

110TH CONGRESS
1ST SESSION

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To reduce child marriage, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 3, 2007

Mr. DURBIN (for himself, Mr. HAGEL, Mrs. FEINSTEIN, Mrs. CLINTON, Mr. DODD, Mrs. MURRAY, and Mr. JOHNSON) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To reduce 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 Child
5 Marriage Prevention and Protection Act of 2007”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) Research shows that child marriage in de-
9 veloping nations is often associated with adverse eco-
10 nomic and social consequences and is dangerous to
11 the health, security, and well-being of girls and det-

1 rimental to the economic development of commu-
2 nities.

3 (2) The issue of child marriage is interwoven
4 with broader social and cultural issues and is most
5 effectively addressed as a development challenge
6 through integrated, community-based approaches to
7 promote and support girls' education and skill-build-
8 ing and healthcare, legal rights, and awareness for
9 girls and women.

10 (3) As Charlotte Ponticelli, Senior Coordinator
11 for International Women's Issues for the Depart-
12 ment of State, stated on September 14, 2005: "It is
13 unconscionable that in the 21st century girls as
14 young as 7 or 8 can be sold as brides. There is no
15 denying that extreme poverty is the driving factor
16 that has enabled the practice to continue, even in
17 countries where it has been outlawed...We need to
18 be shining the spotlight on early marriage and its
19 underlying causes...We must continue to do every-
20 thing we can to ensure that girls have every oppor-
21 tunity to become agents of change and to expand the
22 'realm of what is possible' for their societies and the
23 world at large."

1 (4) The severity of the adverse impact of child
2 marriage increases as the age at marriage and first
3 childbirth decreases.

4 (5) A Department of State survey in 2005
5 found that child marriage was a concern in 64 out
6 of 182 countries surveyed and that the practice is
7 especially acute in sub-Saharan Africa and South
8 Asia.

9 (6) According to the United Nations Children's
10 Fund, in Ethiopia and in parts of West Africa mar-
11 riage at the age of 7 or 8 is not uncommon.

12 (7) In developing countries, girls aged 10 to 14
13 who become pregnant are 5 times more likely to die
14 in pregnancy or childbirth than women aged 20 to
15 24.

16 (8) Girls in sub-Saharan Africa are at much
17 higher risk of suffering obstetric fistula.

18 (9) According to the Department of State:
19 "Pregnancy at an early age often leads to obstetric
20 fistulae and permanent incontinence. In Ethiopia,
21 treatment is available at only 1 hospital in Addis
22 Ababa that performs over 1,000 fistula operations a
23 year. It estimates that for every successful operation
24 performed, 10 other young women need the treat-
25 ment. The maternal mortality rate is extremely high

1 due, in part, to food taboos for pregnant women,
2 poverty, early marriage, and birth complications re-
3 lated to FGM [Female Genital Mutilation], espe-
4 cially infibulation.”.

5 (10) Adolescents are at greater risk of com-
6 plications during childbirth that can lead to fistula
7 because they have less access to health care and are
8 subject to other significant risk factors related to the
9 mother’s physical immaturity.

10 (11) In nearly every case of obstetric fistula,
11 the baby will be stillborn.

12 (12) The physical symptoms of obstetric fistula
13 include incontinence or constant uncontrollable leak-
14 ing of urine or feces, frequent bladder infections, in-
15 fertility, and foul odor. The condition often leads to
16 the desertion of fistula sufferers by husbands and
17 family members and extreme social stigma.

18 (13) Although data on obstetric fistula are
19 scarce, the World Health Organization (WHO) esti-
20 mates that there are more than 2,000,000 women
21 living with fistula and 50,000 to 100,000 new cases
22 each year. These figures are based on the number of
23 women who seek medical care. Many more suffer
24 from the disabling condition.

1 (14) Adolescent girls are more susceptible than
2 mature women to sexually transmitted infections, in-
3 cluding HIV, due to both biological and social fac-
4 tors.

5 (15) Research in several countries with high
6 rates of HIV infection indicates that married girls
7 are at greater risk for HIV than their unmarried
8 peers.

9 (16) Child marriage can have additional long-
10 term consequences when combined with female gen-
11 ital cutting because the girls who have undergone
12 that procedure can experience greater complications
13 during pregnancy, leading to lasting health problems
14 for themselves and their children.

15 (17) Child marriage is a leading barrier to girls'
16 education in certain developing countries.

17 (18) A high incidence of child marriage under-
18 mines the efforts of developing countries and donor
19 countries, including the United States, to promote
20 economic and social development.

21 (19) The causes of child marriage include pov-
22 erty, custom, and the desire to protect girls from vi-
23 olence or premarital sexual relations.

24 (20) Child marriage may also be a product of
25 gender violence in which a man abducts and rapes

1 a girl and then, sometimes through negotiations with
2 traditional leaders, negotiates a settlement with the
3 girl's parents, including marriage to the victim.

4 (21) The practice of child marriage is consid-
5 ered a "harmful traditional practice" by the United
6 Nations Children's Fund.

7 (22) The Convention on Consent to Marriage,
8 Minimum Age for Marriage, and Registration of
9 Marriages, adopted at the United Nations, Decem-
10 ber 10, 1962, requires the parties to the Convention
11 to overcome all "customs, ancient laws, and prac-
12 tices by ensuring complete freedom in the choice of
13 a spouse, eliminating completely child marriages and
14 the betrothal of young girls before the age of pu-
15 berty".

16 (23) The African Charter on the Rights and
17 Welfare of the Child, which entered into force in
18 1990, provides that "child marriage and the be-
19 trothal of girls and boys shall be prohibited and ef-
20 fective action, including legislation, shall be taken to
21 specify the minimum age of marriage to be eighteen
22 years".

23 (24) In Ethiopia, Girls' Activity Committees,
24 community-based groups formed to support girls in
25 school and advocate for girls' education, have con-

1 ducted community awareness and informational
2 campaigns, enlisted the assistance of traditional clan
3 and religious leaders, discouraged families from
4 practicing child marriage, encouraged girls' school
5 attendance, and taken steps to reduce gender-based
6 violence and create safer environments for girls en
7 route to or from school and in the classroom.

8 (25) Recognizing the importance of the issue
9 and the effects of child marriage, the Senior Coordi-
10 nator for International Women's Issues of the De-
11 partment of State initiated an effort in 2005 to col-
12 lect and assess information on the incidence of child
13 marriage and on the existence and effectiveness of
14 initiatives funded by the United States to reduce the
15 incidence of child marriage or the negative effects of
16 child marriage and to measure the need for addi-
17 tional programs.

18 **SEC. 3. DEFINITIONS.**

19 In this Act:

20 (1) ADMINISTRATOR.—The term “Adminis-
21 trator” means the Administrator of the Agency.

22 (2) AGENCY.—Except as otherwise provided in
23 this Act, the term “Agency” means the United
24 States Agency for International Development.

1 (3) CHILD MARRIAGE.—The term “child mar-
2 riage” means the legal or traditional marriage of a
3 girl or boy who has not yet reached the minimum
4 age for marriage stipulated in law in the country of
5 which they are a citizen.

6 (4) DEVELOPING NATION.—The term “devel-
7 oping nation” means any nation eligible to receive
8 assistance from the International Development Asso-
9 ciation or the International Bank for Reconstruction
10 and Development.

11 (5) HIV.—The term “HIV” has the meaning
12 given that term in section 3 of the United States
13 Leadership Against HIV/AIDS, Tuberculosis, and
14 Malaria Act of 2003 (22 U.S.C. 7602).

15 (6) HIV/AIDS.—The term “HIV/AIDS” has
16 the meaning given that term in section 3 of the
17 United States Leadership Against HIV/AIDS, Tu-
18 berculosis, and Malaria Act of 2003 (22 U.S.C.
19 7602).

20 (7) OBSTETRIC FISTULA.—The term “obstetric
21 fistula” means a rupture or hole in tissues sur-
22 rounding the vagina, bladder, or rectum that occurs
23 during prolonged, obstructed childbirth.

24 (8) RELEVANT EXECUTIVE BRANCH AGEN-
25 CIES.—The term “relevant executive branch agen-

cies” means the Department of State, the Agency, the Department of Health and Human Services, and any other department or agency of the United States, including the Millennium Challenge Corporation, that is involved in implementing international health or development policies and programs of the United States.

(9) SECRETARY.—Except as otherwise provided in this Act, the term “Secretary” means the Secretary of State.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the untapped economic and educational potential of girls and women in many developing nations represent an enormous loss to those societies;

(2) expanding educational opportunities for girls and economic opportunities for women and reducing maternal and child mortality are critical to the achievement of internationally recognized health and development goals and of many global health and development objectives of the United States, including efforts to prevent HIV/AIDS;

(3) since child marriage is a leading barrier to the continuation of girl’s education in many developing countries, it is important to integrate this

1 issue into new and existing United States-funded ef-
 2 forts to promote education, strengthen legal rights
 3 and legal awareness, reduce gender-based violence,
 4 and promote skill-building and economic opportuni-
 5 ties for girls and young women in regions with a
 6 high incidence of child marriage; and

7 (4) effective community-based efforts to reduce
 8 and move toward the elimination of child marriage
 9 as part of an integrated strategy to promote girls'
 10 education and empowerment will yield long-term
 11 dividends in the health and economic sectors in de-
 12 veloping countries.

13 **SEC. 5. DEVELOPMENT OF CHILD MARRIAGE PREVENTION**
 14 **STRATEGY.**

15 (a) **REQUIREMENTS FOR STRATEGY.**—The Secretary
 16 shall develop a comprehensive strategy, taking into ac-
 17 count the work of the relevant executive branch agencies,
 18 to reduce the incidences of child marriage around the
 19 world by further integrating this issue into existing and
 20 planned relevant United States development efforts.

21 (b) **REPORT ON STRATEGY.**—

22 (1) **REQUIREMENT FOR REPORT.**—Not later
 23 than 180 days after the date of enactment of this
 24 Act, the Secretary shall submit to Congress a report
 25 on the strategy described in subsection (a), including

1 a discussion of the elements described in paragraph
2 (2).

3 (2) REPORT ELEMENTS.—The elements re-
4 ferred to in paragraph (1) are the following:

5 (A) A description of existing or potential
6 approaches to prevent child marriage and ad-
7 dress the vulnerabilities of populations who may
8 be at risk of child marriage.

9 (B) A description of programs funded by
10 the United States that address child marriage,
11 and an assessment of the impact of such pro-
12 grams in the areas of health, education, and ac-
13 cess to economic opportunities, including micro-
14 finance programs.

15 (C) A description of programs funded by
16 the United States that are intended to prevent
17 obstetric fistula.

18 (D) A description of programs funded by
19 the United States that support the surgical
20 treatment of obstetric fistula.

21 (E) A description of the impact of child
22 marriage on the United States efforts to assist
23 in achieving the goals set out in the United Na-
24 tions Millennium Declaration adopted by the
25 United Nations General Assembly on Sep-

tember 8, 2000 (resolution 55/2), including specifically the impact on efforts to—

- (i) eliminate gender disparity in primary and secondary education;
- (ii) reduce child mortality;
- (iii) improve maternal health; and
- (iv) combat HIV/AIDS, tuberculosis, malaria, and other disease.

(F) A description of the impact of child marriage on achieving the purposes set out in section 602 of the Millennium Challenge Act of 2003 (22 U.S.C. 7701).

(G) A description of how the issue of child marriage can best be integrated into existing or planned United States programs to promote girls' education and skill-building, healthcare, legal rights and awareness, and other relevant programs in developing nations.

(c) REPORT ON CHILD MARRIAGE.—Not later than 2 years after the date of the enactment of this Act, the Secretary, in consultation with other appropriate officials, shall submit to the Committees on Foreign Relations and Appropriations of the Senate and the Committees on Foreign Affairs and Appropriations of the House of Representatives a report that describes—

1 (1) United States assistance programs that ad-
 2 dress child marriage;

3 (2) the impact of child marriage on maternal
 4 mortality and morbidity and on infant mortality in
 5 countries in which child marriage is prevalent;

6 (3) the projected effect of such programs on in-
 7 creasing the age of marriage, reducing maternal
 8 mortality and morbidity, reducing the incidence of
 9 obstetric fistula, reducing the incidence of domestic
 10 violence, increasing girls' access to and completion of
 11 primary and secondary education, reducing the inci-
 12 dence of early childbearing, and reducing HIV infec-
 13 tion rates among married and unmarried adoles-
 14 cents;

15 (4) the scale and scope of the practice of child
 16 marriage in developing nations; and

17 (5) the status of efforts by the government of
 18 each developing nation with a high incidence of child
 19 marriage to eliminate such practices.

20 **SEC. 6. AUTHORIZATION OF ASSISTANCE TO REDUCE**
 21 **INCIDENCES OF CHILDHOOD MARRIAGE AND**
 22 **OBSTETRIC FISTULA.**

23 The President is authorized to provide assistance, in-
 24 cluding through international, nongovernmental, or faith-
 25 based organizations or through direct assistance to a re-

1 cipient country, for programs to reduce the incidences of
2 child marriage and promote the empowerment of girls and
3 young woman. Such assistance may include—

4 (1) improving the access of girls and young
5 women in developing nations to primary and sec-
6 ondary education and vocational training;

7 (2) supporting community education activities
8 to educate parents, community leaders, and adoles-
9 cents of the health risks associated with child mar-
10 riage and the benefits for adolescents, especially
11 girls, of access to education, health care, employ-
12 ment, microfinance, and savings programs;

13 (3) supporting community-based organizations
14 in encouraging the prevention or delay of child mar-
15 riage and its replacement with other non-harmful
16 rites of passage;

17 (4) increasing access of women to economic op-
18 portunities, including microfinance and small enter-
19 prise development;

20 (5) supporting efforts to prevent gender-based
21 violence;

22 (6) improving access of adolescents to adequate
23 health care;

1 (7) supporting programs to promote educational
2 and economic opportunities and access to health care
3 for adolescents who are already married;

4 (8) supporting the surgical repair of fistula, in-
5 cluding the creation or expansion of centers for the
6 treatment of fistula in countries with high rates of
7 fistula, and the care, support, and transportation of
8 persons in need of such surgery; and

9 (9) supporting efforts to reduce incidences of
10 fistula, including programs to increase access to
11 skilled birth attendants, and to promote access to
12 family planning where desired by local communities.

13 **SEC. 7. RESEARCH AND DATA COLLECTION.**

14 The Secretary shall work through the Agency and
15 any other relevant agencies of the Department of State,
16 and in conjunction with relevant executive branch agencies
17 as part of their ongoing research and data collection ac-
18 tivities, to—

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. 8. HUMAN RIGHTS REPORT.**

4 The Secretary shall include in the Department of
5 State's Annual Country Reports on Human Rights Prac-
6 tices a section for each country where child marriage is
7 prevalent, outlining the status of the practice of child mar-
8 riage in that country.

9 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS AND OTHER**
10 **FUNDING.**

11 There are authorized to be appropriated to carry out
12 the provisions of this Act, and the amendments made by
13 this Act, in addition to funds otherwise available for such
14 purposes, amounts as follows:

15 (1) \$15,000,000 for fiscal year 2008.

16 (2) \$20,000,000 for fiscal year 2009.

17 (3) \$25,000,000 for fiscal year 2010.

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