GIRLS NOT BRIDES The Global Partnership to End Child Marriage

ENDING CHILD MARRIAGE:

WHY PUNITIVE APPROACHES ARE NOT THE ANSWER

Introduction

Each year more than 12 million girls are married before the age of 18.[1] It is an important and evocative issue that has seen striking global progress in the last 10 years. From governments to filmmakers, from champions to researchers, a growing ecosystem of actors is seeking solutions.

At the same time, we've seen attempts to oversimplify and decontextualise the changes required to enable girls to truly fulfil their rights and potential. We've seen calls to criminalise all marriage under 18 – regardless of the presence or absence of consent, age and power differences in relationships, or the exercise of force or violence. And we've seen that some interventions can have unintended consequences, including potential harm for girls themselves.

Drawing on the latest evidence – including recent *Girls Not Brides*' publications on child marriage and the law, experiences of local organisations,[2] and the work of the CEFMU and Sexuality Working Group – this working paper outlines why punitive approaches are not effective and instead makes the case for comprehensive responses that can end child marriage for good.

Key messages:

- There is **no reliable evidence** to show that age of marriage laws **lead to a reduction** in child marriage prevalence.
- There is **no evidence** to show that punitive approaches **are a deterrent.**
- There **IS evidence** to show punitive approaches **do more harm than good.**
- Punitive approaches **can have the reverse effect** and lead to an **increase** in child marriages.
- Laws must **recognize young people's evolving capacities.**

The evidence

Age of Marriage Laws - Critical but not enough

Setting the legal minimum age of marriage of 18 without exceptions can be an important part of a government's approach to ending child marriage and promoting gender equality. Laws signal a state's commitment to human rights and can be used to catalyse the investments needed to create options and opportunities that girls need to step into their power and exercise their choice as to marriage, children, education, health and employment. Minimum age of marriage laws are also essential avenues for redress and remedy for girls who are forced to marry and need to be supported to rebuild their lives.

1. UNICEF, (2022), *Child marriage global database*
2. *Girls Not Brides*, (2024), *The impact of the law on child marriage and girls*; *Girls Not Brides*, (2024) *The law and CEMFU: A synthesis of recent evidence on impact and implications*; *Girls Not Brides* (2025), *Options Not Sanctions: non-punitive approaches to addressing CEFMU in Mexico (2025)*

There is no reliable evidence to show that age of marriage laws lead to a reduction in child marriage prevalence

Several multi-country studies in 2016, 2017, and 2021, across more than 60 countries, show no causal relationship between new age of marriage laws and a reduction in child marriage prevalence.[3]

This is confirmed by the rigorous review of evidence informing the 2025 World Health Organisation (WHO) Guidelines on preventing early pregnancy and poor reproductive outcomes which finds very 'low-certainty evidence regarding the effect of laws on the minimum age of marriage or reductions in child marriage'.[4]

There is no evidence to show that punitive approaches are a deterrent

There is some evidence to show that the criminalisation of child marriage has the same effect as the criminalisation of abortion, driving the practice underground or displacing it to other communities or across borders. A peer-reviewed 2021 study from Malawi describes marriages taking place at night or in different communities to avoid the police finding out about them.[5] In other contexts the practice may take on new forms to side-step the law, such as early betrothal arrangements.

There IS evidence to show punitive approaches do more harm than good

The evidence-based 2025 WHO guidelines state '[Criminalisation] has been shown to have negative consequences for girls, their families and communities, in addition to pushing child marriage underground.'[6]

The evidence points to a number of harms:

- Research in India shows that simultaneous criminal and child protection systems investigations have a **stigmatising and disruptive impact on girls' development, education, employment,** as well as their self-esteem, social reputation, and family life, leading to long term negative consequences.[7]
- A study in India found that 65% of the cases reviewed that were brought under the Prohibition of Child Marriage Act (PCMA) related to consensual marriage between adolescents, while the **law was used to address forced marriage in just 4% of cases.[8] The criminal law can be used by adults to reinforce dominant norms at the expense of girls' autonomy.** In India and Nepal, some parents use marriage and sexual consent laws to **criminalise their daughters' husbands when they do not approve of the (self-initiated) marriage** or elopement, especially in inter-caste relationships.
- **Criminalisation of consensual adolescent sex reduces demand for and access to SRHR and maternity services** by adolescents, and supply of services for fear of legal repercussions[9]. In India, the Prevention of Child Sexual Offences Act categorises all sexual activity under age 18 as exploitative and harmful regardless of consent, and mandates medical professionals to report cases of pregnancy under age 18. Consequently, **some doctors refuse to treat pregnant adolescents to avoid legal complications.**
- There is an emerging body of evidence that **unwanted nullification** of under-age marriages – including consensual marriages between near-in-age older adolescents – can **increase vulnerabilities in girls,** including violence and lack of protection from both their husbands and their own families.[10]

These approaches are therefore **not** a substitute for addressing the structural and normative drivers of child marriage, such as gender inequality and poverty, in order to achieve long-term multi-generational declines in child marriage.

Punitive approaches can have the reverse effect and lead to an increase in child marriages

Some evidence shows that criminalisation and a punitive approach to child marriage, especially in contexts where the law criminalises adolescent sex and there are strong social norms that stigmatise sex outside of marriage, are used (weaponised) to **enforce dominant norms** (including heteronormativity and the institution of marriage) and can **actually act as a driver of child marriage**.

3. Collin and Talbot (2017) *Do Age-of-Marriage Laws Work?: Evidence from a large sample of developing countries*; Kidman and Heymann (2016), *Do protective national marriage age policies reduce the practice of child marriage?*; Batya and Pesando (2021) *Trends in child marriage and new evidence on the selective impact of changes in age-at-marriage laws on early marriage*; The Population Council and UNFPA (2022) *Child Marriage in Sindh: A Political Economy Analysis and Policy Options*
4. WHO *Guidelines on preventing early pregnancy and poor reproductive outcomes* (2025) page 26
5. Melnikas et al., (2021), *Perceptions of minimum age at marriage laws and their enforcement: qualitative evidence from Malawi*, BMC Public Health, 21, 2021, 1350
6. WHO *Guidelines on preventing early pregnancy and poor reproductive outcomes* (2025) page 25.
7. Raha and Ramakrishnan (2022). *Implication of the POCSO Act in India on Adolescent Sexuality: A Policy Brief. Enfold, UNICEF and UNFPA*.
8. PLD and American Jewish World Service, (2022), *A case for differentiated legal responses to child, early and forced marriage and unions: Lessons from India for a global audience*, and Op.cit PLD (2021)
9. IPPF, Coram (2017) '*Overprotected and Underserved: The influence of Law on Young People's Access to Sexual and Reproductive Health*'
10. Pandey and Shrestha (2020) '*Redefining early and child marriage and reconsidering its elimination through criminalisation*. WOREC, Nepal.

Reduced and stigmatised access to contraception for adolescent girls can result in **increased adolescent pregnancy**. In contexts where pregnancy outside marriage is taboo, **this can push or force girls into early marriage**.

There is some evidence to show criminalising consensual sexual activity during adolescence **reinforces the position of marriage as the sole, legitimate and safe space for sexual activity which can be a driver of under-age marriage**.[11] Research from **India** on the impacts of the POCSO Act, which casts all expressions of sexuality under 18 as exploitative and against the law, shows that strong social norms that restrict and control adolescent sex with no regard to consent **contribute to the growth in self-initiated marriages and elopement** by adolescents which they see as an act of agency in response to stigmatisation and criminalisation.[12]

How can we make the law work?

We continue to advocate for the formulation and implementation of laws that restrict marriage before age 18 that are consistent with human rights standards.[13] And recourse to criminal sanctions is needed but should be reserved for the most serious cases involving violence, coercion, or abuse of power, particularly to protect young girls.

A non-punitive approach:

Does not mean impunity. Violence, coercion or abuse must be punished, and girls' agency and evolving capacity needs to be respected.

Does not mean reducing the visibility of ending child marriage as a priority. It takes a clear stance in favour of the rights of children and adolescents, but it is committed to social rather than punitive responses.

Does not mean deregulation. It proposes clear laws, administrative protocols and specific responsibilities for all institutions.

Beyond the Law

Legal reform alone is not enough and cannot be a tick-box accountability exercise or substitute for investment in girls' education, health, and economic empowerment to remove the barriers preventing them from exercising their rights.

- **Ensuring girls complete secondary education is the most effective** way to prevent child marriage—girls who complete secondary school are 66% less likely to marry early.[14]
- The provision of **comprehensive sexuality education** and access **to adolescent-friendly health services** enables girls and young women to make safe, informed and empowered choices, which delay marriage.[15]
- **Addressing poverty and harmful gender norms are essential** to reducing child marriage and promoting long-term change.[16]

11. Grassroots experiences of using the Prohibition of Child Marriage Act, 2006' *Lessons from India: A case for differentiated legal* (PLD and AJWS) 2022
12. PLD India (2021) *Child marriage prosecutions in India, Case law analysis of actors, motives and outcomes 2008-2017*; PLD India (2019) *Grassroots experiences of using the Prohibition of Child Marriage Act, 2006*; PLD and AJWS (2022) *Lessons from India: A case for differentiated legal responses to CEFMU*
13. WHO 2025 *Guidelines on preventing early pregnancy and poor reproductive outcomes*
14. UNICEF, 2022b, *The power of education to end child marriage*
15. UNICEF (2025) *The path towards ending child marriage*
16. *GNB* (2023) *Evidence review: child marriage interventions and research 2020-2022*