

May 9, 2019

To: Pennsylvania House Committee on the Judiciary

CC: Chair Rob Kauffman, Vice Chair Tim Briggs and Distinguished Committee Members

Re: Testimony in Support of HB360: Ending Child Marriage

Honorable Chairman Kauffman,

Thank you for the opportunity to present testimony to the House Committee on the Judiciary in support of HB360 and ending child marriage in the state of Pennsylvania by amending the law to set a minimum age of marriage of 18, without exception.

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 aims to advance human rights through a comprehensive approach to the law. We work on ending child marriage in many countries, and are the co-conveners of the *National Coalition to End Child Marriage in the U.S.*

The U.S. State Department has called marriage before 18 a "human rights abuse."¹ Yet, we know 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, an estimated 248,000 children below the age of 18 were married in the United States.² A majority of these marriages were minor girls marrying adult men, often with significant age differences.³

The consequences of child marriage are severe and long-lasting, affecting girls' education, health, and physical and emotional well-being. These are well documented.⁴ When a young girl is married and

¹ United States Global Strategy to Empower Adolescent Girls, *available at* <https://www.state.gov/documents/organization/254904.pdf>.

² Unchained at Last, "Child Marriage – Shocking Statistics" *available at* <http://www.unchainedatlast.org/child-marriage-shocking-statistics/>.

³ Anjali Tsui, Dan Nolan and Chris Amico, "Child Marriage in America: By the Numbers" (PBS Frontline, July 6, 2017), *available at* <http://apps.frontline.org/child-marriage-by-the-numbers/>

⁴ See Equality Now. *Protecting the Girl Child: Using the Law to end child, early and forced marriage and related human rights violations*, 2014, *available at* https://www.equalitynow.org/sites/default/files/Protecting_the_Girl_Child.pdf

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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.⁵

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.⁶ 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. Even if a girl were to appear to give her consent, this should be seen in the context of societal norms, family pressure and lack of other options. In most other contexts, being a child would render a girl unable to give informed consent. Children cannot enter into other binding contracts in U.S. law. Consent of a child should never be accepted as a rationale for continuing to permit her ongoing abuse as a child bride.

On a related note, we also recommend amendment of 18 Pa.C.S.A. § 3122.1., which provides a marital exception to the crime of statutory rape of children under the age of consent (age 16). This provision fails to protect minors from being raped in marriage. This loophole needs to be closed to protect children from ongoing sexual violence.

We hope Pennsylvania will show leadership in protecting girls from child, early and forced marriage and the related human rights violations. We urge you to support HB360.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shelby Quast', with a stylized flourish at the end.

Shelby Quast,
Americas Director, Equality Now

⁵ Council on Foreign Relations report, Ending Child Marriage, 1 May 2013, available at <http://www.cfr.org/children/ending-child-marriage/p30734>

⁶ International Covenant on Civil and Political Rights, Article 23.