

Child Marriage



I need the
ERA because...

A GIRL IS
NOT A WIFE

It is estimated by Unchained at Last that about 300,000 children were married in the United States between 2000 and 2018, the majority of which were young girls married to adult men. Hundreds of thousands of American children were entered into matrimony because **39 states don't have laws that prohibit marriage under the age of 18, without exception, and there is no federal law prohibiting it.**

Child marriage, **a practice that disproportionately impacts girls**, is linked to an array of negative developmental, economic, societal and health outcomes. According to the International Center for Research on Women, those who marry before the age of 16 are 31% more likely to live in poverty while those married before age 19 are 50% more likely to drop out of school and four times less likely to graduate from college than their unmarried peers.

Additionally, because the vast majority of child marriages are younger girls to older men, there is an inherent imbalance of power in these relationships, which is often linked to domestic violence including marital rape and other forms of sexual violence. In fact, many instances of child marriage occur following rape or other forms of unwanted sexual activity in attempt to protect the young girl's and her family's "honor." Thus **young girls are wed to their rapists or abusers** as an alternative to seeking legal accountability or providing adequate victim support services.

What could the ERA do?

Child marriage predominately impacts girls because the practice is deeply rooted in patriarchal misconceptions about female sexuality, agency, and autonomy. Due to the sex discriminatory nature of child marriage, the Equal Rights Amendment would be a critical tool in prohibiting the practice at the federal level which would bring the United States into compliance with international law.

If the Constitution included the ERA then laws permitting children to be married would likely be struck down as unconstitutional because such laws have a disproportionately negative impact on girls, preventing them from equally enjoying their rights and participating fully in society.

For instance, if a girl who was a victim of child marriage brought a case to the Supreme Court to challenge a law allowing child marriage in her state because it discriminated against her based on sex, the Supreme Court would have to apply the highest level of scrutiny to that marriage law. This would increase the likelihood that the Supreme Court would rule in favor of protecting gender equality and against the gender discriminatory law. The Constitution could finally provide a comprehensive path to pass laws at the federal level protecting girls from child marriage nationwide.