

June 16, 2021

MEMORANDUM OF SUPPORT
S3086 – Memo of Support: End Child Marriage in New York

Freedom United urges New York State Legislature to pass S3086 and end child marriage in the state. The marriage age is 18 currently however a dangerous legal loophole allows 17-year-olds to marry with parental “consent” and judicial approval.¹ This needs to be closed.

The loophole became law in 2017 in a move that was lauded as an end to child marriage in New York. However, when a minor marries and that marriage is forced, the perpetrators are almost always the parents. “Parental consent” in practice is often “parental coercion” in reality. The judicial approval does not prevent forced marriage, even with the so-called safeguards the 2017 law added, because a minor who is forced to marry can be also forced to lie to the judge about it.

The “safeguards” acknowledge that child marriage often is forced but do little to mitigate the risk outlined. Minors, even at age 17, can easily be forced to stay in a marriage. They cannot easily leave home, retain an attorney or bring a legal action on their own behalf.² While marriage gives a minor some “rights of adulthood,” those rights are limited and are granted only after the marriage is approved and the minor has endured the trauma of forced marriage.

Often, a child is unable to recognize a marriage as forced until many years later, despite clear indicators. These include being subjected to control, a sense of ‘ownership’ through abuse and threats, including the threat of death if they leave the marriage such as so-called “honor” killings, exploited through non-consensual sexual activity once in a marriage and the inability to leave the marriage safely.

Minors are automatically emancipated upon marriage, likely ending their parents’ financial obligation to them, regardless of their level of financial independence enabling them to leave an abusive situation. In these cases, this further exacerbates teen homelessness, especially since 70-80 percent of marriages before age 18 end in divorce.

95,189 people around the world took a global pledge to fight against forced marriage, in all its forms and express their support for the implementation of the Sustainable Development Goal 5.3 to end this slavery practice by 2030.³

We urge New York State Legislature to pass the S30286 and make a firm stand against child marriage helping end forced marriage.

Please contact us if you have any questions:

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¹ <https://www.nysenate.gov/legislation/laws/DOM/15-A>

² <https://www.nysenate.gov/legislation/laws/EXC/A19-H>

³ <http://www.freedomunited.org/advocate/stand-against-forced-marriage/>