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MARRIAGE**Too Young To Tie The Knot**

BY JULIA ALANEN

On August 12, 2014, the American Bar Association's House of Delegates passed a Resolution denouncing forced marriage.¹ ABA Resolution and Report 112B:

■ Recognizes that forced marriage is practiced in the United States;

¹ See, Forced Marriage FAQs, Global Justice Initiative, Inc. (2008).

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■ Condemns forced marriage as a form of violence and a fundamental human rights violation;

■ Urges governments at all levels to amend or enact laws to prevent forced marriages and protect victims;

■ Promotes specialized training for key responders, such as judges, prosecutors, law enforcement, child protection authorities, victim-witness advocates, and attorneys; and

■ Calls for collaboration with experts at direct services and advocacy organizations to develop victim-centered remedies and resources.²

Coming at a pivotal time, when our Government has yet to take a definitive stand against forced marriage in the United States, Resolution 112B represents a clear call to action.

Harmful Marriage Customs Are Not Strictly a Developing World Phenomenon

*Cultural acceptance does not mean this is acceptable. It's not part of my or anyone's culture to be abused.*³ —Jasvinder Sanghera, forced marriage survivor

A 2011 national study conducted by the Tahirih Justice Center uncovered as many as 3,000 cases of forced

² Resolution and Report 112B, American Bar Association, passed 12 August 2014.

³ Homa Khaleeli, *Summer is a Dangerous Time For Those at Risk of Forced Marriage*, Guardian (Aug. 4, 2011), <http://www.guardian.co.uk/lifeandstyle/2011/aug/04/summer-dangerous-forced-marriage>.

marriage across 47 states in the preceding two years, alone.⁴ Although numerous forced marriages have made the news, most Americans continue to perceive forced marriage as a practice that impacts only distant others in developing countries.⁵

The consequences of forced marriage can be devastating and enduring. Often, the bride is an adolescent girl and the groom a significantly older man.⁶ Once a girl marries, she is expected to consummate the union and reproduce. Girls who refuse or resist risk being beaten or raped. The power dynamics characteristic of underage marriages leave many child brides without the sway to negotiate for safe sex or control over the number and spacing of their babies. Other common consequences of forced marriage include curtailed education, reduced autonomy, servile marriage conditions, domestic violence, sexual assault, and even suicide.⁷ Af-

ter her marriage is consummated, a young wife may be perceived as permanently “ruined” within the ethnic community with which she identifies. Even if she succeeds in annulling the marriage, she will likely be ostracized by her family and regarded as unmarriageable.⁸ Some families resort to violence or even murder to punish girls who are perceived to have shamed themselves and dishonored their families by resisting or fleeing a forced marriage.⁹ Perhaps the least acknowledged harm associated with forced marriage is the inherent deprivation of dignity, equality, and self-determination that renders forced marriage an intrinsic human rights violation, regardless of whether the victim suffers physical or psychological harm.¹⁰

A Question of Consent

*Your yes is only as good as your ability to say no.*¹¹
—Marai Larasi

Notwithstanding Hollywood’s best efforts to conflate arranged and forced marriages—think *Brave* or *Fiddler on the Roof*—these traditions are distinguishable by the presence or absence of a single factor: *mutual consent*. Free, full, and informed consent is the bedrock of every human being’s fundamental right to choose whether, when, and whom to marry.¹² The term “forced marriage” describes circumstances where one or both

humiliating, and controlling behavior. See *Oxfordshire Nat’l Health Serv. (NHS)*, <http://www.forcedmarriage.nhs.uk/definitions.asp> (last visited July 31, 2009). Some additional indicators of forced marriage include: “Appointments are often missed; The person appears frightened, excessively anxious or depressed; The person is always accompanied when attending a consultation; Injuries are inconsistent with the explanation of the cause of accident; The partner appears aggressive and overly dominant/the woman is passive and afraid; Worsening academic performance; Absence or poor attendance at school, college or work; Depression; Self harm; Eating disorders; Regular visits to the GP with no obvious illness or reason; Attempted suicide. . . [and/or] patients experience physical injury (often disguised as accidents) or emotional trauma resulting in depression, suicide or self-harm.”

⁸ *8-year-old Girl Shunned by Family after Rape Sparks Outcry*, USA TODAY, July 24, 2009, http://www.usatoday.com/news/nation/2009-07-24-arizona-children-assault_N.htm?csp=usat.me.

⁹ *Forced Marriage in Immigrant Communities*, *supra* note 3, at 3 (“Almost half of respondents (46%) who provided information on particular tactics used against victims reported that victims had been subjected to actual physical violence. 13 respondents also reported murder attempts among the forced marriage cases they encountered, and 1 respondent reported an actual murder.”).

¹⁰ Neglecting to address this fundamental principle does victims a grave disservice, and sends the profoundly misguided message that forced marriage is acceptable, so long as no ancillary harms flow there from.

¹¹ Marai Larasi, Director, Imkaan, Presentation at Tahirih Justice Center Policy Briefing: What Can the United States Learn from the United Kingdom’s Experiences with Forced Marriage? (Mar. 2, 2012).

¹² For a summary of international instruments addressing marriage rights, see Julia Alanen, *International Instruments Establishing Marriage Rights*, Global Justice Initiative (Aug. 6, 2010), <http://globaljusticeinitiative.files.wordpress.com/2010/08/marriage-rights-international-instruments-in-pdf.pdf>. See also, UN CEDAW and CRC Recommendations on Minimum Age of Marriage Laws around the World, Equality Now (November 2013), http://www.equalitynow.org/sites/default/files/UN_Committee_Recommendations_on_Minimum_Age_of_Marriage_Laws.pdf.

⁴ *Forced Marriage in Immigrant Communities in the United States: 2011 National Survey Results*, Tahirih Justice Center (2011). <http://www.tahirih.org/2014/07/u-s-failure-to-commit-to-ending-forced-marriage-here-at-home-a-missed-opportunity/>. The victims/survivors identified represented 56 different countries of origin and many diverse religious backgrounds, including Muslim, Christian (which includes Catholic, Baptist, Evangelical, and Jehovah’s Witness), Hindu, Buddhist, Sikh, Jewish, Indigenous Faith, and Shamanism. See, footnote ix.

⁵ See, *Selling Brides: Native Mexican Custom or Crime?*, Ioan Grillo, TIME (February 1, 2009), available at <http://content.time.com/time/printout/0,8816,1876102,00.html>; *Harrowing tales of sex slaves in NYC*, Mail Online (Oct. 4, 2011), <http://www.dailymail.co.uk/news/article-2045254/Forced-marriage-raped-shocking-survey-reveals-plight-thousands-women-United-States.html>; *David Schwartz, Phoenix Police Arrest Iraqi Woman for Burning Daughter*, Reuters (February 16, 2012), available at <http://www.reuters.com/article/2012/02/16/us-crime-arizona-iraqi-idUSTRE81F29K20120216>; See also, *Document shows father threatened life of Iraqi girl*, CBS5 (February 16, 2012), available at <http://www.kpho.com/story/16952271/document-shows-father-threatened-life-of-iraqi-daughter>; *Elissa Wall Speaks Out About Her ‘Stolen Innocence’*, Joseph Diaz, ABC news (May 16, 2008), available at <http://abcnews.go.com/2020/story?id=4863899&page=1>. See also http://www.huffingtonpost.com/elissa-wall/warren-jeffs-flds-church_b_102195.html.

⁶ This Article addresses primarily forced marriage of girls under the age of eighteen. In so doing, it is not the author’s intent to detract from forced marriage of boys, or adult men and women, circumstances equally deserving of advocacy. The U.S. State Department’s forced marriage guidance estimates that, “as many as fifteen percent [of forced marriage victims] are male.” U.S. DEP’T OF STATE, *Foreign Affairs Manual*, 7 FAM 1741(a) (2005), <http://www.state.gov/documents/organization/86822.pdf>. But, as Imkaan director Marai Larasi aptly observes, forced marriage impacts males differently than females. Male victims retain freedom of movement and association in a way that females typically do not. Marai Larasi, Director, Imkaan, Presentation at Tahirih Justice Center Policy Briefing: What Can the United States Learn from the United Kingdom’s Experiences with Forced Marriage? (Mar. 2, 2012). Although gender norms frequently render women and girls particularly vulnerable to harmful marriage practices, it is critical that remedies and resources developed to combat forced and early marriage address all victim demographics.

⁷ Many of the behavioral indicators of forced marriage resemble indicators of domestic violence: physical and sexual abuse; threatening behavior; isolation and imprisonment; abduction; psychological and social pressure, including emotional blackmail; restrictions on lifestyle such as limitations on movement, association, dress code, education, and career choices; oppressive financial control; and other demeaning,

spouses enter into or remain in a marital union against their will, under physical force or psychological duress, or without free and valid consent. Both *forced* and *arranged* marriages are typically brokered by the intended spouses' parents or other family members, community elders, religious leaders, matchmakers, or international marriage brokers. But, in an "arranged marriage," while both parties freely agree to receive assistance from a third party to identify a prospective spouse, the ultimate decision of whether, when, and whom to marry rests entirely with the bride and groom.¹³

Social and cultural dynamics can profoundly impact minors' decisionmaking and undermine the validity of marital consent. For example, a girl whose family hails from a country or community with laws or social norms that severely marginalize females may feel powerless to assert her dissent to an unwanted marriage.¹⁴ Exposure to mainstream Western culture and institutions does not necessarily empower girls to stand up to parents and elders bound by different norms. The Western cultural tendency to emphasize individualism and individual rights contrasts starkly with many cultures' conception of the individual strictly in the context of her membership or kinship role in an extended family or community. A South African woman, Nomagugu Ngobese, aptly articulated this tension between rights and culture: "Human rights are individual rights, which is not the way for us. We live communally."¹⁵ Decision-making can be highly structured and designated to elders, religious leaders, or male heads of family.¹⁶ An individual raised in a communal cultural context may not be accustomed to or comfortable asserting personal needs, fears, and desires that conflict with those of other group members, particularly in their presence.¹⁷

¹³ See, Forced Marriage FAQs, Global Justice Initiative, Inc. (2008).

¹⁴ Julia Alanen, *When Human Rights Conflict: Mediating International Parental Kidnapping Disputes Involving the Domestic Violence Defense*, 40 U. MIAMI INTER-AM. L. REV. 49, 65-66 (2008) ("Numerous states' legal systems severely marginalize women and children. Divorce, or female-initiated divorce, is prohibited. Women's and children's travel and movement are restricted or linked to the permission of male guardians. Women and children are treated as chattel of male partners or other male family members. Maternal custody of children of a certain age-range is precluded. Women are denied property rights and prohibited from working, and are therefore unable to independently support themselves and their dependents.") [hereinafter Alanen, *When Human Rights Conflict*].

¹⁵ Karin Brulliard, *Zulus Eagerly Defy Ban on Virginity Test*, WASH. POST, Sept. 26, 2008, at A1, <http://www.washingtonpost.com/wp-dyn/content/article/2008/09/25/AR2008092504625.html>.

¹⁶ Alanen, *When Human Rights Conflict*, *supra* note 18, at 98.

¹⁷ *Id.* And, according to Jeanne Smoot, "In forced marriage cases arising in immigrant communities, it is striking just how much of the old world is carried to the new. While some of these dynamics and drivers may change when a family immigrates to a new host country, they may simply manifest themselves in different ways . . . [T]hey still inform the family's understanding and framework for what's acceptable and even what's "moral", right, and in a child's best interests." Written Statement from Jeanne Smoot, Director of Public Policy at Tahiri Justice Center, to Author (Apr. 22, 2012) (on file with author). Similar dynamics impact girls raised in profoundly isolated settings, such as some religious communities whose

Even in a highly individualistic culture, a child's inclination to please and defer to her parents' wishes can render her consent to marry illusory. Subtle or overt cultural and parent-child dynamics can place an intended spouse of *any* age or gender in a position that forces her or him to choose between coerced consent and a culturally inappropriate, possibly dangerous, confrontation. An underage bride who lacks the maturity to comprehend the unmitigated nature and consequences of marrying or her right to withhold consent, understands all too well the nature and gravity of the consequences for refusing her parents' directive to marry.

According to the UN Division for the Advancement of Women, all "child marriages are considered to be forced marriages," because "a child under the age of 18 is not capable of giving their valid consent to enter into marriage."¹⁸ The United Nations International Children's Emergency Fund ("UNICEF") has urged all nations to establish 18 as the absolute minimum legal age for marriage, stating that, "Marriage before the age of 18 is a fundamental violation of human rights."¹⁹ Yet, in the U.S., every state still permits adolescents to wed. A minor may lawfully marry with parental or judicial consent or, in some states, proof of pregnancy,²⁰ and only a handful of states have criminalized the act of forcing a minor to marry against her will.²¹

Marital consent is a sticky concept in the United States. Inconsistent state laws governing consent to adolescent sex and marriage can yield absurd results, leaving girls exceptionally vulnerable to exploitation.²² For example, a state's statutory rape law might deem that a 13-year-old girl lacks, *per se*, the maturity to lawfully consent to sex with her 17-year-old boyfriend, while that very same state's marriage law permits her to marry a 57-year-old man and then lawfully consum-

members are confined to a compound and discouraged from having unsupervised contact with the outside world.

¹⁸ Cheryl Thomas, *Forced and Early Marriage: a Focus on central and Eastern Europe and Former Soviet Union Countries with Selected Laws from other Countries*, United Nations Division for the Advancement of Women, EGM/GPLHP/2009/EP.08, 19 June 2009, footnote 1, available at http://www.un.org/womenwatch/daw/egm/gplhp/2009/Expert%20Paper%20EGMGPLHP%20_Cheryl%20Thomas%20revised_.pdf.

¹⁹ See, *Child marriage is a violation of human rights, but is all too common*, The United Nations International Children's Emergency Fund (UNICEF), available at <http://data.unicef.org/child-protection/child-marriage> (last visited August 13, 2014).

²⁰ Note that pregnancy—one basis for underage marriage in some jurisdictions—can occur once a girl begins menstruating. Although the average age to commence menstruation in North America is 11 or 12, some girls begin menstruating as young as age 9 or 10. There are rare reported cases involving pregnancies as early as age 5 to 8. See, Peru: Little Mother, TIME (December 16, 2957), <http://www.webcitation.org/5iJ7D1EHq>.

²¹ See, Julia Alanen, *Forced Marriage Laws of the U.S. States and Territories* (October 20, 2011), <http://globaljusticeinitiative.files.wordpress.com/2011/12/forced-marriage-laws-of-the-us-states-alanen.pdf>. Note that criminalization as a means to address forced marriage remains a hotly debated topic among forced marriage experts and advocates.

²² See, Julia Alanen, *Shattering the Silence Surrounding Forced and Early Marriage in the United States*, Children's Legal Rights Journal, Vol. 32, No. 2 (Summer 2012), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2143910.

mate the union.²³ And, in a state that restricts same-sex marriage to adult partners (age 18 or older) while simultaneously permitting underage marriage between opposite-sex partners, that same 13-year-old girl who could lawfully marry the 57-year-old man is legally precluded from marrying an 18-year-old woman.²⁴ According to a report published by the Guttmacher Institute, “Statutory rape laws are based on the premise that until a person reaches a certain age, that individual is legally incapable of consenting to sexual intercourse.”²⁵ Yet, in the process of establishing a minimum legal age for consent to marriage, lawmakers appear to abandon the compelling public policy considerations underlying the establishment of a minimum legal age for consent to sex.²⁶

The Case for Proscribing Underage Marriage

When 10-year-old Nujood Ali petitioned a Yemeni court to dissolve her marriage, the Judge scolded, “We don’t divorce little girls.” To which Nujood replied, “But how come you allow little girls to get married?”²⁷

Why, indeed? Banning underage marriage is a surprisingly controversial proposition. “Who are we to prevent a pregnant teen or a pair of star-crossed young lovers from exchanging marital vows,” the argument goes?²⁸ Romeo and Juliet’s tragic double suicide was not the result of unduly burdensome marriage restrictions, but proof positive of teens’ inherent immaturity. UNICEF describes the teenage years as a critical devel-

opmental stage; adolescents are still “[learning] to marshal their thoughts, measure their impulses and think abstractly.”²⁹ The determination of the age at which minors may lawfully consent to engage in a particular activity (be it alcohol consumption, smoking, operating a motor vehicle, voting, military service, sexual activity or marriage) typically turns upon an assessment of the minimum level of physical and mental maturity required to ensure that minors’ participation is appropriate, voluntary, and informed. According to Stop Violence Against Women, a project of The Advocates for Human Rights, “[P]hysical development does not connote maturity, particularly when social and mental development is still in progress.”³⁰ The Convention on the Rights of the Child (CRC) sets forth that, “Children should be protected from all forms of sexual exploitation including unlawful sexual activity.”³¹

In the New York case of *People v. Dozier*, 72 A.D.2d 478, 483 (N.Y. 1980), the court cited the state’s interest in preventing forced marriage as one rationale behind statutory rape laws and a minimum age for consent to sex. The court underscored adolescents’ absolute lack of capacity to consent to sex:

“Adolescence is a period of physical and emotional turbulence, a time when patterns of behavior are laid down, when environmental stimuli of all sorts must be integrated into a workable sense of self, when sensuality is being defined and fears elaborated, when pleasure confronts security and impulse encounters control . . . In short, adolescence is a time of discovery and experience. The vulnerability of so significant a segment of our society during such a sensitive period of its development imposes a responsibility upon the State to assure that what should be a normal and natural experience does not for the unprepared become a *raison de regretter*, physically or emotionally.”³²

The court in *In re Commissioner of Social Services on Behalf of Leslie C.*, 614 N.Y.S.2d 855, 860 (N.Y. Fam. Ct. 1994), echoed the *Dozier* court’s commitment to preventing forced marriage, emphasizing the detrimental effects of teen pregnancy: “[P]remature parenthood, forced marriage . . . and the need for medical or psychological treatment, must invariably be faced when chil-

²³ See Hannah Cartwright, *Legal Age of Consent for Marriage and Sex in the 50 United States*, Global Justice Initiative (Aug. 21, 2011), <http://globaljusticeinitiative.files.wordpress.com/2011/12/united-states-age-of-consent-table11.pdf>; see also *Marriage Laws*, Legal Info. Inst., http://topics.law.cornell.edu/wex/table_marriage (last visited Apr. 4, 2012).

²⁴ NH RSA 457:4, stating: “Marriageable—No male below the age of 14 years and no female below the age of 13 years shall be capable of contracting a valid marriage that is entered into by one male and one female, and all marriages contracted by such persons shall be null and void. No male below the age of 18 and no female below the age of 18 shall be capable of contracting a valid marriage between persons of the same gender, and all marriages contracted by such persons shall be null and void.” 1907, 80:1. PL 286:4. RL 338:4. 2009, 59:2, eff. Jan. 1, 2010.

²⁵ Patricia Donovan, *Can Statutory Rape Laws Be Effective in Preventing Adolescent Pregnancy?* 29 *Family Planning Perspectives* 1 (Jan./Feb. 1996), <http://www.guttmacher.org/pubs/journals/2903097.html>.

²⁶ Marriages between first cousins—not uncommon in the forced marriage context—are prohibited in a number of states, based on reproductive concerns tied to close consanguinity. See, *State Laws Regarding Marriages between First Cousins*, National Conference of State Legislatures, available at <http://www.ncsl.org/research/human-services/state-laws-regarding-marriages-between-first-cousi.aspx>. However, consanguinity can be difficult to prove to a legal standard, and an annulment is cold comfort for an underage bride who has been raped, beaten, or otherwise abused.

²⁷ Evelyn Leopold, “We Don’t Divorce Little Girls,” *Said the Judge*. “But How Come You Allow Little Girls to Get Married?” *Said the Little Girl*, Huff. Post World (Jan. 1, 2012), http://www.huffingtonpost.com/evelyn-leopold/we-dont-divorce-little-gi_b_1176877.html.

²⁸ A more valid argument may be: “if we ban underage marriage, won’t determined parents and teens simply conduct the forbidden nuptials overseas?” Some will. But we’d hardly suggest U.S. states legalize teen drinking simply because a Tijuana bar would serve our kids a beer.

²⁹ *Adolescence: A Time That Matters*, The United Nations International Children’s Emergency Fund (UNICEF) 7 (2002), http://www.unicef.org/publications/index_4266.html.pdf.

³⁰ *Establishing a Minimum Age for Consent*, Stop Violence Against Women: Project of the Advocates for Human Rights, http://www.stopvaw.org/establishing_a_minimum_age_for_consent.html (last visited Apr. 4, 2012).

³¹ United Nations Convention on the Rights of the Child, pmbl., 28 I.L.M. 1448 (Nov. 20, 1989). The CRC defines a “child” as anyone less than 18 years of age.

³² *Id.* The court cites forced marriage as one possible negative consequence of adolescent intercourse: “Forced marriage . . . abortion, the need for medical treatment and precipitate withdrawal from school are just some of the considerations which often have to be faced, so it can be discerned that the state’s concern stems from more than a dogmatic insistence on appropriate adolescent behavior.” *Id.* at 483. Unfortunately, the *Dozier* court does not concern itself with teen girls older than age sixteen: “The state has a legitimate concern that females sixteen years and younger do not become pregnant or suffer physical injury, and as a result, find themselves facing practical problems for which their youth has not prepared them.” *Id.* at 482–83.

dren bear children.”³³ While our courts have cited preventing forced marriage as a basis for criminalizing certain adolescent sexual activity, they have yet to cite preventing adolescent sexual activity as a basis for proscribing forced marriage.

A minor’s willingness to marry—or her parents’ willingness to consent thereto—are not, *per se*, evidence that the minor has achieved sufficient physical and psychological maturity or life experience to fully appreciate the legal ramifications and practical consequences of sex and marriage. The presumption that parental consent somehow validates or obviates the minor’s consent to marry is a fallacy. If a minor is of an age where she is deemed to lack the maturity to *independently* consent to marry, then she lacks the maturity to marry at all, and her parents’ consent is inconsequential. Adolescent sex that is defined for compelling public policy reasons as nonconsensual *per se*, based on minors’ intrinsic lack of capacity to give free, full, and informed consent, cannot reasonably be rendered consensual solely by virtue of a wedding ceremony.

States’ antiquated marriage laws, designed to prevent minors from marrying against their parents’ wishes, frequently fail to prevent parents from forcing their children into unwanted marriages. An oft-articulated principle in the international human rights context is: “in all cases the interests of the child shall be paramount.”³⁴ This notion—that a child’s rights may supersede her parents’ rights—is pivotal to the movement to eliminate forced marriage of minors. The responsibilities and potential consequences of marriage are simply too grave and enduring to be assumed by any means other than the free, full, and informed consent of two adults. State legislators should be urged to reform their state’s marriage laws so that kids can no longer tie the knot.³⁵

³³ However, the court focused upon the consequences of extramarital sex involving girls under age seventeen: “This Court recognizes there are sound social policy reasons underlying the public policy of discouraging sexual intercourse among unwed females under the age of seventeen.” *Id.*

³⁴ United Nations Convention on the Elimination of All Forms of Discrimination Against Women, art. 16(d), 16(f) (Sept. 3, 1981) [hereinafter CEAFDW]. For historical background and international sources of children’s rights, see Geneva Declaration of the Rights of the Child, O.J. Spec. Ed. (21) 43, League of Nations, Sept. 26, 1924, available at <http://www.un-documents.net/gdrc1924.htm>; United Nations Convention on the Rights of the Child, pmb., 28 I.L.M. 1448 (Nov. 20, 1989) [hereinafter CRC]; Universal Declaration of Human Rights, G.A. Res. 217A, U.N. GAOR, 3d Sess., UN Doc. A/810 (Dec. 10 1948) [hereinafter UDHR]; International Covenant on Civil and Political Rights, G.A. Res. 2200A (XXI), U.N. GAOR, 21st Sess., Supp. No. 16, U.N. Doc. A/6316 (Dec. 16, 1966) [hereinafter ICCPR]; International Covenant on Economic, Social and Cultural Rights, G.A. Res. 2200, U.N. GAOR, 21st Sess., UN Doc. A/6316 (Dec. 16, 1966) [hereinafter ICESCR].

³⁵ What else can you do to fight forced marriage? Organize a CLE event to educate fellow legal professionals and other responders about forced marriage; urge professional societies (e.g., your state’s bar association, the ABA, the Uniform Law Commission) to adopt a formal position against underage marriage; keep your eyes peeled for possible forced marriage cases in your own practice; take on a forced marriage case *pro bono* and seek expert legal technical assistance. For more information, laws, and resources on forced marriage, visit Global Justice Initiative at <http://globaljusticeinitiative.wordpress.com/forced-marriage-2/forced-marriage-resources/>.

U.S. Must Lead by Example

*There can be no keener revelation of a society’s soul than the way in which it treats its children.*³⁶ — Nelson Mandela

At this summer’s inaugural global Girl Summit,³⁷ the U.S. Government—a champion and funder of foreign countries’ efforts to eliminate forced marriage of minors—failed to commit to fight this harmful practice in the homeland. The ambitious aim of Girl Summit, co-hosted by the UK Government and UNICEF, is to mobilize domestic and international efforts to eradicate child, early, and forced marriage (CEFM) worldwide within a generation.³⁸ Girl Summit participant, Senior Counsel for Policy and Strategy at Tahirih Justice Center, Jeanne Smoot, observed:

“Today marked a missed opportunity for the United States to join the UK, Canada, and many other Western countries that have taken up the problem in earnest and are working toward solutions to protect and support girls and women inside their borders who are at risk of forced marriage . . . The U.S. government’s failure to speak to the incidence and impact of forced marriage in the U.S., and the need to address this serious human rights abuse right here at home, was . . . disappointing.”³⁹

In its Foreign Affairs Manual, the U.S. State Department emphatically denounces forced marriage as “a violation of basic human rights” and, where a minor is involved, “a form of child abuse, since the child will presumably be subjected to non-consensual sex.”⁴⁰ Former Secretary Clinton routinely champions the cause overseas,⁴¹ and the U.S. Agency for International Development (USAID) recently dedicated \$4.8M in foreign aid to combat child marriage.⁴² The thrice-defeated International Protecting Girls by Preventing Child Marriage Act,⁴³ proposing U.S. action to eradicate early marriage in developing countries, included neither provisions nor parallel legislation to tackle the problem here at home. As the United States takes measures to combat harmful marriage practices abroad, we

³⁶ Transcript of speech at the launch of the Nelson Mandela Children’s Fund at Mahlamba Ndlopfu, Pretoria, South Africa on May 8, 1995, http://db.nelsonmandela.org/speeches/pub_view.asp?ItemID=NMS250&txtstr=Mahlamba&pg=item.

³⁷ Girl Summit 2014, <http://www.gov.uk/government/topical-events/girl-summit-2014>.

³⁸ *The Fight Against Child Marriage*, U.S. DEP’T OF STATE’S OFFICIAL BLOG (Feb. 7, 2011), http://blogs.state.gov/index.php/site/entry/fight_against_child_marriage.

³⁹ *U.S. Failure to Commit to Ending Forced Marriage Here at Home a Missed Opportunity*, Tahirih Justice Center (July 22, 2014), <http://www.tahirih.org/2014/07/u-s-failure-to-commit-to-ending-forced-marriage-here-at-home-a-missed-opportunity/>.

⁴⁰ Forced Marriage, Foreign Affairs Manual, U.S. Department of State, <http://www.state.gov/documents/organization/86822.pdf>.

⁴¹ *Secretary Clinton Launches New Public and Private Initiatives To Raise the Status of Girls Fact Sheet*, Office of Global Women’s Issues (October 10, 2012), <http://www.state.gov/s/gwi/rls/other/2012/198768.htm>.

⁴² *US announces \$4.8M for projects against child marriages*, CNN IBM Live (July 23, 2014), <http://ibnlive.in.com/news/us-announces-48-million-for-projects-against-child-marriages/487717-2.html>.

⁴³ H.R. 6087, International Protecting Girls by Preventing Child Marriage Act of 2012, <https://www.govtrack.us/congress/bills/112/hr6087>.

must lead by example by acknowledging and addressing harmful marriage laws and customs within our own borders.