

## CHILD MARRIAGE — GENERAL

Child marriage is the marriage of anyone below age 18. It is the marriage of a child to an adult or another child, and may be legally condoned by national laws. These marriages can be tied to the sexual exploitation of children. Children cannot be expected to appreciate all the implications of marriage and give full and informed consent. Their wishes are often overlooked.

### Risk Factors Associated with Child Marriage

- Increased vulnerability of girls to sexual exploitation
- Increased risk of health problems due to early sexual activity and pregnancy
- Increased risk of sexually transmitted diseases including HIV/AIDS
- Lower levels of educational attainment
- Increased chance of domestic abuse
- Higher rates of divorce or abandonment that can result in acute poverty

Child marriage can be a form of commercial sexual exploitation of children (CSEC), where a child is used for sexual purposes, through marriage, in exchange for cash, goods or kind. This is the case where parents or a family member marry off a child in order to gain benefit or to support the family.

### International Law and Child Marriage

Most countries, including Canada, have committed through the Convention on the Rights of the Child (CRC) to ensure the protection of young people below age 18. Where the marriage of children is permitted by a national legal code, without regard for whether young people have the opportunity and means to give full and informed consent, that country is violating its commitment to the CRC.

Any rationalisation of child marriage as a “practice of tradition” overlooks the fact that such marriages are often arranged in situations where the rights of children to protection as embodied in the CRC are absent. As such, these marriages may cater to a demand for children as sexual partners in ways that are not identified as actual abuse. Overall, the argument for such traditional practices lends legitimacy to the sexual abuse and exploitation of children. Child marriage should be seen in the context of CSEC.

The Universal Declaration on Human Rights and the Convention on the Elimination of all Forms of Discrimination against Women also provide for the right to “free and full” consent to a marriage.

## Child Marriage Globally

UNICEF reports that globally 64 million women age 20–24 were married or in union before age 18. Approximately 10 million girls each year are married before age 18. Girls in union are more likely to be in rural areas and from the poorest 40 percent of society.

## Child Marriage in Canada

The legal age for marriage varies from province to province, although the trend is 16 years old with parental consent and 18 without. This was raised from 14 in 2008 by the reforms in the Tackling Violent Crimes Act. Some provinces make allowances to waive the parental consent requirement when the girl is pregnant or either child has been emancipated.

Child marriage in Canada is primarily linked to polygamous marriage. Practicing polygamy is against the law in both Canada and the United States. For more information see the fact sheet on *Polygamy and Child Marriage in Canada*.

## Sources

- *Early Marriage: A Harmful Traditional Practice* (New York: UNICEF, 2005).
- Nel Hedayat, "What is it like to be a Child Bride," *British Broadcasting Corporation*, (3 October 2011), online: <[www.bbc.co.uk/news/magazine-15082550](http://www.bbc.co.uk/news/magazine-15082550)>.
- UNICEF Child Info Monitoring the Situation of Women and Children, online: <[www.childinfo.org/marriage](http://www.childinfo.org/marriage)>.
- Subgroup against the Sexual Exploitation of Children, *Semantics or Substance? Towards a Shared Understanding of Terminology Referring to the Sexual Abuse and Exploitation of Children* (Bangkok: ECPAT, 2005).
- *Criminal Code*, R.S.C. 1985, c. C-46, s. 293.