



**The role of laws and justice systems
in protecting girls from child marriage**

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Observer Paper

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1. Introduction

Child marriage remains a pressing global issue with far-reaching consequences for the rights, health, education, and overall well-being of children—particularly girls. Child marriage imposes significant social and economic burdens on families and communities, while perpetuating cycles of poverty across generations.

Globally, the prevalence of child marriage has declined from 23% a decade ago to 19% today.¹ While this progress is encouraging, it falls short of the global goal to eliminate the harmful practice by 2030. To achieve this target, the rate of decline must accelerate substantially to protect the rights and futures of millions of girls. Moreover, persistent and emerging challenges such as conflict, the climate crisis, and global health emergencies—including pandemics—continue to threaten and potentially reverse the hard-won gains of the past decade. These intersecting crises exacerbate vulnerabilities, disrupt education and protection systems, and increase the risk of child marriage especially in fragile humanitarian settings.



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Effectively addressing child marriage requires a multi-dimensional and holistic approach that addresses the root causes of the practice. This includes interventions at the individual, family and community, systems and normative levels. Within this framework, the adoption and enforcement of child marriage laws are critical. Such laws convey a powerful message that child marriage is a violation of girls' human rights and will not be tolerated.

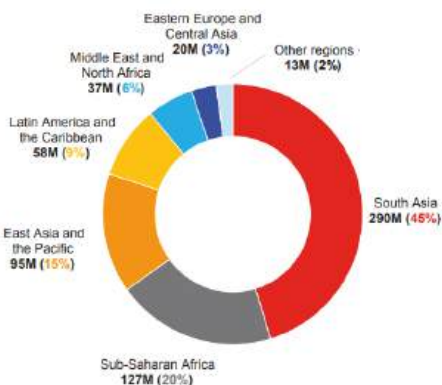
In 2016, UNICEF and UNFPA launched the Global Programme to End Child Marriage, targeting adolescent girls who are either at risk of child marriage or already in union, across 12 countries with high prevalence or high burden of the practice. Now in its third phase (2024-2030), the Global Programme aims to make a significant contribution toward achieving SDG target 5.3, both directly in the 12 programme countries and

1. UNICEF (2023 update). Is An End to Child Marriage Within Reach? Latest trends and future prospects. Available at <https://data.unicef.org/resources/is-an-end-to-child-marriage-within-reach/>

indirectly in others through the dissemination of its methodologies, technical resources, data and evidence and policy advocacy. Drawing on insights from programme implementation and evidence reviews, this brief presents UNICEF's reflections on the effectiveness of child marriage laws in addressing the practice and safeguarding the rights of adolescent girls. It concludes with a set of actionable recommendations.

2. Overview of Child Marriage

Figure 1: Global distribution of girls and women first married or in union before age 18, by region



An estimated 640 million girls and women alive today were married in childhood. Nearly half of child brides live in South Asia (45%) with the next largest share in sub-Saharan Africa (20 percent), followed by East Asia and the Pacific (15 percent) and Latin America and the Caribbean (9 percent).²

Note: Values do not sum to total due to rounding.
Source: United Nations Children's Fund, *Is an End to Child Marriage within Reach? Latest trends and future prospects*, 2023 edition, UNICEF New York, 2023.

South Asia leads the world in reducing the prevalence of child marriage, accounting for 78% of all child marriages averted in the past 25 years. Sub-Saharan Africa is emerging as a region of considerable concern as girls in the region now experience the highest risks of child marriage in the world with one in three marrying before age 18. Across all regions, progress in child marriage has primarily benefited girls from the richest families.

Child marriage is deeply intertwined with broader gender inequalities that limit girls' choices and opportunities. Limited access to sexual and reproductive health services,

2. Ibid.

alarmingly high rates of gender-based violence, and social norms that devalue girls compound their vulnerability alongside a lack of knowledge about their rights and the support services available. In times of crisis—including climate shocks—families may view child marriage as a coping strategy to reduce financial burdens. Specifically, every 10% deviation in rainfall is associated with approximately a 1% increase in the prevalence of child marriage. Ending child marriage requires tackling these intersecting barriers and investing in systems that protect and empower girls holistically.

A synthesis of evidence ³ by the UNFPA-UNICEF Global Programme to End Child Marriage highlights that income and economic strengthening initiatives, when combined with support for girls' education, life skills development and enhanced access to Sexual and Reproductive Health and Rights (SRHR), are consistently effective in addressing child marriage. Additionally, legal and policy frameworks that uphold the rights of girls and women can play a pivotal role, particularly when integrated into comprehensive strategies that tackle the underlying drivers of child marriage.



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Comprehensive legal protection should include clear provisions that set the minimum age of marriage at 18 for both girls and boys, without exceptions. ⁴ This means eliminating loopholes that allow parental or judicial consent to override the minimum

3. UNFPA-UNICEF Global Programme to End Child Marriage, Global Programme Evidence Paper: A synthesis of what we know works to prevent and respond to child marriage, 2024.

<https://www.unicef.org/documents/synthesis-what-we-know-works-prevent-and-respond-child-marriage>

4. UNFPA-UNICEF Global Programme to End Child Marriage (2020): Child Marriage and the Law, Technical Note for the Global Programme to End Child Marriage.

<https://www.unicef.org/documents/child-marriage-and-law>

age requirement. Legislation should also allow the dissolution of marriages contracted in violation of the minimum age requirement, without however holding the children involved in the marriage criminally accountable.

Effective legislation goes beyond setting age limits; it must also establish robust mechanisms for enforcement, protection, and support for victims. In addition, girls must be legally empowered to understand and claim their rights, not only under child marriage laws, but also through access to education, health care, and social protection. They should be equipped with knowledge of available legal remedies and how to access them when their rights are denied. Legal empowerment also requires access to legal representation and assistance, enabling girls to seek justice in cases of rights violations.

3. International, Regional and National Legal Frameworks

Several international legal frameworks aim to protect girls from early, forced, and child marriage. Among the notable ones, the **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)**, through Article 16, obliges states to ensure that women have the same right as men to freely choose a spouse and enter into marriage only with their free and full consent. Article 16(2) further states that the betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriage in an official registry compulsory.

The **Convention on the Rights of the Child (CRC)**, in Article 24, calls for the abolition of traditional practices prejudicial to the health of children. In a joint general recommendation No.31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019)

on harmful practices, the Committees recommend ‘that a minimum legal age of marriage for girls and boys, with or without parental consent, is established at 18 years. Additionally, the **African Charter on the Rights and Welfare of the Child**, specifically in Article 21, addresses child marriage, urging African Union member states to take effective action to eliminate harmful social and cultural practices. More specifically, article 21 (2) states that child marriage and the betrothal of girls and boys shall be prohibited and effective action, including legislation, shall be taken to specify the minimum age of marriage to be eighteen years and make registration of all marriages in an official registry compulsory.



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The **Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa**, known as the Maputo Protocol (2003) obligated state parties to ensure marriage takes place only upon the free and full consent of both parties and set 18 as the minimum age of marriage for girls (Article 6). Further to these binding instruments that have addressed child marriage, global consensus against child marriage has been cemented through UN General Assembly and UN Human Rights Council Resolutions. ⁵

Evidence indicates that adoption and enforcement of consistent laws against child marriage is associated with a reduction in its prevalence. In a study on 12 countries in sub-Saharan Africa, the prevalence of child marriage was 40% lower among women in countries with laws that consistently set the minimum marriage age for girls at 18 or older than among women in other countries. ⁶ Many countries have enacted laws prohibiting child marriage, often setting the minimum legal age at 18 years. According to World Bank data, 171 out of 190 countries globally have set the legal age of marriage at 18 years or above. However, only a small subset of these countries have

5. In 2014, a resolution was put forward by the governments of Canada and Zambia on child, early and forced marriage and adopted by 116 member states. The resolution prohibited child marriage and provided recommendations for member states to develop and implement comprehensive measures to eliminate child, early and forced marriage. Subsequent UN General Assembly resolutions were adopted in 2016, 2018, 2020, 2022 and 2024. Similarly, the Human Rights Council.

6. Belinda Maswikawa et al. (2015). Minimum Marriage Age Laws and Prevalence of Child Marriage and Adolescent Birth: Evidence from Sub-Saharan Africa.

done so without exceptions—such as parental or judicial consent—which significantly weakens the law’s protective power.⁷ Moreover, most countries lack legal provisions needed to enforce age requirements such as those that outline procedures for girls to exit the marriage by making them void or voidable.

Countries take different legal approaches to ensure that the minimum age of marriage is enforced. Some countries criminalize child marriages, some ban or invalidate marriage below the legally prescribed minimum age, and others merely prescribe a minimum age of marriage without expressly criminalizing or banning it.

4. Barriers to Girls’ Access to Justice Under Child Marriage Laws

Despite legal reforms in many countries that have raised the minimum age for marriage to 18 years, enforcement remains weak, and implementation gaps persist. Moreover, a significant number of countries still lack comprehensive legislation addressing child marriage. Legal systems frequently fail to protect women, discouraging them from seeking justice. The following section explores these challenges in greater detail.



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4.1 Legal Loopholes

While most countries have established 18 years as the minimum legal age for marriage, many still permit exceptions through parental or judicial consent, undermining the law’s effectiveness. In legal systems where civil, customary, and religious laws coexist, inconsistencies in the minimum age of marriage, particularly those allowing marriage below 18 years pose significant challenges to eliminating child marriage. In this regard, actions taken in Zambia and Uganda set an exemplary

7. World Bank. (2024). Women, Business and the Law 2024. World Bank Group. <https://doi.org/10.1596/978-1-4648-2063-2>

note. In December 2023, Zambia enacted a landmark amendment to the Marriage Act of 1918, raising the minimum legal age for marriage to 18 years for all forms of marriage—statutory and customary—without exception. ⁸ This reform aligns the Marriage Act with the Zambian Constitution, which defines a child as any person under the age of 18 years. The amendment repealed the section of the original Act, which had previously allowed judicial exceptions for marriages involving minors, and rendered any marriage involving a child void. Crucially, it also removed the long-standing exemption for customary marriages, which had previously permitted child marriage without a defined minimum age. Similarly, a constitutional court decision in Uganda passed in February 2023 affirmed that the provisions of the Customary Marriage Act, Hindu Marriages and Divorce Act and the Marriage and Divorce of Mahommedans Act are null and void, insofar as they contradicted the minimum age of marriage set out in Article 31 of the Constitution. ⁹

4.2 Limited Capacity in the Justice System

Limited capacity and knowledge of judicial personnel on women’s rights often results in significant delays and poorer quality of justice for survivors. This is compounded by inadequate legal infrastructure- particularly in rural and hard-to-reach areas- and the absence of child-centered and gender-sensitive procedures among law enforcers, prosecutors, social workers and judiciary. Lack of coordination between government ministries and law enforcement institutions also impedes effective enforcement and provision of timely remedies to survivors.

4.3 Inadequate Support Systems for Survivors to Seek Justice

Legal, psychological, and economic support for survivors is often insufficient. This gap is evident not only during the termination of child marriages but also after girls are reintegrated into their families. The lack of sustained support services leaves survivors vulnerable and without the necessary resources to seek justice and rebuild their lives.

8. Towards 2030: Driving Urgent Action to End Child Marriage. UNFAP- UNICEF Global Programme to End Child Marriage, 2024 Annual Results Report. <https://www.unicef.org/documents/GPECM-2024-ARR>

9. UNFPA ESARO and Equality Now (2023), Ending Child Marriage in Eastern and Southern Africa: Implementing Domestic Laws and the SADC Model Law on Child Marriage, pp 4-5

UNICEF's Reimagine Justice for Children Agenda seeks to strengthen access to justice of victims and survivors through child- friendly and gender-sensitive justice processes and procedures, strengthen cooperation between justice, child protection and allied systems (education, health, social protection), remove limitation periods for sexual offences against children and establish redress schemes for survivors. The Agenda also seeks to legally empower children and ensure their access to free and quality legal aid.

4.4 Informal Unions

The practice of child, early and forced marriage may include other arrangements, including informal unions, that are not formalized, registered or recognized by a religious, customary or State authority. ¹⁰ Child brides in informal unions-common in some countries like Uganda, where prevalence reaches 66%-are especially hard to track and address through legal channels. ¹¹

4.5 Cultural and Social Barriers

Deep-rooted cultural practices can hinder the enforcement of law, making community engagement and education critical to shifting these norms. Moreover, many women, girls, and communities lack awareness of the law and available remedies. Laws are essential but not adequate to address child marriage which is driven by a complex set of factors including lack of alternative pathways and opportunities for adolescent girls.

4.6 Unintended Consequences of Law Enforcement

Enforcing child marriage laws sends a clear signal to society that child marriage is illegal and a violation of the human rights of children. On the other hand, criminalizing child marriage may have unintended negative consequences for children and their families. The evaluation of Phase II of the Global Programme ¹² has found that unintended consequences resulting from narrowly guided implementation of laws run the risk of creating new vulnerabilities for girls and their families. In some cases, fear

10. UN General Assembly Resolution 79/158 (2024). Child, early and forced marriage.

11. UNFPA ESARO and Equality Now (2023), Ending Child Marriage in Eastern and Southern Africa: Implementing Domestic Laws and the SADC Model Law on Child Marriage.

12. UNICEF (2023), Joint Evaluation of phase II (2020-2023) of the UNFPA-UNICEF Global Programme to End Child Marriage. <https://www.unicef.org/documents/joint-evaluation-phase-ii-20202023>

of harsh criminal punishment against family members may deter communities from reporting cases 'for fear of being abandoned or left impoverished when family members are reported'.¹³ Married girls may also be discouraged from seeking services for fear of persecution by the law.



Negative effects of criminalization

- Girls are punished for not reporting the assaults they are victims of.
- Girls face social stigma, retaliation and mental distress associated with putting family members in prison.
- Social impacts on families and children of the dissolution of child marriages, including stigma and ostracization
- Economic impacts on families and complexities of reclaiming dowry payments and returning the bride price.
- Girls' separation from children, custody issues.
- Criminalization may drive the practice underground and beyond the reach of the law.
- The intense focus on anti-child marriage laws precludes attention to complementary interventions to engage families and communities and to support adolescent health, sexuality, education and support services.
- Criminalization of consensual sexual relations (and elopement) between adolescents and imprisonment of consenting adolescent boys and girls.

Resource: Child Marriage and the Law: Technical Note for the Global Programme to End Child Marriage, 2020

5. The Global Programme to End Child Marriage

UNICEF intensively engages in programming and policy and budget advocacy at all levels with a view to accelerating the elimination of child marriage and providing support to already married girls. In 2016, UNICEF together with UNFPA, launched the Global Programme to End Child Marriage as a 15-year programme to contribute to Sustainable Development Goal (SDG) target 5.3, which aims to eliminate all harmful practices, including child marriage. The Global Programme targets adolescent girls at

¹³. Ibid, page 81.

risk of child marriage or already in union, in 12 selected countries with high prevalence or high burden of child marriage: Bangladesh, Burkina Faso, Ethiopia, Ghana, India, Mozambique, Nepal, Niger, Sierra Leone, Uganda, Yemen and Zambia. The programme promotes the rights of adolescent girls to avert marriage and pregnancy and enables them to achieve their aspirations through education and alternative pathways. The Global Programme supports shifts in attitudes within households, empowers adolescent girls to direct their own futures, and strengthens the services that allow them to do so, including sexual and reproductive health and social protection programmes. It also addresses the underlying conditions that sustain child marriage, advocating for laws and policies that protect girls' rights while highlighting the importance of using robust data and evidence to inform such policies.

THE GLOBAL PROGRAMME APPROACH TO CHILD MARRIAGE AND THE LAW

The Global Programme supports legislative reform efforts to raise the age of consent to marriage to 18 years. The application and enforcement of child marriage laws has to consider the provision of justice, remedies and protection services for child victims of marriage and associated human rights violations. In addition, countries have to establish systems for the mandatory registration of births and civil, customary and religious marriages. Governance and justice systems should contribute to broader efforts to end child marriage that include the promotion of change in social and gender norms, and the provision of services and greater opportunities for adolescent girls and boys.

Resource: Child Marriage and the Law: Technical Note for the Global Programme to End Child Marriage, 2020

The Global Programme continues to support programme countries in strengthening their legal frameworks to end child marriage, including through the domestication of the Southern African Development Community (SADC) Model Law on Eradicating Child Marriage and Protecting Children Already in Marriage. The Model Law which was adopted in 2016

13. Ibid, page 81.

establishes 18 years as minimum legal age for marriage, with no exceptions and prohibits customary, religious and informal unions involving children. The model law provides legal remedies and support services for children already in marriage, including access to education, health care, and psychosocial support and ensures that children in such unions are treated as victims/survivors, not offenders. ¹⁴ Malawi presents an example of a successful adaptation of the Model Law, whereby the country's Constitution was amended in 2017 raising the minimum age of marriage for boys and girls to 18 years without exceptions (from 15 years with parental consent). Further review and legal reform efforts that have followed the constitutional amendment to improve harmonization of laws have used the SADC model law as reference. ¹⁵

6. Recommendations to Address Challenges Related to adoption and Enforcement of Child Marriage Laws

Close Legal Loopholes

While significant progress has been achieved towards adopting comprehensive legislation to end child marriage in several countries, there is a long way to go for all states to enact and enforce legislation that set 18 years as the minimum legal age for marriage for both boys and girls, without exceptions, including those based on parental consent, judicial approval, or customary and religious practices. Legislation should also be clear on consequences of child marriages and outline the procedures for the dissolution of marriages contracted in violation of the minimum age requirement.

Ensure Law Enforcement is Protective of Children and Adolescents

Child marriage law enforcement should avoid punitive measures that may harm children and adolescents. Instead, it should exempt them from civil and criminal liability and connect them to protective and safe spaces where they can access legal remedies and psychosocial support services. It is also important to keep in mind that law

¹⁴. SADC Parliamentary Forum, *Girls Not Brides*, UNFPA (2018). *A Guide to Using the SADC Model Law on Eradicating Child Marriage and Protecting Children Already in Marriage*.

¹⁵. See 4.

enforcement is pursued in parallel with girls' empowerment and gender norms shift interventions that engage families and communities.

Improve Cross-Sectoral Coordination

To improve enforcement of child marriage laws, governments should establish formal referral linkages between police, prosecutors, judiciary, and social services -including health and education sectors- through standardized protocols and integrated case management systems. These linkages should ensure that cases are promptly and appropriately transferred across sectors, with designated focal points facilitating coordination and follow-up. Joint training across sectors should build shared understanding of child marriage laws and survivor-centered approaches, while community-based networks can help identify and refer at-risk girls. Monitoring mechanisms and survivor feedback should be used to continuously improve the effectiveness and responsiveness of cross-sectoral coordination on enforcement of child marriage laws.

Strengthen Birth and Marriage Registration Systems

Ongoing efforts to improve civil registration systems need to be strengthened to ensure accurate documentation of age, along with a legal requirement of proof of age to formalize marriages under civil, religious and customary systems.

Increase Public Awareness and Accessibility of the Law

Legal reforms must be accompanied by nationwide awareness raising initiatives that educate communities on the law and its rationale, inform girls of their rights and how to report violations and promote access to child-friendly and gender sensitive justice mechanisms. Social and mainstream media should be frequently used to highlight the law, available remedies and positive stories of averted cases.

Strengthen States' Accountability Mechanisms

Regional bodies like the African Union (AU) and South Asia Association for Regional

Cooperation (SAARC) should spotlight ending child marriage in regular progress reports, scorecards, country monitoring missions. They should also facilitate peer learning and technical support to member states, including by promoting model laws on comprehensive legal response to child marriage.



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