



Frequently asked questions about why a minimum age of marriage of 18

In many countries, there have been moves to strengthen legal frameworks to address child marriage, including by increasing the minimum age of marriage to 18. Civil society advocating for such legislation have come across resistance from policy-makers, often facing similar arguments across countries. We spoke to *Girls Not Brides* members in seven countries to find out how they respond to these arguments, and which arguments work best.¹

This FAQ document lays out a set of commonly asked questions and provides suggestions for how to respond to them. It is a working document which we hope to update regularly with new insights from *Girls Not Brides* members and partners advocating for a minimum age of 18. Interested in sharing insights from your country on these questions? [Let us know!](#)

1. Shouldn't there be exceptions in certain circumstances?

- The situations in which exceptions are used in abusive ways far outweigh the circumstances in which maybe just maybe a child marriage helps resolve a difficult situation for a girl who truly wishes to marry.

2. What about exceptions for pregnant girls? Or girls who could face risks of 'honour killing' if they can't marry? Isn't marriage then the safest option for girls?

- Adolescent pregnancy leads to health risks to both mother and child marrying girls off is not the solution; we should be helping girls to be able to make choices to avoid early pregnancy in the first place.
- A rights violation (child marriage) should never be the solution to another rights violation (statutory/forcible rape, or lack of access to contraception/abortion/family planning information and /or the risk of 'honour killing'). Pregnant girls under the age of 18 are frequently victims of statutory or forcible rape; marrying their rapist is not a solution.
- Pregnant girls who don't get married are more likely to stay in school and less likely to have another child in quick succession after the first.

3. Doesn't setting a standardised age of marriage without exceptions interfere with the evolving capacity of adolescents?

- If a child is marrying willingly and for all the right reasons, waiting until age 18 is at worst an inconvenience. If a child is being forced to marry, waiting until 18 is the difference between the possibility of escape and lifelong trauma.
- Sometimes policy decisions need to be made to protect children as a whole, such as higher drinking age or a higher driving age, which can impact exceptional cases of individual children.
- It is very uncommon that a child chooses to marry where there are not external factors influencing her decision, and much more common that it is driven by poverty, lack of access to education, community pressure, and the absence of viable alternatives.

4. What about judicial exceptions to the age of 18?

- While the Committee on the Rights of the Child recommends that there may be exceptional circumstances where a court could allow marriage under 18 with the consent of the child, in practice,

¹ *Girls Not Brides* members working in Bangladesh, Mali, Mexico, Niger, Pakistan, Panama, Zimbabwe, and globally provided insights which form the basis for the arguments in this brief.

many cases that come before the courts are taken in a cultural context which condones child marriage, which means that courts are inclined to authorise such unions.

5. What about countries like the UK and Canada who are vocal about ending child marriage globally but allow marriage under the age of 18 at home?

- All countries should have a minimum age of 18, in line with the United Nations Convention on the Rights of the Child. *Girls Not Brides* members in the UK and the US are advocating to increase the age of marriage to 18 without exceptions.
- It's also important to recognise the differences in context. The implications of a low minimum age in a country where child marriage is not the norm are different from places where children are pressured into marriage and lack information and opportunities to resist such pressure.
- Furthermore the health and social consequences of child marriage are different. In countries where child marriage is linked with high rates of HIV, unsafe pregnancy, maternal mortality and higher risks for their children, and there are fewer services available to young mothers and children, the negative impact of child marriage is bigger.

6. Do minimum age of marriage laws really make any difference?

- Laws alone are not enough to address child marriage, and should be one part of a holistic integrated approach to preventing child marriage which includes empowering girls, engaging with communities, and expanding girls' access to education and services.
- However, they are an important signal of the government's position on the issue. They can help to act as a deterrent, if they are properly enforced. And can reinforce or seek to change social norms.
- Having the backing of the law helps civil society organisations in the work that they do to address child marriage.

7. What about contexts where girls don't have rights to express their sexuality except through marriage so they want to marry before 18?

- Allowing child marriage is not the answer. Marriage shouldn't be seen as a form of protection. Much more needs to be done to support an environment where girls can make decisions about their sexuality.

8. Shouldn't we increase the age of sexual consent along with the age of marriage?

- It is important to ensure that children and adolescents are protected from sexual abuse, coercion and exploitation, whether that takes place within or outside of marriage. However, it is also important to recognize both the evolving capacities of adolescents, and why high age restrictions for sexual consent can in some cases be harmful.
- Raising the age of sexual consent won't necessarily reduce sex outside marriage. However, it is likely to make sex go underground, increase girls' vulnerability, and decrease the likelihood that sexually active adolescents will use contraception or sexual health services.
- Ultimately education, in particular comprehensive sexuality education, will be more effective in protecting children from sexual exploitation than legislation.

9. By raising the age of marriage, don't we effectively criminalise those who are already married?

- Raising the age of marriage does not necessarily criminalise marriage before 18. Girls themselves should never be criminalised. Instead greater support is needed for girls who have been married young or who seek to leave their marriages.

10. Should the age of marriage for boys and girls be the same?

- Yes! In 31% of countries, the minimum age of marriage is lower for girls than for boys, in some countries by as much as four years.² This unequal treatment by the law reinforces gender inequality in childhood and beyond.

² World Policy Analysis Centre, *Closing The Gender Gap: A Summary Of Findings And Policy Recommendations*, 2014

11. Haven't the human rights committees said that under 18 is okay in some circumstances?

- In the joint [general comment / recommendation on harmful practices 2014](#), the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination Against Women said that in exceptional circumstances a mature and capable child over the age of 16 may marry “provided that such decisions are made by a judge based on legitimate exceptional grounds defined by law and on the evidence of maturity” but it states that these exceptions should be allowed “**without deference to cultures and traditions**”.
- However, this was followed by a more recent [General Comment on the implementation of the rights of the child during adolescence \(no.20\)](#) from the Committee on the Rights of the Child in 2016 which reaffirms that the minimum age limit for marriage should be 18.

12. Shouldn't we be focusing on other ways of helping young girls who are married or at risk of marriage (such as increasing access to health services, reducing marginalisation of vulnerable girls, etc.)?

- Yes! It is important that legislative changes are combined with other ways of helping young girls at risk of marriage. Reforming the law should be only one part of an integrated approach to reducing child marriage which uses a combination of interventions.
- In each country context, it is important to look at the most strategic entry point to prevent child marriage and support married girls. In many countries, legislation is a significant barrier to progress and young people have been calling for changes to the age of marriage themselves. But it is important that a focus on protective legislation does not distract attention from investment in other important solutions.