

**TESTIMONY IN SUPPORT OF HB337: END CHILD MARRIAGE IN DELAWARE**  
**SUBMITTED TO DELAWARE HOUSE HEALTH AND HUMAN DEVELOPMENT COMMITTEE**

**APRIL 18, 2018**

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Chair Bentz, Vice Chair Heffernan, and Distinguished Committee Members:

The AHA Foundation wishes to be recorded in strong support for Delaware House Bill 337. The AHA Foundation thanks the primary and co-sponsors of this bill for their support, and the Committee for prioritizing a hearing on this important legislation.

HB337 eliminates exceptions to the marriage age, and reserves marriage, a serious legal contract, for those who have reached the age of majority.

While the current minimum marriage age in Delaware is 18, the state allows for one major exception: children of any age can marry with judicial approval and if a parent, guardian, or “next friend” petitions the court for marriage.

Within the current legal framework, there is no minimum age below which a judge can no longer approve a marriage, nor are there any criteria that a marriage involving a minor must meet to be eligible for judicial approval. Furthermore, judges have the power to approve marriages with spousal age differences constituting statutory rape.

The parental consent loophole is dangerous as there is no mechanism in place to ensure that the required parental consent is not in fact parental coercion. Children who have not yet reached the age of majority can easily be forced or coerced into marriage or trapped in an abusive marriage. Minors being coerced into marriage may fear familial violence should they refuse to comply, or they may be physically or emotionally manipulated into accepting an unwanted marriage. Minors may also not have the resources to find a way out of the situation. They face significant legal and practical barriers if they try to leave home, enter a domestic violence shelter, retain an attorney, file a legal action such as a divorce, etc.

The AHA Foundation has worked with potential victims of forced and child marriage from across the U.S., and knows full well that these barriers are grounded in reality. In one case, Mena<sup>1</sup>, a U.S.-born minor, reached out to the AHA Foundation due to fear of being forced into an unwanted marriage. In spite of the fact that she could not yet legally vote, and was only just learning how to drive, her parents were planning her wedding to an older man whom she had never met. Due to state laws, all the courts needed was her parents’ permission for the marriage to move forward. While the AHA Foundation was ultimately able to help Mena escape the situation, the reality is that it should not have been legally

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<sup>1</sup> Name changed to protect survivor’s identity

possibly for Mena's parents to coerce her as a minor to marry. Those at risk must be protected by a comprehensive legal framework that guarantees their human rights.

The individual stories are also supported by data, collected by Unchained At Last. Between 2000 and 2012, some 205 children were married in Delaware. Of these children, more than 86% were minor girls wed to adult men.

Child marriage severely limits opportunities to health, education and economic freedom. It also increases risk of domestic violence. Given these factors, one case of forced or child marriage is one too many. If mechanisms are in place that allow for potentially thousands of cases to slip through the cracks, the common sense solution is to enact the necessary laws to close these gaps.

### **About the AHA Foundation**

The AHA Foundation is a 501(c)3 non-profit founded by women's rights activist Ayaan Hirsi Ali, and is the leading organization working to end honor violence that shames, hurts or kills thousands of women and girls in the U.S. each year, and puts millions more at risk. We ensure that women and girls of all races, cultures, religions, beliefs and backgrounds who are facing honor violence have a way out, and that survivors get the help they need to thrive.

Since 2010, the focus of the Foundation's programs includes: 1) compiling data on these crimes, which are not currently tracked by U.S. law enforcement or government agencies, 2) publishing reports and articles and organizing conferences about the continued oppression of women and girls in the U.S., 3) lobbying and outreach to expand and strengthen state and national legislation for the protection of women and girls, 4) training of law enforcement and service providers, and 5) connecting women and girls in crisis to appropriate services. The AHA Foundation has trained over 2,500 frontline service providers on responding to cases of honor violence and forced marriage, and partnered with Crisis Text Line to create America's first honor violence and forced marriage helpline.

Testimony in Support of HB 337: Ending Child Marriage  
Presented to Delaware House Health & Human Development Committee  
April 18, 2018

Chair Bentz, Vice Chair Heffernan and Distinguished Committee Members:

I, Aliya Abbas, am an American motivational writer & speaker. I am also a mentor at Unchained At Last, a non-profit to end child marriages. This cause is extremely close to my heart because I myself was forced into marriage at just 17 years old. Being an American where our values are built on freedom and rights, this is something very disturbing. Our country is not about taking away the right to freedom and justice, let alone from a child; but it's also true that child marriages which does just that in addition to causing emotional, mental, and physical abuse, is still legal in our country. This injustice must end. We must ban child marriages for the wellbeing of our children and our nation. Please support HB 337.

Thank you,

*Aliya Abbas*

Aliya Abbas

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Dear Chair Bentz, Vice Chair Heffernan and Distinguished Committee Members:

At 22 I freed myself from a religious group that systematically devalued women.

Now I work to liberate other victims of abuse from toxic theology and encourage them along their journey back to wholeness. I founded The Courage Conference, a survivor-centered movement focused on self-healing, to empower victims to discover their courage and reclaim their freedom through connection, learning, and advocacy.

In my advocacy research and I began to realize that child marriage and forced marriage is not uncommon in some religious communities, including some sectors of the religious homeschooling community which I had been a part of.

I am a devout Christian but I began to see how my sacred Scripture had been taken out of context to excuse the atrocity of child marriage, sexual abuse, and forced marriage. My faith has compelled me to speak out when religion is misused to enables the abuse of children through child marriage and now to speak out against archaic and dangerous laws that continue to allow this type of child abuse to happen.

And it is child abuse. The U.S. state department considers marriage before 18 a "human rights abuse." Because of my abuse victim advocacy work I know that child marriage has tragic life altering consequences. Girls married before 18 are more likely to have physical, emotional, and financial violence perpetrated against them. Child marriage leads to lower rates of advanced education and economic opportunities which further disadvantages these child victims throughout the remainder of their life.

The minimum marriage age in Delaware is 18, but the law includes a dangerous loophole: Children of any age can marry with judicial approval and if a parent, guardian or "next friend" petitions the court for marriage.

These dangerous loopholes allow for parents to force or coerce their children to marry before these children have equal legal standing. And Judges can approve marriages with a spousal age difference that constitutes statutory rape. Unfortunately I have spoken to child marriage survivors where parental force and coercion were used to push them into marriages before they had the ability protect themselves and the child experienced years of statutory rape.

Children who wish to leave marriages face an uphill battle. They face overwhelming legal and practical barriers if they try to leave home, enter a shelter, retain an attorney or bring a legal action.

Even if these teen brides are able to free themselves from child marriage they more likely to suffer economic deprivation and instability than teenage brides and mothers who stay single.  
<http://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=2467&context=facpubs/1430>

205 children were married in Delaware between 2000 and 2012. More than 86 percent were minor girls wed to adult men.

Child marriage steals childhoods, enables abuse, and perpetuates a lifetime of pain and suffering for thousands of girls and women. You can stop this atrocious human rights violations. My faith compels me to ask you to do so.

HB 337 is simple legislation: It eliminates the dangerous legal loophole that allows for child marriage. Similar bills are pending in several other states. Please vote to end child marriage.

Respectfully,

Ashley Easter  
The Courage Conference  
Survivor / Victim Advocate

Testimony in Support of HB 337: Ending Child Marriage  
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April 18, 2018

Chair Bentz, Vice Chair Heffernan and Distinguished Committee Members:

I am Delma Rojas an advocate to end children marriages. As a survivor of a child marriage myself at the age of 14, I feel the need to pass a bill to prohibit minors' marriages in Delaware and the rest of the nation without any exceptions.

There are very unacceptable loopholes that still allow children to get wed. All of this under 18 years old. Parents signing a marriage consent to their minor child is detrimental to the future of their kids. Children predators are being legally protected by child marriage loopholes in the current laws

Children are not mature enough to consent for sex in a relation with an adult it is very clear the advantage adults have against any minor child. It is a dangerous exception for a judge to approve a marriage with an age difference that would otherwise be considered statutory rape. 205 children have been married here from 2000 to 2012. More than 70% of these marriages will end up in divorce.

As a child marriage survivor and now an advocate I can testify the devastation child marriage caused in my life. It put me into tremendous emotional and psychological distress. I lost my daughter's custody for not having the maturity, support system nor the resources to support her or fight for her after my divorce. Not to mention the delay on education, finances and progress. It is a lifelong consequence of not having a law to protect such violation to children' human rights.

HB 337 will eliminate the dangerous exceptions in the law that allow child marriage to happen in Delaware. This will protect children and their futures. No more loopholes. No more under 18 marriages.



April 10, 2018

To: Chair David Bentz,

Delaware House Health & Human Development Committee

**Re: Testimony in support of HB337: An Act to Amend Title 13 Of The Delaware Code Relating To Marriage of Minors**

Thank you for the opportunity to present testimony to the Delaware House Health & Human Development Committee on child marriage. My name is Shelby Quast; I am the Americas Director of Equality Now. Equality Now is an international human rights organization established in 1992 that works to promote and protect the rights of women and girls around the world. Through advocacy, litigation, and partnership with grassroots women's rights groups across the globe, Equality Now works to advance human rights through a comprehensive approach to the law.

Child, early and forced marriage is not only an international concern but a problem in the United States. Research shows that between 2000 and 2010, over 248,000 children below the age of 18 were married in the United States. A majority of these marriages were minor girls marrying adult men, often with significant age differences.<sup>1</sup>

International law, including the International Covenant on Civil and Political Rights which the United States has ratified, requires the consent of both the parties to the marriage.<sup>2</sup> However, where the law governing the minimum age of marriage allows for an exception to allow marriages of children below the age of 18, in practice, it is the parents that provide consent for the girl to be married. Though current Delaware law requires judicial approval for marriage of minors below the age of 18, in many cases, judicial approval is granted without ascertaining the true nature of the situation. Even if a girl were to appear to give her consent before the judge, this should be seen in the context of societal norms, family pressure and lack of other options (particularly when the judge's interview with the minor takes place in the parents' presence). This is especially so in the cases where the girl is pregnant at a young age, as the stigma surrounding teenage pregnancies could result in the familial and societal pressures forcing the girl to agree to marriage, often to her rapist. In addition, in most other contexts, being a child would render a girl unable to give informed consent. **"Consent" of a child should never be accepted as a rationale for continuing to permit her ongoing abuse as a child bride.** Thus, we strongly support HB-337, the passage of which is essential to ensure that children under the age of 18 are not allowed to marry *under any circumstances, without exception.*

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<sup>1</sup> Unchained At Last, *Child Marriage – Shocking Statistics*, available online at <http://www.unchainedatlast.org/child-marriage-shocking-statistics/>. This number is based on actual data from 38 States, including Louisiana, which show that more than 167,000 children were wed in that decade, and estimates from the other 12 states and Washington D.C.

<sup>2</sup> International Covenant on Civil and Political Rights, Article 23, <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>



The United Nations Human Rights Committee, that monitors implementation of the International Covenant on Civil and Political Rights, has recognized that in sexual violence cases, the child (or woman) should not be pressured to marry her rapist or abuser, which the Committee has pointed out may, under the law in some jurisdictions or in practice, absolve the perpetrator of a violent crime.<sup>3</sup> It would also put the girl in danger of further abuse. Current Delaware law, which does not set a minimum statutory age floor for marriage where judicial approval is granted, could encourage such cases.

On a related note, we also recommend amendment of section 770 of Title 11 of the Delaware Code, which allows statutory rape of minors between the ages of 16-18 by an offender who is 30 years of age or older, if the minor is married to the defendant.<sup>4</sup> Though section 111 of Title 13 of the Delaware Code currently requires judges to consider “whether the proposed marriage would violate any Delaware laws” before granting consent for a minor to marry, this provision fails to protect minors between the ages of 16-18 from being raped in marriage, due to the marital exception in the statutory rape law.

The consequences of child marriage are severe and long-lasting, affecting girls’ education, health, and physical and emotional well-being. These are well documented.<sup>5</sup> When a young girl is married and gives birth, the vicious cycle of poverty, poor health, curtailed education, violence, instability, disregard for rule of law, and legal and other discrimination often continues into the next generation, especially for any daughters she may have.<sup>6</sup>

We hope Delaware will show leadership in protecting girls from child, early and forced marriage and the related human rights violations. We urge you to support HB337.

Sincerely,

Shelby Quast,  
Americas Director, Equality Now

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<sup>3</sup> Human Rights Committee, CCPR/C/21/Rev.1/Add.10, General Comment No. 28, “Equality of rights between men and women (Article 3),” ¶24.

<sup>4</sup> Del. Code Ann. tit. 11, §770: “(a) A person is guilty of rape in the fourth degree when the person:... (2) Intentionally engages in sexual intercourse with another person, and the victim has not yet reached that victim’s eighteenth birthday, and the person is 30 years of age or older, except that such intercourse shall not be unlawful if the victim and person are married at the time of such intercourse;”

<sup>5</sup> See Equality Now. *Protecting the Girl Child: Using the Law to end child, early and forced marriage and related human rights violations*, 2014, available online at [https://www.equalitynow.org/sites/default/files/Protecting\\_the\\_Girl\\_Child.pdf](https://www.equalitynow.org/sites/default/files/Protecting_the_Girl_Child.pdf)

<sup>6</sup> Council on Foreign Relations report, Ending Child Marriage, 1 May 2013, available at <http://www.cfr.org/children/ending-child-marriage/p30734>



Testimony in Support of HB337: End Child Marriage in Delaware  
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Chair Bentz, Vice Chair Heffernan and Distinguished Committee Members: Thank you for considering HB337 to end child marriage in Delaware, without exceptions.

I am a survivor of a forced marriage. The cycle of abuse that leads up to such a situation is extremely difficult to escape from even as an adult. As a child, it is nearly impossible. We think our judicial system is built to protect to us in the face of any injustice. I have lived through a life of abuse as a child, and as an adult, and I know that is not the case. I was raised by an abusive father, and everyone around us knew what kind of man he was, how he beat his wife and children, but no one did anything. My mother was too afraid and too manipulated by a cultural background to do anything. Turning 18 was not a significant number for me, that signaled my freedom. I was a US Citizen, born and raised in the US for most of my life. But how was I supposed to get out, if I didn't know anyone who could help me, did not the financial means or the emotional and physical support necessary to get out? I did not have access to any of my legal documents. I was not allowed to get a driver's license. I wasn't allowed to get a job. I wasn't allowed to get an education. I wasn't allowed to step out of the house, except when I was accompanied by one or both of my parents. I wasn't even allowed a cell phone. Internet access could be revoked whenever my father pleased. I had no money, and nowhere to go. I had a younger sister who I knew would suffer the aftermath if I ever left. So I stayed. And I went through 3 forced engagements, and eventually a forced marriage at 22.

My marriage fell apart before I began living with my husband. But the cycle did not end there. My parents' forced me into a marriage, and then ended it when it did not suit their needs. After my marriage dissolved, they decided to take me back to Pakistan and marry me off again over there. After everything I had endured, I knew I could never go to Pakistan, not in my current situation when I would be worse off than I was now. I escaped in the middle of the night in May 2015, by briefly using an internet phone app to call a local shelter. I was terrified, having taken a step for myself for the first time in my life. The first thing I did was get restraining orders against my parents. A few months later, my fear that my sister would suffer for my actions, materialized. My parents forcefully took her to Pakistan, took away her passport, and planned to marry her off. She had just turned 18. With the help of Unchained at Last and the US Embassy, she was able to return the US safely and is now a junior in college.

I was truly one of the lucky ones, who was still an adult when I went through my forced marriage, and managed to escape before I was also abused at the hands of my husband. Had I stayed, I would have been abused, because my parents' made sure to find me marriage proposals who would keep me in the same atmosphere as they did, and who would deny me all the freedoms they did. I cannot imagine how I would have survived, or what I would have done had I been a minor. I just know that it took me four years after becoming an adult to escape. As a child, I may never have escaped that situation. I was an adult when I accompanied my parents' to a courthouse to get my marriage license. I was too terrified to say anything. Had I been a minor, what protection would I have had? I know that my sister had just turned 18, and if she didn't have me to help her on the US end of things, she would probably have not gotten out. I know that many young women I know have been forced into teenage engagements that have led to early forced marriages, all in the name of culture, religion, and parents' knowing what's best for their children. I know that these women were like me, who had no one, and did not know how to

escape a cycle if they didn't have any way of getting out of it. I know that abuse is traumatizing enough at any age, but as a child, with the additional vulnerability of knowing you have no rights for yourself and are at the mercy of your parents', the very people who you are supposed to trust unconditionally, makes it so much more traumatizing. I know we need to better protect our children, and make sure that they cannot be violated and forced into anything when they are minors. Ending child marriages is one of the steps we can take to ensure that our children are protected by the law.

Very truly yours,

Hufsa Chaudry

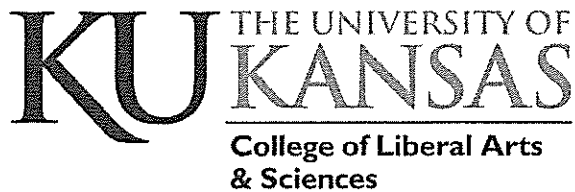
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Chairman Bentz, Vice Chair Heffernan and Distinguished Committee Members:

Thousands of lives are ruined daily because we are letting our girls get married at such young ages which can cause serious mental/physical problems. We need to change the laws and raise the minimum age to wed in Delaware to 18.

I am Naila Amin, Activist, Survivor of a child forced marriage, and currently building the Naila Amin Foundation. This matter is near and dear to me because I was engaged at 8 and married at 15. Even though I was still living in New York, I was taken back to Pakistan and forced to marry a first cousin who was 13 years older than me. I was rescued by the state department and child protective services in March of 2005. I lost my youth and my mental health is just not the same. The happy go lucky little girl is gone. I can go months now without laughing. He robbed me of my childhood. My body and soul were taken from me by force. Luckily I did not have any children with this man. That could have caused health problems or even death. The solution is to pass HB337 and give these young girls a fighting chance. It should not be legal to marry off your child under 18 in any state. We have to be the solution. I won't stop fighting to end this atrocity till some laws are changed because I never want another child to suffer the anguish that I have.

Naila Amin



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Chair Bentz, Vice Chair Heffernan and Distinguished Committee Members:

My name is Nicholas Syrett and I am a historian of gender and sexuality teaching at the University of Kansas where I am the chair of the Women, Gender, and Sexuality Studies Department. My most recent book was a history of child marriage in the U.S.: *American Child Bride: A History of Minors and Marriage in the United States*. I write to urge you to support HB 337, which would put an end to child marriage in the state of Delaware by eliminating the exceptions to Delaware's minimum marriageable age of eighteen. The bill makes sense for a number of reasons, the most glaring of which is that judges often grant permission to marry to girls who are underage and pregnant, often meaning that the men they will be marrying are their statutory rapists.

The other particularly dangerous thing is that Section 123 of Chapter 1 of Title 13 of Delaware's Code actually provides *no minimum marriage age at all*. One hopes, of course, that judges would exercise sound judgment in this regard, but children as young as *ten years old* have been married legally in states like Delaware without any absolute minimum marriageable age in the past two decades.

We know that those who marry below the age of eighteen are far more likely to divorce than those who marry later in life. 70 to 80 percent of marriages below the age of eighteen end in divorce. This trend has been true since social scientists began to track age of marriage and correlate it to divorce rates in the early twentieth century. What this means is that the very thing that granting a marriage license to a minor is supposed to do—make a stable home—it does not actually do.

We also know that girls—the overwhelming majority of minor spouses—who marry below the age of eighteen are far less likely to graduate high school than those who marry later, are more likely to suffer abuse (both mental and physical) by their husbands, and are also more likely to suffer from mental health problems, many as a result of their early marriages. Further, married minors, because they are still children in the eyes of the law, do not have the same legal rights that adults have, meaning that if they desire to leave abusive relationships, they are often unable to initiate divorce proceedings in their own name, check in to a shelter, or leave their homes.

Holding firm on one minimum marriageable age—eighteen—has the consequence of protecting those who are most vulnerable to being forced or coerced into marriage: children. You have within your power the ability to make Delaware a national leader in child protection. Please vote

**Women, Gender, and Sexuality Studies**

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in favor of HB 337, which recognizes that adults, those above the age of eighteen, are in the best position to decide if they are ready for the rights and responsibilities of marriage.

If you should have any questions about the history of child marriage in the United States that I can answer, feel free to contact me at [syrett@ku.edu](mailto:syrett@ku.edu) or (785) 864-2311.

Best regards,

A handwritten signature in black ink, appearing to read "Nicholas L. Syrett", with a long horizontal flourish extending to the right.

Nicholas L. Syrett, Ph.D.  
Professor and Chair

Testimony in Support of HB337: Ending Child Marriage  
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Chair Bentz, Vice Chair Heffernan and Distinguished Committee Members:

I am appalled that child marriage is legal in Delaware, and *hundreds* of children have married here in recent years – mostly minor girls wed to adult men.

My name is Sara Tasneem, I was fifteen years old when my father arranged my "spiritual" marriage to a much older man and I was sixteen and pregnant when the State of Nevada legally allowed my marriage to a man almost twice my age. I did not have much of a choice in the matter. I was born in 1980 in Boulder, Colorado at the foot of the majestic Rockies. My early childhood was spent in Colorado and then in 1990 we moved to Sunnyvale, CA. My father raised me and my siblings in an Islamic Sufi cult. He and my mother divorced when I was five. My dad was my sole guardian for the majority of my childhood.

From a young age gender roles were ingrained into my life. Girls were meant to serve their family and be obedient to their father and elders. Our group's leader, the "Shaykh" was to be obeyed by all and my father was very close to him. My dad's reputation in this group meant everything to him.

At fifteen, my father told me that I was going to be married. I met Hassan, the man who was chosen for me by the Shaykh, the same morning of my marriage. I was married that evening by the "grand shaykh" of our group. This *spiritual marriage* happened in Los Angeles during a religious convention.

A few weeks after our ceremony, Hassan took me to his home in Guadeloupe (French West Indies). I did not know this man, yet he was legally able to leave the country with me as my guardian. My mother was not even aware that I had left the country. She had tried in vain to alert the authorities when she found out, but it was too late.

When I returned to the U.S. in 1996 shortly after I turned sixteen. I was five months pregnant with my first daughter. We were legally married in Reno, Nevada where the state laws permit girls to marry at 16 with parental consent. Shortly after the birth of my daughter, I fell into a deep depression. I saw girls my age attending high school and asked my family and people in my group why I was not allowed to go to school or have lives like those girls. My questions were met with my community telling me that I would not be able to care properly for my daughter if I returned to school. My place was at home taking care of my family and household. That I should even want to go to school was looked down upon in my group and I was shunned because of it. That did not stop me from pursuing my education. I started classes at a local high school and from there I did not stop until I earned my Associate's Degree in Culinary Arts. I was finally able to support myself at age 23 and I left Hassan. It took me all of seven years to finally leave him.

My struggle continued after I left him. I had little means and yet I was responsible for raising two small children on my own. By the time I realized the extent of what had happened to me and how bad my situation had been - the statute of limitations on statutory rape and child molestation had tolled. I was left with most of the responsibility of raising my kids, and with no legal recourse against my ex-husband.

At times, I struggled to keep a roof over my family's head. I still struggle with depression and anxiety. The effects of childhood marriage have had unending consequences well into my adulthood. My childhood was robbed from me, along with any thoughts of having a career or attending university.

I urge you to support HB337, and protect Delaware's girls from child marriage.

UN-arrange a marriage.  
RE-arrange a life.

UNCHAINED  
at last

[www.unchainedatlast.org](http://www.unchainedatlast.org)

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Chair Bentz, Vice Chair Heffernan and distinguished committee members: Unchained At Last is the only nonprofit dedicated to helping women and girls in Delaware and across the U.S. to escape forced marriages. Unchained also leads the growing national movement to pass legislation like HB337 in all 50 states and end child marriage in America. **We at Unchained urge you to vote "YES" on HB337.**

The minimum marriage age in Delaware is 18, but the law includes a dangerous loophole: Children any age can marry with approval of a family court judge if a parent, guardian or "next friend" petitions the court for the marriage.<sup>1</sup>

**Dangers in the Current Law**

The law puts children at serious risk:

- Judges have broad discretion to approve child marriages even with a spousal age difference that constitutes statutory rape, for example.
- Even the most robust judicial-review process has a fatal flaw. It puts the onus on a child who is being forced to marry to choose whether to be honest with the court and face the repercussions at home, or to lie to the court.
- The law calls for parents to petition the court to allow a child marriage, and for the court to decide whether to approve – effectively disempowering children. Keep in mind: When a child is forced to marry, the perpetrators are almost always the parents.
- By not specifying a minimum age for marriage, Delaware's marriage-age laws are in line with those in Iran, Saudi Arabia and Yemen, which also do not specify a minimum age for marriage.<sup>2</sup>

**Devastating Consequences of Child Marriage**

The U.S. State Department has called marriage before 18 a "human rights abuse."<sup>3</sup> Consider:

- Children can easily be forced into marriage or trapped in an abusive marriage before they turn 18 and become legal adults. They face significant legal and practical barriers if they try to leave home, access a shelter, retain an attorney or bring a legal action such as a divorce.
- Child marriage destroys girls' health, education and economic opportunities, and increases their risk of experiencing violence.<sup>4</sup>
- Those who marry before 18 have a 70 to 80% chance of getting divorced – and teen mothers who marry and then divorce are much more likely to end up in poverty than teen mothers who stay single.<sup>5</sup>

**Alarming Statistics<sup>6</sup>**

- Between 2000 and 2012, some 205 children were married in Delaware. More than 86 percent were girls wed to adult men.

**Simple Legislative Solution**

HB337 eliminates the loopholes to the minimum marriage age and ends child marriage. Similar bills are pending in other states. **For more information, visit [www.unchainedatlast.org](http://www.unchainedatlast.org) or call (908) 481-4673.**

<sup>1</sup> Del. Code, tit. 13, § 123.

<sup>2</sup> According to an analysis by Heather Barr, senior researcher in the women's rights division of Human Rights Watch, as she relayed to Unchained At Last.

<sup>3</sup> <https://www.state.gov/documents/organization/254904.pdf>.

<sup>4</sup> Fraidy Reiss, *Why Can 12-Year-Olds Still Get Married in the United States*, Washington Post (10 February 2017). See attached.

<sup>5</sup> <http://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=2467&context=facpubs>.

<sup>6</sup> Based on data compiled by Unchained At Last from the Delaware Department of Health.

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# THE WASHINGTON POST

Post Everything: PERSPECTIVE

## Why can 12-year-olds still get married in the United States?

By FRAIDY REISS

FEB. 10, 2017

We preach against child-marriage abroad. But thousands of American children are wed annually.



*Fraidy Reiss is founder and executive director of Unchained At Last, a nonprofit that helps women and girls escape arranged and forced marriages and works to end child marriage in the United States*

Michelle DeMello walked into the clerk's office in Colorado thinking for sure someone would save her.

She was 16 and pregnant. Her Christian community in Green Mountain Falls was pressuring her family to marry her off to her 19-year-old boyfriend. She didn't think she had the right to say no to the marriage after the mess she felt she'd made. "I could be the example of the shining whore in town, or I could be what everybody wanted me to be at that moment and save my family a lot of honor," DeMello said. She assumed that the clerk would refuse to approve the marriage. The law wouldn't allow a minor to marry, right?

Wrong, as DeMello, now 42, learned.

While most states set 18 as the minimum marriage age, exceptions in every state allow children younger than 18 to marry, typically with parental consent or judicial approval. How much younger? Laws in 27 states do not specify an age below which a child cannot marry.

Unchained At Last, a nonprofit I founded to help women resist or escape forced marriage in the United States, spent the past year collecting marriage license data from 2000 to 2010, the most recent year for which most states were able to provide information. We learned that in 38 states, more than 167,000 children — almost all of them girls, some as young 12 — were married during that period, mostly to men 18 or older. Twelve states and the District of Columbia were unable to provide information on how many children had married there in that decade. Based on the correlation we identified between state population and child marriage, we estimated that the total number of children wed in America between 2000 and 2010 was nearly 248,000.

Despite these alarming numbers, and despite the documented consequences of early marriages, including negative effects on health and education and an increased likelihood of domestic violence, some state lawmakers have resisted passing legislation to end child marriage — because they wrongly fear that such measures might unlawfully stifle religious freedom or because they cling to the notion that marriage is the best solution for a teen pregnancy.

In this way, U.S. lawmakers are strongly at odds with U.S. foreign policy. The U.S. Global Strategy to Empower Adolescent Girls, released last year by the State Department, lists reducing child, early and forced marriage as a key goal. The strategy includes harsh words about marriage before 18, declaring it a "human rights abuse" that "produces devastating repercussions for a girl's life, effectively ending her childhood" by forcing her "into adulthood and motherhood before she is physically and mentally mature." The State Department pointed to the developing world, where 1 in 3 girls is married by age 18, and 1 in 9 is married by 15.

While the numbers at home are nowhere near that dire, they are alarming. Many of the children married between 2000 and 2010 were wed to adults significantly older than they were, the data shows. At least 31 percent were married to a spouse age 21 or older. (The actual number is probably higher, as some states did not provide spousal ages.) Some children were married at an age, or with a spousal age difference, that constitutes statutory rape under their state's laws. In Idaho, for example, someone 18



or older who has sex with a child under 16 can be charged with a felony and imprisoned for up to 25 years. Yet data from Idaho — which had the highest rate of child marriage of the states that provided data — shows that some 55 girls under 16 were married to men 18 or older between 2000 and 2010.

Many of the states that provided data included categories such as “14 and younger,” without specifying exactly how much younger some brides and grooms were.

Thus, the 12-year-olds we found in Alaska, Louisiana and South Carolina’s data might not have been the youngest children wed in America between 2000 and 2010.

Also, the data we collected did not account for children wed in religious-only ceremonies or taken overseas to be married, situations that we at Unchained often see.

Most states did not provide identifying information about the children, but Unchained has seen child marriage in nearly every American culture and religion, including Christian, Jewish, Muslim and secular communities. We have seen it in families who have been in America for generations and immigrant families from all over the world. In my experience, parents who marry off their minor children often are motivated by cultural or religious traditions; a desire to control their child’s behavior or sexuality; money (a bride price or dowry); or immigration-related reasons (for instance, when a child sponsors a foreign spouse). And, of course, many minors marry of their own volition — even though in most realms of life, our laws do not allow children to make such high-stakes adult decisions.

Parental control over her sexuality was why Sara Siddiqui, 36, was married at 15. Her father discovered that she had a boyfriend from a different cultural background and told her she’d be “damned forever” if she lost her virginity outside of marriage, even though she was still a virgin. He arranged her Islamic wedding to a stranger, 13 years her senior, in less than one day; her civil marriage in Nevada followed when she was 16 and six months pregnant. “I couldn’t even drive yet when I was handed over to this man,” said Siddiqui, who was trapped in her marriage for 10 years. “I wasn’t ready to take care of myself, and I was thrown into taking care of a husband and being a mother.”

Minors such as Siddiqui can easily be forced into marriage or forced to stay in a marriage. Adults being pressured in this way have options, including access to domestic-violence shelters. But a child who leaves home is considered a runaway; the police try to return her to her family and could even charge our organization criminally if we were to get involved. Most domestic-violence shelters do not accept minors, and youth shelters typically notify parents that their children are there. Child-protective services are usually not a solution, either: Caseworkers point out that preventing legal marriages is not in their mandate.

Those fleeing a forced marriage often have complex legal needs, but for children, obtaining legal representation is extremely difficult. Even if they can afford to pay attorney’s fees, contracts with children, including retainer agreements, generally can be voided by the child, making them undesirable clients to lawyers. Further, children typically are not allowed to file legal actions in their own names.

Regardless of whether the union was the child’s or the parents’ idea, marriage before 18 has catastrophic, lifelong effects on a girl, undermining her health, education and economic opportunities while increasing her risk of experiencing violence.

Women who marry at 18 or younger face a 23 percent higher risk of heart attack, diabetes, cancer and stroke than do women who marry between ages 19 and 25, partly because early marriage can lead to added stress and forfeited education. Women who wed before 18 also are at increased risk of developing various psychiatric disorders, even when controlling for socio-demographic factors.

American girls who marry before 19 are 50 percent more likely than their unmarried peers to drop out of high school and four times less likely to graduate from college. A girl who marries young is 31 percentage points more likely to live in poverty when she is older, a striking figure that appears to be unrelated to preexisting differences in such girls. And, according to a global study, women who marry before 18 are three times more likely to be beaten by their spouses than women who wed at 21 or older.

Ending child marriage should be simple. Every state can pass the legislation I’ve helped write to eliminate exceptions that allow marriage before age 18 — or set the marriage age higher than 18, in states where the age of majority is higher. New Jersey is the

closest state to doing this, with a bill advancing in the legislature that would end all marriage before 18. Massachusetts recently introduced a similar bill.

But when Virginia passed a bill last year to end child marriage, legislators added an exception for emancipated minors as young as 16, even though the devastating effects of marriage before 18 do not disappear when a girl is emancipated. Bills introduced last year in New York and Maryland languished and eventually died, though Maryland's was just reintroduced. Other states have not acted at all. "Some of my colleagues were stuck in an old-school way of thinking: A girl gets pregnant, she needs to get married," said Maryland Del. Vanessa Atterbeary, who introduced the bill to end child marriage in her state.

Only nine states still allow pregnancy exceptions to the marriage age, as such exceptions have been used to cover up rape and to force girls to marry their rapists. Consider Sherry Johnson of Florida, who said she was raped repeatedly as a child and was pregnant by 11, at which time her mother forced her to marry her 20-year-old rapist under Florida's pregnancy exception in the 1970s.

Additionally, teenage mothers who marry and divorce are more likely to experience economic deprivation and instability than those who do not. If the father wants to co-parent, he can establish paternity and provide insurance and other benefits to the baby without getting married.

Legislators should remember that pregnant teenage girls are at increased risk of forced marriage. They need more protection, not less.

Nor does ending child marriage illegally infringe on religious rights. The Supreme Court has upheld laws that incidentally forbid an act required by religion, if the laws do not specifically target religious practice. Besides, most religions tend to describe marriage as an important union between two willing partners. That sounds nothing like child marriage, which is often forced and which has close to a 70 percent chance of ending in divorce. "There was a concern that we would be offending certain cultures within our society," said New York Assemblywoman Amy Paulin, who introduced an unsuccessful bill last year to end child marriage in her state. "So instead of seeing this as an abuse of young women, [some legislators] were seeing this as something we needed to protect for certain cultures."

Betsy Layman, 37, shares Paulin's goal. Layman was 27 when she escaped the marriage that had been arranged for her in her Orthodox Jewish community in New

York when she was 17, to a man she had known for 45 minutes. Even after she fled with her three children, the repercussions of her marriage continued to plague her. She was a single mother with a high school equivalency certificate, no work experience and no money for child care. The temporary and part-time jobs she managed to get couldn't cover the bills.

"I was on Section 8, Medicaid and food stamps," Layman said. "There were times there just was not enough food for dinner." When the electric company shut off her power for nonpayment, she would light candles around the house and tell her children there was a blackout. Only when her youngest child reached school age was she able to find full-time employment and gain some stability.

"Legislators have the power to prevent what happened to me from happening to another 17-year-old girl," Layman said. "I beg you to end child marriage."



April 17, 2018

The Honorable David Bentz, Chairman  
The Honorable Debra Heffernan, Vice Chairman  
Committee on Health and Human Development  
Delaware General Assembly

Dear Chairman Bentz and Vice Chairman Heffernan:

On behalf of UNICEF USA, I am writing in support of HB 337, introduced by Representative Kimberly Williams, to make 18 years old the minimum age of marriage in the State of Delaware, with no exceptions.

As President and CEO of UNICEF USA, I have traveled around the world, seeing the joys and heartaches of the world's children. I am constantly reminded how important it is that children have the right to be children.

Too many children lose that right, for too many reasons. One of those reasons is child marriage. Worldwide, more than 700 million women and girls alive today were married before their 18th birthday. Some of them are right here in the United States. In fact, at least 205 children were married in Delaware between 2000 and 2012, more than 86 percent minor girls wed to adult men.

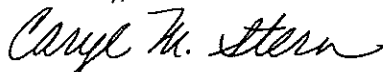
UNICEF calls child marriage a harmful practice and a violation of child rights, and that marriage under age 18 should be prohibited in all circumstances.

In all cases, child marriage has negative impacts on children. It leads to separation from family and friends, lack of freedom to interact with peers and participate in community activities, and decreased opportunities for education and economic participation. Because child marriage often results in child pregnancy, girls married at a young age face serious health risks. Teenage girls are much more likely to die in pregnancy and childbirth than women in their twenties. In addition, childhood pregnancy increases risks of nutritional deficiencies for both mother and baby, with permanent consequences.

These risks are just as real for child marriages in the United States as they are in developing countries. For the sake of protecting children from abuse, and protecting their futures, we believe every single U.S. state must take steps to ban child marriage.

Child marriage is a violation of human rights, and comes at a cost society cannot afford. I applaud you for holding this hearing, and I encourage the Committee to pass this legislation unanimously. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, reading "Carol M. Stern". The signature is fluid and cursive, with the first name "Carol" being more prominent.

Carol M. Stern  
President and CEO  
UNICEF USA



Protecting Immigrant  
Women and Girls  
Fleeing Violence

## Testimony in **SUPPORT** of House Bill 337 (Minimum Legal Marriage Age)

Jeanne Smoot, Senior Counsel for Policy & Strategy

April 18, 2018

Dear Chairman Bentz, Vice-Chair Heffernan, and Honorable Members of the House Health & Human Development Committee:

The Tahirih Justice Center (Tahirih) is a non-profit legal advocacy organization has been serving survivors of domestic violence, sexual assault, human trafficking, and other abuses since 1997.

Tahirih has unique legal and policy expertise in forced and child marriage as U.S. problems. Through Tahirih's Forced Marriage Initiative, launched in 2011, we have worked on hundreds of cases involving women and girls nationwide. Tahirih has also compiled extensive research, including a 50-state report released in August 2017 that analyzes states' minimum marriage age laws and exceptions. The report identifies how these laws and exceptions can either help protect children from harm, or instead expose them to greater risk.<sup>i</sup>

**We submit this testimony in strong support of House Bill 337.** This important measure would build on legislative reforms Delaware initiated in 2007, when a bill was signed into law to require all minors (children under age 18)<sup>ii</sup> to petition a Family Court judge for approval to be married.

The past reforms were motivated by alarming evidence brought to legislators' attention by court officers themselves that the then-prevailing law left entirely unprotected "minors who are coerced by parents and partners into marriages that do no[t] serve their best interests." Such cases included *a pregnant 14-year-old girl compelled to marry a man 10 years her senior*.<sup>iii</sup> A civil union in these circumstances would perversely conflict with Delaware's statutory rape laws, which classify sex with anyone under age 16 as a felony, and yet it was routinely state-sanctioned.

Unfortunately, past legislative reforms did not go far enough to protect children. Among other shortcomings: there is still no firm age "floor" below which a child cannot be married so long as a judge approves; there is no court-appointed attorney to represent the child's best interests and provide her objective advice about her rights and options; and a child approved to marry remains, legally, a child, since the process does not vet her maturity and capacity to be self-supporting nor grant her full emancipation (the legal rights and status of an adult).<sup>iv</sup>

In such circumstances, as examples given in Tahirih's report and our own extensive case experience reveals, an at-risk girl remains acutely vulnerable to coercion. She can easily be threatened and intimidated into giving coached answers to a judge's questions.

We therefore applaud this bill to eliminate all exceptions in Delaware law that permit children to be married.<sup>v</sup> House Bill 337 would take a simple but powerful step to better

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protect Delaware's children, by making the legal minimum marriage age the same as the age of legal adulthood (age 18).<sup>vi</sup>

This reform will accomplish 3 critical commonsense objectives—preventing forced marriages of children; ensuring that both parties to a marriage are fully empowered to protect themselves from abuse; and preventing early marriages that put children at serious risk for devastating, lifelong consequences.

Forced marriages can happen in America for many reasons. They can arise in families and communities where parents expect to control the marriage choices of their children, and where marrying young is the norm. Some individuals are pushed to marry to prevent or address sex or pregnancy outside of marriage, or as a cover-up for rape or sexual abuse. Sometimes, an abusive dating partner will threaten or coerce an individual into marriage. In other cases, sexual predators can target, “groom,” and then pressure vulnerable girls to marry them, in order to further isolate and control them and to have round-the-clock access to them without fear of prosecution. Children can also be compelled to marry when poor, abusive or neglectful parents try to offload them on others. Some parents even seek to gain financially from such arrangements.

While both adults and children can face forced marriages, children are especially susceptible to coercion, and are particularly disempowered to advocate for themselves because of their legal status as minors. Many “escape routes” that are wide open to adults are closed, or much more challenging to access, for minors.

Without being able to exercise self-help options, minors must rely on systems-help. But minors are often reluctant to seek help due to mandatory reporting laws on child abuse. They realize that disclosing abuse could set in motion serious consequences over which they would have no control (including that their parents could go to jail or that they and their siblings could be put into foster care).

Even when minors do make a report, it may get them nowhere or even make matters worse for them. In Tahirih's experience across the country, child protective services invariably fails to investigate forced marriage allegations, typically considering it outside their mandate, or they do not take appropriate action. This can subject a girl to retaliation for reaching out, make her retreat and rescind her request for help, make it more difficult for advocates to work with her as her family monitors her more closely going forward, and/or make the family move up the date of the marriage.

In addition to addressing all these forced marriage concerns, HB 337 would ensure that any parties that do willingly marry will do so on equal legal footing, rather than leaving a minor party at such a harsh legal disadvantage in the relationship.

Of critical and equal importance, the bill will also spare girls from the domino effects of marrying underage that can dramatically heighten their vulnerability to abuse.

Up to 80% of marriages involving someone underage end in divorce, and teen mothers who marry and later divorce can be made worse-off long-term—more than twice as likely to live in future poverty—than teen mothers who do not marry. Women who marry as teens are also more likely to have more children overall and to do so more quickly, to drop out of school, to have fewer work opportunities, leading to future poverty. They also experience more medical and mental health problems, both short- and long-term.<sup>vii</sup> All this can increase their dependence and limit their options in the event of divorce or domestic violence.

In sum, there are significant and inherent child-protection concerns in every child marriage, and Delaware's current law on marriage ages does not go far enough to address these concerns.

There is a fast-growing national movement to overhaul antiquated minimum marriage age laws that put children at risk. Several states (Virginia, Texas, New York, and Kentucky) have enacted laws over the last few years that limit marriage to legal adults. Bills like HB 337 to ban child marriage are pending in New Jersey, Pennsylvania, and Louisiana, and many other states are also considering related legislative reforms. Delaware should assert its place as a leader among them by taking swift action to advance this bill now.

**The Tahirih Justice Center urges this Committee to report House Bill 337 favorably  
to end child marriage in Delaware.**

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<sup>i</sup> A full copy of Tahirih's 50-state report is available at [www.tahirih.org/childmarriagepolicy](http://www.tahirih.org/childmarriagepolicy).

<sup>ii</sup> The legal dividing line between a "child"/"minor" and an "adult" is drawn at the age of majority or "full age," which Delaware statute sets at age 18. See Del. Code Ann. title 1, § 302. Children are legally subject to parental control in many respects and do not have the same rights that adults can exercise – for example, to directly file legal actions in court, to live or work wherever they choose, or to enter binding legal contracts – and thus children have much more limited options to protect themselves from abuse or exploitation.

The fact that a petition for judicial approval of a minor's marriage has to be brought, per Del. Code Ann. title 13, § 123 (c) by a "parent, legal guardian or next friend on the minor's behalf," rather than by the minor herself, underscores just how legally disabled minors are from self-advocacy.

<sup>iii</sup> See Women's E-News, "Age of Consent Muddles Law on Marriage vs. Rape," (June 7, 2007), available at <https://womensenews.org/2007/06/age-consent-muddles-law-marriage-vs-rape/>

<sup>iv</sup> Delaware is in the minority of states (20) that do not have a defined statutory process to enable mature minors who are capable of living independently and supporting themselves to petition a court for a declaration of emancipation. See *Alone Without a Home: A State-by-State Review of Laws Affecting Unaccompanied Youth* (National Law Center for Homelessness and Poverty and The National Network for Youth: September 2012), available at [https://www.nlchp.org/Alone\\_Without\\_A\\_Home](https://www.nlchp.org/Alone_Without_A_Home), at pp. 104-118.

Judicial emancipation can be an important tool to empower minors to advocate for themselves and can help prevent forced or abusive marriages. Minors may avoid resorting to an early marriage that poses its own steep risks to health, safety and welfare if emancipation is an option instead to escape an abusive home. Emancipated minors can also take steps to protect themselves from being forced by abusive, neglectful, exploitative or unfit parents into a marriage against their will.

<sup>v</sup> Between 2000 and 2010, 200 children were married in Delaware. See statistics compiled in New York Times, "11 Years Old, a Mom, and Pushed to Marry Her Rapist in Florida" (May 26, 2017), available at <https://www.nytimes.com/>.

<sup>vi</sup> See *supra*, n. ii.

<sup>vii</sup> See specific statistics and sources cited in Tahirih Justice Center, "Child Marriage in the United States: A Serious Problem with a Simple First-Step Solution" (October 23, 2017), available at [www.tahirih.org/childmarriagepolicy](http://www.tahirih.org/childmarriagepolicy).