law.

## Financial assistance provisions that incentivise child marriage

Certain federal benefits and assistance programs grant additional rights or access to financial assistance for minors who are married, thus incentivising marriage before the age of 18 to access such programs. These provisions treat marriage as a legitimate status for minors and, in some cases, as a gateway to otherwise unavailable resources. In one case, federal law conditions homebuyer credit receipt on marriage to an adult.<sup>60</sup> As a result, such laws can pressure vulnerable youth, particularly pregnant teens or those facing financial hardship, into marriage to access financial aid or public benefits.

By embedding marriage into eligibility criteria for federal benefit receipt for minors, these statutes send a harmful message that marriage is a solution to poverty or hardship, despite overwhelming evidence of the long-term harms of marriage before 18.<sup>61</sup>

- ▶ 20 USC § 1087vv: Allows students, including those who are under age 18, to be deemed “independent” and receive the relevant financial assistance if they are married.
- ▶ 26 USC § 36: Bars minors under age 18 from receiving a first-time homebuyer credit unless they are married to an adult.
- ▶ 42 USC § 608: Denies states from using certain federal assistance for unmarried parents under age 18 who have not completed school.

## Reporting requirements legitimise child marriage

Several federal statutes embed definitions or standards that exclude married minors from protection, accept child marriage in practice, or encourage marriage for minors as a perceived solution for social issues. These provisions exclude married minors from child protection frameworks. By embedding such standards in US law and reporting, the federal government undermines efforts to end child marriage domestically and internationally.

By normalising marriage under the age of 18 in federal definitions and reporting requirements, such provisions obscure the harms inherently caused by such marriages, reduce accountability towards eliminating the harmful practice, and could encourage early marriage to shield abusers from scrutiny.

- ▶ 18 USC § 1169: Requires the reporting of child abuse on Native American reservations but defines “child” as an individual under age 18 who is not married, specifically removing protections from married minors.
- ▶ 22 USC § 2151n, 2304: Requires the Secretary of State to prepare an annual human rights report, including the status of child marriage in countries where it is prevalent, for international assistance purposes. The statute defines “child marriage” as marriage before “the minimum age for marriage under the laws of the country in which such girl or boy is a resident,” or age 18 if no such law exists.
- ▶ 42 USC § 300z: States that adolescent pregnancy outside of marriage “often results in severe adverse health, social, and economic consequences.”

# Married minors lack legal capacity and access to justice

The harms of child marriage are well documented, from the loss of bodily integrity and freedom, heightened risks of abuse, and long-term economic and health consequences. Yet despite this, and the many legal loopholes that allow children to be entered into marriage in the United States, the current legal system provides few meaningful avenues for redress. The following section outlines how married minors are systematically denied access to justice and protection due to limited legal capacity and the fragmented nature of the child welfare systems in the US.

**The legal system, by treating them as children in some respects and as adults in others, creates a concerning gap in the frameworks meant to protect children from violence, and reinforces the power imbalances often found in child marriages.**

Unlike adults, minors do not have full legal capacity.<sup>62</sup> This can have serious consequences for married minors, who are often unable to:

- ▶ File for divorce or obtain a protective order independently (against either an abusive spouse or parents planning an unwanted wedding for them), because minors generally are not allowed to bring a legal action;
- ▶ Hire a lawyer, as contracts with children, including retainer agreements with attorneys, are usually considered voidable under state law;
- ▶ Enter a domestic violence shelter, since such shelters routinely turn away unaccompanied minors;
- ▶ Enter a youth shelter, since such shelters typically are not confidential (they must notify the parents) and cannot house youth for more than a few weeks;
- ▶ Access Child Protective Services (CPS), which is not equipped to handle cases involving marriage and may refuse to serve married minors, claiming that they fall outside of their jurisdiction;
- ▶ Get help from an advocate, who may face criminal charges for helping a minor leave home without their parents' consent; and
- ▶ Leave home, as they may be considered as runaways under state law.



Even in states where marriage automatically or presumptively emancipates minors, the rights conferred to them are limited to those explicitly prescribed by statute.<sup>63</sup> Emancipation refers to the legal process by which a minor gains certain rights and responsibilities typically reserved to adults, such as the ability to enter into contracts or make medical decisions.<sup>64</sup> In the case of emancipation through marriage, this status is often incomplete and inconsistent across states. Additionally, state laws may relieve parents of all obligations to financially support emancipated minors, who likely lack access to financial resources to support themselves.

Automatic emancipation through marriage also fails to act as a safeguard against forced marriage. Because the change in legal status only occurs after the marriage, the minor must endure the marriage and any associated abuse before they can attempt to exercise their limited and potentially unclear legal rights to leave. This reactive approach leaves minors exposed to immediate harm and without proactive measures to prevent the trauma of child marriage in the first place.

As a result, married minors can become trapped in legally sanctioned abuse, where their ability to consent is denied and their right to bodily autonomy disregarded, with little or no access to protection or recourse. They may be unable to leave unwanted or abusive relationships, seek help from service providers, or obtain legal remedies. The legal system, by treating them as children in some respects and as adults in others, creates a concerning gap in the frameworks meant to protect children from violence, and reinforces the power imbalances often found in child marriages. This not only places married minors at an acute risk of harm, but also signals a broader failure to safeguard the rights of the most vulnerable.

The absence of uniform federal standards, coupled with state-level loopholes, results in a legal system that fails to uphold basic protections for children, particularly for girls, who constitute the vast majority of married minors.<sup>65</sup> That failure stands in direct opposition to basic principles of child welfare and international human rights obligations.

# Policy recommendations

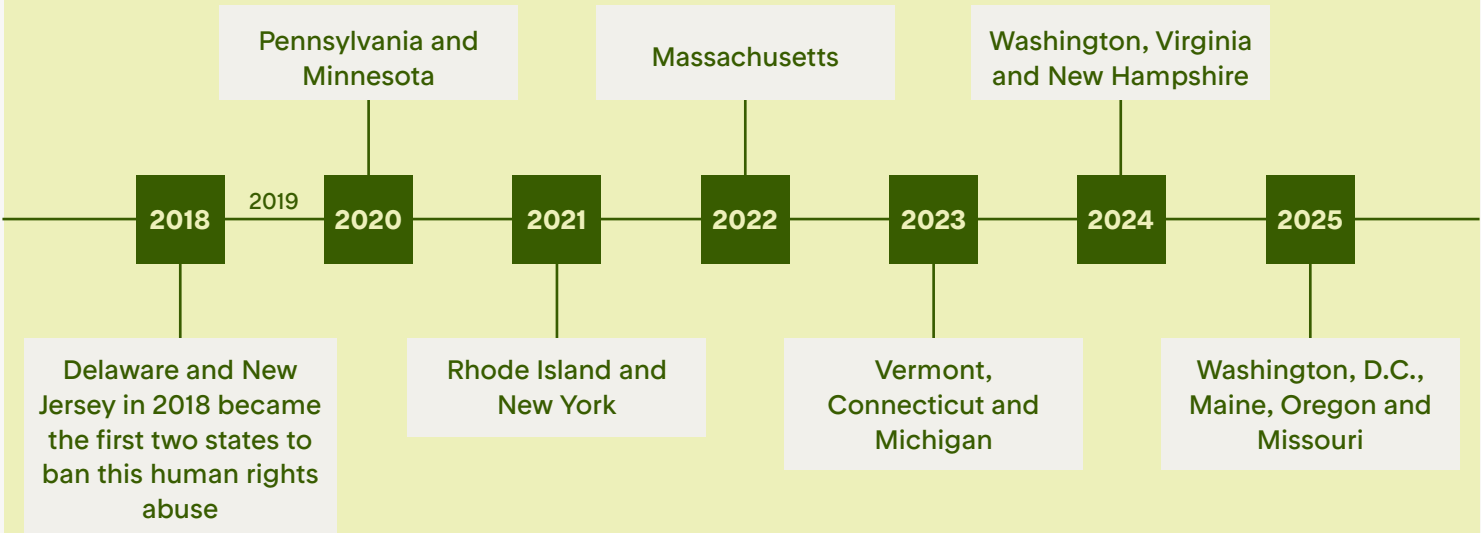
There is a clear and growing movement in the US to address child marriage. Since 2018, 16 states have enacted laws prohibiting marriage under the age of 18 without exceptions,<sup>70</sup> as a direct result of the relentless advocacy of survivors and advocates across the country.

Despite legal progress, there is still a substantial way to go to fully and effectively end child marriage across the United States. Such progress will require a multi-sectoral and holistic approach that targets both legal reform and the underlying drivers and consequences of child, early, and forced marriage. Direct service providers and officials must be equipped to understand and respond to the complex realities of child marriage. Survivors may emerge from

these marriages emotionally or financially dependent on their abusers, or conversely, may already be navigating independent survival after profoundly traumatic experiences. Ensuring service providers are trained, trauma-informed, and responsive to these diverse realities is essential for building pathways to safety, justice, and long-term recovery for survivors of child marriage.

Actors at all levels can play a meaningful role in ensuring progress towards this goal. The following section details targeted recommendations to state actors, federal legislators and agencies, civil society and non-governmental actors, and the international community.

Since 2018, 16 states have enacted laws prohibiting marriage under the age of 18 without exceptions.



## To state legislators, agencies and local officials

State legislators, agencies, and local officials play a critical role in addressing child marriage in the United States. Legislative reform and coordinated policy implementation are essential to eliminate harmful legal exceptions and ensure meaningful protections for survivors and those at risk. The following actions are recommended:

- ▶ **Establish a clear and consistent minimum age for marriage:**
  - ▶ Set the minimum legal age of marriage at 18 years old, with no exceptions in all remaining states and territories.
  - ▶ Eliminate all exceptions that allow child marriage, including parental consent and judicial approval waivers and “Romeo and Juliet” provisions.
  - ▶ In states where the legal age of adulthood is higher than 18, ensure that marriage laws are aligned to provide consistent protections.
- ▶ **Close legal loopholes and strengthen protections in related laws:**
  - ▶ Repeal laws that create statutory rape exceptions for married minors, which shield perpetrators from prosecution.
  - ▶ Address non-civil (religious only) marriages by encouraging the registration of and determining measures to prevent children from being forced into such marriages.
  - ▶ Provide clear guidelines to judges and legal professionals to evaluate coercion and capacity in the context of marriage in states which have not yet raised the minimum age of marriage to 18 without exception as a harm reduction measure, and to prevent forced marriages, which can occur even after a person reaches the age of 18.
  - ▶ Ensure minors are afforded adequate legal representation in all proceedings.

▶ **Ensure pathways to legal autonomy for minors who cannot safely remain with their parents or a guardian:**

- ▶ Establish and maintain clear emancipation procedures in every state to enable minors who cannot be reunited with their parents to obtain specific, enumerated legal rights until they reach the age of majority (while acknowledging that CPS should be accessible to and avoid further harm to minors who are not financially and emotionally self-sufficient).
- ▶ Enumerated rights should include: the right to enter into contracts in specified circumstances (e.g. housing, employment, and healthcare), to initiate and participate in legal proceedings independently, to consent to and access medical care, and to manage personal finances and apply for public benefits.
- ▶ Emancipation should not include the right to enter a marriage contract, which should remain at 18 without exception.

▶ **Strengthen prevention and response systems:**

- ▶ Equip CPS and mandated reporters (e.g. teachers and healthcare providers) to identify the warning signs of forced marriage, and respond appropriately with trauma-informed interventions.
- ▶ Support and train domestic violence and housing providers to safely accommodate married minors fleeing physically and emotionally abusive relationships and unmarried minors at risk of forced marriage.

▶ **Expand support services and alternatives for vulnerable youth:**

- ▶ Invest in comprehensive, wraparound services for minors who are already married or at risk of child marriage.
- ▶ Ensure these services include: emergency shelter and housing, legal aid and representation, including access to legal protection orders, healthcare, including reproductive and mental health services, and education and vocational opportunities.

▶ **Improve monitoring, transparency, and public awareness:**

- ▶ Mandate systematic disaggregated data collection and public reporting on marriages, including age, gender and spousal age difference.
- ▶ Fund public education campaigns and professional development to raise awareness, shift cultural norms and improve early detection and intervention.



## To federal legislators and agencies

While setting the marriage age has long been within the purview of states' rights, the federal government also must take steps to ban child marriage in the US. Specifically, the following actions are recommended:

- ▶ **Incentivise all states and territories to set 18 as the minimum age of marriage without exceptions** through federal funding conditions or grants tied to marriage age reform and guidance from relevant agencies.
- ▶ **Ensure federal law is internally consistent:**
  - ▶ Align all federal laws and programs, including immigration, tax, and social services, with a uniform standard that does not recognise marriage under 18.<sup>71</sup>
  - ▶ Close federal loopholes that allow minors to sponsor or be sponsored for marriage-based immigration benefits.<sup>72</sup>
- ▶ **Fund and coordinate nationwide data collection and research on child marriage** in the US, including on demographics and intersections with immigration, education, and health.
- ▶ **Support survivors and at-risk youth:**
  - ▶ Increase federal funding for support services, including housing, legal aid, and healthcare, for minors who are married or at-risk of being forced into marriage.
  - ▶ Ensure federal agencies and grantees are trained to recognise and appropriately respond to child marriage.
- ▶ **Uphold the United States' obligations under international law, including under the ICCPR:**
  - ▶ Ratify and implement CEDAW and the CRC, both of which call for the elimination of child marriage, recognising it as a root cause, as well as a symptom of sex-based discrimination and gender-based violence.

## To civil society and advocates

The persistence of child marriage in the United States also demands continued action from civil society organisations, community leaders, advocates, and the general public. While legislators must take action to raise the minimum age of marriage to 18 in all states, it is important that harm reduction efforts are taken in the meantime, such that already married survivors can access necessary support and services.

The following recommendations aim to encourage action across sectors:

- ▶ **Raise awareness about child marriage and mobilise communities to advocate for change:**
  - ▶ Launch public education campaigns that highlight the prevalence and harms of child marriage as an existing issue within the US.
  - ▶ Work with survivors to help curb the occurrence of child marriage by uplifting their experiences.
  - ▶ Engage with state and local legislators through media, campaigns, and public testimony.
  - ▶ Partner with educators, religious leaders, and community organisers to challenge gender inequality.
- ▶ **Support survivors and those at-risk through services and community networks:**
  - ▶ Invest in ensuring that shelters, counselling, and legal aid are accessible to married and at-risk minors.
- ▶ **Build coalitions across intersecting issues:**
  - ▶ Frame child marriage as interconnected with issues of child abuse, reproductive rights, education, child welfare, and gender-based violence.
  - ▶ Collaborate with broader movements to strengthen collective impact and resource sharing.

- ▶ **Provide training, resources, and ongoing support to service providers:**
  - ▷ Provide clear guidelines to judges and legal professionals so they can better evaluate coercion and capacity in the context of marriage.
  - ▷ Support domestic violence shelters and housing providers to safely accommodate married or at-risk minors.
  - ▷ Equip CPS and mandated reporters, like teachers and doctors, to identify and appropriately respond to child marriage-related issues.

## To international advocates, civil society and government actors

Despite its historical role in global human rights leadership, the United States continues to fall short of its international legal obligations to eliminate child marriage. As global actors engage with the US through treaty mechanisms and other UN processes, it is critical that they treat child marriage as a domestic concern in the United States.

The following recommendations are intended for international advocates, civil society, and government actors outside of the United States:

- ▶ **Hold the United States accountable to international human rights standards:**
  - ▶ Call on the United States to align its domestic laws with its obligations under international human rights law by raising the minimum age of marriage to 18 without exception in every US state, including through strong, specific recommendations during US treaty body review sessions and Universal Periodic Review (UPR) cycles.
- ▶ **Facilitate global knowledge exchanges:**
  - ▶ Facilitate dialogue between US advocates and counterparts in countries with high child marriage prevalence, as well as those who have successfully reformed their laws, to share strategies, challenges, and best practices.
  - ▶ Include the US in international convenings, research efforts, and capacity-building initiatives around child marriage, as a country of concern.
- ▶ **Advocate for treaty ratification and implementation:**
  - ▶ Urge the United States to ratify CEDAW and the CRC.
  - ▶ Monitor and report on US compliance with obligations under the ICCPR.
- ▶ **Reframe child marriage as a domestic issue:**
  - ▶ Elevate US child marriage cases in global human rights discourse to dismantle the notion that child marriage is not an issue in the US.
  - ▶ Encourage international funders and media to include the US in child marriage strategies, narratives, and grantmaking initiatives.



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