

**TESTIMONY IN SUPPORT OF HB994: ENDING CHILD MARRIAGE IN VIRGINIA****PRESENTED TO THE COURTS OF JUSTICE - CIVIL COMMITTEE ON JANUARY 31, 2023**

---

Chair Simon and Distinguished Committee Members:

AHA Foundation wishes to be recorded in strong support of HB994. AHA Foundation thanks the bill sponsor for their efforts, and the Committee for prioritizing a hearing on this important legislation.

While the current marriage age in Virginia is 18, dangerous loopholes in the law allow 16-and-17-year-old emancipated minors to be entered into marriage and 16-and-17-year-olds to be emancipated for the purpose of marriage. These loopholes became law in 2016. Previously, 16-and-17-years-olds could be entered into marriage with parental consent, and children age 15 or younger, with no minimum specified, could be entered into marriage with parental consent in case of pregnancy. Though the 2016 law was a good first step, these new loopholes must be closed. HB994 eliminates these dangerous loopholes and ends child marriage in Virginia once and for all.

Emancipation is intended for children who cannot be reunited with their parents and so need some limited rights of adulthood to navigate the world independently until they turn 18. Minors do not need marriage to navigate the world independently. The limited rights emancipated minors receive specifically exclude engaging in activities that could be harmful due to their age, such as buying alcohol and tobacco. As marriage before 18 is a harmful practice and categorized by the U.S. Department of State as a human rights abuse, it definitely should be excluded.

Since the limited rights emancipated minors receive exclude rights with constitutional or statutory age requirements, emancipated minors and advocates working with them often are unclear on which rights they have. It is unclear, for example, whether an emancipated minor can enter a domestic violence shelter. Emancipated minors also often have a hard time accessing even the rights they do have. Imagine, for example, how a landlord would feel about renting an apartment to a 17-year-old, even one who is emancipated.

An emancipation exception to the marriage age also opens up the terrible possibility that minors will be forced to emancipate so that they can be forced to marry, especially since the law allows for emancipation for the purpose of marriage. Minors being coerced into marriage may fear familial violence should they refuse to comply, or they may be physically or emotionally manipulated into an unwanted marriage. Because of this fear, no minor that we, or our allies, have ever worked with notified the court they were being forced to marry when there was a judicial review process in place. A minor being emancipated for the purpose of marriage would have little to no recourse to prevent the marriage due to their limited legal rights. An emancipation loophole also removes one of the only options AHA and other advocates have to help girls whose family plans to take them overseas for a forced marriage. Currently advocates can help such minors to emancipate, but advocates cannot do that if emancipation means the parents can marry off the girl without taking her overseas.

Marriage before 18 is a human rights abuse that destroys American girls' health, education and economic opportunities and significantly increases their risk of experiencing violence. These devastating impacts do not disappear if we stamp "emancipated" on a girl's forehead.



BREAKING THE SILENCE  
PROTECTING LIBERTY  
CELEBRATING DIGNITY

AHA Foundation has worked with victims facing forced and child marriage from across the U.S. and knows full well that these barriers are grounded in reality. Given the harms of child marriage, one case is one too many. If mechanisms are in place that allow for any case of child marriage to slip through the cracks, the common sense solution is to enact the necessary law to close these gaps.

Virginia should not participate in child marriage or make it legally possible for parents to force minors to marry. Those at risk must be protected by a legal framework that guarantees their human rights. The solution is simple: eliminate the dangerous loophole in the marriage laws that place the minors of Virginia at risk of exploitation and abuse and vote YES on HB994.

### **About AHA Foundation**

AHA Foundation is a 501(c)3 nonprofit founded by women's rights activist Ayaan Hirsi Ali, and is the leading organization working to end honor violence that shames, hurts or kills thousands of women and girls in the U.S. each year, and puts millions more at risk. We ensure that women and girls of all races, cultures, religions, beliefs and backgrounds who are facing honor violence have a way out, and that survivors get the help they need to thrive.

Since 2010, the Foundation's programs include: 1) compiling data on these crimes, which are not currently tracked by U.S. law enforcement or government agencies, 2) publishing reports and articles and organizing conferences about the continued oppression of women and girls in the U.S., 3) outreach and education to expand and strengthen state and national legislation for the protection of women and girls, 4) training of law enforcement and service providers, and 5) connecting women and girls in crisis to appropriate services. AHA Foundation has trained over 4,000 frontline service providers on responding to cases of gender based violence, honor violence and forced marriage, and partnered with Crisis Text Line to create America's first honor violence and forced marriage helpline.