

111TH CONGRESS  
1ST SESSION

# H. R. 2103

To protect girls in developing countries through the prevention of child marriage, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 2009

Ms. MCCOLLUM (for herself, Mrs. CAPPS, Ms. CORRINE BROWN of Florida, Ms. JACKSON-LEE of Texas, Mr. OBERSTAR, Ms. LEE of California, Mrs. MALONEY, Ms. WATSON, Mrs. TAUSCHER, Mr. HONDA, Mr. HINCHEY, Mr. MOORE of Kansas, Mr. MCGOVERN, Mr. BISHOP of Georgia, Mr. MORAN of Virginia, Mr. ELLISON, Mr. FILNER, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. DELAURO, Mr. CARNAHAN, Mr. FARR, Ms. ESHOO, Mr. MCNERNEY, Ms. SCHAKOWSKY, Mr. WALZ, Mr. CROWLEY, Mr. HASTINGS of Florida, and Ms. MOORE of Wisconsin) introduced the following bill; which was referred to the Committee on Foreign Affairs

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## A BILL

To protect girls in developing countries through the prevention of child marriage, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “International Pro-  
5 tecting Girls by Preventing Child Marriage Act of 2009”.

### 6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1           (1) Child marriage, also known as “forced mar-  
2           riage” or “early marriage”, is a harmful traditional  
3           practice that deprives girls of their dignity and  
4           human rights.

5           (2) Child marriage as a traditional practice, as  
6           well as through coercion or force, is a violation of ar-  
7           ticle 16 of the Universal Declaration of Human  
8           Rights, which states, “Marriage shall be entered into  
9           only with the free and full consent of intending  
10          spouses.”.

11          (3) According to the United Nations Children’s  
12          Fund (UNICEF), an estimated 60,000,000 girls in  
13          developing countries now ages 20–24 were married  
14          under the age of 18, and if present trends continue  
15          more than 100,000,000 more girls in developing  
16          countries will be married as children over the next  
17          decade, according to the Population Council.

18          (4) Child marriage “treats young girls as prop-  
19          erty” and “poses grave risks not only to women’s  
20          basic rights but also their health, economic inde-  
21          pendence, education, and status in society”, accord-  
22          ing to the Department of State in 2005.

23          (5) In 2005, the Department of State con-  
24          ducted a world-wide survey and found child marriage  
25          to be a concern in 64 out of 182 countries surveyed,

1 with child marriage most common in sub-Saharan  
2 Africa and parts of South Asia.

3 (6) In Ethiopia's Amhara region, about half of  
4 all girls are married by age 14 with 95 percent not  
5 knowing their husbands before marriage, 85 percent  
6 unaware they were to be married, and 70 percent re-  
7 porting their first sexual initiation within marriage  
8 taking place before their first menstrual period, ac-  
9 cording to a 2004 Population Council survey.

10 (7) In some areas of northern Nigeria, 45 per-  
11 cent of girls are married by age 15 and 73 percent  
12 by age 18, with age gaps between girls and the hus-  
13 bands averaging between 12 and 18 years.

14 (8) Between half and three-quarters of all girls  
15 are married before the age of 18 in the following  
16 countries: Niger, Chad, Mali, Bangladesh, Guinea,  
17 the Central African Republic, Mozambique, Burkina  
18 Faso, and Nepal, according to Demographic Health  
19 Survey data.

20 (9) Factors perpetuating child marriage include  
21 poverty, a lack of educational or employment oppor-  
22 tunities for girls, parental concerns to ensure sexual  
23 relations within marriage, the dowry system, and the  
24 perceived lack of value of girls.

1           (10) Child marriage has negative effects on  
2 girls' health, including significantly increased risk of  
3 maternal death and morbidity, infant mortality and  
4 morbidity, obstetric fistula, and sexually transmitted  
5 diseases, including HIV/AIDS.

6           (11) According to the United States Agency for  
7 International Development (USAID), increasing the  
8 age at first birth for a woman will increase her  
9 chances of survival. Currently, pregnancy and child-  
10 birth complications are the leading cause of death  
11 for women 15 to 19 years old in developing coun-  
12 tries.

13           (12) In developing countries, girls 15 years of  
14 age are five times more likely to die in childbirth  
15 than women in their 20s.

16           (13) Child marriage can result in bonded labor  
17 or enslavement, commercial sexual exploitation, and  
18 violence against the victims, according to UNICEF.

19           (14) Out-of-school or unschooled girls are at  
20 greater risk of child marriage while girls in school  
21 face pressure to withdraw from school when sec-  
22 ondary school requires monetary costs, travel, or  
23 other social costs, including lack of lavatories and  
24 supplies for menstruating girls and increased risk of  
25 sexual violence.

1           (15) In Mozambique 60 percent of girls with no  
2           education are married by age 18, compared to 10  
3           percent of girls with secondary schooling and less  
4           than 1 percent of girls with higher education.

5           (16) According to UNICEF, in 2005 it was es-  
6           timated that “about half of girls in Sub-Saharan Af-  
7           rica who drop out of primary school do so because  
8           of poor water and sanitation facilities”.

9           (17) UNICEF reports that investments in im-  
10          proving school sanitation resulted in a 17 percent in-  
11          crease in school enrollment for girls in Guinea and  
12          an 11 percent increase for girls in Bangladesh.

13          (18) Investments in girls’ schooling, creating  
14          safe community spaces for girls, and programs for  
15          skills building for out-of-school girls are all effective  
16          and demonstrated strategies for preventing child  
17          marriage and creating a pathway to empower girls  
18          by addressing conditions of poverty, low status, and  
19          norms that contribute to child marriage.

20          (19) Most countries with high rates of child  
21          marriage have a legally established minimum age of  
22          marriage, yet child marriage persists due to strong  
23          traditional norms and the failure to enforce existing  
24          laws.

1           (20) In Afghanistan, where the legal age of  
2           marriage for girls is 16 years, 57 percent of mar-  
3           riages involve girls below the age of 16, including  
4           girls younger than 10 years, according to the United  
5           Nations Children’s Fund (UNICEF).

6           (21) Secretary of State Hillary Clinton has  
7           stated that “child marriage is a clear and unaccept-  
8           able violation of human rights, and that the Depart-  
9           ment of State denounces all cases of child marriage  
10          as child abuse”.

11 **SEC. 3. SENSE OF CONGRESS.**

12          It is the sense of Congress that—

13               (1) child marriage is a violation of human  
14               rights and the prevention and elimination of child  
15               marriage should be a foreign policy goal of the  
16               United States;

17               (2) the practice of child marriage undermines  
18               United States investments in foreign assistance to  
19               promote education and skills building for girls, re-  
20               duce maternal and child mortality, reduce maternal  
21               illness, halt the transmission of HIV/AIDS, prevent  
22               gender-based violence, and reduce poverty; and

23               (3) expanding educational opportunities for  
24               girls, economic opportunities for women, and reduc-  
25               ing maternal and child mortality are critical to

1 achieving the Millennium Development Goals and  
2 the global health and development objectives of the  
3 United States, including efforts to prevent HIV/  
4 AIDS.

5 **SEC. 4. ASSISTANCE TO PREVENT THE INCIDENCE OF**  
6 **CHILDHOOD MARRIAGE IN DEVELOPING**  
7 **COUNTRIES.**

8 (a) ASSISTANCE AUTHORIZED.—The President is au-  
9 thorized to provide assistance, including through multilat-  
10 eral, nongovernmental, and faith-based organizations, to  
11 prevent the incidence of child marriage in developing coun-  
12 tries and to promote the educational, health, economic, so-  
13 cial, and legal empowerment of girls and women as part  
14 of the strategy established pursuant to section 5 to pre-  
15 vent child marriage in developing countries.

16 (b) PRIORITY.—In providing assistance authorized  
17 under subsection (a), the President shall give priority to—

18 (1) areas or regions in developing countries in  
19 which 15 percent of girls under the age of 15 are  
20 married or 40 percent of girls under the age of 18  
21 are married; and

22 (2) activities to—

23 (A) expand and replicate existing commu-  
24 nity-based programs that are successful in pre-  
25 venting the incidence of child marriage;

1 (B) establish pilot projects to prevent child  
2 marriage; and

3 (C) share evaluations of successful pro-  
4 grams, program designs, experiences, and les-  
5 sons.

6 (c) COORDINATION.—Assistance authorized under  
7 subsection (a) shall be integrated with existing United  
8 States programs for advancing appropriate age and grade-  
9 level basic and secondary education through adolescence,  
10 ensure school enrollment and completion for girls, health,  
11 income generation, agriculture development, legal rights,  
12 and democracy building and human rights, including—

13 (1) support for community-based activities that  
14 encourage community members to address beliefs or  
15 practices that promote child marriage and to edu-  
16 cate parents, community leaders, religious leaders,  
17 and adolescents of the health risks associated with  
18 child marriage and the benefits for adolescents, es-  
19 pecially girls, of access to education, health care,  
20 livelihood skills, microfinance, and savings programs;

21 (2) enrolling girls in primary and secondary  
22 school at the appropriate age and keeping them in  
23 age-appropriate grade levels through adolescence;



1           (3) reducing education fees, and enhancing safe  
2           and supportive conditions in primary and secondary  
3           schools to meet the needs of girls, including—

4                 (A) access to water and suitable hygiene  
5                 facilities, including separate lavatories and la-  
6                 trines for girls;

7                 (B) assignment of female teachers;

8                 (C) safe routes to and from school; and

9                 (D) eliminating sexual harassment and  
10                other forms of violence and coercion;

11           (4) ensuring access to health care services and  
12           proper nutrition for adolescent girls, which is essen-  
13           tial to both their school performance and their eco-  
14           nomic productivity;

15           (5) increasing training for adolescent girls and  
16           their parents in financial literacy and access to eco-  
17           nomic opportunities, including livelihood skills, sav-  
18           ings, microfinance, and small-enterprise develop-  
19           ment;

20           (6) supporting education, including through  
21           community and faith-based organizations and youth  
22           programs, that helps remove gender stereotypes and  
23           the bias against girls used to justify child marriage,  
24           especially efforts targeted at men and boys, pro-  
25           motes zero tolerance for violence, and promotes gen-

1 der equality, which in turn help to increase the per-  
2 ceived value of girls;

3 (7) creating peer support and female mentoring  
4 networks and safe social spaces specifically for girls;  
5 and

6 (8) supporting local advocacy work to provide  
7 legal literacy programs at the community level and  
8 ensure that governments and law enforcement offi-  
9 cials are meeting their obligations to prevent child  
10 and forced marriage.

11 **SEC. 5. STRATEGY TO PREVENT CHILD MARRIAGE IN DE-**  
12 **VELOPING COUNTRIES.**

13 (a) STRATEGY REQUIRED.—The President, acting  
14 through the Secretary of State, shall establish a multi-year  
15 strategy to prevent child marriage in developing countries  
16 and promote the empowerment of girls at risk of child  
17 marriage in developing countries, including by addressing  
18 the unique needs, vulnerabilities, and potential of girls  
19 under 18 in developing countries.

20 (b) CONSULTATION.—In establishing the strategy re-  
21 quired by subsection (a), the President shall consult with  
22 Congress, relevant Federal departments and agencies,  
23 multilateral organizations, and representatives of civil so-  
24 ciety.

1 (c) ELEMENTS.—The strategy required by subsection  
2 (a) shall—

3 (1) focus on areas in developing countries with  
4 high prevalence of child marriage; and

5 (2) encompass diplomatic initiatives between  
6 the United States and governments of developing  
7 countries, with attention to human rights, legal re-  
8 forms and the rule of law, and programmatic initia-  
9 tives in the areas of education, health, income gen-  
10 eration, changing social norms, human rights, and  
11 democracy building.

12 (d) REPORT.—Not later than 180 days after the date  
13 of the enactment of this Act, the President shall transmit  
14 to Congress a report that includes—

15 (1) the strategy required by subsection (a);

16 (2) an assessment, including data disaggregated  
17 by age and gender to the extent possible, of current  
18 United States-funded efforts to specifically assist  
19 girls in developing countries; and

20 (3) examples of best practices or programs to  
21 prevent child marriage in developing countries that  
22 could be replicated.

23 **SEC. 6. RESEARCH AND DATA COLLECTION.**

24 The Secretary of State shall work through the Ad-  
25 ministrator of the United States Agency for International

1 Development and any other relevant agencies of the De-  
2 partment of State, and in conjunction with relevant execu-  
3 tive branch agencies as part of their ongoing research and  
4 data collection activities, to—

5 (1) collect and make available data on the inci-  
6 dence of child marriage in countries that receive for-  
7 eign or development assistance from the United  
8 States where the practice of child marriage is preva-  
9 lent; and

10 (2) collect and make available data on the im-  
11 pact of the incidence of child marriage and the age  
12 at marriage on progress in meeting key development  
13 goals.

14 **SEC. 7. DEPARTMENT OF STATE'S COUNTRY REPORTS ON**  
15 **HUMAN RIGHTS PRACTICES.**

16 The Foreign Assistance Act of 1961 is amended—

17 (1) in section 116 (22 U.S.C. 2151n), by add-  
18 ing at the end the following new subsection:

19 “(g) The report required by subsection (d) shall in-  
20 clude for each country in which child marriage is prevalent  
21 at rates at or above 40 percent in at least one sub-national  
22 region, a description of the status of the practice of child  
23 marriage in such country. In this subsection, the term  
24 ‘child marriage’ means the marriage of a girl or boy, not

1 yet the minimum age for marriage stipulated in law in  
2 the country in which such girl or boy is a resident.”; and

3 (2) in section 502B (22 U.S.C. 2304), by add-  
4 ing at the end the following new subsection:

5 “(i) The report required by subsection (b) shall in-  
6 clude for each country in which child marriage is prevalent  
7 at rates at or above 40 percent in at least one sub-national  
8 region, a description of the status of the practice of child  
9 marriage in such country. In this subsection, the term  
10 ‘child marriage’ means the marriage of a girl or boy, not  
11 yet the minimum age for marriage stipulated in law in  
12 the country in which such girl or boy is a resident.”.

13 **SEC. 8. DEFINITION.**

14 In this Act, the term “child marriage” means the  
15 marriage of a girl or boy, not yet the minimum age for  
16 marriage stipulated in law in the country in which the girl  
17 or boy is a resident.

18 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

19 To carry out this Act and the amendments made by  
20 this Act, there are authorized to be appropriated as such  
21 sums as necessary for fiscal years 2010 through 2014.

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