

111TH CONGRESS  
1ST SESSION

# S. 987

To protect girls in developing countries through the prevention of child marriage, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 6, 2009

Mr. DURBIN (for himself, Ms. SNOWE, Mr. WHITEHOUSE, Mr. BROWN, and Mrs. MURRAY) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To protect girls in developing countries through the prevention of child marriage, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “International Pro-  
5       tecting Girls by Preventing Child Marriage Act of 2009”.

6       **SEC. 2. FINDINGS.**

7       Congress makes the following findings:

8               (1) Child marriage, also known as “forced mar-  
9       riage” or “early marriage”, is a harmful traditional

1 practice that deprives girls of their dignity and  
 2 human rights.

3 (2) Child marriage as a traditional practice, as  
 4 well as through coercion or force, is a violation of ar-  
 5 ticle 16 of the Universal Declaration of Human  
 6 Rights, which states, “Marriage shall be entered into  
 7 only with the free and full consent of intending  
 8 spouses.”.

9 (3) According to the United Nations Children’s  
 10 Fund (UNICEF), an estimated 60,000,000 girls in  
 11 developing countries now ages 20–24 were married  
 12 under the age of 18, and if present trends continue  
 13 more than 100,000,000 more girls in developing  
 14 countries will be married as children over the next  
 15 decade, according to the Population Council.

16 (4) Child marriage “treats young girls as prop-  
 17 erty” and “poses grave risks not only to women’s  
 18 basic rights but also their health, economic inde-  
 19 pendence, education, and status in society”, accord-  
 20 ing to the Department of State in 2005.

21 (5) In 2005, the Department of State con-  
 22 ducted a world-wide survey and found child marriage  
 23 to be a concern in 64 out of 182 countries surveyed,  
 24 with child marriage most common in sub-Saharan  
 25 Africa and parts of South Asia.

1           (6) In Ethiopia's Amhara region, about  $\frac{1}{2}$  of  
 2           all girls are married by age 14, with 95 percent not  
 3           knowing their husbands before marriage, 85 percent  
 4           unaware they were to be married, and 70 percent re-  
 5           porting their first sexual initiation within marriage  
 6           taking place before their first menstrual period, ac-  
 7           cording to a 2004 Population Council survey.

8           (7) In some areas of northern Nigeria, 45 per-  
 9           cent of girls are married by age 15 and 73 percent  
 10          by age 18, with age gaps between girls and the hus-  
 11          bands averaging between 12 and 18 years.

12          (8) Between  $\frac{1}{2}$  and  $\frac{3}{4}$  of all girls are married  
 13          before the age of 18 in Niger, Chad, Mali, Ban-  
 14          gladesh, Guinea, the Central African Republic, Mo-  
 15          zambique, Burkina Faso, and Nepal, according to  
 16          Demographic Health Survey data.

17          (9) Factors perpetuating child marriage include  
 18          poverty, a lack of educational or employment oppor-  
 19          tunities for girls, parental concerns to ensure sexual  
 20          relations within marriage, the dowry system, and the  
 21          perceived lack of value of girls.

22          (10) Child marriage has negative effects on the  
 23          health of girls, including significantly increased risk  
 24          of maternal death and morbidity, infant mortality

1 and morbidity, obstetric fistula, and sexually trans-  
2 mitted diseases, including HIV/AIDS.

3 (11) According to the United States Agency for  
4 International Development (USAID), increasing the  
5 age at first birth for a woman will increase her  
6 chances of survival. Currently, pregnancy and child-  
7 birth complications are the leading cause of death  
8 for women 15 to 19 years old in developing coun-  
9 tries.

10 (12) In developing countries, girls 15 years of  
11 age are 5 times more likely to die in childbirth than  
12 women in their 20s.

13 (13) Child marriage can result in bonded labor  
14 or enslavement, commercial sexual exploitation, and  
15 violence against the victims, according to UNICEF.

16 (14) Out-of-school or unschooled girls are at  
17 greater risk of child marriage while girls in school  
18 face pressure to withdraw from school when sec-  
19 ondary school requires monetary costs, travel, or  
20 other social costs, including lack of lavatories and  
21 supplies for menstruating girls and increased risk of  
22 sexual violence.

23 (15) In Mozambique 60 percent of girls with no  
24 education are married by age 18, compared to 10

1 percent of girls with secondary schooling and less  
2 than 1 percent of girls with higher education.

3 (16) According to UNICEF, in 2005 it was es-  
4 timated that “about half of girls in Sub-Saharan Af-  
5 rica who drop out of primary school do so because  
6 of poor water and sanitation facilities”.

7 (17) UNICEF reports that investments in im-  
8 proving school sanitation resulted in a 17 percent in-  
9 crease in school enrollment for girls in Guinea and  
10 an 11 percent increase for girls in Bangladesh.

11 (18) Investments in girls’ schooling, creating  
12 safe community spaces for girls, and programs for  
13 skills building for out-of-school girls are all effective  
14 and demonstrated strategies for preventing child  
15 marriage and creating a pathway to empower girls  
16 by addressing conditions of poverty, low status, and  
17 norms that contribute to child marriage.

18 (19) Most countries with high rates of child  
19 marriage have a legally established minimum age of  
20 marriage, yet child marriage persists due to strong  
21 traditional norms and the failure to enforce existing  
22 laws.

23 (20) In Afghanistan, where the legal age of  
24 marriage for girls is 16 years, 57 percent of mar-  
25 riages involve girls below the age of 16, including

1 girls younger than 10 years, according to the United  
2 Nations Children’s Fund (UNICEF).

3 (21) Secretary of State Hillary Clinton has  
4 stated that “child marriage is a clear and unaccept-  
5 able violation of human rights, and that the Depart-  
6 ment of State denounces all cases of child marriage  
7 as child abuse”.

8 **SEC. 3. CHILD MARRIAGE DEFINED.**

9 In this Act, the term “child marriage” means the  
10 marriage of a girl or boy, not yet the minimum age for  
11 marriage stipulated in law in the country in which the girl  
12 or boy is a resident.

13 **SEC. 4. SENSE OF CONGRESS.**

14 It is the sense of Congress that—

15 (1) child marriage is a violation of human  
16 rights, and the prevention and elimination of child  
17 marriage should be a foreign policy goal of the  
18 United States;

19 (2) the practice of child marriage undermines  
20 United States investments in foreign assistance to  
21 promote education and skills building for girls, re-  
22 duce maternal and child mortality, reduce maternal  
23 illness, halt the transmission of HIV/AIDS, prevent  
24 gender-based violence, and reduce poverty; and

1           (3) expanding educational opportunities for  
 2           girls, economic opportunities for women, and reduc-  
 3           ing maternal and child mortality are critical to  
 4           achieving the Millennium Development Goals and  
 5           the global health and development objectives of the  
 6           United States, including efforts to prevent HIV/  
 7           AIDS.

8 **SEC. 5. ASSISTANCE TO PREVENT THE INCIDENCE OF**  
 9                               **CHILDHOOD MARRIAGE IN DEVELOPING**  
 10                              **COUNTRIES.**

11           (a) ASSISTANCE AUTHORIZED.—The President is au-  
 12           thorized to provide assistance, including through multilat-  
 13           eral, nongovernmental, and faith-based organizations, to  
 14           prevent the incidence of child marriage in developing coun-  
 15           tries and to promote the educational, health, economic, so-  
 16           cial, and legal empowerment of girls and women as part  
 17           of the strategy established pursuant to section 6 to pre-  
 18           vent child marriage in developing countries.

19           (b) PRIORITY.—In providing assistance authorized  
 20           under subsection (a), the President shall give priority to—

21                   (1) areas or regions in developing countries in  
 22                   which 15 percent of girls under the age of 15 are  
 23                   married or 40 percent of girls under the age of 18  
 24                   are married; and

25                   (2) activities to—

1           (A) expand and replicate existing commu-  
2           nity-based programs that are successful in pre-  
3           venting the incidence of child marriage;

4           (B) establish pilot projects to prevent child  
5           marriage; and

6           (C) share evaluations of successful pro-  
7           grams, program designs, experiences, and les-  
8           sons.

9       (c) COORDINATION.—Assistance authorized under  
10      subsection (a) shall be integrated with existing United  
11      States programs for advancing appropriate age and grade-  
12      level basic and secondary education through adolescence,  
13      ensure school enrollment and completion for girls, health,  
14      income generation, agriculture development, legal rights,  
15      and democracy building and human rights, including—

16           (1) support for community-based activities that  
17           encourage community members to address beliefs or  
18           practices that promote child marriage and to edu-  
19           cate parents, community leaders, religious leaders,  
20           and adolescents of the health risks associated with  
21           child marriage and the benefits for adolescents, es-  
22           pecially girls, of access to education, health care,  
23           livelihood skills, microfinance, and savings programs;



1           (2) enrolling girls in primary and secondary  
2       school at the appropriate age and keeping them in  
3       age-appropriate grade levels through adolescence;

4           (3) reducing education fees, and enhancing safe  
5       and supportive conditions in primary and secondary  
6       schools to meet the needs of girls, including—

7           (A) access to water and suitable hygiene  
8       facilities, including separate lavatories and la-  
9       trines for girls;

10          (B) assignment of female teachers;

11          (C) safe routes to and from school; and

12          (D) eliminating sexual harassment and  
13       other forms of violence and coercion;

14          (4) ensuring access to health care services and  
15       proper nutrition for adolescent girls, which is essen-  
16       tial to both their school performance and their eco-  
17       nomic productivity;

18          (5) increasing training for adolescent girls and  
19       their parents in financial literacy and access to eco-  
20       nomic opportunities, including livelihood skills, sav-  
21       ings, microfinance, and small-enterprise develop-  
22       ment;

23          (6) supporting education, including through  
24       community and faith-based organizations and youth  
25       programs, that helps remove gender stereotypes and

1 the bias against girls used to justify child marriage,  
 2 especially efforts targeted at men and boys, pro-  
 3 motes zero tolerance for violence, and promotes gen-  
 4 der equality, which in turn help to increase the per-  
 5 ceived value of girls;

6 (7) creating peer support and female mentoring  
 7 networks and safe social spaces specifically for girls;  
 8 and

9 (8) supporting local advocacy work to provide  
 10 legal literacy programs at the community level and  
 11 ensure that governments and law enforcement offi-  
 12 cials are meeting their obligations to prevent child  
 13 and forced marriage.

14 **SEC. 6. STRATEGY TO PREVENT CHILD MARRIAGE IN DE-**  
 15 **VELOPING COUNTRIES.**

16 (a) STRATEGY REQUIRED.—The President, acting  
 17 through the Secretary of State, shall establish a multi-year  
 18 strategy to prevent child marriage in developing countries  
 19 and promote the empowerment of girls at risk of child  
 20 marriage in developing countries, including by addressing  
 21 the unique needs, vulnerabilities, and potential of girls  
 22 under age 18 in developing countries.

23 (b) CONSULTATION.—In establishing the strategy re-  
 24 quired by subsection (a), the President shall consult with  
 25 Congress, relevant Federal departments and agencies,

1 multilateral organizations, and representatives of civil so-  
2 ciety.

3 (c) ELEMENTS.—The strategy required by subsection  
4 (a) shall—

5 (1) focus on areas in developing countries with  
6 high prevalence of child marriage; and

7 (2) encompass diplomatic initiatives between  
8 the United States and governments of developing  
9 countries, with attention to human rights, legal re-  
10 forms and the rule of law, and programmatic initia-  
11 tives in the areas of education, health, income gen-  
12 eration, changing social norms, human rights, and  
13 democracy building.

14 (d) REPORT.—Not later than 180 days after the date  
15 of the enactment of this Act, the President shall submit  
16 to Congress a report that includes—

17 (1) the strategy required by subsection (a);

18 (2) an assessment, including data disaggregated  
19 by age and gender to the extent possible, of current  
20 United States-funded efforts to specifically assist  
21 girls in developing countries; and

22 (3) examples of best practices or programs to  
23 prevent child marriage in developing countries that  
24 could be replicated.

1 **SEC. 7. RESEARCH AND DATA COLLECTION.**

2       The Secretary of State shall work through the Ad-  
3 ministrator of the United States Agency for International  
4 Development and any other relevant agencies of the De-  
5 partment of State, and in conjunction with relevant execu-  
6 tive branch agencies as part of their ongoing research and  
7 data collection activities, to—

8           (1) collect and make available data on the inci-  
9 dence of child marriage in countries that receive for-  
10 eign or development assistance from the United  
11 States where the practice of child marriage is preva-  
12 lent; and

13          (2) collect and make available data on the im-  
14 pact of the incidence of child marriage and the age  
15 at marriage on progress in meeting key development  
16 goals.

17 **SEC. 8. DEPARTMENT OF STATE'S COUNTRY REPORTS ON**  
18 **HUMAN RIGHTS PRACTICES.**

19       The Foreign Assistance Act of 1961 is amended—

20           (1) in section 116 (22 U.S.C. 2151n), by add-  
21 ing at the end the following new subsection:

22       “(g) The report required by subsection (d) shall in-  
23 clude for each country in which child marriage is prevalent  
24 at rates at or above 40 percent in at least one subnational  
25 region, a description of the status of the practice of child  
26 marriage in such country. In this subsection, the term

1 ‘child marriage’ means the marriage of a girl or boy, not  
 2 yet the minimum age for marriage stipulated in law in  
 3 the country in which such girl or boy is a resident.”; and

4 (2) in section 502B (22 U.S.C. 2304), by add-  
 5 ing at the end the following new subsection:

6 “(i) The report required by subsection (b) shall in-  
 7 clude for each country in which child marriage is prevalent  
 8 at rates at or above 40 percent in at least one subnational  
 9 region, a description of the status of the practice of child  
 10 marriage in such country. In this subsection, the term  
 11 ‘child marriage’ means the marriage of a girl or boy, not  
 12 yet the minimum age for marriage stipulated in law in  
 13 the country in which such girl or boy is a resident.”.

14 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

15 To carry out this Act and the amendments made by  
 16 this Act, there are authorized to be appropriated such  
 17 sums as may be necessary for fiscal years 2010 through  
 18 2014.

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