



BREAKING THE SILENCE
PROTECTING LIBERTY
CELEBRATING DIGNITY

September 2024

To Sen. Dick Durbin:

We, the undersigned organizations, survivors and state legislators, thank you for introducing S.4990, a bill to “comprehensively combat child marriage” in the United States – but we urge you to amend or delete two sections of the bill that would do the opposite of its stated goal.

Child marriage (marriage before age 18) is recognized globally as a form of forced marriage,^[1] which in turn is considered a form of modern slavery.^[2] The U.S. State Department calls child marriage a human rights abuse that “exacerbate[s] violence and insecurity,”^[3] and the U.S. and the rest of the world have promised to end child marriage by year 2030 to eliminate a harmful practice that hinders gender equality.^[4]

But while countries around the world are moving to keep their promise,^[5] the U.S. is falling behind. Marriage age here has long been set by each state, not by the federal government,^[6] so we have been advocating state by state for a marriage age of 18, no exceptions. In recent years, our efforts have led 13 states to ban child marriage, but it remains legal in the other 37 states.^[7] As a result of these outdated laws, more than 300,000 minors have been entered into marriage in the U.S. since 2000 – mostly girls wed to adult men.^[8]

Indeed, the United Nations Human Rights Committee noted last year that it is “concerned about the fact that marriage under the age of 18 years is legally permitted” in most of the U.S., and it urged “measures at all levels in order to prohibit marriage under the age of 18 years.”^[9]

S.4990 purports to “comprehensively combat child marriage in the U.S.” to the extent that can be done at the federal level. In fact, two sections of S.4990 would do the opposite, with devastating repercussions for girls around the world:

Section 10 would set a minimum age of 16 instead of 18 for minors across the globe to receive a spousal visa to the U.S. for a “compelling humanitarian reason” – if the minor married an American adult.

Section 6 would provide federal grants to states that do *not* end child marriage, so these states could “examine” child marriage instead.

Setting a minimum age of 16 instead of 18 to receive a spousal visa to the U.S. would continue to legalize and incentivize a particularly heinous form of child marriage: the trafficking of minors to the U.S. under the guise of marriage. It would encourage predators in the U.S. to “save” girls overseas by marrying the girls and bringing them to the U.S. (This could happen to teens of any gender, but 95 percent of the minors who recently were trafficked to or from the U.S. under the guise of marriage were girls wed to adult men.^[10])

Section 10 ignores the horrors that married 16- and 17-year-olds in the U.S. face. Marriage before age 18 destroys girls’ health, education, economic opportunities,^[11] sexual and reproductive rights and physical safety.^[12] It also creates a nightmarish legal trap: Minors typically cannot leave home, enter a domestic violence shelter, retain an attorney or even file for divorce.^[13]

Horrifyingly, Section 10 would allow a minor overseas to receive a spousal visa to the U.S. only if they married an adult. Thus teens trafficked to the U.S. under the guise of marriage likely also would suffer from the power imbalance that inevitably exists between a minor immigrant who does not yet have the legal rights of adulthood and an adult citizen.

Section 10 would *lower* the marriage age (for immigration purposes) in nearly half of the U.S. Currently, the federal government defers to the relevant state’s marriage age when processing a spousal visa petition involving a minor.^[14] That brings huge benefit in the 13 states where we have helped to ban marriage before age 18, and partial benefit in the 10 states where the marriage age is 17. If S.4990 passed, the federal government would lower to 16 the age to receive a spousal visa in those 23 states.

Section 10 purports to improve upon current federal law, which does not set *any* minimum age to petition for nor to receive a spousal or fiancé visa. However, most of the thousands of minors trafficked recently under the guise of marriage were 16- or 17-year-old girls from overseas wed to a U.S. adult^[15] – which would remain legal under S.4990.

Section 10’s limiting underage spousal visas to “humanitarian” situations “arising from a risk of individualized and targeted harm” also does not improve much on current law. Some of us are



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service providers, and nearly every one of the girls we have served who were trafficked to the U.S. under the guise of marriage came from circumstances that would meet this criterion.

Sections 6 and 10 would obstruct our efforts to convince legislators in 37 more states to ban child marriage, by giving financial rewards to states that refuse to end child marriage and by sending a dangerous message that the U.S. condones marriage at age 16 or 17 in some situations. Many state legislators are reluctant to prioritize girls' issues. Imagine how much more reluctant they would be if they received a financial reward to EXAMINE child marriage instead of BANNING it, and they could justify their recalcitrance by pointing to precedent in federal law.

These two sections of S.4990 would contradict, undermine and obstruct the U.S. and global promise to end child marriage by year 2030. Girls around the world deserve better. We urge you to strike Section 6 and either amend Section 10 to set the spousal-visa age at 18 or strike that section too.

Sincerely,

Civil Society Organizations

American Association of University
Women of Michigan (Michigan)

American Medical Women's Association
(National)

Agape Social Justice LLC (Michigan)

Atheists United (California)

Ayaan Hirsi Ali Foundation (National)

California Freethought Day (California)

American Atheists (National)

Central California Family Crisis Center,
Inc. (California)

American Humanist Association
(National)

Central Valley Justice Coalition
(California)



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Child Labor Coalition (National)

Family Service League/Sexual Assault
and Violence Education of Essex
County (New Jersey)

Child USA (National)

Children's Advocacy Centers of
Washington (Washington)

Feminist Majority Foundation (National)

Children's Alliance (Washington)

Fems for Democracy (Michigan)

Children's League of Massachusetts
(Massachusetts)

First Focus Campaign for Children
(National)

Climate Rights & Justice International
(Illinois & South Carolina)

Four Freedoms Democratic Club (New
York)

Conversion Therapy Dropout Network
(California, New York, Texas, Utah &
Washington)

Free to Thrive (California)

Detroit Disability Power (Michigan)

Freedom From Religion Foundation
Action Fund (National)

Enough Abuse (Massachusetts)

Freedom United (Global)

Eyes Wide Shut Inc. (Pennsylvania)

Girls Inc. of Boston and Lynn
(Massachusetts)

Girls Inc. of the Valley (Massachusetts)



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Girls Inc. Pacific Northwest (Oregon)

Jews for a Secular Democracy
(National)

Global Girls Worldwide Women
(National)

Justice of the Peace Association
(Connecticut, Maine, Massachusetts,
New Hampshire & Vermont)

Greater Lansing United Nations
Association (Michigan)

Justice Revival (National)

Greater Washington Jewish Coalition
Against Domestic Abuse (District of
Columbia, Maryland, Virginia)

LiveGirl (Connecticut)

GreeneWorks (Global)

Lynn's Warriors (National)

Heartland Human Care Services –
Freedom From Trafficking Program
(Illinois)

Madison Youth and Family Services
(Connecticut)

Illinois Collaboration on Youth (Illinois)

Michigan Coalition on Black Civic
Participation (Michigan)

Indivisible Bellingham (Washington)

Michigan Unitarian Universalist Social
Justice Network (Michigan)

Indivisible San Jose (California)

Michigan United (Michigan)

James and Denise Jacob Family
Foundation (Michigan)

Michigan Voices (Michigan)



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Muslims for Progressive Values
(National)

National Association of Social Workers
(National)

National Association of Social Workers –
Colorado Chapter (Colorado)

National Association of Social Workers –
Georgia Chapter (Georgia)

National Association of Social Workers –
Hawai'i Chapter (Hawai'i)

National Association of Social Workers –
Idaho Chapter (Idaho)

National Association of Social Workers –
Kentucky Chapter (Kentucky)

National Association of Social Workers –
Maine Chapter (Maine)

National Association of Social Workers –
Michigan Chapter (Michigan)

National Association of Social Workers –
New Hampshire Chapter (New
Hampshire)

National Association of Social Workers –
New York Chapter (New York)

National Association of Social Workers –
North Carolina Chapter (North Carolina)

National Association of Social Workers –
Texas Chapter (Texas)

National Association of Social Workers –
Vermont Chapter (Vermont)

National Consumers League (National)

National Organization for Women
(National)

National Organization for Women –
District of Columbia Chapter (District of
Columbia)

National Organization for Women –
Columbia Chapter (South Carolina)



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National Organization for Women –
Michigan Chapter (Michigan)

Secular Coalition for America (National)

National Organization for Women – New
York City Chapter (New York)

Secular Student Alliance (National)

National Organization for Women –
Seattle Chapter (Washington)

Secular Connecticut (Connecticut)

Northwest Progressive Institute (Idaho,
Oregon, Washington)

Society for Humanistic Judaism
(National)

Not Just Us (Connecticut)

Stella's Girls (Maryland & South
Carolina)

Portal To Hope (Massachusetts)

Supermajority (National)

Prevent Child Abuse Vermont (Vermont)

Southwest Louisiana Abolitionists
(Louisiana)

Rising Voices (Michigan)

Together We Will Albany-Berkeley
(California)

Rotary Club of Mt. Pleasant (Michigan)

University of Massachusetts Law School
(Massachusetts)

S&D PJ Housing (Michigan)

Unchained At Last (National)

Secular Arizona (Arizona)

Verité (National)



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Washington Area Secular Humanists
(District of Columbia, Maryland, Virginia)

Zonta Club of Marquette (Michigan)

When You Vote – I Win (Michigan)

Zonta Club of Mascoutah Area (Illinois)

Women’s Justice NOW (New York)

Zonta Club of Melbourne (Florida)

ZA’AKAH (National)

Zonta Club of Miami Lakes (Florida)

Zonta Club of Brooklyn (New York)

Zonta Club of Michigan Capitol Area
(Michigan)

Zonta Club of Burbank Area (California)

Zonta Club of Milford (Michigan)

Zonta Club of Columbia (South
Carolina)

Zonta Club of Mt. Pleasant (Michigan)

Zonta Club of Concord (New
Hampshire)

Zonta Club of Pontiac-North Oakland
(Michigan)

Zonta Club of Gaylord Area (Michigan)

Zonta Club of Porterville (California)

Zonta Club of Greenville (South
Carolina)

Zonta Club of Prince George’s County
(Maryland)

Zonta Club of Kankakee (Illinois)

Zonta Club of Riverside (California)



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Zonta Club of Santa Clarita Valley
(California)

Patricia Abatemarco

Zonta Club of Skaneateles (New York)

Barbara Adams

Zonta Club of South Puget Sound
(Washington)

Mariama Bah

Zonta Club of St. Charles, Geneva,
Batavia (Illinois)

Debbie Bolyard-Holub

Zonta Club of Washington DC (District
of Columbia)

Kristin Burns

Zonta District 15 (Michigan)

Samantha Butler

Zonta District 3 (New York)

Brigitte Combs

Zonta E-Club of Orlando (Florida)

Saja Corven

Zonta International (Global)

Brandi Dredge

Forced and Child Marriage Survivors

Sheena Eastburn

Aliya A

Ismari Figueroa

Barbara Giles

Mandy Havlik



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Joy Hudson

Dorothy Nichols

Asuma Jalloh

Samantha Ramos-Brown

Davinder Kaur

Bonnie Randall

April Kelley

Wendy Rose

Reaksa Keo

Sarah Seely

Courtney Kosnik

Elizabeth Sitton

Mila Krambo

Marilyn Smith

Denée Lambert

Jeanni Strait

Carson Loveless

Sara Tasneem

Tamara MC

Stephanie Warren

Talina Mickelson

Amber Wheeler

Kristena Mitchell

Irene White

Rivka Nathan

Brittany Wright



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Vilas Wright

Rep. Lori Houghton (Vermont)

Kate Yang

Rep. Kay Khan (Massachusetts)

State Legislators

Sen. Debra Altschiller (New Hampshire)

Asm. Nancy Munoz (New Jersey)

Rep. Carol Ode (Vermont)

Sen. Sarah Anthony (Michigan)

Sen. Sandra Pappas (Minnesota)

Sen. Rosemary Bayer (Michigan)

CM Brooke Pinto (District of Columbia)

Rep. Julie Brixie (Michigan)

Speaker Pro Tempore Laurie Pohutsky
(Michigan)

Sen. John Burke (Rhode Island)

Sen. Nicole Poore (Delaware)

Sen. Harriette Chandler
(Massachusetts)

Sen. Holly Thompson Rehder (Missouri)

Rep. Sara Coffey (Vermont)

Rep. Jon Rosenthal (Texas)

Sen. Sydney Davis (South Dakota)

Sen. Julia Salazar (New York)

Rep. Becky Drury (South Dakota)

Rep. Michael Smith (Delaware)

Sen. Erika Geiss (Michigan)

Rep. Brianna Titone (Colorado)

Rep. Kim Williams (Delaware)

Rep. Perry Warren (Pennsylvania)

Rep. Kadyn Wittman (South Dakota)

[1] United Nations Office of the High Commissioner for Human Rights, *Child and Forced Marriage, Including in Humanitarian Settings*,

<https://www.ohchr.org/en/women/child-and-forced-marriage-including-humanitarian-settings>.

[2] International Labor Organization and Walk Free Foundation, *Forced Labour and Forced Marriage* (2017),

https://www.ilo.org/wcmsp5/groups/public/—dgreports/—dcomm/documents/publication/wcms_575479.pdf.

[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] United Nations Department of Economic and Social Affairs, *Sustainable Development* (2015), <https://sdgs.un.org/goals/goal5>: Goal 5 is, “Achieve gender equality and empower all women and girls.” Target 5.3 is, “Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation.” Indicator 5.3.1 is, “Proportion of women aged 20-24 years who were married or in a union before age 15 and before age 18.”

[5] See, for example: Girls Not Brides, *Child Marriage Atlas*,

<https://www.girlsnotbrides.org/learning-resources/child-marriage-atlas/atlas>.

[6] See, for example: *United States v. Windsor*, 570 U.S. 744 (2013): “By history and tradition the definition and regulation of marriage has been treated as being within the authority and realm of the separate States.”

[7] Unchained At Last, *Child Marriage Legislation: Progress Map*,

<https://www.unchainedatlast.org/child-marriage-in-the-u-s/#progress>.

[8] Fraidy Reiss, *Child Marriage in the United States: Prevalence and Implications*, Journal of Adolescent Health (December 2021),

[https://www.jahonline.org/article/S1054-139X\(21\)00341-4/fulltext](https://www.jahonline.org/article/S1054-139X(21)00341-4/fulltext). (Data since 2018 based on Unchained's analysis of marriage certificate data retrieved from across the U.S.)

[9] United Nations Human Rights Committee, *Concluding Observations On the Fifth Periodic Report of the United States of America* (7 December 2023),

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FUSA%2FCO%2F5&Lang=en.

[10] Sen. Ron Johnson, *How the U.S. Immigration System Encourages Child Marriages*, United States Senate Committee on Homeland Security and Governmental Affairs (11 Jan. 2019),

<https://www.hsdl.org/c/abstract/?docid=820021>.

[11] Fraidy Reiss, *Child Marriage in the United States: Prevalence and Implications*, Journal of Adolescent Health (December 2021),

[https://www.jahonline.org/article/S1054-139X\(21\)00341-4/fulltext](https://www.jahonline.org/article/S1054-139X(21)00341-4/fulltext).

[12] 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>.

[13] Fraidy Reiss, *Why Can 12-Year-Olds Still Get Married in the United States?*, New York Times (10 February 2017),

<https://www.washingtonpost.com/posteverything/wp/2017/02/10/why-does-the-united-states-still-let-12-year-old-girls-get-married>.



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[14] Sen. Ron Johnson, *How the U.S. Immigration System Encourages Child Marriages*, United States Senate Committee on Homeland Security and Governmental Affairs (11 Jan. 2019), <https://www.hsdl.org/c/abstract/?docid=820021>.

[15] Sen. Ron Johnson, *How the U.S. Immigration System Encourages Child Marriages*, United States Senate Committee on Homeland Security and Governmental Affairs (11 Jan. 2019), <https://www.hsdl.org/c/abstract/?docid=820021>.