

Calendar No. 412

112TH CONGRESS
2^D SESSION

S. 414

[Report No. 112-170]

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 17, 2011

Mr. DURBIN (for himself, Ms. SNOWE, Mrs. BOXER, Mr. CARDIN, Mr. BROWN of Massachusetts, Mrs. FEINSTEIN, Mr. WHITEHOUSE, Mr. MENENDEZ, Mr. LAUTENBERG, Mr. JOHNSON of South Dakota, Mr. SCHUMER, Ms. MIKULSKI, Mr. MERKLEY, Ms. KLOBUCHAR, Mr. UDALL of Colorado, Mrs. SHAHEEN, Ms. LANDRIEU, Mr. TESTER, Mr. COCHRAN, Ms. COLLINS, Mrs. GILLIBRAND, Mr. BEGICH, Mr. ISAKSON, Mr. WICKER, Mr. LIEBERMAN, Mr. CASEY, Mr. HARKIN, Mrs. MCCASKILL, Mr. BLUMENTHAL, Mr. SANDERS, Mr. BROWN of Ohio, Mrs. MURRAY, Mr. LEAHY, Mr. COONS, Mr. ROBERTS, and Mr. FRANKEN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

MAY 23, 2012

Reported by Mr. KERRY, without amendment

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “International Pro-
3 tecting Girls by Preventing Child Marriage Act of 2011”.

4 **SEC. 2. FINDINGS.**

5 Congress makes the following findings:

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

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

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

23 (4) Between $\frac{1}{2}$ and $\frac{3}{4}$ of all girls are married
24 before the age of 18 in Niger, Chad, Mali, Ban-
25 gladesh, Guinea, the Central African Republic, Mo-

1 zambique, Burkina Faso, and Nepal, according to
2 Demographic Health Survey data.

3 (5) Factors perpetuating child marriage include
4 poverty, a lack of educational or employment oppor-
5 tunities for girls, parental concerns to ensure sexual
6 relations within marriage, the dowry system, and the
7 perceived lack of value of girls.

8 (6) Child marriage has negative effects on the
9 health of girls, including significantly increased risk
10 of maternal death and morbidity, infant mortality
11 and morbidity, obstetric fistula, and sexually trans-
12 mitted diseases, including HIV/AIDS.

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

20 (8) Most countries with high rates of child mar-
21 riage 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 (9) Secretary of State Hillary Clinton has stat-
2 ed that child marriage is “a clear and unacceptable
3 violation of human rights”, and that “the Depart-
4 ment of State categorically denounces all cases of
5 child marriage as child abuse”.

6 (10) According to an International Center for
7 Research on Women analysis of Demographic and
8 Health Survey data, areas or regions in developing
9 countries in which 40 percent or more of girls under
10 the age of 18 are married are considered high-preva-
11 lence areas for child marriage.

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

19 **SEC. 3. CHILD MARRIAGE DEFINED.**

20 In this Act, the term “child marriage” means the
21 marriage of a girl or boy, not yet the minimum age for
22 marriage stipulated in law in the country in which the girl
23 or boy is a resident or, where there is no such law, under
24 the age of 18.

1 **SEC. 4. SENSE OF CONGRESS.**

2 It is the sense of Congress that—

3 (1) child marriage is a violation of human
4 rights, and the prevention and elimination of child
5 marriage should be a foreign policy goal of the
6 United States;

7 (2) the practice of child marriage undermines
8 United States investments in foreign assistance to
9 promote education and skills building for girls, re-
10 duce maternal and child mortality, reduce maternal
11 illness, halt the transmission of HIV/AIDS, prevent
12 gender-based violence, and reduce poverty; and

13 (3) expanding educational opportunities for
14 girls, economic opportunities for women, and reduc-
15 ing maternal and child mortality are critical to
16 achieving the Millennium Development Goals and
17 the global health and development objectives of the
18 United States, including efforts to prevent HIV/
19 AIDS.

20 **SEC. 5. STRATEGY TO PREVENT CHILD MARRIAGE IN DE-**
21 **VELOPING COUNTRIES.**

22 (a) ASSISTANCE AUTHORIZED.—

23 (1) IN GENERAL.—The President is authorized
24 to provide assistance, including through multilateral,
25 nongovernmental, and faith-based organizations, to
26 prevent the incidence of child marriage in developing

1 countries through the promotion of educational,
2 health, economic, social, and legal empowerment of
3 girls and women.

4 (2) PRIORITY.—In providing assistance author-
5 ized under paragraph (1), the President shall give
6 priority to—

7 (A) areas or regions in developing coun-
8 tries in which 40 percent or more of girls under
9 the age of 18 are married; and

10 (B) activities to—

11 (i) expand and replicate existing com-
12 munity-based programs that are successful
13 in preventing the incidence of child mar-
14 riage;

15 (ii) establish pilot projects to prevent
16 child marriage; and

17 (iii) share evaluations of successful
18 programs, program designs, experiences,
19 and lessons.

20 (b) STRATEGY REQUIRED.—

21 (1) IN GENERAL.—The President shall establish
22 a multi-year strategy to prevent child marriage and
23 promote the empowerment of girls at risk of child
24 marriage in developing countries, which should ad-

1 dress the unique needs, vulnerabilities, and potential
2 of girls under age 18 in developing countries.

3 (2) CONSULTATION.—In establishing the strat-
4 egy required by paragraph (1), the President shall
5 consult with Congress, relevant Federal departments
6 and agencies, multilateral organizations, and rep-
7 resentatives of civil society.

8 (3) ELEMENTS.—The strategy required by
9 paragraph (1) shall—

10 (A) focus on areas in developing countries
11 with high prevalence of child marriage;

12 (B) encompass diplomatic initiatives be-
13 tween the United States and governments of
14 developing countries, with attention to human
15 rights, legal reforms, and the rule of law;

16 (C) encompass programmatic initiatives in
17 the areas of education, health, income genera-
18 tion, changing social norms, human rights, and
19 democracy building; and

20 (D) be submitted to Congress not later
21 than one year after the date of the enactment
22 of this Act.

23 (c) REPORT.—Not later than three years after the
24 date of the enactment of this Act, the President should
25 submit to Congress a report that includes—

1 (1) a description of the implementation of the
2 strategy required by subsection (b);

3 (2) examples of best practices or programs to
4 prevent child marriage in developing countries that
5 could be replicated; and

6 (3) an assessment, including data disaggregated
7 by age and sex to the extent possible, of current
8 United States funded efforts to specifically prevent
9 child marriage in developing countries.

10 (d) COORDINATION.—Assistance authorized under
11 subsection (a) shall be integrated with existing United
12 States development programs.

13 (e) ACTIVITIES SUPPORTED.—Assistance authorized
14 under subsection (a) may be made available for activities
15 in the areas of education, health, income generation, agri-
16 culture development, legal rights, democracy building, and
17 human rights, including—

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

1 (2) support for activities to educate girls in pri-
2 mary and secondary school at the appropriate age
3 and keeping them in age-appropriate grade levels
4 through adolescence;

5 (3) support for activities to reduce education
6 fees and enhance safe and supportive conditions in
7 primary and secondary schools to meet the needs of
8 girls, including—

9 (A) access to water and suitable hygiene
10 facilities, including separate lavatories and la-
11 trines for girls;

12 (B) assignment of female teachers;

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

14 (D) eliminating sexual harassment and
15 other forms of violence and coercion;

16 (4) support for activities that allow adolescent
17 girls to access health care services and proper nutri-
18 tion, which is essential to both their school perform-
19 ance and their economic productivity;

20 (5) assistance to train adolescent girls and their
21 parents in financial literacy and access economic op-
22 portunities, including livelihood skills, savings,
23 microfinance, and small-enterprise development;

24 (6) support for education, including through
25 community and faith-based organizations and youth

1 programs, that helps remove gender stereotypes and
2 the bias against girls used to justify child marriage,
3 especially efforts targeted at men and boys, pro-
4 motes zero tolerance for violence, and promotes gen-
5 der equality, which in turn help to increase the per-
6 ceived value of girls;

7 (7) assistance to create peer support and female
8 mentoring networks and safe social spaces specifi-
9 cally for girls; and

10 (8) support for local advocacy work to provide
11 legal literacy programs at the community level to en-
12 sure that governments and law enforcement officials
13 are meeting their obligations to prevent child and
14 forced marriage.

15 **SEC. 6. RESEARCH AND DATA.**

16 It is the sense of Congress that the President and
17 all relevant agencies should, as part of their ongoing re-
18 search and data collection activities—

19 (1) collect and make available data on the inci-
20 dence of child marriage in countries that receive for-
21 eign or development assistance from the United
22 States where the practice of child marriage is preva-
23 lent; and

24 (2) collect and make available data on the im-
25 pact of the incidence of child marriage and the age

1 at marriage on progress in meeting key development
2 goals.

3 **SEC. 7. DEPARTMENT OF STATE'S COUNTRY REPORTS ON**
4 **HUMAN RIGHTS PRACTICES.**

5 The Foreign Assistance Act of 1961 is amended—

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

8 “(g) The report required by subsection (d) shall in-
9 clude, for each country in which child marriage is preva-
10 lent, a description of the status of the practice of child
11 marriage in such country. In this subsection, the term
12 ‘child marriage’ means the marriage of a girl or boy, not
13 yet the minimum age for marriage stipulated in law or
14 under the age of 18 if no such law exists, in the country
15 in which such girl or boy is a resident.”; and

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

18 “(j) The report required by subsection (b) shall in-
19 clude, for each country in which child marriage is preva-
20 lent, a description of the status of the practice of child
21 marriage in such country. In this subsection, the term
22 ‘child marriage’ means the marriage of a girl or boy, not
23 yet the minimum age for marriage stipulated in law or
24 under the age of 18 if no such law exists, in the country
25 in which such girl or boy is a resident.”.

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