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H. R. 2103

To protect girls in developing countries through the prevention of child marriage, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 2009

Ms. MCCOLLUM (for herself, Mrs. CAPPS, Ms. CORRINE BROWN of Florida, Ms. JACKSON-LEE of Texas, Mr. OBERSTAR, Ms. LEE of California, Mrs. MALONEY, Ms. WATSON, Mrs. TAUSCHER, Mr. HONDA, Mr. HINCHEY, Mr. MOORE of Kansas, Mr. MCGOVERN, Mr. BISHOP of Georgia, Mr. MORAN of Virginia, Mr. ELLISON, Mr. FILNER, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. DELAURO, Mr. CARNAHAN, Mr. FARR, Ms. ESHOO, Mr. MCNERNEY, Ms. SCHAKOWSKY, Mr. WALZ, Mr. CROWLEY, Mr. HASTINGS of Florida, and Ms. MOORE of Wisconsin) introduced the following bill; which was referred to the Committee on Foreign Affairs

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A BILL

To protect girls in developing countries through the prevention of child marriage, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''International Protecting Girls by Preventing Child Marriage Act of 2009''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Child marriage, also known as ''forced marriage'' or ''early marriage'', is a harmful traditional practice that deprives girls of their dignity and human rights.

(2) Child marriage as a traditional practice, as well as through coercion or force, is a violation of article 16 of the Universal Declaration of Human Rights, which states, ''Marriage shall be entered into only with the free and full consent of intending spouses.''.

(3) According to the United Nations Children's Fund (UNICEF), an estimated 60,000,000 girls in developing countries now ages 20–24 were married under the age of 18, and if present trends continue more than 100,000,000 more girls in developing countries will be married as children over the next decade, according to the Population Council.

(4) Child marriage ''treats young girls as property'' and ''poses grave risks not only to women's basic rights but also their health, economic independence, education, and status in society'', according to the Department of State in 2005.

(5) In 2005, the Department of State conducted a world-wide survey and found child marriage to be a concern in 64 out of 182 countries surveyed,

with child marriage most common in sub-Saharan Africa and parts of South Asia.

(6) In Ethiopia's Amhara region, about half of all girls are married by age 14 with 95 percent not knowing their husbands before marriage, 85 percent unaware they were to be married, and 70 percent reporting their first sexual initiation within marriage taking place before their first menstrual period, according to a 2004 Population Council survey.

(7) In some areas of northern Nigeria, 45 percent of girls are married by age 15 and 73 percent by age 18, with age gaps between girls and the husbands averaging between 12 and 18 years.

(8) Between half and three-quarters of all girls are married before the age of 18 in the following countries: Niger, Chad, Mali, Bangladesh, Guinea, the Central African Republic, Mozambique, Burkina Faso, and Nepal, according to Demographic Health Survey data.

(9) Factors perpetuating child marriage include poverty, a lack of educational or employment opportunities for girls, parental concerns to ensure sexual relations within marriage, the dowry system, and the perceived lack of value of girls.

(10) Child marriage has negative effects on girls' health, including significantly increased risk of maternal death and morbidity, infant mortality and morbidity, obstetric fistula, and sexually transmitted diseases, including HIV/AIDS.

(11) According to the United States Agency for International Development (USAID), increasing the age at first birth for a woman will increase her chances of survival. Currently, pregnancy and childbirth complications are the leading cause of death for women 15 to 19 years old in developing countries.

(12) In developing countries, girls 15 years of age are five times more likely to die in childbirth than women in their 20s.

(13) Child marriage can result in bonded labor or enslavement, commercial sexual exploitation, and violence against the victims, according to UNICEF.

(14) Out-of-school or unschooled girls are at greater risk of child marriage while girls in school face pressure to withdraw from school when secondary school requires monetary costs, travel, or other social costs, including lack of lavatories and supplies for menstruating girls and increased risk of sexual violence.

(15) In Mozambique 60 percent of girls with no education are married by age 18, compared to 10 percent of girls with secondary schooling and less than 1 percent of girls with higher education.

(16) According to UNICEF, in 2005 it was estimated that ''about half of girls in Sub-Saharan Africa who drop out of primary school do so because of poor water and sanitation facilities''.

(17) UNICEF reports that investments in improving school sanitation resulted in a 17 percent increase in school enrollment for girls in Guinea and an 11 percent increase for girls in Bangladesh.

(18) Investments in girls' schooling, creating safe community spaces for girls, and programs for skills building for out-of-school girls are all effective and demonstrated strategies for preventing child marriage and creating a pathway to empower girls by addressing conditions of poverty, low status, and norms that contribute to child marriage.

(19) Most countries with high rates of child marriage have a legally established minimum age of marriage, yet child marriage persists due to strong traditional norms and the failure to enforce existing laws.

(20) In Afghanistan, where the legal age of marriage for girls is 16 years, 57 percent of marriages involve girls below the age of 16, including girls younger than 10 years, according to the United Nations Children's Fund (UNICEF).

(21) Secretary of State Hillary Clinton has stated that ''child marriage is a clear and unacceptable violation of human rights, and that the Department of State denounces all cases of child marriage as child abuse''.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) child marriage is a violation of human rights and the prevention and elimination of child marriage should be a foreign policy goal of the United States;

(2) the practice of child marriage undermines United States investments in foreign assistance to promote education and skills building for girls, reduce maternal and child mortality, reduce maternal illness, halt the transmission of HIV/AIDS, prevent gender-based violence, and reduce poverty; and

(3) expanding educational opportunities for girls, economic opportunities for women, and reducing maternal and child mortality are critical to

achieving the Millennium Development Goals and the global health and development objectives of the United States, including efforts to prevent HIV/AIDS.

SEC. 4. ASSISTANCE TO PREVENT THE INCIDENCE OF CHILDHOOD MARRIAGE IN DEVELOPING COUNTRIES.

(a) ASSISTANCE AUTHORIZED.—The President is authorized to provide assistance, including through multilateral, nongovernmental, and faith-based organizations, to prevent the incidence of child marriage in developing countries and to promote the educational, health, economic, social, and legal empowerment of girls and women as part of the strategy established pursuant to section 5 to prevent child marriage in developing countries.

(b) PRIORITY.—In providing assistance authorized under subsection (a), the President shall give priority to—

(1) areas or regions in developing countries in which 15 percent of girls under the age of 15 are married or 40 percent of girls under the age of 18 are married; and

(2) activities to—

(A) expand and replicate existing community-based programs that are successful in preventing the incidence of child marriage;

(B) establish pilot projects to prevent child marriage; and

(C) share evaluations of successful programs, program designs, experiences, and lessons.

(c) COORDINATION.—Assistance authorized under subsection (a) shall be integrated with existing United States programs for advancing appropriate age and grade-level basic and secondary education through adolescence, ensure school enrollment and completion for girls, health, income generation, agriculture development, legal rights, and democracy building and human rights, including—

(1) support for community-based activities that encourage community members to address beliefs or practices that promote child marriage and to educate parents, community leaders, religious leaders, and adolescents of the health risks associated with child marriage and the benefits for adolescents, especially girls, of access to education, health care, livelihood skills, microfinance, and savings programs;

(2) enrolling girls in primary and secondary school at the appropriate age and keeping them in age-appropriate grade levels through adolescence;

(3) reducing education fees, and enhancing safe and supportive conditions in primary and secondary schools to meet the needs of girls, including—

(A) access to water and suitable hygiene facilities, including separate lavatories and latrines for girls;

(B) assignment of female teachers;

(C) safe routes to and from school; and

(D) eliminating sexual harassment and other forms of violence and coercion;

(4) ensuring access to health care services and proper nutrition for adolescent girls, which is essential to both their school performance and their economic productivity;

(5) increasing training for adolescent girls and their parents in financial literacy and access to economic opportunities, including livelihood skills, savings, microfinance, and small-enterprise development;

(6) supporting education, including through community and faith-based organizations and youth programs, that helps remove gender stereotypes and the bias against girls used to justify child marriage, especially efforts targeted at men and boys, promotes zero tolerance for violence, and promotes gen-

der equality, which in turn help to increase the perceived value of girls;

(7) creating peer support and female mentoring networks and safe social spaces specifically for girls; and

(8) supporting local advocacy work to provide legal literacy programs at the community level and ensure that governments and law enforcement officials are meeting their obligations to prevent child and forced marriage.

SEC. 5. STRATEGY TO PREVENT CHILD MARRIAGE IN DEVELOPING COUNTRIES.

(a) STRATEGY REQUIRED.—The President, acting through the Secretary of State, shall establish a multi-year strategy to prevent child marriage in developing countries and promote the empowerment of girls at risk of child marriage in developing countries, including by addressing the unique needs, vulnerabilities, and potential of girls under 18 in developing countries.

(b) CONSULTATION.—In establishing the strategy required by subsection (a), the President shall consult with Congress, relevant Federal departments and agencies, multilateral organizations, and representatives of civil society.

(c) ELEMENTS.—The strategy required by subsection (a) shall—

(1) focus on areas in developing countries with high prevalence of child marriage; and

(2) encompass diplomatic initiatives between the United States and governments of developing countries, with attention to human rights, legal reforms and the rule of law, and programmatic initiatives in the areas of education, health, income generation, changing social norms, human rights, and democracy building.

(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to Congress a report that includes—

(1) the strategy required by subsection (a);

(2) an assessment, including data disaggregated by age and gender to the extent possible, of current United States-funded efforts to specifically assist girls in developing countries; and

(3) examples of best practices or programs to prevent child marriage in developing countries that could be replicated.

SEC. 6. RESEARCH AND DATA COLLECTION.

The Secretary of State shall work through the Administrator of the United States Agency for International

Development and any other relevant agencies of the Department of State, and in conjunction with relevant executive branch agencies as part of their ongoing research and data collection activities, to—

(1) collect and make available data on the incidence of child marriage in countries that receive foreign or development assistance from the United States where the practice of child marriage is prevalent; and

(2) collect and make available data on the impact of the incidence of child marriage and the age at marriage on progress in meeting key development goals.

SEC. 7. DEPARTMENT OF STATE'S COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.

The Foreign Assistance Act of 1961 is amended—

(1) in section 116 (22 U.S.C. 2151n), by adding at the end the following new subsection:

''(g) The report required by subsection (d) shall include for each country in which child marriage is prevalent at rates at or above 40 percent in at least one sub-national region, a description of the status of the practice of child marriage in such country. In this subsection, the term 'child marriage' means the marriage of a girl or boy, not

yet the minimum age for marriage stipulated in law in the country in which such girl or boy is a resident.''; and

(2) in section 502B (22 U.S.C. 2304), by adding at the end the following new subsection:

''(i) The report required by subsection (b) shall include for each country in which child marriage is prevalent at rates at or above 40 percent in at least one sub-national region, a description of the status of the practice of child marriage in such country. In this subsection, the term 'child marriage' means the marriage of a girl or boy, not yet the minimum age for marriage stipulated in law in the country in which such girl or boy is a resident.''.

SEC. 8. DEFINITION.

In this Act, the term ''child marriage'' means the marriage of a girl or boy, not yet the minimum age for marriage stipulated in law in the country in which the girl or boy is a resident.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

To carry out this Act and the amendments made by this Act, there are authorized to be appropriated as such sums as necessary for fiscal years 2010 through 2014.

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