

Child and forced
MARRIAGE
in North America





SOCIAL CONNECTEDNESS
FELLOWSHIP PROGRAM

Understanding the Practice of Early and Forced Marriage in North America and its Effects on Women

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IMPORTANT ACRONYMS

NGO: Non-Governmental Organisation

UNICEF: United Nations International Emergency Children's Fund

IWHC: International Women's Health Coalition

GNB USA: Girls Not Brides United States partner organisation

SALCO: South Asian Legal Clinic of Ontario

UNDP: United Nations Development Programme

ICRW: International Center for Research on Women

GDP: Gross Domestic Product

UNFPA: United Nations Population Fund

FLDS: Fundamentalist Latter Day Saints

EXECUTIVE SUMMARY

This research explored the causes and consequences of early and forced marriage in North America. Survivors and professionals were interviewed to gain insight into why this happens and what the impacts are for victims. Impacts were organized under three categories: (1) Health, (2) Education, and (3) Finances. Current policies and programs were studied to identify gaps, which include (1) Lack of information, (2) Legislation, and (3) Isolation. These findings are informed by interviews and well as literary reviews and comparative analyses.

Recommendations for relevant stakeholders are to:

- Invest in research on this topic
- Implement comprehensive education programs tailored to empower young girls
- Make the legal age of marriage 18 with no exceptions
- Increase public awareness of the issue
- Increase access to information and services for victims
- Ensure more funding to provide services for victims
- Change the government approach to include more departments
- Diversify members of legislative bodies

INTRODUCTION

Child and forced marriage are known to plague countries across the globe, and yet they are seldom discussed in the North American context. Contrary to popular belief, these human rights violations are not a foreign problem. In order to shed light on the problem, it is vital that we understand the practice. This research focuses on the occurrence of such marriages in Canada and the United States. Key questions include the scope of the issue, where and when it occurs, the motivating factors behind the practice, the effects at both individual and communal levels, and potential pathways to mitigating the problem. Relevant actors and stakeholders include victims, perpetrators, community and grassroots organizations, NGOs and the private sector, and legislators.

KEY DEFINITIONS

Firstly, we must define relevant terms to ensure a better understanding of the issue at hand.

Child and early marriage refer to the marital union of individuals who are still legally considered children, which the United Nations Convention on the Rights of the Child defines as being under the age of eighteen.¹ Forced marriage refers to a marital union, which occurs without the free and informed consent of one or more of the parties. It is a clear violation of human rights, considering the Universal Declaration of Human Rights dictates that “marriage shall be entered into only with the free and full consent of the intending spouses.”² The distinction of free and informed consent is crucial: it implies that the individual has the full liberty and knowledge required to make this life-altering decision, as opposed to the simple “yes” required by a broader definition of consent.

"I said yes, but I had no idea what I was saying yes to. "

- Fraidy Reiss, forced marriage survivor

Although the bride may agree to marriage, her decision is often strongly motivated by external factors. These can take many forms, ranging from indoctrination to mental or emotional pressure, physical coercion, or even death threats. The reason child and forced marriage are often lumped together is that they share a common element: a lack of agency. This is highly detrimental on many levels, notably in fostering social isolation. A comprehensive study led by

¹ UNICEF. "Convention on the Rights of the Child." *Child Labor* (1989): 8.

² United Nations. Universal Declaration of Human Rights, 1948: Article 16.

established sociologists found that personal autonomy relates directly to one's ability to cultivate meaningful relations and to feel a sense of belonging.³ In cases of early and forced marriage, where one's capacity for self-determination is greatly impeded, it follows that victims could benefit largely from increased social support.

METHODOLOGY

This report is based on literature reviews, comparative analyses, and field research conducted either in person, via Skype, or by phone between May 15th and August 13th, 2017. All interviews were voluntary and consented to in writing. Of those interviewed, four women have experienced early or forced marriage. Their names have been changed as requested to protect their identity. Two of them were born and raised in the United States, one in Québec, and one in Pakistan. Two were married before the age of 18, and two afterwards. Though the sample size is small, each individual's story offers different insight into the issue of early and forced marriages in North America and can effectively inform policy-making.

Interviews were also conducted with six professionals who have encountered situations of early or forced marriage within their work. These include the founder of Unchained at Last, a children's rights lawyer at Beyond Borders, an equality law attorney at West Coast LEAF, a political science professor at Brown University, a program officer for the IWHC and co-chair at GNB USA, and a researcher writing her PhD thesis on forced marriage in the province of

³ Hortulanus, Roelof, Anja Machielse, and Ludwien Meeuwesen. *Social isolation in modern society*. Vol. 10. Routledge, 2006: 89.

Québec. Follow-up research in this area would continue building a broader sample size of affected individuals and communities, and analyze the perspective of decision-makers.

SCOPE OF THE ISSUE

Unchained at Last estimates that 250,000 individuals under 18 years of age, most of them girls, were married in the United States between 2000 and 2010.⁴ The Tahirih Justice Center handled over 3,000 cases of early or forced marriage between 2009 and 2011.⁵ Data on this topic within developed countries specifically is limited, both because studies on early marriage tend to be conducted where it is most pervasive, and because there is a certain stigma attached to the practice.

Data on the occurrence of such marriages in Canada specifically is lacking, partly because the law does not recognize unions under the age of 16, which are thus not recorded, and because very little research has been conducted at the provincial or national levels.⁶ One report by the South Asian Legal Clinic of Ontario, however, found 219 reported cases of forced marriage between 2010 and 2012 in Ontario, with 10% of the brides being between 12 and 15 years old and 25% between 16 and 18 years old.⁷ Nevertheless, it is undeniable that child marriage occurs in North America.

⁴ "About Forced Marriage." *Unchained at Last*. <http://www.unchainedatlast.org/about-arranged-forced-marriage/>. Accessed in July 2017.

⁵ Center, Tahirih Justice. "Forced marriage in immigrant communities in the United States 2011 national survey results." *Tahirih Justice Center* (2011): 2.

⁶ *Civil Marriage Act, Statutes of Canada 2005*, 2.2. <http://laws-lois.justice.gc.ca/eng/acts/c-31.5/page-1.html>. Accessed in June 2017.

⁷ SALCO. "Who, If, When to Marry: The Incidence of Forced Marriage in Ontario." SALCO, 2013: 11.

WHY DOES IT HAPPEN?

Whether because of religious faith, cultural beliefs, or societal attitudes, the practice of child marriage stems from the notion that women's lives are worth less than men's.

"We know from a tremendous amount of research that child marriage at its root is about families and communities thinking that girls do not have the right to make decisions about their own lives. The fact that girls and women's sexuality and sexual activity is incredibly stigmatized and a point of management for families across the world is a major reason why girls are particularly susceptible to this practice."

- Helena Minchew, IWHC and GNB USA

The pervasiveness of gender inequality means this practice appears across cultures, religions, ethnicities, and socio-economic levels.

"The only pattern that emerges when analyzing early or forced marriage is that most victims are young girls or women, and most perpetrators are their parents or family."

-Fraidy Reiss, founder of *Unchained at Last*

Gender inequality underpins the practice of child marriage in numerous ways. For example, the goal may be to assume a form of control over women's sexuality and reproduction, deny access

to contraception, or to pressure women to prove their fertility. Sexual violence is also prevalent in child marriages.

"My marriage was an attempt by my parents to control my sexual orientation. I came out as gay when I was 18, and their response was to force me to marry a man I barely knew."

-Jenna, forced marriage survivor

"I did not even know my vagina was called a vagina. I was a baby, but I was not allowed to use birth control, and soon I had a baby."

-Esther, child marriage survivor

Bride price systems, whereby the groom's family will give the bride's family a sum of money or objects of value in exchange for the girl, are another manifestation of gender inequality. Here, the bride's value is determined by a variety of factors, notably her virginity, her ability to reproduce, her lineage, her beauty, and her general character.⁸

There is an incorrect assumption that gender inequality ceases with higher levels of economic development. While the UNDP's Gender Inequality Index does show a correlation between an

⁸ New World Encyclopedia contributors, "Bride price," *New World Encyclopedia*, http://www.newworldencyclopedia.org/p/index.php?title=Bride_price&oldid=942786 (accessed July 22, 2017).

increase in GDP and an increase in gender equality, it also shows that gender disparity persists in all countries, including Canada and the United States, regardless of economic growth.⁹

Out of the 10 individuals interviewed for this research, 9 expressed disbelief that child and forced marriage are not taken more seriously in Canada and the United States.

“I thought legislators would be all over this once we began exposing these marriages, but instead it became a controversy. I think the issue is that this is happening to girls. If these were boys, legislators would have an easier time passing these bills. There is a lot of sexism involved there.”

-Fraidy Reiss, Founder of Unchained at Last

The gender inequality that drives the practice also impacts how it is viewed and handled. The reality is that non-consensual marriage is not prioritized as highly as other human rights abuses because the well-being of girls and women is often still not considered of equal importance to that of men.

IMPACTS OF CHILD AND FORCED MARRIAGE

HEALTH ISSUES

The practice of early and forced marriage has proven to be highly detrimental to brides' health on many levels. This section is the product of a comparative analysis. Given that there is very

⁹ “Gender Inequality Index.” *United Nations Development Programme*. <http://hdr.undp.org/en/composite/GII>. Accessed in August 2017.

little data available on the consequences of child marriage in North America specifically, this paper includes a literature review on the effects of child marriage on maternal health and risk of domestic violence. Significant variables surrounding maternal health were extrapolated and their relevance was cross-examined in the North American context. These variables include access to comprehensive sexual education, the pressure of having children at an early age, and complications linked to early pregnancy. As for domestic violence, we will examine the presence of patriarchal values in society and of opportunities to pursue legal action.

1. Maternal health

A cross-sectional study conducted in India shows that most young brides have very limited access to reproductive health information and materials. “Child marriage was significantly associated with no contraceptive use before first childbirth, high fertility (three or more births), a repeat childbirth in less than 24 months, multiple unwanted pregnancies, pregnancy termination, and female sterilisation.”¹¹ This research has shown that in Canada and the US, the issue is not so much the access to information as much as the quality of information provided. Indeed, it is possible to encounter abstinence-based sexual education programs in more conservative jurisdictions, which prevent young brides from understanding their own reproductive systems. A report published in 2007 in the *American Sexual Education Journal* analyzed the relationship between sexual education programs and the sexual health of young people in four developed countries, including the US. The researchers found that “14% of

¹¹ Raj, Anita, et al. "Prevalence of child marriage and its effect on fertility and fertility-control outcomes of young women in India: a cross-sectional, observational study." *The Lancet* 373.9678 (2009): 1883-1889: 3.

American sex education curricula were comprehensive, 51% were abstinence-plus, and 35% were abstinence-only.”¹²

“We were taught that premarital sex was a sin, but no one explained what happens after marriage.”

-Lauren, survivor of child marriage who grew up in Utah

Such curricula are rare in Canada. Every province offers comprehensive programs, but some still have room for improvement when it comes to heteronormativity and notions of consent.¹³ Furthermore, young girls need parental consent to have access to prescription birth control before the age of 14 or 16, depending on the province.¹⁴ A pharmacist can also refuse to give a minor an emergency contraceptive pill (ECP) if they “have moral or religious objections to the use of ECP.”¹⁵ Although this may already seem quite young, there are numerous recorded cases of unofficial marriages in which much younger girls’ access to contraception was limited or non-existent. For instance, a community of Fundamentalist Mormons in British Columbia performed *celestial marriages* without marriage licenses to avoid charges of polygamy and child abuse.

¹² Weaver, Heather, Gary Smith, and Susan Kippax. "School-based sex education policies and indicators of sexual health among young people: a comparison of the Netherlands, France, Australia and the United States." *Sex Education* 5.2 (2005): 171-188: 181.

¹³ Lenskyj, Helen. "Beyond plumbing and prevention: Feminist approaches to sex education." *Gender and Education* 2.2 (1990): 217-230: 219.

¹⁴ "How Old Do I Have to Be?" *The Center of Legal Public Education of Alberta*. <http://www.law-fags.org/alberta-fags/youth-and-the-law-in-alberta/how-old-do-i-have-to-be/youth-fags-health-medical/>. Accessed in August 2017.

¹⁵ "How Old Do I Have to Be?" *The Center of Legal Public Education of Alberta*. <http://www.law-fags.org/alberta-fags/youth-and-the-law-in-alberta/how-old-do-i-have-to-be/youth-fags-health-medical/>. Accessed in August 2017.

These religious unions implicated girls as young as 11 or 12, who had no knowledge of, or access to, contraception; many of them gave birth shortly after their weddings.¹⁶

Young brides are also encouraged to prove their fertility early on.¹⁷ This means that many will give birth before reaching the age of majority. This finding was substantiated by the women interviewed as part of this research, with each reporting they were expected to get pregnant right after their wedding. Further, the professionals interviewed for this study corroborated the finding, having seen numerous young girls bear children.

“In my experience, most survivors of child or forced marriage have multiple children and start very young.”

-Helena Minchew, IWHC and GNB USA

Early pregnancy has significant health implications. Teenage mothers have an increased risk of experiencing hypertension, premature birth, obstetric fistula, obstructed births, postpartum depression, and having a low-birth-weight baby, all of which can greatly affect the wellbeing of both the mother and the child.¹⁸ This holds true in North America as well, based on literature reviews and outreach. While North Americans on average tend to have better health and

¹⁶ Reference re: Criminal Code of Canada (B.C.) IN THE MATTER OF: The Constitutional Question Act, R.S.B.C. 1986, c. 68 AND IN THE MATTER OF: The Canadian Charter of Rights and Freedoms AND IN THE MATTER OF: A Reference by The Lieutenant Governor In Council Set Out in Order In Council No. 533 dated October 22, 2009 concerning the Constitutionality of s. 293 of the Criminal Code of Canada, R.S.C. 1985, c. C-46. *British Columbia Supreme Court*. 2011: 121.

¹⁷ UNICEF. *Early marriage a harmful traditional practice a statistical exploration 2005*. Unicef, 2005: 3.

¹⁸ International Planned Parenthood Federation. "Ending child marriage: A guide for global policy action." (2006):11.

access to health services, the risks associated with teenage pregnancy remain the same.¹⁹

Young mothers in Canada and the United States may have better access to emergency services if and when complications arise, but their bodies are no more prepared for childbearing than those of girls of the same age in low-income situations.

2. Domestic abuse

Young brides are both more likely to experience domestic violence and less likely to report it.²⁰

According to a study conducted in Pakistan, women in forced marriages are more likely to experience intimate partner violence both because of the honour culture prevalent in the country and the absence of laws allowing women to press charges against their husbands.²¹ Based on this research, it is also true that in North America women in forced marriages experience higher rates of domestic violence than consensual unions. Of the women interviewed, two confided that they had endured physical, sexual, and emotional abuse, and one recounted instances of psychological violence. Only the woman who consented to being married characterized her marriage as being healthy.

Further, the professionals spoken to all agreed that there is a strong correlation between forced marriages and partner violence. Madeline Lamboley studied the topic extensively, writing her

¹⁹ "Maternal mortality Fact sheet". *World Health Organization*. Updated November 2016. <http://www.who.int/mediacentre/factsheets/fs348/en/>. Accessed in July 2017.

²⁰ Malhotra, Anju, Ann Warner, Allison McGonagle, and Susan Lee-Rife. "Solutions to end child marriage." *Washington, DC: International Center for Research on Women*. www.icrw.org/files/publications/Solutions-to-End-Child-Marriage.pdf (2011): 18.

²¹ Super Market, F., and Islamabad Markaz. "EFFECTS OF RADICALIZATION ON FORCED MARRIAGES & DOMESTIC VIOLENCE." (2012): 26.

PhD thesis on the practice in the province of Québec. She met most of the women she interviewed through domestic abuse shelters and legal services. Her findings suggest that child and forced marriage is almost always accompanied by abuse, whether it be verbal, psychological, sexual, or physical. Given that the practice is a manifestation of gender disparity, predominantly affecting women, it follows that unhealthy marriages result from it.

“Forced marriage happens because there are people who think they have the right to make these decisions on behalf of women and often completely disregard what the bride wants, so it is no surprise that husbands feel they have the right to treat their wives badly. In that context, the woman is mistreated from the moment she is married against her will.”

- Madeline Lamboley, criminology professor at Université de Sherbrooke who wrote her PhD thesis on forced marriage in Quebec

Although the patriarchal values that legitimize violence against women can also be found in Canada and the United States, a comparative analysis reveals that laws against domestic abuse enable victims in both countries to report and escape their situation more easily.^{22 23} This is why legislation is essential, not only because it provides a legal framework for perpetrators to be prosecuted and establishes grounds for divorce, but also because it sends the message that society opposes domestic violence.

²² “Family Violence Laws.” *Canadian Government Department of Justice*. <http://www.justice.gc.ca/eng/cj-jp/fv-vf/laws-lois.html>. Accessed in August 2017.

²³ “Federal Domestic Violence Laws.” *The United State’s Attorney’s Office*. <https://www.justice.gov/usao-wdtn/victim-witness-program/federal-domestic-violence-laws>. Accessed in August 2017.

EDUCATION

1. Educational attainment of girls

When wifely and maternal duties are imposed, girls' education is often disrupted. This impedes not only their social development — since their interactions with their peers are limited and they may find themselves confined to the home environment — but also their ability to make autonomous decisions.

"I always knew I wanted to become a nurse, but I got married at 17 and had my son at 18. 3 years later, at 21, I thought I would finally be able to pursue my education. Ryan (her husband) wanted to have more children, so he was not supportive of that idea."

- Lauren, survivor of child marriage

Each woman interviewed in this study reported being expected to fulfill the traditional duties of a wife. That is, to take care of the husband, tend to the home, bear and raise children, and to be submissive.²⁴ In every case, it was clear that the bride's education was not a priority, or at times even a possibility.

2. Intergenerational effects

Studies show that the children of uneducated mothers are less likely to attain higher levels of education themselves, thereby perpetuating a cycle. Thus, child and forced marriage reduces

²⁴ Harris, Richard J., Juanita M. Firestone, and William A. Vega. "The interaction of country of origin, acculturation, and gender role ideology on wife abuse." *Social Science Quarterly* 86.2 (2005): 463-483: 471.

opportunities for both brides and their children. A comprehensive study conducted in Sub-Saharan Africa found that “in all econometric specifications, the mother’s early marriage status impairs their ability to transfer education to the next generation. We also observe that early marriage has a negative and significant effect on primary completion and years of schooling, and a positive and significant impact on the likelihood to never have been to school and to enter primary education late.”²⁵

Interviews conducted as part of this research suggested that these findings would hold true in North America as well, but only in regards to female children. Since there is limited data or literature on the correlation between uneducated mothers and their children’s level of education in Canada or the United States, the findings were cross-referenced by interviews with survivors and professionals. Unless women are able to divorce and cut ties with the perpetrators, as in the case of most of the individuals interviewed in this study, the gender discrimination that prompted marriage in the first place often means that daughters are not offered the same educational opportunities as sons. Further research in this area would help establish definitive conclusions.

“Now that I am a single mother, I can make sure both of my children have the best opportunities in life. I know for a fact that my husband wanted our daughter to suffer the same fate I did, but he always wanted our son to go to college.”

-Jenna, forced marriage survivor

²⁵ Delprato, Marcos, Kwame Akyeampong, and Máiréad Dunne. "Intergenerational education effects of early marriage in Sub-Saharan Africa." *World Development* 91 (2017): 173-192: 189.

3. Societal impacts

When women are kept subservient, society at large is disadvantaged. Put another way, nations benefit greatly from educating and empowering women, which is often referred to as inclusive growth.

“Societies are losing a huge amount of productive capacity because a lot of women do not have the opportunity to be educated or empowered. Men are willing to pay huge costs to keep women subservient, and not just economic costs, because they want open access to reproductive opportunities.”

-Dr. Rose McDermott, Political Science Professor at Brown University

Research shows that inclusive growth positively impacts both economic and social development. Indeed, enabling and encouraging women to pursue their education directly affects GDP growth, with the female population providing a significant boost to the productive force of the country once they join the labour market.²⁶ Global studies by the ICRW on early and forced marriage reveal that in developing countries, the practice can actually increase female participation in the labour market without education.²⁷ That is, women in low-income settings are often forced to work in the informal sector of the economy given their limited skills and education but insufficient household income. In Canada and the United States, however, interviews from this study suggested that women affected tend to be kept both from education

²⁶ Kabeer, Naila. "Women's economic empowerment and inclusive growth: labour markets and enterprise development." *International Development Research Centre* 44.10 (2012): 1-70: 59.

²⁷ Golla, Anne Marie, Anju Malhotra, Priya Nanda, Rekha Mehra, Aslihan Kes, Krista Jacobs, and Sophie Namy. "Understanding and Measuring Women's Economic Empowerment." (2011): 7.

and from economic participation, since their husbands are often able to support the family on their own.

In addition, with increased female education comes decreased population growth. Whether in a low-income country or not, child-bearing has a direct impact on a woman's ability to contribute to societal development. "According to the United Nations Population Fund, countries that have made social investments in health, family planning, and education have slower population growth and faster economic growth than countries that have not made such investments."²⁸ Theoretically, nations can expect increasing returns on the labor force with lower fertility rates.²⁹

ECONOMIC DEPENDENCE

Given that young brides generally do not attain high levels of education and give birth earlier and more often, they may rely solely on their spouse for financial support. Wider research conducted in developing countries clearly shows that a woman's earnings are negatively

²⁸ United Nations Population Fund. *State of World Population 2002: People, Poverty and Possibilities*. United Nations Population Fund, 2002.

²⁹ Coale, Ansley Johnson, and Edgar M. Hoover. *Population growth and economic development*. Princeton University Press, 2015: 19.

impacted by early marriage.³⁰ The potential gains in earnings that would come from eliminating child marriage are estimated to be as high as 15.6% of baseline yearly earnings in some cases.³¹

"Why would I want to spend 40 hours a week in an office when my time is best spent guiding my children down the right path. My husband provides, and I care for our home and children; that is the most efficient way to run a household."

-Mylène, married at age 18

Out of all the women interviewed for this study, only Mylène, who is still married, does not consider her economic dependence to be a problem. All of the other individuals spoke of their lack of autonomy in regards to financial earnings.

"I had no education and no money. I had no family or friends to help, but 2 children to support. I felt powerless. I was only able to leave when it became clear that living poorly was a far better option than staying married."

-Jenna, forced marriage survivor

Not only is their self-worth impacted by their inability to provide financial contributions, but their vulnerability in the event of a divorce or widowhood is highly increased. This is an additional factor that often prevents them from leaving unhappy marriages.

³⁰ Parsons, Jennifer, et al. "Economic impacts of child marriage: A review of the literature." *The Review of Faith & International Affairs* 13.3 (2015): 12-22: 13.

³¹ Golla, Anne Marie, Anju Malhotra, Priya Nanda, Rekha Mehra, Aslihan Kes, Krista Jacobs, and Sophie Namy. "Understanding and Measuring Women's Economic Empowerment." (2011): 3.

IDENTIFIED GAPS

LACK OF DATA AND DIFFICULTIES ACCESSING INFORMATION

There is a clear gap in information when it comes to child and forced marriage in Canada and the United States. Only limited research has been carried out because the issue is not seen as pressing.

“We don’t get much funding because child marriage is not thought to be a big enough issue at the domestic level, but there is a lack of statistical evidence because we do not get enough funding to conduct research.”

- Helena Minchew, IWHC and GNB USA

This is also true in Canada, where it took Madeline Lamboley 8 years of research to gather enough information on forced marriage in order to complete her PhD thesis. David Matas, a lawyer at Beyond Borders in Winnipeg, expressed some doubt as to the scope and gravity of the issue despite having been personally involved in the legal proceedings of the Bountiful court case that exposed numerous child marriages in British Columbia.

“That case was particular, I had never seen anything like it and I doubt it actually happens all that often, especially in Canada.”

-David Matas, children’s rights lawyer

This demonstrates that the lack of data on the topic is problematic, even for seasoned professionals who have witnessed these events first-hand. That being said, it is important to

acknowledge the difficulties in obtaining information — because of the isolation of the victims and their communities. In order to have proper quantitative estimates, we have to assume that women are willing to report their situation, that they have access to the measure in place to record these reports, and that the nation’s authorities have sufficient interest in the matter to allocate the funds necessary to carry out these measures. In North America, there are problems at every single step of this process. Meanwhile, non-profit organizations that work on this issue lack adequate funding.

“The new administration in the US has reduced our already-insufficient portion of the national budget, and it is going to hurt our ability to provide services.”

-Helena Minchew, IWHC and GNB USA

Victims are often not offered enough of an incentive to face the fear and threats that go along with the long and arduous legal process that follows a report; that is, if they even have access to legal services in the first place.

Secluded wives are some of the hardest populations to reach. Their isolation leaves them highly vulnerable, as they often have little or no access to information or services. Provided there is enough funding to conduct the necessary research and offer the services needed, there is still an information gap when it comes to the people who need it the most.

"I have met women with no access to a telephone or to a computer, and some who did not even know about 911. How are we supposed to reach those women?"

*-Fraidy Reiss, Founder of *Unchained at Last**

LEGISLATION

While most American states set the age of marriage at 18, 23 states allow children to wed between 13 and 17 with parental or court consent and 27 states do not even have a minimum age if the same conditions are met.³² By granting individuals under the age of 18 the right to marriage, governments are offering an incentive for them to be married before they legally reach adulthood. This is not to suggest that these marriages would not occur if we changed the laws surrounding them, but victims could greatly benefit from the added hurdle of making the legal age of marriage 18 without any exceptions. As per Canadian law, "to have the capacity to marry, you must have the physical, mental, and legal ability to marry. Physically, you must be able to consummate the marriage. Mentally, you must understand the nature of the ceremony."³³ Yet, children are married in both Canada and the United States following legal exceptions that completely disregard their "capacity to marry". This is a legal wording for free and informed consent, which is lacking before the age of 18 according to the findings of this research and the testimonies of the young brides interviewed.

³² "Marriage Laws of the Fifty States, District of Colombia and Puerto Rico." *Legal Information Institute of Cornell Law School*. https://www.law.cornell.edu/wex/table_marriage#e. Accessed in June 2017.

³³ "Marriage." *The Center of Legal Public Education of Alberta*. <http://www.law-faqs.org/alberta-faqs/family-law/marriage/>. Accessed in August 2017.

By allowing parents to consent to marriage on behalf of their children, legal systems are holding the door *wide open* for forced marriage. Both Canada and the US recognize religious and civil marriages. Civil marriages are performed by government officials and do not necessarily include a religious component, whereas religious marriages are performed by religious leaders who have been granted the right to act as a civil officiant.³⁴ Government officials may put in place measures meant to verify the consent of individuals before marriage, but they only account for half of the celebrants. Considering religious institutions are at times the ones enforcing customs such as child or forced marriage, governments are in fact granting them the ability to bypass legal restrictions. For instance, the Fundamentalist Mormon community of Bountiful in British Columbia performed numerous non-consensual marriages, and it took years for any of the perpetrators to be prosecuted. Only two of the religious leaders were finally convicted under the anti-polygamy law.³⁵

Furthermore, certain states allow pregnancy exceptions, whereby a young girl can be married below the legal age limit if she is pregnant. For instance, a story emerged in 2017 in the *New*

³⁴ Pawelski, James G., et al. "The effects of marriage, civil union, and domestic partnership laws on the health and well-being of children." *Pediatrics* 118.1 (2006): 349-364: 350.

³⁵ Reference re: Criminal Code of Canada (B.C.) IN THE MATTER OF: The Constitutional Question Act, R.S.B.C. 1986, c. 68 AND IN THE MATTER OF: The Canadian Charter of Rights and Freedoms AND IN THE MATTER OF: A Reference by The Lieutenant Governor In Council Set Out in Order In Council No. 533 dated October 22, 2009 concerning the Constitutionality of s. 293 of the Criminal Code of Canada, R.S.C. 1985, c. C-46. *British Columbia Supreme Court*. 2011: 129.

York Times about an 11-year-old girl in Florida forced to marry her rapist.³⁶ The marriage put an end to investigations by child welfare authorities after the young girl became pregnant.

“If a girl gets pregnant at 10, we should ask who raped this little girl, not how is she going to raise this child and how do we marry her to her rapist.”

-Fraidy Reiss, Founder of *Unchained at Last*

Though the age of consent for marriage in Canada is determined by the age of majority set by each province or territory, individuals as young as 16 can marry with parental or court consent.³⁷ A number of provinces also allow for pregnancy exceptions, where “you may marry under the age of 16 if you get a letter from a medical doctor saying that you are the mother of a living child or you are pregnant.”³⁸

ISOLATION AND “AFTER SERVICES”

Another identified gap in the resources available to survivors of child and forced marriage is what Madeline Lamboley refers to as “the after services”. What she means is the services that can be provided to women once they escape the marriage and rebuild their lives.

³⁶ Nicholas Kristof. “11 Years Old, a Mom, and Pushed to Marry her Rapist in Florida.” *The New York Times*. <https://www.nytimes.com/2017/05/26/opinion/sunday/it-was-forced-on-me-child-marriage-in-the-us.html? r=0>. Published May 2017.

³⁷ *Civil Marriage Act, Statutes of Canada 2005, 2.2*. <http://laws-lois.justice.gc.ca/eng/acts/c-31.5/page-1.html>. Accessed in June 2017.

³⁸ “Marriage.” *The Center of Legal Public Education of Alberta*. <http://www.law-faqs.org/alberta-faqs/family-law/marriage/>. Accessed in August 2017.

“As it stands, Canada is doing an alright job helping women who report their situation through the process of exiting that marriage. However, they have a lot of work to do when it comes to before and after a report. There needs to be more effort put into identifying and reaching out to victims, as well as helping them rebuild their lives once they divorce.”

-Madeline Lamboley, wrote her PhD thesis on forced marriage in Quebec

Government-funded services for victims in North America are offered mainly through legal clinics and domestic abuse shelters. However, these can be offered only once a woman is willing to take legal action or has already escaped her home. As discussed above, there are many incentives against filing a report or leaving a marriage. Among available services are legal representation and shelter for a maximum duration of 3 months, which legal proceedings often surpass.³⁹ Based on the personal stories collected in this research and the experience of the professionals interviewed, these services qualify as the bare minimum.

“I have worked with women who did not speak English, had no idea how to use a debit card, how and where to go grocery shopping or use public transportation, or even who to ask those things. And they’re expected to get back on their feet within 3 months, that’s ridiculous!”

*-Fraidy Reiss, Founder of *Unchained at Last**

³⁹ Naïma Bendriss. “Report on the Practice of Forced Marriage in Canada: Interviews with Frontline Workers.” *Family, Children and Youth Section Department of Justice Canada*. November 2008: 24.

Though both the Canadian and US governments have publicly declared their support for the fight against child and forced marriage, most efforts are directed abroad. *Unchained at Last* is the only organization in the United States dedicated to ending the practice domestically. This NGO is currently the only provider of what we call “the after services”, which include escape plans, financial assistance, mentorship, and accompaniment at every stage of the process of rebuilding a life. A similar organization called Brave Beginnings exists in Canada, also founded by a forced marriage survivor, but it is currently only able to offer mentorship services due to a lack of funding.

POLICY RECOMMENDATIONS

Ending child and forced marriage in North America will require long-term, sustained action, as well as the coordination of efforts between stakeholders. Given the intersectionality of gender inequality, these efforts must also be multi-faceted. The following policy recommendations outline key areas of action directed at the various actors involved, namely community initiatives, NGOs, and government bodies.

1. More research

In order to better understand the issue at hand, more investments in research must be made. This will allow mitigation efforts to address not just the symptoms of the problem, but the root causes as well. Research should follow a centralized model to ensure a collective comprehension of terms, issues, and results. Surveys and censuses should be government-sanctioned, have common documentation and forms that include a nationally agreed-upon

definition of child and forced marriage, and have very similar methods of collection.

Organizations likely to encounter these practices, such as domestic abuse shelters, youth centers, legal clinics, and health services, should have staff trained to recognize cases of non-consensual marriage.

2. Comprehensive education programs

The empowerment of girls and women is central to tackling gender inequality. In order to support their own aspirations and life plans, girls and women must understand their worth and their rights. A wide range of programs should invest in girls' wellbeing, such as:

- Gender-sensitive sexual education programs that offer complete information on contraception, sexual orientation, and consent. Given that the curriculum is set by each province or state, there should be a consensus among provincial or state governments to have cohesive content.
- Community-led programs that offer life skills and mentorship opportunities so that young people know they have options other than marriage.
- Legal workshops led by professionals to educate youth on their rights and resources available to them.
- Safe spaces and support networks to tackle social isolation and stimulate community-building. These initiatives have been proven most effective with a bottom-up approach, led by community organizations such as youth centers and health clinics.

3. Increase public awareness

Most isolation felt by affected women occurs when leaving or fleeing, because they cannot connect with anyone with a similar experience. In fact, many think they are the only ones to experience this phenomenon. With more awareness, we could tackle the stigma surrounding the issue, and the stereotypes attached to it. Increased public awareness would also allow families or communities likely to marry their daughters to better understand the consequences of that decision. Sensitization efforts should include national, provincial and state information campaigns; strategic use of media; local organization of educational and fundraising events; and the publication of research and data in an accessible manner to the general public.

4. Make information more widely available

The isolation plaguing most victims means they have very restricted access to information about the resources available to them. In order for resources to be made available to those who need them most, we must ensure that (1) information is available in multiple languages, in addition to the official national languages; (2) any interpreters used in legal proceedings must not have any bias or ties to the victim's community; and (3) information is circulated through unofficial and unconventional channels such as community and ethnically-targeted media, and through word of mouth.

5. Amend the legal age of marriage to be 18 with no exceptions

Given that Canada and the United States are democratic systems, their laws reflect national will. But with both countries having legal loopholes that allow children to marry, their laws are

in direct contradiction with official statements made surrounding the practices of child and forced marriage.

Thus, Canadian and US law should be amended such that the legal age of marriage is 18 in all provinces and states with no exceptions. Two of the professionals interviewed during this study expressed some doubt as to the suitability of this recommendation, mainly on the grounds that it may impede the personal freedom of adolescents who wish to get married. However, arguments in favor of raising the age of marriage and eliminating exceptions are stronger. First, the special provisions which allow children to marry under ‘special circumstances’ of pregnancy legitimize the practice of child marriage and reinforce gender inequality. Second, the proven harms of underage marriage are too great to risk the wellbeing or lives of affected women. Third, allowing parents or judges to consent on behalf of children eliminates their agency and facilitates the practice of forced marriage. Fourth, it is unclear whether individuals below the age of adulthood possess the ‘capacity to marry’ or are able to give ‘free and informed consent’. And finally, children do not have access to the same resources as adults should they wish to exit a marriage, and therefore should not possess the ability to enter a legally-binding contract.

6. Increased funding

Federal budgets should be reviewed to allocate more resources to providing services for victims. Such services should be provided by NGOs and community organizations, and could include: planning and implementation of escapes, safety planning, psychotherapy, career

counselling, legal services, financial coaching and assistance, help finding longer-term shelter, transportation and accompaniment, and mentorship.

7. Modified government approach

The issue of child and forced marriage should not be seen only as a gender-based violence issue, and should mobilize more government agencies, including those in research and development, immigration, education, culture and heritage, public services, justice, and health.

8. Diversified legislators

Lastly, there needs to be more diversity among legislators. Diverse members means diverse points of view, which allow legislative bodies to make better-informed decisions. By involving more women and individuals of various cultural backgrounds in the lawmaking process, governments would effectively reduce bias and sexism within their respective frames.

CONCLUSION

Canada and the United States have made significant progress in matters of gender equality, but there is still much to be done. The battle against child and forced marriage is ongoing, and both countries must increase and diversify their efforts. In order to effectively abolish these practices, we must acknowledge their occurrence domestically and invest in better understanding them. This report is a small step towards that goal, but more research is needed to accomplish it alongside long-term and sustained action that addresses the root causes rather than the symptoms.

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