



THE IMPACT OF THE LAW ON CHILD MARRIAGE AND GIRLS' RIGHTS

Laws play a central role in our collective work to address child marriage, but can have negative consequences for girls if not embedded in gender-transformative, rights-based approaches that go beyond setting a legal minimum age of marriage. In this brief, we present the existing evidence on the impact of age of marriage and sexual consent laws, drawing on insights from *Girls Not Brides* member organisations to highlight key considerations for our work to ensure the best outcomes for girls, in all their diversity.



Key messages

- **Laws intended to address child marriage seem to have very limited impact on prevalence, but evidence is limited.**
- **Criminalisation and punitive approaches to child marriage can have unintended – and negative – consequences for adolescent girls, their families and children.** These approaches are not a substitute for addressing the structural and normative drivers of child marriage, like gender inequality and poverty.
- **Laws alone cannot end child marriage, but they are an important part of context-specific, gender-transformative approaches to promote girls' human rights.** They should be accompanied by investment in gender-equitable public services; employment; action on poverty, climate and conflict; and the transformation of discriminatory social norms, attitudes and behaviours.
- **Beyond age of marriage, legal reform should create an ecosystem of harmonised laws to support girls' rights and access to justice.** Such laws should be intersectional and inclusive, considering the way girls' social and political identities – like gender, age, class, sexuality, race, ethnicity, caste, disability and citizenship – intersect to put them at risk.
- **Girls facing forced marriage and ever-married girls experience social and administrative barriers to accessing justice through the legal system.** Laws need to protect all children, adolescents and women from sexual abuse, coercion and exploitation, and should be accompanied by stigma-free, survivor-centred services and support. They should respond to the unique experiences and needs of ever-married girls and support their access to divorce, justice, child protection and gender-based violence (GBV) services.
- **The principle of “evolving capacities” is central to the recognition of adolescent girls' status as rights holders.** Across contexts, their capacities to make and act on their decisions have not been legally recognised in the context of marriage/unions and sexuality.
- **International human rights laws and regional agreements can support national legal reforms and accountability efforts.**
- **The age of marriage and the age of sexual consent should be treated differently and not be combined in law.**

Key terms

- **Agency** is the ability to make and act on a decision.
- **Child marriage** refers to all forms of child, early or forced marriage or union – formal or informal – where at least one party is under age 18.
- **Child marriage law** refers to the national statutory or common law frameworks that articulate the minimum age for marriage and the legal conditions/processes for enforcement. Other terms are used to align with specific authors and are indicated using “”. There is no international consensus on terminology related to child marriage law. The legal terms and scope of laws vary, with some countries referring to “forced marriage law” and others using “minimum age of marriage law.” In some countries, laws also address informal unions among those below a certain age.
- **Ever-married girls** are those who are married, divorced, separated or widowed.
- **Evolving capacities** refers to the way young people gradually develop the ability to take full responsibility for their own actions and decisions. Applying the principle means recognising the changing relationship between parents and children as they grow up, and focusing on capacity, rather than age, as the determinant in the exercise of human rights.
- **Gender-transformative approaches** recognise and strengthen positive norms that support equality and aim to create an enabling environment in which girls and women can exercise their rights and agency alongside boys and men. This means promoting the relative position of girls, women and groups that have been marginalised, and transforming the underlying social structures, policies, systems and social norms that perpetuate and legitimise gender inequalities. They go beyond redistribution of resources to transform patriarchal unequal relationships of power for sustainable and equitable development.
- **Prevalence** is the proportion of women aged 20-24 years who were married or in a union before age 18.

Why we need to look closer at child marriage and sexual consent laws

Over the years, civil society organisations (CSOs) have celebrated legal and policy wins that address child marriage and promote girls' rights. As we approach the 2030 deadline for the Sustainable Development Goals, many still see legal reform as an important lever for change,¹ as it – and high-level political commitments to address gender inequality and child marriage – can catalyse investment and changes in social norms, attitudes and behaviours, rights-promoting services and access to justice for girls.

By 2019 – thanks to civil society efforts – 52% of countries had established 18 as the minimum legal age of marriage without exceptions,² and further reforms are underway around the world. However, there is limited evidence to indicate that changes in the law have decreased child marriage prevalence; and emerging evidence shows the law can have negative consequences for some girls.

This brief brings **insights** from *Girls Not Brides* member organisations together with findings from a review of the evidence to further our collective understanding of the impact of child marriage laws and sexual consent laws on child marriage prevalence and girls' rights and agency.^a

We invite CSOs, national governments, legislators, policymakers and researchers to consider the **implications** of this evidence, and acknowledge the need for laws to be just one part of a context-sensitive, gender-transformative, comprehensive approach that addresses the drivers of child marriage, gender inequality, poverty and social exclusion.



PICTURED: Mithila art created by an 18 year old high school student in Nepal. She took part in a workshop to support girls to communicate the social challenges they have faced, and their aspirations. She highlights child marriage as a key issue, which she would like to address by becoming a lawyer and advocate. Credit: [Nub Raj Bhandari/Janaki Women Awareness Society](#) Nepal.

Child marriage in international human rights law

International human rights laws and regional agreements can support national legal reforms and accountability efforts. Here we outline some of the international human rights laws of highest relevance to the reform of national age of marriage and sexual consent laws. National laws around age of majority, rape and kidnapping, divorce, custody and inheritance, and laws and policies that support the right to education, health, bodily autonomy, employment and social protection also need to be considered.

International

Age of marriage

Year	
1948	International human rights agreements began to focus on ensuring the consensual nature of marriage without specifying a minimum age.
1965	UN General Assembly resolution called for states to set 15 as the minimum age for marriage. ³
1994	Committee on the Elimination of Discrimination Against Women was the first to specify 18 as the minimum age. ⁴
2004	Committee on the Rights of the Child specified 18 as the minimum age. ⁵

Sexual consent

No specific minimum age for sexual consent exists in international human rights law, though the Committee on the Rights of the Child has stipulated that states should set a minimum age and avoid criminalising consensual sex between adolescents.⁶ In addition to establishing minimum ages, signatories of the Convention on the Rights of the Child are obliged to recognise the ways in which adolescents' capacities evolve gradually over time and the unique approaches needed for respecting, protecting and fulfilling the rights of this age group.⁷

Regional agreements

Regional agreements have addressed the age of marriage to varying degrees, including the [Kathmandu Call to Action to End Child Marriage in South Asia](#), the [American Convention on Human Rights](#) and the [African Charter on the Rights and Welfare of the Child](#). The Southern Africa Development Community has also developed a [model law](#), which serves as a blueprint for states in that sub-region and beyond. None of these regional agreements address the age of sexual consent.

^aThe review and brief build on the work done by the Child, Early and Forced Marriage and Unions and Sexuality [Working Group](#) – of which *Girls Not Brides* is a member – to produce a position statement and recommendations on the impact of child marriage laws for adolescent girls and young women.

What the evidence says

1. The relationship between child marriage law and child marriage prevalence

It is challenging to isolate the effect of the law and to establish a causal link between the law and child marriage prevalence. To establish a causal link, data are needed to understand: 1) what child marriage prevalence was before the law was enacted; 2) how the law was implemented in a way that would affect prevalence; and 3) what the prevalence was after the law was enacted. A 2015 study – which looked at national data in 12 African countries and minimum age of marriage laws – is frequently cited to make the case for the role of laws in reducing prevalence.⁸ However, these findings have been critiqued for not fulfilling the three areas needed to suggest a causal relationship.⁹

The evidence available shows that laws have had a limited impact on child marriage prevalence across multiple contexts.

- A 60-country study found no drop-off in the number of girls marrying just below the legal minimum age of marriage, which would be expected if the laws were being enforced.¹⁰
- In Benin, Bhutan, Kazakhstan and Mauritania, “age at marriage” laws had no impact on prevalence. They only had limited impact on prevalence in Nepal and Tajikistan.¹¹
- In Sindh Province, Pakistan, raising the age of marriage from 16 to 18 did not impact prevalence.¹²

Legal reform has contributed to raising the average age of marriage among some groups in some contexts.

- In Ethiopia, after raising the legal minimum age of marriage to 18 years, the probability of marriage under age 16 decreased in districts where the average age of marriage was below 18 before the legal reform.¹³
- A study in 17 low- and middle-income countries found that “child marriage bans” raised the average age of marriage, and this was more pronounced in areas with a lower pre-ban average age.¹⁴

The impact of laws on prevalence is deeply influenced by context and identity.

- Multiple aspects of girls’ social and political identities – including gender, age, disability, sexuality, class, race, ethnicity, caste and citizenship – intersect and create unique experiences of discrimination and privilege, which affect their knowledge of the law and access to justice.¹⁵
- In Morocco, four out of five applications for legal exemptions to the age of marriage were approved, with the majority being for girls living in rural areas.¹⁶
- For ethnic groups in Ethiopia with the strongest norms toward early marriage and low levels of education for girls, the effect of raising the legal age of marriage to 18 was insignificant.¹⁷
- There is very little evidence on the impact of laws for girls who are refugees, displaced or living in humanitarian contexts. Studies in Bangladesh and the Middle East and North Africa note that a lack of information about the legal minimum age and challenges with enforcement affect the impact of the law.¹⁸

Laws impact differently on the prevalence of different types of marriage or union.

- In India and Nepal, child marriage and sexual consent laws have contributed to a rise in self-initiated marriages among adolescents below the legal minimum age.¹⁹
- In Mexico, the national ban on marriage under age 18 led to a decrease in formal marriages and a similar-sized increase in informal unions.²⁰
- National prevalence data often shows a partial picture. In many countries, data from the national marriage registry agency does not include informal unions. In Costa Rica, the prevalence of registered marriages declined after legal reform, leading the government to claim that raising the minimum age of marriage had resulted in an end to child marriage, despite informal unions not being represented in the numbers.²¹

“The legal changes effected in 2019 – at the federal and state levels – to eliminate the exceptions to the legal age of marriage in Mexico were important, but they weren’t sufficient... the communities became limited in their ability to formally marry minors, but informal unions with minor girls increased in place of legal marriages.”

Girls Not Brides member organisation in Latin America and the Caribbean (LAC)



Case study: Age of marriage laws have complex impacts on girls’ rights in Nepal

Child marriage prevalence in Nepal is 33%²² and is rooted in structural inequalities, including those related to poverty, caste, class, gender and educational level.²³ The National Civil Code and the National Penal Code set 20 as the legal age for marriage and informal union for women and men. Under this age, consent is invalid and there are no exceptions; so, all forms of marriage – including self-initiated marriage – are considered to be forced. Entering into or performing a marriage with someone under age 20 are offences punishable with fines and/or imprisonment.²⁴ Other laws, including those related to rape, kidnapping and bonded labour are also applied in these cases.²⁵

Girls Not Brides member organisations in Nepal credit the law with increasing awareness of the legal age of marriage and – due to the penalties it carries – as a deterrent for families seeking to marry their children at a young age. They also highlight the improvements in supportive government-sponsored services for girls who have been forced into marriage.²⁶

However, they suggest that efforts to prevent child marriage have focused excessively on punishment, detracting from investment in addressing the root causes.²⁷ The persistence of child marriage prevalence despite the law and the increasing prevalence of self-initiated marriages among adolescents has led activists to question how suitable and effective the existing legal framework is for advancing girls’ rights.²⁸

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For girls being forced into marriage who need the protection of the law, access to justice is blocked by a range of legal implementation barriers. In communities, stigma, social discomfort and/or ostracization prevent many from reporting upcoming underage marriages, particularly where families considered high caste are involved.²⁹ Accountability is low in law enforcement agencies; petitions brought to the police are rarely followed up and, when they are, officers have breached anonymity guarantees.³⁰ Married girls who experience violence at home are unlikely to access legal remedies for fear of bringing their marriage to the attention of the authorities.³¹

“When you make an appeal, the person has the right to remain anonymous. But later in the process, you find out that the police ask the person to identify themselves, and so there is a threat or a risk to the person who made the appeal. Because they are a person who belongs to that community, and it can become very uncomfortable and difficult to manage their relationships. This is a practical problem for the implementation of the law.”

Girls Not Brides member organisation, Nepal

In a context where there are limited opportunities for adolescents to explore sexuality and relationships outside of marriage, parents use the law to break up consensual relationships they disapprove of, and to reinforce patriarchal or other norms that disadvantage girls and marginalised populations.³² The law is being used in this way to criminalise certain castes and classes – *Girls Not Brides* member organisations see the law being used disproportionately against Dalit boys and men in the communities where they work.³³

2. The impact of child marriage laws on girls’ agency and rights

Beyond age of marriage, our collective vision is for a world where girls, adolescents and women – in all their diversity – enjoy equal status with boys and men, and can exercise their agency and progressive autonomy to reach their full potential. This section looks at the available evidence to assess the impact of child marriage laws on girls’ lives.

Few laws recognise or apply the principle of evolving capacities, which is central to the respect, protection and fulfilment of human rights during adolescence.³⁴ This is starkly illustrated in the context of adolescent sexuality, which is often stigmatised and criminalised.³⁵ In several regions, the age of sexual consent has tended to be raised and/or aligned with the age of marriage, despite the evidence that the majority of young people are engaged in sexual activity before age 18.³⁶ In West, Central, East and Southern Africa, for example, 57% of girls had their sexual debut before 18.³⁷

“By not doing a complete analysis of the context, the decision-making capacity of adolescents and young people to form unions is made invisible, the issue of sexual and reproductive rights is made invisible, and children are vulnerable in the discourse as victims of child marriage.”

Girls Not Brides member organisation, LAC

There are isolated examples of judges applying the principle of evolving capacities in ways that promote girls’ rights and agency, but there are limitations to court-driven reforms.

- In South Africa, a 2014 ruling recognised that consensual sexual activity between minors was developmentally natural.³⁸ A similar judgement was handed down in Zimbabwe. In both cases, the courts focused on the harms the law can do and attempted to balance the reality of adolescent sexual activity and their evolving capacities with the desire to protect them against abuse and exploitation.³⁹
- In India, judges in some cases have considered girls’ capacities for differentiating between free choice and coercion, force and enticement, and their own best interests and their relationship. They also went beyond legal remedies – considering financial, educational and reproductive rights – reinforcing the importance of a range of supportive services for girls.⁴⁰
- One drawback of legal and policy reform driven by judicial interpretation is that it can lead to a lack of ownership by the executive and legislative branches of the state, resulting in slow implementation and uptake. In Zimbabwe, court-driven reforms took seven years to be implemented by the state.⁴¹ In Tanzania, the Court of Appeal upheld a 2016 ruling by the High Court against child marriage,⁴² but the Government has not yet amended the Marriage Act to set the minimum age of marriage at 18 with no exceptions.⁴³

Failure to recognise adolescents’ evolving capacities negatively impacts their right to health – particularly sexual and reproductive health and rights (SRHR).

In India, the Prevention of Child Sexual Offences Act casts all expressions of sexuality under age 18 as exploitative and harmful regardless of consent, and requires medical professionals to report cases of girls who are pregnant under age 18. As a result, some doctors refuse to treat pregnant adolescent girls to avoid the legal hassle.⁴⁴ Similarly, a series of studies across eight countries found that laws relating to sexuality and marriage – alongside norms that impact their implementation – restricted adolescents’ access to information and services around their SRHR.⁴⁵

The punitive power of the criminal law is used by adults – mostly parents – to reinforce dominant norms, at the expense of girls’ agency.

- In El Salvador, participants in one study believed the sexual consent law was intended to prevent young people from being sexually active. They were only familiar with the law being used to break up relationships when parents disapproved of their daughters’ relationship and/or in situations where an adolescent girl became pregnant.⁴⁶
- In India and Nepal, parents are using marriage and sexual consent laws together to criminalise their daughters’ husbands when they self-initiate marriage or elope, particularly where relationships are inter-caste.⁴⁷

The fear of criminal penalties drives child marriage underground – into secrecy and/or informality – where girls' rights and agency are less visible and more difficult to protect.

- Research from Ethiopia and Egypt indicates that punitive legal approaches drive child marriage underground, where young women cannot access services, support or justice.⁴⁸ For example, girls who are married or in union under the legal age may not attend antenatal checks while pregnant or may be less likely to register the birth of a baby.⁴⁹
- In Malawi, the potential for parents to face financial penalties meant they would hold marriage ceremonies for their daughters at night or in different communities to avoid police detection.⁵⁰



Case study: Gaps in the implementation of the law in Guatemala

Guatemala established 18 as the minimum age of marriage without exception in 2017.⁵¹ The law also requires the National Registry of Persons to report any union involving a person under age 18 as a crime.⁵²

Child marriage prevalence in Guatemala is 30%.⁵³ A range of economic, social, cultural and religious factors influence marriage during adolescence, most of which are not addressed by the law:

- Social status increases with marriage and those who do not marry by a certain age are seen as a failure.
- Norms around masculinity mean that men typically prefer young girls who have not had sex; this age difference exacerbates existing gender inequalities.
- In some Indigenous communities, marriage acts as a union between families and adolescent autonomy carries less weight in the decision-making process.⁵⁴
- The high rate of adolescent pregnancy is a driver of child marriage and this, in turn, is driven by a lack of accessible, comprehensive SRHR information and services for this age group.⁵⁵

Informal unions are very common among adolescents in Guatemala, but do not receive the attention of lawmakers and administrators. This also means that girls in informal unions are not visible, making it more difficult for them to access support services.

"[...] when these informal unions are with people under age 18, the State should provide support/follow-up/monitoring to these people, to guarantee their rights (which, due to their age, the State is obliged to provide) and avoid their vulnerabilities."

Girls Not Brides member organisation, Guatemala

Adolescents are often held responsible for marrying young,⁵⁶ but forced marriages of girls still take place and are registered by government officials. A study by Mesa a Favor de las Niñas y Adolescentes – with whom *Girls Not Brides* has partnered to create the National Partnership to End, Child, Early and Forced Marriage and Unions in Guatemala – showed that civil officers continued to register marriages under the legal age because they had not been trained on the law and internal procedures had not been adapted.⁵⁷

3. Barriers to justice for girls at risk of child marriage and ever-married girls

Girls face many social and administrative barriers in trying to access the legal system. Fear of social sanctions (as described in the Nepal case study) means community members may not report child marriages. In India, girls under age 18 cannot initiate legal proceedings without the support of a guardian or other adult, making it extremely challenging for them to use the law to prevent or leave a forced or violent marriage.⁵⁸

Even where they can access the legal system, girls may not want to initiate criminal proceedings that negatively affect family members.⁵⁹

- In India and Pakistan, there is evidence of married girls and their children suffering financial consequences of a spouse or family member being imprisoned. With limited government-sponsored support and vocational training, girls in such situations have limited opportunities to advance their rights or protect their wellbeing.⁶⁰
- A recent study on forced marriage in England and Wales highlights that, when given a choice, young women did not want to pursue criminal proceedings against their parents; this was seen by them as an excessive response.⁶¹

Conflicts between and within laws – like formal or customary laws, or those setting the age of majority, marriage and consent – create uncertainty and scope for limiting girls' rights.

- In several contexts, including Malawi and Nepal, the country's minimum legal age of marriage is different from the age of majority – that is, when a person legally becomes an adult.⁶² In Nepal, having the age of marriage set at 20 and the legal age of majority as 18 creates confusion for advocates and young people.⁶³
- In Kenya, there are conflicts between the formal law and customary or religious laws, which have different ages of marriage.⁶⁴

"All of these laws need to speak to each other – trafficking, rape laws – to understand how they interact with each other. It's easy to misconstrue as kidnapping, or rape, instead of being a child marriage issue."

Girls Not Brides member organisation, Nepal

The state systems required to monitor child marriage – including birth and marriage registration systems – are often under-resourced, under-prepared and inaccessible.

- Parents face bureaucratic barriers to birth registration and, without this documentation, it is difficult to prove age at the point of marriage.⁶⁵ This is exacerbated during conflict, crisis and displacement, where the lack of legal identity can cover for child marriage, exploitation and trafficking.⁶⁶
- In Bangladesh, only 37% of children below age five are registered, and many women are not aware of birth registration services. Studies also show that state officials can be bribed into providing fake birth certificates ahead of an upcoming child marriage.⁶⁷
- In Guatemala, government protocols and practices are not aligned with the law and result in the continued registration of marriages under the legal age, leaving open the potential for the registration of forced marriages (see Guatemala case study).⁶⁸

- In Peru, 4,375 marriages involving minors were officially registered between 2013 and 2022; 464 involved at least one party under age 16.⁶⁹

Many girls and communities are unaware of child marriage laws and the mechanisms for accessing justice.

- Legislative change is not enough to shift behaviour,⁷⁰ and evidence shows that it must be accompanied by initiatives that promote awareness of the law's provisions – in relevant languages – and practical knowledge of how girls and their allies can access justice for violations.⁷¹
- After legal reform in Ethiopia, the government addressed low levels of legal literacy by creating watchdog committees, which raised awareness at sub-national levels and mobilised community members to speak out.⁷²

Laws as part of a gender-transformative approach to gender equality

Laws are critical in acknowledging issues of social importance – like child marriage and gender equality – and in showing government obligations in relation to them. But the evidence shows that laws by themselves cannot end child marriage. Children and adolescent girls marry and

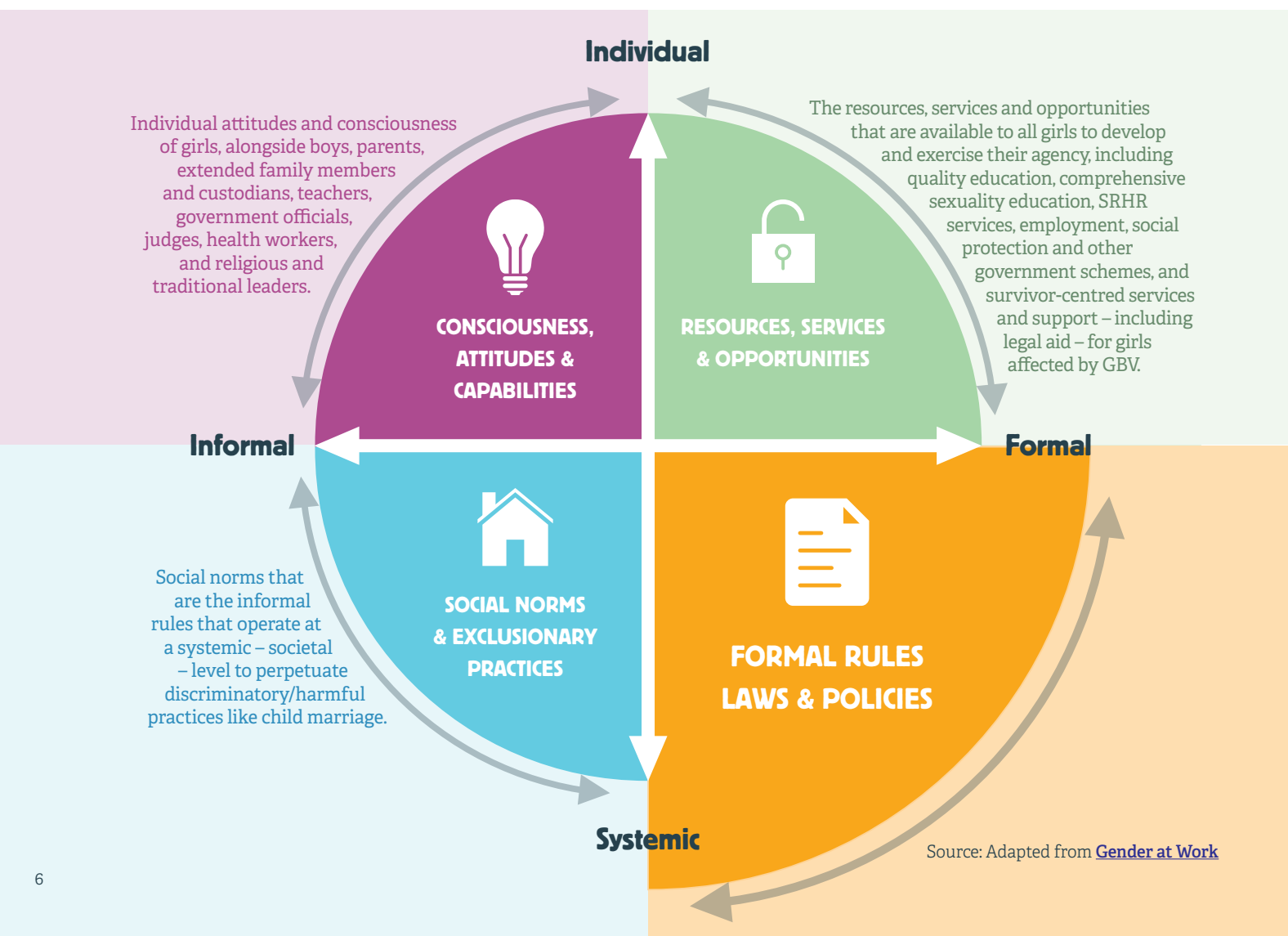
enter informal unions – by choice or by force – for complex, varied, inter-related reasons, so laws need to be part of a gender-transformative, comprehensive approach to child marriage that does no harm and actively promotes girls' enjoyment of their rights.

The Gender at Work framework (see Figure 1) shows that formal laws and policies are one of four key areas where change needs to happen to have impact in girls' lives and to be sustainable and transformative. Unless changes happen in all these areas, laws may not have the full intended effect.

Work on laws can be a key entry point to enable or accelerate changes in the other areas. A law that signals the acceptable age of marriage can be a powerful lever to change social norms, raise awareness, and change attitudes and behaviours around child marriage. Existing laws can be used as strong arguments to support well-resourced national child marriage strategies and programmes, and more and higher quality wrap-around services that are also needed to address child marriage.

This is why so many CSOs – including *Girls Not Brides* member organisations – value laws as a tool for change. The *Girls Not Brides* **Theory of Change** also recognises laws and their implementation as one of four key strategies alongside advancing girls' rights and leadership, mobilising families and communities, and providing quality services. **Unless changes happen in all these areas, laws cannot have the intended effect.**

Figure 1: The Gender at Work analytical framework



Source: Adapted from [Gender at Work](#)

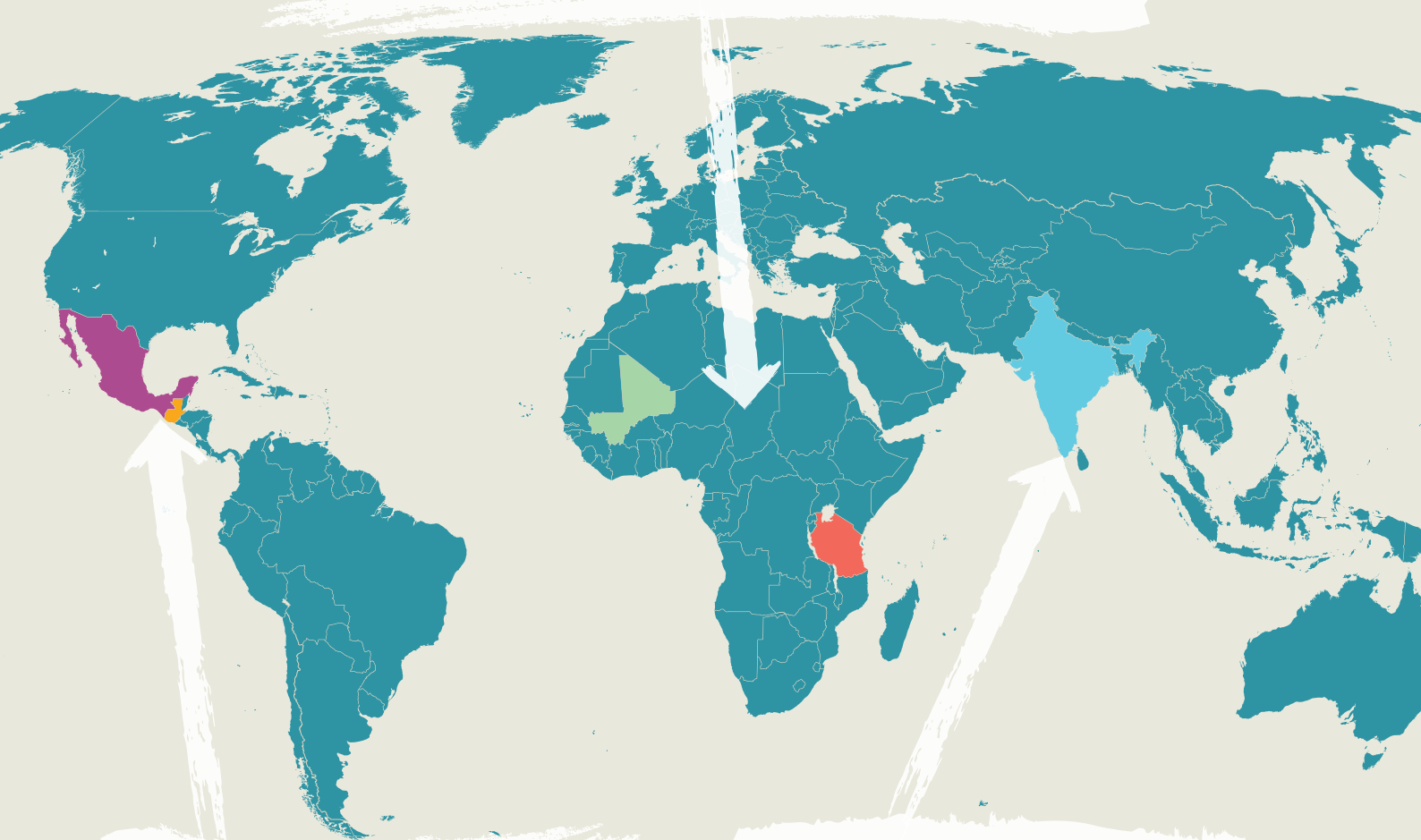


Civil society organisations using the law to advance girls' rights

CSOs play an essential role in shaping and implementing legal reforms around child marriage using national, regional and/or international legal and human rights frameworks to advance girls' rights. Below are some examples of CSO action to reform child marriage laws around the world.

Africa:

- **In Tanzania**, [Human Rights Watch](#) brought a case challenging the constitutionality of the Law of Marriage Act 1971, which set different minimum ages of marriage for boys (18) and girls (14). In 2019, the Court of Appeal upheld the High Court's ruling, which mandated the Government to equalise the age of marriage.
- **In Mali**, l'Association Pour le Progrès et la Défense des Droits des Femmes Maliennes and the Institute for Human Rights and Development brought a case to the African Court on Human and Peoples' Rights in 2018, challenging the compliance of the domestic Persons and Family Code with provisions of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), the African Charter on the Rights and Welfare of the Child, and CEDAW. The court concluded that Mali's law violated regional and international standards and norms on the minimum age of marriage.⁷³



Latin America and the Caribbean:

- **In Mexico**, [Girls Not Brides member organisations](#) and other CSOs have worked together to call on legislators, the federal Government and the public to consider the negative implications for adolescents – particularly those from Indigenous or Afro-Mexican peoples and communities – of criminalising “forced cohabitations/unions” under proposed changes to the Federal Criminal Code.
- **In Guatemala**, the advocacy of [Mesa a Favor de las Niñas y Adolescentes](#) played a crucial role in raising the age of marriage to 18 in 2015 and, in 2017, in removing legal exceptions.

Asia:

- **In India**, the [Young Voices](#) coalition of 96 civil society organisations – including *Girls Not Brides* member organisations – brought nearly 2,500 young participants aged 12-25 together to voice their concern regarding proposals to amend the law to raise the minimum age of marriage from 18 to 21. Combining evidence and data with their lived experience through submissions to the Parliamentary Committee and media engagement brought attention to the right to quality education, safe and decent employment, comprehensive sexuality education and youth participation and inclusion in decisions that affect their lives. The law has not been changed, yet.⁷⁴

What this means for our work

This section includes a set of key **considerations** – built from the evidence and insights from *Girls Not Brides* member organisations – for all those working to reform or implement child marriage and sexual consent laws. They are intended as points for **reflection** and **discussion**, to promote a more critical approach to how laws are designed and implemented to address the structural, context-specific drivers of child marriage and gender inequality.

1. Child marriage laws should be part of a gender-transformative legal and policy framework

- **Legal reform is not enough** to address the many social, cultural, religious and other factors that underlie child marriage and gender inequality. A comprehensive, systemic approach is needed to transform norms, systems and services and ensure they promote girls' and adolescents' rights.
- **Punitive approaches to addressing child marriage have resulted in negative consequences for girls.** More should be done to understand their impact on girls and whether they should continue to form part of the legal response to child marriage.
- **Child marriage and sexual consent laws need to be situated within their national, regional and international legal and social ecosystems** to identify opportunities for governments and CSOs to strengthen other state systems (like birth and marriage registration) and public services (like education and health) to create the conditions for girls to exercise their voice, choice and agency.

2. Context and inclusiveness in the law are essential

- **The implementation of the law is highly influenced by context.** So, approaches that have worked in one setting might not work the same in others. In other words, the levers of change vary between contexts and populations.

- **The impact of the law has different effects depending on a range of contextual factors** at the individual, family, community and societal levels. Considering these differences promotes understanding of what is needed for the law to have positive outcomes for all girls, and especially those who have been most marginalised.
- **The principle of evolving capacities is often missing from conversations about child marriage** and adolescent sexuality, despite it being central to understanding how to respect, protect and fulfil adolescents' human rights.

3. Barriers to implementation of the law and girls' access to justice must be addressed

- **Girls who are being or have been forced into marriage** and who need to access the legal system – and education, employment and SRHR services – face many barriers, including financial barriers.
- **There is a lack of information about the law** in many communities, which means many are not aware of the rights and protections it offers for girls.

4. Opportunities for further research

- **More evidence is needed** of how child marriage laws and sexual consent laws respect, protect and fulfil girls' rights, and how they do not.
- **A deeper understanding is needed of the social norms and power dynamics** that perpetuate exploitation, force, coercion and a lack of agency for girls in relation to their decisions around sexuality, marriage and union.
- **Very little evidence exists that promotes an understanding of the impact that multiple and conflicting laws** – including religious and customary laws – have on girls' rights and access to justice.

PICTURED: Isabel shows a shared vision of what girls' and adolescents' lives would look like without child marriage during a regional convening of *Girls Not Brides* member organisations in Colombia, 2023. Isabel works with the Unidad de Desarrollo Integral de la Mujer y la Familia (Honduras). Photo: *Girls Not Brides*/Mateo Ramírez



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