

**Testimony of Cary Brown, Executive Director of the Vermont Commission on Women
House Committee on the Judiciary
February 16, 2023**

RE: H148, an act relating to raising the age of eligibility to marry

Good afternoon. My name is Cary Brown and I'm the Executive Director of the Vermont Commission on Women. We are an independent state agency working to advance rights and opportunities for women and girls in Vermont. In that capacity we:

- act as advisor and information source for legislative and executive branches and other policy makers on issues affecting women
- serve as an educational resource by conducting research, producing publications, and coordinating events
- bring together diverse groups and engage in partnerships to consider issues of gender equity
- provide information and referrals to the public on matters related to women and families

The Commission on Women has conducted extensive research on the issue of marriage by people under the age of eighteen. We have drafted several comprehensive briefs, conducted an Equity Impact Assessment, and consulted a broad variety of sources and constituencies. The culmination was the adoption of a policy that states:

Age of Marriage

Adopted February 11, 2022

The Vermont Commission on Women supports legislation and policies that ensure marriage may only be entered by consenting adults who have reached the age of majority.

Marriage is a binding contract with far-reaching impacts and requires a judicial order to terminate. It is consistent with existing policy and contract law to ensure both parties entering the marriage consent to the marriage and have reached the age of majority.

According to Vermont Department of Health records, 281 Vermonters age 16 – 17 were married between the years of 2000 – 2019, and 84% of those were girls. 48% of those girls married men who were four or more years older than they were.

The United States government recognizes early marriage as a human rights abuse¹, as do the United Nations,² United Nations Children’s Fund (UNICEF),³ Human Rights Watch,⁴ and the International Center for Research on Women (ICRW),⁵ among others.

Nationally, women who delay marriage until reaching the age of majority are less likely to drop out of high school, more likely to graduate from college, and less likely overall to live in poverty.⁶ Girls who marry before age 18 are much more likely to be physically abused by their spouses⁷ and are also far more likely to divorce.⁸ Girls who marry at age 18 or younger face significantly higher health risks compared to women who marry at 19 or older, including a 23% higher risk of heart attack, diabetes, cancer, and stroke.⁹

Accompanying this testimony is some detailed data on the numbers of people under the age of 18 married in Vermont since 2000, including gender and the numbers of those married to people four or more years older.

In the years 2000-2022, 298 minors were married in Vermont. 84% of those were girls, and 47% of those girls married people four or more years older. Only 13% of the minor boys married someone four or more years older. We calculated this particular statistic to make the point that the norm is not actually teenagers marrying each other, as well as to make clear that we have a disproportionate number of girls marrying people who are not their age peers.

Child marriage is recognized globally as a human rights violation that is a result of entrenched gender inequality. Globally one-sixth as many boys are married as girls¹⁰, and this percentage is mirrored exactly in Vermont.

In our research into this issue, we encountered many questions about the equity considerations of changing the law. Specifically we heard questions about whether cultural practices of child marriage needed to be respected, recognizing that it is something that happens more commonly in some parts of the world than others, and that we have increasing numbers of people coming to live in Vermont from outside the US.

¹ United States Global Strategy to Empower Adolescent Girls, <https://2009-2017.state.gov/documents/organization/254904.pdf> accessed October 25, 2021

² Child, Early and Forced Marriage, Including in Humanitarian Settings, OHCHR, 2021, www.ohchr.org/en/issues/women/wrgs/pages/childmarriage.aspx.

³ Child Marriage, UNICEF, accessed March 7, 2021, www.unicef.org/protection/child-marriage.

⁴ Child Marriage, Human Rights Watch, access March 7, 2021, www.hrw.org/topic/womens-rights/child-marriage.

⁵ Child Marriage Archives - ICRW: Passion. Proof. Power, International Center for Research on Women, www.icrw.org/issues/child-marriage/.

⁶ Yann Le Strat, MD, et al., Child Marriage in the United States and Its Association with Mental Health in Women, Pediatrics, September 2011, Vol. 128 / Issue 3, <http://pediatrics.aappublications.org/content/128/3/524>

⁷ *Id.*

⁸ Tim B. Heaton, Factors Contributing to Increasing Marital Stability in the United States, Journal of Family Issues, Vol. 23, 392, 407 (2002), <http://journals.sagepub.com/doi/pdf/10.1177/0192513X02023003004>.

⁹ Fraidy Reiss, Why can 12-year-olds still get married in the United States?, Washington Post, February 10, 2017, https://www.washingtonpost.com/posteverything/wp/2017/02/10/why-does-the-united-states-still-let-12-year-old-girls-getmarried/?utm_term=.c039f3179840.

¹⁰ [Child marriage | UNICEF](#)

In order to learn more about this, we used the [State of Vermont Equity Impact Assessment tool](#) on the bill as it was proposed in the previous biennium. This tool is not necessarily intended to be used on legislation, but is meant for state agencies to use to assess the equity impacts of proposed new programs and initiatives. It worked quite well for our purpose, however, and allowed us to much better understand Vermonters' perspectives on the issue.

The most recent draft of our assessment accompanies this testimony.

Overall, the response was that they did not see a problem with this proposed change to the law. None of the people VCW spoke with indicated that they foresaw any harms being done to people in refugee and other New American communities with this change.

Some interesting points were raised in these conversations, some of which warrant note, and possibly further exploration in different contexts:

- Multiple people asked if the change would affect people who arrived in Vermont having already been married in another country, and wanted to be sure that it would not (it wouldn't)
- One person was concerned that any change to the law not criminalize underage marriage
- Several people with firsthand experience living and working in cultures where underage marriage is more common expressed seeing it as exploitative, abusive, and harmful to the minors involved, and in particular to girls
- One person noted that sometimes minors will come from other countries where they have been "married" in ceremonies or practices that are not recognized legally in their home country, but they think of themselves as married. Some of these come about when a young girl is raped, and considered unfit for marriage to anyone except her rapist, and so she is married in a non-legally-binding ceremony to her rapist. In many cases this non-legally-binding ceremony is the only option available because the law in their country does not allow them to marry. Other situations can occur involving young girls being "married" before they are legally allowed to. The person VCW spoke with expressed the idea that coming to Vermont, and not being allowed to make the marriage legal here, could be one safeguard that might contribute to the young person having a chance for a fresh start, and to not be bound by a marriage forced upon her.
- The youth-serving organizations indicated that they have not seen youth they work with getting married before 18
- Several people expressed their sense that in Vermont, the minors getting married are most likely rural and white

And finally, I'd like to share somebody's personal story with you. We've heard from a Vermonter who wanted to share her story but wanted to maintain her and her family's privacy, and so has given me permission to read what she wrote to you:

"I would like to offer my testimony today, hoping to shed light on the plight of child marriage victims. Yes, I use the word victim because as we all now know, the average teen is not able to make that decision rationally.

"I became pregnant in 1972 at the age of 14. The baby's father was 17. I was sent to the redacted name home, where my parents were hoping I'd be persuaded to surrender my baby for adoption. I did not. In hindsight, I am grateful I didn't with the discovery in recent years of the horrors of the orphanage, but I digress. The baby's father was forced to join the military immediately after graduating high school.

I took my baby home, much to the shame of my family. I was informed on a Tuesday night that I was getting married Saturday morning. No discussion. I was now 15 and he was 18. I was forced to have an IUD contraceptive device implanted, which later failed.

"Thankfully for me, back in those days, all children we expected to assist in the household, so as the oldest daughter, I had learned how to care for babies and run a household before I married at 15 years old.

"As I mentioned, my new husband was by then in the military, and we were immediately stationed overseas. We were completely isolated with no support system. Our lives were strained and turbulent, at best. It was too much for a 15 and an 18-year-old and we separated just a year and a half later. I did not realize I was pregnant again, and when I did find out I had a breakdown. I was sixteen years old, broken, and pregnant with my second child.

"My children and I struggled for years both financial and socially. At that time, teenage mothers were still pariahs, unaccepted by society. Ultimately, we survived, and I grew up with my children. Side note: My ex-husband did not support the children and has not seen them since they were 2 & 4 years old by his choice.

"The trauma from that marriage has followed me throughout my life and has taken, literally, decades to overcome. I cannot foretell what the alternative may have been, but I do know, being forced into a marriage at 15, only to become traumatized and pregnant again, was not an ideal outcome for us.

Yes, times have changed since the 70s. In my opinion, today's children are less prepared than ever to face adulthood. I look at teenaged girls I know and not a single one of them would be prepared to live how I lived for that period of time.

"I have requested anonymity to not expose our relatives to addition trauma."