



April 3, 2018

To: Chair Kevin Bacon,  
Ohio Senate Judiciary Committee

**Re: Testimony in relation to S.B. No. 198**

Thank you for the opportunity to present testimony to the Ohio Senate Judiciary Committee on child marriage. My name is Shelby Quast; I am the Americas Director of Equality Now. Equality Now is an international human rights organization established in 1992 that works to promote and protect the rights of women and girls around the world. Through advocacy, litigation, and partnership with grassroots women's rights groups across the globe, Equality Now works to advance human rights through a comprehensive approach to the law.

Child, early and forced marriage is not only an international concern but a problem in the United States. Research shows that between 2000 and 2010, over 248,000 children below the age of 18 were married in the United States. A majority of these marriages were minor girls marrying adult men, often with significant age differences.<sup>1</sup>

International law, including the International Covenant on Civil and Political Rights which the United States has ratified, requires the consent of both the parties to the marriage.<sup>2</sup> However, where the law governing the minimum age of marriage allows for an exception to allow marriages of children below the age of 18, in practice, it is the parents that provide consent for the girl to be married. Even if a girl were to appear to give her consent, this should be seen in the context of societal norms, family pressure and lack of other options. This is especially so in the cases where the girl is pregnant at a young age, as the stigma surrounding teenage pregnancies could result in the familial and societal pressures forcing the girl to agree to marriage, often to her rapist. In addition, in most other contexts, being a child would render a girl unable to give informed consent. **Consent of a child should never be accepted as a rationale for continuing to permit her ongoing abuse as a child bride.** While SB 198 is an improvement on existing Ohio law (which sets no minimum statutory age floor for marriage), in its current form, it would still allow 16 and 17 year-olds to marry with judicial approval and parental consent. We would urge further amendment of SB 198 to ensure that children under the age of 18 are not allowed to marry *under any circumstances, without exception.*

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<sup>1</sup> Unchained At Last, *Child Marriage – Shocking Statistics*, available online at <http://www.unchainedatlast.org/child-marriage-shocking-statistics/>. This number is based on actual data from 38 States, including Ohio, which show that more than 167,000 children were wed in that decade, and estimates from the other 12 states and Washington D.C.

<sup>2</sup> International Covenant on Civil and Political Rights, Article 23



The United Nations Human Rights Committee has recognized that in sexual violence cases in particular, the child (or woman) should not be pressured to marry her rapist or abuser, which the Committee has pointed out may absolve the perpetrator of a violent crime.<sup>3</sup> It would also put the girl in danger of further abuse. Records from Ohio show that, because of the ages and age differences of the parties and because a pregnancy was involved, dozens of children who were statutory rape victims were married to their rapists. For instance, in 2002, a judge in Gallia County allowed a 14 year-old pregnant girl to marry a 48 year-old man.<sup>4</sup> On a related note, we also recommend amendment of Ohio Rev. Code. Section 2907.04, which contains a marriage exception to the offence of unlawful sexual conduct with a minor between the ages of 13 and 16, when the offender is 18 years or older.

Current Ohio law, which allows girls between 16-18 years to get married with only parental consent, but requires boys of the same age to obtain judicial approval before marriage, also goes against the promise of equal protection of the law which is guaranteed under both the Ohio and Federal Constitutions.

The consequences of child marriage are severe and long-lasting, affecting girls' education, health, and physical and emotional well-being. These are well documented.<sup>5</sup> When a young girl is married and gives birth, the vicious cycle of poverty, poor health, curtailed education, violence, instability, disregard for rule of law, and legal and other discrimination often continues into the next generation, especially for any daughters she may have.<sup>6</sup>

We hope Ohio will show leadership in protecting girls from child, early and forced marriage and the related human rights violations. We urge you to improve SB198 and take immediate steps to end all marriage below the age of 18 in Ohio.

Sincerely,

Shelby Quast,  
Americas Director, Equality Now

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<sup>3</sup> Human Rights Committee, CCPR/C/21/Rev.1/Add.10, General Comment No. 28, "Equality of rights between men and women (Article 3)," ¶24.

<sup>4</sup> Laura A. Bischoff, *Should children be allowed to get married? In Ohio, thousands do*, Dayton Daily News, 10 September 2017, available online at <https://www.mydaytondailynews.com/news/crime--law/should-children-allowed-get-married-ohio-thousands/aku65cwegGyrflI9uRzISM/>

<sup>5</sup> See Equality Now. *Protecting the Girl Child: Using the Law to end child, early and forced marriage and related human rights violations*, 2014, available online at [https://www.equalitynow.org/sites/default/files/Protecting\\_the\\_Girl\\_Child.pdf](https://www.equalitynow.org/sites/default/files/Protecting_the_Girl_Child.pdf)

<sup>6</sup> Council on Foreign Relations report, *Ending Child Marriage*, 1 May 2013, available at <http://www.cfr.org/children/ending-child-marriage/p30734>