

Jasmin Martin

From: Dawn Tyree [REDACTED]
Sent: Monday, March 28, 2022 7:04 AM
To: Sen. David Wilson
Subject: Child Marriage HB62

Dear Senator,

My name is Dawn Tyree, and I am writing to you because I would like to speak on the record regarding HB62 - "An Act relating to the Legislative Ethics Act; relating to solemnization of marriage and relating to the consent to marriage." I feel strongly that the Alaska Senate amend this bill to change the minimum age for marriage in Alaska to age 18, with no exceptions. Doing so would make Alaska the seventh state to end child marriage.

I am a survivor of child marriage. I was 13-years-old when I was forced to marry my 32-year-old abuser. He had been sexually abusing me for two years. When I became pregnant, my stepmother first tried to terminate my pregnancy - nearly killing me and my unborn son. When that failed, my family insisted that marriage was in our best interest, and the trusted adults in my life coerced me into marriage.

I had no rights over my body. Not one adult ever talked to me about birth control, and 13 months after my son was born, I gave birth to my second child. I was a mother of two at age 15. Research shows that married teens are 40% more likely than unmarried teens to have a second child within 24 months of marriage.

At 16-years-old and with two toddlers in tow, we escaped the marriage. Homeless and with no support, I tried to go to a shelter. The women's shelter turned us away because as minors, we presented the shelter with a liability. Family Services told me to go back to my parents because they were responsible for me. But my parents had disowned me for leaving the marriage. My husband had reported me as a runaway and law enforcement threatened to return me to my rapist. I couldn't even rent a hotel room. How was I to think about working or going to school? Who would help me with child care? We lived below the poverty line for over a decade, sometimes going without the essentials such as toilet paper or shampoo. We often lived without electricity. My greatest fear was that my children would be taken away because of the way we lived.

When a child petitions for a divorce, the decisions often favor the older parent. In my divorce decree, I was allowed to have physical custody of the children, but I was never awarded any child support. The court also allowed my ex-husband unsupervised visits with my children, ignoring my concerns of physical and emotional abuse. My only option for safety was to break the order and save us from his abuse. It was then that we fled to Kodiak, Alaska. Our refuge.

The ripple effect of child marriage has been devastating. My adult children struggle to survive and support their families. Mental illness, addiction, and poverty all repeat through more generations. We do a grave disservice by allowing minors to marry. Marriage is a decision that should be between *two consenting adults*. The standards of responsibility for marriage should reflect the same standards we have in place for things such as voting, entering contracts, or serving our country. You must be 21 years old to buy tobacco in America, yet a child can marry.

This issue is important because the trauma of child marriage didn't end after the divorce. This trauma is generational and unless we raise the minimum age for marriage to 18, we are creating a perpetual loop of abuse and trauma for generations to come. Research by organizations fighting to end child marriage has revealed that most child marriages are a cover-up for statutory rape and child sex abuse. Almost 80% of these marriages end in divorce.

In the context of human rights in other countries, the U.S. State Department has called marriage before 18 a “[human rights abuse](#)” that “produces devastating repercussions for a girl’s life, effectively ending her childhood.” Yet in the United States, child marriage is legal and sanctioned in 44 of the 50 states. Studies show that girls who do not marry when they become pregnant are more likely to focus on their futures, while girls that do marry face dropping out of school.

When the Health and Human Services Committee hears this bill, I would deeply appreciate the opportunity to appear before the committee to testify to my experiences. I am available to come to Juneau to testify.

I am attaching a small sampling of links to articles and resources about child marriage. There are additional articles and information available, and I will bring a more complete list when I appear before your committee.

The mental and physical impact of child marriage:

<https://www.unchainedatlast.org/child-marriage-devastating-consequences/>

A comprehensive research report by the Tahirih Justice Center:

<https://www.tahirih.org/what-we-do/policy-advocacy/child-marriage-policy/>

The United States Customs and Immigration Services approved nearly 9,000 underage petitions for foreign spouses between 2007 - 2017

<https://www.hsgac.senate.gov/imo/media/doc/Child%20Marriage%20staff%20report%201%209%202019%20EMBARGOED.pdf>

Respectfully,
Dawn Tyree

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DAWN TYREE is a writer, an activist, and a founding member of the National Coalition to End Child Marriage in the United States. Her story has been told in an A&E documentary and published in over twelve languages.

<https://www.yesmagazine.org/opinion/2020/01/14/child-marriage-activism/>

April 1, 2022

Re: House Bill HB62

Dear Distinguished Committee Members,

I am a survivor of child marriage. I was forced my mother and stepfather, at the age of 16 to marry a man of 28 years that I barely knew and with whom I had never been alone. There was not one person that I encountered in this process that asked me a question about whether I was willfully marrying this man. Even if a judge had been involved, I was living in such fear due to the abuse I was experiencing that I would not have told them that I was not willfully marrying. This was due to my having nowhere to escape to as I had been legally adopted years earlier by my stepfather. My mother abandoned my safety and pushed me into the marriage, and my father, who was not in my life, no longer had any legal rights or knew what was happening.

Once married I was taken overseas for 2.5 years by my new husband where my passport was taken from me, effectively making it child trafficking. It wasn't until I returned home that I was able to escape by having a car delivered with a key on the tire. I was 19 by then and had been pulled out of school in eighth grade and home schooled for a year before passing the High School Equivalency Exam and put into a life of servitude to cook, clean and care for younger children. I was not prepared for living in the outside world and had to find my way through the goodness of a couple that I had met briefly.

My childhood was taken from me, and I have struggled to build the life that I have today. I still carry the scars on my psyche from these events and have tried to work through the pain they have caused me in regular therapy sessions, but my frequent nightmares persist.

Today, I am a professional working in the health care industry and can attest personally and professionally to the extreme damage child marriage creates. The age of consent must be 18, no exceptions.

I am grateful for the opportunity to stand up for the defenseless children who are forced or coerced into marriage and hope that you will support or sponsor legislation to lead the way in protecting children in Alaska.

I support this bill and am in favor of the house amendment in HB62 and would like to take it a step further by going to no child marriage under 18, no exceptions; anything younger than this is equivalent to child trafficking and is human rights abuse. As we know, child marriage destroys the health, education and economic opportunities open to girls and significantly increases the risk of them experiencing violence.

Sincerely,

Elizabeth Sitton



Jasmin Martin

From: Genevieve Meyer [REDACTED]
Sent: Saturday, April 02, 2022 4:10 PM
To: Senate Health and Social Services
Subject: RE: HB62 An Act relating to the Legislative Ethics Act; relating to solemnization of marriage and relating to the consent to marriage

Dear members of the Health and Human Services committee,

Thank you for taking the time to read my testimony.

This week my husband and I will celebrate our fifteenth wedding anniversary. As I reflect on the last fifteen years, I am full of joy at the life that we have shared and look forward to the next fifteen years. We have built a life in a small rural Midwest town, are raising four wonderful children and are part of a close community. We have been abundantly blessed and I am grateful every day.

This marriage is not my first marriage. I went through hell to get where I am today and would like to share some of my story with you.

At the age of 15 a 43-year-old alcoholic, unemployed, twice divorced father of two began to prey on me. My mother called the police and pressed charges, he bailed out quickly and got to work to convince my mentally ill mother to let him marry me.

Before this man even made it to court, he convinced my mother that I was the aggressor, that I was troubled and that only he could save me. He was determined to not only escape any legal consequences for his actions but to also obtain a child bride that he could control and violate without further consequences.

I was then drug to four different states over the course of several weeks. We were finally married just the two of us in a county courthouse. We arrived home to an eviction notice on the door of his trailer. The charges were dropped against him, and I began my sentence which lasted until I could escape several years later.

My education stopped at 8th grade, I had no control over my body, I could not access a doctor. I worked as much as I physically could in “under the radar” jobs and still went hungry and couldn’t purchase things like shampoo and toothpaste on a regular basis. By our second anniversary I began contemplating if I had the will to keep fighting to survive or to end my life. Being a minor, I could not file for divorce or live on my own, death began to look like my only way out.

I couldn't drive and was completely isolated. He would encourage me to drink alcohol and to use drugs to "chill out". I knew that if I began using drugs, I would never make it out and refused over and over again.

It took me decades to recover mentally, emotionally, and physically from this traumatic experience. I had to relearn how to be in a normal healthy relationship, to trust again and to not be terrified all the time.

If I had been married at 16 or 17 the circumstances and consequences would have been the same, only a shorter period of time.

This is the reality of child marriage today. It is used to cover up abuse, traffic, children and evil in general. The data grossly underrepresents child brides quietly suffering across our nation. We are isolated but we are not invisible, we are hiding in plain sight all around you.

My first marriage was not a marriage, child marriage and these sick excuses for abuse and volition make a mockery of the beauty that is marriage.

Please help us close this loophole so that not one single girl must live through the nightmare that I did.

I am asking today on behalf of myself, my fellow sisters who cannot speak up, the older church ladies who tell me that even though they married young it's not the same today. Please raise the minimum age to marry in Alaska to 18 years of age no exceptions.

Please accept my written testimony regarding HB62 - "An Act relating to the Legislative Ethics Act; relating to solemnization of marriage and relating to the consent to marriage." I feel strongly that the Alaska Senate amend this bill to change the minimum age for marriage in Alaska to age 18, with no exceptions. Alaska could be the seventh state to end child marriage.

God Bless,
Genevieve Meyer, MBA

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Genevieve Meyer

Co-Founder & Executive Director
Resiliency Foundation



[Redacted]



[Redacted]



www.resiliencyfoundation.com



3521 Lake Ave, Fort Wayne, IN 47805

Jasmin Martin

From: Midwest Girl [REDACTED]
Sent: Saturday, April 02, 2022 6:08 PM
To: Senate Health and Social Services
Subject: Testimony- Hb62

My name is Bonnie Randall. I am a Child Marriage Survivor. I would like to start by thanking you for taking steps forward by raising the eligible age for getting married from 14 to 16 years old.

I would like to share my testimony with you about what it is like being a Child Bride.

I was raped by a 21-year-old man who I thought was my friend (from work) when I was 15 years old. I became pregnant by my rapist. When my mom found out that I was pregnant, and even though she knew that my abuser had sex with me without my consent, (I told her and my abuser admitted it to her) she demanded that we get married because she couldn't afford to raise another child. We went to the Courthouse in Mtn. Home, AR to get a marriage license but were turned away because you had to be sixteen to get married there even with parental consent/ signature. My mom and soon-to-be husband drove us to Gainseville, MO to get the marriage license because you could get married there with parental consent/ signature at 15. Nobody from the County Clerks' office bothered to ask me if I was ok and wanted to get married. Instead, they looked at me like I was a slut. No other options were offered to me. It was no problem at all for my mom and abuser to get a marriage license for me! I was married 3 days later and the abuse started shortly after that.

I went back to work after my son was born and was finally able to sneak enough money aside to go see an attorney about getting a divorce right after my 16th birthday. But, I was told by all of the attorneys in town that they could not represent me because I had to be 18 to sign their contract! I asked my mom to help me by signing the contract but we were told she couldn't because I was married so she no longer had custody of me. I had nowhere else to go so I was forced to stay with my abuser because of age-related technicalities. Those same technicalities didn't make a difference when I needed to be protected!

My husband/abuser found the money that I had been saving and took it from me. I got pregnant again shortly after that. I was not able to get on my feet and get away from him until I was 21 years old.

I had to quit school because I was pregnant and married. I lost all of my friends because we no longer had anything in common. They didn't want to hang out with me and hear about changing diapers, doctor's appointments, reaching baby milestones, and being a wife. They were busy planning for prom and graduation. Neither of which I would get to be involved with since it was decided for me that I had to be an adult instead of being allowed to be a child until the appropriate time to be an adult. I got into numerous abusive relationships, had another child, and got married three more times.

I wish that I could say that things changed for the better for me after I got away from my abuser but my life didn't get any better. He used the court system to harass me by taking me to court at least twice a year to fight for custody of our children until they were 15 and 17 years old. The court system allowed him to do it even though the accusations were shown to be false every time. Any money that I was ever able to save while taking care of a family on a minimum wage paying job (which was the only kind of job that I was ever able to get because of not having a proper education) was spent on attorneys to defend myself and keep custody of the kids. I was able to get my GED but I was never able to come up with the money for college courses.

I am 51 years old now, my kids are all grown and have lives of their own. And I am still suffering from what happened to me, through no fault of my own, when I was a child. I still can only get minimum wage paying jobs. I was never able to get out of the rut and afford to improve my situation. I have trouble finding anything that brings me joy and go through serious bouts of depression. Sometimes it is so debilitating that I have to force myself to get out of bed.

Thank you for taking the time to read my testimony. Please consider making the eligible age to get married in your state 18 with no exceptions. Even one more child going through the things that I and many other children have been forced to endure because the current laws do nothing to protect us from being forced to marry is too many!

Dear Senator,

My name is Aliya Abbas. I am a child marriage survivor and activist to end child marriage in the United States. As a child marriage survivor, I request you to ammend HB62 - "An Act relating to the Legislative Ethics Act; relating to solemnization of marriage and relating to the consent to marriage." I feel strongly that the Alaska Senate amend this bill to change the minimum age for marriage in Alaska to age 18, with no exceptions. Doing so would make Alaska the seventh state to end child marriage. The U.S. State Department has called marriage below 18 a "human rights abuse," and a human rights abuse is never in the best interest of a child.

Child marriage destroys girls' health, education and economic opportunities, and increases their risk of experiencing further violence & trauma.

- What does life look like for children who are forced into this abuse? To start off with, children who are forced to endure the trauma of forced marriage are also likely to be pulled out of school as I was. We know how important education is for children, especially girls. Child brides are physically, mentally, & emotionally abused, manipulated, and raped; ALL before they could even gain the legal rights they need to escape at 18, to recieve any sort of assistance, or to divorce independently. Child marriage puts the health, well being, & saftey of children into jeapordy.
- 70 to 80 percent of marriages before 18 ends in failure which does put children in such situations at risk of homelessness because they lack financial independence and support. So, what would we be really doing here other than putting the lives of these children at risk to all sorts of danger?

I wholeheartedly support this bill because it hits home. It's extremely personal. I am a product of child marriage and who better than a child bride to know the reality of this injustice. At 17 years old, I was taken out of school & was forcefully married off to a complete stranger without my consent. That one instance changed my life forever. I was raped and became a teenage mother again without my consent. Being a mother is one of the most fulfilling jobs I have, but I won't lie, it took every ounce of my being to get to where I am today and it still takes a toll. It's actually a miracle that I am still here and standing strong. No child should ever have to endure that unimaginable heavy load of abuse that child marriage results in. The years I spent in the marriage if you can even call it that were the most painful years of my life where I endured mental, emotional, and physical torture. I was bullied. I was beaten. I was raped. I would like to stop here and just say one thing; I've never defined myself as a victim even though I have been brutally victimized. I am a survivor who had the courage to finally stand up for myself, most importantly for the sake of my children at any cost even when that cost was death as per my uncle. Even though I didn't know how to swim in an ocean of uncertainty, I took a huge risk towards our freedom and jumped. I taught myself how to swim within that uncertainty. I don't know where I got all that strength from, perhaps, God, but what I do know is that I don't wish this experience upon anyone! Unfortunately, most child brides aren't as lucky and they end up experiencing a lifetime of abuse in all forms, dehumanization, torture, and sadly even death in some case.

We need to step up and protect our children. It harms no one, costs nothing and ends this human rights abuse. Please support the amendment of this bill to change the minimum age for marriage in Alaska to age 18, with no exceptions.

Thank You,

Aliya Abbas

ALASKA - HB62

I learned from testifying in Marylandⁱ that ***lawmakers who have not experienced this specific of trauma themselves, cannot relate to, or begin to understand the horrific abuse and stories that child marriage survivors tell them.*** How in the world then, can we expect them to protect children from being forced into marriages? When lawmakers hold their own deep-seated biases above protecting children, **they have already failed.**

My name is Sasha K. Taylor. I was not forced into a child marriage in Alaska. I was forced into a child marriage in Arizona. I was 15 years old. I am still writing and submitting this testimony in Alaska for HB62, to tell you that lawmakers in Alaska need to raise the marriage age to 18, no exceptions and to protect minors in Alaska. I am also telling you that child marriages should not even exist as a concept anymore in society, and that all child marriages are forced.

Minors do not have the legal authority to consent, nor the legal authority to sign contracts. **These are children** and they are unaware of their options, and it's the adults in their immediate circle who are making bad decisions for them and are coercing them into these marriages as an immediate fix and a short-term solution to benefit the adults in the room. You see, **child marriage is about the bad decisions the adults are making for that child, and the child is the one who is suffering the consequences for the rest of her life. I say her, because majority of those effected are girls.**

I want you to remember this. I want you to remember this, because its also about the bad decisions lawmakers keep making when it comes to protecting minors.

I'm writing this testimony focusing on the adults in the room. This is all about the bad decisions the adults in the room make. **I'm flipping the script.** The adults in the room are the ones making the bad decisions, and the children are the ones suffering.

The lawmakers in the room, who are making the bad and uninformed decisions and who keep enforcing archaic laws – ***out of laziness so they don't have to think about a long-term fix.*** Because you all don't have a fix. You don't know how to protect minors, because ***you don't know how to fix what you have not experienced yourself. You maintain status quo, until it becomes the next guy's job to fix when you leave office.***

Lawmakers do that. In Alaska, and across many states in the United States, and in Congress. They skirt issues on minors and on marriage age laws because lawmakers are busy making whack-a-mole laws to solve issues for adults -- when the issues they should start tackling start

with the minors in their own respective states, because the issues they are tackling for adults start in childhood.

Just like the minors' guardians who need to "fix" whatever issue a minor is having, out of laziness that needs to be resolved. And the way to "fix" it is by marrying off the child, even if it means exploiting the child to a pedophile.

I need you to understand this.

I need you to understand that in today's day and age, if a child is being married off, they are being exploited.

If you say it's okay for a child to marry a man much older than her, then you are enabling the sex trafficking of a minor. The United States allows men to rape children. And you are saying this is okay to happen. You are putting your name out there and blasting to the world that you think it is okay for grown men to rape children. Because that is what child marriage is, and majority of girls in child marriages, are married off to much older men which is considered a sex crime. The only difference is that you say its okay to sign a paper for them to do it.

All child marriages are forced. A child is completely dependent on the parent/guardian with whom they reside. And the child marriage is forced because if a child is told: "You only have option A." And option A is a marriage, that is legally defined as a forced marriage because the child was never given other options in their life to consider like "B, C, or D and so on and so forth."

As a result, all child marriages in the United States should be null and void immediately and lawmakers need to raise the marriage age, so an individual has the ability to legally consent, that being age 18 – as is the case in majority of all matters of consent in the United States.

Alaska is geographically far away from the rest of the continental United States (as is Hawaii) – both states that have marriage ages at 14 -- which is why I believe the state of Alaska and its lawmakers feels they are either not a part of the Continental United States or can get away with doing whatever they want, and that being failing the children in their state, and nobody will notice. You're all wrong. ***You are a part of the United States.*** You are failing the minors in your state. You are also failing Alaska's indigenous populations. You are denying them the right to thrive and the right to an education and the right to claim their own destinies.

Alaska has the highest share of the American Indian and Alaska Native population at 22% and child marriage is especially high among children of Native American descent, according to the

think tank Child USA, a non-profit for children protection. There are 5.2 million American Indians and Alaska Natives making up approximately 2 percent of the U.S. population.ⁱⁱ

Throughout the Middle Ages, a marriage was characterized as property exchanges between two families and girls who were eligible to be married off were married by their families since the start of and prior to menstruation.ⁱⁱⁱ This practice continues globally because a girl is married off against her will every 2 minutes. Worldwide, more than 650 million women alive today were married as children. Every year, at least 12 million girls are married before they reach the age of 18. This is 28 girls every minute. One in every five girls is married, or in union, before reaching age 18.^{iv} This “worldwide” statistic includes the U.S. and it also includes Alaska.

Child marriage laws in the U.S. colonies dates to English common law and focuses on parental rights and controlling the child for economic reasons. Families use marriage gain property and heirs by marrying off their daughters instead of focusing on their education and well-being.

After the American Revolution, U.S. states modified marriage laws based on region -- with northern states emphasizing parental consent and southern states emphasizing property acquisition via marriages. These practices continue to this day. Marriage also included coverture – where a husband and wife became one legal entity, and a wife was unable to sue her husband and her money belonged to him. This also meant a wife was unable to bring rape charges against her husband.

Disturbing and disgusting child marriage laws and its practices adopted since colonial times that lawmakers kept modifying for their own selfish benefits to gain territories, political clout, property, money, inheritance, or influence have carved deep in the U.S. law books and won't let girls in the U.S. thrive and gain an education. The social implication of this horrifying practice still haunts the overall statistics on education, financial, social, political, and economic sectors for women overall in the U.S.

A recent study conducted by Unchained at Last found that 60,000 marriages since 2000 occurred at an age or spousal age difference that should have been considered a sex crime.¹

This includes Alaska, and the state of Arizona where I was married off forcefully at the age of 15 to a 22-year-old man, whom I had never seen or met before in my life.

According to a report from the Tahirih Justice Center—a nongovernmental organization committed to addressing gender-based violence—approximately 70 to 80 percent of marriages

¹ https://www.unchainedatlast.org/united-states-child-marriage-problem-study-findings-april-2021/#_ftn8

where at least one party is under the age of eighteen end in divorce, and early marriage is one of the best predictors of marital failure.

Children who marry in their mid-teens experience the highest marital failure rates—at 80 percent. In contrast, individuals who postpone marriage to age twenty-five experience lower marriage fewer than 30 percent of marriages ending in divorce.

Lawmakers in Alaska: You can pat yourself on the back thinking you have “achieved” something by raising the age of marriage from 14 to 16. In reality, this proposed bill is incredibly lazy and achieves nothing. You *can* keep that age and sign off on all the girls getting forcefully married off by their guardians.

But then I want you to do this. I want you to then start keeping track and conduct research of the domestic disturbance calls, the babies abused, the children being given away or found dead, food stamp applications, high school dropouts, college dropouts, student loan debts, divorces, social services applications, health issues, domestic violence shelter applications, mental health services, and all the other local, state, and federal resources your state asks for that your population needs.

Then go back and do an audit of how old the girls are in all these situations and how many of them were married off as minors. You’ll find that many of them are married off as minors because they were told they had no other choice by the adults in their immediate circle.

Again: You all are trying hard to fix issues of adulthood when you need to start in childhood.

Start by ending child marriage in your state.

SASHA K. TAYLOR

Founder | Reality Of A Desi Girl™

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#Realityofadesigirl

#endchildmarriageUSA

ⁱ <https://www.washingtonpost.com/dc-md-va/2022/02/17/maryland-child-marriage-laws/>

ⁱⁱ Koski, Alyssa (April 2018). "Child Marriage in the United States: How Common Is the Practice, And Which Children Are at Greatest Risk?: Child marriage in the United States". *Perspectives on Sexual & Reproductive Health*. 50 (2): 59–65. doi:10.1363/psrh.12055. PMID 29664190. S2CID 4896715.

ⁱⁱⁱ Vivian E. Hamilton, *The Age of Marital Capacity: Reconsidering Civil Recognition of Adolescent Marriage*, 92 B.U. L. REV. 1817, 1824 (2012).

^{iv} <https://www.ohchr.org/en/women/child-and-forced-marriage-including-humanitarian-settings#:~:text=One%20in%20every%20five%20girls,union%2C%20before%20reaching%20age%2018.>



Testimony of Rima Nashashibi, Founder and President of Global Hope 365 in support of HB 62, as amended, presented to the Alaska Senate Health and Social Services Committee.

Honorable Chair David Wilson, and distinguished members of the Committee,

My name is Rima Nashashibi. I am the founder and President of Global Hope 365. This testimony is intended to urge you to support **HB 62, as amended**, and even to go one step further to protect the children of Alaska by raising the minimum age of marriage to 18, no exceptions.

Global Hope 365 is a 501(c)3 nonprofit corporation dedicated to improving the lives of women and girls, locally and nationally, by advocating for their safety through raising awareness, education, and empowerment. Our focus is on ending harmful practices towards women and girls such as child marriage, human trafficking, and other forms of gender-based violence.

HB 62, as amended is legislation that harms no one, costs nothing, and ends this specific form of child abuse, namely child marriage. Child marriage can be tied to human trafficking or sexual exploitation, to exploitation of children for the abuse of marriage-based immigration laws, shield parents who are abusive, neglectful, or unfit from investigation, and/or give parents a way to avoid further responsibility for a child.

Child marriage remains a serious problem in present-day America. **Between 2000 and 2018, well over 300,000 minors were married, mostly girls married to adult men.** In about 88% of those marriages, the marriage license became a “get out of jail free” card for a would-be rapist under state law that specifically allowed within marriage what would otherwise be considered statutory rape.

Children lack the rights, knowledge, and resources of adults and are more vulnerable to coercion and exploitation. As a result, many child marriages are forced marriages, and/or are cover-ups for other abuse and exploitation and crimes such as statutory rape and human trafficking. In addition, a number of child marriage survivors we work with indicated that “Parental Consent is Parental Coersion”.

Statistics and Findings Regarding Child Marriage

- Young women and girls ages 16-18 face intimate partner violence victimization rates almost three times the national average.
- The majority (70%-80%) of child marriages end in divorce.

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TO END CHILD
MARRIAGE

- Minors who marry early are more likely to discontinue their formal education prematurely, earn low wages, and live in poverty.
- Girls who marry early are 50% more likely to drop out of high school and four times less likely to graduate from college.
- Minors are more likely to suffer abuse (both mental and physical) by their husbands, and are also more likely to suffer from mental health problems. In fact, Elizabeth a child marriage survivor we work with, indicatedd that she still has nightmares and is in counseling. She is over 50 years old now.
- Married minors, because they are still children in the eyes of the law, do not have the same legal rights that adults have, which means that if they desire to leave abusive relationships, they are often unable to initiate divorce proceedings in their own name, go to a shelter, or leave their homes.
- Advocates and researchers have found that sexual assault and rape can be not only a consequence, but also a cause of forced marriage.

Interlinkages of Child Marriage and Human Trafficking

The Trafficking Victims Protection Act (2008) defines severe forms of sex and labor trafficking as follows: “[when] a commercial sex act is induced by force, fraud, or coercion, or [when] the person induced to perform such an act has not attained 18 years of age; or the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery” (U.S. Department of State, 2015). This definition of sex trafficking, but not of labor trafficking, was incorporated into the Violence Against Women Act during reauthorization in 2013.

Even though forced sex within a forced marriage is not a “commercial sex act”, as defined by federal trafficking laws, arguably “human trafficking” can describe some forced marriage cases. Elements of forced labor may also be present, particularly in cases of servile marriage.

The forced sex within the marriage may be considered “services”, and, in fact, **not only does Florida’s human trafficking statute list “forced marriage” in the “services” definition, of the eight states that have specific criminal laws against forced marriage, two of them codify that provision within their human trafficking statute.**

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TO END CHILD
MARRIAGE

Morgan Meadows, survived years of abuse at the hands of both of her parents and the husband they chose for her at age 16. Meadows escaped the marriage at age 29, and is now an anti-trafficking advocate in Wisconsin. According to Morgan: “When I was 16, my parents entered into a marriage agreement with my first husband, who was 10 years older than I. Since I was trafficked between the ages of 3 and 23, this arranged marriage was simply one more event in which I was required to “be obedient to my parents,” as this Biblical injunction was often touted. My step-father had facilitated my entry into being trafficked for experimentation, pornography, prostitution, and domestic labor until I was effectively passed to the man who became my legal husband.”

The **American Medical Association** has called for an end to child marriage stating: “Child marriage is associated with higher rates of sexually transmitted infections, early pregnancies, divorce, and intimate partner violence than women married at age 21.” In addition, those in a child marriage are subject to a higher rate of infant and maternal mortality.

In the words of a State Department document published in 2016, the U.S. Department of State has denounced child marriage as a human rights abuse in other countries which contributes to economic hardship. What about our country and our kids?

HB 62, as amended, harms no one, but saves our children from this type of child abuse and exploitation. I implore you to **please vote in favor of HB 62, as amended, and go one step further by raising the minimum age of marriage to 18, no exceptions.** Holding firm on the minimum age of marriage to 18, no exceptions has the effect of protecting those who are most vulnerable to being forced or coerced into marriage, namely children. You have within your power the ability to make Alaska a national leader in child protection, joining a growing number of states and territories that have eliminated child marriage in the past five years.

Respectfully submitted,

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The Intersectionality of Forced Marriage with Other Forms of Abuse in the United States

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In the United States, forced marriage can impact individuals of any gender, age, socio-economic status, ethnic or religious background. In a 2011 survey, service providers in the U.S. (primarily legal and social services agencies in the domestic violence and sexual assault field but also including law enforcement, school and university staff, counselors, and other legal professionals) reported encountering as many as 3,000 known or suspected cases of forced marriage over a period of just two years (Tahirih Justice Center, 2011).

Applied Research papers synthesize and interpret current research on violence against women, offering a review of the literature and implications for policy and practice.

VAWnet is a project of the
National Resource Center on
Domestic Violence.

Disclaimer regarding the use of gendered language: While all victims of forced marriage deserve effective advocacy, protection, and support, the overwhelming majority of forced marriage survivors encountered by service providers are women and girls. Forced marriage is a gendered social problem, with women being disproportionately targeted and harmed. For that reason, adult survivors are often referred to as “women” and “she/her” in this paper. This is not meant to minimize the experiences of men and transgender individuals impacted by forced marriage or exclude those experiences of survival from the broader dialogue about this issue in the United States. Additionally, this paper as a whole focuses on marriages forced by family members; however, partner and predator-forced marriages have also been encountered by advocates and can relate to dating violence.

Introduction

A forced marriage is one that takes place without the full and free consent of one or both parties and typically involves force, fraud, or coercion. In the United States, forced marriage can impact individuals of any gender, age, socio-economic status, ethnic or religious background. In a 2011 survey, service providers in the U.S. (primarily legal and social services agencies in the domestic violence and sexual assault field but also including law enforcement, school and university staff, counselors, and other legal professionals) reported encountering as many as 3,000 known or suspected cases of forced marriage over a period of just two years (Tahirih Justice Center, 2011). Forced marriage can happen for many reasons, and the motivations are often complex and varied. A common justification is adherence to community norms, custom or tradition, and the desire to preserve these elements through control over whether, when, and whom a person marries. Sometimes a marriage is seen as necessary to prevent any behavior that might bring shame or dishonor to the family, such as dating outside one’s community, engaging in sexual activity, or becoming “too westernized.” Immigration or economic reasons can also be factors.

Forced marriage is distinct from arranged marriage, “where the families of both spouses take a leading role in arranging the marriage but the choice whether to accept the arrangement remains with the individual” (U.S. Department of State Foreign Affairs Manual, 2005). It is important to note, however, that simply accepting the idea of being married is not the same as full and free consent. Consent also requires that an individual approves of the timing of the marriage and the marriage partner, and will not face significant repercussions from rejecting the arrangement made on their behalf. Such repercussions can include relentless emotional and psychological abuse, being ostracized by family and community, and threats of violence.

Forced marriage is a serious but neglected problem in this country, and despite many advocates’ best efforts, survivors of forced marriage and those at risk continue to fall through the cracks of the systems and programs set up to protect individuals from abuse. Also distressing is the fact that “the United States is lagging far behind other industrialized countries in their efforts to prevent early and forced marriage as well as [to] establish protocols to support victims” (Bangura, Tran, & Schermerhorn, 2012).

Forced marriage is form of violence against women in its own right, even when sexual violence and other forms of harm and abuse are not present. When a woman feels she had no real choice when it came to marriage, she has suffered a loss of power and control over her own life. More often than not, however, forced marriage is just one part of a spectrum of other harms that a woman who is forced to marry may face in her lifetime. In fact, forced marriage can lurk behind the issues that first present themselves: “...advocates speak to many women who are facing domestic violence, abuse and/or sexual assault in their marriage. Only later in these conversations does it emerge that the conditions upon which they may have been married were under duress, pressure and ultimately against their will” (Roy, 2011). For service providers and survivors alike, it is critical to recognize and understand these links and to connect the dots between the mechanisms of power, control, and coercion that

may precede a forced marriage, and the forms of abuse that can follow it. With this increased understanding of historic and related trauma, it is more possible to effectively identify opportunities for safety and healing.

While there is a slowly growing recognition of this interrelationship, there remains a need for an evidence-based examination to make clear the connection between forced marriage and other forms of violence and abuse, including child abuse, sexual assault, domestic/family violence, stalking, female genital mutilation/cutting (FGM/C), and human trafficking. Much of what we know about forced marriage in the U.S. is informed by research studies and surveys, as well as the growing experiences of domestic violence service providers who are attuned to the problem, such as the Tahirih Justice Center’s Forced Marriage Initiative, which has handled well over 150 calls for help since its inception in 2011. Without a fuller understanding, we will continue to overlook forced marriage as a manifestation of violence against women, as well as its intersectionality with other forms of violence. This will result in continued failure to identify, let alone assist, victims of forced marriage. The consequence of this narrow vision is an alarming lack of legal protections and specialized resources - including advocates trained to provide intensive safety planning, privacy protection, emotional support and triage for individuals facing imminent travel abroad - for forced marriage survivors who often have no other safety net.

Child Abuse

While the exact definition of child abuse and neglect varies from state to state, the Federal Child Abuse Prevention and Treatment Act defines child abuse and neglect as: “any recent failure to act on the part of a parent or caretaker which results in death, serious physical or emotional harm, sexual abuse or exploitation; or an act or failure to act which presents an imminent risk of serious harm” including physical abuse, sexual abuse, emotional abuse and neglect, with neglect including failure to provide necessary education (Definitions of Child Abuse and Neglect).

There is a direct link between child abuse and forced marriage. The U.S. Department of State, for example, “considers the forced marriage of a minor child to be a form of child abuse, since the child will presumably be subjected to non-consensual sex” (Foreign Affairs Manual, 2012).

While not all forced marriage cases involve minors, the results of several surveys and studies have indicated that a substantial number of victims are minors. Many respondents to the Tahirih Justice Center survey, Forced Marriage in Immigrant Communities (2011), indicated that they had encountered victims under the age of 18, and 41% of respondents in a Gangashakti survey discussed issues of child protection when asked about case characteristics (Sri and Raja, 2013). A study by Sauti Yetu of forced and early marriage in African immigrant communities in New York City found that 40% of their youth population was married, engaged, or promised, and that “of the 30 [study] participants...all but two faced pressures to marry or were already married before the age of 18” (Bangura, Tran, & Schermerhorn, 2012). The South Asian Legal Clinic of Ontario (SALCO) conducted a study on forced marriage in Canada and found that 10% of victims were between the ages of 12-15 and 25% of victims were between the ages of 16-18 (Anis, Konanur, & Mattoo, 2013). In the United Kingdom, at least 22% of calls for help to the Forced Marriage Unit in 2014 involved victims under the age of 18, with victims as young as 2 being reported (UK Forced Marriage Unit, 2014). Minors are also invariably among the most vulnerable victims that service providers encounter, with the fewest legal and practical options to resist a forced marriage or leave a marriage after it has occurred.

Advocates in the United States differ with respect to whether child marriage can be directly equated with forced marriage. However, recently uncovered data on marriage statistics in New York, New Jersey, and Virginia expose a disturbing picture of just how likely it is that many such marriages lack any meaningful consent. Between the years 1995 and 2012, more than 3,400 children were married in New Jersey. Most of those individuals were 16 or

17 years old at the time of their marriage, and 178 were between 10 and 15 years old. “Shockingly, 91 percent of the children were married to adults, often at ages or with age differences that could have triggered statutory-rape charges...[including] a judge in 1996 [who] allowed a 12-year-old girl to marry a 25-year-old man” (Reiss, 2015). The data from New York show that more than 3,800 children were married between 2000 and 2010 (Reiss, 2015). In Virginia, over 4,500 individuals under the age of 18 (and as young as 13) were married between 2004 and 2013; nearly 90% of those marriages involved an adult spouse; more than 30% of those spouses were 21 or older, and some were decades older – including 13 children under age 15 who were married to spouses more than 20 years older (Child Marriage in America, 2015).

While some young people may willingly and lovingly enter into a marriage with an age peer, a child or teenager being forced into marriage by her family may be subjected to multiple coercive tactics that, taken together, amount to child abuse. Such tactics can include “...taking her out of school, depriving her of food, imprisoning her in a room at home, cutting off her social ties and networks...[and] in worst case scenarios, parents or family members may physically abuse and torture her until she agrees to the marriage” (Roy, 2011). Other abusive tactics family members may employ include emotional blackmail, economic threats, and even death threats (Tahirih Justice Center, 2011). Parents have threatened to sue allies of victims for interfering with their parental rights, reported victims as runaways, claimed that victims have committed crimes to mobilize law enforcement help to locate and return a victim home, and claimed that victims are mentally unstable, even attempting to have them committed to psychiatric facilities.

A minor threatened with forced marriage “may feel unable to go against the wishes of their parents or wider family members and be threatened with disownment if they do – consequently they may suffer emotionally, often leading to depression and self-harm” (UK Multi-agency Practice Guidelines, 2014). The American Bar Association Commission

on Domestic and Sexual Violence, examining research by Tahirih Justice Center and Gangashakti, noted a similar connection between victims' feelings of despair and betrayal and manifestations of severe depression and self-harm, including attempted suicide and suicide (American Bar Association, 2014). In fact, suicide is now the leading killer of teenage girls worldwide (WHO Report, 2015) and prominent researchers and advocates have drawn a connection to gender discrimination and, in particular, forced marriage. "You see girls excluded from education, forced into marriage, being victims of violence, abuse, trauma, social isolation...putting them at higher risk for suicide" (Brink, 2015). In fact, child marriage, whether or not it is brought about through force or coercion, is associated with poor mental health outcomes in the U.S. A study released in 2011 of nearly 25,000 women, more than 10% of whom had married before the age of 18, found higher rates of both lifetime and 12-month psychiatric disorders among those who had married as children (Le Strat, Y., Dubertret, C., & Le Foll, B., 2011).

In the case of a minor, the harms that follow a forced marriage also amount to child abuse. "Forced marriage can have a negative impact on a child's health and development, and can also result in sexual violence including rape" (Child Protection Project). Forced consummation of these marriages is common and "some reports of sexual abuse include parents locking their children in the bedroom, not allowing them to use the bathroom or leave the room until they consummate the marriage" (Sri and Raja, 2013, pg. 21). In addition, children forced into marriage are often absent or withdrawn from school, resulting in the loss of educational access and opportunities as well as compromised personal development (Welstead, 2009; Sri and Raja, 2013; UK Multi-agency Practice Guidelines, 2014). Due, among other reasons, to significant power imbalances in the relationship, a child forced into marriage is also vulnerable to ongoing emotional and/or physical abuse from their spouse and could potentially face unwanted pregnancy or forced abortion (Child Protection Project). Medical care or other basic necessities may also be withheld, whether to underscore control over the child, reinforce their

dependence, punish them for any resistance, or limit their contact with others (Tahirih Justice Center, 2011).

Nevertheless, state child abuse laws and response protocols often focus primarily on physical injury and do not encompass the full range of coercive threats and emotional abuse common in forced marriage cases. They also may require a level or imminence of harm, or a direct causation between emotional abuse and a resulting psychological disorder that may be hard for victims or their advocates to prove. Most states limit the ability of a minor to obtain a protection order for themselves, and may require a parent to bring the petition. In some states, marriage does not automatically emancipate a minor, and un-emancipated minors often also lack legal capacity to file for their own divorce. These limitations pose special obstacles for minors seeking help. While child protection authorities could themselves seek protection orders for children, they often do not consider the threat of forced marriage as within their mandate. After a forced marriage happens, child protection authorities are constrained by a limited mandate to investigate abuse and neglect by parents, not spouses. In addition, youth who are older than 16 – an age when individuals are at particularly high risk of forced marriage – often fall between the cracks of child protection. Many factors contribute to this systemic failure, including the extremely limited resources of child protection programs in most states, conflicting laws regarding the autonomy and rights of adolescents, and the tendency of those in authority to dismiss claims made by older children due to preconceptions about their behavior and or the standing of the alleged perpetrator.

When child protection authorities do initiate an investigation it may increase the level of threat a child is facing if she is not removed from the home and no other protective steps are taken. When parents are alerted to the fact that their child has reached out for help, plans for taking them overseas to be married can escalate quickly, making a comprehensive understanding of possible international dimensions in each case critical (American Bar Association, 2014).

Further limiting the options a minor has to avoid or escape a forced marriage is the fact that some state laws include licensure requirements that bar adult domestic violence and homeless shelters from accommodating minors and impose other requirements limiting the time minors can remain in youth shelter, or require staff at youth shelters to notify parents within hours of the minor's arrival. Some states also have laws that expressly prohibit the "harboring" of runaway youth or have related criminal charges that can be used against someone trying to help a minor victim of forced marriage (American Bar Association, 2014).

Sexual Assault & Rape

While there are varying definitions of sexual assault across states and federal agencies, the U.S. Department of Justice definition encompasses "any type of sexual contact or behavior that occurs without the explicit consent of the recipient [including] forced sexual intercourse, forcible sodomy, child molestation, incest, fondling, and attempted rape" (2015). Non-consensual sexual conduct and behavior may follow a non-consensual marriage, and there may be added dimensions to this trauma in cases where a forced marriage may be used by families to "cure" or "mask" that an individual is LGBTQ (Roy, 2011; Tahirih Justice Center, 2011). However, what advocates and researchers have also found is that sexual assault and rape can be not only a consequence - but also a cause - of forced marriage.

According to the UK Government's multi-agency practice guidelines for handling forced marriage, a woman or girl that discloses sexual abuse or rape may be at heightened risk for a forced marriage as "families may feel that this has brought shame on her and ensuring she is married may be the only way to restore 'honour' to the family. They may also feel that marriage will put a stop to the abuse" (2014). Advocates in the United States have also encountered this paradox when working with clients whose families believe "that marrying her off will help protect her reputation as well as that of her family since the childhood sexual abuse may bring a

sense of shame upon her and the family and put into question her sexual purity" (Roy, 2011).

Less common are circumstances where individuals are forced to marry their perpetrator or rapist. This also manifests in response to the perception that the individual's honor or purity has been damaged and that shame has been brought upon her family as a result of the rape or sexual assault. These cases often occur in cultural contexts where "a family's perceived honor is inextricably linked to the daughter's virginity prior to marriage" (Alanen, 2012). However, given emerging evidence that likely thousands of children have been married to much older spouses under "pregnancy exceptions" to minimum age of consent laws, combined with the fact that "adolescents who are sexually active at a young age are more likely to have experienced coercive sex" (Glosser, Gardiner, & Fishman, 2004), cases where child rape victims who become pregnant have been coerced to marry may be more common than service providers are currently trained to recognize.

Rape is also a tragically common consequence of forced marriage, and can continue to occur throughout the marriage (2014). In the U.S. based Gangashakti study, 24% of respondents reported coming across rape as a consequence of forced marriage (Sri & Raja, 2013). In Canada, 26% of respondents to the SALCO forced marriage study reported sexual violence as a type of violence present in the forced marriage cases they had worked on (Anis, Konanur, & Mattoo, 2013). And in the UK, Karma Nirvana, an NGO set up to respond to cases of forced marriage and honor crimes, reported that 10% of callers reaching out about forced marriage made reference to having been raped (Karma Nirvana, 2008).

Unfortunately, in many of these instances the loved ones an individual would typically go to for help and support will instead turn a blind eye, and, in some cases, normalize or excuse the rape. In one such instance, a UK woman who was taken on a trip to Pakistan by her family at age 18 was forced into marriage and on her wedding night, she was raped.

When she disclosed the rape, her mother responded by telling her, “it’s the husband’s prerogative if he wants to have sex” (Forced marriage: the survivors’ tales, 2015).

Underscored by the child marriage statistics from New York, New Jersey, and Virginia, it is clear that when it comes to minors, state laws contradict one another with regard to marriage and rape. “While a state’s sex-offense law may deem that a 15-year-old girl lacks, per se, that requisite maturity to lawfully consent to engage in sexual acts... without triggering statutory rape charges (regardless of whether her parents consent), that very same state’s marriage law may simultaneously deem her sufficiently mature to lawfully consent to marry a fifty-year-old man (with her parents’ consent) and then proceed to consummate the marriage” (Alanen, 2012).

Sexual assault and rape can cause severe psychological and physical harm to any individual, and for an individual trapped in a forced marriage, the harm can be sustained and multiplied because the violations are repeated and because they must share their home with their rapist. Given the stigma that exists around sexual violence, rape, and forced marriage, many survivors are reluctant to speak openly about their experiences or to recognize forced or coercive sex as rape if it occurs within a marriage. The fact that, for many forced marriage victims, reporting a rape would also entail admitting their own parents’ complicity, only heightens the reluctance to disclose.

Domestic/Family Violence

Domestic violence is a pattern of abusive behavior that is used by an intimate partner to gain or maintain power and control over the other intimate partner. According to the U.S. Department of Justice, domestic violence can include physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone (2015).

The U.S. Family Violence Prevention and Services Act defines family violence as any act or threatened act of violence, including any forceful detention of an individual, that: (a) results or threatens to result in physical injury; and (b) is committed by a person against another individual (including an elderly person) to whom such person is or was related by blood or marriage or otherwise legally related or with whom such person is or was lawfully residing (2010).

The forms of abuse, coercion, intimidation, pressure, and fraud that are employed against victims of forced marriage are often indistinguishable from the forms of abuse and control utilized by perpetrators in domestic and family violence contexts. Similar to child abuse and sexual assault, domestic and family violence can both precipitate and follow a forced marriage. Such tactics are often employed both to force an individual into an unwanted marriage, and to prevent them from being able to leave the marriage after it occurs. What complicates these cases and makes them unique is the wide web of perpetrators, including extended family and community members that are often involved in pressuring an individual to marry. The actions of such individuals are often not encompassed by state domestic violence or family violence laws, including protection order statutes, if the person or persons are not closely related to the victim and do not currently live or have never lived with the victim.

“Forced marriage often involves a parent or other family member’s abuse of power and control over an individual to ensure that the marriage occurs. Physical, psychological, sexual, financial and emotional abuse can be leveraged against the individual to coerce them to marry, and domestic violence, rape, and other harms...can occur within the forced marriage itself” (ABA Resolution, 2014). In the Gangashakti study, “the overlap between domestic violence and forced marriage was a reoccurring theme reported by frontline responders,” and many stated they had seen cases of forced marriage where the family and the community became hostile or coercive towards a victim (Sri & Raja, 2013). That same study also revealed that

once married, individuals may face multiple levels of victimization and various forms of abuse including domestic violence, sexual abuse, and physical violence. Of the 524 individuals who were surveyed, approximately half reported coming across domestic violence (54%), including emotional violence (55%) and physical violence (51%), and almost one-third (35%) of respondents reported that financial and economic abuse was present in the cases they had encountered.

Sauti Yetu came to a similar conclusion in their study, noting that “the coercion and power dynamics of early and forced marriage are also similar to those of domestic violence or other forms of violence against women and girls” (Bangura, Tran, & Schermerhorn, 2012). Researchers at the John Jay College of Criminal Justice found that families imposed marital choices on their children “through coercion, emotional abuse, psychological pressure, kidnapping, trickery, physical violence or the threat of violence...” (Anthony Marcus, et al., 2014).

The Tahirih Justice Center survey also revealed troubling and complex domestic and family violence dynamics in many forced marriage situations. Respondents to the survey indicated that victims they had encountered were subjected to multiple, and sometimes severe, forms of force, fraud, or coercion. The following were identified as very commonly used or threatened against victims:

- emotional blackmail (e.g., a parent threatens self-harm or asserts that the family’s or individual’s reputation will be ruined if they resist the marriage);
- isolation tactics (e.g., the family severely limits the individual’s social contacts or ability to leave the home, or the individual is not allowed to go to school);
- social ostracization (e.g., threatening that the individual will be an outcast in their community);
- economic threats (e.g., the family threatens to kick the individual out of the house or withdraw financial support); and/or

- threats of physical violence (this includes threats against the victims, others they care about, and those trying to help them).

Respondents also provided information on less common - but still not rare - tactics used or threatened against forced marriage victims including immigration related threats, deception and tricking, death threats, kidnapping/forcing the individual to travel abroad, and holding the individual hostage or physically restrained. Cases involving serious bodily injury to the victim, situations where food or medical care was withheld, as well as instances where a marriage certificate was forged were also reported. In addition, a few respondents had encountered cases where the victim was drugged/incapacitated or threatened with having their children taken away (Tahirih Justice Center, 2011).

While the family violence definition provided by the Family Violence Prevention and Services Act is relatively broad, resources such as funding for shelters and hotlines under the Act continue to focus on prior physical injury rather than extreme coercion, fraud, manipulation, or threats of future harm. Similarly, while the Violence Against Women Act contains some definitions and provisions that enable programs to help a broader range of victims, it expressly and repeatedly directs the vast majority of its programs and funding to victims of “domestic violence, sexual assault, dating violence, and stalking.” Other laws at the federal and state levels to protect and serve victims of domestic and family violence have similar definition and purpose limitations. Unless agencies and advocates alike recognize forced marriage as a form of violence against women in its own right and see the similarities and intersections between domestic violence, family violence, and forced marriage, those facing this serious form of harm will continue to fall through the cracks and find themselves just out of reach of the resources and expert service providers that could assist them.

Stalking

While legal definitions of stalking vary from one jurisdiction to another, the federal Violence Against

Women Act defines stalking as conduct with the intent to kill, injure, harass, or intimidate another person which results in reasonable fear of death or serious bodily injury to themselves, an immediate family member, spouse or intimate partner or causes, attempts to cause, or would be reasonably expected to cause substantial emotional distress. The definition also includes conduct with the intent to place under surveillance with intent to kill, injure, harass, or intimidate another person, using the mail, any interactive computer service or electronic communication service or electronic communication system of interstate commerce (US Code §2261A, 2013). Stalking behaviors can include:

- Following an individual or being present wherever they are;
- Sending unwanted gifts, letters, cards, or emails;
- Monitoring of phone calls or computer use;
- Using technology to track an individual's whereabouts;
- Driving by or hanging out at an individual's home, school, or work;
- Contacting friends, family, neighbors or co-workers to find out information about an individual; and/or
- Posting information or spreading rumors on the internet, in a public place, or by word of mouth (Victims of Crime, 2012).

In a forced marriage situation, family members may use stalking behaviors such as monitoring a victim's actions, relationships, and whereabouts as a tool of power and control and to create a severe sense of isolation and hopelessness. Nearly a quarter of those respondents to the Tahiri Justice Center survey who provided information on tactics reported that victims had been stalked by family members, and 106 respondents reported victims were subjected to isolation by perpetrators (Tahiri Justice Center, 2011). "Families may employ a wide range of tactics to force the marriages to occur...including restricting or monitoring movements or communications, or preventing an individual from going to school or work" (ABA Resolution, 2014).

This kind of "family and community surveillance" can occur before a woman is forced into marriage as a way to make her feel she has no safe way to resist or seek help, and leaving her with the sense that "there may be no alternative but to submit to [her] families' wishes regarding marriage" (Sri & Raja, 2013). Stalking often continues following the marriage in order to restrict the survivor's independent mobility and privacy, again with the intent of limiting her ability seek help. Even if a survivor manages to escape a forced marriage, the same networks of perpetrators and co-conspirators can continue to stalk her and locate her whereabouts in order to harass, manipulate, intimidate and, on rare occasions, enact retribution.

Stalking can be a difficult type of harm for a survivor to name when the perpetrators are her family and community members and the behaviors are commonly accepted. It can likewise be challenging for service providers who are attuned to stranger or former intimate partner stalking to detect. An individual may often naturally find herself in close proximity to family and community members who are taking advantage of that proximity to monitor and control her personal interactions, communication, and movement. Certain behaviors such as a parent, sibling, or spouse accompanying an individual to their doctors' appointments or regularly stopping by their place of work may appear to be caring, rather than controlling, at first glance. However, the "power of consistent isolation is underestimated and becomes a significant enabler of forced marriage. Restricting the movement of the victim, carefully controlling who he/she interacts with, enforcing early curfews and minimal interaction with the outside world ensures a lack of awareness" (Sri & Raja, 2013). This lack of awareness and in some cases, family-instilled fear and distrust of outside resources, combined with an extremely restricted ability to build a network of personal support outside the family or community, creates a fear in the survivor that resisting the forced marriage and leaving home may lead to a worse outcome than submission.

Stalkers are also increasingly misusing a variety of telephone, surveillance, and computer technologies

to harass, intimidate, coerce, and monitor individuals (NNEDV High Tech Stalking, 2009). Likewise, technology is increasingly being used to monitor the communications of forced marriage victims, track their whereabouts, and harass them in order to cause emotional distress and reinforce the fear that any act of help-seeking in regards to the forced marriage – whether it is a phone call to a local domestic violence agency that is discovered on a survivor’s phone, a clandestine meeting at a school counselor’s office that is witnessed by a sibling at school, or an email to a co-worker disclosing her circumstances -- will be discovered. The fear of retribution upon being caught seeking help can be paralyzing, and mean that even if a victim reaches out, she may only feel able to do so once. Respondents to the Gangashakti survey reported that “the fear of being disowned, beaten, and being ostracized by their families was reported as influencing their [survivor’s] decision to cope with a forced marriage.” The authors also noted that respondents observed “a willingness among some individuals to forgo individual choice and control over their own life...even in cases where it results in living with abuse” (Sri and Raja, 2013).

Those who make the choice to resist or leave a forced marriage often face a barrage of messages via email, social media, text message, and voicemail ranging from pleading and apologetic to threatening and belligerent. Gifts and letters may be sent to their workplace or new residence in an effort to persuade them to return or as a threatening reminder that their perpetrators continue to know where they are and could reach them at any time. These forms of stalking can cause a great deal of emotional distress and can often wear down a survivor to the point where she feels she has no choice but to return home to submit to the marriage

Female Genital Mutilation/Cutting

The World Health Organization (2014) defines female genital mutilation/cutting (FGM/C) as “all procedures that involve partial or total removal of the external female genitalia, or other injury to the female genital organs for non-medical reasons” and classifies FGM/C into four major types:

- Type One (Clitoridectomy) - partial or total removal of the clitoris and/or the prepuce;
- Type Two (Excision) - partial or total removal of the clitoris and the labia minora;
- Type Three (Infibulation) - narrowing of the vaginal opening through the creation of a covering seal, which is formed by cutting and repositioning the inner or outer labia, with or without removal of the clitoris;
- Type IV - all other harmful procedures to the female genitalia for non-medical purposes, for example: pricking, piercing, incising, scraping and cauterization.

These procedures have no health benefits, and the United Nations and the World Health Organization recognize FGM/C as a human rights violation. FGM/C is usually done at a young age, from infancy through young adolescence. However it can take place at any age, and individuals may be at risk of FGM/C before or after a marriage.

FGM/C is practiced worldwide including many countries in Africa, the Middle East and Asia, as well as many communities in North America, Europe and Australia (UNICEF, 2013). Recent research estimates that over 500,000 individuals living in the United States have undergone or are at risk of FGM/C (Population Reference Bureau, 2015).

In 1996, Congress enacted legislation criminalizing the performance of female genital mutilation in the United States on anyone under 18 and made the act punishable by 5 years in prison (Title 18 §116). In January 2013, President Barack Obama signed the “Transport for Female Genital Mutilation” Act, criminalizing the transport of girls abroad for the purposes of FGM, a practice commonly referred to as “vacation cutting” (Sanctuary for Families, 2013). In addition, 26 states have laws prohibiting FGM/C, 7 of which have provisions specifically addressing “vacation cutting” (Equality Now Factsheet, 2015).

While not all individuals who face forced marriage are also at risk of FGM/C, forced marriage can at times both necessitate and guarantee imminent

FGM/C, and a survivor of forced marriage may have already experienced FGM/C in her lifetime.

There is admittedly little statistical data or research on the topic of FGM/C in a U.S. context. Researchers at Westat who conducted an exploratory study on measurement methods used to track incidents of honor violence in the United States noted that “it was particularly challenging to identify cases of female genital mutilation in the United States, most likely because the practice is highly secretive and may involve ‘vacation cutting’...” (Helba, Bernstein, Mariel, Leonard, & Bauer, 2014).

Internationally focused research on FGM/C is much more widely available. According to the World Health Organization (2014), in many contexts FGM/C is considered necessary to prepare a girl for marriage. This analysis can be applicable in our context as “typically, girls in the U.S. are most affected by FGM if they are part of a community originally from a country where FGM is prevalent” and “the motivations underlying vacation cutting are largely similar to those used for FGM in the countries to which girls are sent” (Pyati & De Palma, 2013).

The UK’s Forced Marriage Unit guidelines make specific mention of FGM/C, noting that “in certain communities, it is considered important that women undergo female genital mutilation (FGM) before being able to marry – usually this will be performed during childhood, but there have been reports of young girls or young women undergoing FGM just before a forced marriage” (Forced Marriage Unit, 2014). In addition, the results of a CREATE Youth-Net Project study in London, Lisbon, and Amsterdam found that “several respondents drew links between forced marriage and FGM, explaining how these practices often go hand in hand” (Hemmings & Kadija, 2013). Another UK based study found that among the forced marriage survivors they interviewed, “there were several cases where the threat of forced marriage was identified as being, of itself, part of a pattern of wider abuse that they experienced (including female genital cutting)” (Forced Marriage in the UK, 2009).

Human Trafficking

The Trafficking Victims Protection Act (2008) defines severe forms of sex and labor trafficking as follows: “[when] a commercial sex act is induced by force, fraud, or coercion, or [when] the person induced to perform such an act has not attained 18 years of age; or the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery” (U.S. Department of State, 2015). This definition of sex trafficking, but not of labor trafficking, was incorporated into the Violence Against Women Act during reauthorization in 2013.

Even though forced sex within a forced marriage is not a “commercial sex act” as such, arguably “human trafficking” can describe some forced marriage cases. The forced sex within the marriage may be considered “services”, and in fact, not only does Florida’s human trafficking statute list “forced marriage” in the “services” definition, of the 8 states that have specific criminal laws against forced marriage, 2 of them codify that provision within their human trafficking statute. Elements of forced labor may also be present, particularly in cases of servile marriage. In some cases, a simpler understanding of human trafficking as the exploitation of another for personal gain, using force, fraud or coercion, can fit the facts of a forced marriage, such as when the driving motivation of the family is financial, to collect a bride price, dowry, or debt payment.

There is an ongoing conversation around abusive international marriages and human trafficking in the United States. According to advocates with Building Our Futures, abusive international marriages are defined as the practice of older men residing in the U.S. marrying underage girls from Asian countries (2015). What makes these marriages abusive are the large age differences between the spouses that can range from 20 to 70 years; men’s duplicity in failing to reveal that they are already married in the U.S.; the fact that “first wives” in the US may be coerced into divorce; and the abuse and sexual victimization of the

young wives that occurs within the marriage (Dabby-Chinoy, 2012). However, advocates argue that even if such cases appear to contain elements of trafficking, an abusive international marriage would rarely satisfy all three components of the U.S. federal trafficking definition. Due to the fact that victims “believe they are coming as wives; their applications for fiancé visas would not satisfy the means of coercion; and husbands are not making money off of the sexual exploitation” of their young wives, advocates from Building our Future advise that it would be unlikely that the federal trafficking law would apply to these cases (Thao-Urabe, Vaj, Yang, & Thao, 2015).

Elsewhere in the world, advocates and policy makers have been working to understand and address the intersection of forced marriage and human trafficking. A report released by the Australian Institute of Criminology found that marriage and partner migration have been used to facilitate the trafficking of people into Australia. Lyneham & Richards (2014) conclude that this suggests the existence of a separate category of human trafficking, one in which the exploitation element is neither exclusively labor related nor sexual but “the exploitation of the very personhood of the individual victim/survivor”, through the individual’s:

- labor (in the form of domestic servitude, forced labor outside the home, or both);
- body (in the form of sexual servitude to their intimate partner and/or lack of control over childbearing); and
- self (in the form of loss of freedom and psychological bondage).

In February 2013, amendments were made to the Australian Criminal Code that expanded the definition of human trafficking, and introduced a spectrum of slavery and related offenses in order to ensure that the broadest range of exploitative behavior was captured and criminalized.

“Specifically, the amendments introduced new offences around forced marriage and amended the existing definitions to capture servile marriage... which involves a person being sold, transferred or inherited into marriage as a condition similar to slavery” (Lyneham, 2013).

In Canada, advocates with the South Asian Women’s Centre released a guide, *Forced Marriage as a Form of Human Trafficking*, which is aimed at “helping service providers understand the intricacies around forced marriage and human trafficking in the South Asian context” (Anis, Kanagasabapathy, & Arora, 2014). The authors describe the distinct feature of this issue as “the commodification of women through the legal means of ‘marriage’” and describe that the intersection of forced marriage and human trafficking can be understood as “cases of forced marriage in which the elements of the crime of trafficking are... evident, and in which coercion is a facet of forced marriage...” Ultimately, the definition offered by the South Asian Women’s Centre is as follows: “A forced marriage is a form of human trafficking when forced marriage is used to traffic a person across borders and where that person faces exploitation; there is a fear of leaving the relationship because of potential harm to self and/or loved ones; the spouse or spouse’s family have control of the survivor’s identity documents; and economic exploitation is apparent, including dowry and/or exchange of favours” (South Asian Women’s Centre, 2012).

In the UK context, advocates have observed individuals being forced into marriages to maintain family ties, improve a family’s economic position both in the UK and abroad, and in order for spouses to gain permanent residence in the UK (Child Trafficking for Forced Marriage, 2008). Advocates in the UK have noted that when a girl under the age of 18 is forced to marry a British man abroad and then brought to the UK, their marriage may be characterized by domestic and sexual servitude, physical and psychological violence and severe restrictions on the girl’s movement. In some cases, too, a forced marriage is a family’s strategy to secure a lifelong caregiver from abroad for someone with a physical or mental disability.

Conclusion

Over the past five years, a more comprehensive picture of the nature and scope of forced marriage in the United States has emerged. We now know that many survivors of forced marriage have experienced

harm that is overlapping with other forms of violence and yet unique enough to require additional skills and awareness from service providers and others in a position to assist. Those already working with survivors of violence may have unidentified victims of forced marriage in their caseloads right now. Simply asking an individual to say more about how they got married can be a non-judgmental conversation starter. Given how common it is for survivors to have known other family or community members who have experienced forced marriage, asking how marriage tends to happen in their family or community can also be a gentle way to open the door to a fuller conversation about a survivor's marriage and trauma history.

It is also critical that shelter staff and supervisors understand that a forced marriage survivor typically does not have the same safety net of friends, community, and family to fall back on. She may require flexibility around how long she can remain in shelter with access to critical services in order to rebuild financially and to feel safe and empowered to chart a new course for her life and redefine her relationships with her family and community on her own terms.

Often another essential aspect of the healing process for forced marriage survivors is lifting the weight of feeling alone—alone in their trauma, but also alone in having rejected the violence and facing all of the loss which resulted from that. While support groups offer one avenue for sharing and rebuilding, not all survivors find comfort in a setting where they feel exposed. Books which highlight survivor stories can be a powerful resource for advocates to share with clients as they work to find strength and rebuild community. A few of the available options include

Shame by Jasvinder Sanghera, *Written in the Stars* by Aisha Saeed, *The Witness Wore Red* by Rebecca Musser, *Secrets of the Henna Girl* by Sufia Ahmed, and *Heartbeats: The Izzat Project*.

It is also clear that current laws and policies are inadequate to address the unique challenges associated with forced marriage. The Tahirih Justice Center along with other advocates, experts, and survivors have urged the U.S. government to dedicate funding for forced marriage-specific resources and programs, implement safeguards in federal immigration laws for marriage-based visas, and to ensure that criminal justice options are available to forced marriage victims. Furthermore, advocates are urging state governments to ensure access to civil protection orders for forced marriage victims and to strengthen state laws on the age of consent to marry.

Across the U.S. there are service providers and advocates with skills and expertise that can and should be tapped to serve the complex needs of forced marriage survivors and provide them with a desperately needed safety net. There are also laws, policies, and programs that can and should be improved and expanded to ensure protections are available for victims. We must all continue to draw connections in our work and to push for an expanded definition of violence against women that recognizes all survivors and provides them resources and tools to demand and achieve the safety they deserve.

For more resources, including a “forced marriage 101” training webinar for service providers and advocates, a publication and online training library, as well as expert technical assistance, please visit www.preventforcedmarriage.org or contact the Forced Marriage Initiative at the Tahirih Justice Center.

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In Brief: The Intersectionality of Forced Marriage with Other Forms of Abuse in the United States

Casey Swegman, Tahirih Justice Center

This paper provides information and research on forced marriage in the United States and its intersections with child abuse, sexual assault and rape, domestic and family violence, stalking, female genital mutilation/cutting (FGM/C), and human trafficking. The research demonstrates that forced marriage is a serious but neglected problem in this country, and despite many advocates' best efforts, survivors of forced marriage and those at risk continue to fall through the cracks of the systems and programs set up to protect individuals from abuse. For service providers and survivors alike, it is critical to recognize and understand these links and to connect the dots between the mechanisms of power, control, and coercion that may precede a forced marriage, and the forms of abuse that can follow it.

Key Findings

- In a 2011 survey, service providers in the U.S. reported encountering as many as 3,000 known or suspected cases of forced marriage over a period of just two years.
- While not all forced marriage cases involve minors, the results of several surveys and studies have indicated that a substantial number of victims are minors. A child or teenager being forced into marriage by her family may be subjected to multiple coercive tactics that, taken together, amount to child abuse. In the case of a minor, the harms that follow a forced marriage also amount to child abuse.
- Advocates and researchers have found that sexual assault and rape can be not only a consequence - but also a cause - of forced marriage.
- The forms of abuse, coercion, intimidation, pressure, and fraud that are employed against victims of forced marriage are often indistinguishable from the forms of abuse and control utilized by perpetrators in domestic and family violence contexts. Such tactics are often employed both to force an individual into an unwanted marriage, and to prevent them from being able to leave the marriage after it occurs.
- In a forced marriage situation, family members may use stalking behaviors as a tool of power and control and to create a severe sense of isolation and hopelessness. Stalking often continues following the marriage in order to restrict the survivor's independent mobility and privacy, again with the intent of limiting her ability seek help.
- While not all individuals who face forced marriage are also at risk of FGM/C, forced marriage can at times both necessitate and guarantee imminent FGM/C, and a survivor of forced marriage may have already experienced FGM/C in her lifetime.
- Even though forced sex within a forced marriage is not a "commercial sex act" as defined by federal trafficking laws, arguably "human trafficking" can describe some forced marriage cases. Elements of forced labor may also be present, particularly in cases of servile marriage.

Conclusions

Over the past five years, a more comprehensive picture of the nature and scope of forced marriage in the United States has emerged. We now know that many survivors of forced marriage have experienced harm that is overlapping with other forms of violence and yet unique enough to require additional skills and awareness from service providers and others in a position to assist. Specialized resources and strengthened laws and policies are necessary to address the unique challenges associated with forced marriage.

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Amend HB62 and End Child Marriage in Alaska

Unchained At Last is a survivor-led nonprofit working to end forced and child marriage in Alaska and across the United States through direct services and advocacy. **We at Unchained urge the legislature to amend HB62 to eliminate all marriage before 18, without exceptions. Let's eliminate the archaic, harmful practice of child marriage, which can cover up child trafficking.**

The marriage age is 18, but the law includes alarming loopholes: Parents may enter a 16 or 17-year-old into marriage merely by signing a form, without any input from the teen, and parents may enter a 14- or 15-year-old into marriage with judicial approval.¹ Further, a 17-year-old active-duty member of the armed forces may marry without parental consent or judicial approval.² **These loopholes disempower and seriously endanger minors:**

- The law provides no recourse for 16- and 17-year-olds whose parents are forcing them into an unwanted marriage. We have found – as we provide crucial services to forced and child marriage survivors across the U.S. – that when an individual is forced to marry, the perpetrators are almost always the parents. And we have seen repeatedly that **even when a teen sobs openly and begs for help, the clerk is powerless to intervene.**
- The court is not required to interview a 14- or 15-year-old for whom a marriage petition is submitted; the court is required only to find that the parents consent and that the marriage is in the minor's "best interest." However, the U.S. State Department calls marriage before 18 a "human rights abuse."³ How can that ever be in a minor's best interest?
- Even a more robust judicial-review process would put the onus on a teen whose parents are forcing them to marry to figure out how to explain their predicament to the court without facing repercussions at home. **Due to this pressure, every teen we have worked with has stayed silent or lied to the court.**
- **Alaska is the only U.S. state that allows a military exception to the marriage age. Around the world, too, we do not know of any country that allows a military exception to the marriage age.** Child marriage is associated with high rates of domestic violence,⁴ and a married 17-year-old servicemember is likely to live far from home and move repeatedly, making them more vulnerable.
- Sex with a child under age 16 is a sex crime if the perpetrator falls outside the close-in-age exceptions⁵ – unless the perpetrator marries the child.⁶ **The state is issuing get-out-of-jail-free cards to child rapists in the form of marriage licenses.**
- Minors age 16 or 17 who marry adults are automatically emancipated upon marriage, and minors age 14 or 15 who marry adults are automatically emancipated when they turn 16.⁷ This emancipation likely ends parents' financial obligation to the minors, regardless of the minors' level of financial independence. In other circumstances, a minor cannot be emancipated unless they

¹ Alaska Statutes ("AS") § 25.05.171.

² AS § 25.05.011. The statute allows any member of the armed forces to marry, but the age limit to enlist in the military is 17. See: <https://www.usa.gov/join-military>.

³ U.S. Department of State, et al., *United States Global Strategy to Empower Adolescent Girls* (March 2016), <https://2009-2017.state.gov/documents/organization/254904.pdf>.

⁴ Aditi Wahi et al, *The Lived Experience of Child Marriage in the United States*, Social Work Public Health (12 February 2019), <https://pubmed.ncbi.nlm.nih.gov/30747055>.

⁵ AS § 11.41.434.

⁶ AS § 11.41.432(d)-(e) (Lexis Advance through all 2021 regular and special legislation) (providing an affirmative defense to charges of sexual assault of a minor when (1) the offender is married to the person, (2) neither party has filed for separation, divorce or dissolution, and (3) the person was capable of understanding the nature or consequence of the offender's conduct and consented to the act).

⁷ AS § 25.20.020.

first prove to a court that they are capable of sustained self-support and can manage their own financial, personal, educational and other affairs.⁸ **Automatic emancipation can force minors to become financially dependent on their spouse and can lead to teen homelessness, especially since 70-80% of marriages before age 18 end in divorce.**⁹

Marriage before age 18, even at 16 or 17, is inherently dangerous:

- **Child marriage has been used to cover up child trafficking.** The U.S. Senate Homeland Security Committee found that thousands of minor girls in the U.S. (under age 18) have been forced to marry adult men overseas so the men can get a spousal or fiancé visa.¹⁰
- **Even highly mature teens can easily be forced into marriage or forced to stay in a marriage before they turn 18 and attain the rights of adulthood:**¹¹
 - Minors cannot easily escape if their parents are planning an unwanted wedding for them, because law enforcement agencies are required to locate minors who leave home to evade their legal custodian and to take them into protective custody.¹²
 - Where would minors go even if they could escape? We have found that domestic violence shelters across the U.S. routinely turn away unaccompanied minors, due to funding guidelines and/or liability concerns. Youth shelters are not a solution, because, absent an excepted circumstance, they may not shelter a minor for more than seven days, and they are not confidential: They must notify the minor's legal custodian or the state Department of Health and Social Services of the minor's whereabouts.¹³
 - Minors cannot easily retain an attorney to help them with their complex legal needs, because most contracts with children, including retainer agreements, are voidable.¹⁴ In our experience, lawyers are reluctant to take on minors as clients based on a voidable retainer agreement.
 - Minors also cannot independently bring a legal action,¹⁵ which creates additional obstacles when trying to escape a forced marriage. **A minor age 14 or 15, and a minor age 16 or 17 who is married to another minor, cannot even independently file for divorce or seek a protective order if their spouse turns abusive.**¹⁶
 - Minors who marry adults are considered "emancipated" at age 16 and do attain some rights of adulthood.¹⁷ However:
 - Minors who marry at 14 or 15 and minors who marry minors are not emancipated.
 - Emancipated minors' rights are limited; they do not extend, for example, to specific constitutional and statutory age requirements for voting and use of alcoholic beverages.¹⁸ And emancipated minors may face difficulties accessing the limited rights they do have. In our experience, for example, domestic violence shelters typically are hesitant to accept even emancipated minors.

⁸ AS § 09.55.590.

⁹ Vivian Hamilton, *The Age of Marital Capacity: Reconsidering Recognition of Adolescent Marriage*, William & Mary Law School Scholarship Repository (2012). Note, though, that minors might not be allowed to file for divorce independently until they turn 18, as explained below.

¹⁰ U.S. Senate Committee on Homeland Security and Governmental Affairs, *How the U.S. Immigration System Encourages Child Marriages* (11 January 2019),

<https://www.hsgac.senate.gov/imo/media/doc/Child%20Marriage%20staff%20report%201%209%202019%20EMBARGOED.pdf>.

¹¹ AS § 25.20.010: The age of adulthood is 18.

¹² AS § 47.10.141.

¹³ AS §§ 47.10.394, 47.10.330(b).

¹⁴ *RLR v. State*, 487 P.2d 27, 34 (Alaska 1971).

¹⁵ Alaska R. Civ. Proc. § 17(c): A minor may bring an action only through a parent, guardian, guardian ad litem or next friend.

¹⁶ AS § 18.66.100: A parent, guardian, or other representative appointed by the court may file a petition for a protective order on behalf of a minor.

¹⁷ AS § 25.20.020.

¹⁸ AS § 09.55.590.

- Crucially, in the case of an unwanted marriage, the limited rights of emancipation arrive too late, only after a minor has endured the trauma of the forced marriage.
- **Marriage before age 18 is recognized as a “human rights abuse.”**¹⁹ It destroys nearly every aspect of American girls’ lives, including their health, education and economic opportunities²⁰ and even their physical safety.²¹ Individuals in the U.S. who married before age 18 report high rates of unwanted or unplanned pregnancies.²² Teen mothers who marry and then divorce are more likely to suffer economic deprivation and instability than teen mothers who stay single – and teen marriage has a 70-80% divorce rate.²³

Eliminating marriage before age 16 is insufficient: It would not address the concerns raised here. Further, 99% of the minors wed in Alaska are age 16 or 17.²⁴

Waiting until 18 to marry brings obvious benefit, and it does not cause harm, beyond an inconvenience, for teens who are eager to marry but must hold off for a matter of months:

- **A teen is emancipated?** Emancipation is intended to help minors who cannot be reunited with their family by giving them some rights of adulthood so they can navigate the world independently until they turn 18 and attain the full rights of adulthood. **Teens do not need marriage to navigate the world independently. And no teen should be subjected to a human rights abuse, regardless of emancipation status.** Further, we are concerned that parents can force teens to emancipate in order to force the teens to marry.
- **A 17-year-old is an active-duty servicemember and wants to leave their death benefits to their partner?** They can do that without marriage. **Servicemembers can designate a non-spouse as the beneficiary of their Servicemembers Group Life Insurance²⁵ and their Survivor Benefit Plan.**²⁶
- **A girl is pregnant and wants to co-parent? She and the father can co-parent outside of marriage by merely signing an acknowledgement of paternity.**²⁷ Such acknowledgement confers upon the father all the rights and duties of a parent.²⁸

States across the U.S. are passing legislation to eliminate all marriage before 18, without exceptions, and Alaska should do the same. Such legislation harms no one, costs nothing and ends a human rights abuse. And if Alaska does not act now, it could become the “destination site” for child marriage, since the state does not impose a residency requirement for marriage.²⁹ **Please amend HB62 to eliminate all marriage before 18, without exceptions.**

¹⁹ U.S. Department of State, et al., *United States Global Strategy to Empower Adolescent Girls* (March 2016), <https://2009-2017.state.gov/documents/organization/254904.pdf>.

²⁰ Fraidy Reiss, *Child Marriage in the United States: Prevalence and Implications*, *Journal of Adolescent Health* (December 2021), <https://www.sciencedirect.com/science/article/pii/S1054139X21003414>.

²¹ Individuals in the U.S. who were married before age 18 report high rates of physical, sexual, financial or emotional abuse during their marriage as well as unwanted or unplanned pregnancies. See: Aditi Wahi et al., *The Lived Experience of Child Marriage in the United States*, *Social Work Public Health* (12 February 2019), <https://pubmed.ncbi.nlm.nih.gov/30747055>. Note that this is consistent with global trends. See, for example: Rachel Kidman, *Child Marriage and Intimate Partner Violence: A Comparative Study of 34 Countries*, *International Journal of Epidemiology* (April 2017), <https://academic.oup.com/ije/article/46/2/662/2417355>.

²² Aditi Wahi et al., *The Lived Experience of Child Marriage in the United States*, *Social Work Public Health* (12 February 2019), <https://pubmed.ncbi.nlm.nih.gov/30747055>.

²³ Vivian Hamilton, *The Age of Marital Capacity: Reconsidering Recognition of Adolescent Marriage*, William & Mary Law School Scholarship Repository (2012), <https://scholarship.law.wm.edu/facpubs/1430>.

²⁴ Based on Unchained’s analysis of marriage certificate date from the Alaska Department of Public Health, Health Analytics & Vital Records, for the period 2000 to 2020.

²⁵ U.S. Department of Veterans Affairs, *Life Insurance*, https://benefits.va.gov/INSURANCE/resources_handbook_ins_chapter6.asp.

²⁶ U.S. Department of Defense, *DoD 7000.14-R (Financial Management Regulation)*, Volume 7B Ch. 44 (Nov. 2011) at 440205.

²⁷ AS § 25.20.050(a).

²⁸ *Id.* See also Office of Pub. Advocacy v. Superior Court, 462 P.3d 1000, 1005–07 (Alaska 2020): Acknowledging parentage determinations can be established through acknowledgment and need not require evidence of a genetic relationship.

²⁹ Alaska Department of Health and Social Services Division of Public Health, *Marriage Licenses*, <http://dhss.alaska.gov/dph/VitalStats/Pages/marriagel/default.aspx>.

Jasmin Martin

From: Dawn Tyree <[REDACTED]>
Sent: Thursday, April 07, 2022 10:53 AM
To: Senate Health and Social Services
Subject: Ending child marriage in Alaska HB62

Distinguished members of the committee,

Edited to add: The National Coalition to End Child Marriage in The United States has announced today that Alaska is now leading the U.S. with the strongest pending legislation to end child marriage. Congratulations!

My name is Dawn Tyree, and I am writing to you because I would like to speak on the record regarding HB62 - "An Act relating to the Legislative Ethics Act; relating to solemnization of marriage and relating to the consent to marriage." I feel strongly that the Alaska Senate amend this bill to change the minimum age for marriage in Alaska to age 18, with no exceptions. Doing so would make Alaska the seventh state to end child marriage.

I am a survivor of child marriage. I was 13-years-old when I was forced to marry my 32-year-old abuser. He had been sexually abusing me for two years. When I became pregnant, my stepmother first tried to terminate my pregnancy - nearly killing me and my unborn son. When that failed, my family insisted that marriage was in our best interest, and the trusted adults in my life coerced me into marriage.

I had no rights over my body. Not one adult ever talked to me about birth control, and 13 months after my son was born, I gave birth to my second child. I was a mother of two at age 15. Research shows that married teens are 40% more likely than unmarried teens to have a second child within 24 months of marriage.

At 16-years-old and with two toddlers in tow, we escaped the marriage. Homeless and with no support, I tried to go to a shelter. The women's shelter turned us away because as minors, we presented the shelter with a liability. Family Services told me to go back to my parents because they were responsible for me. But my parents had disowned me for leaving the marriage. My husband had reported me as a runaway and law enforcement threatened to return me to my rapist. I couldn't even rent a hotel room. How was I to think about working or going to school? Who would help me with child care? We lived below the poverty line for over a decade, sometimes going without the essentials such as toilet paper or shampoo. We often lived without electricity. My greatest fear was that my children would be taken away because of the way we lived.

When a child petitions for a divorce, the decisions often favor the older parent. In my divorce decree, I was allowed to have physical custody of the children, but I was never awarded any child support. The court also allowed my ex-husband unsupervised visits with my children, ignoring my concerns of physical and emotional abuse. My only option for safety was to break the order and save us from his abuse. It was then that we fled to Kodiak, Alaska. Our refuge.

The ripple effect of child marriage has been devastating. My adult children struggle to survive and support their families. Mental illness, addiction, and poverty all repeat through more generations. We do a grave disservice by allowing minors to marry. Marriage is a decision that should be between *two consenting adults*. The standards of responsibility for marriage should reflect the same standards we have in place for things such as voting, entering contracts, or serving our country. You must be 21 years old to buy tobacco in America, yet a child can marry.

This issue is important because the trauma of child marriage didn't end after the divorce. This trauma is generational and unless we raise the minimum age for marriage to 18, we are creating a perpetual loop of abuse and trauma for generations to come. Research by organizations fighting to end child marriage has revealed that most child marriages are a cover-up for statutory rape and child sex abuse. Almost 80% of these marriages end in divorce.

In the context of human rights in other countries, the U.S. State Department has called marriage before 18 a “[human rights abuse](#)” that “produces devastating repercussions for a girl’s life, effectively ending her childhood.” Yet in the United States, child marriage is legal and sanctioned in 44 of the 50 states. Studies show that girls who do not marry when they become pregnant are more likely to focus on their futures, while girls that do marry face dropping out of school.

I am attaching a small sampling of links to articles and resources about child marriage. There are additional articles and information available, and I will bring a more complete list when I appear before your committee.

The mental and physical impact of child marriage:

<https://www.unchainedatlast.org/child-marriage-devastating-consequences/>

A comprehensive research report by the Tahirih Justice Center:

<https://www.tahirih.org/what-we-do/policy-advocacy/child-marriage-policy/>

The United States Customs and Immigration Services approved nearly 9,000 underage petitions for foreign spouses between 2007 - 2017

<https://www.hsgac.senate.gov/imo/media/doc/Child%20Marriage%20staff%20report%201%209%202019%20EMBARGOED.pdf>

Respectfully,
Dawn Tyree

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DAWN TYREE is a writer, an activist, and a founding member of the National Coalition to End Child Marriage in the United States. Her story has been told in an A&E documentary and published in over twelve languages.

<https://www.yesmagazine.org/opinion/2020/01/14/child-marriage-activism/>

Jasmin Martin

From: Cheryl & Mark Lovegreen [REDACTED]
Sent: Saturday, April 09, 2022 2:29 PM
To: Senate Health and Social Services
Subject: HB 62 amendment

I support the amendment to HB 62 to change the marriage age to 18. This will eliminate one form of child abuse, which I know we all abhor. Child marriage should not be allowed in the state of Alaska, to protect our children from predators who marry them in order to legally confine them.

Cheryl Lovegreen

Jasmin Martin

From: Dori Kenneally [REDACTED]
Sent: Sunday, April 10, 2022 2:44 PM
To: Senate Health and Social Services
Subject: End Child Marriage!

Please support legislation to END childhood marriages! It's sickening that pedophiles and sexual predators are able to legally trap children by marrying them. Those perverts should be incarcerated, not rewarded with a child victim to rape and abuse.

Thank you!

Dori Kenneally

Sent from my iPhone

Jasmin Martin

From: Marcia L Hill [REDACTED]
Sent: Monday, April 11, 2022 1:40 PM
To: Senate Health and Social Services
Subject: End Child Marriage

Dear Senators Hughes and Wilson,

I am writing to you today in support of the pending legislation that would end child marriage in Alaska. By passing such legislation, you would be protecting the rights and welfare of minors. No child should be forced or encouraged to marry until they are an adult (18+) and in most cases can responsibly and safely make such decision. Nevertheless, I support increasing the age at this time, which falls short of 18 but still increases it, with parental consent as has been put forward by your colleague.

Kind Regards.

Marcia L Hill

Sent from my iPhone

Jasmin Martin

From: Marcia L Hill [REDACTED]
Sent: Monday, April 11, 2022 1:40 PM
To: Senate Health and Social Services
Subject: End Child Marriage

Dear Senators Hughes and Wilson,

I am writing to you today in support of the pending legislation that would end child marriage in Alaska. By passing such legislation, you would be protecting the rights and welfare of minors. No child should be forced or encouraged to marry until they are an adult (18+) and in most cases can responsibly and safely make such decision. Nevertheless, I support increasing the age at this time, which falls short of 18 but still increases it, with parental consent as has been put forward by your colleague.

Kind Regards.

Marcia L Hill

Sent from my iPhone

Dear Senator,

My name is Aliya Abbas. I am a child marriage survivor and activist to end child marriage in the United States. As a child marriage survivor, I request you to ammend HB62 - "An Act relating to the Legislative Ethics Act; relating to solemnization of marriage and relating to the consent to marriage." I feel strongly that the Alaska Senate amend this bill to change the minimum age for marriage in Alaska to age 18, with no exceptions. Doing so would make Alaska the seventh state to end child marriage. The U.S. State Department has called marriage below 18 a "human rights abuse," and a human rights abuse is never in the best interest of a child.

Child marriage destroys girls' health, education and economic opportunities, and increases their risk of experiencing further violence & trauma.

- What does life look like for children who are forced into this abuse? To start off with, children who are forced to endure the trauma of forced marriage are also likely to be pulled out of school as I was. We know how important education is for children, especially girls. Child brides are physically, mentally, & emotionally abused, manipulated, and raped; ALL before they could even gain the legal rights they need to escape at 18, to recieve any sort of assistance, or to divorce independently. Child marriage puts the health, well being, & saftey of children into jeapordy.
- 70 to 80 percent of marriages before 18 ends in failure which does put children in such situations at risk of homelessness because they lack financial independence and support. So, what would we be really doing here other than putting the lives of these children at risk to all sorts of danger?

I wholeheartedly support this bill because it hits home. It's extremely personal. I am a product of child marriage and who better than a child bride to know the reality of this injustice. At 17 years old, I was taken out of school & was forcefully married off to a complete stranger without my consent. That one instance changed my life forever. I was raped and became a teenage mother again without my consent. Being a mother is one of the most fulfilling jobs I have, but I won't lie, it took every ounce of my being to get to where I am today and it still takes a toll. It's actually a miracle that I am still here and standing strong. No child should ever have to endure that unimaginable heavy load of abuse that child marriage results in. The years I spent in the marriage if you can even call it that were the most painful years of my life where I endured mental, emotional, and physical torture. I was bullied. I was beaten. I was raped. I would like to stop here and just say one thing; I've never defined myself as a victim even though I have been brutally victimized. I am a survivor who had the courage to finally stand up for myself, most importantly for the sake of my children at any cost even when that cost was death as per my uncle. Even though I didn't know how to swim in an ocean of uncertainty, I took a huge risk towards our freedom and jumped. I taught myself how to swim within that uncertainty. I don't know where I got all that strength from, perhaps, God, but what I do know is that I don't wish this experience upon anyone! Unfortunately, most child brides aren't as lucky and they end up experiencing a lifetime of abuse in all forms, dehumanization, torture, and sadly even death in some case.

We need to step up and protect our children. It harms no one, costs nothing and ends this human rights abuse. Please support the amendment of this bill to change the minimum age for marriage in Alaska to age 18, with no exceptions.

Thank You,

Aliya Abbas

April 7, 2022

Honorable Chair David Wilson, and distinguished members of the Committee: My name is Sara Tasneem, and I am a survivor of forced child marriage. I am providing testimony in support of **House Bill 62, as amended; and to further enact amended language that would raise the minimum age to marriage to 18, no exceptions** due the serious harms that underage marriage poses to minors in the state of Alaska.

I am a vocal national advocate to end forced child marriage in the United States because of the horrors that I had to endure as a child with absolutely no escape, legal or otherwise. I am submitting my testimony in hopes to help other minors who may be exposed to the human rights abuse of child marriage. The dangerous loophole which allows minors to marry in the state of Alaska must be removed to protect minors who do not share the same rights as an adult and who can be entrapped into a marriage with no escape.

As many victims of forced child marriage, my father and legal guardian was the one who forced me to marry. At the age of fifteen, during a summer visit to see my dad in California, I was forced into a marriage I did not want. My father introduced me to my husband-to-be one morning and I was told I would marry him that night. That man was thirteen years my senior, he 28 years old and I was fifteen. My mother did not even know that this was taking place. After a spiritual wedding ceremony that evening, I was handed over to my new husband and left in his care. He became my guardian, husband, and the father to my children. I lost my childhood, my freedom, and myself that night.

My perpetrator had full control over my life. I was not allowed to go back to school. Instead, I was taken out of the country, raped, and impregnated almost immediately. At an age where all I had dreamed of was going to the Air Force and then law school, I was instead forced into a marriage and motherhood with a stranger almost twice my age. Six months after our spiritual ceremony we returned to the U.S. where I was *legally* married at the age of 16 and pregnant.

My pregnant belly should have alerted authorities to a rape instead of a rubber stamp on a marriage certificate. I was not advised of my rights, or even asked if I wanted the marriage. It felt more like a prison I could not escape than a real marriage. My perpetrators entrapped me in a marriage so that they could escape any legal repercussions of abuse, kidnapping, and statutory rape. Marriage was a way for my perpetrators to stop any legal action from my mom and sadly, it worked. My personal experience highlights the very real dangers that minors face when forced into a marriage.

Marriage before the age of eighteen makes children more likely to be pulled out of school than their adult counterparts and three times more likely to suffer from abuse in their marriages. All of which was true for me. Marriage before the age of eighteen is a human rights abuse because of the many harms it causes to the minor.

As a minor, I faced extreme and numerous barriers to being able to leave my abusive marriage. It took me eight long years of surviving my abusive relationship and overcoming enormous obstacles to file for divorce. It then took three years to finalize my divorce. Sadly, I am not the exception.

It has taken me years to recognize and address the severe negative impacts child marriage has had on me, and my children. The long-term effects for me include PTSD and anxiety from the prolonged abuse, recovering from the financial, sexual, emotional, and physical abuse. The educational impact of being taken out of school at fifteen years old led directly to extreme poverty later in my adult life. It has taken me years to recover and I most likely will never catch up to my peers. Even though I am in therapy, will likely suffer from PTSD and anxiety most of my life.

There are *so many* reasons why child marriage is harmful to minors. I cannot think of one good reason why Alaska would want to continue to expose minors to these harms and a human rights abuse. Please enact language that would protect minors from such abuse.

Respectfully,
Sara Tasneem, Survivor/Advocate
Tasneemsf333@gmail.com
707-217-8925 cell

Testimony on Alaska House Bill 62: Support with Amendments

Alex Goyette, Senior Public Policy Associate

Tahirih Justice center

April 7, 2022

Dear Chair and Honorable Members of the Committee:

The Tahirih Justice Center (Tahirih) is a national non-profit legal advocacy organization that, since 1997, has been serving survivors of domestic violence, sexual assault, human trafficking, and other violence and abuse, like being forced or coerced to marry.

Children under age 18 are especially vulnerable, and they have limited options to escape a violent home or to protect themselves, among other reasons, because they lack the legal rights of an adult.

Forced marriages in particular can involve insidious forms of coercion, not only physical violence but also extreme psychological abuse and threats. When that comes from a parent or another loved one, it can work just like a gun to the head for a teen girl who is still very dependent, emotionally and practically as well as legally.

Tahirih has considerable expertise in forced and child marriage as U.S. problems. Through Tahirih's Forced Marriage Initiative, launched in 2011, we have worked on hundreds of cases involving women and girls nationwide. Tahirih has also compiled extensive research, including a 50-state report released in August 2017. This comprehensive report analyzes states' minimum marriage age laws and exceptions and identifies how they can either help protect children from harm, or instead expose them to greater risk.ⁱ

Tahirih believes strongly that setting the minimum marriage age at 18, without exception, is the strongest measure to combat not only forced marriages but also the other harmful consequences of marrying under age 18, such as high drop-out rates, increased poverty, more medical and mental health problems, and greater vulnerability to domestic violence.ⁱⁱ

For your further consideration and to underscore the need to reform Alaska's current minimum marriage age laws, we note below just a few of the reasons that those laws pose serious child-protection concerns:

1) The parental "consent" exception can actually conceal parental "coercion."

Sadly, not all parents have their children's best interests at heart or are fit to care for them; this is the reason that Child Protective Services exists. Among Tahirih's forced marriage cases, in fact, most often the perpetrator is a parent. There are many reasons forced child marriages happen, but sometimes, it can be simply because a parent wants to be rid of responsibility for a girl, to offload her on whoever will take her. And whatever the different family backgrounds or dynamics, the common

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vulnerability is that children lack the rights and resources an adult would have to stand up for themselves.

- 2) The age floor of 14 is the lowest set by any state in the U.S., and falls even below the state's legal age of consent to sex.

Combined with the fact that there is an affirmative defense against prosecution for statutory rape (at AS 11.41.445) so long as the parties are married, current law essentially road-maps a workaround for predators, enabling them 24/7 sexual access through marriage to young girls who would be off-limits otherwise.

- 3) Very few Alaska minors ever go before a judge before being given permission to marry.

A lack of judicial involvement can let abuse and exploitation in the guise of marriage slip by undetected. Under current law, it is only if a minor is younger than age 16 that a judge's approval must be obtained, and minors that young make up only a small fraction of all the minors who marry.

That said, Alaska's current judicial approval process has only vague and subjective criteria and no other critical safeguards like court-appointed counsel for the minor. Moreover, leaving judges with such broad discretion has clearly not lead to robust protection. Judges around the country have approved some of the most egregious child marriage cases that have been documented, like marriages of young girls to men nearly 3 times older.

For these and other reasons, current minimum marriage age laws like these make it far too easy for a whole host of horrors to lurk behind the marriage of an underage girl. We appreciate the work done on this issue by Rep. Claman over the years, and the amendment by Rep. Rasmussen that would raise Alaska's marriage age from 14 to 16.

Tahirih believes the legislation as currently amended is a step in the right direction, but would also ask you to do more. **Please protect Alaska's children and end child marriage entirely with a minimum marriage age of 18.**

States across the country are waking up with a jolt to how their laws have failed to protect vulnerable children. Since 2016, 27 states have passed reforms to limit child marriage, including six that ended it completely by setting a minimum marriage age at 18, no exceptions.

We thank this Committee for its careful consideration of this important issue, and invite you to contact us if we may provide further information or answer any questions.

ⁱ A full copy of Tahirih's 50-state report is available at www.tahirih.org/childmarriagepolicy.

ⁱⁱ See specific statistics and sources cited in Tahirih Justice Center, “Child Marriage in the United States: A Serious Problem with a Simple First-Step Solution” (October 23, 2017), *available at* www.tahirih.org/childmarriagepolicy.



April 8, 2022

Testimony Regarding HB62

Presented to the Alaska Senate Health and Social Services Committee

Chair Wilson, Vice Chair Hughes, and Distinguished Committee Members:

Protect Our Defenders is the pre-eminent national human rights organization dedicated to ending sexual violence, victim retaliation, misogyny, sexual prejudice, and racism in the military and combating a culture that has allowed it to persist. We honor, support, and give voice to survivors of military sexual violence. We seek reform to ensure all service members are provided a safe and respectful work environment free from misogyny and racism, and have access to a fair, impartially administered system of justice.

In order to fulfill our mission, we provide pro bono legal services to survivors of military sexual assault, advocate for military sexual assault reform, and publish and proliferate ground-breaking reports that expose the crises of sexual assault and racial discrimination in the military. Since our founding in 2011, we have assisted a number of child victims of military sexual assault and their families, who are left devastated following incidents that no child should ever have to endure. In FY 2020 alone, the DoD's Sexual Assault Prevention and Response Office (SAPRO) reported that there were 209 unique victims of child sexual abuse, 92.3% of which were female, and 7.7% were male.¹

When it came to our attention that some lawmakers have resisted ending child marriage so that an active duty servicemember might be able to marry a child for the child to be able to benefit from spousal death benefits, we were left deeply shaken. The military has a crisis on its hands in the form of sexual assault, which has been acknowledged by the Secretary of Defense², military leaders such as General Mark Milley³, and the Commander in Chief, President Joe Biden⁴.

¹ Department of Defense Annual Report on Sexual Assault in the Military, Fiscal Year 2020, Appendix H: Child Sexual Abuse; https://www.sapr.mil/sites/default/files/Appendix_H_Child_Sexual_Abuse_FY2020.pdf

² Lolita C. Baldor, "SECDEF backs change in military sex assault prosecution," Military Times, June 22, 2021; <https://www.militarytimes.com/news/pentagon-congress/2021/06/22/secdef-backs-change-in-military-sex-assault-prosecution/>

³ Missy Ryan and Dan Lamothe, "'We haven't moved the needle' on sexual assault in the military, general says," The Washington Post, May 6, 2021; https://www.washingtonpost.com/national-security/military-sexual-assault/2021/05/06/a8f51a7c-ae98-11eb-8109-f8ba1ea2eeab_story.html

⁴ Andrew Solender, "Joe Biden Says He Would Take A Hard Line on Military Sexual Assault," Forbes, April 29, 2020; <https://www.forbes.com/sites/andrewsolender/2020/04/29/joe-biden-says-he-would-take-a-hard-line-on-military-sexual-assault/?sh=ec2ef7678629>

Protect Our Defenders | 950 N. Washington Street, Suite 234, Alexandria, VA 22314 | (703) 639-0396 www.protectourdefenders.com

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Allowing for the perpetuation of child marriage under the guise that children stand to benefit is a fallacy. Under the Survivor Benefit Plan, servicemembers have the ability to designate a recipient for their death benefits, and that recipient is NOT limited only to spouses, thus enabling a servicemember to designate their benefits to whomever he or she desires.

We fear that continuing to proliferate the narrative that a servicemember should be allowed to marry children to ensure that child receives spousal benefits will enable those who wish to prey on children to do so under the guise of a legal union. This is very dangerous in any profession and in any setting, but especially within the U.S. military, which is already contending with a sexual assault crisis it cannot control.

Thank you for your time and consideration.

Very Respectfully,

A handwritten signature in black ink, appearing to read "Don Christensen". The signature is fluid and cursive, with a large initial "D" and a stylized "C".

Col Don Christensen, USAF (Ret)
President, Protect Our Defenders

April 8, 2022

Testimony regarding HB62

Presented to the Alaska Senate Health and Social Services Committee
Chair Wilson, Vice Chair Hughes and Distinguished Committee Members:

Dear Chair Wilson, Vice Chair Hughes and Distinguished Committee Members,

The Service Women's Action Network (SWAN), a not-for-profit organization advocating for servicewomen, past, present, and future. We urge you to close the loophole that allows a military exception to the marriage age in Alaska. We urge you to end all marriage before 18, without an exception for servicemembers or any other exceptions. We do not believe that marriage is acceptable under the age of 18 for any reason, including service to our nation. We understand that often the purpose of marriage for servicemembers under the age of 18 is to ensure that if a service member were to lose their life overseas, their spouse would receive full benefits for their service to our nation.

Under the Survivor Benefit Plan, service members can designate a significant other to receive benefits if the service member passes away; the Plan does not require the individuals to be married. Additionally, servicemember's military benefits extend to their children, regardless of the servicemembers' marital status so long as the child is properly recognized as a dependent. Death gratuity is also offered for service members who die while on active duty or while serving in certain reserve statuses. The death gratuity is the same regardless of the cause of death.

The longstanding purpose of the death gratuity has been to provide an immediate cash payment to assist survivors of deceased members of the Armed forces to meet their financial needs during the period immediately following a member's death and before other survivor benefits, if any, become available.

SWAN believes that using marriage for servicemembers leaving to war as a motive to keep marriage before 18 legal in this country is a misinformed stance. Servicemembers who choose to serve our country can select their beneficiaries; therefore, the requirement for marriage is needless.

A secondary consideration is the military health and housing benefits afforded to spouses. Military health and housing benefits through a spouse are not a solution for underage marriage. A child's economic dependency should not justify marriage before 18 years old. Underage marriage can create a long-term level of dependence that increases a spouse's chance of experiencing domestic violence.

Thank you for your consideration. Please do not hesitate to reach out to our organization for additional information. We appreciate your continued support of our nation's service members and veterans.

Sincerely,



Deshauna Barber
CEO, Service Women's Action Network



Service Women's Action Network

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Testimony to Urge Amendment and Passage of HB62 to End Child Marriage Presented to Alaska Senate Health & Social Services Committee | April 4, 2022

Unchained At Last is a survivor-led nonprofit working to end forced and child marriage in Alaska and across the United States through direct services and advocacy. **We at Unchained urge you to amend HB62 to eliminate all marriage before 18, without exceptions. Let's eliminate the archaic, harmful practice of child marriage, which can cover up child trafficking.**

The marriage age is 18, but the law includes alarming loopholes: Parents may enter a 16 or 17-year-old into marriage merely by signing a form, without any input from the teen, and parents may enter a 14- or 15-year-old into marriage with judicial approval.¹ Further, a 17-year-old active-duty member of the armed forces may marry without parental consent or judicial approval.²

These loopholes disempower and seriously endanger minors:

- The law provides no recourse for 16- and 17-year-olds whose parents are forcing them into an unwanted marriage. We have found – as we provide crucial services to forced and child marriage survivors across the U.S. – that when an individual is forced to marry, the perpetrators are almost always the parents. And we have seen repeatedly that **even when a teen sobs openly and begs for help, the clerk is powerless to intervene.**
- The court is not required to interview a 14- or 15-year-old for whom a marriage petition is submitted; the court is required only to find that the parents consent and that the marriage is in the minor's "best interest." However, the U.S. State Department calls marriage before 18 a "human rights abuse."³ How can that ever be in a minor's best interest?
- Even a more robust judicial-review process would put the onus on a teen whose parents are forcing them to marry to figure out how to explain their predicament to the court without facing repercussions at home. **Due to this pressure, every teen we have worked with has stayed silent or lied to the court.**
- **Alaska is the only U.S. state that allows a military exception to the marriage age.** Around the world, too, we do not know of any country that allows a military exception to the marriage age. Child marriage is associated with high rates of domestic violence,⁴ and a married 17-year-old servicemember is likely to live far from home and move repeatedly, making them more vulnerable.
- Sex with a child under age 16 is a sex crime if the perpetrator falls outside the close-in-age exceptions⁵ – unless the perpetrator marries the child.⁶ **The state is issuing get-out-of-jail-free cards to child rapists in the form of marriage licenses.**
- Minors age 16 or 17 who marry adults are automatically emancipated upon marriage, and minors age 14 or 15 who marry adults are automatically emancipated when they turn 16.⁷ This

¹ Alaska Statutes ("AS") § 25.05.171.

² AS § 25.05.011. The statute allows any member of the armed forces to marry, but the age limit to enlist in the military is 17. See: <https://www.usa.gov/join-military>.

³ U.S. Department of State, et al., *United States Global Strategy to Empower Adolescent Girls* (March 2016), <https://2009-2017.state.gov/documents/organization/254904.pdf>.

⁴ Aditi Wahi et al, *The Lived Experience of Child Marriage in the United States*, Social Work Public Health (12 February 2019), <https://pubmed.ncbi.nlm.nih.gov/30747055>.

⁵ Alaska Stat. § 11.41.434.

⁶ Alaska Stat. § 11.41.432(d)-(e) (Lexis Advance through all 2021 regular and special legislation) (providing an affirmative defense to charges of sexual assault of a minor when (1) the offender is married to the person, (2) neither party has filed for separation, divorce or dissolution, and (3) the person was capable of understanding the nature or consequence of the offender's conduct and consented to the act).

⁷ AS § 25.20.020.

emancipation likely ends parents' financial obligation to the minors, regardless of the minors' level of financial independence. In other circumstances, a minor cannot be emancipated unless they first prove to a court that they are capable of sustained self-support and can manage their own financial, personal, educational and other affairs.⁸ **Automatic emancipation can force minors to become financially dependent on their spouse and can lead to teen homelessness, especially since 70-80% of marriages before age 18 end in divorce.**⁹

Marriage before age 18 is inherently dangerous:

- **Child marriage has been used to cover up child trafficking.** The U.S. Senate Homeland Security Committee found that thousands of minor girls in the U.S. have been forced to marry adult men overseas so the men can get a spousal or fiancé visa.¹⁰
- **Even highly mature teens can easily be forced into marriage or forced to stay in a marriage before they turn 18 and attain the rights of adulthood:**¹¹
 - Minors cannot easily escape if their parents are planning an unwanted wedding for them, because law enforcement agencies are required to locate minors who leave home to evade their legal custodian and to take them into protective custody.¹²
 - Where would minors go even if they could escape? We have found that domestic violence shelters across the U.S. routinely turn away unaccompanied minors, due to funding guidelines and/or liability concerns. Youth shelters are not a solution, because, absent an excepted circumstance, they may not shelter a minor for more than seven days, and they are not confidential: They must notify the minor's legal custodian or the state Department of Health and Social Services of the minor's whereabouts.¹³
 - Minors cannot easily retain an attorney to help them with their complex legal needs, because most contracts with children, including retainer agreements, are voidable.¹⁴ In our experience, lawyers are reluctant to take on minors as clients based on a voidable retainer agreement.
 - Minors also cannot independently bring a legal action,¹⁵ which creates additional obstacles when trying to escape a forced marriage. **A minor age 14 or 15, and a minor age 16 or 17 who is married to another minor, cannot even independently file for divorce or seek a protective order if their spouse turns abusive.**¹⁶
 - Minors who marry adults are considered "emancipated" at age 16 and do attain some rights of adulthood.¹⁷ However:
 - Minors who marry at 14 or 15 and minors who marry minors are not emancipated.
 - Emancipated minors' rights are limited; they do not extend, for example, to specific constitutional and statutory age requirements for voting and use of alcoholic beverages.¹⁸ And emancipated minors may face difficulties accessing

⁸ AS § 09.55.590.

⁹ Vivian Hamilton, *The Age of Marital Capacity: Reconsidering Recognition of Adolescent Marriage*, William & Mary Law School Scholarship Repository (2012). Note, though, that minors might not be allowed to file for divorce independently until they turn 18, as explained below.

¹⁰ U.S. Senate Committee on Homeland Security and Governmental Affairs, *How the U.S. Immigration System Encourages Child Marriages* (11 January 2019),

<https://www.hsgac.senate.gov/imo/media/doc/Child%20Marriage%20staff%20report%201%209%202019%20EMBARGOED.pdf>.

¹¹ AS § 25.20.010: The age of adulthood is 18.

¹² AS § 47.10.141.

¹³ AS §§ 47.10.394, 47.10.330(b).

¹⁴ *RLR v. State*, 487 P.2d 27, 34 (Alaska 1971).

¹⁵ Alaska R. Civ. Proc. § 17(c): A minor may bring an action only through a parent, guardian, guardian ad litem or next friend.

¹⁶ AS § 18.66.100: A parent, guardian, or other representative appointed by the court may file a petition for a protective order on behalf of a minor.

¹⁷ AS § 25.20.020.

¹⁸ AS § 09.55.590.

the limited rights they do have. In our experience, for example, domestic violence shelters typically are hesitant to accept even emancipated minors.

- Crucially, in the case of an unwanted marriage, the limited rights of emancipation arrive too late, only after a minor has endured the trauma of the forced marriage.
- Marriage before age 18 is recognized as a “human rights abuse.”¹⁹ **It destroys nearly every aspect of American girls’ lives, including their health, education and economic opportunities²⁰ and even their physical safety.²¹**
- Teen mothers who marry and then divorce are more likely to suffer economic deprivation and instability than teen mothers who stay single – and teen marriage has a 70-80% divorce rate.²²
- **Child marriage undermines reproductive and sexual rights.** Individuals in the U.S. who married before age 18 report high rates of unwanted or unplanned pregnancies.²³

Waiting until 18 to marry brings obvious benefit, and it does not cause harm, beyond an inconvenience, for teens who are eager to marry but must hold off for a matter of months:

- **A teen is emancipated?** Emancipation is intended to help minors who cannot be reunited with their family by giving them some rights of adulthood so they can navigate the world independently until they turn 18 and attain the full rights of adulthood. **Teens do not need marriage to navigate the world independently. And no teen should be subjected to a human rights abuse, regardless of emancipation status.** Further, we are concerned that parents can force teens to emancipate in order to force the teens to marry.
- **A girl is pregnant and wants to co-parent? She and the father can easily co-parent outside of marriage by merely signing an acknowledgement of paternity.²⁴** Such acknowledgement confers upon the father all the rights and duties of a parent.²⁵ (As noted above, a pregnant teenage girl in the U.S. who marries is highly likely to divorce and then much more likely to suffer economic deprivation and instability than a pregnant girl who stays single.)

States across the U.S. are passing legislation to eliminate all marriage before 18, without exceptions, and Alaska should do the same. Such legislation harms no one, costs nothing and ends a human rights abuse. And if Alaska does not act now, it could become the “destination site” for child marriage, since the state does not impose a residency requirement for marriage.²⁶ **Please amend HB62 to eliminate all marriage before 18, without exceptions.**

¹⁹ U.S. Department of State, et al., *United States Global Strategy to Empower Adolescent Girls* (March 2016), <https://2009-2017.state.gov/documents/organization/254904.pdf>.

²⁰ Fraidy Reiss, *Child Marriage in the United States: Prevalence and Implications*, *Journal of Adolescent Health* (December 2021), <https://www.sciencedirect.com/science/article/pii/S1054139X21003414>.

²¹ Individuals in the U.S. who were married before age 18 report high rates of physical, sexual, financial or emotional abuse during their marriage as well as unwanted or unplanned pregnancies. See: Aditi Wahi et al., *The Lived Experience of Child Marriage in the United States*, *Social Work Public Health* (12 February 2019), <https://pubmed.ncbi.nlm.nih.gov/30747055>. Note that this is consistent with global trends. See, for example: Rachel Kidman, *Child Marriage and Intimate Partner Violence: A Comparative Study of 34 Countries*, *International Journal of Epidemiology* (April 2017), <https://academic.oup.com/ije/article/46/2/662/2417355>.

²² Vivian Hamilton, *The Age of Marital Capacity: Reconsidering Recognition of Adolescent Marriage*, William & Mary Law School Scholarship Repository (2012), <https://scholarship.law.wm.edu/facpubs/1430>.

²³ Aditi Wahi et al., *The Lived Experience of Child Marriage in the United States*, *Social Work Public Health* (12 February 2019), <https://pubmed.ncbi.nlm.nih.gov/30747055>.

²⁴ AS § 25.20.050(a).

²⁵ *Id.* See also Office of Pub. Advocacy v. Superior Court, 462 P.3d 1000, 1005–07 (Alaska 2020): Acknowledging parentage determinations can be established through acknowledgment and need not require evidence of a genetic relationship.

²⁶ Alaska Department of Health and Social Services Division of Public Health, *Marriage Licenses*, <http://dhss.alaska.gov/dph/VitalStats/Pages/marriagel/default.aspx>.