



## Updates – *Protecting the Girl Child*

Since releasing our 2014 *Protecting the Girl Child* report, there has been progress in strengthening national laws to better protect girls from child, early and forced marriage. Disturbingly, a few of the countries highlighted in our report, have moved backwards from the goal of increasing the minimum age of marriage to 18, without exception. These changes include:

### Progress

- **Sustainable Development Goals:** The 2015 UN Sustainable Development Goals includes a target [to end early, child and forced marriage \(target 5.3\)](#), thanks in part to advocacy by Equality Now and its partners, which all countries have agreed to do by 2030.
- **Guatemala:** In August 2017, the exception allowing children between the ages of 16-18 to marry with a judge's permission was repealed, and **now the minimum age of marriage in Guatemala is 18, with no exceptions**. In 2015, the Congress in Guatemala had passed an amendment to [raise the minimum age of marriage to 18 for both girls and boys](#) with an exception for judicial consent for 16-18 year olds.
- **India:** In April 2017, [the State of Karnataka passed an amendment](#) to the Prohibition of Child Marriage Act, 2006 (PCMA) at the state level which **declares all child marriages within this State to be illegal and void ab initio** (i.e. invalid from the outset of the marriage) in all circumstances. It is the first State in India to do so. On 11 October 2017, the Supreme Court of India ruled that the section of the Indian Penal Code which excused marital rape of minors between the ages of 15-18, unconstitutional. Going forward, a man will be charged with rape if he has intercourse with a wife who is under the age of 18.
- **Malawi:** In February 2017, the Malawian Parliament [amended the Constitution to remove the exception which allowed children between the ages of 15 and 18 to marry with parental consent](#). The ambiguous provision stating that marriage below the age of 15 was 'discouraged' by the State was also removed. This change has brought the Constitution in line with the Marriage, Divorce and Family Relations Act, 2015 which set the minimum marriage age at 18 without exceptions.
- **Chad:** In 2015, Chad's Parliament ratified a Presidential Ordinance [increasing the minimum age of marriage to 18 for both boys and girls](#). The new law also provides for criminal penalties of 5-10 years imprisonment and a fine of CFA 500,000 to 5 million for any person who compels a minor to marry, or any civil, religious or traditional authority who solemnizes such marriage.
- **Panama:** In May 2015, Panama's Government [removed a legal exception from the law which allowed girls as young as 14 to be married with parental consent](#). The minimum age of marriage is now set at 18, without exceptions.
- **Papua New Guinea:** In September 2014, the Civil Registration (Amendment) Act passed specifically **extending the polygamy ban to also include polygamous customary marriages**.

Previously, though both civil and criminal law in the country prohibited polygamy, the prohibition did not apply to customary marriages, only those conducted under civil law.

## Progress & Regress

- **Jordan:** The Government issued [new regulations](#) in 2017 to govern the exception in the law that allows children aged 15-18 to be married with a Judge's consent. Consent can only be given for now if certain conditions are met, including that **the husband should not have been married before, the girl should be allowed to continue her education, and the age difference between the parties must not be more than 15 years.** However, the new regulations unfortunately also remove the procedural requirement of obtaining the approval of the Chief Judge in addition to the consent of a judge, which could make it easier for child marriages to occur.
- **Tanzania:** On 8 July 2016, the High Court of Tanzania directed the government to set a minimum marriage age of 18 for girls -- the same as for Tanzanian boys -- within a year. In its decision, [the Court ruled that Sections 13 and 17 of the Law of Marriage Act were unconstitutional](#). Section 13 prescribed 15 as the minimum marriage age for girls and 18 for boys; section 17 requires girls (but not boys) under the age of 18 to obtain parental/guardian consent for marriage. **However, the deadline was not met as the Government is appealing the judgment.**

## Regress

- **Bangladesh:** Previously, the minimum marriage age was 18 for girls and 21 for boys, without any exceptions. However, in March 2017, the Bangladeshi Government enacted [the Child Marriage Restraint Act, 2017](#), which allows exceptions to the law. Now, **children of any age can be legally married in certain "special circumstances"**, with Court and parents/legal guardian permission. The constitutionality of this exception is currently being [challenged before the High Court](#).

## Countries in our report where there was no change to law on minimum age of marriage

- Afghanistan, Mali, Syria