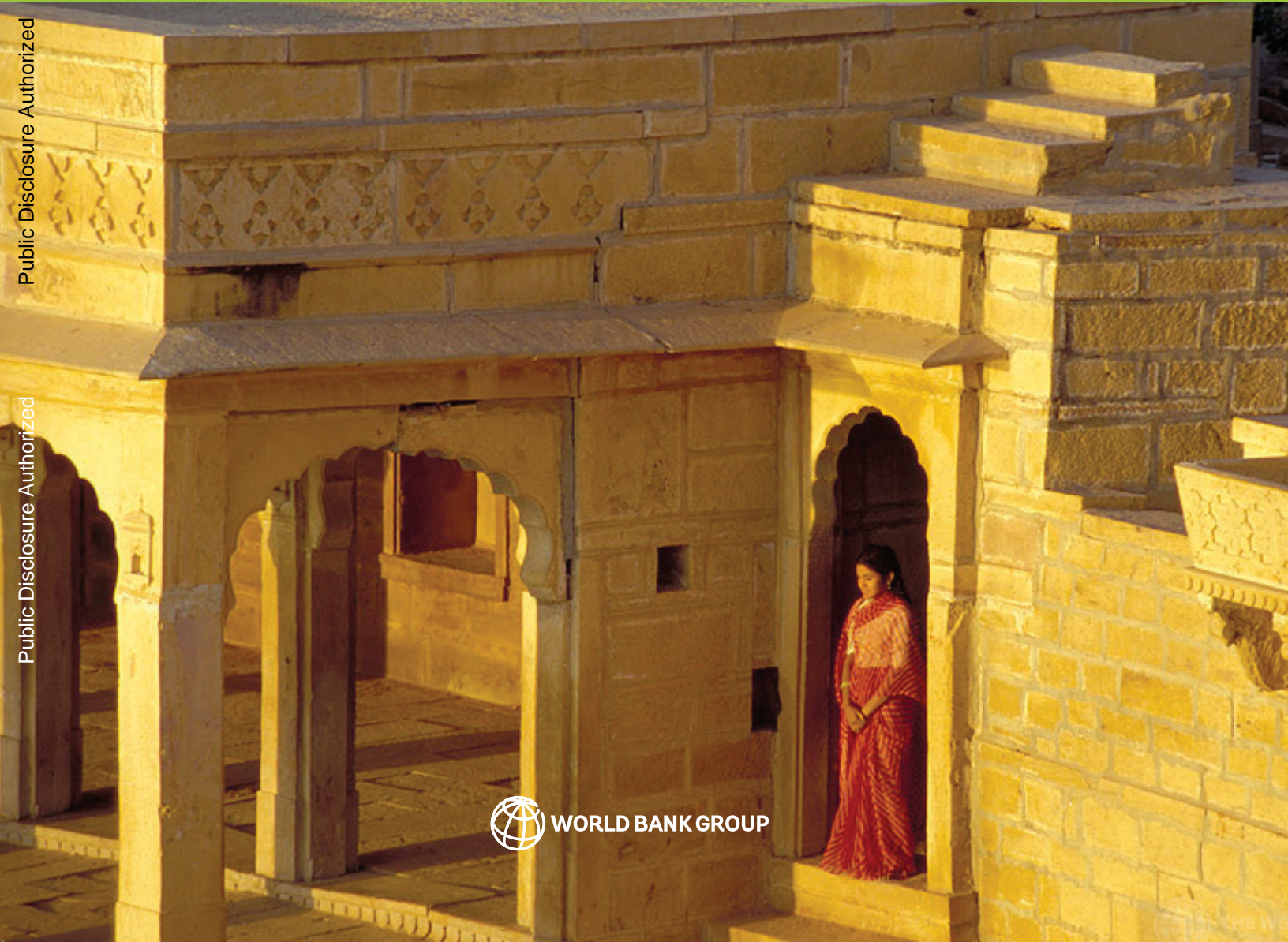




Compendium of International and National Legal Frameworks on Child Marriage

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Compendium of International and National Legal Frameworks on Child Marriage

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COMPENDIUM OF INTERNATIONAL AND NATIONAL LEGAL FRAMEWORK ON CHILD MARRIAGE

Table of Contents

| | |
|---|-----------|
| ACKNOWLEDGEMENTS | 9 |
| DISCLAIMERS AND LIMITATIONS | 12 |
| INTRODUCTION | 15 |
| ABBREVIATIONS | 17 |
| WORKING DEFINITIONS | 18 |
| 1. GLOBAL LEGAL FRAMEWORK | 19 |
| 1.1 THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, 1948 | 19 |
| 1.2 THE SUPPLEMENTARY CONVENTION ON THE ABOLITION OF SLAVERY, THE SLAVE TRADE AND INSTITUTIONS AND PRACTICES SIMILAR TO SLAVERY, 1956 | 19 |
| 1.3 INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, 1966 | 19 |
| 1.4 INTERNATIONAL CONVENTION ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, 1976 | 20 |
| 1.5 CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN, 1979 | 21 |
| 1.6 CONVENTION ON THE RIGHTS OF THE CHILD, 1989 | 22 |
| 1.7 CONVENTION ON CONSENT TO MARRIAGE, MINIMUM AGE FOR MARRIAGE AND REGISTRATION OF MARRIAGES | 23 |
| 1.8 UN HUMAN RIGHTS COUNCIL RESOLUTION, STRENGTHENING EFFORTS TO PREVENT AND ELIMINATE CHILD, EARLY AND FORCED MARRIAGE, JULY 2015 | 24 |
| 2. REGIONAL LEGAL FRAMEWORK | 24 |
| 2.1 EUROPEAN CONVENTION ON HUMAN RIGHTS, 1950 | 24 |
| 2.2 AMERICAN CONVENTION ON HUMAN RIGHTS, 1969 | 24 |
| 2.3. AFRICAN CHARTER ON HUMAN AND PEOPLE’S RIGHTS, 1981 | 25 |
| 2.4. PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLES’ RIGHTS ON THE RIGHTS OF WOMEN IN AFRICA (MAPUTO PROTOCOL), 2003 | 26 |
| 2.5. THE SADC PROTOCOL ON GENDER AND DEVELOPMENT, 2008 | 26 |
| 2.6. AFRICAN CHARTER ON THE RIGHTS AND WELFARE OF THE CHILD, 1990 | 26 |
| 2.7. ARAB CHARTER ON HUMAN RIGHTS, 2008 | 26 |
| 2.8 SOUTH ASIAN ASSOCIATION FOR REGIONAL COOPERATION (SAARC) CONVENTION ON REGIONAL ARRANGEMENTS FOR THE PROMOTION OF CHILD WELFARE IN SOUTH ASIA | 27 |
| 2.9 SOUTH ASIAN ASSOCIATION FOR REGIONAL COOPERATION (SAARC) CONVENTION ON PREVENTING AND COMBATting TRAFFICKING IN WOMEN AND CHILDREN FOR PROSTITUTION | 27 |

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| | |
|------------------------------------|-----------|
| 3) NATIONAL LEGAL FRAMEWORK | 27 |
| 3.1 AFRICA | 27 |
| 3.1.1 ANGOLA | 27 |
| 3.1.2 BENIN | 27 |
| 3.1.3 BOTSWANA | 28 |
| 3.1.4 BURKINA FASO | 28 |
| 3.1.5 CENTRAL AFRICAN REPUBLIC | 29 |
| 3.1.6 CHAD | 29 |
| 3.1.7 COMOROS | 29 |
| 3.1.8 DJIBOUTI | 30 |
| 3.1.9 ERITREA | 30 |
| 3.1.10 ETHIOPIA | 30 |
| 3.1.11 GABON | 31 |
| 3.1.12 GHANA | 31 |
| 3.1.13 GUINEA | 31 |
| 3.1.14 LIBERIA | 32 |
| 3.1.15 MADAGASCAR | 32 |
| 3.1.16 MALAWI | 32 |
| 3.1.17 MALI | 33 |
| 3.1.18 MAURITANIA | 33 |
| 3.1.19 MOZAMBIQUE | 34 |
| 3.1.20 NIGER | 34 |
| 3.1.21 NIGERIA | 34 |
| 3.1.22 SAO TOME AND PRINCIPE | 35 |
| 3.1.23 SENEGAL | 35 |
| 3.1.24 SIERRA LEONE | 35 |
| 3.1.25 SOUTH SUDAN | 35 |
| 3.1.26 SUDAN | 36 |
| 3.1.27 TOGO | 36 |
| 3.1.28 UGANDA | 37 |
| 3.1.29 ZAMBIA | 38 |
| 3.1.30 ZIMBABWE | 38 |
| 3.2 ASIA AND OCEANIA | 39 |
| 3.2.1 AFGHANISTAN | 39 |
| 3.2.2 BANGLADESH | 39 |
| 3.2.3 CAMBODIA | 39 |
| 3.2.4 CHINA | 40 |
| 3.2.5 HONG KONG, SAR, CHINA | 41 |
| 3.2.6 MACAO SAR, CHINA | 42 |
| 3.2.7 TAIWAN, CHINA | 42 |
| 3.2.8 INDIA | 42 |
| 3.2.9 MALDIVES | 44 |

This compendium - developed in the framework of the Global Forum on Law, Justice and Development – is a working document intended as reference tool for Global Forum’s partners and other development practitioners. It does not constitute an exhaustive treatment of the legal framework on child marriage and may be updated from time to time.

| | |
|--------------------------------------|-----------|
| 3.2.10 NEPAL | 45 |
| 3.2.11 PAKISTAN | 46 |
| 3.2.12 PAPUA NEW GUINEA | 46 |
| 3.2.13 THAILAND | 47 |
| 3.3 LATIN AMERICA | 48 |
| 3.3.1 BOLIVIA | 48 |
| 3.3.2 BRAZIL | 48 |
| 3.3.3 DOMINICAN REPUBLIC | 49 |
| 3.3.4 EL SALVADOR | 49 |
| 3.3.5 GUATEMALA | 49 |
| 3.3.6 HAITI | 49 |
| 3.3.7 PANAMA | 49 |
| 3.3.8 PERU | 50 |
| 3.4 MIDDLE- EAST NORTH AFRICA | 50 |
| 3.4.1 ALGERIA | 50 |
| 3.4.2 BAHRAIN | 50 |
| 3.4.3 EGYPT, ARAB REPUBLIC | 51 |
| 3.4.4 IRAQ | 51 |
| 3.4.5 IRAN, ISLAMIC REPUBLIC | 52 |
| 3.4.6 JORDAN | 52 |
| 3.4.7 KUWAIT | 53 |
| 3.4.8 LIBYA | 54 |
| 3.4.9 MOROCCO | 55 |
| 3.4.10 QATAR | 55 |
| 3.4.11 SAUDI ARABIA | 55 |
| 3.4.12 SYRIAN ARAB REPUBLIC | 55 |
| 3.4.13 TUNISIA | 56 |
| 3.4.14 UNITED ARAB EMIRATES | 56 |
| 3.4.15 YEMEN | 57 |
| 3.5.OECD | 57 |
| 3.5.1 AUSTRALIA | 57 |
| 3.5.2 GERMANY | 60 |
| 3.5.3 UNITED STATES | 60 |
| 3.5.3.1 ALABAMA | 60 |
| 3.5.3.2 ALASKA | 60 |
| 3.5.3.3 ARIZONA | 61 |
| 3.5.3.4 ARKANSAS | 62 |
| 3.5.3.5 CALIFORNIA | 62 |
| 3.5.3.6 COLORADO | 63 |
| 3.5.3.7 CONNECTICUT | 64 |
| 3.5.3.8 DELAWARE | 64 |
| 3.5.3.9 DISTRICT OF COLUMBIA | 65 |
| 3.5.3.10 FLORIDA | 65 |

This compendium - developed in the framework of the Global Forum on Law, Justice and Development – is a working document intended as reference tool for Global Forum’s partners and other development practitioners. It does not constitute an exhaustive treatment of the legal framework on child marriage and may be updated from time to time.

| | |
|--------------------------------|-----|
| <i>3.5.3.11 GEORGIA</i> | 66 |
| <i>3.5.3.12 GUAM</i> | 67 |
| <i>3.5.3.13 HAWAII</i> | 67 |
| <i>3.5.3.14 IDAHO</i> | 68 |
| <i>3.5.3.15 ILLINOIS</i> | 69 |
| <i>3.5.3.16 INDIANA</i> | 69 |
| <i>3.5.3.17 IOWA</i> | 70 |
| <i>3.5.3.18 KANSAS</i> | 71 |
| <i>3.5.3.19 KENTUCKY</i> | 72 |
| <i>3.5.3.20 LOUISIANA</i> | 74 |
| <i>3.5.3.21 MAINE</i> | 74 |
| <i>3.5.3.22 MARYLAND</i> | 75 |
| <i>3.5.3.23 MASSACHUSETTS</i> | 76 |
| <i>3.5.3.24 MICHIGAN</i> | 77 |
| <i>3.5.3.25 MINNESOTA</i> | 78 |
| <i>3.5.3.26 MISSISSIPPI</i> | 78 |
| <i>3.5.3.27 MISSOURI</i> | 79 |
| <i>3.5.3.28 MONTANA</i> | 80 |
| <i>3.5.3.29 NEBRASKA</i> | 81 |
| <i>3.5.3.30 NEVADA</i> | 81 |
| <i>3.5.3.31 NEW HAMPSHIRE</i> | 82 |
| <i>3.5.3.32 NEW JERSEY</i> | 83 |
| <i>3.5.3.33 NEW MEXICO</i> | 83 |
| <i>3.5.3.34 NEW YORK</i> | 84 |
| <i>3.5.3.35 NORTH CAROLINA</i> | 86 |
| <i>3.5.3.36 NORTH DAKOTA</i> | 89 |
| <i>3.5.3.37 OHIO</i> | 89 |
| <i>3.5.3.38 OKLAHOMA</i> | 90 |
| <i>3.5.3.39 OREGON</i> | 92 |
| <i>3.5.3.40 PENNSYLVANIA</i> | 92 |
| <i>3.5.2.41 RHODE ISLAND</i> | 93 |
| <i>3.5.3.42 SOUTH CAROLINA</i> | 94 |
| <i>3.5.3.43 SOUTH DAKOTA</i> | 94 |
| <i>3.5.3.44 TENNESSEE</i> | 95 |
| <i>3.5.3.45 TEXAS</i> | 95 |
| <i>3.5.3.46 UTAH</i> | 97 |
| <i>3.5.3.47 VERMONT</i> | 99 |
| <i>3.5.3.48 VIRGINIA</i> | 99 |
| <i>3.5.3.49 WASHINGTON</i> | 100 |
| <i>3.5.3.50 WEST VIRGINIA</i> | 101 |
| <i>3.5.3.51 WISCONSIN</i> | 102 |
| <i>3.5.3.52 WYOMING</i> | 102 |

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Points of view and opinions presented in this publication are those of the author and do not necessarily represent the views of The World Bank

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Disclaimers

This Compendium is based on information on domestic law, regulation, and policy available in English online, offline, or both, and based on information collected from research conducted, verified, and updated up to August 2016. Because this Compendium is carried out primarily based on information publicly available online, it has more than several hundred URLs and links to publicly available laws, regulations, and electronically published documents. All referenced URLs and links were checked at the time when they were inserted into the footnotes. There is no guarantee as to their future accessibility. When possible, footnotes may include mention of “last visited month, date, and year”. In addition, in case of citing a published document in a footnote, the footnote may include information on an author (or an authoring institution), a year of publication, title, page range, and URL or a link where the referenced publication was uploaded. There is no guarantee as to the continued accuracy of this information after the last date on which it was verified. The findings, interpretations, and conclusions expressed in this work do not necessarily reflect the views of The World Bank.

Limitations

This Compendium is limited to 30 countries in Africa; 13 countries in Asia and Oceania; 8 countries in Latin American and Caribbean; 15 countries in the Middle East; 3 OECD countries.

"I'll Marry When I Want."

I'll marry when I want.

My mother can't force me to marry.

My father cannot force me to marry.

My uncle, my aunt, my brother or sister, cannot force me to marry.

No one in the world can force me to marry.

I'll marry when I want.

Even if you beat me, even if you chase me away, even if you do anything bad to me, I'll marry when I want.

I'll marry when I want, but not before I am well educated, and not before I am all grown up.

I'll marry when I want.

Eileen Piri, 13 years old, Malawi¹

¹Extracted from TED Talk of Memory Banda, Memory Banda, A warrior's cry against child marriage, July 2 2015 available at http://www.ted.com/talks/memory_banda_a_warrior_s_cry_against_child_marriage/transcript

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COMPENDIUM OF INTERNATIONAL AND NATIONAL LEGAL FRAMEWORK ON CHILD MARRIAGE

The Compendium of International and National Legal Framework on Child Marriage (“the Compendium”) provides a survey of the key international, regional and national legal instruments as they relate to the right to marry with the full and free consent of the intending spouses and to the obligation for government to take legislative measures to abolish child marriage.

The Compendium consists of topical chapters with jump links to source documents, such as United Nations conventions, regional treaties, national constitutions and legislations.

Jump links are in bold colored font and can be accessed by pressing CTRL and clicking on the link, which will take the reader to the source document.

Introduction

Child marriage², defined as a formal marriage or an informal union before age 18³ is a harmful reality for both boys and girls⁴ around the world⁵. Because of the long-term economic development impacts (drop out of school, literacy issues, lack of job opportunities), but also public health consequences (early and unwanted pregnancy, vulnerability to sexually transmitted infections, obstetric fistula and female genital mutilation) and economic and social rights challenges affecting children and women (full enjoyment of the right to health and education), child marriage is a fundamental barrier to the achievement of international commitments for gender equality⁶ with a significant economic development impact.

The gender specificities of this issue⁷ have been well quantified these past years by UNFPA, ICRW and UNICEF⁸. If present trends continue, 150 million girls will be married before their 18th birthday over the next decade. That's an average of 15 million girls each year.⁹ The challenge for the international community and for governments is therefore to provide the legal, technical solutions and the concrete financial resources to address this harmful practice before the loss of another generation of girls.

Several promising developments have been recently made and demonstrated the international, regional and national commitments to eradicate child marriage. On July 7 2015 the United Nations Human Rights Council unanimously adopted a resolution co-sponsored by over 85 States to strengthen efforts to prevent and eliminate child, early and forced marriage. The resolution is the first-ever substantive resolution on child marriage adopted by the Council¹⁰.

² There are several definitions among the international and national communities. In this study, we will use the above definition that is consistent with the definition used by the main organizations such as UNICEF, UNFPA, and ICRW.

³ UNICEF, Child protection from violence, exploitation and abuse, available at http://www.unicef.org/protection/57929_58008.html, (last visited September, 1 2016).

⁴ UNICEF (2001) Early Marriage: Child Spouses Innocenti Digest No. 7, March 2001, Florence, Italy: UNICEF Innocenti Research Centre, p. 2

⁵ Marrying Too Young, United Nations Population Fund (UNFPA), 2012, available at <http://www.unfpa.org/webdav/site/global/shared/documents/publications/2012/MarryingTooYoung.pdf> (last visited September, 1 2016), p.23

⁶ Jennifer Parsons and Jennifer Mc Cleary Sills, Preventing Child Marriage: Lessons from World Bank Group Gender Impact Evaluations, Gender Impact World Bank Group, available at <http://www.worldbank.org/content/dam/Worldbank/document/Gender/enGENDER%20IMPACT%20-%20Research%20Brief%20Early%20Marriage%2008.07.pdf>

⁷ Child marriage is "a violation of the rights of the child and informed consent, not exclusive to any region or culture", says Flavia Pansieri, the United Nations (UN) Deputy High Commissioner for Human Rights at a side event organized by Plan UN Liaison and Advocacy Office in Geneva on May 31st. Plan, Promoting child rights to end child poverty, available at <https://plan-international.org/where-we-work/geneva/news/child-marriage-a-human-rights-violation/>, (last visited September, 1 2016).

⁸ IRWC, Facts and Figures, 2016, last visited September, 30 2016, available at <http://www.icrw.org/child-marriage-facts-and-figures>; Marrying Too Young: End Child Marriage, United Nations Population Fund (UNFPA), 2012, available at <https://www.unfpa.org/sites/default/files/pub-pdf/MarryingTooYoung.pdf> (last visited September, 30 2016), p.6; UNICEF, Ending Child Marriage, Progress and Prospects, 2014 available at http://www.unicef.org/media/files/Child_Marriage_Report_7_17_LR..pdf, (last visited September, 1 2016).

⁹ IRWC, Facts and Figures, 2016, last visited September, 30 2016, available at <http://www.icrw.org/child-marriage-facts-and-figures>;

¹⁰ States adopt first-ever resolution on child, early and forced marriage at Human Rights Council, Girls not Brides, available at <http://www.girlsnotbrides.org/states-adopt-first-ever-resolution-on-child-marriage-at-human-rights-council/>, (last visited September, 1 2016), This compendium - developed in the framework of the Global Forum on Law, Justice and Development – is a working document intended as reference tool for Global Forum's partners and other development practitioners. It does not constitute an exhaustive treatment of the legal framework on child marriage and may be updated from time to time.

The African Union appointed in October 2014, Dr Fatima Delladj-Sebaa as Special Rapporteur on Child Marriage¹¹ and announced on June 17 2015 that the African Union members¹² formally adopted a common position on ending child marriage in Africa. Under the new agreement, the African Union urged its Member States to establish comprehensive action plans to end child marriage, including establishing and enforcing laws which set the minimum age for marriage at 18¹³. Following this effort, the Southern African Development Countries (SADC) Parliamentary Forum announced that they have mobilized financial and technical resources to develop a Model Law on Child Marriage and have already held of a two-day national follow-up workshop on child marriage laws in Lusaka, Zambia in June 2015¹⁴.

The UN Sustainable Development Goals adopted in September 2015 include eliminating child marriage as a key target by 2030 for advancing gender equality.

The implementation of a uniform minimum age is considered as a key component of a multi-sectoral approach to prevent child marriage. This study will therefore focus on the national review of laws stating a minimum age to marry on countries with high prevalence of child marriage, for instance, in Africa (Mali, Chad, Niger, Burkina Faso, Ethiopia), in Asia (Bangladesh, Pakistan), Latin America (Peru), OECD countries (Australia, Germany and United States), Middle-East North Africa (Yemen, Saudi Arabia) and will analyze how these countries comply with their international commitment and passed specific laws stating a minimum age to marry, but also implemented them.

¹¹African union, Appointment of the Special Rapporteur on Child Marriage, October 2014, available at <http://sa.au.int/en/content/appointment-special-rapporteur-child-marriage>, (last visited September 1 2016),

¹²List of the African Union Member States, available at <http://www.au.int/en/countryprofiles>.

¹³African Union Adopts Common Position on Ending Child Marriage Agreement signals AU's commitment to empower women and girls and protect their human rights, June 18 2015, available at [http://summits.au.int/fr/25thsummit/events/african-union-adopts-common-position-ending-child-marriage-agreement-signals-au%E2%80%99s-](http://summits.au.int/fr/25thsummit/events/african-union-adopts-common-position-ending-child-marriage-agreement-signals-au%E2%80%99s), (last visited September 1 2016),

¹⁴Southern African Litigation Center, SALC in the News: SADC Child Marriage Model Law on Cards, June, 24 2015 available at <http://www.southernafricalitigationcentre.org/2015/06/24/salc-in-the-news-sadc-child-marriage-model-law-on-cards/>, presentation available at <http://www.awepa.org/wp-content/uploads/2015/07/Opening-remarks-by-Samuel-Musembi-Musyoki-Plan-International-Zambia.pdf>, (last visited September, 1 2016).

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Abbreviations

| | |
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| CEDAW | Convention Eliminating All Forms of Discrimination against Women |
| CRIN | Children Rights International Network |
| HRW | Human Rights Watch |
| ICRW | International Center for Research on Women |
| OECD | Organization for Economic Co-operation and Development |
| MDG | Millennium Development Goals |
| UN | United Nations |
| UNCRC | UN Convention on the Rights of the Child |
| UNFPA | United Nations Population Fund |
| UNICEF | United Nations Children’s Fund Definitions |
| SADC | Southern African development Countries |

Working Definitions

For the purpose of this study, we will refer to this list as working definitions.

Child: refers to anyone under the age of 18, consistent with usage under international law.

Child marriage: refers to any marriage where one or both spouses are under the age of 18.

Full civil legal capacity: when a person, male or female, reaches the age of majority.

Gregorian years or calendar: is today's internationally accepted civil calendar and is also known as the "Western calendar" or "Christian calendar". It was named after the man who first introduced it in February 1582: Pope Gregory XIII. The calendar is strictly a solar calendar based on a 365-day common year divided into 12 months of irregular lengths.

Lunar years or calendar: a calendar that is based on cycles of the lunar phases. Because there are slightly more than twelve lunations in a solar year, the period of 12 lunar months is equivalent to 354.37 days. A common purely lunar calendar is the Islamic calendar or Hijri Qamari calendar.

Marriage: is used in its widest sense to cover a betrothal or union between two people, recognized under civil law, religious law, or customary rites, and understood to be binding by the spouses concerned, their families and the wider community, whether or not it has been formally registered in law.

Marriageable age or Minimum age for marriage: the minimum age of marriage has been prescribed by the UN Committee on the Rights of the Child as being 18 years of age.

1. GLOBAL LEGAL FRAMEWORK

1.1 The Universal Declaration of Human Rights, 1948

Article 2: Marriage shall be entered into only with the free and full consent of the intending spouses.

Article 16: Men and women of full age without any limitations due to race, nationality and religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage during marriage and at its dissolution¹⁵.

1.2 The Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, 1956¹⁶

Article 1: Each of the States Parties to this Convention shall take all practicable and necessary legislative and other measures to bring about progressively and as soon as possible the complete abolition or abandonment of the following institutions and practices, where they still exist and whether or not they are covered by the definition of slavery contained in article 1 of the Slavery Convention signed at Geneva on 25 September 1926.

Any institution or practice whereby a child or young person under the age of 18 years, is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labor.

1.3 International Covenant on Civil and Political Rights, 1966

Article 23: 1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State. 2. The right of men and women of marriageable age to marry and to found a family shall be recognized. 3. No marriage shall be entered into without the free and full consent of the intending spouses. 4. States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during

¹⁵ While UDHR is not obligatory upon all states, it has long been treated as persuasive in international law and its provisions, including those that touch on equal right for men and women, are treated as customary under international law. For discussion see *Child Marriage and the Law*, UNICEF, Legislative Reform Initiative Paper Series, 2008, pg. 2

¹⁶ As mentioned previously, this document treats “child marriage” as including the term forced marriage. While the Slavery Convention is more frequently used in the context of war and civil conflict, its definition of forced marriage is clear and informative. The Slavery Convention plays an important role in the broader international legal framework around child marriage by addressing it in the humanitarian context, and for this reason it is included in this review. See e.g. *Child Marriage and the Law*, UNICEF, Legislative Reform Initiative Paper Series, 2008. For a general discussion on the importance of highlighting forced marriage in a humanitarian context see generally “Marrying Too Young, End Child Marriage.” United Nations Population Fund (UNFPA), 2012.

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marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.¹⁷

Other Relevant Documents

General Comment 19: Article 23, paragraph 2, of the Covenant reaffirms the right of men and women of marriageable age to marry and to found a family. Paragraph 3 of the same article provides that no marriage shall be entered into without the free and full consent of the intending spouses...The Covenant does not establish a specific marriageable age either for men or for women, but that age should be such as to enable each of the intending spouses to give his or her free and full personal consent in a form and under conditions prescribed by law.¹⁸

1.4 International Convention on Economic, Social and Cultural Rights, 1976

Article 10: 1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.¹⁹

Other Relevant Documents

General Comment 16: Article 10 (1) of the Covenant requires that States parties recognize that the widest possible protection and assistance should be accorded to the family, and that marriage must be entered into with the free consent of the intending spouses... to ensure that men and women have an equal right to choose if, whom and when to marry - in particular, the legal age of marriage for men and women should be the same, and boys and girls should be protected equally from practices that promote child marriage, marriage by proxy, or coercion; Gender based violence is a form of discrimination that inhibits the ability to enjoy rights and freedoms, including economic, social and cultural rights, on a basis of equality. States parties must take appropriate measures to eliminate violence against men and women and act with due diligence to prevent, investigate, mediate, punish and redress acts of violence against them by private actors.²⁰

¹⁷ Similar to UDHR, while the ICCPR does not prohibit child marriage outright, its other obligations to ensure equal rights for both men and women within and outside the family provide support to the widely held premise that early/child marriage effectively prevents the exercise of equal rights for women and children. For additional discussion see *Child Marriage and the Law*, UNICEF, Legislative Reform Initiative Paper Series, 2008, pg. 13.

¹⁸ UN Human Rights Committee, General Comment No. 19 (The Family), Protection of the Family, the Right to Marriage and Equality of the Spouses, (Article 23), (Thirty-ninth session, 1990), *Compilation of General Comments and General recommendations Adopted by Human Rights Treaty bodies*, [UN Doc.HRI/Gen/1/Rev.7 \(2004\)](#), p. 149, para. 4, (last visited September 1 2016).

¹⁹ Similar to discussions previously related to UDHR and ICCPR, the equal rights obligations under ICESCR support the general prohibition against child marriage even though not explicitly states. See e.g. *Child Marriage and the Law*, UNICEF, Legislative Reform Initiative Paper Series, 2008, pg. 14.

²⁰ UN Committee on Economic, Social and Cultural Rights, General Comment No. 16, The equal right of men and women to the enjoyment of all economic, social and cultural rights (Article 3), (thirty-fourth session, 2005), para. 27.

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1.5 Convention on the Elimination of all Forms of Discrimination against Women, 1979

Article 2 (f): CEDAW calls upon states parties to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations customs and practices which constitute discrimination against women.

Article 16 (1) (b): States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women.(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent; 6: States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

Article 16 (2): The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.²¹

Other Relevant Documents

General Recommendation No. 19:

Traditional attitudes by which women are regarded as subordinate to men or as having stereotyped roles perpetuate widespread practices involving violence or coercion, such as family violence and abuse, forced marriage, dowry deaths, acid attacks and female circumcision. Such prejudices and practices may justify gender-based violence as a form of protection or control of women. The effect of such violence on the physical and mental integrity of women is to deprive them the equal enjoyment, exercise and knowledge of human rights and fundamental freedoms. While this comment addresses mainly actual or threatened violence the underlying consequences of these forms of gender-based violence help to maintain women in subordinate roles and contribute to the low level of political participation and to their lower level of education, skills and work opportunities.²²

General Recommendation No. 21

Article 16 (2) and the provisions of the Convention on the Rights of the Child preclude States parties from permitting or giving validity to a marriage between persons who have not attained their majority. In the context of the Convention on the Rights of the Child, "a child means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier". Notwithstanding this definition, and bearing in mind the provisions of the Vienna Declaration, the Committee considers that the minimum age for marriage should

²¹ There is general consensus in documentation supporting international conventions as well as in scholarship that achieving a minimum age of consent for marriage through legislation is one of the key ways through which States can begin to reduce child marriage. See generally CEDAW, General Recommendation No. 21, on equality in marriage and family relations para. 36

<http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm>; "How Come You Allow Little Girls to Get Married?" Human Rights Watch, 2011, pg. 41; Protecting the Girl Child: Using the law to end child, early and forced marriage and related human rights violations. Equality Now, January 2014, pg.11; (last visited September 1 2016).

²² CEDAW, general recommendation No. 19 (1992) on violence against women, para. 11, <http://goo.gl/eeA1V8>, (last visited September 1 2016). This compendium - developed in the framework of the Global Forum on Law, Justice and Development – is a working document intended as reference tool for Global Forum's partners and other development practitioners. It does not constitute an exhaustive treatment of the legal framework on child marriage and may be updated from time to time.

be 18 years for both man and woman...Consequently, marriage should not be permitted before [children] have attained full maturity and capacity to act...²³ Some countries provide for different ages for marriage for men and women...these provisions should be abolished. In other countries, the betrothal of girls or undertakings by family members on their behalf is permitted. Such measures contravene not only the Convention, but also a woman's right freely to choose her partner. States parties should also require the registration of all marriages whether contracted civilly or according to custom or religious law. The State can thereby ensure compliance with the Convention and establish equality between partners, a minimum age for marriage, prohibition of bigamy and polygamy and the protection of the rights of children.²⁴

General Recommendation No. 24:

When reporting on measures taken to comply with article 12, States parties are urged to recognize its interconnection with other articles in the Convention that have a bearing on women's health. Those articles include article 5 (b)...article 10...article 11...article 14 (2) (b)... article 16 (1) (e)...[and] [a]rticle 16 (2) [which] proscribes the betrothal and marriage of children, an important factor in preventing the physical and emotional harm which arise from early childbirth.²⁵

1.6 Convention on the Rights of the Child, 1989

Article 24 (3): States parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.²⁶

Other Relevant Documents²⁷

General Comment No. 4

The Convention defines the civil rights and freedoms of children and adolescents in its articles 13 to 17. These are fundamental in guaranteeing the right to health and development of adolescents...The right of adolescents to access appropriate information is crucial if States parties are to promote cost-effective measures, including through laws, policies and programs, with

23 CEDAW, General Recommendation No. 21, on equality in marriage and family relation's para. 36
<http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm>, (last visited September 1 2016).

24 Id. at para. 38.

25 CEDAW, General Recommendation No. 24 (1999) on women and health, para.28
<http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm>, (last visited September 1 2016).

26 For further discussion on the use of Article 24(3) and the connection of child rights under the CRC broadly to specific issues of early/child marriage see Child Marriage and the Law, UNICEF, Legislative Reform Initiative Paper Series, 2008, pgs.2-3; see also "How Come You Allow Little Girls to Get Married?" Human Rights Watch, 2011, http://www.hrw.org/sites/default/files/reports/yemen1211ForUpload_0.pdf, pg. 44-46 (for specific discussion on the right to health and interference with this right through child marriage); (last visited September 1 2016).

27 In addition to numerous General Comments addressing child marriage, the UN system has further supported the connection between child marriage and violations of child rights. See e.g. International Day of the Girl Child, October 2012, Joint Statement of UN human rights experts, Thursday, 11 October 2012; Human Rights Council Resolution A/HRC/RES/24/23, "Strengthening efforts to prevent and eliminate child, early and forced marriage: challenges, achievements, best practices and implementation gaps," available at <http://www.girlsnotbrides.org/wp-content/uploads/2013/10/HRC-resolution-on-child-early-and-forced-marriage-ENG.pdf>; UN Resolution A/68/202 68th Session of the UN General Assembly Resolution "A life of dignity for all: accelerating progress toward the Millennium Development Goals and advancing the United Nations development agenda beyond 2015," para. 85, (last visited September 1 2016).

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regard to numerous health-related situations, including those covered in articles 24 and 33 such as...protection from harmful traditional practices, including early marriages...²⁸

The Committee is concerned that early marriage and pregnancy are significant factors in health problems related to sexual and reproductive health, including HIV/AIDS. Both the legal minimum age and actual age of marriage, particularly for girls, are still very low in several States parties... The Committee strongly recommends that States parties review and, where necessary, reform their legislation and practice to increase the minimum age for marriage with and without parental consent to 18 years, for both girls and boys.²⁹

In light of articles 3, 6, 12, 19 and 24 (3) of the Convention, States parties should take all effective measures to eliminate all acts and activities which threaten the right to life of adolescents, including honor killings...States parties should facilitate the establishment of multidisciplinary information and advice centers regarding the harmful aspects of some traditional practices, including early marriage and female genital mutilation.³⁰

1.7 Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages

Article 1: No marriage shall be legally entered into without the full and free consent of both parties, such consent to be expressed by them in person after due publicity and in the presence of the authority competent to solemnize the marriage and of witnesses, as prescribed by law.

Article 2: Notwithstanding anything in paragraph 1 above, it shall not be necessary for one of the parties to be present when the competent authority is satisfied that the circumstances are exceptional and that the party has, before a competent authority and in such manner as may be prescribed by law, expressed and not withdrawn consent.

Article 3: States Parties to the present Convention shall take legislative action to specify a minimum age for marriage. No marriage shall be legally entered into by any person under this age, except where a competent authority has granted a dispensation as to age, for serious reasons, in the interest of the intending spouses.

Article 4: All marriages shall be registered in an appropriate official register by the competent authority

28 CRC, General Comment No. 4, 2003, para. 10, <http://www.ohchr.org/Documents/Issues/Women/WRGS/Health/GC4.pdf>, (last visited, September 1 2016).

29 Id. at para. 20.

30 Id. at para. 24.

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1.8 UN Human Rights Council Resolution, Strengthening efforts to prevent and eliminate child, early and forced marriage, July 2015

Recognizing that child, early and forced marriage is a harmful practice that violates, abuses and impairs human rights and is linked to and perpetuates other harmful practices and human rights violations and that such violations have a disproportionately negative impact on women and girls, and underscoring the human rights obligations and commitments of States to promote and protect the human rights and fundamental freedoms of women and girls and to prevent and eliminate the practice of child, early and forced marriage.

Recognizing that child, early and forced marriage remains an impediment not only to the economic, legal, health and social status of women and girls but also to the development of society as a whole, and that the empowerment of and investment in women and girls, the meaningful participation of girls in all decisions that affect them, and women's full, equal and effective participation at all levels of decision-making are a key factor in breaking the cycle of gender inequality and discrimination, violence and poverty and are critical for, inter alia, sustainable development, peace, security, democracy and inclusive economic growth.

2. REGIONAL LEGAL FRAMEWORK

2.1 European Convention on Human Rights, 1950

Article 2(1): Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.

Article 8(1): Everyone has the right to respect for his private and family life, his home and his correspondence.

Article 14(1): The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

2.2 American Convention on Human Rights, 1969

Article 17(3): No marriage shall be entered into without the free and full consent of the intending spouses.

2.3. African Charter on Human and People’s Rights, 1981

Article 18(2): The State shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of the woman and the child as stipulated in international declarations and conventions.

Other Relevant Documents

The Addis Ababa Declaration on Accelerating the Implementation of the Beijing Declaration and Platform for Action, 2014³¹

2(b): Adopt a multi-sectoral approach to address negative social and cultural norms and practices including harmful traditional practices such as early marriage that impede girls’ retention and achievement at the primary, secondary, tertiary and vocational levels of education and training;

2(d): Adopt and enforce legislation and other measures, including actions on age-appropriate sexuality and reproductive health training, to end teenage pregnancy, patriarchy, early and forced marriages and female genital mutilation;

The girl child

(a) Continue to strengthen efforts to completely eliminate early child marriages by criminalizing the practice and enforcing the age of marriage of 18 for girls, in accordance with international norms and standards;

(b) Criminalize all forms of female genital mutilation, early child and forced marriages, and other harmful traditional practices, and disallow judicial consent to marriage in sexual violence cases;

(c) Align all laws and policies with the Convention on the Rights of the Child and the Maputo Protocol to the African Charter on Human and Peoples’ Rights;

(d) Adopt and enforce the International Labor Organization’s conventions, recommendations and standards to protect girls from child labor;

2. Protect girls against all forms of exploitation, including trafficking and sexual slavery by armed groups.

³¹ The Addis Ababa Declaration on Accelerating the Implementation of the Beijing Declaration and Platform for Action, 2014 available at <http://wgnrr.org/addis-ababa-declaration-on-accelerating-the-implementation-of-the-beijing-platform-for-action/>; See also the African Union campaign “End Child Marriage Now” launched in 2014 <http://pages.au.int/cecm>, (last visited, September 1 2016)
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2.4. Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), 2003

Art. 6: States Parties shall ensure that women and men enjoy equal rights and are regarded as equal partners in marriage. They shall enact appropriate national legislative measures to guarantee that:

no marriage shall take place without the free and full consent of both parties;

the minimum age of marriage for women shall be 18 years;

2.5. The SADC Protocol on Gender and Development, 2008

Article 8: Legislation on marriage shall ensure that,

(2) No person under the age of 18 shall marry unless otherwise specified by law which takes into account the best interests and welfare of the child;

2.6. African Charter on the Rights and Welfare of the Child, 1990

Article 21: 1. States Parties to the present Charter shall take all appropriate measures to eliminate harmful social and cultural practices affecting the welfare, dignity, normal growth and development of the child and in particular:³²(a) Those customs and practices prejudicial to the health or life of the child; and (b) Those customs and practices discriminatory to the child on the grounds of sex or other status. 2. Child marriage and the betrothal of girls and boys shall be prohibited and effective action, including legislation, shall be taken to specify the minimum age of marriage to be 18 years and make registration of all marriages in an official registry compulsory.

2.7. Arab Charter on Human Rights, 2008

Art. 33:1. The family is the natural and fundamental group unit of society; it is based on marriage between a man and a woman. Men and women of marrying age have the right to marry and to found a family according to the rules and conditions of marriage. No marriage can take place without the full and free consent of both parties.³³

³² Note that the language of treating child marriage as a harmful traditional practice is consistent with treatment of child marriage as such at the international level under the CRC, see e.g. CRC General Comment no. 4, 2003 , para. 39(g).

³³ Beyond the Arab Charter on Human Rights, the League of Arab States has not at the time of research produced other obligatory conventions or tools that elaborate on the human rights of obligations of its Member States. Different from regional organizations such as the African Union, the Inter-American Commission, and the European Commission, the League of Arab States does not currently have a reporting mechanism or otherwise provide comments to Member States (at least not publicly available) on each State's progress in meeting its obligations under the Charter.

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2.8 South Asian Association for Regional Cooperation (SAARC) Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia

Article 6 3. d: States Parties shall make civil registration of births, marriages and deaths, in an official registry, compulsory in order to facilitate the effective enforcement of national laws, including the minimum age for employment and marriage.

2.9 South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combatting Trafficking in Women and Children for Prostitution

Article 1.3: "Trafficking" means the moving, selling or buying of women and children for prostitution within and outside a country for monetary or other considerations with or without the consent of the person subjected to trafficking.

3) NATIONAL LEGAL FRAMEWORK

3.1 Africa

3.1.1 Angola [Family Code, 1988](#)

Article 24: Only persons over the age of 18 may marry. Exceptionally, boys may marry at 16 and girls at 15 with the permission of a person having authority over the minor, or when, after a review of the circumstances and taking into account the minor's interests, the marriage appears to be the best solution³⁴.

3.1.2 Benin [Le Code de l'enfant au Bénin, 2007](#)

Article 120: A minor under eighteen (18) years cannot marry without the consent of the person exercising parental authority over him. This consent must include the designation of the two future spouses. It is given either by the statement made to an officer of civil status or before a notary prior to the marriage, is valid, even during the celebration.

³⁴Right to education project, National law and policies on minimum ages – Angola, available at <http://r2e.gn.apc.org/country-node/286/country-minimum>; unofficial translation, Emelyne Calimoutou, Legal Consultant, Legal Vice Presidency, World Bank. Also see Initial State Party Report on the Convention on the Rights of the Child: Angola, 2004, p. 18

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Article 123: The marriage may be contracted only between a man who is at least eighteen (18) years and a woman who is at least eighteen (18) years, unless an exemption granted on grounds of age granted by order of the presiding trial court on motion by the Crown³⁵.

Family Code (2002)

Article 123: The marriage may be contracted only between a man who is at least eighteen (18) years and a woman aged at least eighteen (18) years, except in case of age exemption granted for grave cause by order of the President of the court of first instance at the request of public prosecutor³⁶.

3.1.3 Botswana

[Marriage Act, 2001](#)

Article 14: No insane person who is incapable of giving consent to a marriage and no person below the age of 18 years may marry.

Child Act (2009)

Article 2: A child means any person who is below the age of 18 years.

Article 62. (1) Subject to section 61 (3), and section 90, every child has a right not to be subjected to social, cultural and religious practices which are detrimental to his or her well-being. (2) A child shall not be subjected, by any person, to — (a) a forced marriage.

3.1.4 Burkina Faso

[Family Code, 1989](#)

Article 238: Marriage shall be entered into between a man aged twenty years and woman over seventeen years, unless an age waiver is granted for grave cause by the civil court. This age waiver may be granted in any case for a man with less than eighteen years and a woman under the age of fifteen³⁷.

³⁵ Unofficial translation of Violet Odala, PhD Candidate, School of Law, University of Pretoria, RSA, and Independent Consultant, Lilongwe, Malawi, http://www.africanchildforum.org/clr/Legislation%20Per%20Country/benin/benin_children_2007_fr.pdf

³⁶ Family Code of Benin, Consultat of Benin, available at <http://www.consulatbenin.fr/wp-content/uploads/2013/06/code-des-personnes.pdf>

³⁷ African Child Forum, Zatu an VII 13 du 16 novembre 1989 portant institution et application d'un code des personnes et de la famille au Burkina Faso, available at http://www.africanchildforum.org/clr/Legislation%20Per%20Country/burkina%20faso/bfaso_family_1989_fr.pdf; (last visited, September 1 2016), Unofficial translation, Emelyne Calimoutou, Legal Consultant, Legal Vice Presidency, World Bank.

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3.1.5 Central African Republic Family Code, 1998

Article 209: No one can marry, if is not 18 years, except in case of age exemption granted by the public prosecutor for serious reasons at the applicant's request.

Article 211: A minor under 18 years may not contract marriage without the consent of the persons exercising parental authority over him. A disagreement of the latter is equivalent to a consent³⁸.

3.1.6 Chad French Civil Code, 1958 (still in force in Chad)³⁹.

Article 144: A male, until the completion of eighteen years, a female until the completion of fifteen years, may not contract marriage. Art 148: Minors may not contract marriage without the consent of their father and mother; in case of disagreement between the father and mother, that division implies consent.

3.1.7 Comoros Family Code, 2005

Article 8 : The engagement results in a solemn promise of marriage, upon mutual consent, when a man and a woman have reached at least 18 years of age. This agreement does not require engaged couples to enter into marriage.

Article 14: The man and the woman before eighteen years of age cannot enter into marriage.

Article 15: However, the competent judge in charge of celebrating the marriage may grant age exemptions for serious and legitimate reasons when there is mutual consent between the intending spouses⁴⁰.

³⁸Loi no 97- 103 Portant Code de la Famille, available at <http://jafbase.fr/docAfrique/Centrafrrique/code%20de%20la%20famille.pdf>, (last visited, September, 1 2016), Unofficial translation, Emelyne Calimoutou, Legal Consultant, Legal Vice Presidency, World Bank

³⁹In March 2015, the President signed a bill prohibiting the marriage of children under 18, and the bill was adopted by parliament in June (UNICEF); available at http://www.unicef.org/infobycountry/chad_86335.html, (last visited, September 1 2016). Also see 2nd periodic report on the Convention on the Rights of the Child: Chad, 2007, p. 17.; French Civil Code, unofficial translation by Georges ROUHETTE, Professor of Law, with the assistance of Anne BERTON, Research Assistant in English, available at: phalmy.files.wordpress.com/2006/11/civil-code-france.doc, (last visited, September 1 2016).

⁴⁰Family Code, available at <http://www.droit-afrique.com/images/textes/Comores/Comores%20-%20Code%202005%20de%20la%20famille.pdf>; (last visited, September, 1 2016), unofficial translation, Emelyne Calimoutou, Legal Consultant, World Bank Legal Vice Presidency.

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3.1.8 Djibouti

Family Law of 1992, amended by Law n°152 in 31 January 2002, 2002

Article 13: The two future spouses do not have to fall under one of the category of impediment provided by law. The future spouses must have the age of 18 to enter into marriage.

Article 14: The marriage of minors who have not reached the age of legal majority is subject to the consent of their guardians. In case of refusal of tutors and persistence of future spouses, the judge may allow marriage⁴¹.

3.1.9 Eritrea

Transitional Civil Code of Eritrea, 1991

Article 581: The marriageable age is 18. However, this does not apply if the man and woman have both attained the full age of 16 years and the woman submits to the authority who will celebrate the marriage a declaration made by a doctor stating that the woman is pregnant or has already given birth to a child⁴².

Customary Laws of Eritrea

The customary laws of Eritrea do not specifically define the concept of “legal majority”. Under the written customary laws, the legal majority is inferred from marriageable age.

For example, the **Loggo Chewa Customary Code** states fifteen for females and eighteen for males. Most customary laws do not specifically state the minimum age for marriage and other transactions. The unwritten customary laws determine civil majority according to physical maturity, cultural ceremonies and participation in economic activities. The unwritten customary laws supersede the written customary laws in practice⁴³.

3.1.10 Ethiopia

The Revised Family Code, Proclamation, N°213/2000, 2000

Article 7. Age. 1) Neither a man nor a woman who has not attained the full age of eighteen years shall conclude marriage. 2) Notwithstanding the provisions of Sub-Article (1) of this Article, the Minister of Justice may, on the application of the future spouses, or the parents or guardian of one of them for serious cause, grant dispensation of not more than two years.

⁴¹ Unofficial translation, Emelyne Calimoutou, Legal Consultant, World Bank Legal Vice Presidency.

⁴² Committee on the rights of child consideration of reports submitted by states parties under article 44 of the convention, available at <http://www.refworld.org/pdfid/3ecb93714.pdf>; Combined 2nd and 3rd Periodic reports on the Convention on the Rights of the Child: Eritrea, 2007, p. 20, (last visited, September, 1 2016).

⁴³ National law and policies on minimum ages – Eritrea, available at <http://r2e.gn.apc.org/country-node/426/country-minimum>, (last visited, September, 1 2016).

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3.1.11 Gabon

Civil Code, 1972

Article 203: A man before the age of eighteen, a wife before the age of fifteen, cannot contract a marriage. Nevertheless, the President of the Republic or, in his absence, the President of the Supreme Court may grant age exemptions for serious reasons⁴⁴.

Article 205: Even if the conditions required by section 203 are met, the young man or the young woman who has not already reached the age of 21 cannot enter into marriage without the consent of his/her father and mother. In case of refusal by the father or the mother, the consent of only one of the two is sufficient. In case of divorce or separation, the consent of the person who has the custody of the child is always required. If one of the parents is dead or unable to express his will, the consent of the other is enough.

3.1.12 Ghana

Children's Act, 1998

Right to refuse betrothal and marriage

14. (1) No person shall force a child –

- (a) to be betrothed;
- (b) to be the subject of a dowry transaction; or
- (c) to be married.

(2) The minimum age of marriage of whatever kind shall be eighteen years⁴⁵.

3.1.13 Guinea

Guinean Children Code, 2008

Article 268: Boys and girls under 18 years cannot marry. Nevertheless, the President of the Republic, on report of the Minister of Justice may, by decree, grant exemptions on age for compelling reasons. The application is made to the Public Prosecutor or the President of the Tribunal, which is forwarded to the Attorney General. An expedition of this Order is then attached to the marriage certificate⁴⁶.

⁴⁴Landesa, Civil Code of Gabon, available at <http://landwise.landesa.org/record/848>, (last visited, September 1 2016), Unofficial translation, Emelyne Calimoutou, Legal Consultant, Legal Vice Presidency, World Bank

⁴⁵ Children's Act, available at <http://www.hsph.harvard.edu/population/fgm/togo.child.07.pdf>, (last visited, September 1 2016).

⁴⁶ Guinean Children Code, 2008, available at

http://www.africanchildforum.org/cfr/Legislation%20Per%20Country/guinea/guinea_children_2008_fr%20.pdf, translation, African Child Policy forum, available at <http://www.girlsnotbrides.org/wp-content/uploads/2013/04/Minimum-age-of-marriage-in-Africa-March-2013.pdf>
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3.1.14 Liberia

Children's Law, 2011

Article 6 Section 4: No person or society shall subject a child to any of the following practices: (a) marrying any person when she or he is still under the age of 18; (b) betrothing a child into marriage or a promise for marriage;⁴⁷

3.1.15 Madagascar

Family Law August, 2007

Article 3 The marriageable age is 18 years. However, before this age and for serious grounds, without prejudice to criminal prosecution offenses related to public morals, the President of First Instance may authorize the marriage, at the request of the father and the mother or the person who exercises authority over the child and with the express consent of the latter. Consent must be given to the President of the Court of First Instance and established in the court decision permitting the marriage.

3.1.16 Malawi

Constitution, 1994

Section 22 6: No person over the age of eighteen years shall be prevented from entering into marriage.

7. For persons between the age of fifteen and eighteen years a marriage shall only be entered into with the consent of their parents or guardians. (The Parliament voted on February, 14 2017 to amend the Constitution to make marriage before the age of 18 illegal, removing a provision that allowed children to marry at 15 with parental consent).

8. The State shall actually discourage marriage between persons where either of the parties is under the age of fifteen years.

Marriage, Divorce and Family Relations Act, 2015

Section 14: Subject to section 22 of the Constitution, two persons of the opposite sex who are both not below the age of eighteen years and are of sound of mind, may enter into marriage with each other⁴⁸.

⁴⁷ Children's Law of Liberia, 2011, available at

http://www.africanchildforum.org/cfr/Legislation%20Per%20Country/liberia/liberia_children_2011_en.pdf, (last visited, September 1 2016).

⁴⁸ Marriage, Divorce and Family Relations Bill 2015, available at <http://malawi24.com/wp-content/uploads/2015/02/Malawi-Marriage-Divorce-and-Family-Relations-bill-2015.pdf>, (last visited, September 1 2016).

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3.1.17 Mali

Family Code, Law N° 2011-087 2011, 2011

Article 281: The minimum age for marriage is eighteen years for men and sixteen for the woman. However, the Head of the administrative district may by decision appealable before the civil court grant an age waiver for serious reasons. This authorization can only be issued for future spouses of at least fifteen years age. A copy of the waiver decision shall be annexed to the celebration of marriage act⁴⁹.

3.1.18 Mauritania

Personal Status Code, 2001

Article 6: Any person of sound mind who is 18 years of age or older may marry. An incapacitated person may be married by her guardian "weli" if he sees an obvious interest.

Article 8: A marriage concluded by an incapacitated person without the permission of her guardian is only valid if approved by him or by a judge, as applicable.

Article 9: Guardianship (wilaya) is exercised in the interest of the woman. A woman cannot be married without her own consent and the presence of her guardian « weli ». The silence of a girl signifies consent.

Article 10: The guardian « weli » must be male, of sound mind and of majority. As relates to Muslim women, he must also be Muslim.

Article 11: Guardianship « wilaya » is exercised in the following order: • the son or his son; • the father or the testamentary guardian; • the brother; • the brother's son; • the paternal grandfather; • the paternal uncle; • the paternal uncle's son, following the degree of relationship, the closest being preferred; • the foster parent « Kafil »; • the judge; • any Muslim man.

Article 12: The guardian « Weli » can designate a person to conclude the marriage in his place. If the testamentary guardian or foster parent « Kafil » is a woman, she must designate a man to fulfil her duties. In both these cases, the designated replacement must fulfil the conditions in Article 10 above.

Article 13: If the guardian « weli » refuses for no good reason to authorize the marriage of the woman or the girl placed under his guardianship « wilaya », a judge can order him to authorize the marriage or, if he continues to refuse, can conclude the marriage himself⁵⁰.

⁴⁹Mushawa, Civil Code of Mali, available at <http://www.musawah.org/sites/default/files/CodeDesPersonnesEtDeLaFamilleDuMali.pdf> (last visited, September 1 2016); Unofficial translation, Emelyne Calimoutou, World Bank Legal Consultant, Legal Vice Presidency

⁵⁰Unofficial translation, Protecting the girl child legal annex, using the law to end child, early and forced marriage, Equality Now, Latham & Watkins, Thomson Reuters Foundations, January 2014, available at <http://www.trust.org/contentAsset/raw-data/ffe4a0de-2934-47f9-9150-24321388c29c/file> p.56, (last visited, September 1 2016)

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3.1.19 Mozambique Family Act, 2004

Article 30: Marriage is null and void with a person:

1. Under age of eighteen;
2. A woman or man over sixteen years old, can exceptionally, marry, when there are circumstances of recognized public and family interest and there is consent from parents or legal representatives⁵¹.

3.1.20 Niger Civil Code, 2005

Article 144: The man before the age of 18 and women before the age of 15 may not contract marriage⁵².

A law has been proposed to change the legal marrying age to 18, but has yet to be adopted⁵³.

Article 145: Nevertheless, the President of the Republic may at his discretion grant age exemptions for serious reasons.

The Mandel Decree of 13 July 1939 (customary status)

The Decree sets the age of marriage at 14 for girls and 16 for boys.

3.1.21 Nigeria Child Rights Act, 2003

Article 21: No person under the age of 18 years is capable of contracting a valid marriage, and accordingly, a marriage so contracted is null and void and of no effect whatsoever⁵⁴.

⁵¹Landesa, Civil Code of Mozambique, available at <http://landwise.landesa.org/record/880>, (last visited, September 1 2016), Unofficial translation, Emelyne Calimoutou, Legal Consultant, Legal Vice Presidency, World Bank

⁵²African Child Policy Forum, available at http://www.africanchildforum.org/clr/Legislation%20Per%20Country/Niger/niger_civilcode_2005_fr.pdf, (last visited, September 1 2016); Unofficial translation, Emelyne Calimoutou, Legal consultant, Global Forum on Law, Justice and Development, World Bank Legal Vice Presidency.

⁵³ IRIN, NIGER: Early marriage – from rural custom to urban business, available at <http://www.irinnews.org/report/82419/>, (last visited, September 1 2016).

⁵⁴ Nigeria Child Rights Act, 2003, available at http://www.africanchildforum.org/clr/Legislation%20Per%20Country/Nigeria/nigeria_children_2003_en.pdf, (last visited, September 1 2016). This compendium - developed in the framework of the Global Forum on Law, Justice and Development – is a working document intended as reference tool for Global Forum’s partners and other development practitioners. It does not constitute an exhaustive treatment of the legal framework on child marriage and may be updated from time to time.

3.1.22 Sao Tome and Principe
[Act on the Family Law, 1997](#)

Article 3: 1. The minimum age of consent to marriage is 18, for both men and women. 2. Minors under 18 may enter into marriage, under exceptional circumstances, for a justified cause, from the age of 14 for a woman and the age of 16 for a man, but require authorization from their parents or legal representative.⁵⁵

3.1.23 Senegal
[Family Code, 1989](#)

Article 111: Sex and age. Marriage can only be contracted between a man aged over 18 years and woman aged over 16 years unless an age waiver for cause by the President the Regional Court after investigation⁵⁶.

3.1.24 Sierra Leone
[Child Right Act, 2007](#)

Article 34 (1) The minimum age of marriage of whatever kind shall be eighteen years. (2) No person shall force a child - (a) to be betrothed; (b) to be the subject of a dowry transaction; or (c) to be married. (3) Notwithstanding any law to the contrary, no certificate, licence or registration shall be granted in respect of any marriage unless the registrar or other responsible officer is satisfied that the parties to the marriage are of the age of maturity.⁵⁷

Registration of Customary Marriage and Divorce Act, 2009

Article 2 (1) Subject to this Act, a customary marriage, contracted after the coming into operation of this Act, shall be valid only if – (a) both spouses are not less than eighteen years old and consent to the marriage.⁵⁸

3.1.25 South Sudan
[The Transitional Constitution of the Republic of South Sudan, 2011 revised in 2013](#)

Article 15: Rights to found a family: Every person of marriageable age shall have the right to marry a person of the opposite sex and to found a family according to their respective family laws, and

⁵⁵ Family Law, 1997, available at http://www.africanchildforum.org/clr/Legislation%20Per%20Country/saotome/saotome_family_1997_pr.pdf, (last visited, September, 1 2016).

⁵⁶ Unofficial translation, Emelyne Calimoutou, World Bank Legal Consultant, Legal Vice Presidency

⁵⁷ Child Right Act, 2007, available at <http://www.sierra-leone.org/Laws/2007-7p.pdf>, (last visited, September, 1 2016).

⁵⁸ Registration of Customary Marriage and Divorce Act 2009, available at <http://www.sierra-leone.org/Laws/2009-01.pdf>, (last visited, September, 1 2016).

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no marriage shall be entered into without the free and full consent of the man and woman intending to marry.

The Child Act, 2008

Article 5: “Child” means a human being under the age of eighteen years.

Article 23 : Right to Protection from Marriage and other Negative and Harmful Cultural and Social Practices. (1) Every child has the right to be protected from early marriage, forced circumcision, scarification, tattooing, piercing, tooth removal or any other cultural rite, custom or traditional practice that is likely to negatively affect the child’s life, health, welfare, dignity or physical, emotional, psychological, mental and intellectual development. (2) Every child has the right to be protected from inheriting debts or fines and being held as a ransom in a family dispute.

3.1.26 Sudan

The Muslim Personal Law Act of Sudan, 1991⁵⁹

Section 34: (1) The marriage of a pubescent woman shall be concluded by her guardian with her permission and consent to the husband and the dowry. Her word regarding her attainment of pubescence shall be conclusive unless it contradicts the obvious. (2) A virgin pubescent woman’s express or implied affirmation is necessary if her guardian concluded her marriage contract and informed her later.

Section 40(3): The guardian of a minor girl cannot conclude her marriage contract unless there is permission from the judge. The guardian has to prove that the marriage will benefit the minor girl, that the husband is suitable and the husband pays the dowry usually paid to women of her status.

Marriage of Non-Muslims Act of 1926

Article 10: A competent court may invalidate a marriage entered into under the Act by a male under 15 years of age or a female under 13 years of age.

Article 29: If either one of the couple to be married is under 21 years of age and is not widowed or divorced, it is essential to obtain the written and signed consent of the father, or of the mother if the father is deceased, delinquent or outside the country, or of the guardian if both parents are deceased, delinquent or outside the country.

3.1.27 Togo

Child Code, 2007

⁵⁹ Sudan has promulgated Child Act in 2010; however the Act doesn’t expressly state minimum age of marriage. The Child Act (2010) is available at <http://www.pclrs.com/downloads/1405childact.pdf> , (last visited, September, 1 2016).

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Article 267: Child marriage is prohibited. The marriageable age is fixed at eighteen (18) years of age. However, the President of the first instance may grant waivers to children of both sexes ages of sixteen (16) years of age for serious reasons⁶⁰.

3.1.28 Uganda

The Constitution of the Republic of Uganda (1995)

Article 31. Rights of the Family (1) Men and women of the age of eighteen years and above have the right to marry and to found a family and are entitled to equal rights in marriage, during marriage and at its dissolution. . . (3) Marriage shall be entered into with the free consent of the man and woman **intending** to marry.

Customary Marriage (Registration) Act (Cap. 248)

Section 11. Void Marriages. A customary marriage shall be void if- 1. The female party to it has not attained the age of sixteen years 2. The male party to it has not attained the age of eighteen years.

Hindu Marriage and Divorce Act (Cap. 250)

Section 2. Conditions for marriages.

1. A marriage may be solemnised if the following conditions are fulfilled-1. neither party has a spouse living at the time of the marriage;
2. both parties are of sound mind at the time of the marriage;
3. the bridegroom has attained the age of eighteen years and the bride the age of sixteen years at the time of the marriage;
4. where the bride has not attained the age of eighteen years, the consent of her guardian in marriage, if any, has been obtained for the marriage.

Marriage and Divorce of Mohammedans Act of 1906

Silent about the age of consent.

⁶⁰ Child Code (2007), available at <http://www.hsph.harvard.edu/population/fgm/togo.child.07.pdf>, (last visited, September, 1 2016).

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Marriage of Africans Act of 1904

Article 5: In cases where the consent of any person to the intended marriage is necessary, the minister to celebrate the intended marriage shall be deemed to be a registrar of marriages for the purpose of that consent, and if there is no parent or guardian in any particular case capable of consenting, then that minister may consent in writing to the marriage, upon being satisfied, after due inquiry, that the marriage is a proper one.

Marriage Act of 1904

Article 17: If either party to an intended marriage, not being a widower or widow, is under twenty-one years of age, the written consent of the father, or if he is dead or of unsound mind or absent from Uganda, of the mother, or if both are dead or of unsound mind or absent from Uganda, of the guardian of that party, must be produced annexed to the affidavit as required by section 10 before a license can be granted or a certificate issued.

3.1.29 Zambia

Marriage Act, 1964

Article 17. If either party to an intended marriage, not being a widower or widow, is under twenty-one years of age, the written consent of the father, or if he be dead or of unsound mind or absent from Zambia, of the mother, or if both be dead or of unsound mind or absent from Zambia, of the guardian of such party shall be produced and shall be annexed to the affidavit required under sections ten and twelve and, save as is otherwise provided in section nineteen, no special licence shall be granted or certificate issued without the production of such consent.

Article 33. (1) A marriage between persons either of whom is under the age of sixteen years shall be void: Provided that this section shall not apply when a Judge of the High Court has, on application being made, and on being satisfied that in the particular circumstances of the case it is not contrary to the public interest, given his consent to the marriage.⁶¹

3.1.30 Zimbabwe

Constitution 2013

78. Marriage rights 1. Every person who has attained the age of eighteen years has the right to found a family. Right to found a family 2. No person may be compelled to enter into marriage against their will. 3. Persons of the same sex are prohibited from marrying each other.

⁶¹ Marriage Act, 1964, available at <http://www.parliament.gov.zm/sites/default/files/documents/acts/Marriage%20Act.pdf>, (last visited, September, 1 2016).

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3.2 Asia and Oceania

3.2.1 Afghanistan

Civil Law of the Republic of Afghanistan, Civil Code, 1977

Article 70: Marriage shall not be considered adequate until the male XXXX the age of 18 and the female the age of 16.

Article 71: (1) Where the girl does not complete the age provided under Article 70 of this law, the marriage may be concluded only through her father or the competent court.

(2) The marriage of a minor girl whose age is less than 15 shall never be permissible.

3.2.2 Bangladesh

The Child Marriage Restraint Act of 1929

Section 2. "In this Act, unless there is anything repugnant in the subject or context,- (a) "child" means a person who, if a male, is under twenty-one years of age, and if a female, is under eighteen years of age;"

The child marriage restraint Act, 1929, provides 18 years as the minimum age for girls and 21 for men. However, girls in Bangladesh continue to get married at a very young age. Muslim personal Law (Sharia Law), a child under 18 years of age may be given in marriage by a guardian until she or he reaches puberty.

3.2.3 Cambodia

Civil Code⁶²

Section 948. (Marriageable age) Neither men nor women may marry until they have reached the age of 18. However, if one of the parties has attained the age of majority and the other party is a minor at least 16 years of age, the parties may marry with the consent of the parental power holders or guardian of the minor.

Section 953. (Marriage of Minor) 1. If one of the parties wishing to marry is a minor, the consent of parental power holders or guardian must be obtained. 2. If one of the parental power holders does not consent, the consent of the other parental power holder shall be sufficient. 3. If the parental power holders or guardian unreasonably refuse consent, the minor wishing to marry may apply to the court for adjudication in place of consent.

⁶² Civil Code of Cambodia, Royal Kram No. NS/RKM/1207/030, December 8, 2007 (the "Civil Code") (2008 reference English translation is available at http://sithi.org/temp.php?url=law_detail.php&id=201, (last visited, September 1 2016).

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3.2.4 China

▸ [Marriage Law of the People's Republic of China \(Order of President of the People's Republic of China No. 51, April 28, 2001\)](#)⁶³

Article 6: In order to get married, the man shall not be younger than 22 years old and the woman shall not be younger than 20. Late marriage and late childbirth shall be encouraged⁶⁴.

Article 50: The people's congresses of the autonomous regions and the standing committees thereof are empowered to formulate adaptations according to the specific conditions of the marriage and family of the ethnic group of the local place. The adaptations formulated by the autonomous prefectures and counties become effective after being ratified by the standing committee of the people's congress of the corresponding province, autonomous region or municipality under the direct control of the central government. The adaptations formulated by the autonomous regions become effective after being ratified by the Standing Committee of the National People's Congress.

Marriageable age of People's Republic of China

| Time | May 1 1950-Jan. 1 1981 | | Jan.1 1981 - Now | |
|------------------|---------------------------|----------------------------|-----------------------------------|------------------------------------|
| Marriageable age | Marriageable age for boys | Marriageable age for girls | Marriageable age for boys | Marriageable age for girls |
| | 20 | 18 | 22(20 for minority nationalities) | 20 (18 for minority nationalities) |

▸ [Adaptations of Tibet Autonomous Region about Marriage Law of the People's Republic of China \(Standing Committee of the People's Congress of Tibet Autonomous Region, June 9, 2004\)](#)⁶⁵

Article 1: The statutory age for marriage is that the man has reached 20 years of age and the woman 18 years of age. (Unofficial translation by Yuantao Liu, Counsel, Global Forum on Law, Justice and Development, World Bank Group)

⁶³ <http://en.pkulaw.cn/display.aspx?id=1793&lib=law&SearchKeyword=&SearchCKeyword=%bb%e9%d2%f6%b7%a8>, (last visited, September 1 2016). The existing minimum age for marriage was implemented on Jan. 1 1981. On May 1 1950, the marriage law of China stipulate that the man shall not be younger than 20years old and the woman shall not be younger than 18.

⁶⁴ Official translation source available at [pkulaw.cn database](http://pkulaw.cn), (last visited, September 1 2016).

⁶⁵ <http://fgk.chinalaw.gov.cn/article/dffg/198104/19810400315581.shtml>, (last visited, September 1 2016).

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‣ [Supplementary Provisions of Xinjiang Uygur Autonomous Region about Marriage Law of the People's Republic of China \(Standing Committee of the People's Congress of Xinjiang Uygur Autonomous Region October 15, 1988\)](#)⁶⁶

Article 2: The statutory age for marriage is that the man has reached 20 years of age and the woman 18 years of age. (Unofficial translation by Yuantao Liu, Counsel, Global Forum on Law, Justice and Development, World Bank Group)

‣ **Supplementary Provisions of Inner Mongolia Autonomous Region about Marriage Law of the People's Republic of China (Standing Committee of the People's Congress of Inner Mongolia Autonomous Region November 30, 2003)**⁶⁷

Article 3: The statutory age for marriage is that the man has reached 20 years of age and the woman 18 years of age. (Unofficial translation by Yuantao Liu, Counsel, Global Forum on Law, Justice and Development, World Bank Group)

‣ **Supplementary Provisions of Ningxia Hui Autonomous Region about Marriage Law of the People's Republic of China (Standing Committee of the People's Congress of Ningxia Hui Autonomous Region June 15, 1981)**⁶⁸

Article 2: The Hui nationality's statutory age for marriage is that the man has reached 20 years of age and the woman 18 years of age. (Unofficial translation by Yuantao Liu, Counsel, Global Forum on Law, Justice and Development, World Bank Group)

There are also other adaptations or alternations and supplementary provisions formulated by autonomous prefectures and autonomous counties of China. Most of the adaptations and supplementary provisions stipulate the statutory age for marriage is 20 years of age for men and 18 years of age for women.

3.2.5 Hong Kong, SAR, China [Marriage Ordinance](#)

Children under age 16 may not marry in Hong Kong. Minors (16-21) need the written consent of their father (or mother if their father is deceased or incompetent) or legal guardian.

Section 18

(1) If the Registrar is satisfied that a person forbidding the issue of a certificate of the Registrar in respect of an intended marriage has a right under section 16 to do so, either of the proposed parties to the intended marriage may appeal by petition to the Court of First Instance, and the Court or judge may hear and determine the matter of the petition in a summary way. (Amended

⁶⁶ <http://www.xjpcsc.gov.cn/flfg/dfxfg/mzmz/201309/t4028e49c4105c9d2014105fbf45c0043.html>, (last visited, September, 1 2016).

⁶⁷ <http://www.mca.gov.cn/article/zwgk/fvfg/shsw/200801/20080110010686.shtml>, (last visited, September, 1 2016).

⁶⁸ <http://www.lawtime.cn/info/minfa/minfagui/2011101894457.html>, (last visited, September, 1 2016).

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50 of 1911; 62 of 1911 Schedule; 14 of 1926 s. 5; 20 of 1948 s. 4; 92 of 1975 s. 59; 25 of 1998 s. 2; 23 of 2005 s. 44)

3.2.6 Macao SAR, China

[Civil Code](#)

No. 1479

Children under age 16 may not marry in Macao.

No. 1487

1) Minors (16-18) need the consent of their parents or legal guardian.

2) If the existence of marriage reasonable and applicators show sufficiently mature, the court may approve license without the preceding paragraph.

3.2.7 Taiwan, China

[Civil Code](#)

Article 972: An agreement to marry shall be made by the male and the female parties in their own [con] cord.

Article 973: A male who has not reached his seventeenth year of age and a female her fifteenth may not make an agreement to marry.

Article 974: Where a minor makes an agreement to marry, he shall obtain the consent of his statutory agent in advance.

Article 980: A man who has not completed his eighteenth year of age and a woman her sixteenth may not conclude a marriage.

Article 981: A minor must have the consent of his statutory agent for concluding a marriage.

3.2.8 India

[The Prohibition of Child Marriage Act, 2006](#)

Section 2: (a) "child" means a person who, if a male, has not completed twenty-one years of age, and if a female, has not completed eighteen years of age; (b) "child marriage" means a marriage to which either of the contracting parties is a child;

The Indian Majority Action, 1875

Nothing herein contained shall affect: (a) the capacity of any persons to act in the following matters (namely), marriage, dowry, divorce and adoption; (b) the religion or religious rites and usages of any class of citizens of India; or (c) the capacity of any person who before this Act comes into force has attained majority under the law applicable to him. 3. Age of majority of persons domiciled in India. (1) Every person domiciled in India shall attain the age of majority on his completing the age of eighteen years and not before. (2) In computing the age of any person, the day on which he was born is to be included as a whole day and he shall be deemed to have attained majority at the beginning of the eighteenth anniversary of that day.

There are no legal exceptions to the minimum age for marriage, neither under the Prohibition of Child Marriage Act, nor by customary law. The Act applies throughout India, except for the provinces of Jammu and Kashmir, and to all Indians, regardless of religion or race.⁷ Indian courts have ruled that the Prohibition of Child Marriage Act has overriding effect over the provisions of the Muslim Personal Status Law, which allows marriage of a girl child once she attains puberty.

Hindu Marriage Act, 1956

5. Condition for a Hindu Marriage.- A marriage may be solemnized between any two Hindus, if the following conditions are fulfilled, namely:

(i) neither party has a spouse living at the time of the marriage;

(ii) at the time of the marriage, neither party,

(a) is incapable of giving a valid consent of it in consequence of unsoundness of mind;
or

(b) though capable of giving a valid consent has been suffering from mental disorder of such a kind or to such an extent as to be unfit for marriage and the procreation of children; or

(c) has been subject to recurrent attacks of insanity or epilepsy;

(iii) the bridegroom has completed the age of twenty one years and the bride the age of eighteen years at the time of the marriage;

(iv) the parties are not within the degrees of prohibited relationship unless the custom or usage governing each of them permits of a marriage between the two;

(v) the parties are not sapindas of each other, unless the custom or usage governing each of them permits of a marriage between the two;

(vi) (Omitted)

Indian Christian Marriage Act, 1872

In this Act, unless there is something repugnant in the subject or context, — "minor" means a person who has not completed the age of twenty-one years and who is not a widower or a widow

18. Declaration before issue of certificate. — The certificate mentioned in Section 17 shall not be issued until one of the persons intending marriage has appeared personally before the Minister and made a solemn declaration

(a) that he or she believes that there is not any impediment of kindred or affinity, or other lawful hindrance, to the said marriage, and, when either or both of the parties is or are a minor or minors

—

(b) that the consent or consents required by law has or have been obtained thereto, or that there is no person resident in India having authority to give such consent, as the case may be.

19. Consent of father or guardian or mother. — The father, if living, of any minor, or if the father be dead, the guardian of the person of such minor, and, in case there be no such guardian, then the mother of such minor, may give consent to the minor's marriage, and such consent is hereby required for the same marriage, unless no person authorised to give such consent be resident in India.

Parsi Marriage and Divorce Act 1936, amended 1988

Requisites to validity of Parsi marriages.

6 [(1)] No marriage shall be valid if—

(a) the contracting parties are related to each other in any of the degrees of consanguinity or affinity set forth in Schedule I; or

(b) such marriage is not solemnized according to the Parsi form of ceremony called "Ashirvad" by a priest in the presence of two Parsi witnesses other than such priest; or

7 [(c) in the case of any Parsi (whether such Parsi has changed his or her religion or domicile or not) who, if a male, has not completed twenty-one years of age, and if a female, has not completed eighteen years of age];

3.2.9 Maldives

Family Act, 2000

Article 4. a. Except in those circumstances provided in subsection (b) of this section, a marriage under this Act may be solemnized only where each of the persons entering into the marriage has completed 18 years of age in accordance with the Gregorian Calendar. b. Where a person who has

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not completed 18 years of age in accordance with the Gregorian Calendar makes an application to marry, the Registrar of Marriages has the discretion, where that person has attained puberty, to grant approval to the solemnization of that marriage upon having considered the person's physical well being, competence to maintain a livelihood, and reasons for contracting the marriage.

3.2.10 Nepal

The Interim Constitution of Nepal (2007)

Article 39: No child shall be subjected to child marriage, transported illegally, abducted/kidnapped or taken in hostage.

The Eleventh Amendment to the Muluki Ain (Nepalese Country Code)

Chapter 18: 2. While contracting a marriage, no one shall arrange to marry nor cause to be married where the male and the female have not completed the age of Eighteen years with the consent of the guardian and that of twenty years in case of absence of the consent of the guardian. The persons having attained majority, out of those who marry or cause to be married in violation of this provision, shall be punished as follows: If a female below the age of Ten years is married or caused to be married, punishment of imprisonment for a term from six months to Three years and with a fine of One Thousand Rupees to Ten Thousand Rupees shall be imposed. If a female above the age of Ten years but below the age of Fourteen years is married or caused to be married, punishment of imprisonment for a term from Three months to One year and with a fine of a maximum of Five Thousand Rupees or both shall be imposed.

If a female above the age of fourteen years but below the age of Eighteen years is married or caused to be married, punishment of imprisonment for a term not exceeding Six months or a fine of a maximum of Ten Thousand Rupees or both shall be imposed.

If a male or female who has not completed the age of twenty years is married or cause to be married, punishment of imprisonment for a term not exceeding six months or a fine of a maximum of Ten Thousand Rupees or both shall be imposed.

If one marries or causes to be married lying that the marriage is allowed under the law, no punishment shall be imposed on the person who marries or causes to be married in ignorance.

Those persons who have attained majority, out of the priests, matchmakers and other abettors who knowingly perform acts of marriage in violation of the provisions contained in the above-mentioned numbers shall be punished with imprisonment for a term not exceeding One month or a fine of a maximum of One Thousand Rupees. Notwithstanding anything contained in the above-mentioned Sections of this Number, if solemnization of marriage has not been completed but arrangement of marriage has been finalized in accordance with the rites, the main person finalizing such arrangement of marriage shall be punished with a fine of a maximum of seven hundred rupees and such finalized arrangement of marriage shall be set aside. Those persons who

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have attained majority, out of the priests, matchmakers and other abettors who knowingly perform acts of marriage in violation of the provisions contained in the above-mentioned numbers shall be punished with imprisonment for a term not exceeding One month or a fine of a maximum of One Thousand Rupees. Notwithstanding anything contained in the above-mentioned Sections of this Number, if solemnization of marriage has not been completed but arrangement of marriage has been finalized in accordance with the rites, the main person finalizing such arrangement of marriage shall be punished with a fine of a maximum of seven hundred rupees and such finalized arrangement of marriage shall be set aside.

3.2.11 Pakistan

[Child Marriage Restraint Act, 1929](#)

Article 2 : In this Act, unless there is anything repugnant in the subject or context, (a) “child” means a person who, if a male, is under eighteen years of age, and if a female, is under sixteen years of age; (b) “child marriage” means a marriage to which either of the contracting parties is a child; (c) “contracting party” to a marriage means either of the parties whose marriage is or is about to be thereby solemnized; (d) “minor” means person of either sex who is under eighteen years of age, (e) “Union Council” means the Union Council or the Town Committee constituted under the Law relating to Local Government for the time being in force.

3.2.12 Papua New Guinea

[Marriage Act, 1963](#)

Article 3- Customary marriages

(1) Notwithstanding the provisions of this Act or of any other law, a native, other than a native who is a party to a subsisting marriage under Part V. may enter, and shall be deemed always to have been capable of entering, into a customary marriage in accordance with the custom prevailing in the tribe or group to which the parties to the marriage or either of them belong or belongs.

(2) Subject to this Act, a customary marriage is valid and effectual for all purposes.

Article 4- Religious rites

Notwithstanding the provisions of this Act or of any other law, religious rites or ceremonies may be performed in connection with a customary marriage.

Article 7-Marriageable age

(1) Subject to this section–

(a) a male person is of marriageable age if he has attained the age of 18 years; and

(b) a female person is of marriageable age if she has attained the age of 16 years.

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(2) A male person who has attained the age of 16 years but has not attained the age of 18 years, or a female person who has attained the age of 14 years but has not attained the age of 16 years, may apply to a Judge or Magistrate for an order authorizing him or her to marry a particular person of marriageable age.

(3) The Judge or Magistrate shall hold an inquiry into the relevant facts and circumstances and, if he is satisfied that—

(a) the applicant has attained—

(i) in the case of a male person—the age of 16 years; or

(ii) in the case of a female person—the age of 14 years; and

(b) the circumstances of the case are so exceptional and unusual as to justify the making of the order,

he may, in his discretion, make the order sought, but otherwise he shall refuse the application.

(4) Subject to Subsection (7), where a Judge or Magistrate has made an order under Subsection

(3) the person on whose application the order was made is, in relation to his or her marriage to the other person specified in the order, but not otherwise, of marriageable age.

(5) Where a Judge or a Magistrate to whom an application is made under Subsection (2) is satisfied that the matter could more properly be dealt with by a Judge or a Magistrate sitting at a place nearer the place where the applicant ordinarily resides, he may, in his discretion, refuse to proceed with the hearing of the application.

(6) For the purposes of Section 14, a refusal under Subsection (5) shall not be deemed to be a refusal of the application.

(7) Where an order is made under Subsection (3) and the marriage to which the order relates does not take place within three months after the date of the order, the order ceases to have effect.

3.2.13 Thailand

[Civil and Commercial Code, Book V, Title I](#)

Section 1435. A betrothal can be effected only when the man and woman have reached and concluded their seventeenth year of age. The betrothal contrary to the provisions of paragraph one is void.

Section 1436. If a minor will conclude a betrothal, the consent of the following persons is required: His or her parents, in case both of his or her father and mother are still alive; His or her parent, in case his or her father or mother died, or is in a position or state of being unable to give consent, or is in a situation that make the minor unable to ask for such consent; His or her adoptor, in case

the minor is an adopted child; His or her guardian, in case there is not person giving consent under (1), (2) and (3), or such person is deprived of parental power.

A betrothal completed by the minor without the said consent is voidable.

Section 1448. A marriage can occur only when the man and woman have finished their seventeenth year of age. But the Court may, in case of having appropriate reason, permit them to marry before attaining such age. Section 1454. In case of marriage of a minor, the provisions of Section 1436 shall apply mutatis mutandis.

3.3 Latin America

3.3.1 Bolivia

Family Code, 1988

Article 44: Age. The man before the age of sixteen years old and the woman before the age of fourteen years old, cannot contract marriage. The judge may grant an exemption of age for serious and justified reasons.

3.3.2 Brazil

Civil Code, 2002

Article 1.517: Men and women of age 16 may marry with authorization of both parents, or of their legal representatives, until they have reached the civil legal age. Unique Paragraph. If there is a divergence among parents, article 1.631 applies.

Article 1.518: Until the celebration of marriage, parents or legal guardians may revoke the authorization.

Article 1.519: The judge may surpass the refusal of consent, when unfair.

Article 1.520: As an exception, marriage of a person who has not yet reached nuptial age (Art. 1517), in order to avoid imposition or completion of a criminal sentence or in the case of a pregnancy⁶⁹.

⁶⁹Unofficial translation, She goes with my boat, 2015, Promundo available at http://promundoglobal.org/wp-content/uploads/2015/07/SheGoesWithMyBoat_ChildAdolescentMarriageBrazil.pdf, (last visited, September 1 2016).

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3.3.3 Dominican Republic

[Civil Code, 1949](#)

Article 144: Marriage is forbidden for men younger than 18 years old or women less than 15 years of age⁷⁰.

Article 145: However, the Government may grant a waiver for important causes.

3.3.4 El Salvador

[Family Code, 1859](#)

Article 14: Absolute nullity. Cannot marry:

1) Minors under eighteen years of age;

Notwithstanding the provisions of the first article, minors under eighteen may marry if they have reach puberty, and have a child together or if the girl is pregnant.

3.3.5 Guatemala

[Civil Code of Guatemala, 1936 amended by Decree 8-2015, 2015](#)

Article 81 (Ability to contract marriage): The minimum marriage age is 18.

Article 82: However, that as an exception and based on “well-founded” grounds the marriage of a minor who is at least 16 years of age may be authorized.

Article 83 (Judicial authorization): The marriage of minors who are under 16 years of age cannot be authorized.

3.3.6 Haiti

[Civil Code, 1963](#)

Art. 133: A man before the age of eighteen, a wife before the age of fifteen, cannot contract a marriage

Nevertheless, President of Haiti may grant age exemptions for serious reasons⁷¹.

3.3.7 Panama

[Family Code, Law No. 3 de Mayo de 1994, 1994](#)

⁷⁰<http://www.equalitynow.org/content/civil-code>, (last visited, September 1 2016).

⁷¹ Unofficial translation, Emelyne Calimoutou, Legal Consultant, Legal Vice Presidency, World Bank

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Article 35: Marriage is forbidden: 1. Below the age of 18 without the prior express consent of a parent or guardian as appropriate.

Article 33: Are not permitted to contract marriage: 1. Boys younger than 16 years old and girls younger than 14.

3.3.8 Peru

[Civil Code, 1984](#)

Article 241: 1) Adolescents cannot marry. Judges may excuse the impairment only if they have at least 16 years, have expressed their desire to marry and have the consent of their parents⁷².

3.4 Middle- East North Africa

3.4.1 Algeria

[Law No. 84-11 of 9 June 1984 comprising the Family Law 1984/Code de la Famille, as amended in 27 February 2007](#)

Article 7 (modified): The marriage is deemed valid at 19 years of age for men and women. However, the judge can grant an age waiver for a reason of interest or if necessary, when the capacity to marry is established.

3.4.2 Bahrain

A ministerial decree Decree No. 45 (2007) was issued by the Minister of Justice and Islamic Affairs on 23 September 2007 regulating the procedures for contracting marriages of girls under 15 years of age.

Article 10: “A marriage may not be contracted and shall not be recognized where the bride is under 15 or the groom is under 18 when the contract is concluded, unless there is a compelling need which justifies marriage of persons below these ages, in which case a permit must be obtained from the competent court.”⁷³

⁷²Equality Now, CEDAW and CRC recommendations of minimum age around the world, available at http://www.equalitynow.org/sites/default/files/UN_Committee_Recommendations_on_Minimum_Age_of_Marriage_Laws.pdf, (Last consulted, June 21 2015), p.62, (last visited, September 1 2016).

⁷³CRIN, Bahrain children rights’ references in the universal periodic review, available at <https://www.crin.org/en/library/publications/bahrain-childrens-rights-references-universal-periodic-review>; CEDAW/C/BHR/3 (2011), available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/646/91/PDF/N1164691.pdf?OpenElement>, p.51, (last visited, September 1 2016).

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3.4.3 Egypt, Arab Republic

Law no 126 of 2008 including amendment to the Child Law, Civil Law Status Act and Penal Code

Child Law Article 2: For the purpose of this Law, the term “child” within the context of care and welfare, shall mean all individuals who have not reached the age of eighteen (18) complete calendar years. The age of the child shall be verified by means of a birth certificate, an identification card, or any other official document. In the absence of an official document, an authorized entity shall determine the age, by virtue of a decree issued by the Minister of Justice in agreement with the Minister of Health

Civil Status Act Article 31-bis: The marriage contract shall not be registered for those who did not reach eighteen (18) years of age. The State ensures carrying out a medical examination for those wishing to get married to ensure that they are free from diseases that may affect their lives or the health of either one of them, or the health of their offspring; and informs them of the results of the examination. A decree from the Minister of Health in agreement with the Minister of Justice shall determine those diseases, the types of examination and procedures, and the parties licensed to conduct the examination. The marriage contract shall not be registered, unless those wishing to get married submit to the registrar evidence that the said medical examinations referred to in the previous paragraph were carried out. Without prejudice to any criminal penalty stipulated in any other law, anyone who registers a marriage that violates provisions of this article shall receive disciplinary punishment⁷⁴.

3.4.4 Iraq

Personal status law N° 188 of 1959, amended by law N° 21 of 1978 and law N°90 of 1987

Article 7: 1- In order for the marriage to be valid, the two parties to the contract should be sane and have reached 18 years of age.

Article 8: 1- If a 15-year-old person asks to be married, the judge can authorize his marriage if the eligibility and physical ability of the person in question was proven to him, after obtaining the approval of his legal guardian. If the guardian abstains from responding, the judge calls upon him to state his answer during a defined period. Thus, if the guardian does not object or if the guardian submits an objection that is unworthy of consideration, the judge shall proceed to authorizing the marriage⁷⁵. 2- The judge can authorize the marriage of a 15-year-old person if she/he sees in it an

⁷⁴ National Council for Childhood and Motherhood, law n°. 12 of 1996 promulgating the child law amended by law n°. 126 of 2008, available at http://www.africanchildforum.org/clr/Legislation%20Per%20Country/Egypt/egypt_children_2008_en.pdf, p. 52, (last visited, September 1 2016).

⁷⁵ The text of paragraph 1 of article 7 was repealed and replaced by the current text by virtue of the second amendment law n° 21 of the year 1978

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urgent necessity. Giving such authorization is also conditional upon the attainment of legal puberty and physical ability⁷⁶.

3.4.5 Iran, Islamic Republic

[The Civil Code of the Islamic Republic of Iran, amended 17 December 2000.](#)

Article 1210: No one, when reaching the age of majority, can be treated as under disability in respect of insanity or immaturity unless his immaturity or insanity is proved.

Note 1 - the age of majority for boys is fifteen lunar years and for girls nine lunar years.

Article 1041: Marriage before the age, of majority is prohibited.

Note - Marriage before puberty by the permission of the Guardian and on condition of taking into consideration the ward's interest is proper⁷⁷.

3.4.6 Jordan

[The Personal Status Law No. 60 for 1976](#)

Article 5: sets the age for marriage at 15 “lunar” years for both boys and girls⁷⁸.

The Provisional Personal Status Law No. 82 for 2001, amended article (5)

Article 5 (amended): increased the minimum marriage age to 18 calendar years, allowing judges to marry girls and boys aged 15-17, with the ages to be calculated, according to special instructions issued by the Chief Justice, in lunar years⁷⁹.

Personal Status Law (No. 36) of 2010,⁸⁰ amended article (5)

Article 5 (amended): The Judge, and based on approval from Department of the Chief Justice (Qadi al-Qudah), is permitted to grant authorization to marry to those who are 15 years of age if the marriage is deemed necessary in accordance with the following:

1. The prospective husband must be fit to marry the prospective wife in accordance with the requirements stipulated in article 21, paragraph (a) of the Personal Status Law.48

⁷⁶ The text of article 8 was repealed and replaced by the current text by virtue of the second amendment law n° 21 of the year 1978. Then it was decided that paragraph 1 falls within the said article and a second paragraph was added to it by virtue of the 12th amendment law n° 90 of the year 1987.

⁷⁷ Unofficial translation of the Civil Code of the Islamic Republic of Iran, available at <http://www.alaviandassociates.com/documents/civilcode.pdf>, (last visited, September 1 2016).

⁷⁸ UNICEF, A study on marly marriage in Jordan 2014, available at [http://www.unicef.org/mena/UNICEFJordan_EarlyMarriageStudy2014\(1\).pdf](http://www.unicef.org/mena/UNICEFJordan_EarlyMarriageStudy2014(1).pdf), p. 13, (last visited, September 1 2016).

⁷⁹ UNICEF, A study on marly marriage in Jordan 2014, available at [http://www.unicef.org/mena/UNICEFJordan_EarlyMarriageStudy2014\(1\).pdf](http://www.unicef.org/mena/UNICEFJordan_EarlyMarriageStudy2014(1).pdf) p. 13, (last visited, September 1 2016).

⁸⁰ Unofficial translation, Qadi al-Qudah, Imam al-Hadrah Al-Hashemiyeh A.D. Ahmad Mohammad Hillael, UNICEF, A study on early marriage in Jordan 2014, available at [http://www.unicef.org/mena/UNICEFJordan_EarlyMarriageStudy2014\(1\).pdf](http://www.unicef.org/mena/UNICEFJordan_EarlyMarriageStudy2014(1).pdf), p. 45, (last visited, September 1 2016). This compendium - developed in the framework of the Global Forum on Law, Justice and Development – is a working document intended as reference tool for Global Forum's partners and other development practitioners. It does not constitute an exhaustive treatment of the legal framework on child marriage and may be updated from time to time.

2. The judge must verify and assess the agreement and consent of all involved, along with the freedom of choice and overall satisfaction;
3. The court must ascertain whether the marriage serves the interest be it economic, social or security, and leads to reaping the benefits, or warding off the evils. This is done by any means or measure the court finds suitable in order to check and to ultimately confirm that there is a real need or necessity for the marriage.
4. The court has to take into consideration, to the extent possible, and in accordance to the details of each case that there is an apparent benefit from the marriage, that any age difference between the applicants is deemed suitable, that the marriage is not repeated, nor is it a reason for discontinuing school education.
5. The guardian [of the prospective spouse aged below 18] must provide consent for the marriage in accordance with articles 17, 18 and 20 of the Personal Status Law.
6. The Court must provide proper documentation of the recommendation justifying the authorization to marry. The application and supporting documentation is then submitted to the Department of the Chief Justice (Qadi al-Qudah) – for review and approval⁸¹.
7. After the issuance of the approval of Department of the Chief Justice (Qadi al-Qudah), the approval is documented in accordance with the proper procedures and regulations.
8. The marriage is registered after double-checking that there are not any legal or shari'a reasons to forbid authorization of the marriage⁸².

3.4.7 Kuwait

The Kuwait Personal Status Law n° 66 of 2007

Articles 24(a), 26, 92 and 342: Puberty is a condition of capacity and a contract may not be registered or confirmed nor any claims of marriage heard until the ages of 17 male and 15 female by the lunar calendar⁸³.

⁸²Unofficial translation, Qadi al-Qudah, Imam al-Hadrah Al-Hashemiyeh A.D. Ahmad Mohammad Hillael, UNICEF, A study on early marriage in Jordan 2014, available at [http://www.unicef.org/mena/UNICEFJordan_EarlyMarriageStudy2014\(1\).pdf](http://www.unicef.org/mena/UNICEFJordan_EarlyMarriageStudy2014(1).pdf), p. 45, (last visited, September 1 2016).

⁸³Unofficial translation, Lynn Welchman, Women and Muslim family Laws in Arab States, available available at <https://openaccess.leidenuniv.nl/bitstream/handle/1887/13374/Women+and+Muslim+Family+Laws+in+Arab+States.pdf;jsessionid=E788AF A6D6E690094692939A9FF3B640?sequence=1>, p. 199, (last visited, September 1 2016).

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3.4.8 Libya

Before the 2011 revolution, Libya did not have a constitution and the country's legal framework was based on a series of laws and declarations, which include the 1977 Declaration of the Authority of the People and the 1988 Great Green Charter of Human Rights in the Age of the Masses. Following Colonel Muammar al-Qadhafi's coming to power in 1969, the civil and Shari'a courts were merged and civil courts with jurisdiction over family matters were created⁸⁴. However, in August 3, 2011 the National Transitional Council promulgated a Constitutional Declaration.

According to the Article I of the Constitutional Declaration, "Islamic Shari'a shall be the main source of legislation"⁸⁵.

Law No. 10 of 1984 on Provisions Concerning Marriage, Divorce, and their consequences.

Article 6: For legal capacity to marry, parties must be of age and sound mind. Legal capacity to marry shall be complete when the age of twenty is attained. The court shall have the right to permit marriage before this age is reached where it determines some benefit or necessity and after the agreement of the guardian. A person who marries in accordance with the two preceding paragraphs shall be eligible to act in everything connected with marriage and its consequences.

Article 7: The guardian in marriage shall be a male agnate according to the order of inheritance. It is stipulated that the guardian be of age and of sound mind. If two guardians are of equal relationship then either may act as marriage guardian in the marriage provided they meet required the conditions. If the nearest guardian is absent and the court sees that to wait for his opinion would be detrimental with regard to the marriage the guardianship shall pass to the next in the hierarchy. The court shall be guardian to a person who has no guardian.

Article 8: It shall not be permitted for a guardian to force a young man or woman to marry against their will. Likewise, it shall not be permitted for a guardian to prevent his ward from marrying a man whom she wishes as her husband. If there is a dispute between those acting as guardians in the affairs of the engaged couple with regard to the marriage, the contract shall not be concluded until a decision has been issued by the relevant court⁸⁶.

⁸⁴ UNICEF, Libya Gender Equality Profile 2011, available at <http://www.unicef.org/gender/files/Libya-Gender-Equality-Profile-2011.pdf>, p.1, (last visited, September 1 2016).

⁸⁵ Constitutional Declaration, available at: https://www.constituteproject.org/constitution/Libya_2012#s16, (last visited, September 1 2016).

⁸⁶ Unofficial translation, Lynn Welchman, Women and Muslim family Laws in Arab States, available at <https://openaccess.leidenuniv.nl/bitstream/handle/1887/13374/Women+and+Muslim+Family+Laws+in+Arab+States.pdf;jsessionid=E788AF A6D6E690094692939A9FF3B640?sequence=1>, p. 163, (last visited, September, 1 2016).

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3.4.9 Morocco

The Moroccan Family Code of February 5, 2004

Article 19: Men and women acquire the capacity to marry when they are of sound mind and have completed eighteen full Gregorian years of age.

Article 20: The Family Affairs Judge in charge of marriage may authorize the marriage of a girl or boy below the legal age of marriage as stipulated in preceding Article 19, in a well-substantiated decision explaining the interest and reasons justifying the marriage, after having heard the parents of the minor who has not yet reached the age of capacity or his/her legal tutor, with the assistance of medical expertise or after having conducted a social enquiry.

3.4.10 Qatar

Law N° 22 of 2006 promulgating the Family Law

Article 17: Males are not allowed to enter into marriage contracts before the age of eighteen (18). Females are not allowed to enter into marriage contracts before the age of sixteen (16). All marriages of males and females over the age of eighteen (18) and sixteen (16) respectively shall only be allowed after the approval of the guardian, verification of the consent from both parties to the contract and the permission of a competent Judge.

3.4.11 Saudi Arabia

The government of Saudi Arabia has not yet set a minimum legal age for marriage. In 2014 the country's Ministry of Justice propose to restrict the minimum age for marriage for women to 15 years⁸⁷, but the proposed draft law appear to have been postponed indefinitely⁸⁸.

3.4.12 Syrian Arab Republic

Law N°34 of 1975 Law of Personal Status⁸⁹

Article 15: Capacity for marriage requires reason and puberty.

Article 16: The male reaches capacity for marriage with the completion of his eighteenth year, and the female with the completion of her seventeenth year.

⁸⁷No minimum age for marriage of girls – Grand Mufti, Arabia Business Fritter, 2014, available at <http://www.arabianbusiness.com/no-minimum-age-for-marriage-of-girls-grand-mufti-576044.htm>, (last visited, September, 1 2016).

⁸⁸Bredan Wynne, Equality Now, No more child marriage in Saudi Arabia?, 2014, available at <http://www.chimeforchange.org/story/no-more-child-marriage-in-saudi-arabia/>, (last visited, September, 1 2016).

⁸⁹Unofficial translation, Lynn Welchman, Women and Muslim family Laws in Arab States, available at <https://openaccess.leidenuniv.nl/bitstream/handle/1887/13374/Women+and+Muslim+Family+Laws+in+Arab+States.pdf;jsessionid=E788AF A6D6E690094692939A9FF3B640?sequence=1>, p. 165, (last visited, September 1 2016).

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Article 18: If the male adolescent claims [to have reached] puberty after completing his fifteenth year or the female her thirteenth, and they petition to be married, the qadi shall permit it if the truth of their claim and their bodily capacity are apparent to him.

Article 19: If the engaged couple is not suited in age, and there is no interest [to be realized] through this marriage, the qadi is allowed to not permit it.

Article 20: If a mature girl who has attained seventeen years wishes to be married, the judge shall ask her guardian to express his opinion within a time limit which he shall stipulate, and if he does not object or if his objection is not worthy of consideration, the judge shall give permission for her marriage on condition of equality of social status.⁹⁰

3.4.13 Tunisia

The Tunisian Personal Status Code of 1956 (Act No. 2007-32), amended in 12 July 1993 and in 14 May 2007.

Article 5: Both bride and groom must not be in one of the cases of statutory impediments. In addition, each of the two future spouses who have not attained eighteen years of age cannot enter into marriage. Below that age, marriage cannot be contracted by virtue of a special authorization from the judge that the grant only for serious reasons and understand the interests of both spouses.

Article 6: The marriage of a minor is subject to the consent of her guardian and mother. In case of refusal of the guardian or mother and persistence of the minor, the judge is seized. The decision of a judge authorizing the marriage of a minor is not subject to appeal⁹¹.

3.4.14 United Arab Emirates

The laws in United Arab Emirates (UAE) are based on Islamic law (Shari'a) and are influenced by Egyptian code and French civil law.⁹²

Federal Law n°28 of 2005 on Personal Status of 19 November 2005

The legal minimum age of marriage is 18 for girls and boys. The prospective husband and the woman's guardian are parties to the marriage contract⁹³.

⁹⁰Unofficial translation, Lynn Welchman, Women and Muslim family Laws in Arab States, available at <https://openaccess.leidenuniv.nl/bitstream/handle/1887/13374/Women+and+Muslim+Family+Laws+in+Arab+States.pdf;jsessionid=E788AF6D6E690094692939A9FF3B640?sequence=1>, p. 165, (last visited, September 1 2016).

⁹¹Unofficial translation, Emelyne Calimoutou, Legal consultant World Bank, Legal Vice Presidency Unit

⁹²UNICEF, UAE Gender Equality Profile 2011, available at <http://www.unicef.org/gender/files/UAE-Gender-Equality-Profile-2011.pdf>, p.1, (last visited, September 1 2016).

⁹³UNICEF, UAE Gender Equality Profile 2011, available at <http://www.unicef.org/gender/files/UAE-Gender-Equality-Profile-2011.pdf>, p.2, (last visited, September 1 2016).

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Article 39 discusses the requirement of a male guardian to conclude the contract. If her guardian refuses to provide permission and she is at least 18 years old, she can appeal to the judge to act as her guardian to enter her into marriage⁹⁴.

3.4.15 Yemen

Personal status law 1992

Article 15: It is not permissible to conclude marriage for underage individuals (males or females) before reaching 15 years old age.

Personal status law 1992 amended in 1999

Article 15: Marriage contract of underage female is valid. However, husband may not perform sex with her and she may not be brought to him unless she is suitable for sexual intercourse even if her age exceeds 15 years. Concluding marriage contracts for underage males is valid unless an interest is proven.

3.5.OECD

3.5.1 Australia

Federal Act, 1961

11 Marriageable age

Subject to section 12, a person is of marriageable age if the person has attained the age of 18 years.

12 Authorisation of marriage of person under age of 18 years in exceptional circumstances

1. A person who has attained the age of 16 years but has not attained the age of 18 years may apply to a Judge or magistrate in a State or Territory for an order authorising him or her to marry a particular person of marriageable age despite the fact that the applicant has not attained the age of 18 years.

2. The Judge or magistrate shall, subject to subsection (4), hold an inquiry into the relevant facts and circumstances and, if satisfied that:

⁹⁴UN Committee on the Elimination of Discrimination against women, "Initial report of the United Arab Emirates," 2008, CEDAW/C/ARE/1 http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fARE%2f1&Lang=en, p.58, (last visited, September 1 2016).

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- (a) the applicant has attained the age of 16 years; and
- (b) the circumstances of the case are so exceptional and unusual as to justify the making of the order; the Judge or magistrate may, in his or her discretion, make the order sought, but otherwise the Judge or magistrate shall refuse the application.

3. Subject to subsection (5), where a Judge or a magistrate has made such an order, the person on whose application the order was made is, in relation to his or her marriage to the other person specified in the order, but not otherwise, of marriageable age.

4. Where a Judge or a magistrate to whom an application is made under this section is satisfied that the matter could more properly be dealt with by a Judge or a magistrate sitting at a place nearer the place where the applicant ordinarily resides, the Judge or magistrate may, in his or her discretion, refuse to proceed with the hearing of the application, but such a refusal shall not, for the purposes of section 19, be deemed to be a refusal of the application.

5. Where an order is made under this section and the marriage to which the order relates does not take place within 3 months after the date of the order, the order ceases to have effect.

13 Marriage of minor not to be solemnised without consent of parents etc.

(1) Subject to this Part, where a party to an intended marriage, not having previously been married, is a minor, the marriage shall not be solemnised unless there is produced to the person by whom or in whose presence the marriage is solemnised:

(a) in respect of each person whose consent is required by this Act to the marriage of the minor, not being a person to whom paragraph (b) is applicable:

(i) the consent in writing of that person, duly witnessed and dated not earlier than 3 months before the date on which the marriage is solemnised or, in such cases as are prescribed, such other evidence that the consent of that person to the intended marriage has been given not earlier than that time as the regulations declare to be sufficient for the purposes of this section; or

(ii) an effective consent in writing of a magistrate or a Judge under this Part in place of the consent of that person; and

(b) in respect of any person whose consent to the marriage of the minor has been dispensed with by a prescribed authority—the dispensation in writing signed by the prescribed authority.

(2) For the purposes of subsection (1), the consent of a person is only duly witnessed if the signature of that person was witnessed:

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- (a) if the consent is signed in Australia—by one of the following persons:
 - (i) an authorised celebrant;
 - (ii) a Commissioner for Declarations under the *Statutory Declarations Act 1959*;
 - (iii) a justice of the peace;
 - (iv) a barrister or solicitor;
 - (v) a legally qualified medical practitioner;
 - (vi) a member of the Australian Federal Police or the police force of a State or Territory; or
 - (b) if the consent is signed in any other place—by one of the following persons:
 - (i) an Australian Diplomatic Officer;
 - (ii) an Australian Consular Officer;
 - (iii) a minister of religion of that place;
 - (iv) a judge of a court of that place;
 - (v) a magistrate or justice of the peace of or for that place;
 - (vi) a notary public;
 - (vii) an employee of the Commonwealth authorised under paragraph 3(c) of the *Consular Fees Act 1955*;
 - (viii) an employee of the Australian Trade Commission authorised under paragraph 3(d) of the *Consular Fees Act 1955*.
- (3) A person shall not subscribe his or her name as a witness to the signature of a person to a consent to a marriage unless:
- (a) the person is satisfied on reasonable grounds as to the identity of that person; and
 - (b) the consent bears the date on which the person subscribes his or her name as a witness.
- (4) person shall not solemnise a marriage if the person has reason to believe that:
- (a) a person whose consent in writing to the marriage of one of the parties is or has been produced for the purposes of this section has revoked his or her consent;
 - (b) the signature of a person to a consent produced for the purposes of this section is forged or has been obtained by fraud;
 - (c) a consent produced for the purposes of this section has been altered in a material particular without authority; or
 - (d) a dispensation with the consent of a person that has been produced in relation to the marriage has ceased to have effect.

3.5.2 Germany

German Civil Code BGB Civil Code

Section 1303 Marriageable age (1) A marriage should not be entered into before the parties reach the age of majority. (2) The family court, on application, may grant exemption from this provision if the applicant has reached the age of sixteen and his future spouse is of full age. (3) Where the legal representative of the applicant or another person with care for the person of the child objects to the application, the family court may grant exemption only if the objection is not based on weighty reasons. (4) If the family court grants exemption under subsection (2), the applicant no longer requires the prior consent of the legal representative or of another person with care for the person of the child in order to enter into marriage.

3.5.3 United States

3.5.3.1 Alabama

Code of Alabama

Title 30 Marital and Domestic Relations⁹⁵

Section 30-1-4 Minimum age for contracting marriage.

A person under the age of 16 years is incapable of contracting marriage.

Section 30-1-5 Consent of parents and bond required for marriage of certain minors.

If the person intending to marry is at least 16 years of age and under 18 years of age and has not had a former wife or husband, the judge of probate shall require the consent of the parents or guardians of the minor to the marriage, to be given either personally or in writing, and, if the latter, the execution thereof shall be proved. The judge of probate shall also require a bond to be executed in the penal sum of two hundred dollars (\$200), payable to the State of Alabama, with condition to be void if there is no lawful cause why such marriage should not be celebrated.

3.5.3.2 Alaska

Alaska Statutes -Alaska Marriage Code

Sec. 25.05.011. Civil contract.⁹⁶

(a) Marriage is a civil contract entered into by one man and one woman that requires both a license and solemnization. The man and the woman must each be at least one of the following:

- (1) 18 years of age or older and otherwise capable;

⁹⁵ 2003 Alabama Laws Act 2003-150 (H.B. 20) amend Sections 30–1–4 and 30–1–5, Code of Alabama 1975, relating to the minimum age for contracting marriage; to provide that a person under the age of 16 years is incapable of contracting marriage; and to require the consent of the parent or guardian of a person who applies for a marriage license and is at least 16 years of age and under the age of 18 years before a marriage license may be issued.

⁹⁶ HISTORY: (§ 1 ch 58 SLA 1963; am § 9 ch 245 SLA 1970; am § 92 ch 127 SLA 1974; am § 1 ch 28 SLA 1975; am § 1 ch 21 SLA 1996)

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- (2) Qualified for a license under AS 25.05.171⁹⁷; or
- (3) A member of the armed forces of the United States while on active duty.

3.5.3.3 Arizona

Arizona Statutes

25-102. Consent required for marriage of minors

A. Persons under eighteen years of age shall not marry without the consent of the parent or guardian having custody of such person. Persons under sixteen years of age shall not marry without the consent of the parent or guardian having custody of that person and the approval of any superior court judge in the state. When both parents are living the consent of either parent is sufficient. When the parents are living apart, the consent shall be given by the parent who has the custody of the minor.

B. Before authorizing the marriage of a person who is under sixteen years of age, the court:

1. Shall require both parties to the marriage to complete premarital counseling. The court may waive this requirement if the court determines that premarital counseling is not reasonably available.
2. Must find that the minor is entering into the marriage voluntarily.
3. Must find that the marriage is in the best interests of the minor under the circumstances.
4. May require that the minor continue to attend school.
5. May require any other condition that the court determines is reasonable under the circumstances.

C. A marriage shall not take place under this section if it is prohibited by the law relating to prohibited and void marriages.

⁹⁷ Sec. 25.05.171. Persons capable of consenting to marriage: Minimum ages, and consent of parents or guardian. (a) A person who has reached the age of 16 but is under the age of 18 shall be issued a marriage license if the written consent of the parents, the parent having actual care, custody, and control, or a guardian of the underaged person is filed with the licensing officer issuing the marriage license under AS 25.05.111.

(b) A superior court judge may grant permission for a person who has reached the age of 14 but is under the age of 18 to marry and may order the licensing officer to issue the license if the judge finds, following a hearing at which the parents and minor are given the opportunity to appear and be heard, that the marriage is in the best interest of the minor and that either

- (1) the parents have given their consent; or
- (2) the parents are
 - (A) arbitrarily and capriciously withholding consent;
 - (B) absent or otherwise unaccountable;
 - (C) in disagreement among themselves on the question; or
 - (D) unfit to decide the matter.

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3.5.3.4 Arkansas

Arkansas Code

Title 9 Family Law-Subtitle 2. Domestic Relations- Chapter 11 Marriage-Subchapter 1 General Provisions

9-11-102. Minimum age -- Parental consent.

(a) Every male who has arrived at the full age of seventeen (17) years and every female who has arrived at the full age of sixteen (16) years shall be capable in law of contracting marriage.

(b) (1) However, males and females under the age of eighteen (18) years shall furnish the clerk, before the marriage license can be issued, satisfactory evidence of the consent of the parent or parents or guardian to the marriage.

(2) (A) The consent of both parents of each contracting party shall be necessary before the marriage license can be issued by the clerk unless the parents have been divorced and custody of the child has been awarded to one (1) of the parents exclusive of the other, or unless the custody of the child has been surrendered by one (1) of the parents through abandonment or desertion, in which cases the consent of the parent who has custody of the child shall be sufficient.

(B) The consent of the parent may be voided by the order of a circuit court on a showing by clear and convincing evidence that:

(i) The parent is not fit to make decisions concerning the child; and

(ii) The marriage is not in the child's best interest.

(c) There shall be a waiting period of five (5) business days for any marriage license issued under subdivision (b)(2) of this section.

(d) If a child has a pending case in the circuit court, a parent who files consent under subsection (b) of this section shall immediately notify the circuit court, all parties, and attorneys to the pending case.

3.5.3.5 California

California Family Code⁹⁸

301. Capacity of adult to consent to and consummate marriage

Two unmarried persons 18 years of age or older, who are not otherwise disqualified, are capable of consenting to and consummating marriage.

302. Capacity of minor to consent to and consummate marriage

⁹⁸ History: Enacted Stats 1992 ch 162 § 10 (AB 2650), operative January 1, 1994. Amended Stats 2014 ch 82 § 3 (SB 1306), effective January 1, 2015.

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(a) An unmarried person under 18 years of age is capable of consenting to and consummating marriage upon obtaining a court order granting permission to the underage person or persons to marry.

(b) The court order and written consent of the parents of each underage person, or of one of the parents or the guardian of each underage person shall be filed with the clerk of the court, and a certified copy of the order shall be presented to the county clerk at the time the marriage license is issued.

3.5.3.6 Colorado

Colorado Statutes

14-2-106. License to marry

(1) (a) When a marriage application has been completed and signed by both parties to a prospective marriage and at least one party has appeared before the county clerk and recorder and has paid the marriage license fee of seven dollars, a fee of twenty dollars to be transmitted by the county clerk and recorder to the state treasurer and credited by the treasurer to the Colorado domestic abuse program fund created in section 39-22-802 (1), C.R.S., and an additional amount established pursuant to section 25-2-121, C.R.S., such amount to be credited to the vital statistics records cash fund pursuant to section 25-2-121, C.R.S., the county clerk shall issue a license to marry and a marriage certificate form upon being furnished:

(l) Satisfactory proof that each party to the marriage will have attained the age of eighteen years at the time the marriage license becomes effective; or, if over the age of sixteen years but has not attained the age of eighteen years, has the consent of both parents or guardian or, if the parents are not living together, the parent who has legal custody or decision-making responsibility concerning such matters or with whom the child is living or judicial approval, as provided in section 14-2-108; or, if under the age of sixteen years, has both the consent to the marriage of both parents or guardian or, if the parents are not living together, the parent who has legal custody or decision-making responsibility concerning such matters or with whom the child is living and judicial approval, as provided in section 14-2-108

C.R.S.A. § 14-2-108

§ 14-2-108. Judicial approval

Currentnes

(1) The juvenile court, as defined in section 19-1-103(17), C.R.S., after a reasonable effort has been made to notify the parents or guardian of each underage party, may order the county clerk and recorder to issue a marriage license and a marriage certificate form:

(a) To a party aged sixteen or seventeen years who has no parent or guardian, or who has no parent capable of consenting to his marriage, or whose parent or guardian has not consented to his marriage; or

(b) To a party under the age of sixteen years who has the consent to his or her marriage of both parents, if capable of giving consent, or his or her guardian or, if the parents are not living together, the parent who has legal custody or decision-making responsibility concerning such matters or with whom the child is living.

(2) A license shall be ordered to be issued under subsection (1) of this section only if the court finds that the underage party is capable of assuming the responsibilities of marriage and the marriage would serve his best interests. Pregnancy alone does not establish that the best interests of the party would be served.

(3) The district court or the juvenile court, as the case may be, shall authorize performance of a marriage by proxy upon the showing required by the provisions on solemnization, being section 14-2-109.

3.5.3.7 Connecticut

Connecticut General Statutes

Title 46b Family Law Chapter 815e Marriage Sec. 46b-30. Marriage of minors.

(a) No license may be issued to any applicant under sixteen years of age, unless the judge of probate for the district in which the minor resides endorses his written consent on the license.

(b) No license may be issued to any applicant under eighteen years of age, unless the written consent of a parent or guardian of the person of such minor, signed and acknowledged before a person authorized to take acknowledgments of conveyances under the provisions of section 47-5a, or authorized to take acknowledgments in any other state or country, is filed with the registrar. If no parent or guardian of the person of such minor is a resident of the United States, the written consent of the judge of probate for the district in which the minor resides, endorsed on the license, shall be sufficient.

3.5.3.8 Delaware

Delaware Code

§ 123. Marriage of minors; consent forms

(a) No individual under the age of 18 shall be granted a marriage license except under the provisions of subsection (b) of this section.

(b) If an applicant for a license to marry is under the age of 18 years, the license shall not be issued unless a Judge of the Family Court sitting in the county where the minor applicant resides signs an order allowing the applicant to marry in accordance with the procedure set forth in subsection (c)

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of this section. The Court shall make a decision on the petition in accordance with: the best interests of the minor seeking to be married; the wishes of the minor and such minor's parents or legal guardians; the mental and physical health of the individuals to be married; the criminal history of the individuals seeking to be married; whether the proposed marriage would violate any Delaware laws; and such other information which the Court deems appropriate.

(c) A parent, legal guardian or next friend on the minor's behalf shall petition the Family Court in the county where the minor applicant resides for an order allowing said applicant to marry.

(d) If the proposed marriage involves minors who reside in different counties within Delaware, the petition shall be filed in the county where the youngest minor resides.

3.5.3.9 District of Columbia

[District of Columbia Official Code](#)

§ 46-403. Marriages void from date of decree; age of consent.

The following marriages in said District shall be illegal, and shall be void from the time when their nullity shall be declared by decree, namely:

(1) The marriage of a person adjudged to be, or to have been at the time a marriage was performed, unable by reason of mental incapacity to give valid consent to marriage;

(2) Any marriage the consent to which of either party has been procured by force or fraud;

(3) Repealed.

(4) When either of the parties is under the age of consent, which is hereby declared to be 16 years of age.

§ 46-411. Consent of parent or guardian.

If any person intending to marry and seeking a license therefor shall be under 18 years of age, and shall not have been previously married, the said Clerk shall not issue such license unless a parent, or, if there be neither father nor mother, the guardian, if there be such, shall consent to such proposed marriage, either personally to the Clerk, or by an instrument in writing attested by a witness and proved to the satisfaction of the Clerk.

3.5.3.10 Florida

[Florida Statutes](#)

§ 741.0405. When marriage license may be issued to persons under 18 years.

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(1) If either of the parties shall be under the age of 18 years but at least 16 years of age, the county court judge or clerk of the circuit court shall issue a license for the marriage of such party only if there is first presented and filed with him or her the written consent of the parents or guardian of such minor to such marriage, acknowledged before some officer authorized by law to take acknowledgments and administer oaths. However, the license shall be issued without parental consent when both parents of such minor are deceased at the time of making application or when such minor has been married previously.

(2) The county court judge of any county in the state may, in the exercise of his or her discretion, issue a license to marry to any male or female under the age of 18 years, upon application of both parties sworn under oath that they are the parents of a child.

(3) When the fact of pregnancy is verified by the written statement of a licensed physician, the county court judge of any county in the state may, in his or her discretion, issue a license to marry:

(a) To any male or female under the age of 18 years upon application of both parties sworn under oath that they are the expectant parents of a child; or

(b) To any female under the age of 18 years and male over the age of 18 years upon the female's application sworn under oath that she is an expectant parent. (4) No license to marry shall be granted to any person under the age of 16 years, with or without the consent of the parents, except as provided in subsections (2) and (3).

3.5.3.11 Georgia

Georgia Official Code

§ 19-3-2. Who may contract marriage; parental consent

(a) To be able to contract marriage, a person must:

(1) Be of sound mind;

(2) Except as provided in subsection (b) of this Code section, be at least 18 years of age;

(3) Have no living spouse of a previous undissolved marriage. The dissolution of a previous marriage in divorce proceedings must be affirmatively established and will not be presumed. Nothing in this paragraph shall be construed to affect the legitimacy of children; and

(4) Not be related to the prospective spouse by blood or marriage within the prohibited degrees.

(b) If either applicant for marriage is 16 or 17 years of age, parental consent as provided in Code Section 19-3-37 shall be required.

3.5.3.12 Guam

Guam Code

Title 19: Personal Relations Chapter 3 The Contract of Marriage Article 1 Validity of Marriage

§ 3102. Minors.

(a) Any unmarried person of the age of eighteen (18) years or upwards, and not otherwise disqualified, is capable of consenting to and consummating marriage. Provided, that any person under the age of eighteen (18) years and over the age of sixteen (16) years, with the consent in writing of their parents of the person under age, or one of such parents, or of his or her guardian, where such written consent is filed with the Director of Administration, as provided in § 3202 of this Title, is capable of consenting to and consummating marriage. Provided, further that any female under the age of sixteen (16) years and over the age of fourteen (14) years, with the consent in writing of her parents or one of her parents or one of her parents, or of her guardian, where such written consent is filed with the clerk issuing the marriage license, as provided in § 3202 of this Title and where, after such showing as the Superior Court may require, an order of said Superior Court is entered in the minutes of the clerk of said Court, granting permission to said female to marry, is capable of consenting to and consummating marriage.

3.5.3.13 Hawaii

Hawaii Code

§ 572-1. Requisites of valid marriage contract.

In order to make valid the marriage contract, which shall be permitted between two individuals without regard to gender, it shall be necessary that:

(1) The respective parties do not stand in relation to each other of ancestor and descendant of any degree whatsoever, two siblings of the half as well as to the whole blood, uncle and niece, uncle and nephew, aunt and nephew, or aunt and niece, whether the relationship is the result of the issue of parents married or not married to each other or parents who are partners in a civil union or not partners in a civil union;

(2) Each of the parties at the time of contracting the marriage is at least sixteen years of age; provided that with the written approval of the family court of the circuit within which the minor resides, it shall be lawful for a person under the age of sixteen years, but in no event under the age of fifteen years, to marry, subject to section 572-2;

(3) Neither party has at the time any lawful wife, husband, or civil union partner living, except as provided in section 572-1.7;

(4) Consent of neither party to the marriage has been obtained by force, duress, or fraud;

(5) Neither of the parties is a person afflicted with any loathsome disease concealed from, and unknown to, the other party;

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(6) The parties to be married in the State shall have duly obtained a license for that purpose from the agent appointed to grant marriage licenses; and

(7) The marriage ceremony be performed in the State by a person or society with a valid license to solemnize marriages and the parties to be married and the person performing the marriage ceremony be all physically present at the same place and time for the marriage ceremony.

§ 572-2. Consent of parent or guardian

Whenever any person who is under the age of eighteen is to be married, the written consent of his or her parents, or guardian or other person in whose care and custody he or she may be, shall accompany the application for a license to marry. No license shall be issued to any minor who is under the jurisdiction of the family court without the written consent of a judge of such court.

3.5.3.14 Idaho

[Idaho Statutes](#)

§ 32-202. Persons who may marry

Any unmarried male of the age of eighteen (18) years or older, and any unmarried female of the age of eighteen (18) years or older, and not otherwise disqualified, are capable of consenting to and consummating marriage. Provided that if the male party to the contract is under the age of eighteen (18) and not less than sixteen (16) years of age, or if the female party to the contract is under the age of eighteen (18) and not less than sixteen (16) years of age, the license shall not be issued except upon the consent in writing duly acknowledged and sworn to by the father, mother or guardian of any such person if there be either, and provided further, that no such license may be issued, if the male be under eighteen (18) years of age and the female under eighteen (18) years of age, unless each party to the contract submits to the county recorder his or her original birth certificate, or certified copy thereof or other proof of age acceptable to the county recorder. Provided further, that where the female is under the age of sixteen (16), or the male is under the age of sixteen (16), the license shall not issue except upon the consent in writing duly acknowledged or sworn to by the father, mother or guardian of such person if there be any such, and upon order of the court. Such order shall be secured upon petition of any interested party which petition shall show that the female minor under the age of sixteen (16), or the male minor under the age of sixteen (16), is physically and/or mentally so far developed as to assume full marital and parental duties, and/or that it is to the best interest of society that the marriage be permitted. A hearing shall be had on such petition forthwith or at such time and upon such notice as the court may designate. The judge shall secure from a physician his opinion as an expert as to whether said person is sufficiently developed mentally and physically to assume full marital duties. If said court is satisfied from the evidence that such person is capable of assuming full marital duties and/or that it is to the best interest of society, said court shall make an order to that effect, and a certified copy of said order shall be filed with the county recorder preliminary to the

issuance of a marriage license for the marriage of such person and said order of the court shall be the authority for the county recorder to issue such license.

3.5.3.15 Illinois

Illinois Compiled Statutes

§ 750 ILCS 5/203. License to Marry

Sec. 203. License to Marry. When a marriage application has been completed and signed by both parties to a prospective marriage and both parties have appeared before the county clerk and the marriage license fee has been paid, the county clerk shall issue a license to marry and a marriage certificate form upon being furnished:

(1) satisfactory proof that each party to the marriage will have attained the age of 18 years at the time the marriage license is effective or will have attained the age of 16 years and has either the consent to the marriage of both parents or his guardian or judicial approval; provided, if one parent cannot be located in order to obtain such consent and diligent efforts have been made to locate that parent by the consenting parent, then the consent of one parent plus a signed affidavit by the consenting parent which (i) names the absent parent and states that he or she cannot be located, and (ii) states what diligent efforts have been made to locate the absent parent, shall have the effect of both parents' consent for purposes of this Section;

3.5.3.16 Indiana

Indiana Code

31-11-1-4. Age requirements -- Generally.

Except as provided in section 5 or 6 [IC 31-11-1-5 or IC 31-11-1-6] of this chapter, two (2) individuals may not marry each other unless both individuals are at least eighteen (18) years of age.

31-11-1-5. Age requirements -- Consent.

Two (2) individuals may marry each other if:

(1) both individuals are at least seventeen (17) years of age;

(2) each individual who is less than eighteen (18) years of age receives the consent required by IC 31-11-2; and

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(3) the individuals are not prohibited from marrying each other for a reason set forth in this article.

31-11-1-6. Authorization by court -- Requirements.

(a) Two (2) individuals may marry each other if:

(1) the individuals are not prohibited from marrying for a reason set forth in this article; and

(2) (a) circuit or superior court of the county of residence of either individual considers the information required to be submitted by subsection (b) and authorizes the clerk of the circuit court to issue the individuals a marriage license.

(b) A court may not authorize the clerk of the circuit court to issue a marriage license under subsection (a) unless:

(1) the individuals have filed with the court a verified petition that includes allegations that:

(A) the female is at least fifteen (15) years of age;

(B) the female is pregnant or is a mother;

(C) each of the individuals who is less than eighteen (18) years of age has received the consent required by IC 31-11-2;

(D) the male is at least fifteen (15) years of age and is either:

(i) the putative father of the expected child of the female; or

(ii) the father of the female's child; and

(E) the individuals desire to marry each other;

3.5.3.17 Iowa

Code of Iowa

595.2 Gender -- age.

1. Only a marriage between a male and a female is valid.

2. Additionally, a marriage between a male and a female is valid only if each is eighteen years of age or older. However, if either or both of the parties have not attained that age, the marriage may be valid under the circumstances prescribed in this section.

3. If either party to a marriage falsely represents the party's self to be eighteen years of age or older at or before the time the marriage is solemnized, the marriage is valid unless the person who falsely represented their age chooses to void the marriage by making their true age known and verified by a birth certificate or other legal evidence of age in an annulment proceeding

initiated at any time before the person reaches their eighteenth birthday. A child born of a marriage voided under this subsection is legitimate.

4. A marriage license may be issued to a male and a female either or both of whom are sixteen or seventeen years of age if both of the following apply:

a. The parents of the underage party or parties certify in writing that they consent to the marriage. If one of the parents of any underage party to a proposed marriage is dead or incompetent the certificate may be executed by the other parent, if both parents are dead or incompetent the guardian of the underage party may execute the certificate, and if the parents are divorced the parent having legal custody may execute the certificate; and

b. The certificate of consent of the parents, parent, or guardian is approved by a judge of the district court or, if both parents of any underage party to a proposed marriage are dead, incompetent, or cannot be located and the party has no guardian, the proposed marriage is approved by a judge of the district court. A judge shall grant approval under this subsection only if the judge finds the underage party or parties capable of assuming the responsibilities of marriage and that the marriage will serve the best interest of the underage party or parties. Pregnancy alone does not establish that the proposed marriage is in the best interest of the underage party or parties, however, if pregnancy is involved the court records which pertain to the fact that the female is pregnant shall be sealed and available only to the parties to the marriage or proposed marriage or to any interested party securing an order of the court.

5. If a parent or guardian withholds consent, the judge upon application of a party to a proposed marriage shall determine if the consent has been unreasonably withheld. If the judge so finds, the judge shall proceed to review the application under subsection 4, paragraph "b".

3.5.3.18 Kansas

[Kansas Statutes](#)

23-2502. Common-law marriage

The state of Kansas shall not recognize a common-law marriage contract if either party to the marriage contract is under 18 years of age.

23-2505. Issuance of marriage license; form; waiting period; emergency; lawful age; consent, when; unlawful acts, penalty; duties of person issuing license; expiration of license.

(a) The clerks of the district courts or judges thereof, when applied to for a marriage license by any person who is one of the parties to the proposed marriage and who is legally entitled to a marriage license, shall issue a marriage license in substance as follows:

(b) No clerk or judge of the district court shall issue a marriage license before the third calendar day (Sunday, holidays, and days on which the office of the clerk of the court is not accessible

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included) following the date of the filing of the application therefor in such clerk's or judge's office except that in cases of emergency or extraordinary circumstances, a judge of the district court may upon proper showing being made, permit by order of the court the issuance of such marriage license without waiting three days. Each district court shall keep a record of all marriages resulting from licenses issued by the court, which record shall show the names of the persons who were married and the date of the marriage.

(c) No clerk or judge shall issue a license authorizing the marriage of any person:

(1) Under the age of 16 years, except that a judge of the district court may, after due investigation, give consent and issue the license authorizing the marriage of a person 15 years of age when the marriage is in the best interest of the person 15 years of age; or

(2) who is 16 or 17 years of age without the express consent of such person's father, mother or legal guardian and the consent of the judge unless consent of both the mother and father and any legal guardian or all then living parents and any legal guardian is given in which case the consent of the judge shall not be required. If not given in person at the time of the application, the consent shall be evidenced by a written certificate subscribed thereto and duly attested. Where the applicants or either of them are 16 or 17 years of age and their parents are dead and there is no legal guardian then a judge of the district court may after due investigation give consent and issue the license authorizing the marriage.

(d) The judge or clerk may issue a license upon the affidavit of the party personally appearing and applying therefor, to the effect that the parties to whom such license is to be issued are of lawful age, as required by this section, and the judge or clerk is hereby authorized to administer oaths for that purpose.

(e) Every person swearing falsely in such affidavit shall be guilty of a misdemeanor and shall be punished by a fine not exceeding \$ 500. A clerk or judge of the district court shall state in every license the birth dates of the parties applying for the same, and if either or both are 16 or 17 years of age, the name of the father, mother, or guardian consenting to such marriage.

(f) Every marriage license shall expire at the end of six months from the date of issuance if the marriage for which the license was issued does not take place within the six-month period of time.

3.5.3.19 Kentucky

[Kentucky Revised Statutes](#)

402.020. Other prohibited marriages.

1. Marriage is prohibited and void:

(a) With a person who has been adjudged mentally disabled by a court of competent jurisdiction;

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(b) Where there is a husband or wife living, from whom the person marrying has not been divorced;

(c) When not solemnized or contracted in the presence of an authorized person or society;

(d) Between members of the same sex;

(e) Between more than two (2) persons; and

(f) 1. Except as provided in subparagraph 3. of this paragraph, when at the time of the marriage, the person is under sixteen (16) years of age;

2. Except as provided in subparagraph 3. of this paragraph, when at the time of marriage, the person is under eighteen (18) but over sixteen (16) years of age, if the marriage is without the consent of:

(a) The father or the mother of the person under eighteen (18) but over sixteen (16), if the parents are married, the parents are not legally separated, no legal guardian has been appointed for the person under eighteen (18) but over sixteen (16), and no court order has been issued granting custody of the person under eighteen (18) but over sixteen (16) to a party other than the father or mother;

(b). Both the father and the mother, if both be living and the parents are divorced or legally separated, and a court order of joint custody to the parents of the person under eighteen (18) but over sixteen (16) has been issued and is in effect;

(c). The surviving parent, if the parents were divorced or legally separated, and a court order of joint custody to the parents of the person under eighteen (18) but over sixteen (16) was issued prior to the death of either the father or mother, which order remains in effect;

(d). The custodial parent, as established by a court order which has not been superseded, where the parents are divorced or legally separated and joint custody of the person under eighteen (18) but over sixteen (16) has not been ordered; or

(e) Another person having lawful custodial charge of the person under eighteen (18) but over sixteen (16), but

3. In case of pregnancy the male and female, or either of them, specified in subparagraph 1. or 2. of this paragraph, may apply to a District Judge for permission to marry, which application may be granted, in the form of a written court order, in the discretion of the judge. There shall be a fee of five dollars (\$5) for hearing each such application.

3.5.3.20 Louisiana

Louisiana Statute

Louisiana Children's Code > Title 15. Special proceedings > Chapter 6. Authorization of minors⁹⁹ marriages > Art. 1545. Necessary consent; parents; judicial authorization

A. An officiant may not perform a marriage ceremony in which a minor is a party unless the minor has the written consent to marry of either:

- (1) Both of his parents.
- (2) The tutor of his person.
- (3) A person who has been awarded custody of the minor.
- (4) The juvenile court as provided in Article 1547.

B. A minor under the age of sixteen must also obtain written authorization to marry from the judge of the court exercising juvenile jurisdiction in the parish in which the minor resides or the marriage ceremony is to be performed.

Title 9. Civil code--ancillaries > Book 1. Of persons > Code Title 4. Husband and wife > Chapter 1. Marriage: general principles > Part 3. Application for marriage license > Subpart A. In general > § 9:225. Same; attachments.

A. An application for a marriage license shall be accompanied by:

- (1) A certified copy of each party's birth certificate.
- (2) The written consent for a minor to marry, or the court's authorization for the minor to marry, or both, as required by Chapter 6 of Title XV of the Children's Code.
- (3) If applicable, the declaration of intent for a covenant marriage, as provided in Part VII of this Chapter.

3.5.3.21 Maine

Maine Revised Statutes

Title 19-A: Domestic Relations Part 2: Married Persons Chapter 23: Marriage Subchapter 1: General Provisions

⁹⁹ Minor means a person who has not attained the age of eighteen years.

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§ 652. Issuance of marriage license

7. PARTIES UNDER 18 YEARS OF AGE. A marriage license may not be issued to persons under 18 years of age without the written consent of their parents, guardians or persons to whom a court has given custody. In the absence of persons qualified to give consent, the judge of probate in the county where each minor resides may grant consent after notice and opportunity for hearing. When 2 licenses are required and when either or both applicants for a marriage license are under the ages specified in this section, the written consent must be given for the issuance of both licenses in the presence of the clerk issuing the licenses or by acknowledgment under seal filed with that clerk.

8. PARTIES UNDER 16 YEARS OF AGE. The clerk may not issue a marriage license to a person under 16 years of age without:

(A). The written consent of that minor's parents, guardians or persons to whom a court has given custody;

(B) Notifying the judge of probate in the county in which the minor resides of the filing of this intention; and

(C) Receipt of that judge of probate's written consent to issue the license. The judge of probate shall base a decision on whether to issue consent on the best interest of the parties under 16 years of age and shall consider the age of both parties and any criminal record of a party who is 18 years of age or older. The judge of probate, in the interest of public welfare, may order, after notice and opportunity for hearing, that a license not be issued. The judge of probate shall issue a decision within 30 days of receiving the notification under paragraph B.

3.5.3.22 Maryland

Maryland Code - Family Law of Maryland

§ 2-301. Marriage of individual 16 or 17 years old; marriage of individual under the age of 16 years

(a) Marriage of individual 16 or 17 years old. -- An individual 16 or 17 years old may not marry unless:

(1) the individual has the consent of a parent or guardian and the parent or guardian swears that the individual is at least 16 years old; or

(2) if the individual does not have the consent of a parent or guardian, either party to be married gives the clerk a certificate from a licensed physician, licensed physician assistant, or certified nurse practitioner stating that the physician, physician assistant, or nurse practitioner has examined the woman to be married and has found that she is pregnant or has given birth to a child.

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(b) Marriage of individual 15 years old. -- An individual 15 years old may not marry unless:

(1) the individual has the consent of a parent or guardian; and

(2) either party to be married gives the clerk a certificate from a licensed physician, licensed physician assistant, or certified nurse practitioner stating that the physician, physician assistant, or nurse practitioner has examined the woman to be married and has found that she is pregnant or has given birth to a child.

(c) Marriage of individual under the age of 15 years. -- An individual under the age of 15 may not marry.

3.5.3.23 Massachusetts

Massachusetts General Laws

Part I i Real And Personal Property And Domestic Relations Title Iii Domestic Relations Chapter 207 Marriage Section 7 Minors; Solemnization Of Marriage

§ 7. Solemnization of Marriages of Minors; Parental Consent.

A magistrate or minister shall not solemnize a marriage if he has reasonable cause to believe that a party to the intended marriage is under eighteen unless the provisions of sections twenty-four and twenty-five have been satisfied.

§ 24. Nonage minors; receiving of notice; prohibition

The clerk or registrar shall not, except as provided in the following section, receive a notice of the intention of marriage of a person under eighteen.

§ 25. Nonage minors; authorization of marriage

The probate court for the county where, or a district court within the judicial district of which, a minor under the age specified in the preceding section resides may, after hearing, make an order allowing the marriage of such minor, if the parents or surviving parent of such minor, or, if only one such parent resides in the commonwealth, that parent, or, if neither such parent is alive and resident thereof, or if the parent or parents qualified as aforesaid to consent are disqualified as hereinafter provided, a legal guardian with custody of the person of such minor has consented to such order. If a parent has deserted his family, or if found to be incapacitated by reason of mental illness and incapable of consent, or if found unfit under the provisions of section five of chapter two hundred and one to have custody of such minor, it shall not be necessary to obtain his consent to such order. If a parent whose consent would be required if living in the commonwealth lives

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outside thereof and the address of such parent is known, such notice of the proceedings shall be given him as the probate or district court may order. Said court may also after hearing make such order in the case of a person whose age is alleged to exceed that specified in the preceding section, but who is unable to produce an official record of birth, whereby the reasonable doubt of the clerk or registrar, as exercised under section thirty-five, may be removed. Upon receipt of a certified copy of such order by the clerk or registrar of the town where such minor resides, he shall receive the notice required by law and issue a certificate as in other cases.

3.5.3.24 Michigan

Michigan Statutes

Chapter 551 Marriage > Act 128 of 1887 Marriage License > § 551.103. Persons capable of contracting marriage; age requirement; proof of age; filling out license; written consent; compliance; filing consent; signing, certification, and copy of license; fee; allocation for family counseling services; return and disposition of unexpended funds; waiver of fee; additional fee for nonresidents; delivery of license and certificate to officiating individual; recording information; forwarding licenses and certificates to state registrar; imposition of fee by certain charter counties.

Sec. 3. (1) A person who is 18 years of age or older may contract marriage. A person who is 16 years of age but is less than 18 years of age may contract marriage with the written consent of 1 of the parents of the person or the person's legal guardian, as provided in this section. As proof of age, the person who intends to be married, in addition to the statement of age in the application, when requested by the county clerk, shall submit a birth certificate or other proof of age. The county clerk on the application submitted shall fill out the blank spaces of the license according to the sworn answers of the applicant, taken before the county clerk, or some person duly authorized by law to administer oaths. If it appears from the affidavit that either the applicant for a marriage license or the person whom he or she intends to marry is less than 18 years of age, the county clerk shall require that there first be produced the written consent of 1 of the parents of each of the persons who is less than 18 years of age or of the person's legal guardian, unless the person does not have a living parent or guardian. The consent shall be to the marriage and to the issuing of the license for which the application is submitted. The consent shall be given personally in the presence of the county clerk or be acknowledged before a notary public or other officer authorized to administer oaths. A license shall not be issued by the county clerk until the requirements of this section are complied with. The written consent shall be preserved on file in the office of the county clerk. If the parties are legally entitled to be married, the county clerk shall sign the license and certify the fact that it is properly issued, and the clerk shall make a correct copy of the license in the books of registration.

3.5.3.25 Minnesota

Minnesota Statutes

517.02 PERSONS CAPABLE OF CONTRACTING

Every person who has attained the full age of 18 years is capable in law of contracting civil marriage, if otherwise competent. A person of the full age of 16 years may, with the consent of the person's legal custodial parents, guardian, or the court, as provided in section 517.08, receive a license to marry, when, after a careful inquiry into the facts and the surrounding circumstances, the person's application for a license and consent for civil marriage of a minor form is approved by the judge of the district court of the county in which the person resides. If the judge of the district court of the county in which the person resides is absent from the county and has not by order assigned another judge or a retired judge to act in the judge's stead, then the court commissioner or any judge of district court of the county may approve the application for a license.

3.5.3.26 Mississippi

Mississippi Code

§ 93-1-5. Conditions precedent to issuance of license; penalty for noncompliance

(1) Every male who is at least seventeen (17) years old and every female who is at least fifteen (15) years old shall be capable in law of contracting marriage. However, males and females under the age twenty-one (21) years must furnish the circuit clerk satisfactory evidence of consent to the marriage by the parents or guardians of the parties. It shall be unlawful for the circuit court clerk to issue a marriage license until the following conditions precedent have been complied with:

(a) Application for the license is to be made in writing to the clerk of the circuit court of any county in the State of Mississippi. The application shall be sworn to by both applicants and shall include:

(i) The names, ages and addresses of the parties applying;

(ii) The names and addresses of the parents of the applicants, and, for applicants under the age of twenty-one (21), if no parents, then names and addresses of the guardian or next of kin;

(iii) The signatures of witnesses; and

(iv) Any other data that may be required by law or the State Board of Health.

(b) Proof of age shall be presented to the circuit court clerk in the form of either a birth certificate, baptismal record, armed service discharge, armed service identification card, life insurance policy, insurance certificate, school record, driver's license, or other official

document evidencing age. The document substantiating age and date of birth shall be examined by the circuit court clerk before whom application is made, and the circuit court clerk shall retain in his file with the application the document or a certified or photostatic copy of the document.

(c) Applicants under the age of twenty-one (21) must submit affidavits showing the age of both applying parties made by either the father, mother, guardian or next of kin of each of the contracting parties and filed with the clerk of the circuit court along with the application.

(d) If the male applicant is under seventeen (17) years of age or the female is under fifteen (15) years of age, and satisfactory proof is furnished to the judge of any circuit, chancery or county court that sufficient reasons exist and that the parties desire to be married to each other and that the parents or other person in loco parentis of the person or persons so under age consent to the marriage, then the judge of any such court in the county where either of the parties resides may waive the minimum age requirement and by written instrument authorize the clerk of the court to issue the marriage license to the parties if they are otherwise qualified by law. Authorization shall be a part of the confidential files of the clerk of the court, subject to inspection only by written permission of the judge.

(e) In no event shall a license be issued by the circuit court clerk when it appears to the circuit court clerk that the applicants are, or either of them is:

(i) Intoxicated; or

(ii) Suffering from a mental illness or an intellectual disability to the extent that the clerk believes that the person does not understand the nature and consequences of the application for a marriage license.

(2) Any circuit clerk shall be liable under his official bond because of noncompliance with the provisions of this section.

(3) Any circuit court clerk who issues a marriage license without complying with the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than Fifty Dollars (\$50.00) and not more than Five Hundred Dollars (\$500.00).

3.5.3.27 Missouri

Missouri Statutes

§ 451.090. Issuance of license prohibited, when--parental consent, when required

1. No recorder shall, in any event except as herein provided, issue a license authorizing the marriage of any person under fifteen years of age; provided, however, that such license may be issued on order of a circuit or associate circuit judge of the county in which the license is applied

for, such license being issued only for good cause shown and by reason of such unusual conditions as to make such marriage advisable.

2. No recorder shall issue a license authorizing the marriage of any male under the age of eighteen years or of any female under the age of eighteen years, except with the consent of his or her custodial parent or guardian, which consent shall be given at the time, in writing, stating the residence of the person giving such consent, signed and sworn to before an officer authorized to administer oaths.

(3) The recorder shall state in every license whether the parties applying for same, one or either or both of them, are of age, or whether the male is under the age of eighteen years or the female under the age of eighteen years, and if the male is under the age of eighteen years or the female is under the age of eighteen years, the name of the custodial parent or guardian consenting to such marriage.

3.5.3. 28 Montana **Montana Code**

40-1-202 License issuance.

Except as provided in 40-1-301, when a marriage application has been completed and signed by both parties to a prospective marriage and at least one party has appeared before the clerk of the district court and paid the marriage license fee of \$ 53, the clerk of the district court shall issue a license to marry and a marriage certificate form upon being furnished:

(1) Satisfactory proof that each party to the marriage will have attained 18 years of age at the time the marriage license is effective or will have attained 16 years of age and has obtained judicial approval as provided in 40-1-213;

(2) satisfactory proof that the marriage is not prohibited; and

(3) a certificate of the results of any medical examination required by the laws of this state or a waiver of the medical certificate requirement as provided in 40-1-203.

40-1-213.Judicial approval

The district court may order the clerk of the district court to issue a marriage license and a marriage certificate form to a party 16 or 17 years of age who has no parent capable of consenting to the party's marriage or has the consent of both parents or of the parent having the actual care, parenting authority, and control to the party's marriage, if capable of giving consent, or of the party's guardian. The court must require both parties to participate in a period of marriage counseling involving at least two separate counseling sessions not less than 10 days apart with a

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designated counselor as a condition of the order for issuance of a marriage license and a marriage certificate form under this section.

3.5.3. 29 Nebraska

Nebraska Revised Statutes

§ 42-102. Minimum age; affliction with venereal disease, disqualification

At the time of the marriage the male must be of the age of seventeen years or upward, and the female of the age of seventeen years or upward.

§ 42-105. Marriage of minor¹⁰⁰; conditions upon which a license may be issued.

When either party is a minor, no license shall be granted without the written consent under oath of:

- (1) Either one of the parents of such minor, if the parents are living together;
- (2) the parent having the legal custody of such minor, if the parents are living separate and apart from each other;
- (3) the surviving parent, if one of the parents of such minor is deceased; or
- (4) the guardian, conservator, or person under whose care and government such minor may be, if both parents of such minor are deceased or if such guardian, conservator, or person has the legal and actual custody of such minor. The county clerk shall be justified in issuing the license, without further proof, upon receiving an affidavit setting forth the facts with reference to the conditions above specified and giving consent to the marriage, signed by the person authorized to give written consent under such circumstances.

3.5.3.30 Nevada

Nevada Revised Statutes

122.020. Persons capable of marriage; consent of parent or guardian

1. Except as otherwise provided in this section, a male and a female person, at least 18 years of age, not nearer of kin than second cousins or cousins of the half blood, and not having a husband or wife living, may be joined in marriage.
2. A male and a female person who are the husband and wife of each other may be rejoined in marriage if the record of their marriage has been lost or destroyed or is otherwise unobtainable.

¹⁰⁰ According to statute of Nebraska, all persons under nineteen years of age are declared to be minors.

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3. A person at least 16 years of age but less than 18 years of age may marry only if the person has the consent of:

- (a) Either parent; or
- (b) Such person's legal guardian.

122.025. Marriage of persons less than 16 years of age: Consent of parent or guardian; authorization by court.

1. A person less than 16 years of age may marry only if the person has the consent of:

- (a) Either parent; or
- (b) Such person's legal guardian, and such person also obtains authorization from a district court as provided in subsection 2.

2. In extraordinary circumstances, a district court may authorize the marriage of a person less than 16 years of age if the court finds that:

- (a) The marriage will serve the best interests of such person; and
- (b) Such person has the consent required by paragraph (a) or (b) of subsection

Pregnancy alone does not establish that the best interests of such person will be served by marriage, nor may pregnancy be required by a court as a condition necessary for its authorization for the marriage of such person.

3.5.3.31 New Hampshire

[New Hampshire Revised Statutes](#)

Title I - The State And Its Government 5-C: 42. Marriage License and Registration.

VIII. When both applicants for a marriage license are nonresidents of New Hampshire, both applicants shall be at least 18 years of age and, in accordance with RSA 457, there shall be no provision for an age waiver if both applicants and his or her parents are nonresidents of New Hampshire.

457:4 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.

457:6 Petition by Party Under Age.

If special cause exists rendering desirable the marriage of a person resident in this state, or the marriage of a person who is a nonresident in this state who applies for permission to marry a resident in this state, either person being below the age of consent and above the ages specified in RSA 457:4, the parties desiring to contract such marriage, with the parent or guardian having the custody of such party below such age, if there be such parent or guardian, may apply in writing to the judicial branch family division having jurisdiction in the location in which one of them resides, for permission to contract such marriage. No waiver shall be granted to persons below the age of consent if both parties are nonresidents.

3.5.3.32 New Jersey

[New Jersey Statutes](#)

§ 37:1-6. Consent for minors; requirements

A marriage or civil union license shall not be issued to a minor under the age of 18 years, unless the parents or guardian of the minor, if any, first certify, in the presence of two reputable witnesses, consent thereto, which shall be delivered to the licensing officer issuing the license. Consent to the proposed marriage or civil union by a parent or guardian who is mentally incapacitated shall not be required.

When a minor is under the age of 16 years, the consent required by this section must be approved in writing by a judge of the Superior Court, Chancery Division, and Family Part and filed with the licensing officer.

The licensing officer shall transmit to the State registrar all consents, orders, and approvals subject to the same penalty as in the case of marriage or civil union certificates or licenses.

3.5.3.33 New Mexico

[Statutes of New Mexico](#)

40-1-6. Restrictions on marriage of minors.

A. The county clerk shall not issue a marriage license to an emancipated person sixteen or seventeen years of age, and no person authorized by the laws of this state to solemnize marriages shall knowingly unite in marriage any person sixteen or seventeen years of age, unless the minor

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first receives the written consent of each of the minor's living parents as shown on the minor's certificate of birth, or the district court has authorized the marriage of such person upon request of a parent or legal guardian of the person for good cause shown, and a certified copy of the judicial authorization is filed with the county clerk.

B. The county clerk shall not issue a marriage license to any person under sixteen years of age, and no person authorized by the laws of this state to solemnize marriages shall knowingly unite in marriage any person under sixteen years of age, unless the children's or family court division of the district court has first authorized the marriage of the person upon request of a parent or legal guardian of the person in settlement of proceedings to compel support and establish parentage, or where an applicant for the marriage license is pregnant, and a certified copy of the judicial authorization is filed with the county clerk.

3.5.3.34 New York

New York Domestic Relations Law

§ 7. Voidable marriages

A marriage is void from the time its nullity is declared by a court of competent jurisdiction if either party thereto:

1. Is under the age of legal consent, which is eighteen years, provided that such nonage shall not of itself constitute an absolute right to the annulment of such marriage, but such annulment shall be in the discretion of the court which shall take into consideration all the facts and circumstances surrounding such marriage;
2. Is incapable of consenting to a marriage for want of understanding;
3. Is incapable of entering into the married state from physical cause;
4. Consent to such marriage by reason of force, duress or fraud;
5. Has been incurably mentally ill for a period of five years or more

§ 15. Duty of town and city clerks

2. If it appears from the affidavits and statements so taken, that the persons for whose marriage the license in question is demanded are legally competent to marry, the said clerk shall issue such license except in the following cases. If it shall appear upon an application that the applicant is under eighteen years of age, before the town or city clerk shall issue a license, he shall require documentary proof of age in the form of an original or certified copy of a birth record, a certification of birth issued by the state department of health, a local registrar of vital statistics or other public officer charged with similar duties by the laws of any other state, territory or country, a baptismal record, passport, automobile driver's license, life insurance policy, employment certificate, school record, immigration record, naturalization record or court record, showing the date of birth of such minor. If the town or city clerk shall be in doubt as to whether an applicant claiming to be over eighteen years of age is actually over eighteen years of age, he shall, before

issuing such license, require documentary proof as above defined. If it shall appear upon an application of the applicants as provided in this section or upon information required by the clerk that either party is at least sixteen years of age but under eighteen years of age, then the town or city clerk before he shall issue a license shall require the written consent to the marriage from both parents of the minor or minors or such as shall then be living, or if the parents of both are dead, then the written consent of the guardian or guardians of such minor or minors. If one of the parents has been missing and has not been seen or heard from for a period of one year preceding the time of the application for the license, although diligent inquiry has been made to learn the whereabouts of such parent, the town or city clerk may issue a license to such minor upon the sworn statement and consent of the other parent. If the marriage of the parents of such minor has been dissolved by decree of divorce or annulment, the consent of the parent to whom the court which granted the decree has awarded the custody of such minor shall be sufficient. If there is no parent or guardian of the minor or minors living to their knowledge then the town or city clerk shall require the written consent to the marriage of the person under whose care or government the minor or minors may be before a license shall be issued. If a parent of such minor has been adjudicated an incompetent, the town or city clerk may issue a license to such minor upon the production of a certified copy of such judgment so determining and upon the written consent of the other parent. If there is no other parent whose consent is required by this section, then and in such event, the town or city clerk shall require the written consent of the guardian of such minor or of the person under whose care or government the minor may be before a license shall be issued. The parents, guardians, or other persons whose consent it shall be necessary to obtain and file with the town or city clerk before the license shall issue, shall personally appear and acknowledge or execute the same before the town or city clerk, or some other officer authorized to administer oaths and take acknowledgments provided that where such affidavit or acknowledgment is made before an official other than an officer designated in section two hundred ninety-eight of the real property law as authorized to take such affidavit or acknowledgment if a conveyance of real property were being acknowledged or proved, or if a certificate of authentication would be required by section three hundred ten of the real property law to entitle the instrument to be recorded if it were a conveyance of real property, the consent when filed must have attached thereto a certificate of authentication.

3. If it shall appear upon an application for a marriage license that either party is under the age of sixteen years, the town or city clerk shall require, in addition to any consents provided for in this section, the written approval and consent of a justice of the supreme court or of a judge of the family court, having jurisdiction over the town or city in which the application is made, to be attached to or endorsed upon the application, before the license is issued. The application for such approval and consent shall be heard by the judge at chambers. All papers and records pertaining to any such application shall be sealed by him and withheld from inspection, except by order of a court of competent jurisdiction. Before issuing any licenses herein provided for, the town or city clerk shall be entitled to a fee of thirty dollars, which sum shall be paid by the applicants before or at the time the license is issued. Any town or city clerk who shall issue a license to marry any persons one or both of whom shall not be at the time of the marriage under such license legally competent to marry without first requiring the parties to such marriage to

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make such affidavits and statements or who shall not require the production of documentary proof of age or the procuring of the approval and consents provided for by this article, which shall show that the parties authorized by said license to be married are legally competent to marry, shall be guilty of a misdemeanor and on conviction thereof shall be fined in the sum of one hundred dollars for each and every offense. On or before the fifteenth day of each month, each town and city clerk, except in the city of New York, shall transmit to the state commissioner of health twenty-two dollars and fifty cents of the amount received for each fee collected, which shall be paid into the vital records management account as provided by section ninety-seven-cccc of the state finance law. In any city the balance of all fees collected for the issuing of a marriage license, or for solemnizing a marriage, so far as collected for services rendered by any officer or employee of such city, shall be paid monthly into the city treasury and may by ordinance be credited to any fund therein designated, and said ordinance, when duly enacted, shall have the force of law in such city. Notwithstanding any other provisions of this article, the clerk of any city with the approval of the governing body of such city is hereby authorized to designate, in writing filed in the city clerk's office, a deputy clerk, if any, and/or other city employees in such office to receive applications for, examine applications, investigate and issue marriage licenses in the absence or inability of the clerk of said city to act, and said deputy and/or employees so designated are hereby vested with all the powers and duties of said city clerk relative thereto. Such deputy and/or employees shall perform said duties without additional compensation.

§ 15-a. Marriages of minors under fourteen years of age

Any marriage in which either party is under the age of fourteen years is hereby prohibited. Any town or city clerk who shall knowingly issue a marriage license to any persons, one or both of whom shall be at the time of their contemplated marriage actually under the age of fourteen years, shall be guilty of a misdemeanor and on conviction thereof shall be fined in the sum of one hundred dollars.

3.5.3.35 North Carolina

North Carolina General Statutes

§ 51-2. Capacity to marry

(a) All unmarried persons of 18 years, or older, may lawfully marry, except as hereinafter forbidden.

(a1) Persons over 16 years of age and under 18 years of age may marry, and the register of deeds may issue a license for the marriage, only after there shall have been filed with the register of deeds a written consent to the marriage, said consent having been signed by the appropriate person as follows:

(1) By a parent having full or joint legal custody of the underage party; or

(2) By a person, agency, or institution having legal custody or serving as a guardian of the underage party.

Such written consent shall not be required for an emancipated minor if a certificate of emancipation issued pursuant to Article 35 of Chapter 7B of the General Statutes or a certified copy of a final decree or certificate of emancipation from this or any other jurisdiction is filed with the register of deeds.

(b) Persons over 14 years of age and under 16 years of age may marry as provided in G.S. 51-2.1.

(b1) It shall be unlawful for any person under 14 years of age to marry.

(c) When a license to marry is procured by any person under 18 years of age by fraud or misrepresentation, a parent of the underage party, a person, agency, or institution having legal custody or serving as a guardian of the underage party, or a guardian ad litem appointed to represent the underage party pursuant to G.S. 51-2.1(b) is a proper party to bring an action to annul the marriage.

§ 51-2.1. Marriage of certain underage parties

(a) If an unmarried female who is more than 14 years of age, but less than 16 years of age, is pregnant or has given birth to a child and the unmarried female and the putative father of the child, either born or unborn, agree to marry, or if an unmarried male who is more than 14 years of age, but less than 16 years of age, is the putative father of a child, either born or unborn, and the unmarried male and the mother of the child agree to marry, the register of deeds is authorized to issue to the parties a license to marry; and it shall be lawful for them to marry in accordance with the provisions of this Chapter, only after a certified copy of an order issued by a district court authorizing the marriage is filed with the register of deeds. A district court judge may issue an order authorizing a marriage under this section only upon finding as fact and concluding as a matter of law that the underage party is capable of assuming the responsibilities of marriage and the marriage will serve the best interest of the underage party. In determining whether the marriage will serve the best interest of an underage party, the district court shall consider the following:

(1) The opinion of the parents of the underage party as to whether the marriage serves the best interest of the underage party.

(2) The opinion of any person, agency, or institution having legal custody or serving as a guardian of the underage party as to whether the marriage serves the best interest of the underage party.

(3) The opinion of the guardian ad litem appointed to represent the best interest of the underage party pursuant to G.S. 51-2.1(b) as to whether the marriage serves the best interest of the underage party.

(4) The relationship between the underage party and the parents of the underage party, as well as the relationship between the underage party and any person having legal custody or serving as a guardian of the underage party.

(5) Any evidence that it would find useful in making its determination.

There shall be a rebuttable presumption that the marriage will not serve the best interest of the underage party when all living parents of the underage party oppose the marriage. The fact that the female is pregnant, or has given birth to a child, alone does not establish that the best interest of the underage party will be served by the marriage.

(b) An underage party seeking an order granting judicial authorization to marry pursuant to this section shall file a civil action in the district court requesting judicial authorization to marry. The clerk shall collect court costs from the underage party in the amount set forth in G.S. 7A-305 for civil actions in district court. Upon the filing of the complaint, summons shall be issued in accordance with G.S. 1A-1, Rule 4, and the underage party shall be appointed a guardian ad litem in accordance with the provisions of G.S. 1A-1, Rule 17. The guardian ad litem appointed shall be an attorney and shall be governed by the provisions of subsection (d) of this section. The underage party shall serve a copy of the summons and complaint, in accordance with G.S. 1A-1, Rule 4, on the father of the underage party; the mother of the underage party; and any person, agency, or institution having legal custody or serving as a guardian of the underage party. The underage party also shall serve a copy of the complaint, either in accordance with G.S. 1A-1, Rule 4, or G.S. 1A-1, Rule 5, on the guardian ad litem appointed pursuant to this section. A party responding to the underage party's complaint shall serve his response within 30 days after service of the summons and complaint upon that person. The underage party may participate in the proceedings before the court on his or her own behalf. At the hearing conducted pursuant to this section, the court shall consider evidence, as provided in subsection (a) of this section, and shall make written findings of fact and conclusions of law.

(c) Any party to a proceeding under this section may be represented by counsel, but no party is entitled to appointed counsel, except as provided in this section.

(d) The guardian ad litem appointed pursuant to subsection (b) of this section shall represent the best interest of the underage party in all proceedings under this section and also has standing to institute an action under G.S. 51-2(c). The appointment shall terminate when the last judicial ruling rendering the authorization granted or denied is entered. Payment of the guardian ad litem shall be governed by G.S. 7A-451(f). The guardian ad litem shall make an investigation to determine the facts, the needs of the underage party, the available resources within the family and community to meet those needs, the impact of the marriage on the underage party, and the ability of the underage party to assume the responsibilities of marriage; facilitate, when appropriate, the settlement of disputed issues; offer evidence and examine witnesses at the hearing; and protect and promote the best interest of the underage party. In fulfilling the guardian ad litem's duties, the guardian ad litem shall assess and consider the emotional development, maturity, intellect, and understanding of the underage party. The guardian ad litem has the

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authority to obtain any information or reports, whether or not confidential, that the guardian ad litem deems relevant to the case. No privilege other than attorney-client privilege may be invoked to prevent the guardian ad litem and the court from obtaining such information. The confidentiality of the information or reports shall be respected by the guardian ad litem, and no disclosure of any information or reports shall be made to anyone except by order of the court or unless otherwise provided by law.

(e) If the last judicial ruling in this proceeding denies the underage party judicial authorization to marry, the underage party shall not seek the authorization of any court again under this section until after one year from the date of the entry of the last judicial ruling rendering the authorization denied.

(f) Except as otherwise provided in this section, the rules of evidence in civil cases shall apply to proceedings under this section. All hearings pursuant to this section shall be recorded by stenographic notes or by electronic or mechanical means. Notwithstanding any other provision of law, no appeal of right lies from an order or judgment entered pursuant to this section.

3.5.3.36 North Dakota

North Dakota Century Code

14-03-02. Lawful age for marriage.

Any unmarried person of the age of eighteen years or more, and not otherwise disqualified, is capable of consenting to and consummating a marriage. If a person is sixteen to eighteen years of age, a marriage license may not be issued without the consent of the parents or guardian, if there are any. A marriage license may not be issued to any person below the age of sixteen, notwithstanding the consent of the parents or guardian of said person.

3.5.3.37 Ohio

Ohio Revised Code

§ 3101.01 Persons who may be joined in marriage; minor to obtain consent; public policy of state concerning same-sex marriage and extension of certain benefits to nonmarital relationships.

(A) Male persons of the age of eighteen years, and female persons of the age of sixteen years, not nearer of kin than second cousins, and not having a husband or wife living, may be joined in marriage. A marriage may only be entered into by one man and one woman. A minor¹⁰¹ shall first obtain the consent of the minor's parents, surviving parent, parent who is designated the

¹⁰¹ Age of Majority: All persons of the age of eighteen years or more, who are under no legal disability, are capable of contracting and are of full age for all purposes.

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residential parent and legal custodian of the minor by a court of competent jurisdiction, guardian, or any one of the following who has been awarded permanent custody of the minor by a court exercising juvenile jurisdiction:

(1) An adult person;

(2) The department of job and family services or any child welfare organization certified by the department;

(3) A public children services agency.

(B) For the purposes of division (A) of this section, a minor shall not be required to obtain the consent of a parent who resides in a foreign country, has neglected or abandoned the minor for a period of one year or longer immediately preceding the minor's application for a marriage license, has been adjudged incompetent, is an inmate of a state mental or correctional institution, has been permanently deprived of parental rights and responsibilities for the care of the minor and the right to have the minor live with the parent and to be the legal custodian of the minor by a court exercising juvenile jurisdiction, or has been deprived of parental rights and responsibilities for the care of the minor and the right to have the minor live with the parent and to be the legal custodian of the minor by the appointment of a guardian of the person of the minor by the probate court or by another court of competent jurisdiction.

§ 3101.04 Consent of juvenile court

When the juvenile court files a consent to marriage pursuant to the juvenile rules, the probate court may thereupon issue a license, notwithstanding either or both the contracting parties for the marital relation are under the minimum age prescribed in section 3101.01 of the Revised Code. The license shall not issue until section 3101.05 of the Revised Code has been complied with, and until such child has been born, or it is found beyond doubt by the juvenile court that the minor female is pregnant and intends to have the child.

3.5.3.38 Oklahoma

[Oklahoma Statutes](#)

§ 43-3. Who may marry

A. Any unmarried person who is at least eighteen (18) years of age and not otherwise disqualified is capable of contracting and consenting to marriage with a person of the opposite sex.

B. 1. Except as otherwise provided by this subsection, no person under the age of eighteen (18) years shall enter into the marriage relation, nor shall any license issue therefor, except:

a. upon the consent and authority expressly given by the parent or guardian of such underage applicant in the presence of the authority issuing such license,

b. upon the written consent of the parent or guardian of such underage applicant executed and acknowledged in person before a judge of the district court or the court clerk of any county within the State of Oklahoma,

c. if the parent or guardian resides outside of the State of Oklahoma, upon the written consent of the parent or guardian executed before a judge or clerk of a court of record. The executed foreign consent shall be duly authenticated in the same manner as proof of documents from foreign jurisdictions,

d. if the certificate of a duly licensed medical doctor or osteopath, acknowledged in the manner provided by law for the acknowledgment of deeds, and stating that such parent or guardian is unable by reason of health or incapacity to be present in person, is presented to such licensing authority, upon the written consent of the parent or guardian, acknowledged in the same manner as the accompanying medical certificate,

e. if the parent or guardian is on active duty with the Armed Forces of the United States, upon the written permission of the parent or guardian, acknowledged in the manner provided by law for acknowledgment of deeds by military personnel authorized to administer oaths. Such permission shall be presented to the licensing authority, accompanied by a certificate executed by a commissioned officer in command of the applicant, to the effect that the parent or guardian is on active duty in the Armed Forces of the United States, or

f. upon affidavit of three (3) reputable persons stating that both parents of the minor are deceased, or mentally incompetent, or their whereabouts are unknown to the minor, and that no guardian has theretofore been appointed for the minor. The judge of the district court issuing the license may in his or her discretion consent to the marriage in the same manner as in all cases in which consent may be given by a parent or guardian.

2. Every person under the age of sixteen (16) years is expressly forbidden and prohibited from entering into the marriage relation except when authorized by the court:

a. in settlement of a suit for seduction or paternity, or

b. if the unmarried female is pregnant, or has given birth to an illegitimate child and at least one parent of each minor, or the guardian or custodian of such child, is present before the court and has an opportunity to present evidence in the event such parent, guardian, or custodian objects to the issuance of a marriage license. If they are not present the parent, guardian, or custodian may be given notice of the hearing at the discretion of the court.

3. A parent or a guardian of any child under the age of eighteen (18) years who is in the custody of the Department of Human Services or the Department of Juvenile Justice shall not be eligible to consent to the marriage of such minor child as required by the provisions of this subsection.

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4. Any certificate or written permission required by this subsection shall be retained by the official issuing the marriage license.

C. No marriage may be authorized when such marriage would be incestuous under this chapter.

3.5.3.39 Oregon

Oregon Statutes

106.010 Marriage as civil contract; age of parties.

Marriage is a civil contract entered into in person by males at least 17 years of age and females at least 17 years of age, who are otherwise capable, and solemnized in accordance with ORS 106.150.

106.060 Consent of parent or guardian if applicant under 18.

A marriage license shall not be issued without the written consent of the parent or guardian, if any, of an applicant who is less than 18 years of age, nor in any case unless the parties are each of an age, as provided in ORS 106.010, capable of contracting marriage. If either party under 18 years of age has no parent or guardian resident within this state and either party has resided within the county in which application is made for the six months immediately preceding the application, the license may issue, if otherwise proper, without the consent of the nonresident parent or guardian.

3.5.3.40 Pennsylvania

Pennsylvania Statutes

§ 1304. Restrictions on issuance of license.

(a) Examinations and tests for syphilis. -- (Repealed).

(b) Minors¹⁰².

(1) No marriage license may be issued if either of the applicants for a license is under 16 years of age unless the court decides that it is to the best interest of the applicant and authorizes the issuance of the license.

(2) No marriage license may be issued if either of the applicants is under 18 years of age unless the consent of the custodial parent or guardian of the applicant is personally given before the

¹⁰² Gen. Laws 1956, § 18-7-2 § 18-7-2. Definitions: "Minor" means an individual who has not attained the age of twenty-one (21) years.

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person issuing the license or is certified under the hand of the custodial parent or guardian attested by two adult witnesses and, in the latter case, the signature of the custodial parent or guardian is acknowledged before an officer authorized by law to take acknowledgments. When the minor has no guardian and a judge of the court is absent or not accessible for any reason, the office issuing the license may appoint a guardian pro hac vice for the minor.

3.5.2.41 Rhode Island

Rhode Island General Laws

15-2-11. Consent and procedure required for license to minors and persons under guardianship.

(a) No minor¹⁰³ or person under the control of a parent or guardian shall be allowed to give and subscribe to the information provided for in §§ 15-2-1 -- 15-2-10, or shall receive the license provided for in these sections, unless the consent in writing of the parent or guardian, given in the presence of the town or city clerk or any clerk employed in that office, has first been obtained; provided, that proof shall be submitted that the minor has attained the age of sixteen (16) years; and provided, that this information may be given and subscribed to by a minor who has attained the age of sixteen (16) years, residing in this state upon the consent in writing of the director of public welfare of the town or city in which the minor resides, given in the presence of the town or city clerk or any clerk employed in that office.

(b) In addition to the requirements in subsection (a) of this section, no license shall be issued to any minor under the age of sixteen (16) years unless and until the following requirements have been complied with, and the town or city clerk is directed in writing to issue the license by the family court:

(1) The town or city clerk, upon receiving information provided for in §§ 15-2-1 through 15-2-10, shall immediately transmit a certified copy of the information to the family court. The court shall immediately transmit a copy of the information, together with a written request for a complete investigation of and a report upon the advisability of the issuance of the license, to the department of human services. The department shall within fifteen (15) days after the receipt of the information, the request, and the report file in the court its complete report in writing.

(2) The court shall then conduct a hearing in chambers to determine the advisability of the issuance of the license and shall notify the town or city clerk of its determination. The court shall have the power to summon at the hearing any persons that it may deem advisable.

(3) The court shall also file the report and a notation of its determination in the office of the clerk of the court, but any papers filed at the office of the clerk shall not be matters of public record and may be examined only upon the written authorization of the court.

¹⁰³ Minor means any person under the age of twenty-one (21) years

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(4) During the pendency of the proceedings, the court shall exercise the authority of a guardian in respect to the minor or minors involved.

3.5.3.42 South Carolina

[South Carolina Code of Laws](#)

§ 20-1-300. Issuance of license to unmarried female and male under eighteen years of age when female is pregnant or has borne a child.

Notwithstanding the provisions of Sections 20-1-250 to 20-1-290, a marriage license may be issued to an unmarried female and male under the age of eighteen years who could otherwise enter into a marital contract, if such female be pregnant or has borne a child, under the following conditions:

- (a) the fact of pregnancy or birth is established by the report or certificate of at least one duly licensed physician;
- (b) she and the putative father agree to marry;
- (c) written consent to the marriage is given by one of the parents of the female, or by a person standing in loco parentis, such as her guardian or the person with whom she resides, or, in the event of no such qualified person, with the consent of the superintendent of the department of social services of the county in which either party resides;
- (d) without regard to the age of the female and male; and
- (e) without any requirement for any further consent to the marriage of the male.

§ 20-1-250. Applicants under age of consent; consent of relative or guardian.

A marriage license must not be issued when either applicant is under the age of sixteen. When either applicant is between the ages of sixteen to eighteen and that applicant resides with father, mother, other relative, or guardian, the probate judge or other officer authorized to issue marriage licenses shall not issue a license for the marriage until furnished with a sworn affidavit signed by the father, mother, other relative, or guardian giving consent to the marriage.

3.5.3.43 South Dakota

[South Dakota Codified Laws](#)

§ 25-1-9. Age of consent to marriage -- Parental consent

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Any unmarried applicant for a marriage license who is eighteen years old or older, and who is not otherwise disqualified, is capable of consenting to and consummating a marriage. If either applicant for a marriage license is between the age of sixteen and eighteen, that applicant shall submit to the register of deeds a notarized statement of consent to marry from one parent or legal guardian of the applicant.

3.5.3.44 Tennessee

[Tennessee Code](#)

§ 36-3-105. Age

(a) It is unlawful for any county clerk or deputy clerk in this state to issue a marriage license to any person where either of the contracting parties is under sixteen (16) years of age, except as provided in this part.

(b) Any marriage contracted in violation of subsection (a) may be annulled upon proper proceedings therefor by such person or any interested person acting in the person's behalf.

36-3-106. Consent of parent, guardian, next of kin, agency or custodian.

(a) When either applicant is under eighteen (18) years of age, the parents, guardian, next of kin or party having custody of the applicant shall join in the application, under oath, stating that the applicant is sixteen (16) years of age or over and that the applicant has such person's consent to marry.

(b) If the applicant is in the legal custody of any public or private agency or is in the legal custody of any person other than a parent, next of kin or guardian, then such person or the duly authorized representative of such agency shall join in the application with the parent, guardian or next of kin stating, under oath, that the applicant is sixteen (16) years of age but less than eighteen (18) years of age and that the applicant has such person's consent to marry. This subsection (b) does not apply to applicants who are in the legal custody of the department of mental health and substance abuse services or the department of intellectual and developmental disabilities.

3.5.3.45 Texas

[Texas Statutes](#)

Sec. 2.003. APPLICATION FOR LICENSE BY MINOR. In addition to the other requirements provided by this chapter, a person under 18 years of age applying for a license must provide to the county clerk:

- (1) documents establishing, as provided by Section 2.102, parental consent for the person to the marriage;
- (2) documents establishing that a prior marriage of the person has been dissolved; or
- (3) a court order granted under Section 2.103 authorizing the marriage of the person.

§ 2.102. Parental Consent for Underage Applicant

(a) If an applicant is 16 years of age or older but under 18 years of age, the county clerk shall issue the license if parental consent is given as provided by this section.

(b) Parental consent must be evidenced by a written declaration on a form supplied by the county clerk in which the person consents to the marriage and swears that the person is a parent (if there is no person who has the court-ordered right to consent to marriage for the applicant) or a person who has the court-ordered right to consent to marriage for the applicant (whether an individual, authorized agency, or court).

(c) Except as otherwise provided by this section, consent must be acknowledged before a county clerk.

(d) If the person giving parental consent resides in another state, the consent may be acknowledged before an officer authorized to issue marriage licenses in that state.

(e) If the person giving parental consent is unable because of illness or incapacity to comply with the provisions of Subsection (c) or (d), the consent may be acknowledged before any officer authorized to take acknowledgments. A consent under this subsection must be accompanied by a physician's affidavit stating that the person giving parental consent is unable to comply because of illness or incapacity.

(f) Parental consent must be given at the time the application for the marriage license is made or not earlier than the 30th day preceding the date the application is made.

(g) A person commits an offense if the person knowingly provides parental consent for an underage applicant under this section and the person is not a parent or a person who has the court-ordered right to consent to marriage for the applicant. An offense under this subsection is a Class A misdemeanor.

(h) A parent or a person who has the court-ordered right to consent to marriage for the applicant commits an offense if the parent or other person knowingly provides parental consent under this section for an applicant who is younger than 16 years of age or who is presently married to a person other than the person the applicant desires to marry. An offense under this subsection is a felony of the third degree.

(i) A parent or person who has the legal authority to consent to marriage for an underage applicant who gives consent under this section shall provide:

(1) proof of the parent's or person's identity under Section 2.005(b); and

(2) proof that the parent or person has the legal authority to consent to marriage for the applicant under rules adopted under Subsection (j).

(j) The executive commissioner of the Health and Human Services Commission shall adopt rules detailing acceptable proof of the legal authority to consent to the marriage of an underage applicant. In adopting rules, the executive commissioner shall ensure that the rules:

(1) adequately protect against fraud; and

(2) do not create an undue burden on any class of person legally entitled to consent to the marriage of an underage applicant.

3.5.3.46 Utah

[Utah Code](#)

§ 30-1-2. Marriages prohibited and voi

The following marriages are prohibited and declared void:

(1) when there is a husband or wife living, from whom the person marrying has not been divorced;

(2) when the male or female is under 18 years of age unless consent is obtained as provided in Section 30-1-9;

(3) when the male or female is under 14 years of age or, beginning May 3, 1999, when the male or female is under 16 years of age at the time the parties attempt to enter into the marriage; however, exceptions may be made for a person 15 years of age, under conditions set in accordance with Section 30-1-9;

(4) between a divorced person and any person other than the one from whom the divorce was secured until the divorce decree becomes absolute, and, if an appeal is taken, until after the affirmance of the decree; and

(5) between persons of the same sex.

30-1-9. Marriage by minors -- Consent of parent or guardian -- Juvenile court authorization.

(1) For purposes of this section, "minor" means a male or female under 18 years of age.

(2) (a) If at the time of applying for a license the applicant is a minor, and not before married, a license may not be issued without the signed consent of the minor's father, mother, or guardian given in person to the clerk; however:

(i) if the parents of the minor are divorced, consent shall be given by the parent having legal custody of the minor as evidenced by an oath of affirmation to the clerk;

(ii) if the parents of the minor are divorced and have been awarded joint custody of the minor, consent shall be given by the parent having physical custody of the minor the majority of the time as evidenced by an oath of affirmation to the clerk; or

(iii) if the minor is not in the custody of a parent, the legal guardian shall provide the consent and provide proof of guardianship by court order as well as an oath of affirmation.

(b) If the male or female is 15 years of age, the minor and the parent or guardian of the minor shall obtain a written authorization to marry from:

(i) a judge of the court exercising juvenile jurisdiction in the county where either party to the marriage resides; or

(ii) a court commissioner as permitted by rule of the Judicial Council.

(3) (a) Before issuing written authorization for a minor to marry, the judge or court commissioner shall determine:

(i) that the minor is entering into the marriage voluntarily; and

(ii) the marriage is in the best interests of the minor under the circumstances.

(b) The judge or court commissioner shall require that both parties to the marriage complete premarital counseling. This requirement may be waived if premarital counseling is not reasonably available.

(c) The judge or court commissioner may require:

(i) that the person continue to attend school, unless excused under Section 53A-11-102; and

(ii) any other conditions that the court deems reasonable under the circumstances.

(4) The determination required in Subsection (3) shall be made on the record. Any inquiry conducted by the judge or commissioner may be conducted in chambers.

3.5.3.47 Vermont

Vermont Statutes

Title 18 – Health Chapter 105 - CIVIL MARRIAGE RECORDS AND LICENSES

§ 5142. Restrictions as to persons who are minors or incompetent

A Clerk shall not issue a civil marriage license when either party to the intended marriage is:

- (1) a person who has not attained majority without the consent in writing of one of the parents if there is one competent to act; or the guardian of such minor¹⁰⁴;
- (2) nor with such consent when either party is under 16 years of age;
- (3) nor when either of the parties to the intended marriage is not mentally capable of entering into marriage;
- (4) nor to a person under guardianship without the written consent of such guardian.

3.5.3.48 Virginia

Virginia Code

§ 20-48. Minimum age of marriage with consent of parents

The minimum age at which persons may marry, with consent of the parent or guardian, shall be sixteen.

In case of pregnancy when either party is under sixteen, the clerk authorized to issue marriage licenses in the county or city wherein the female resides shall issue a proper marriage license with the consent of the parent or guardian of the person or persons under the age of sixteen only upon presentation of a doctor's certificate showing he has examined the female and that she is pregnant, or has been pregnant within the nine months previous to such examination, which certificate shall be filed by the clerk, and such marriage consummated under such circumstances shall be valid. If any such person under the age of sixteen is a ward of the Commonwealth by virtue of having been adjudicated a delinquent, dependent, or neglected child, instead of the consent of the parent or natural guardian there shall be required the consent of the judge having jurisdiction to control the custody of such person; or, if such person so adjudicated shall have been committed to the Department of Juvenile Justice or to any society, association, or institution approved by it for this purpose, such consent shall be given by some person thereto authorized by the Director

¹⁰⁴ Persons of the age of 18 years shall be considered of age and until they attain that age, shall be minors. Whenever referred to in the laws of this state, a person who is an adult or who has attained majority shall be a resident or nonresident person of 18 years of age or more. (Vermont Statutes, Chapter 3. Construction of Statutes, Subchapter 3. Rules of Construction, § 173. Minors)

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of the Department of Juvenile Justice, or by the principal executive officer of such society, association, or institution, as the case may be.

§ 20-49. When consent required and how given

If any person intending to marry is under eighteen years of age and has not been previously married, the consent of the father or mother or guardian of such person or persons shall be given either personally to the clerk or judge or in writing subscribed by a witness, who shall make oath before the clerk or judge that the writing was signed or sworn to in his presence by such father, guardian, or mother, as the case may be, or the writing shall be sworn to before a notary public or some person authorized to take acknowledgments to deeds under the laws of this Commonwealth, which oath shall be properly certified by such officer. If there is no father, guardian, or mother, or if such person or persons are abandoned by his or their parents, the judge of the circuit court of the county or city wherein such person or either of them resides, either in term or vacation, may on verified petition of such person or persons intending to marry, authorize a marriage license to be issued, or issue the same, as the case may be. However, no consent shall be required where the minor has been emancipated.

If any such person under eighteen years of age is a ward of the Commonwealth by virtue of having been adjudicated a delinquent, in need of supervision, in need of services, or an abused or neglected child pursuant to §§ 16.1-278.2, 16.1-278.4, 16.1-278.5, or § 16.1-278.8, the consent required by this section shall be given by the judge having jurisdiction to control the custody of such person; or, if such person so adjudicated has been committed to the Department of Juvenile Justice, such consent shall be given personally by the Director of the Department of Juvenile Justice or by some person thereto authorized by him, such authorization to be in writing, attested or sworn to as hereinabove provided. However, no consent shall be required where the minor has been emancipated.

3.5.3.49 Washington

[Washington Revised Code](#)

26.04.010. Marriage contract -- Void marriages -- Construction of gender specific terms -- Recognition of solemnization of marriage not required.

(1) Marriage is a civil contract between two persons who have each attained the age of eighteen years, and who are otherwise capable.

(2) Every marriage entered into in which either person has not attained the age of seventeen years is void except where this section has been waived by a superior court judge of the county in which one of the parties resides on a showing of necessity.

(3) Where necessary to implement the rights and responsibilities of spouses under the law, gender specific terms such as husband and wife used in any statute, rule, or other law must be construed to be gender neutral and applicable to spouses of the same sex.

26.04.210. Affidavits required for issuance of license—Penalties

(1) The county auditor, before a marriage license is issued, upon the payment of a license fee as fixed in RCW 36.18.010 shall require each applicant therefor to make and file in the auditor's office upon blanks to be provided by the county for that purpose, an affidavit showing that if an applicant is afflicted with any contagious sexually transmitted disease, the condition is known to both applicants, and that the applicants are the age of eighteen years or over. If the consent in writing is obtained of the father, mother, or legal guardian of the person for whom the license is required, the license may be granted in cases where the female has attained the age of seventeen years or the male has attained the age of seventeen years. Such affidavit may be subscribed and sworn to before any person authorized to administer oaths.

3.5.3.50 West Virginia

[West Virginia Code](#)

§ 48-2-301. Age of consent for marriage; exception.

(a) The age of consent for marriage for both the male and the female is eighteen years of age. A person under the age of eighteen lacks the capacity to contract a marriage without the consent required by this section.

(b) The clerk of the county commission may issue a marriage license to an applicant who is under the age of eighteen but sixteen years of age or older if the clerk obtains a valid written consent from the applicant's parents or legal guardian.

(c) Upon order of a circuit judge, the clerk of the county commission may issue a marriage license to an applicant who is under the age of sixteen, if the clerk obtains a valid written consent from the applicant's parents or legal guardian. A circuit judge of the county in which the application for a marriage license is filed may order the clerk of the county commission to issue a license to an applicant under the age of sixteen if, in the court's discretion, the issuance of a license is in the best interest of the applicant and if consent is given by the parents or guardian.

(d) A consent to marry must be duly acknowledged before an officer authorized to acknowledge a deed. If the parents are living together at the time the application for a marriage license is made and the consent is given, the signatures of both parents or the applicant's legal guardian is required. If one parent is dead, the signature of the surviving parent or the applicant's legal guardian is required. If both parents are dead, the signature of the applicant's legal guardian is

required. If the parents of the applicant are living separate and apart, the signature of the parent having custody of the applicant or the applicant's legal guardian is required.

(e) If a person under the age of consent is married in violation of this section, the marriage is not void for this reason, and such marriage is valid until it is actually annulled.

(f) A marriage by an underage person without a valid consent as required by this section, though voidable at the time it is entered into, may be ratified and become completely valid and binding when the underage party reaches the age of consent. Validation of a marriage by ratification is established by some unequivocal and voluntary act, statement, or course of conduct after reaching the age of consent. Ratification includes, but is not limited to, continued cohabitation as husband and wife after the age of consent is attained.

3.5.3.51 Wisconsin

[Wisconsin Statutes](#)

765.02. Marriageable age; who may contract.

(1) Every person who has attained the age of 18 years may marry if otherwise competent.

(2) If a person is between the age of 16 and 18 years, a marriage license may be issued with the written consent of the persons parents, guardian, custodian under s. 767.225 (1) or 767.41, or parent having the actual care, custody and control of the person. The written consent must be given before the county clerk under oath, or certified in writing and verified by affidavit or affirmation before a notary public or other official authorized to take affidavits. The written consent shall be filed with the county clerk at the time of application for a marriage license. If there is no guardian, parent or custodian or if the custodian is an agency or department, the written consent may be given, after notice to any agency or department appointed as custodian and hearing proper cause shown, by the court having probate jurisdiction.

3.5.3.52 Wyoming

[Wyoming Statutes](#)

§ 20-1-102. Minimum marriageable age; exception; parental consent.

(a) At the time of marriage the parties shall be at least sixteen (16) years of age except as otherwise provided.

(b) All marriages involving a person under sixteen (16) years of age are prohibited and voidable, unless before contracting the marriage a judge of a court of record in Wyoming approves the marriage and authorizes the county clerk to issue a license therefor.

(c) When either party is a minor¹⁰⁵, no license shall be granted without the verbal consent, if present, and written consent, if absent, of the father, mother, guardian or person having the care and control of the minor. Written consent shall be proved by the testimony of at least one (1) competent witness.

¹⁰⁵ Upon becoming eighteen (18) years of age, an individual reaches the age of majority and as an adult acquires all rights and responsibilities granted or imposed by statute or common law, except as otherwise provided by law. (Wyoming Statutes, § 14-1-101.)

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Annexes to Compendium

CHILD MARRIAGE AROUND THE WORLD

JULY 2015 – AUGUST 2016

Table of Contents

Articles

1. BANGLADESH:

[How Teenage Girls In Bangladesh Are Working To End Child Marriage, The World Post, July, 7 2016](#)

[Educating girls could cut child marriage in Bangladesh by a third, study says, The Guardian, April, 5 2016](#)

[Child marriage is real: it almost happened to me', Aljazeera, January, 17 2016](#)

[Dispatches: Going Backwards on Child Marriage in Bangladesh, Human Rights, Watch, October, 21 2015](#)

[PM Hasina promises end of child marriage by 2041 PM Hasina promises end of child marriage by 2041, BDnews24.com, September, 26 2015](#)

[Tales of women in Bangladesh: tackling early marriage and child labour The Guardian, September, 29 2015](#)

2. GEORGIA:

[Georgian parliament considers bill to restrict early marriage, Democracy and Freedom Watch, October, 15 2015](#)

3. GHANA:

[CHRAJ Condemns The Incidence of Child Marriages, News Ghana, August, 21 2016](#)

This compendium - developed in the framework of the Global Forum on Law, Justice and Development – is a working document intended as reference tool for Global Forum's partners and other development practitioners. It does not constitute an exhaustive treatment of the legal framework on child marriage and may be updated from time to time.

[Ghana outlines strategy against child marriage, Ghana Business News, March, 20 2016](#)
[CHRAJ Condemns The Incidence of Child Marriages, News Ghana, August, 21 2016](#)

[Strategic framework to end child marriage underway, Graphic online, January, 25 2016](#)

4. GUATEMALA:

[Exposures, Child, Bride, Mother: Guatemala, The New York Times, February, 6 2016](#)

[Guatemala Bans Child Marriage, Huffington Post, November, 11 2015](#)

5. INDIA:

[Child marriages are taking place in India: Ministry of Home Affairs to High Court, Indian Express, August, 29 2016](#)

[Child Marriages in a World-class Capital?, Indian Express, January, 27 2016](#)

[Early marriage increasing risk of cervical cancer among rural women: Experts, The Times of India, October, 04 2015](#)

[Prohibition of Child Marriage Act to prevail over personal laws: HC, The Indian Express, September 25, 2015](#)

[Strength to say no: A girl's fight against child marriage, Hindustan Times, September, 30 2015](#)

[Child Marriage Prohibition Act Applies to Muslims Too: Gujarat High Court, NDTV, September 26, 2015](#)

[Indian Woman Who Was Married Off At Just 11 Months Old Fights Against Child Marriage, The Huffington Post, August, 7 2015](#)

[How land rights can help end child marriage, Devex, August, 14 2015](#)

[Child marriage: Police stop marriage of 9-year-old to elderly man, International New York Times, August, 15 2015](#)

[South India accounts for nearly half of all child marriage cases in India, reveals NCRB data, First Post India, August, 21 2015](#)

[Indian Muslim Women Agent Polygamy, Triple Talla and Child Marriage Study, International Business Times, August, 22 2015](#)

This compendium - developed in the framework of the Global Forum on Law, Justice and Development – is a working document intended as reference tool for Global Forum's partners and other development practitioners. It does not constitute an exhaustive treatment of the legal framework on child marriage and may be updated from time to time.

6. INDONESIA:

[Child marriage a serious problem in Indonesia, The Jakarta Post, July, 20 2016](#)

[Govt urged to issue Perppu to end child marriage, The Jakarta Post, January, 07 2016](#)

7. KURDISTAN:

[Plan launched to end child marriage in Kurdistan region, Rudaw, October, 12 2015](#)

8. NAMIBIA:

[Child Marriage Exposes Kids to HIV/Aids – Sioka, All Africa September 30, 2015](#)

9. NETHERLANDS:

[Migrant crisis: Dutch alarm over child brides from Syria, BBC, October, 20 2015](#)

10. PAKISTAN:

[The horror of child abuse in Pakistan, Asia News, August, 26 2016](#)

[Bill banning child marriage fails in Pakistan after it's deemed 'un-Islamic', The Washington Post, January, 15 2016](#)

[Men Are Stepping Up to Fight Child Marriage in Pakistan, Takepart, August, 14 2015](#)

11. SIERRA LEONE:

[Sierra Leone: 'Child Marriage Is a Serious Concern to Govt', All Africa, August, 18, 2016](#)

12. SOUTH SUDAN:

[South Sudan: The deadly consequences of child marriage, Aljazeera, February, 16 2016](#)

13. SYRIA:

[Child brides: Number of Syrian refugee girls forced into marriage has tripled since conflict began, abc news, October, 14 2015](#)

14. TANZANIA:

[Tanzania: Mara's Anti-Child Marriage Drive Proves Successful, All Africa, August, 30 2016](#)

[Tanzania: Network Asks Government to Rethink Decision On Early Child Marriages, All Africa, August, 5 2016](#)

[Tanzania: Outdated Customs Fuel Child Marriage, All Africa, September, 30 2015](#)

15. TURKEY:

[Child marriages remain major problem in Turkey, Today's Zaman, December, 26 2015](#)

16. UNITED STATES:

[Advocates raise concerns about child marriage in Mass, The Boston Globe, August, 10, 2016](#)

17. ZAMBIA:

[Zambia: Weed Out Child, Forced Marriages, All Africa, August, 26 2016](#)

['Fast Track Courts to Lessen Child Marriages', All Africa, December, 26 2015](#)

[Zambian chieftainess stands up against age-old custom of child marriage, Reuters, September 22, 2015](#)

18. ZIMBABWE:

[Former Child Brides Just Got Zimbabwe To Ban Child Marriage, Huffingtonpost, January, 20 2016](#)

19. UNITED NATIONS

[UN adopts 2030 Agenda for Sustainable Development, Sustainable Development Knowledge Platform, September 25, 2015](#)

Campaign awareness:

[Dating app Happn taken over in child marriage awareness stunt, International Business Times, September 11, 2015](#)

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Conference:

[Women, Business and Law 2016: Getting to the Equal, September 9 2015](#)

Documentary:

[DIFRET: How I Escaped My Child Marriage](#)

[The Man Who Mends Women, by Thierry MICHEL & Colette BRAECKMAN](#)

Interview:

[There Are More Child Marriages Happening in 2015 Than You Think: A Q&A, August, 6 2015, Human Rights Watch](#)

Report:

[New Report: Getting the Evidence: Asia Child Marriage Initiative Summary Report, Coram International and Plan International, November 2015.](#)

[Human Rights Watch, World Report 2016, Ending Child Marriage Meeting the Global Development Goals' Promise to Girls by Nisha Varia.](#)

Video and reportage photography:

[UN: Closing 'vast' gender gap, ending child marriage key priorities, Ghanaian President tells UN, 30 September 2015, UN News Center](#)

[Child Brides Photo Series Proves Girls Are Simply 'Too Young To Wed, Huffington Post September 22, 2015](#)

[Jane Sloane: Ending child marriage, CCT America, September 5 2015](#)

[Girl aged just 15 prepares for her wedding... to a 32-year-old man: Forlorn child bride prepares to marry groom in Bangladesh where two-thirds of girls are wed by 18, Daily Mail, August, 24 2015](#)

[Population Council, What works to delay child marriage, August, 12 2015](#)

This compendium - developed in the framework of the Global Forum on Law, Justice and Development – is a working document intended as reference tool for Global Forum's partners and other development practitioners. It does not constitute an exhaustive treatment of the legal framework on child marriage and may be updated from time to time.

Table 1: Marriageable age and exceptions-Africa

| Country | Date and title of the law stating the minimum age | Minimum age for boys | Minimum age for girls | Source of exception to the minimum age | Exception to the minimum age for boys | Exception to the minimum age for girls | Competent authority to allow by exception the boy and girl to marry | Condition (s) to allow the boy and girl to marry |
|---------------------------------|---|----------------------|-----------------------|--|--|--|---|---|
| Angola | Family Code (1988) | 18 | 18 | Formal | 16 | 15 | - | 1- Consent of a person having authority, or 2- Taking into account the minor's interests, the marriage appears to be the best solution over the minor. |
| Benin | Family Code (2002) Children's Code (2007) | 18 | 18 | Formal | No specific age | No specific age | President of the Court of First Instance | Grave cause |
| Botswana | Marriage Act (2001) Child Act (2009) | 18 | 18 | - | - | - | - | - |
| Burkina Faso | Family Code (1989) | 20 | 17 | Formal | 18 | 15 | Civil Court | Grave cause |
| Central African Republic | Family Code (1998) | 18 | 18 | Formal | No specific age | No specific age | Public prosecutor | 1-Serious reasons 2-Applicant' request |
| Chad | Civil Code (1958) | 18 | 15 | - | - | - | - | - |
| Comoros | Family Code (2005) | 18 | 18 | Formal | No specific age | No specific age | The competent Judge in charge of celebrating the marriage | 1-Serious and legitimate reasons 2- Mutual consent between the intending spouses |
| Djibouti | Family Law (2002) | 18 | 18 | Formal | No specific age "minors who have not reached the age of legal majority" | No specific age "minors who have not reached the age of legal majority" | Judge | Consent of guardians |
| Eritrea | Transitional Civil Code (1991) | 18 | 18 | Formal | 16 | 16 | Authority who will celebrate the marriage | 1-Declaration made by a doctor stating that the woman is pregnant 2- Declaration made by a doctor stating that the woman has already given both to a child |

| Country | Date and title of the law stating the minimum age | Minimum age for boys | Minimum age for girls | Source of exception to the minimum age | Exception to the minimum age for boys | Exception to the minimum age for girls | Competent authority to allow by exception the boy and girl to marry | Condition (s) to allow the boy and girl to marry |
|-------------------|---|----------------------|-----------------------|--|---|---|---|---|
| Ethiopia | Family Code (2000) | 18 | 18 | Formal | 16 | 16 | Minister of Justice | Application of the future spouses or the parents or guardians of one of them for serious cause |
| Gabon | Civil Code (1972) | 18 | 15 | Formal | No specific age | No specific age | President of the Republic/ or in his absence the president of the Supreme Court | Serious reasons |
| Ghana | Children's Act (1998) | 18 | 18 | - | - | - | - | - |
| Guinea | Children Code (2008) | 18 | 18 | Formal | No specific age | No specific age | President of the Republic on the basis of the report of the Minister of Justice | 1- Serious reasons 2- The application is made to the Public Prosecutor or the President of the Tribunal, which is forwarded to the Attorney General 3- A copy of the decree is annexed to the marriage certificate |
| Liberia | Children Law (2011) | 18 | 18 | - | - | - | | - |
| Madagascar | Family Law (2007) | 18 | 18 | Formal | No specific age | No specific age | President of the court of First Instance | 1- Serious grounds 2- Request of the father or the mother or the person who exercises authority over the child and with the express consent of the latter |
| Malawi | Marriage, Divorce and family Relations Bill (2015) Constitution (1994) | 18 | 18 | Formal | Between 18 and 15 with the consent of their guardians | Between 18 and 15 with the consent of their guardians | - | Without parent consent |
| Mali | Family Code (2011) | 18 | 16 | Formal | 15 | 15 | Head of Administrative District/Civil Court | Serious reasons |
| Mauritania | Personal Status Code (2001) | 18 | 18 | - | - | - | - | - |
| Mozambique | Family Act (2004) | 18 | 18 | Formal | Over 16 | Over 16 | - | 1- Circumstances of recognized public and family interest 2- There is consent from parents or legal representatives. |

| Country | Date and title of the law stating the minimum age | Minimum age for boys | Minimum age for girls | Source of exception to the minimum age | Exception to the minimum age for boys | Exception to the minimum age for girls | Competent authority to allow by exception the boy and girl to marry | Condition (s) to allow the boy and girl to marry |
|------------------------------|--|----------------------|-----------------------|--|---------------------------------------|--|---|--|
| Niger | Civil Code (2005) | 18 | 15 | Formal | No specific age | No specific age | The President of the Republic | Serious reasons |
| | The Mandel Decree of 13 July 1939 (customary status) | 16 | 14 | Customary | | | | |
| Nigeria | Child Act (2003) | 18 | 18 | - | - | - | - | - |
| Sao Tome and Principe | Act of the Family (1997) | 18 | 18 | Formal | 16 | 14 | - | 1- Justified cause (exceptional circumstances) 2- Authorization from their parents or legal representative. |
| Senegal | Family Code (1989) | 18 | 16 | Formal | Under 18 | Under 16 | President of the regional Court after investigation | Cause |
| Sierra Leone | Child Act (2007) | 18 | 18 | - | - | - | - | - |
| | Registration of Customary Marriage and Divorce Act (2009) | | | | | | | |
| South Sudan | Transitional Constitution of the Republic of South Sudan (2011, revised in 2013) | 18 | 18 | - | - | - | - | - |
| | Child Act (2008) | | | | | | | |

| Country | Date and title of the law stating the minimum age | Minimum age for boys | Minimum age for girls | Source of exception to the minimum age | Exception to the minimum age for boys | Exception to the minimum age for girls | Competent authority to allow by exception the boy and girl to marry | Condition (s) to allow the boy and girl to marry |
|-----------------|---|--------------------------|--|--|---------------------------------------|--|---|---|
| Sudan | Muslim Personal Law Act of Sudan (1991) Marriage of Non-Muslims Act (1926) | No minimum age 15 | No minimum age/ refers to a pubescent woman 13 | Formal | No specific age | No specific age | Judge | 1-The marriage should benefit the minor girls 2-The husband is suitable and the husband pays the dowry usually paid to women of her status |
| Togo | Child Code (2007) | 18 | 18 | Formal | 16 | 16 | President of the First instance | Serious reasons |
| Uganda | Constitution (1995) | 18 | 18 | Customary | 18 | 16 | - | Consent of parents and guardians |
| Zambia | Marriage Act (1964) | 21 | 21 | Formal/cus tomary | 16/ or reaches puberty | 16/or reaches puberty | Judge of the High Court | Particular circumstances of the case |
| Zimbabwe | Constitution (2013) | 18 | 18 | - | - | - | - | - |

Table 2: Marriageable age and exceptions – Asia and Oceania

| Country | Date and title of the law stating the minimum age | Minimum age for boys | Minimum age for girls | Source of exception to the minimum age (formal, customary, mix) | Exception to marry before the minimum age for boys | Exception to marry before the minimum age for girls | Competent authority to allow the boy and girl to marry | Condition (s) to allow the boy and girl to marry |
|---|--|----------------------|-----------------------|---|--|--|--|--|
| Afghanistan | Civil Code (1977) | 18 | 16 | Formal | - | From 15 to 18 | Father or competent court | - |
| Bangladesh | Child Marriage restraint Act (1929) | 21 | 18 | Muslim laws | Under 18 and until he reaches puberty | Under 18 and until she reaches puberty | Guardian | - |
| Cambodia | Civil Code (2007) | 18 | 18 | Formal | Under 18 (if one of the parties is a minor at least of 16 years old) | Under 18 (if one of the parties is a minor at least of 16 years old) | Father/ Guardian/ Court | 1-Consent of the parental power holders or guardian must be obtained 2-If the parental power holders or guardian unreasonably refuse consent, the minor wishing to marry may apply to the court for adjudication in place of consent. |
| China | Marriage Law (2001) | 22 | 20 | - | - | - | - | - |
| China (Tibet Autonomous Region) | Standing committee of the People's Congress of Tibet Autonomous Region (2004) | 20 | 18 | - | - | - | - | - |
| China (Xinjiang Uygur Autonomous Region) | Standing committee of the People's Congress of Xinjiang Uygur Autonomous Region (1988) | 20 | 18 | - | - | - | - | - |

| Country | Date and title of the law stating the minimum age | Minimum age for boys | Minimum age for girls | Source of exception to the minimum age (formal, customary, mix) | Exception to marry before the minimum age for boys | Exception to marry before the minimum age for girls | Competent authority to allow the boy and girl to marry | Condition (s) to allow the boy and girl to marry |
|---|---|----------------------|-----------------------|---|--|---|--|--|
| China (Inner Mongolia Autonomous Region) | Standing committee of the People's Congress of Inner Mongolia Autonomous Region | 20 | 18 | - | - | - | - | - |
| China (Xinjiang Uygur Autonomous Region) | Standing committee of the People's Congress of Xinjiang Uygur Autonomous Region | 20 | 18 | - | - | - | - | - |
| China (Guangxi Zhuang Autonomous Region) | | 22 | 20 | | | | | |
| China (Hong Kong Special Administrative Region) | Hong Kong Marriage Ordinance | 16 | 16 | | | | Minors (16-21) need the written consent of their father(or mother if their father is deceased or incompetent) or legal guardian. | |
| China (Macao Special Administrative Region) | Civil Code | 16 | 16 | | | | Minors (16-18) need the consent of their parents or legal guardian. | |
| China (Taiwan) | Civil Code | 18 | 16 | Civil Code | 17 | 15 | Consent of his statutory agent | |

| Country | Date and title of the law stating the minimum age | Minimum age for boys | Minimum age for girls | Source of exception to the minimum age (formal, customary, mix) | Exception to marry before the minimum age for boys | Exception to marry before the minimum age for girls | Competent authority to allow the boy and girl to marry | Condition (s) to allow the boy and girl to marry |
|----------|--|---|---|---|--|---|--|--|
| India | The prohibition of Child Marriage Act (2006) | 20 | 18 | - | - | - | - | - |
| Maldives | Family Act (2000) | 18 | 18 | Formal | Under 18, but reached puberty | Under 18, but reached puberty | Registration of Marriages | 1- If the person has reached puberty 2-Grant approval to the solemnization of that marriage upon having considered the person's physical well-being, competence to maintain a livelihood, and reasons for contracting the marriage. |
| Nepal | The Interim Constitution of Nepal (2007) The Eleventh Amendment to the Muluki Ain (Nepalese Country Code) | 18 with the consent of the guardian 21 without the consent of the guardian | 18 with the consent of the guardian 21 without the consent of the guardian | - | - | - | - | - |
| Pakistan | Child Marriage Restraint Act (1929) | 18 | 16 | - | - | - | - | - |

| Country | Date and title of the law stating the minimum age | Minimum age for boys | Minimum age for girls | Source of exception to the minimum age (formal, customary, mix) | Exception to marry before the minimum age for boys | Exception to marry before the minimum age for girls | Competent authority to allow the boy and girl to marry | Condition (s) to allow the boy and girl to marry |
|-------------------------|---|----------------------|-----------------------|--|--|---|--|--|
| Papua New guinea | Marriage Act (1963) | 18 | 16 | Formal Formal (Marriage Act 1963) Customary marriage and religious rites | 16 No specific age | 14 No specific age | Judge or Magistrate - | 1- He or she may apply for an order authorizing him or her to marry a particular person of marriageable age. 2- Circumstances of the case are exceptional and unusual as to justify the making of the order. - |
| Thailand | Civil and Commercial Code, Book V, Title I | 17 | 17 | Formal | Under 17 | Under 17 | Court | Consent of the following persons is required: His or her parents, in case both of his or her father and mother are still alive; His or her parent, in case his or her father or mother died, or is in a position or state of being unable to give consent, or is in a situation that make the minor unable to ask for such consent; His or her adopter, in case the minor is an adopted child; His or her guardian, in case there is not person giving consent under (1), (2) and (3), or such person is deprived of parental power. |

Table 3: Marriageable age and exceptions – Latin America and Caribbean

| Country | Date and title of the law stating the minimum age | Minimum age for boys | Minimum age for girls | Source of exception to the minimum age (formal, customary, mix) | Exception to marry before the minimum age for boys | Exception to marry before the minimum age for girls | Competent authority to allow the boy and girl to marry | Condition (s) to allow the boy and girl to marry |
|---------------------------|---|--|--|---|--|---|--|---|
| Bolivia | Family Code (1988) | 16 | 14 | Formal | No specific age | No specific age | Judge | Serious and justified reasons |
| Brazil | Civil Code (2002) | 18 | 18 | Formal | 16 | 16 | Judge | Pregnancy or to avoid criminal sentence in case of statutory rape |
| Dominican Republic | Civil Code (1949) | 18 | 15 | Formal | No specific age | No specific age | Government | Important causes |
| El Salvador | Civil Code (1859) | 18 | 18 | Formal | Under 18 | Under 18 | - | 1- if they have reach puberty, 2-have a child together or if the girl is pregnant. |
| Guatemala | Civil Code (1963) | 18 | 18 | Formal | 16 | 14 | Judge of the First instance | Consent of the parents jointly or the consent of the guardians |
| Haiti | Civil Code (1963) | 18 | 15 | Formal | No specific age | No specific age | President of Haiti | Serious reasons |
| Guatemala | Civil Code (1963) | 18 | 18 | Formal | 16 | 14 | Judge of the First instance | Consent of the parents jointly or the consent of the guardians |
| Panama | Family Law (1994) | 18 (without the prior express consent of a parent or guardian) ----- 16 (with the prior express consent of a parent or guardian) | 18 (without the prior express consent of a parent or guardian) ----- 14 (with the prior express consent of a parent or guardian) | - | - | - | - | - |

| Country | Date and title of the law stating the minimum age | Minimum age for boys | Minimum age for girls | Source of exception to the minimum age (formal, customary, mix) | Exception to marry before the minimum age for boys | Exception to marry before the minimum age for girls | Competent authority to allow the boy and girl to marry | Condition (s) to allow the boy and girl to marry |
|---------|---|----------------------|-----------------------|---|--|---|--|--|
| Peru | Civil Code (1984) | 18 | 18 | Formal | 16 | 16 | Judges | Parental and judicial consent. |

Table 4: Marriageable age and exceptions – Middle-East North Africa

| Country | Date and title of the law stating the minimum age | Minimum age for boys | Minimum age for girls | Source of exception to the minimum age (formal, customary, mix) | Age for boys to marry before the minimum age | Age for girls to marry before the minimum age | Competent authority to allow the boy and girl to marry | Condition (s) to allow the boy and girl to marry |
|------------------------|---|----------------------|-----------------------|---|--|---|--|--|
| Algeria | Family law (2007) | 19 | 19 | Formal | Under 19 | Under 19 | Judge | When capacity is established |
| Bahrain | Ministry order (2007) | 18 | 15 | Formal | | | | Judicial authorization |
| Egypt, Arab Republic | Civil Status Law (2008) | 18 | 18 | - | - | - | - | - |
| Iraq | Personal Status Law (1987) amended in 1978 and 1987 | 18 | 18 | Formal | 15 | 15 | Judge | 1-Consent of guardians and judicial authorization 2-Urgent necessity 3-Attainment of legal puberty and physical ability |
| Iran, Islamic Republic | Code Civil (2000) | 15 | 9 | Formal | | | | 1-Consent of the guardians 2 -On condition of taking into consideration the ward's interest is proper |
| Jordan | Personal Status Law (1976) amended 2001 and 2010 | 18 | 18 | Formal | 17 | 15 | Judge and based on the approval from department of the Chief Justice | 1- The prospective husband must be fit to marry the prospective wife; 2- The judge must verify and assess the agreement and consent of all involved, along with the freedom of choice and overall satisfaction; 3- The court must ascertain whether the marriage serves the interest be it economic, social or security. 4 -The court has to check if there is an apparent benefit from the marriage, that any age difference between the applicants is deemed suitable, that the marriage is not repeated, nor is it a reason for discontinuing school education. 5-The guardian [of the prospective spouse aged below 18] must provide consent for the marriage. |

| Country | Date and title of the law stating the minimum age | Minimum age for boys | Minimum age for girls | Source of exception to the minimum age (formal, customary, mix) | Age for boys to marry before the minimum age | Age for girls to marry before the minimum age | Competent authority to allow the boy and girl to marry | Condition (s) to allow the boy and girl to marry |
|-----------------------------|--|----------------------|-----------------------|---|--|---|--|--|
| Kuwait | Personal Status Law (2007) | 17 | 15 | - | - | - | - | - |
| Libya | Family Law (1984) | 20 | 20 | Formal | | | The Court | 1- Consent of the guardians 2- Benefit or necessity |
| Morocco | Family Law (2004) | 18 | 18 | Formal | No specific age | No specific age | The Family Affairs Judge | Interest and reasons justifying the marriage, after having heard the parents of the minor who has not yet reached the age of capacity or his/her legal tutor, with the assistance of medical expertise or after having conducted a social enquiry. |
| Qatar | Family Law (2006) | 18 | 16 | Formal | | | | - |
| Saudi Arabia | - | - | - | - | - | - | - | - |
| Syrian Arab Republic | Personal Status Law (1975) | 18 | 17 | Formal | 15 | 13 | Judge | 1-Puberty 2-Body capacity apparent |
| Tunisia | Personal Status Code (1956) amended in 1993 and 2007 | 18 | 18 | - | - | - | Judge | Serious reasons |
| Unites Arab Emirates | Personal Status Law (2005) | 18 | 18 | - | - | - | - | - |
| Yemen, Rep. | Personal Status Law (1992) amended in 1999 | - | - | - | - | - | - | - |

Table 5: Marriageable age and exceptions – OECD countries

| Country | Date and title of the law stating the minimum age | Minimum age for boys | Minimum age for girls | Source of exception to the minimum age (formal, customary, mix) | Age for boys to marry before the minimum age | Age for girls to marry before the minimum age | Competent authority to allow the boy and girl to marry | Condition (s) to allow the boy and girl to marry |
|-----------|---|----------------------|-----------------------|---|--|---|--|--|
| Australia | Federal Act (1961) | 18 | 18 | Formal | 16 | 16 | Judge or magistrate in a State or Territory | The circumstances of the case are so exceptional and unusual as to justify the making of the order. |
| Germany | Civil Code (2002) | 18 | 18 | Formal | 16 (future spouse is of full age) | 16 (future spouse is of full age) | Family court | <p>1-A legal representative of the applicant or another person with care for the person of the child can object to the exemption.</p> <p>2-The objection should not be based on weighty reasons.</p> <p>3-If the exemption is granted the applicant no longer requires the prior consent of the legal representative or of another person with care for the person of the child in order to enter into marriage.</p> |

Table 6: Marriageable age and exceptions – United States

| State | Date and title of the law stating the minimum age | Minimum age for boys | Minimum age for girls | Exception to the minimum age (yes/no) | Source of exception to the minimum age (formal, customary, mix) | Date and title of the law stating an exception to the minimum age | Age for boys to marry before the minimum age | Age for girls to marry before the minimum age | Competent authority allow the boy and girl to marry | Condition (s) to allow the boy and girl to marry |
|-----------------------------|--|----------------------|-----------------------|--|---|---|--|---|---|--|
| Alabama ¹ | 2003 ² (1975 1852) Marital and Domestic Relations | 18 | 18 | Yes | Formal | 1975 Marital and Domestic Relations | 16 | 16 | The judge of probate | Consent of the parents or guardians |
| Alaska | 1996 (1963) Marital and Domestic Relations | 18 | 18 | Yes | Formal | 1996 Marital and Domestic Relations | 16 | 16 | Licensing officer | Consent of the parents or a guardian |
| | | | | | | | 14 | 14 | A superior court judge | In the best interest of the minor |
| Arizona | 2001 (1974) Marital and Domestic Relations | 18 | 18 | Yes | Formal | 2001 Marital and Domestic Relations | 16 | 16 | Superior court judge | Consent of the parent or guardian |
| California | 2014 (1992) Family Law | 18 | 18 | Yes | Formal | 2014 Family Law | Under 18 | Under 18 | Court order | Consent of the parents |

¹ Text highlight color means the date of the law stating minimum age can be ascertained.

² 2003 Alabama Laws Act 2003-150 (H.B. 20) amend Sections 30-1-4 and 30-1-5, Code of Alabama 1975, relating to the minimum age for contracting marriage; to provide that a person under the age of 16 years is incapable of contracting marriage; and to require the consent of the parent or guardian of a person who applies for a marriage license and is at least 16 years of age and under the age of 18 years before a marriage license may be issued.

| State | Date and title of the law stating the minimum age | Minimum age for boys | Minimum age for girls | Exception to the minimum age (yes/no) | Source of exception to the minimum age (formal, customary, mix) | Date and title of the law stating an exception to the minimum age | Age for boys to marry before the minimum age | Age for girls to marry before the minimum age | Competent authority allow the boy and girl to marry | Condition (s) to allow the boy and girl to marry |
|-----------------------------|---|----------------------|-----------------------|--|---|---|--|---|---|--|
| Colorado | 2009 (1975) Domestic Matters | 18 | 18 | Yes | Formal | 2009 Domestic Matters | 16 | 16 | County clerk | Consent of parents or guardian; |
| | | | | | | | Under 16 | Under 16 | County clerk | Consent of parents or guardian; judicial approval |
| Connecticut | 1978 (1958) Family Law | 18 | 18 | Yes | Formal | 1978 (1958) Family Law | 16 | 16 | Registrar | Consent of parents or guardian |
| | | | | | | | Under 16 | Under 16 | Registrar | Consent of the Judge of probate for the district |
| Delaware | 2007 (1913) Domestic Relations | 18 | 18 | Yes | Formal | 2007 Domestic Relations | Under 18 | Under 18 | County clerk | Order of a Judge of the Family Court; Best interests of minors |
| District of Columbia | 2008 (1903) Domestic Relations | 18 | 18 | Yes | Formal | 1976 Domestic Relations | 16 | 16 | County clerk | consent of parents or guardian |

³ (1) Mar. 3, 1901, 31 Stat. 1391, to amend section 1285 by adding thereto the following paragraph: Fourth. When either of the parties is under the age of consent, which is hereby declared, to be sixteen years of age for males and fourteen for females. (2) Aug. 12, 1937, 50 Stat. 626, To increase the age of consent for marriage in the District of Columbia to eighteen years of age in the case of males and sixteen years of age in the case of females.

| State | Date and title of the law stating the minimum age | Minimum age for boys | Minimum age for girls | Exception to the minimum age (yes/no) | Source of exception to the minimum age (formal, customary, mix) | Date and title of the law stating an exception to the minimum age | Age for boys to marry before the minimum age | Age for girls to marry before the minimum age | Competent authority allow the boy and girl to marry | Condition (s) to allow the boy and girl to marry |
|----------------|---|----------------------|-----------------------|--|---|---|--|---|---|---|
| Florida | 1978 Domestic Relations | 18 | 18 | Yes | Formal | 1997 Domestic Relations | 16 | 16 | County court judge or clerk of the circuit court | Consent of the parents or guardian |
| | | | | | | | Under 16 | Under 16 | County court judge | They are parents of a child, or pregnancy |
| Georgia | 2006 Domestic Relations | 18 | 18 | Yes | Formal | 2006 Domestic Relations | 16 | 16 | Judge of the probate court | Parental consent |
| Guam | 1985 (1956) Personal Relations | 18 | 18 | Yes | Formal | 1985 (1956) Personal Relations | 16 | 16 | Director of Administration | Consent of parents or guardian |
| | | | | | | | 14 | 14 | Clerk issuing the marriage license | Order of superior court, Consent of parents or guardian |
| Hawaii | 1972 (1859) Family | 18 | 18 | Yes | Formal | 2013 (1872) Family | 16 | 16 | Agent appointed to grant marriage licenses | Consent of parents, or guardian |
| | | | | | | | 15 | 15 | Agent appointed to grant marriage licenses | Approval of the family court of the circuit |
| Idaho | 1981 (1864) Domestic Relations | 18 | 18 | Yes | Formal | 1981 (1864) Domestic Relations | 16 | 16 | County recorder | Consent of parents or guardian |
| | | | | | | | Under 16 | Under 16 | Judge | Consent of parents or guardian; hearing |

| State | Date and title of the law stating the minimum age | Minimum age for boys | Minimum age for girls | Exception to the minimum age (yes/no) | Source of exception to the minimum age (formal, customary, mix) | Date and title of the law stating an exception to the minimum age | Age for boys to marry before the minimum age | Age for girls to marry before the minimum age | Competent authority allow the boy and girl to marry | Condition (s) to allow the boy and girl to marry |
|----------|---|----------------------|-----------------------|---------------------------------------|---|---|--|---|---|--|
| Kansas | 2011 Marriage | 18 | 18 | Yes | Formal | 2006 Marriage | 16 | 16 | Clerks of the district courts or judges | Consent of parents or legal guardian |
| | | | | | | | 15 | 15 | Judges of the district courts or | Due investigation; best interest of the person 15 years of age |
| Kentucky | 1998 (1942) Domestic Relations | 18 | 18 | Yes | Formal | 1998 (1942) Domestic Relations | 16 | 16 | County clerk or Judge | Consent of parents or Another person having lawful custodial; In case of pregnancy can apply to a District Judge for permission to marry |

| State | Date and title of the law stating the minimum age | Minimum age for boys | Minimum age for girls | Exception to the minimum age (yes/no) | Source of exception to the minimum age (formal, customary, mix) | Date and title of the law stating an exception to the minimum age | Age for boys to marry before the minimum age | Age for girls to marry before the minimum age | Competent authority allow the boy and girl to marry | Condition (s) to allow the boy and girl to marry |
|-----------|---|----------------------|-----------------------|--|---|---|--|---|---|--|
| Louisiana | Husband and Wife | - | - | - | - | - | - | - | - | - |
| Maine | 1995 Domestic Relations | 18 | 18 | Yes | Formal | 1995 Domestic Relations | 16 | 16 | Clerk issuing the licenses | Consent of parents or guardian or consent of the judge of probate |
| | | | | | | | Under 16 | Under 16 | Clerk issuing the licenses | Consent of parents or guardian; notifying the judge of probate; receipt of that judge of probate's consent |
| Maryland | 2013 (1984) Marriage | 18 | 18 | Yes | Formal | 2013 (1984) Marriage | 16 | 16 | Clerk for the county | Consent or swear of parents or guardian or be pregnant or has given birth to a child |
| | | | | | | | 15 | 15 | Clerk for the county | Consent of parents or guardian; be pregnant or has given birth to a child |

| State | Date and title of the law stating the minimum age | Minimum age for boys | Minimum age for girls | Exception to the minimum age (yes/no) | Source of exception to the minimum age (formal, customary, mix) | Date and title of the law stating an exception to the minimum age | Age for boys to marry before the minimum age | Age for girls to marry before the minimum age | Competent authority allow the boy and girl to marry | Condition (s) to allow the boy and girl to marry |
|---------------|---|----------------------|-----------------------|---------------------------------------|---|---|--|---|--|--|
| Massachusetts | 1981 (1941) Domestic Relations | 18 | 18 | Yes | Formal | 1977 Domestic Relations | Under 18 | Under 18 | Probate court for the county where, or a district court within the judicial district | Consent of parents or guardian |
| Michigan | 1983 Marriage | 16 | 16 | No | - | - | - | - | County clerk or probate judge | - |
| Minnesota | 1949 Domestic Relations | 18 | 18 | Yes | Formal | 1949 Domestic Relations | 16 | 16 | Local registrar | Consent of the person's legal custodial parents, guardian, or the court |
| Mississippi | 1930 Domestic Relations | 21 | 21 | Yes | Formal | 1930 Domestic Relations | 17 | 15 | Circuit court clerk | Consent of parents or guardian |
| | | | | | | | Under 17 | Under 15 | Circuit court clerk | Consent of parents or guardian; instrument authorization by judge of circuit |
| Missouri | 1939 Domestic Relations | 18 | 18 | Yes | Formal | 1939 Domestic Relations | 15 | 15 | Recorder | Consent of custodial parent or guardian |
| | | | | | | | Under 15 | Under 15 | Recorder | Order of a circuit or associate circuit judge |
| Montana | 1975 Family Law | 18 | 18 | Yes | Formal | 1975 Family Law | 16 | 16 | Clerk of the district court | Judicial approval of district court |

| State | Date and title of the law stating the minimum age | Minimum age for boys | Minimum age for girls | Exception to the minimum age (yes/no) | Source of exception to the minimum age (formal, customary, mix) | Date and title of the law stating an exception to the minimum age | Age for boys to marry before the minimum age | Age for girls to marry before the minimum age | Competent authority allow the boy and girl to marry | Condition (s) to allow the boy and girl to marry |
|----------------------|---|----------------------|-----------------------|--|---|---|--|---|---|--|
| Nebraska | 1978 (1923) Marriage | 17 | 17 | No | / | / | / | / | County clerk | / |
| Nevada | 1961 Domestic Relations | 16 | 16 | Yes | Formal | 1957 Domestic Relations | 16 | 16 | County clerk | Consent of parents or guardian |
| | | | | | | | Under 16 | Under 16 | County clerk | Consent of parents or guardian; authorization from a district court |
| New Hampshire | 2011 Marriage Registration Forms and Procedures | 18 | 18 | Yes | Formal | 2010 Marriage Registration Forms and Procedures | 14 | 13 | The clerk of the town or city | Consent of parents or guardian |
| New Jersey | 2013 (1946) Marriages and Married Persons | 18 | 18 | Yes | Formal | 2013 (1946) Marriages and Married Persons | 16 | 16 | Licensing officer | Consent of parents or guardian |
| | | | | | | | Under 16 | Under 16 | Licensing officer | Consent of parents or guardian; be approved by a judge of the Superior Court |
| New Mexico | 2013 Domestic Affairs | 18 | 18 | Yes | Formal | 2013 Domestic Affairs | 16 | 16 | County clerk | Consent of parents or guardian or authorization of district court |
| | | | | | | | Under 16 | Under 16 | County clerk | Authorization of district court up on request of a parent or guardian or an applicant is pregnant. |

| State | Date and title of the law stating the minimum age | Minimum age for boys | Minimum age for girls | Exception to the minimum age (yes/no) | Source of exception to the minimum age (formal, customary, mix) | Date and title of the law stating an exception to the minimum age | Age for boys to marry before the minimum age | Age for girls to marry before the minimum age | Competent authority allow the boy and girl to marry | Condition (s) to allow the boy and girl to marry |
|-----------------------|---|----------------------|-----------------------|--|---|---|--|---|---|---|
| New York | 1978 (1922) Domestic Relations Law | 18 | 18 | No | - | - | - | - | - | - |
| North Carolina | 2001 (1947) Marriage | 18 | 18 | Yes | Formal | 2001 (1947) Marriage | 16 | 16 | Register of deeds | Consent of parents or guardian |
| | | | | | | | 14 | 14 | Register of deeds | Pregnancy or child been born; order issued by a district court |
| North Dakota | 1943 (1895) Marriage Contract | 18 | 18 | Yes | Formal | 1943 (1895) Marriage Contract | 16 | 16 | Recorder serving the county | Consent of parents or guardian |
| Ohio | 1990 (1953) Domestic Relations-Children | 18 | 16 | Yes | Formal | 1996(1953) Domestic Relations-Children | Under 18 | Under 16 | Probate court | The consent of the minor's parents or legal custodian; |
| Oklahoma | 2004 (1910) Marriage and Family | 18 | 18 | Yes | Formal | 2004 (1910) Marriage and Family | 16 | 16 | Official issuing the marriage license | Consent by the parent or guardian |
| | | | | | | | Under 16 | Under 16 | Official issuing the marriage license | Court authorization; in settlement of a suit for seduction or paternity; the unmarried female is pregnant or has given birth to a child |

| State | Date and title of the law stating the minimum age | Minimum age for boys | Minimum age for girls | Exception to the minimum age (yes/no) | Source of exception to the minimum age (formal, customary, mix) | Date and title of the law stating an exception to the minimum age | Age for boys to marry before the minimum age | Age for girls to marry before the minimum age | Competent authority allow the boy and girl to marry | Condition (s) to allow the boy and girl to marry |
|----------------|---|----------------------|-----------------------|--|---|---|--|---|--|---|
| Oregon | 1975 (1965) Domestic Relations | 17 | 17 | - | - | - | - | - | County clerk | - |
| Pennsylvania | 1990 ⁴ Domestic Relations | 18 | 18 | Yes | Formal | 1990 Domestic Relations | 16 | 16 | County clerk | Consent of the custodial parent or guardian |
| | | | | | | | Under 16 | Under 16 | County clerk | Court decides that it is to the best interest of the applicant and authorizes the issuance of the license |
| South Carolina | 1972 (1962) Domestic Relations | 18 | 18 | Yes | Formal | 2000 (1962) Domestic Relations | Between 16-18 | Between 16-18 | Probate judge or other officer authorized to issue marriage licenses | Sworn affidavit signed by the father, mother, other relative, or guardian giving consent |
| Rhode Island | 2013 (1898) Domestic Relations | 21 | 21 | Yes | Formal | 2013 (1898) Domestic Relations | 16 | 16 | The town or city clerk | Consent of the parent or guardian |
| | | | | | | | Under 16 | Under 16 | The town or city clerk | Court's determination |
| South Dakota | 1993 (1939) Domestic Relations | 18 | 18 | Yes | Formal | 1993 (1939) Domestic Relations | 16 | 16 | Register of deeds | Consent to marry from one parent or legal guardian of the applicant |

⁴ 1990, Dec. 19, P.L. 1240, No. 206, § 2, effective in 90 days.

| State | Date and title of the law stating the minimum age | Minimum age for boys | Minimum age for girls | Exception to the minimum age (yes/no) | Source of exception to the minimum age (formal, customary, mix) | Date and title of the law stating an exception to the minimum age | Age for boys to marry before the minimum age | Age for girls to marry before the minimum age | Competent authority allow the boy and girl to marry | Condition (s) to allow the boy and girl to marry |
|-----------|---|----------------------|-----------------------|--|---|---|--|---|---|--|
| Tennessee | 1937 Domestic Relations | 18 | 18 | Yes | Formal | 1937 Domestic Relations | 16 | 16 | County clerk | Parents' or guardian's consent |
| Texas | 1997 ⁵ The Marriage Relationship | 18 | 18 | Yes | Formal | 1997 The Marriage Relationship | 16 | 16 | County clerk | Parental consent or court order |
| Utah | 2000 (1963) Husband and Wife | 18 | 18 | Yes | Formal | 2000 (1963) Husband and Wife | 16 | 16 | Clerk | Consent of the parent or guardian |
| | | | | | | | 15 | 15 | Clerk | Authorization from a judge of the court or a court commissioner |
| Vermont | 1965 Civil Marriage Records and Licenses | 18 | 18 | Yes | Formal | 2009 ⁶ Civil Marriage Records and Licenses | 16 | 16 | Town clerk | Consent of parents or guardians |
| Virginia | 1960 Domestic Relations | 18 | 18 | Yes | Formal | 1960 Domestic Relations Revised in 2016 | 16 | 16 | Clerk or deputy clerk of a circuit court | Consent of the father or mother or guardian of such person, or Judge |

⁵ Added by Acts 1997, 75th Leg., ch. 7, § 1, eff. April 17, 1997.

⁶ Changed the minimum age of marriage from 14 to 16. (2009, No. 3, § 8, eff. Sept. 1, 2009)

| State | Date and title of the law stating the minimum age | Minimum age for boys | Minimum age for girls | Exception to the minimum age (yes/no) | Source of exception to the minimum age (formal, customary, mix) | Date and title of the law stating an exception to the minimum age | Age for boys to marry before the minimum age | Age for girls to marry before the minimum age | Competent authority allow the boy and girl to marry | Condition (s) to allow the boy and girl to marry |
|----------------------|---|----------------------|-----------------------|--|---|---|--|---|---|--|
| Washington | 1995 Domestic Relations | 18 | 18 | Yes | Formal | 1995 Domestic Relations | 17 | 17 | County auditor | Consent of the father, mother, or legal guardian |
| | | | | | | | Under 17 | Under 17 | County auditor | Been waived by a superior court judge of the county |
| West Virginia | 2001 Domestic Relations | 18 | 18 | Yes | Formal | 2001 Domestic Relations | 16 | 16 | The clerk of the county commission | Consent from the applicant's parents or legal guardian |
| Wisconsin | 2005 (1971) Marriage and Family | 18 | 18 | Yes | Formal | 2005 (1971) Marriage and Family | 16 | 16 | County clerk | Consent of the person's parents, guardian, custodian |
| Wyoming | 1975 Domestic Relations | 18 | 18 | Yes | Formal | 1975 Domestic Relations | 16 | 16 | County clerk | Consent of father, mother, guardian |
| | | | | | | | Under 16 | Under 16 | County clerk | Approval of a judge |

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